

**CITY OF MEDINA
AGENDA FOR COUNCIL MEETING**

December 13, 2021
Medina City Hall (Multi-Purpose Room)
7:30 p.m.

Call to Order.

Roll Call.

Reading of minutes. (November 22, 2021)

Reports of standing committees.

Requests for council action.

Reports of municipal officers.

Notices, communications and petitions.

Confirmation of Mayoral appointments.

Archive Commission:
Roger Smalley – Exp. 12/31/24
Doug McClure – Exp. 12/31/24

Confirmation of Council appointments.

Archive Commission: Jim Shields – Exp. 12/31/24
Beth Biggins-Ramer – Exp. 12/31/24
Matt Wiederhold – Exp. 12/31/24

Unfinished business.

Ord. 179-21

An Ordinance amending and replacing Chapter 145 of the codified ordinances of the City of Medina, Ohio relative to the Historic Preservation Board.

Introduction of visitors.

(speakers limited to 5 min.)

Introduction and consideration of ordinances and resolutions.

Motion to suspend the Rules requiring three readings on the following ordinances and resolutions: Ord. 201-21, Res. 202-21, Ord. 203-21, Ord. 204-21, Res. 205-21, Ord. 206-21, Ord. 207-21, Ord. 208-21, Ord. 209-21, Ord. 210-21, Ord. 211-21, Ord. 212-21, Ord. 213-21, Ord. 214-21, Ord. 215-21, Res. 216-21, Ord. 217-21, Res. 218-21, Ord. 219-21, Res. 220-21, Ord. 221-21, Ord. 222-21, Ord. 223-21, Ord. 224-21, Ord. 225-21, Ord. 226-21

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Ord. 201-21

An Ordinance to make appropriations for current expenses and other expenditures of the City of Medina, Ohio for the fiscal year ending December 31, 2022.

Res. 202-21

A Resolution adopting a five-year budget for the City of Medina, Ohio for the period beginning January 1, 2022 through December 31, 2026.

Ord. 203-21

An Ordinance repealing Ordinance No. 189-19, passed November 25, 2019 and replacing Section 161.13 of the codified ordinances of the City of Medina, Ohio, relative to the Allocation of Income Tax Funds.

Ord. 204-21

An Ordinance repealing Ordinance No. 8-18, passed January 8, 2018 and readopting a new Purchasing Card Policy for the City of Medina, Ohio.

Res. 205-21

A Resolution establishing an ad hoc committee to be known as the 1969 Courthouse Lease Committee.

Ord. 206-21

An Ordinance authorizing the purchase of two (2) 2022 Ford Interceptors, one (1) 2022 Ford Interceptor with rear air for K9 Vehicle, and one (1) 2022 Nissan Rogue Sport for the Police Department.

Ord. 207-21

An Ordinance authorizing the increase of the expenditure to Lake County Sewer Co., Inc. for the Service Department.

Ord. 208-21

An Ordinance authorizing the Mayor to accept two (2) easements necessary for the Gates Mills Bridge Replacement Project.

Ord. 209-21

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

Ord. 210-21

An Ordinance authorizing the Mayor to execute a Partner Agreement with the Northeast Ohio Areawide Coordinating Agency (N.O.A.C.A.) for an Electric Vehicle Charging Station Program Grant.
(emergency clause requested)

Ord. 211-21

An Ordinance amending Section 31.02(E) of the Salaries and Benefits Code of the City of Medina, Ohio relative to the Salary Schedule for Part-Time Employees of the Medina Community Recreation Center affected by the Ohio Minimum Wage Increase.
(emergency clause requested)

Ord. 212-21

An Ordinance authorizing the Mayor to enter into the Third Amendment to Cleveland Clinic Fitness Center and Medina Community Recreation Center Health and Fitness Agreement.
(emergency clause requested)

Ord. 213-21

An Ordinance authorizing the Mayor to enter into the Amendment to the Wellness Services Agreement between Medina Hospital and the City of Medina to provide Wellness Services for City of Medina Employees.

Ord. 214-21

An Ordinance authorizing the Mayor to enter into the First Amendment to the Sublease Agreement with Medina Hospital to jointly operate a Wellness Program within the Medina Community Recreation Center.

Ord. 215-21

An Ordinance adopting a Travel Policy for the City of Medina, Ohio.

Res. 216-21

A Resolution supporting the Branch Road Infrastructure Improvements.

Ord. 217-21

An Ordinance authorizing the Mayor to execute a Memorandum of Understanding with the Medina County Board of Commissioners to provide Fixed Route Public Transportation Services within the City of Medina for the period of January 1, 2022 through December 31, 2023.

Res. 218-21

A Resolution authorizing the filing of an application for grant assistance with the Federal Emergency Management Agency (FEMA), U.S. Department of Homeland Security for a 2021 Assistance to Firefighters Grant.
(emergency clause requested)

Ord. 219-21

An Ordinance authorizing the Finance Director to make certain fund advances.

Res. 220-21

A Resolution authorizing the Mayor to apply for a Capital Grant through the FY22-23 Capital Bill for the Medina Community Recreation Center Fitness Room Expansion Project.
(emergency clause requested)

Ord. 221-21

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

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Ord. 222-21

An Ordinance amending Ordinance No. 43-21, passed March 22, 2021, relative to the West Liberty Storm Sewer Improvement/City Hall Parking Deck Detention Project.
(emergency clause requested)

Ord. 223-21

An Ordinance authorizing the Finance Director to make certain fund advances.

Ord. 224-21

An Ordinance amending Ordinance No. 151-21, passed September 13, 2021, relative to the TIF Fund Transfer.
(emergency clause requested)

Ord. 225-21

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

Ord. 226-21

An Ordinance authorizing an expenditure not to exceed \$45,000.00 to the Board of Commissioners of Medina County to modify the new roof on the County Courthouse Facility.

Council comments.

Adjournment.

MEDINA CITY COUNCIL
Monday, November 22, 2021

Call to Order:

Medina City Council met in regular session on Monday, November 22, 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, E. Heffinger, B. Lamb, P. Rose, and J. Shields.

Also present were the following members of the Administration: Mayor Dennis Hanwell, Greg Huber, Keith Dirham, Nino Piccoli, Patrick Patton, Police Chief Kinney, Fire Chief Walters, Kimberly Marshall and Jansen Wehrley.

Minutes:

Mr. Shields moved that the minutes from the regular meeting on Monday, November 8, 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, E. Heffinger, 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 and will meet again for the last council meeting of the year on December 13th.

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

Public Properties Committee: Mr. Shields stated the next meeting is Tuesday, November 23rd at 5 p.m. here at City Hall. They will be discussing the Medina Metropolitan Housing proposal for the Bennet Lumber Property.

Special Legislation Committee: Bill Lamb announced he will soon schedule a meeting for the deer legislation.

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

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

Emerging Technologies Committee: Mr. Rose had no meeting.

Requests for Council Action:

Finance

21-226-11/22 – Then & Now – Wintrow Construction

21-227-11/22 – Establish Ad Hoc 1969 Courthouse Lease Committee

21-228-11/22 – Budget Amendments

21-229-11/22 – Amend S&B Code 31.13 – Vacation Period

21-230-11/22 – Purchase (3) 2022 Interceptors (1 K9) & (1) 2022 Nissan Rogue – Police

21-231-11/22 – Increase PO #2021-1667 – Lake County Sewer – Service Dept.

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21-232-11/22 – Accept (2) Easements – Gates Mills Bridge Replacement
21-233-11/22 – Amend S&B Code 31.14 (C), Sick Leave
21-234-11/22 – NOACA Electric Charging Stations Grant Agreement
21-235-11/22 – Wellness Services Agreement with Medina Hospital
21-236-11/22 – Amendment to Sublease Agreement Hospital / MCRC Use of Space
21-237-11/22 – Amend S&B Code, MCRC Part-Time Pay Rate
21-238-11/22 – Third Amendment to Cleveland Clinic / MCRC Health & Fitness Agreement
21-239-11/22 – Branch Road Infrastructure Improvements
21-240-11/22 – Amend S&B Code, Section 31.15 – Travel Policy
21-241-11/22 – Adopt Revised Purchasing Card Policy

Reports of Municipal Officers:

Dennis Hanwell, Mayor

A. Candlelight Walk activities - Thanks to Main Street Medina and the many, many sponsors and volunteers that made this event such a success. In recent years, this was the most well attended and enjoyed by many both the downtown lighting Friday evening, as well as the parade and fireworks on Saturday evening.

B. City Staff - I also wanted to personally thank the various departments that all pitch in for weeks leading up to the Candlelight Walk events, as well as here most of the weekend for same: Streets, Sanitation, Parks, Police, Fire, Economic Development, Building Dept. Well done by all!

C. Thanksgiving - Medina City Hall & Medina Municipal will be closed for the Thanksgiving holiday on Thursday, November 25th. As such, trash pickup will be delayed one day for those on Thursday and Friday routes – ex. Thursday will be picked up Friday and Friday routes picked up Saturday this week. The Medina Municipal Court will also be closed Friday, November 26th, but City Hall will be open. We have much to be thankful for. I wish all a very Happy Thanksgiving!

Keith Dirham, Finance Director, stated there are a few items on the agenda that he will address.

Greg Huber, Law Department, had no report.

Chief Kinney, Police Department, had no report.

Chief Walters, Fire Department, reminded public as we move into the cold weather season, heating season, the importance of having working carbon monoxide detectors in your homes.

Kimberly Marshall, Economic Development Director, stated the next round of ribbon cuttings is set for Friday, December 10th with four on the schedule. Starting at 11 a.m. – S&D Automotive 891 West Liberty St., 1 p.m. – Center for Behavioral Health and Sleep disorders, 805 East Washington St., 2 p.m. - Busy Witch, 445 West Liberty St. Suite 100, 4 p.m. – Essential Escape Spa 210, East Smith Rd.

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The City Economic Development Committee met in November having a small business and manufacturing round table discussing work force development, as well as get input for small business grants being set up as a result of the ARP funding. Next meeting is December 7th, at 8 a.m. at Root Candles in the Bee Culture Community Room.

Jansen Wehrley, Parks and Recreation Director, stated the rec center does have extended water slide and leisure pool hours for this Wednesday, Friday, Saturday and Sunday for the Thanksgiving break. If you are not a member, you can simply buy a day pass. There will also be a Black Friday fitness special on November 26th 7:30 a.m. start with a number of classes lined up and members can bring a friend to class for free.

Jansen thanked Main Street Medina, the volunteers, and Boy Scout Troop #501 for all their help.

Dan Gladish, Building Official,

Nino Piccoli, Service Director, stated they have two trucks out for leaf pickup. Shifts are 10 to 12 hours a day, six days a week. Will possibly continue picking up leaves until the snow prohibits.

Patrick Patton, City Engineer, had no report.

Andrew Dutton, Planning Community Development Director, Stated the Comprehensive Plan Steering Committee held their 3rd meeting last week regarding the Community Survey which has been completed and closed. There were about 400 responses. They will meet again in January 2022.

Notices, communications and petitions:

There were none.

Unfinished Business:

Mr. Shields moved that Ordinance 179-21 be read by title only and open to discussion by council as the second reading, seconded by Mr. Simpson.

Ord. 179-21:

An Ordinance amending and replacing Chapter 145 of the codified ordinances of the City of Medina, Ohio relative to the Historic Preservation Board.

Bill Lamb stated this ordinance improves on the language that was existing in this section relative to demolition for the Historic Preservation Board. It is the product of months of work by the Law Director in particular to get this drafted correctly so we have a better way for the Board to make the determination of whether or not to approve or disapprove a demolition in the Historic District.

Introduction of Visitors:

Matt Wiederhold resides at 426 East Liberty St., Executive Director of Main Street Medina. Matt wanted to recognize Amy Busby who is on the Board of Directors and George Sam who is the Program Director. Thanked the public for coming out and supporting the Candle Light Walk. He

stated that Santa loves his new house and gave a big thank you to the Parks Department for constructing it. Next year Main Street Medina will be celebrating 15 years of existence as a non-profit. In the 14 years they have generated over \$20 million dollars of economic impact for the city. Saturday, November 27th is Small Business Saturday. Mr. Coyne stated that Council greatly appreciates all the efforts that Main Street Medina does in keeping the square and events vibrant and drawing so many people in. It's a great asset to our city.

Introduction and Consideration of Ordinances and Resolutions:

Mr. Shields moved to suspend the rules requiring three readings on the following ordinances and resolutions, seconded by Mr. Simpson. Res. 189-21, Ord. 190-21, Ord. 191-21, Ord. 192-21, Res. 193-21, Ord. 194-21, Ord. 195-21, Ord. 196-21, Ord. 197-21, and Ord. 198-21, Ord. 199-21, and Ord. 200-21. 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.

Res. 189-21:

A Resolution amending Resolution 46-21, passed March 22, 2021 for grant assistance through the PY2020 Targets of Opportunity Cares Act (CDBG-CV) Grant being administered by the Ohio Regional Development Corporation (ORDC). Mr. Shields moved for the adoption of Ordinance/Resolution No. 189-21, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 189-21, seconded by Mr. Simpson. Mayor Hanwell stated when this was passed in March the amounts of funds were incorrect. This is an amendment to that so the Battered Women's Shelter improvements are in the amount of \$355,500.00 and administration costs to ORDC are \$34,500.00, and local administration is \$1,000.00 for a total of \$391,000.00. We are asking for the emergency clause because of the deadlines and to start the project. The roll was called on adding the emergency clause and was approved by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, J. Hazeltine, and E. Heffinger. The roll was called and Ordinance/Resolution No. 189-21 passed by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, J. Hazeltine, E. Heffinger, and B. Lamb.

Ord. 190-21:

An Ordinance authorizing the Mayor to enter into the Second Amendment to Emergency Medical Services Agreement between Medina Hospital, the City of Medina, Medina Township and Montville Township. Mr. Shields moved for the adoption of Ordinance/Resolution No. 190-21, seconded by Mr. Simpson. Mayor Hanwell stated this ordinance is to continue the Emergency Medical Services LST operates out of Medina Hospital. This is a 5-year contract beginning January 1, 2022 expiring December 31, 2026. The roll was called and Ordinance/Resolution No. 190-21 passed by the yea votes of J. Shields, D. Simpson, J. Coyne, J. Hazeltine, E. Heffinger, B. Lamb, and P. Rose.

Ord. 191-21:

An Ordinance authorizing the payment of \$30,000.00 to Main Street Medina for the City's 2022 Membership Renewal. Mr. Shields moved for the adoption of Ordinance/Resolution No. 191-21, seconded by Mr. Simpson. The roll was called and Ordinance/Resolution No. 191-21 passed by the yea votes of D. Simpson, J. Coyne, J. Hazeltine, E. Heffinger, B. Lamb, P. Rose, and J. Shields.

Ord. 192-21:

An Ordinance authorizing the expenditure to NuStep, LLC for the purchase of three (3) NuStep T6 PRO Recumbent Cross Trainers for the Medina Community Recreation Center. Mr. Shields moved for the adoption of Ordinance/Resolution No. 192-21, seconded by Mr. Simpson. Mr. Wehrley stated these will replace three cross trainers we've had since the early part of 2009 and have reached the end of their service life. The roll was called and Ordinance/Resolution No. 192-21 passed by the yea votes of J. Coyne, J. Hazeltine, E. Heffinger, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Res. 193-21:

A Resolution supporting the Miracle League of Northeast Ohio Field Expansion Project at Sam Masi Park. Mr. Shields moved for the adoption of Ordinance/Resolution No. 193-21, seconded by Mr. Simpson. Mr. Wehrley stated the Miracle League has a ground lease that was executed back in 2015. They have invested \$70,000.00 to resurface the infield. They are currently in the fundraising phase of completing the field where they want to pour concrete and installing pour in place rubberized surfacing in the outfield to make the field handicapped accessible for all their participants, this is to include a homerun fence. The roll was called and Ordinance/Resolution No. 193-21 passed by the yea votes of J. Hazeltine, E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

Ord. 194-21:

An Ordinance authorizing the expenditure to Mason Custom Builders in conjunction with the Phase 11 City Hall HVAC Project. Mr. Shields moved for the adoption of Ordinance/Resolution No. 194-21, seconded by Mr. Simpson. Mr. Piccoli stated the ceiling at City Hall above the Rotunda area will need to be opened up to install 4 large VAD boxes and with that the tile will not go back and we are proposing to replace the ceiling tile in the rotunda area with drop ceiling as well as the perimeter and the vestibules. This is funded through the American Rescue Plan funding. The roll was called and Ordinance/Resolution No. 194-21 passed by the yea votes of E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and J. Hazeltine.

Ord. 195-21:

An Ordinance authorizing the Mayor to enter into a contract with Medical Mutual of Ohio for Health Care Insurance for the employees of the City of Medina. Mr. Shields moved for the adoption of Ordinance/Resolution No. 195-21, seconded by Mr. Simpson. Mayor Hanwell thanked DS Benefits for getting this done before needing an emergency clause. Mayor Hanwell is pleased to report to the council and public that the city is able to renew with Medical Mutual of Ohio, all the benefits that they had this year at a 0% increase. The roll was called and Ordinance/Resolution No. 195-21 passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, J. Hazeltine, and E. Heffinger.

Ord. 196-21:

An Ordinance amending Sections 31.02 (B)(8) and 31.05 of the Salaries and Benefits Code of the City of Medina, Ohio relative to the Sanitation Department. Mr. Shields moved for the adoption of Ordinance/Resolution No. 196-21, seconded by Mr. Simpson. Mr. Piccoli stated in an effort to resolve some staffing issues in sanitation, this request is to raise the number of MEO's

from 9 to 12. The roll was called and Ordinance/Resolution No. 196-21 passed by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, J. Hazeltine, E. Heffinger, and B. Lamb.

Ord. 197-21:

And Ordinance amending Section 943.09 of the codified ordinances of the City of Medina, Ohio relative to the Special Lot Endowment Fund for the Spring Grove Cemetery. Mr. Shields moved for the adoption of Ordinance/Resolution No. 197-21, seconded by Mr. Simpson. Jansen stated they opted to strike the Special Lot Endowment Fund. Requesting that the Special Lot Endowment fund no longer be available for purchase after December 31, 2021. The current enrollees prior to that date will continue to receive special care. The roll was called and Ordinance/Resolution No. 197-21 passed by the yea votes of J. Shields, D. Simpson, J. Coyne, J. Hazeltine, E. Heffinger, B. Lamb, and P. Rose.

Ord. 198-21:

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. Mr. Shields moved for the adoption of Ordinance/Resolution No. 198-21, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 198-21, seconded by Mr. Simpson. Mr. Dirham stated this was an emergency repair on the railroad and therefore had no P.O. Emergency clause is needed due to the work already being done and vendor needs paid. The roll was called on adding the emergency clause and was approved by the yea votes of J. Coyne, J. Hazeltine, E. Heffinger, B. Lamb, P. Rose, J. Shields, and D. Simpson. The roll was called and Ordinance/Resolution No. 198-21 passed by the yea votes of J. Hazeltine, E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

Ord. 199-21:

An Ordinance amending Ordinance No. 217-20, passed December 14, 2020. (Amendments to 2021 Budget) Mr. Shields moved for the adoption of Ordinance/Resolution No. 199-21, seconded by Mr. Simpson. Mr. Dirham stated there are some advances issued with grants and then the rest is all to do with the bond issue they completed. The roll was called and Ordinance/Resolution No. 199-21 passed by the yea votes of J. Hazeltine, E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

Ord. 200-21:

An Ordinance amending Section 31.13 – Section 2 (D) of the Salaries Benefits Code of the City of Medina, Ohio relative to Vacation Period. Mr. Shields moved for the adoption of Ordinance/Resolution No. 200-21, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 200-21, seconded by Mr. Simpson. Mr. Dirham stated this makes the vacation year back to the calendar year and is something employees would like to see. The emergency clause is so that it would be effective for this year for vacation use in the coming month. The roll was called on adding the emergency clause and was approved by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, J. Hazeltine, and E. Heffinger. The roll was called and Ordinance/Resolution No. 200-21 passed by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, J. Hazeltine, E. Heffinger, and B. Lamb.

Medina City Council
November 22, 2021

Council Comments:

Mr. Simpson thanked Mark Kolesar for attending the council meeting. He also thanked Matt Weiderhold, staff, the Board, and all involved with making the Candlelight Walk so unforgettable. Every year it gets better. Dennie wished everyone a healthy and safe Thanksgiving and thanked the Medina High School Football team for giving us a spectacular season!

Jessica Hazeltine thanked Sam Livingston and Katie Furst for the turkey drive for Feeding Medina County. Handed out 248 turkeys and raised \$2,175.00 in the 50/50 raffle. The winner donated back her winnings. Thanks to all the volunteers. She also thanked everyone that came out to the Candlelight Walk and all the volunteers.

Mr. Rose thanked Mark Kolesar for attending. He thanked everyone that participated in making the Candlelight Walk a success.
Happy Thanksgiving!

Mr. Lamb also thanked everyone that came out to the Candlelight Walk and all the volunteers. We have a lot to be thankful for here!

Mr. Heffinger stated to be kind to everyone and Happy Thanksgiving!

There being no further business, the meeting adjourned at 8:06 p.m.

Kathy Patton, Clerk of Council

John M. Coyne, President of Council

CHAPTER 111

12-13-21
Council

Rules of Council

EDITOR'S NOTE: The Council rules contained in this chapter were verbally amended and readopted by motion of Council on January 5, 1987. Subsequent amendments to the rules by motion of Council are reflected by the dates in parenthesis following the affected sections.

- 111.01 Time and place of regular meetings.
- 111.02 Time, place and notice of special meetings.
- 111.03 President of Council: duties; absence; vacancy.
- 111.04 Quorum.
- 111.05 Order of business.
- 111.06 Organization; President Pro Tem.
- 111.07 Rules: enactment, suspension and amendment.
- 111.08 Robert's rules.
- 111.09 Committees: designations; appointments.
- 111.10 Committees: referral of matters.
- 111.11 Committees: scope of legislation duty; reports.
- 111.12 Legislation; Council business; presentation and procedure.
- 111.13 Voting.
- 111.14 Location of chambers; offices; cooperation of City; availability of information.
- 111.15 Additional and joint meetings.
- 111.16 Clerk of Council: duties; additional compensation.
- 111.17 Determination of vacancy filling procedure.
- 111.18 Investigative powers.
- 111.19 Nonsalary remuneration.

CROSS REFERENCES

Charter provisions - see CHTR. Art. III

Ordinance form, passage and context - see ADM. 113.01, 113.02

111.01 TIME AND PLACE OF REGULAR MEETINGS.

Except for the full months of July, August and December, the regular meetings of Council shall be held in the Council Chambers on the second and fourth Mondays of each month at 7:30 p.m. If a regular meeting falls on a holiday, such meeting shall be held the next succeeding day that is not a holiday at 7:30 p.m., unless by a majority vote Council decides to hold the meeting on the holiday. This vote shall take place at the Council meeting preceding the holiday. During the month of July there shall be one regular Council meeting on the second Monday in the Council Chambers at 7:30 p.m. During the month of August there shall be one regular Council meeting on the fourth Monday in the Council Chambers at 7:30 p. m. During the month of December there shall be one regular Council meeting on the second Monday in the Council Chambers at 7:30 p.m.

(b) After providing advance notice to Council on the docket, the President of Council, may propose to postpone or cancel meetings. The proposal must be approved by at least two thirds of the members of Council.

(c) The President of Council, or in the President's absence the President Pro-Tempore, may postpone or cancel council meetings, or limit public attendance to online streaming in the event of a state of emergency being declared by the Federal Government, State of Ohio, Medina County, or the City of Medina or upon recommendation of community health and safety officials.

(Ord. 63-20. Passed 3-18-20.)

111.02 TIME, PLACE AND NOTICE OF SPECIAL MEETINGS.

The Mayor, or any three members of Council may call a special meeting by giving at least twelve hours notice to each member of Council. Such notice shall be served personally upon such councilman or left at his usual place of residence.

The notice of the special meeting shall specify the time and the place of such meeting, and shall indicate subject matter to be considered. If a councilman is unable to attend a regular or special Council meeting, he shall notify the President of Council of that fact at the earliest possible time.

(Ord. 1-74. Passed 1-3-74.)

111.03 PRESIDENT OF COUNCIL: DUTIES; ABSENCE; VACANCY.

(a) Duties. The President of Council shall have all the powers, duties, functions, obligations and rights of any other member of Council and, in addition thereto, he shall preside at all meetings of Council.

(b) Absence; Vacancy. Any vacancy in the office of the President of Council, whether occurring by death, disqualification, removal or resignation, or by succession to the office of Mayor, shall be filled by the remaining members of Council by electing the president pro tem to fill such vacancy. Such election shall occur within thirty days, and, in the absence of a special meeting called for such purpose, the president pro tem of Council shall place the question of electing the successor before Council at the first regular meeting following the vacancy.

During the temporary absence of the President of Council, the president pro tem of Council shall preside at all meetings of Council and shall perform and exercise any and all of the duties and powers of the President of Council.

(Ord. 1-74. Passed 1-3-74.)

111.04 QUORUM.

(a) A majority of the members of Council shall constitute a quorum for the transaction of business at any meeting of Council, but a lesser number may adjourn the meeting from time to time and compel the attendance of absent members.

(b) At any meeting at which a quorum is present, any ordinance or resolution may be passed or adopted, or any other business may be transacted by the affirmative vote of four members of Council unless a larger number is required by the provisions of the City Charter or by the Constitution or laws of the State.

(Ord. 1-74. Passed 1-3-74.)

111.05 ORDER OF BUSINESS.

(a) The business of Council at all regular meetings shall be transacted in the following order:

- (1) Call to order;
- (2) Roll call;
- (3) Reading of minutes;
- (4) Reports of standing committees;
- (5) Reports of special committees;
- (6) Requests for Council action;
- (7) Reports of municipal officials;
- (8) Notices, communications and petitions;
- (9) Unfinished business;
- (10) Introduction of visitors;
- (11) Introduction and consideration of ordinances or resolutions;
- (12) Comments by Council; review of pending matters;
- (13) Adjournment.

(b) The President of Council, on his own motion, without second, and with the approval, tacit or formal, of a majority of Council, may change the order of business from time to time. He shall, however, advise all members of Council who are present of his intention to make any such change and shall promptly honor any motion opposing the change of order.

(c) Members of Council shall be permitted the opportunity to comment generally on matters which pertain to the City and their duties as members of Council during the portion of any meeting devoted to comments by Council. The President shall accord to each Council member the opportunity to make such comments, and he may impose reasonable time limitations upon any speaker.

(Ord. 1-74. Passed 1-3-74.)

(d) Members of the public shall be permitted the opportunity to speak on any issues and concerns which pertain to the City during the portion of any meeting devoted to introduction of visitors. The President shall require that all comments be directed to the chair and may impose reasonable, equitable time limitations upon any speaker. Members of the public may be afforded the opportunity for comment at other portions of any meeting as determined by the President or by a majority of the Council present and voting. (1-4-88)

111.06 ORGANIZATION; PRESIDENT PRO TEM.

(a) On or before the eighth day of January of each year, Council shall meet in the Council Chamber and organize. Attention shall be given to the rules of Council, to the election of a Council president pro tem, to appointments recommended by the Mayor and the President of Council and to such other recommendations, appointments and business as may properly come before Council by way of organization.

(b) The Council president pro tem shall be elected by a majority of the members of Council and shall serve for a term of two years or until his successor is elected. He shall, in the absence of the President of Council, preside over all Council meetings, and otherwise perform the duties and functions of the President of Council.

(c) The organizational meeting shall not be considered to be a regular Council meeting, and may be called at the instance of the President of Council or otherwise, as provided for in the case of special meetings.

(Ord. 1-74. Passed 1-3-74.)

111.07 RULES: ENACTMENT, SUSPENSION AND AMENDMENT.

(a) The rules of Council, as now constituted or subsequently amended, shall govern the conduct of Council meetings, regular and special, until revoked or superseded. The rules, or any of them, may be temporarily suspended upon motion passed by the affirmative vote of two-thirds of the members of Council who are present and available to vote on the motion; except where a larger percentage is required by the Charter.

(b) These rules of Council shall be considered for reenactment or amendment at the annual organization meeting of Council. At such meeting, these rules may be reenacted, amended or new rules may be adopted by a majority vote of the members of Council.

(Ord. 1-74. Passed 1-3-74.)

111.08 ROBERT'S RULES.

In the absence of any rule upon any matter of business or procedure not provided for in this chapter or in the statutes of the State or in the Charter of the City, so far as provisions for the same are therein made, Robert's Rules of Parliamentary Procedure shall be the standard followed by this Council, and the same are hereby incorporated into these rules, by reference.

(Ord. 1-74. Passed 1-3-74.)

111.09 COMMITTEES: DESIGNATIONS; APPOINTMENTS.

(a) The members of Council shall be organized and appointed to form standing committees of three or more members each. The President of Council shall designate the number of committee members and shall appoint members to the following standing committees at the annual organizational meeting of Council:

- (1) Streets and Sidewalks Committee;
- (2) Water and Utilities Committee;
- (3) Finance Committee;
- (4) Public Property Committee;
- (5) Special Legislation Committee;
- (6) Health, Safety and Sanitation Committee.
- (7) Emerging Technologies Committee.

(Ord. 5-16. Passed 1-11-16.)

(b) The President of Council shall make any necessary interim appointments, and all appointments of Council members to such special committees, as he deems necessary or desirable; he shall also designate committee chairmen, where appropriate, and he shall appoint Council members to such other committees, commissions or similar bodies as are required by statute, Charter, ordinance or administrative request.

(c) The President of Council shall exercise full discretion in making committee appointments, but it is deemed desirable to have each Council member appointed to at least one of the following committees: Finance, Utilities or Streets and Sidewalks.

(Ord. 1-74. Passed 1-3-74; 1-3-94.)

111.10 COMMITTEES: REFERRAL OF MATTERS.

(a) The President of Council shall refer to the appropriate committee of Council all inquiries, information, proposed legislation or other matters which properly require or might require study, consideration, investigation or other action by Council. Selection of the appropriate committee shall be the responsibility of the President of Council. If the President of Council does not assign a request for Council action to Committee within thirty days, the pending matter shall appear upon the Council floor at a regular meeting for appropriate discussion.

(b) Any proposed legislation or other matter requiring legislative consideration which has been referred to a committee for more than sixty days may, upon proper motion, be withdrawn from such committee for dispositive consideration by Council or for referral to a special committee to be appointed for such purpose. Such withdrawal from committee shall require a majority vote of the members of Council.
(Ord. 1-74. Passed 1-3-74.)

111.11 COMMITTEES: SCOPE OF LEGISLATION DUTY; REPORTS.

(a) Before presentation to Council for final or dispositive action, all proposed legislation or other matters requiring legislative action shall be first referred to an appropriate committee of Council for consideration, recommendation or report. All such matters or proposed legislation referred to committee shall be considered by such committee at the earliest time convenient to such committee, and such committee shall make timely report to Council of the results of its consideration of such matters and proposed legislation. Minutes of the meetings of such committee reflecting the results of its considerations, or its recommendations shall be sufficient report, provided that such minutes are delivered to the Clerk of Council for reproduction and subsequent distribution to the other members of Council.

(b) The final draft of proposed legislation, not previously considered in finalized or written form, shall be edited and reviewed by the committee or by the committee chairman before its presentation to Council for dispositive action.
(Ord. 1-74. Passed 1-3-74.)

(c) Minutes of committee meetings shall be filed with the Clerk within fifteen days following each committee meeting. The Clerk of Council or the President of Council, shall be responsible for making and filing minutes of meetings of Council as a committee of the whole. In the absence of formal voting, the minutes need reflect only the subject matter under discussion, the persons present and such other data as is relevant.
(Amended 1-3-05.)

111.12 LEGISLATION; COUNCIL BUSINESS; PRESENTATION AND PROCEDURE.

(a) It is deemed desirable to have any and all proposed legislation or other matters requiring legislative action first brought to the attention of Council at an open Council meeting. Unless it is determined to suspend the Rules of Council in order to give immediate consideration to such proposed legislation or other matters, they shall be referred promptly to an appropriate committee pursuant to the provisions of Sections 111.10 and 111.11. No committee of Council need accept for consideration any proposed legislation or other matters which will ultimately require legislative determination unless the same has been first introduced in an open Council meeting.

(b) Any proposed legislation, or other matters which have been referred to and accepted by a committee of Council without first being introduced at an open Council meeting, shall be promptly reported to Council by the President of Council or by the chairman of such committee at the next meeting of Council, and any such matters so considered shall likewise be clearly reflected in the minutes of the committee in question. In no event shall any committee, or other formal councilmatic body, give consideration to matters which are not promptly made matters of public record pursuant to the provisions of these rules, unless the matters under consideration are of such a nature that a premature disclosure would be detrimental or prejudicial to the best interests of the City.

(c) Prior to each meeting, the Clerk of Council shall prepare an agenda, or written schedule of matters, to be brought before Council and shall cause a copy of the same to be delivered to each member of Council together with the full text of any proposed legislation at least seventy-two hours prior to each scheduled meeting. Such agenda or written schedule shall constitute the formal schedule on business to be considered by Council at its next meeting, and matters not included on such agenda shall not receive consideration by Council, except upon suspension of these rules. (1-4-88; 1-3-11.)

(d) Any proposed legislation or other matter which is to be placed on the agenda for action by Council shall be presented to the Clerk in a completed and final state not later than 12:00 noon on the Wednesday preceding the meeting of Council. Legislation presented to Council shall not include an emergency clause. An emergency clause shall be added to legislation only upon a two-thirds vote of the membership of Council.

Any requests for Council action which are to be placed on the agenda shall be presented to the Clerk in a completed and final state not later than 5:00 p.m. on the Tuesday preceding the meeting of Council.

(e) The Clerk shall have the responsibility for the systematic and logical identification of proposed ordinances, resolutions and other matters to be considered by Council, and he or she may assign identifying numbers or designations to any such items which have been placed upon the agenda. He or she may also, at his

or her discretion, and in order to facilitate record keeping, assign such identifying numbers or designations, or a different series of identifying numbers or designations, to any other matters which have been formally presented to Council or to a committee of Council, whether or not such matters have been placed on the agenda.
(Passed 1-6-14.)

(f) Any request to withdraw a rezoning ordinance from a Council agenda must be made by the rezoning applicant in writing to the Clerk of Council prior to consideration of the ordinance on the Council floor. After filing of such a request, the ordinance shall be withdrawn, except that a written statement of intent as to temporary or permanent withdrawal must be submitted to the Clerk of Council within fourteen days after the meeting from which agenda it was withdrawn. Failure to resubmit such statement of intent will result in automatic disapproval of the proposed rezoning. (Ord. 84-78. Passed 5-22-78.)

(g) It is deemed desirable that Council's consideration and finalization of the annual budget ordinance be completed prior to the budget appearing on the floor for final approval at the December meeting. It is understood, however, that minor amendments may be required at said meeting and it is agreed that such amendments may be proposed verbally.

(h) In the event a member of Council or the Administration desires to propose an extensive amendment to the annual budget ordinance being considered at the December meeting, it is in the best interest of Council that such proposal be complete in the following respects:

- (1) Proposed amendments shall include complete budget control sheets for the affected budget areas. Indicated on said documents shall be a column showing fund amounts as proposed by title in the ordinance and a separate column indicating the proposed amended amounts by title. All totals shall be calculated for each area and column.
- (2) Where two or more budget areas within the same department are proposed for amendment, there shall be, in addition to the information required in subsection (h)(1) hereof, a written summary explaining the impact of the proposed amendments. This summary shall also include a reconciliation of the proposed changes with the available funds and/or the clear definition of the sources of any additional revenues required to fund the proposed amendments. These requirements shall also apply to amendments which affect budget areas in more than one department.

(i) Proposed amendments and their accompanying documentation under subsection (h) hereof shall be provided to the members of Council, the Mayor, the Finance Director, the Council Clerk and all Directors whose budgets are affected at least twenty-four hours in advance of the Council meeting at which the amendments are to be proposed.

(j) Should there arise a dispute as to whether a proposed amendment constitutes a minor budget amendment (subsection (g) hereof) or an extensive amendment (subsection (h) hereof), such determination shall be made on a case by case basis by the majority vote of Council. (Approved 1-4-93)

(k) Special assessment public hearing. Before any legislative action is taken on a special assessment project, the legislative body shall hold a public hearing and shall give at least thirty days' notice of the time and place thereof in a newspaper of general circulation in the municipal corporation. The Clerk of Council shall, at least twenty days prior to the public hearing, notify by ordinary mail all record owners of each parcel of land to be assessed.

(1-3-94.)

111.13 VOTING.

(a) At all meetings of Council, regular or special, voting shall be by oral roll call, and the Clerk shall call the name of each Council member present and record specifically whether such member has voted affirmatively or negatively. The Clerk shall record also any abstentions or failures to vote.

(b) In each instance where a vote of the members of Council is required the Clerk shall call the roll of such members in alphabetical sequence. On each successive roll call, the Clerk shall begin with the Council members whose name follows next in descending alphabetical sequence, and voting shall continue in such rotating sequence from meeting to meeting.

(Ord. 1-74. Passed 1-3-74.)

111.14 LOCATION OF CHAMBERS; OFFICES; COOPERATION OF CITY; AVAILABILITY OF INFORMATION.

(a) The Council Chambers shall be at the Municipal Building at 132 North Elmwood, Medina, Ohio, or at such other place as may be designated by Council. (Adopting Ordinance)

(b) Adequate facilities shall be provided at the City Hall for Council committee meetings and record storage. At least one office facility at the City Hall shall be available at all times for the use of Council or its individual members, and the President of Council shall make any necessary determinations regarding priority of use.

(c) At any meeting of Council, regular or special, there shall be available to Council in its Chambers, all and any materials, data, exhibits, plans, drawings, maps, figures or statistics which are relevant to or have acquired, prepared, submitted or calculated in connection with matters which are on the agenda of Council, or which are intended to be placed upon the agenda. The Clerk of Council shall be responsible for the availability of such items, and any official or employee of the City shall cooperate with the Clerk by making such items available and, if requested, by transporting the same to and from the Council Chambers, as may be required by the Clerk.

(d) The Clerk and the officials of the City shall make available to Council for regular use in Chambers, such maps, charts and diagrams as may assist Council in its consideration of matters which come before it from time to time, and such available graphic or visual aids as may be otherwise requested by Council.

(Ord. 1-74. Passed 1-3-74.)

111.15 ADDITIONAL AND JOINT MEETINGS.

(a) On an as needed basis, the President of Council shall call a joint meeting of the members of Council and the Planning Commission. At such meeting, the Commission shall advise Council of the status of the community planning and any changes proposed or being considered by it, and such other matters as may be of common interest.

(b) On an as needed basis, the President of Council shall schedule a meeting of the members of Council and the Medina County Commissioners. The meeting should be to discuss present and future needs of the community.

(c) On an as needed basis, the President of Council shall call a joint meeting with the members of Council and the Medina City Board of Education. The meeting should be held to coordinate the needs of the City with regards to education.

111.16 CLERK OF COUNCIL: DUTIES; ADDITIONAL COMPENSATION.

(a) The Clerk of Council shall attend all meetings regular and special, record all proceedings in the minutes, prepare an agenda for every meeting, attend to all correspondences incidental to his office, attend to the codification of the ordinances, according to the system employed by the City, to perform such other duties as may be assigned to him by Council or are required by law.

(b) In addition to those duties imposed by law, by the Charter or otherwise by these Rules of Council, the Clerk of Council shall have the following duties:

- (1) He shall forward to the members of Council, not less often than once each week, any correspondence, minutes or other materials which have been delivered to or accumulated at the City Hall.
- (2) He shall maintain in the office of the President of Council a calendar of scheduled committee meetings and other functions requiring the official attendance of members of Council, and he shall to the extent possible, coordinate the scheduling of such matters in order to avoid conflicts of time, membership and facilities.
- (3) At the request of any committee chairman he shall make himself, or his representative, available for committee meetings.
- (4) No less often than once each three months he shall inquire of and report to all committee chairmen regarding the status of their committee records and minutes.

(Ord. 1-74. Passed 1-3-74.)

(c) Whenever the Clerk of Council, or her representative, attends a Council committee meeting to take minutes at the request of its chairman, and during other than regular business hours, she shall receive in addition to any other compensation, the sum of twenty dollars (\$20.00).

A committee chairman should not request the Clerk of Council, or her representative, to attend a committee meeting except for meetings of major importance.

(Ord. 12-80. Passed 1-28-80.)

111.17 DETERMINATION OF VACANCY FILLING PROCEDURE.

The President of Council shall determine the procedure to be followed in the election of a member to fill a vacancy on Council as authorized in City Charter Article III, Section 4. The procedure shall include and incorporate all provisions of the Sunshine Law, Ohio R.C. 122.22. All interviews shall be conducted in an open session unless closed by a two-thirds vote of Council. (1-4-88)

111.18 INVESTIGATIVE POWERS.

Council or any committee thereof authorized by it, may compel the attendance of witnesses and the production of books, papers and other evidence at any meetings of such legislative authority or committee, and for that purpose may issue subpoenas or attachments in any case of injury or investigation, to be signed by the presiding officer of such legislative authority or chairman of such committee, which shall be served and executed by any officer authorized to serve subpoenas and other processes. If any witness refuses to testify to any acts within his knowledge or to produce any papers or books in his possession or under his control, relating to the matter under inquiry, before the legislative authority or any such committee, the legislative authority may commit the witness to prison for contempt. No witness shall be excused from testifying touching his knowledge or the matter under investigation in any such inquiry, but such testimony shall not be used against him in any criminal prosecution, except for perjury.

(Ord. 1-54. Passed 1-12-54.)

111.19 NONSALARY REMUNERATION.

Council is hereby authorized to pay the cost of plaques, awards of recognition, meals or refreshments for meetings or seminars, and similar types of nonsalary remuneration provided funds are specifically appropriated for such purpose.

(Amended 1-3-05.)

ORDINANCE NO. 179-21

AN ORDINANCE AMENDING AND REPLACING CHAPTER 145 OF THE CODIFIED ORDINANCES OF THE CITY OF MEDINA, OHIO RELATIVE TO THE HISTORIC PRESERVATION BOARD.

WHEREAS: That Chapter 145 of the codified ordinances of the City of Medina, Ohio relative to the Historic Preservation Board currently reads as set forth in Exhibit A, attached hereto and incorporated herein; and

WHEREAS: The proposed amendments to Chapter 145 were reviewed and approved by both the Special Legislation Committee on October 14, 2021 and the Finance Committee on October 25, 2021.

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

SEC. 1: That Chapter 145 of the codified ordinances of the City of Medina, Ohio relative to the Historic Preservation Board is hereby amended and replaced in its entirety with the document marked Exhibit B, attached hereto and incorporated herein.

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

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

PASSED: _____

SIGNED: _____

President of Council

ATTEST: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Mayor

Effective date –

CHAPTER 145

OLD
ORD 179.21
Exh. A

Historic Preservation Board

- 145.01 Establishment.
- 145.02 Purpose.
- 145.03 Board membership.
- 145.04 Responsibility of the Board.
- 145.05 Historic Districts and landmarks.
- 145.06 Rules and procedures.
- 145.07 Design guidelines/demolition criteria.
- 145.08 Designation criteria for Historic Districts or landmarks.
- 145.09 Designation procedures for Historic Districts or landmarks.
- 145.10 Severability.
- 145.11 Wayfinding Event Cabinets.

APPENDIX A: Procedural Manual for Historic Preservation Board.

CHAPTER I INTRODUCTION AND ORGANIZATION

CHAPTER II CERTIFICATE OF APPROPRIATENESS

CHAPTER III CONDITIONAL SIGN PERMIT

CROSS REFERENCES

Authority to establish - see CHTR. Art. V, Sec. 1

145.01 ESTABLISHMENT.

In recognition of the need for the establishment of a public body with authority to act upon changes to buildings and structures in the Historic Districts, and in other parts of the City as established by Council, and in order to encourage changes that are compatible with the restoration movement now in progress, the Historic Preservation Board, hereinafter referred to as the Board, is hereby established.
(Ord. 75-07. Passed 5-14-07.)

145.02 PURPOSE.

Council, being mindful of the proud history of this community and of the importance of beauty in the everyday lives of Medina residents, hereby declares as a matter of public policy that the preservation, restoration, rehabilitation and overall aesthetic improvement of this community are matters of public necessity involving the health, safety, welfare, and prosperity of the people. The purpose of this chapter is to:

- (a) Promote the use and preservation of historic buildings, structures and sites which reflect the cultural, social, economic or architectural heritage of this Municipality for the education and general welfare of the residents of the Municipality;
- (b) Consider and take cognizance of the development of adjacent, contiguous and neighboring buildings and properties for the purpose of achieving safe, harmonious and integrated development of related properties;
- (c) Protect and enhance the attractiveness of the area as it relates to residents, tourists and visitors, serving as a support and stimulant to business, and thereby strengthen the economy for the Municipality and its residents;
- (d) Strive to achieve compatibility of any and all new construction with any and all modifications of existing structures with the historic architectural character of the Municipality;
- (e) Preserve and enhance civic pride of the residents in the beauty of the Municipality and in the notable accomplishments of the past.

(Ord. 75-07. Passed 5-14-07.)

145.03 BOARD MEMBERSHIP.

The Historic Preservation Board shall consist of five 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) preservation related professional or academic members to the extent that they are available;
- (b) Two property or business owners from within the district;
- (c) One resident of the City.

Members shall be residents of the City of Medina; professional or academic 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. 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.

(Ord. 75-07. Passed 5-14-07.)

145.04 RESPONSIBILITY OF THE BOARD.

The Historic Preservation Board, in conjunction with City Planning staff, shall make recommendations to Council regarding design guidelines, rules, and procedures for use in reviewing applications.

(Ord. 75-07. Passed 5-14-07.)

145.05 HISTORIC DISTRICTS AND LANDMARKS.

The Historic Preservation Board will review and act on all proposed changes to the exterior architectural appearance and demolition of all buildings or structures in any Historic District in the City of Medina, any Historic Landmarks, and any areas as established by Council.

(a) Public Square bounded by Smith Road, Jefferson Street, Friendship Street and Elmwood Avenue is hereafter called the Public Square Historic District.

(b) Refer to Section 145.08 and 145.09 for designation of districts and landmarks.

(Ord. 75-07. Passed 5-14-07.)

145.06 RULES AND PROCEDURES.

(a) Preface. The purpose of the City of Medina's Historic Preservation Board is to maintain the architectural integrity of the City's Historic Districts and Historic Landmarks by:

- (1) Encouraging the preservation and rehabilitation of existing buildings or structures;
- (2) Influencing any changes made to them so their inherent character continues to flourish;
- (3) Encouraging the continuous success of the Historic Landmarks and Historic Districts by averting demolition by neglect and purposeful demolition without just cause.

The Board will not establish any single style of architectural features as being preferable but will view all architectural proposals as part of the whole design of the building or structure within the context of the Historic District. The Board will work with property owners to ensure that Medina retains its unique character. Refer to Section 145.07, Appendix A, and *The City of Medina Guidelines for Historic Properties and Districts* for criteria and procedures.

(b) Definitions. The following definitions shall apply to the provisions of the Historic Preservation Board Rules, Procedures, Design Guidelines, and Demolition Criteria:

- (1) "Alter" or "alteration" means any change in the external architectural features of any building or structure.
- (2) "Board" means the Historic Preservation Board established under Chapter 145 of the Codified Ordinances of the City of Medina, Ohio.
- (3) "Certificate of Appropriateness" means a certificate issued by the City to authorize any new construction, demolition, or exterior alteration to any building or structure.
- (4) "Demolition" means the complete razing or removal of any structure or portion of a structure.
- (5) "Guidelines" means the supplemental information in *The City of Medina Design Guidelines for Historic Properties and Districts* (current issue.)
- (6) "Historic District" means a grouping of structures as determined by the Board and approved by Council as an historically or architecturally significant group and located within the limits of the City of Medina. Buildings or structures within this group may or may not be individually so designated. Listings of said structures will be kept for public record by the City Council and available through the Planning Department.
- (7) "Historic Landmark" means any individual building or structure determined by the Board and approved by Council as historically or architecturally significant and located within the limits of the City of Medina. Listings of said structures will be kept for public record by the City Council and available through the Planning Department.

- (8) "National Register of Historic Places" is the national listing of significant buildings, structures, or districts. Listings must have architectural, archeological, or historical significance. Owners of local historic landmarks shall be encouraged to seek listing on the National Register of Historic Places.
- (9) "Maintenance" - general maintenance information is provided in *The City of Medina Guidelines for Historic Properties and Districts* and specific City requirements are in the City of Medina Property Maintenance Code.
- (10) "Member" means any person serving on the Historic Preservation Board.
- (11) "Planning Director" means the person holding the position of Director of Planning and Community Development of the City of Medina.

(Ord. 75-07. Passed 5-14-07.)

(c) General Provisions. The rules of the Board and its procedures are governed by the Codified Ordinances of the City of Medina and its Charter. The rules and procedures to process applications for Certificates of Appropriateness are the following:

- (1) Exclusions. Nothing in these Rules, Procedures, or Guidelines shall be construed to prevent the ordinary maintenance or repair of any building or structure within the Historic District, provided such work involves no alteration to exterior architectural features.
- (2) Geographic area. The geographic area within which a Certificate of Appropriateness is required includes any Historic District or Historic Landmark in the City of Medina and as described in this Chapter 145 .
- (3) When a Certificate of Appropriateness is required. A Certificate of Appropriateness is required for exterior alterations or additions to the exterior of any building or structure that is designated as an Historic Landmark or is located within an Historic District for the construction of a new building or structure within an Historic District, or for the demolition of an existing building or structure within an Historic District.
- (4) Amendments to a Certificate of Appropriateness. At any time prior to completion of work under the Certificate of Appropriateness, an applicant may apply for an amendment to the Certificate. An applicant must apply for an amendment if the design for which the Certificate was issued is altered.
- (5) Expiration. Once a Certificate of Appropriateness has been granted, all other permits must be obtained and construction commenced within one year unless the applicant applies for and receives an extension.

(Ord. 75-07. Passed 5-14-07.)

(d) Application Procedures.

- (1) Submission requirements. In order for an application to be reviewed and approved, the applicant shall submit drawings, photographs, specifications, and material samples as required by the Procedures delineated in the Appendix Chapter II "Certificate of Appropriateness." An application along with supporting documents shall be filed with the Secretary as outlined. Submission shall accurately represent the proposed alterations or additions and new construction. The Secretary will schedule the applicant's submission for consideration at the next Historic Preservation Board meeting and forward the submission copies to all Members. Each application shall be accompanied by the payment of the fee established in Chapter 1108 of the Planning and Zoning Code.
- (2) Informal review. Applicant is encouraged to review the Medina Design Guidelines (current edition) to be familiar with design review for historic buildings and structures. Applicant is encouraged to discuss a project and Certificate of Appropriateness with the Planning Director. The Planning Director may provide a list of sources from which applicant may seek guidance prior to formal submission to the Historic Preservation Board. Likewise, an Applicant may request an informal review with the Board prior to formal submission.
- (3) Review process. The Applicant shall attend the scheduled Board meeting to present the proposed project and to be given the opportunity to respond to any questions from Members. The Board will then act upon the submission as prescribed herein:
 - A. The Applicant shall briefly present the proposed project describing the objectives and demonstrating good design principals for historic properties. Guidelines may be used to illustrate

Applicant's effort.

- B. Planning Director shall make recommendations to the Board, providing support for said recommendations.
- C. Chair of the Board shall invite statements from other City Officials and from the public.
- D. The Board shall discuss the proposed project as it meets the criteria outlined in the Guidelines and is specifically appropriate for the subject building or structure and the City of Medina. The Board shall either approve or disapprove the project unless the Applicant requests a time extension in order to modify the application. If the application is approved, a Certificate of Appropriateness will be issued. If the application is denied, the Applicant may modify the documents and re-submit, may appeal the decision (see below), or may wait one year to resubmit an unmodified request for further consideration.

(e) Penalty.

- (1) Violation, order. If it is found that any of the provisions of this chapter are being violated, all work shall cease upon notification, and no work shall be performed except to correct the violation. All violations shall be corrected within ten (10) days or within an approved extended period from the Planning Director. Any violations not corrected within the specified time may be prosecuted.
- (2) Failure to comply. Whoever constructs, reconstructs or alters any exterior architectural feature or demolishes all or part of any building or structure within an Historic District or any Historic Landmark without a Certificate of Appropriateness from the Historic Preservation Board shall be fined not more than one hundred dollars (\$100.00) per offense. Each day of violation shall be considered a separate offense. Whoever violates this section shall be required to restore and reconstruct such features in full detail. Restoration or reconstruction shall be in addition to any criminal penalty and not in lieu thereof.
- (3) Failure to perform. Whoever receives a Certificate of Appropriateness from the Historic Preservation Board and constructs, reconstructs, or alters any exterior architectural feature other than in accordance with the requirements of the Certificate, shall be fined not more than one hundred dollars (\$100.00) per offense. Each day of violation shall be considered a separate offense. Whoever violates this section shall be required to make all changes and additions needed to comply with the Certificate. Changes and additions shall be in addition to any criminal penalty and not in lieu thereof.

(f) Appeals. Any Applicant aggrieved by the enforcement of these Rules, Procedures and Design Guidelines may appeal to the Board of Zoning Appeals within fourteen days of notification in writing of the decision of the Planning Director or Historic Preservation Board. (Ord. 75-07. Passed 5-14-07.)

145.07 DESIGN GUIDELINES/DEMOLITION CRITERIA.

(Refer also to *The City of Medina Guidelines for Historic Properties and Districts.*)

Preface. The purpose of this chapter and of *The City of Medina Guidelines for Historic Properties and Districts* is to preserve the architectural history and integrity of existing buildings or structures and to ensure the procedures and materials used are compatible with the existing building or structure and help to ensure its preservation into the future. These Guidelines are meant to give architects and Owners design direction consistent with Chapter 145 of the Codified Ordinances of the City of Medina. In principle, the Board adopts the United States of America, Secretary of the Interior's Standards for Rehabilitation.

- (a) Preservation/rehabilitation/renovation. With respect to preservation/rehabilitation/renovation generally it is the interest of the Board that buildings within the Historic District be preserved, thus maintaining the character of the Historic District. Consistent with the U.S. Secretary of the Interior, Standards for the Treatment of Historic Properties, the intent of these Guidelines is to preserve and restore the features which establish a building's architectural character while making alterations and renovations necessary for the efficient and contemporary use of the building.

The rehabilitation process assumes that some alterations may be necessary to meet the needs of the building Owner and the health, safety, and welfare of the building occupants. Such alterations should be done so as not to destroy the materials and features which help to define a building's historic, cultural and/or architectural character. The historic materials, features and/or

craftsmanship are important in defining the building character and should be retained, protected, and repaired when possible.

When the preservation of architectural features is not possible, alterations should be done in a manner respectful of the existing character, but done in a manner that is representative of architectural design and construction of contemporary times.

- (b) Additions/new construction. With respect to additions/new construction to existing buildings and all new buildings or structures within Historic Districts, it is generally the interest of the Board that such additions/new construction shall be designed to enhance the character of the Historic District. Consistent with the preface of this Chapter, new buildings and additions should be representative of architectural design and construction of contemporary times.

Additions to existing buildings in the Historic District should be designed so as not to detract from the original character of the building. Whenever possible, additions should be located away from the primary or street face of the building. The addition should be designed so as not to destroy existing architectural features, such that the addition can be removed and the building restored to its original condition.

New buildings in the Historic District shall be designed to be compatible with other structures in the Historic District while still reflecting work of contemporary times. Proximity of existing buildings to the new building will affect the latitude in design constraints. An infill design should be more consistent with adjoining buildings than a freestanding structure.

- (c) Demolition. With respect to demolition, it is the interest of the Board that Landmark Buildings and buildings within Historic Districts be preserved and renovated for economically productive uses. The Board encourages the saving and adaptive re-use of buildings significant to the character of the Historic Districts and the history of the City. Consistent with this intent, the Board also realizes the Historic District is not a static environment, but an ever changing and developing entity. Applications for demolition shall be reviewed based on the overall impact the demolition will have on adjacent Historic Landmarks, Historic Districts, and the community.

In reviewing an application, the Board will also consider the impact of the proposed use of the site on the Historic District. Demolition of existing buildings which are not a significant loss to the Historic District to allow for the construction of new development which enhances the Historic District may be acceptable.

(Ord. 75-07. Passed 5-14-07.)

145.08 DESIGNATION CRITERIA FOR HISTORIC DISTRICTS OR LANDMARKS.

In considering the designation of any place, building, structure, work of art, or similar object in the City as an Historic District or Landmark, the Historic Preservation Board shall apply the following criteria with respect to such property:

- (a) Its character, interest or value shall be part of the development, heritage or cultural characteristics of the City, State or the United States;
- (b) Its location shall be a site of a significant historical event;
- (c) Its identification shall be with a person who significantly contributed to the culture and development of the City;
- (d) Its exemplification shall be of the cultural, economic, social or historic heritage of the City;
- (e) Its portrayal shall be of the environment of a group of people in an era of history characterized by a distinctive architectural style;
- (f) Its embodiment shall be of elements or architectural design, detail, materials or craftsmanship which represents architecture of significant character, charm, or grandeur;
- (g) Its relationship shall be to other distinctive areas which are eligible for preservation or conservation;
- (h) Its unique location or singular physical characteristics shall be representative of an established and familiar visual feature of a neighborhood or of the City.

(Ord. 75-07. Passed 5-14-07.)

145.09 DESIGNATION PROCEDURES FOR HISTORIC DISTRICTS OR LANDMARKS.

- (a) A property (building, structure, place, or object) may be nominated as an Historic Landmark or a group of properties may be nominated as an Historic District by an individual, group, or by the Historic Preservation

Board. For individual buildings, the property owner shall approve the nomination. For a district, dissention by property owners shall be less than 25%. Each owner of private property in a district has one vote regardless of how many properties or what part of one property that party owns and regardless of whether the property contributes to the significance of the district.

(b) When a proposal to establish an Historic District or to designate an individual property or site as a Landmark for protection is received by or initiated by the Historic Preservation Board, the owner or owners of included properties shall be notified.

(c) The Historic Preservation Board shall consider the proposal in terms of the criteria provided in Section 145.08. Properties shall be documented to meet at least one of the criteria listed. The Board shall make a recommendation to City Council.

(d) City Council shall give due consideration to the findings and recommendations of the Historic Preservation Board in making its determination with respect to the proposed designation of place, building, structure, or object as an Historic District or Landmark.

(Ord. 75-07. Passed 5-14-07.)

145.10 SEVERABILITY.

If a court of competent jurisdiction shall adjudge any provision of this chapter invalid or unenforceable, then the remaining provisions of this chapter shall not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law.

(Ord. 75-07. Passed 5-14-07.)

145.11 WAYFINDING EVENT CABINETS.

The purpose of the City of Medina Wayfinding Event Cabinets is to promote downtown events and festivals. The postings are intended for viewing by pedestrians in the immediate vicinity of the kiosks.

- (a) The event cabinets will be used for the posting of events and festivals open to the general public occurring within the nine block Historic District.
- (b) The City of Medina will maintain a general calendar of events within a portion of the cabinet throughout the year.
- (c) Event postings are limited to a two week period prior to the scheduled event and shall be removed within 48 hours of the close of the event.
- (d) The Mayor or designee and Main Street Medina Executive Director or designee are the only representatives permitted to access and update the event posting cabinets.
- (e) Requested postings shall be submitted to the City of Medina for placement in the cabinets by City staff or Main Street Medina.
- (f) All postings shall be graphically printed in a professional manner subject to the approval of the Planning and Community Development Director.

(Ord. 117-10. Passed 7-12-10.)

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

1. INTRODUCTION.

This Procedural Manual is a public document and is adopted by the Historic Preservation Board of Medina, Ohio to describe its organization and the procedures which govern its activities. The Manual, together with the Design Guidelines and Rules and Procedures for use in reviewing applications found in Chapter 145 of the Codified Ordinances of the City of Medina, its Charter and the laws of the State of Ohio, shall be the official policies of the Board. (Ord. 75-07. Passed 5-14-07.)

2. ORGANIZATION.

The organization, terms of office and vacancies of the Board are established in accordance with Chapter 145 of the Codified Ordinances of the City of Medina.

3. ORGANIZATIONAL MEETING OF THE BOARD.

The Board shall hold an organizational meeting annually during the month of January and elect a Chairperson and Vice-Chairperson by majority vote of the members present. The term of office of each shall be for the current calendar year and consistent with Chapter 145. The Chairperson shall preside at the meetings and decide all points of order and procedures. The Vice-Chairperson shall preside as Acting Chairperson in the absence of the Chairperson. In the absence of both the Chairperson and Vice-Chairperson, the Secretary shall call the meeting to order and a Chair Pro Tempore shall be elected by the Board to preside at the meeting.

(Ord. 75-07. Passed 5-14-07.)

A staff member or designee of the Planning Department shall act as the Board Secretary. The Secretary, subject to the direction of the Chair of the Board, shall keep all records, conduct all correspondence of the Board and generally supervise the clerical work of the Board. The Secretary shall not be eligible to vote upon any matter. The Secretary shall also arrange the agenda of each meeting, prepare and keep minutes of each meeting and shall prepare for public inspection an annual report of the Board's activities, cases, decisions, special projects, attendance of the Board members and qualifications of members.

Revised: January 17, 2002

4. CONFLICT OF INTEREST.

Prior to the beginning of the discussion of any application, any Board member whose participation would constitute a conflict of interest shall disclose the nature of the conflict, shall remove himself/herself from any discussion concerning the application and shall not vote on said application. Board Members shall be subject to the Ohio Revised Code Chapter 102, Section 2921.42 and all opinions issued by the Ohio Ethics Commission. (Ord. 75-07. Passed 5-14-07.)

5. COMMITTEES.

Unless otherwise provided, and subject to approval by the Board, the Chairperson of the Board may appoint special committees. The Board shall determine the size, the duties, and the duration of service of such committees at the time of their establishment.

6. FILLING A BOARD VACANCY.

Any vacancy caused by resignation, death or other means shall be filled for the unexpired term within sixty (60) days by Mayoral appointment and approval of City Council. *Revised: January 17, 2002*

7. DUTIES OF THE BOARD.

The Historic Preservation Board shall have the following responsibilities:

- A. Board will promote interest and educate Medina citizens in historic preservation by conducting or supporting educational sessions on an annual basis and preparing informational material as appropriate.
- B. Board shall issue Certificates of Appropriateness for construction, preservation, restoration, reconstruction, rehabilitation, and/or demolition of any building, structure, or object within the City's Historic Districts and other areas as established by City Council, according to the procedures set forth for such matters in Section 145.06 and 145.07 of the Codified Ordinances.
- C. Board shall advise other officials and departments in Medina City government regarding the protection of local historic resources.
- D. Board shall act as a liaison on behalf of the local government to individuals and organizations concerned with historic preservation.
- E. Board shall encourage its members to attend workshops, seminars and other educational programs on historic preservation to stay abreast of design, enforcement, funding, and other issues relevant to the proper performance of their duties.
- F. Board shall review proposed National Register nominations for properties within the jurisdiction.
 - G. When the Board considers a National Register nomination, or other action, which is normally evaluated by a professional in a specific discipline, and that discipline is not represented on the Board, the Board may, upon authorization of City Council, seek expertise in this area before rendering its decision. It may be advised by technical consultants, under contract executed by the City as City finances permit, to assist it in performing its functions.

H. Board shall be responsible for maintaining a system (Ohio Historic Inventory Form) for the survey and inventory of historic properties and cultural resources within the City of Medina. All inventory material shall be recorded according to Ohio Historic Preservation Office guidelines, maintained securely, and made accessible to the public. The inventory shall be updated periodically to reflect alterations and demolitions.

(Ord. 75-07. Passed 5-14-07.)

8. AGENDA.

The Board shall consider no application or report unless it has been received by the Secretary and placed on the agenda. Copies of the agenda shall be mailed or otherwise sent by the Secretary to each Board member, the local newspaper, and other parties as may be determined by the Secretary or Board. Applicants shall be sent a notice of hearing. Any item placed on the agenda shall be heard and action taken, unless the Applicant requests that the issue be removed from the Agenda. (Ord. 75-07. Passed 5-14-07.)

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 to act on an application.

10. MEETING.

The Board shall hold a regular public meeting once each month in the Medina Municipal Building or other public place if so directed by the Chairperson and the Secretary. The regular monthly meeting will be held on the dates established by the Board at its annual organizational meeting.

Special meetings of the Board may be called by the Chairperson, provided a notice of and the agenda for such meetings are mailed to or otherwise sent and received by the Members and the local newspaper not less than forty-eight (48) hours prior to time and place of the special meeting.

Whenever there is no business for the Board, the Chairperson may dispense with a regular meeting by giving notice to all Members not less than twenty-four (24) hours prior to the time set for the meeting.

(Ord. 75-07. Passed 5-14-07.)

11. ORDER OF BUSINESS.

The business of the Board shall be considered in the following order:

- A. Call to order
- B. Approval of minutes of last meeting
- C. Announcements
- D. Committee reports
- E. Old business
- F. New business
- G. Adjournment

Revised: January 17, 2002

12. ANNUAL REPORT.

The Board shall prepare and submit an annual report of Board activities, cases, decisions and special projects to the Planning Commission, the Mayor, and City Council. The Annual Report shall be kept on file for public inspection.

(Ord. 75-07. Passed 5-14-07.)

13. AMENDMENTS.

Amendments to Chapter 145 of the Codified Ordinance of the City of Medina shall be recommended to City Council by a majority vote of the entire Board at any regular or special meeting, providing notice and contents of the proposed change are mailed, or otherwise disseminated to, and received by each Member of the Board by the Secretary at least five (5) days prior to the meeting. The proposed amendments shall not be included in the Ordinance until approved by City Council.

Amendments to *The City of Medina Guidelines for Historic Properties and Districts* (supplemental document) may be made by majority vote of the Board after open discussion in a minimum of two meetings of the Historic Preservation Board. Amendments to the Guidelines shall be presented to the City Council for information, review and acceptance. (Ord. 75-07. Passed 5-14-07.)

14. REPEALER.

This Manual shall supersede all rules and statements of the Board or Secretary heretofore adopted, or in effect by practice, which are in conflict with the Manual.

Revised: January 17, 2002

15. ADOPTION DATE.

This Manual is hereby adopted by the Board and shall take effect thirty (30) days following passage by City Council.

(Ord. 75-07. Passed 5-14-07.)

CHAPTER II

CERTIFICATE OF APPROPRIATENESS

Certificates of Appropriateness shall be issued by the Historic Preservation Board, in accordance with the standards and regulations of Chapter 145 of the Codified Ordinances of the City of Medina.

1. REQUIRED DATA.

To accomplish the Board's review of an application for a Certificate of Appropriateness, copies of all data specified in Chapter 145 of the Codified Ordinances of the City of Medina and the application shall be required. Number of copies and samples required shall be listed on the procedural information provided by the City.

A. Alterations and change of color.

1. Photographs of existing conditions.
2. Drawings indicating any changes to the physical appearance.
3. An outline describing work and the procedures to be performed.
4. Material samples and manufacturer's literature for major materials and products to be incorporated in the building.

B. New buildings.

1. Photographs (8"x 10") of the proposed site and context including adjacent structures.
2. Site plan and elevation drawings showing the design, indicating drives, road, parking, walks, walls, fences, landscaping, doors, windows, decoration, materials, finishes and other features accurately representing the proposed design.
3. Material samples and manufacturer's literature for major materials and products to be incorporated in the proposed design.

C. Additions to existing buildings.

1. Photographs (8"x 10") of the existing building and adjacent buildings or structures.
2. Site plan and elevation drawings showing the design, indicating drives, road, parking, walks, walls, fences, landscaping, doors, windows, decoration, materials, finishes and other features accurately representing the proposed design.
3. Material samples and manufacturer's literature for major materials and products to be incorporated in the proposed design.

D. Demolition, partial demolition, or moving.

1. Photographs (8"x 10"), of the existing building in detail including context and site.
2. A Site Plan depicting the site of the subject building and its context.
3. A written request from the Owner indicating reasons for the demolition, partial demolition, or moving.
4. Include the following information:
 - Status - National Historic Landmark, National Landmark Historic District;
 - Status - Listing on the U.S. National Register of Historic Places or determination of eligibility for the National Register;
 - Status - Historic Landmark (Medina), Historic District (Medina);
 - Form of Ownership of the property, amount paid for property, date of purchase, party from whom it was purchased, and description of relationship between Owner and Applicant;
 - Cost of proposed Demolition;
 - The fair market value for the property and the anticipated market value after rehabilitation;

- An analysis of the feasibility of rehabilitation, including the costs of rehabilitation, and the income and expense likely to be produced by the property after rehabilitation;
 - A list of alternatives that were considered and reasons why alternatives were dismissed;
 - Board may request other information specific to the project.
5. The Applicant may provide additional financial information supporting the case for demolition. This information may include:
- In the case of income-producing properties, provide the annual gross income from the previous two years and itemized expenses for the same time period;
 - Price asked and offers received within the previous two years.
6. If Applicant claims lack of structural or architectural integrity as the reason for demolition, he/she must offer evidence prepared by a licensed engineer or architect as to the structural soundness of the building or structure.
(Ord. 75-07. Passed 5-14-07.)

2. APPLICATION.

The Applicant shall complete the application and submit all required data to the Secretary. The official date of the application shall be the date of the next regular Board meeting after all required data and fees have been submitted to the Secretary and at which the Applicant is scheduled to appear.

(Ord. 75-07. Passed 5-14-07.)

3. REVIEW AND BOARD ACTION.

Upon completion of the application, the Secretary shall place the application on the agenda of the next regular Board meeting and notify the Applicant in writing. The Board shall review the application as it appears on the agenda.

The Board shall act on the application by resolution and shall vote to approve, approve with amendment, or disapprove the application. The applicant shall be advised in writing of the Board's decision. Such action shall be taken immediately following the review of the application, unless the Applicant requests a time extension to modify or elaborate upon his/her proposal. When the applicant indicates to the Secretary that the modifications are complete, the extended proposal shall be deliberated at the next regular Board meeting or a special meeting called for this purpose. If more than one year has passed, Applicant must file a new application. If the Board denies the application wholly or in part, the applicant shall be notified of the reason.

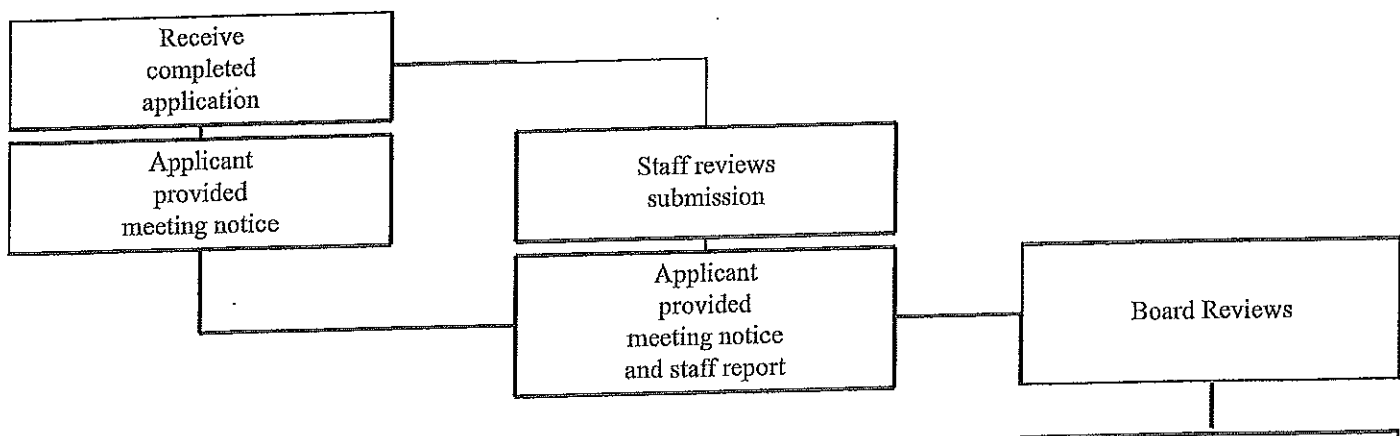
(Ord. 75-07. Passed 5-14-07.)

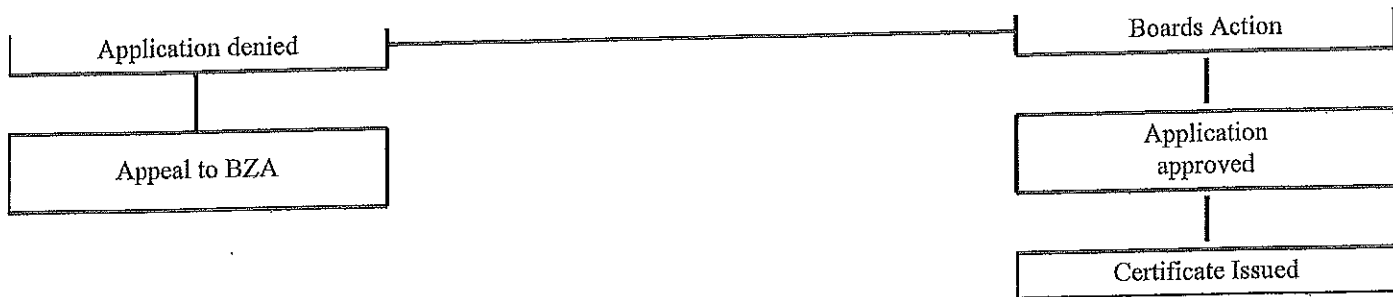
4. CERTIFICATE OF APPROPRIATENESS.

Upon approval of the application by the Board, the Secretary shall issue a Certificate of Appropriateness. This Certificate of Appropriateness, however, does not exempt the applicant from provisions of the Building Code, Sign Code or other applicable laws of the City, County or State. The Certificate of Appropriateness shall become void if construction has not commenced within one (1) year after the date of approval. (Chapter 145 of the Codified Ordinances).

(Ord. 75-07. Passed 5-14-07.)

**Historic Preservation Board
Certificate of Appropriateness**





CHAPTER III

CONDITIONAL SIGN PERMIT

Conditional sign permits may be issued by the Historic Preservation Board in accordance with the standards and regulations of Chapter 1147 of the Zoning Code.

1. REQUIRED DATA.

To accomplish the Board's review of an application for a Conditional Sign Permit, copies of all data specified in Chapter 1147 of the Zoning Code and the application shall be provided. Number of copies and samples required shall be listed on the procedural information provided by the City.

(Ord. 75-07. Passed 5-14-07.)

2. APPLICATION.

The applicant shall complete the application and submit all required data and fees to the Secretary. The official date of the application shall be the date of the next regular Board meeting after all required data and fees have been submitted to the Secretary.

Submission requirements include:

- A. Photographs of existing conditions.
- B. Elevation drawings depicting the proposed signage of the building with sign and building dimensions noted.
- C. Color and material samples for the proposed sign.

(Ord. 75-07. Passed 5-14-07.)

3. REVIEW AND BOARD ACTION.

Upon completion of the application, the Secretary shall place the application on the agenda of the next regular Board meeting and notify the applicant. The Board shall review the application as it appears on the agenda.

The Board shall act on the application by resolution and shall vote to approve, approve with amendment, or disapprove the application. The applicant shall be advised in writing of the Board's decision. Such action shall be taken immediately following the review of the application, unless the Applicant requests a time extension to modify or elaborate upon his/her proposal. When the applicant indicates to the Secretary that the modifications are complete, the extended proposal shall be deliberated at the next regular Board meeting or a special meeting called for this purpose. If more than one year has passed, Applicant must file a new application. If the Board denies the application wholly or in part, the applicant shall be notified of the reason.

(Ord. 75-07. Passed 5-14-07.)

4. CONDITIONAL SIGN PERMIT.

Upon approval by the Board of the application, the Secretary shall issue a Conditional Sign Permit. This Conditional Sign Permit, however, does not exempt the applicant from provisions of the Building Code, Sign Code or other applicable laws of the City, County or State. The Conditional Sign Permit shall become void if construction has not begun within six (6) months after the date of the permit. (Section 1147.16 of the Zoning Code).

Ord. 179-21
Redline (NEW)
Exh.-B.

Proposed Amendments to Chapter 145

CHAPTER 145

Historic Preservation Board

- 145.01 Establishment.
- 145.02 Purpose.
- 145.03 Board membership.
- 145.04 Responsibility of the Board.
- 145.05 Historic Districts and landmarks.
- 145.06 Rules and procedures.
- 145.07 Design guidelines/demolition criteria.
- 145.08 Designation criteria for Historic Districts or landmarks.
- 145.09 Designation procedures for Historic Districts or landmarks.
- 145.10 Severability.
- 145.11 Wayfinding Event Cabinets.

APPENDIX A: Procedural Manual for Historic Preservation Board.

- CHAPTER I INTRODUCTION AND ORGANIZATION
- CHAPTER II CERTIFICATE OF APPROPRIATENESS
- CHAPTER ~~III~~ III CONDITIONAL SIGN PERMIT

145.01 ESTABLISHMENT.

In recognition of the need for the establishment of a public body with authority to act upon changes to buildings and structures in the Historic Districts, and in other parts of the City as established by Council, and in order to encourage changes that are compatible with the restoration movement now in progress, the Historic Preservation Board, hereinafter referred to as the Board, is hereby established.

145.02 PURPOSE.

Council, being mindful of the proud history of this c importance of beauty in the everyday lives of Medina resi matter of public policy that the preservation, restoration, re aesthetic improvement of ~~this community~~ this community a necessity involving the health, safety, welfare, and prosperi purpose of this chapter is to:

-3 Readings
- SCAN IN
COLOR

(a) Promote the use and preservation of historic buildings, structures and sites which reflect the cultural, social, economic or architectural heritage of this Municipality for the education and general welfare of the residents of the Municipality;

3

- (b) Consider and take cognizance of the development of adjacent, contiguous and neighboring buildings and properties for the purpose of achieving safe, harmonious and integrated development of related properties;
- (c) Protect and enhance the attractiveness of the area as it relates to residents, tourists and visitors, serving as a support and stimulant to business, and thereby strengthen the economy for the Municipality and its residents;
- (d) Strive to achieve compatibility of any and all new construction with any and all modifications of existing structures with the historic architectural character of the Municipality;
- (e) Preserve and enhance civic pride of the residents in the beauty of the Municipality and in the notable accomplishments of the past.

145.03 BOARD MEMBERSHIP.

The Historic Preservation Board shall consist of five 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) ~~—(a)—~~Two (minimum) preservation related professional or academic members to the extent that they are available;
- (b) ~~—(b)—~~Two property or business owners from within the district;
- (c) ~~—(c)—~~One resident of the City.

Members shall be residents of the City of Medina; professional or academic 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. 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.

145.04 RESPONSIBILITY OF THE BOARD.

The Historic Preservation Board, in conjunction with City Planning staff, shall make recommendations to Council regarding design guidelines, rules, and procedures for use in reviewing applications.

145.05 HISTORIC DISTRICTS AND LANDMARKS.

The Historic Preservation Board will review and act on all proposed changes to the exterior architectural appearance and demolition of all buildings or structures in any Historic District in the City of Medina, any Historic Landmarks, and any areas as established by Council.

- (a) ~~(a)~~—Public Square bounded by Smith Road, Jefferson Street, Friendship Street and Elmwood Avenue is hereafter established as and called the Public Square Historic District.
- (b) ~~(b)~~—Refer to ~~Section 145.~~Sections 145.08 and 145.09 for designation of districts and landmarks.

145.06 RULES AND PROCEDURES.

- (a) Preface. The purpose of the City of Medina's Historic Preservation Board is to maintain the architectural integrity of the City's Historic Districts and Historic Landmarks by:

~~(1)~~ ~~(1)~~—Encouraging the preservation and rehabilitation of existing buildings or structures;

~~(2)~~ ~~(2)~~—Influencing any changes made to them so their inherent character continues to flourish;

~~(3)~~ ~~(3)~~—Encouraging the continuous success of the Historic Landmarks and Historic Districts by averting demolition by neglect and purposeful demolition without just cause.

The Board will not establish any single style of architectural features as being preferable but will view all architectural proposals as part of the whole design of the building or structure within the context of the Historic District. The Board will work with property owners to ensure that Medina retains its unique character. (Refer to Section 145.07, Appendix A, and The City of Medina Guidelines for Historic Properties and Districts for criteria and procedures.)

(b) Definitions. The following definitions shall apply to the provisions of this chapter and the Historic Preservation Board Rules, Procedures, Design Guidelines, and Demolition Criteria:

~~(1)~~ ~~(1)~~—"Alter" or "alteration" means any change in the external architectural features of any building or structure.

~~(2)~~ ~~(2)~~—"Board" means the Historic Preservation Board established under Chapter 145 of the Codified Ordinances of the City of Medina, Ohio.

~~(3)~~ ~~(3)~~—"Certificate of Appropriateness" means a certificate issued by the City to authorize any new construction, demolition, or exterior alteration to any building or structure.

~~(4)~~ ~~(4)~~—"Demolition" means the complete razing or removal of any structure or portion of a structure.

~~(5)~~ ~~(5)~~—"Guidelines" means the supplemental information in The City of Medina Design Guidelines for Historic Properties and Districts (current issue.)

~~(6)~~ ~~(6)~~—"Historic District" means a grouping of structures as determined by the Board and approved by Council as an a historically or architecturally significant group and located within the limits of the City of Medina. Buildings or structures within this group may or may not be individually so designated. Listings of said structures will be kept for public record by the City Council and available through the Planning Department.

~~(7)~~ ~~(7)~~—"Historic Landmark" means any individual building or structure determined by the Board and approved by Council as historically or architecturally

significant and located within the limits of the City of Medina. Listings of said structures will be kept for public record by the City Council and available through the Planning Department.

(8) — ~~(8)~~ — "National Register of Historic Places" is the national listing of significant buildings, structures, or districts. Listings must have architectural, archeological, or historical significance. Owners of local ~~historic landmarks~~ Historic Landmarks shall be encouraged to seek listing on the National Register of Historic Places.

(9) — ~~(9)~~ — "Maintenance" ~~refers to the~~ general maintenance information that is provided in The City of Medina Guidelines for Historic Properties and Districts and specific City requirements are in the City of Medina Property Maintenance Code.

(10) — ~~(10)~~ — "Member" means any person serving on the Historic Preservation Board.

(11) — ~~(11)~~ — "Planning Director" means the person holding the position of Director of Planning and Community Development of the City of Medina.

(c) General Provisions. The rules of the Board and its procedures are governed by the Codified Ordinances of the City of Medina and its Charter. The rules and procedures to process applications for Certificates of Appropriateness are the following:

(1) — ~~(1)~~ — Exclusions. Nothing in these Rules, Procedures, or Guidelines shall be construed to prevent the ordinary maintenance or repair of any building or structure within the Historic District, provided such work involves no alteration to exterior architectural features.

(2) — ~~(2)~~ — Geographic area. The geographic area within which a Certificate of Appropriateness is required includes any Historic District or Historic Landmark in the City of Medina and as described or defined in this Chapter 145-.

(3) — ~~(3)~~ — When a Certificate of Appropriateness is required. A Certificate of Appropriateness is required for exterior alterations or additions to the exterior of any building or structure that is designated as ~~an a~~ a Historic Landmark or is located within an Historic District for the construction of a new building or structure within an Historic District, or for the demolition of an existing building or structure within ~~an a~~ a Historic District.

(4) — ~~(4)~~ — Amendments to a Certificate of Appropriateness. At any time prior to completion of work under the Certificate of Appropriateness, an applicant may apply for an amendment to the Certificate. An applicant must apply for an amendment if the design for which the Certificate was issued is altered.

~~(5)~~ — ~~(5)~~—Expiration. Once a Certificate of Appropriateness has been granted, all other permits must be obtained and construction commenced within one year unless the applicant applies for and receives an extension from the Board.

(d) Application Procedures.

(1) — ~~(1)~~—Submission requirements. In order for an application to be reviewed and approved, the applicant shall submit drawings, photographs, specifications, and material samples as required by the Procedures delineated in the Appendix Chapter II "Certificate of Appropriateness." Appropriateness. An application along with supporting documents shall be filed with the Secretary of the Board as outlined. Submission shall accurately represent the proposed alterations or additions and new construction. The Secretary will schedule the applicant's submission for consideration at the next Historic Preservation Board meeting and forward the submission copies to all Members. Each application shall be accompanied by the payment of the fee established in Chapter 1108 of the Planning and Zoning Code.

(2) — ~~(2)~~—Informal review. ~~Applicant~~ The applicant is encouraged to review the Medina Design Guidelines (current edition) to be familiar with design review for historic buildings and structures. ~~Applicant~~ The applicant is encouraged to discuss a project and Certificate of Appropriateness with the Planning Director. The Planning Director may provide a list of sources from which applicant may seek guidance prior to formal submission to the Historic Preservation Board. Likewise, an ~~Applicant~~ applicant may request an informal review with the Board prior to formal submission.

(3) — ~~(3)~~—Review process. The ~~Applicant~~ applicant shall attend the scheduled Board meeting to present the proposed project and to be given the opportunity to respond to any questions from Members. The Board will ~~then~~ act upon the submission as prescribed herein:

A. — ~~A.~~—The ~~Applicant~~ applicant shall briefly present the proposed project describing the objectives and demonstrating good design ~~principals~~ principles for historic properties. Guidelines may be used to illustrate ~~Applicant's~~ the applicant's effort.

B. ~~B.~~—The Planning Director shall make recommendations to the Board, providing support for said recommendations.

C. ~~C.~~—The Chair of the Board shall invite statements from other City ~~Officials~~ officials and from the public.

D. The Board shall review and discuss the proposed project and take the following action, as applicable:

- (i) ~~_____ D. The Board shall discuss the proposed project as it meets the criteria outlined in the Guidelines and is specifically appropriate for the subject building or structure and the City of Medina. The Board shall either approve or disapprove the project unless the Applicant For alterations or additions to existing buildings or the construction of a new building, the Board shall approve the application, deny the application, or approve the applications with conditions, unless the applicant requests a time extension in order to modify the application. If the application is approved, a Certificate of Appropriateness will be issued. If the application is denied, the Applicant or is approved with conditions that the applicant does not accept, the applicant may modify the documents and re-submit/resubmit them for Board approval, may appeal the decision (see below under Section 145.06(f), or may wait one (1) year to resubmit an unmodified request for further consideration.~~
- (ii) For demolitions of buildings and structures, the Board shall approve the application, deny the application, or approve the application with conditions, unless the applicant requests a time extension in order to modify the application. If the application is approved, a Certificate of Appropriateness will be issued. If the application is denied or is approved with conditions that the applicant does not accept, the applicant may modify the documents and resubmit them for Board approval, may appeal the decision under Section 145.06(f), or may wait one (1) year to resubmit an unmodified request for further consideration.
- (iii) The Board may impose such reasonable conditions on the approval of an

application that are reasonably related to the purpose of this Chapter as set forth in Section 145.02.

(e) Penalty.

(1) — ~~(1)~~ — Violation, order. If it is found that any of the provisions of this chapter are being violated, all work shall cease upon notification, to the applicant or its contractor(s) by the City and no work shall be performed except to correct the violation. All violations shall be corrected within ten (10) days or within an approved extended period from the Planning Director. Any violations not corrected within the specified time may be prosecuted for a criminal violation.

(2) — ~~(2)~~ — Failure to comply. Whoever constructs, reconstructs or alters any exterior architectural feature or demolishes all or part of any building or structure within an Historic District or any Historic Landmark without a Certificate of Appropriateness from the Historic Preservation Board shall be fined not more than one hundred dollars (\$100.00) per offense. Each day of violation shall be considered a separate offense. Whoever violates this section shall be required to restore and reconstruct such features in full detail. Restoration or reconstruction shall be in addition to any criminal penalty and not in lieu thereof.

(3) — ~~(3)~~ — Failure to perform. Whoever receives a Certificate of Appropriateness from the Historic Preservation Board and constructs, reconstructs, or alters any exterior architectural feature other than in accordance with the requirements of the Certificate, shall be fined not more than one hundred dollars (\$100.00) per offense. Each day of violation shall be considered a separate offense. Whoever violates this section shall be required to make all changes and additions needed to comply with the Certificate. Changes and additions shall be in addition to any criminal penalty and not in lieu thereof.

(f) Appeals. Any ~~Applicant-applicant~~ aggrieved by the enforcement of these Rules, Procedures and Design Guidelines and the provisions of this chapter or by a final decision of the Board may appeal to the Board of Zoning Appeals within fourteen (14) days of notification in writing of the decision of the Planning Director or Historic Preservation Board.

145.07 DESIGN GUIDELINES/DEMOLITION CRITERIA.

(Refer also to The City of Medina Guidelines for Historic Properties and Districts.)

Preface. The purpose of this chapter and of The City of Medina Guidelines for Historic Properties and Districts is to preserve the architectural history and integrity of existing buildings or structures and to ensure the procedures and materials used are compatible with the existing building or structure and help to ensure its preservation into the future. These Guidelines are meant to give architects and ~~Owners-property owners~~ design direction consistent with Chapter 145 of the Codified Ordinances of the City of Medina. In principle, the Board adopts the United States of America, Secretary of the Interior's Standards for Rehabilitation.

(a) Preservation/rehabilitation/renovation. With respect to preservation/rehabilitation/renovation, generally it is the interest of the Board that buildings within the Historic District be preserved, thus maintaining the character of the Historic District. Consistent with the U.S. Secretary of the Interior, Standards for the Treatment of Historic Properties, the intent of these Guidelines is to preserve and restore the features which establish a building's architectural character while making alterations and renovations necessary for the efficient and contemporary use of the building.

The rehabilitation process assumes that some alterations may be necessary to meet the needs of the building ~~Owner-owner~~ and the health, safety, and welfare of the building's occupants. Such alterations should be done so as not to destroy the materials and features which help to define a building's historic, cultural and/or architectural character. The historic materials, features and/or craftsmanship are important in defining the building character and should be retained, protected, and repaired when possible.

When the preservation of architectural features is not possible, alterations should be done in a manner respectful of the existing character, but done in a manner that is representative of architectural design and construction of contemporary times.

(b) Additions/new construction. With respect to additions/new construction to existing buildings and all new buildings or structures within Historic Districts, it is generally the interest of the Board that such additions/new construction shall be designed to enhance the character of the Historic District. Consistent with the preface of this Chapter, new buildings and additions should be representative of architectural design and construction of contemporary times.

Additions to existing buildings in the Historic District should be designed so as not to detract from the original character of the building. Whenever possible, additions should be located away from the primary or street face of the building. The addition should be designed so as not to destroy existing architectural features, such that the addition can be removed and the building restored to its original condition. New buildings in the Historic District shall be designed to be compatible with other structures in the Historic District while still reflecting work of contemporary times. Proximity of existing buildings to the new building will affect the latitude in design constraints. An infill design should be more consistent with adjoining buildings than a freestanding structure.

(c) Demolition and Relocation. With respect to demolition and relocation of buildings and structures, it is the interest of the Board that Historic Landmark Buildings-buildings and buildings and structures within Historic Districts be preserved and renovated-restored for economically productive uses. The Board encourages the saving and adaptive re-use of buildings and structures significant to the character of the Historic Districts and the history of the City. Consistent with this intent, the Board also realizes the Historic District is not a static environment, but an ever changing and developing entity. Applications for demolition shall be reviewed based on the overall impact the demolition will have on adjacent Historic Landmarks, Historic Districts, and the community-the Historic District, and the community, as well as whether preservation is economically feasible and whether the denial would result in unnecessary financial hardship that would deprive the

applicant of all reasonable use of the land or building involved.

For applications proposing the demolition or relocation of a building or structure in a Historic District or a Historic Landmark, other than for emergency demolition of a building or structure ordered by the Planning Director or other authorized Medina City administrative officials that poses an immediate danger to human life or health, the following provisions apply:

(1) Factors to be Considered. In reviewing an application to demolish or relocate a building or other structure located within the Historic District or a Historic Landmark, the Historic Preservation Board shall consider the following factors in making its decision to approve or deny the request:

A. The architectural and historic significance of the subject building or structure;

B. The significance of the building or structure in contributing to the architectural or historic character of its environs;

C. In the case of a request to relocate a building or structure, the relationship between the current location of the subject building or structure and its overall significance to the Historic District;

D. The presence of conditions on the subject property that are dangerous or are detrimental to the immediate area and cannot be reasonably remedied other than by the proposed demolition;

E. The degree to which the applicant proposes to salvage and facilitate reuse of buildings or structures proposed for demolition; and

F. The quality of design, significance and appropriateness of the proposed re-use of the property in the Historic District.

(2) Standards for Demolition and Relocation. The Board may approve or approve with conditions an application for the demolition or relocation of a building or structure that is a Historic Landmark or in a Historic District when, based on the Board's consideration and analysis of the following standards, it finds that the applicant has demonstrated by credible evidence that the applicant will suffer an unnecessary financial hardship if the application is denied:

A. Whether all economically viable use of the property will be deprived without approval of the application or approval with conditions;

B. Whether the reasonable investment-backed expectations of the property owner will be maintained without approval of the application; and

C. Whether the economic hardship was created or exacerbated by the property owner.

In evaluating the foregoing standards for unnecessary economic hardship, the Board may consider any or all of the following:

A. The property owner's current level of economic return from the property;

B. Any listing of the property for sale or rent, the price asked, and offers received, if any, within the two (2)

previous years, including testimony thereof and any relevant documents;

C. The feasibility of alternative uses for the property that could earn a reasonable return and whether it would be feasible to obtain authorization for an alternative use that may not comply with the current zoning regulations applicable to the property;

D. Any evidence of self-created hardship through deliberate neglect or inadequate maintenance and/or repair of the property;

E. The property owner's knowledge of the building's or structure's landmark designation, or potential designation, or its inclusion within a Historic District at the time of the acquisition of the property; provided, however, that the property owner will be deemed to have had constructive knowledge of the property's inclusion in a Historic District if the property was located within a Historic District at the time of the owner's acquisition of the property; and/or

F. The availability of economic incentives and/or funding available to the applicant through federal, state, city or private sources.

(3) Timing and Nature of Action. The Board may delay action, for a period of not more than six (6) months for the demolition or relocation of a building or structure in order to allow any economic viability studies to be conducted, as well as to allow interested parties the opportunity to explore alternatives to the proposed action. At the end of the six (6)-month period,

the Board shall either approve, disapprove, or approve with conditions the request to demolish or relocate. Notwithstanding the foregoing, if the Board determines that an additional delay of up to six (6) months may be useful in securing an alternative to the proposed demolition or relocation, the Board may delay action for a second and final period of not more than six (6) months. At the end of such second and final period, the Board shall either approve, deny, or approve with conditions the application.

(d) The Board has the authority to engage professional consultants for advice and recommendations with respect to the foregoing design guidelines, criteria, factors, and standards.

~~— In reviewing an application, the Board will also consider the impact of the proposed use of the site on the Historic District. Demolition of existing buildings which are not a significant loss to the Historic District to allow for the construction of new development which enhances the Historic District may be acceptable.~~

145.08 DESIGNATION CRITERIA FOR HISTORIC DISTRICTS OR LANDMARKS.

In considering the designation of any place, building, structure, work of art, or similar object in the City as an a Historic District or Historic Landmark, the Historic Preservation Board shall apply the following criteria with respect to such property:

(a) ~~—(a)~~—Its character, interest or value shall be part of the development, heritage or cultural characteristics of the City, State or the United States;

(b) ~~—(b)~~—Its location shall be a site of a significant historical event;

(c) ~~—(c)~~—Its identification shall be with a person who significantly contributed to the culture and development of the City;

(d) ~~—(d)—~~Its exemplification shall be of the cultural, economic, social or historic heritage of the City;

(e) ~~—(e)—~~Its portrayal shall be of the environment of a group of people in an era of history characterized by a distinctive architectural style;

(f) ~~—(f)—~~Its embodiment shall be of elements or architectural design, detail, materials or craftsmanship which represents architecture of significant character, charm, or grandeur;

(g) ~~—(g)—~~Its relationship shall be to other distinctive areas which are eligible for preservation or conservation;

(h) ~~—(h)—~~Its unique location or singular physical characteristics shall be representative of an established and familiar visual feature of a neighborhood or of the City.

145.09 DESIGNATION PROCEDURES FOR HISTORIC DISTRICTS OR AND HISTORIC LANDMARKS.

(a) A property (building, structure, place, or object) may be nominated as ~~an a~~ Historic Landmark or a group of properties may be nominated as an Historic District by an individual, group, or by the Historic Preservation Board. For individual buildings or structures, the property owner shall approve the nomination. For ~~a district~~ the disapproval of a Historic District, dissent or disapproval by property owners in the District shall be ~~less~~ greater than 25% of the property owners. Each owner of private property in a ~~district~~ District has one (1) vote regardless of how many properties or what part of one (1) property that party owns and regardless of whether the property contributes to the significance of the ~~district~~ District.

(b) When a proposal to establish ~~an~~ a Historic District or to designate an individual property or site as a Historic Landmark for protection is received by or initiated by the Historic Preservation Board, the owner or owners of included properties shall be notified.

(c) The Historic Preservation Board shall consider the proposal in terms of the criteria provided in Section 145.08. Properties shall be documented to meet at least one (1) of the criteria listed. The Board shall make a recommendation to City Council.

(d) City Council shall give due consideration to the findings and recommendations of the Historic Preservation Board in making its determination with respect to the proposed designation of a place, building, structure, or object as an Historic Landmark or to establish a Historic District or Landmark.

145.10 SEVERABILITY.

If a court of competent jurisdiction shall adjudge any provision of this chapter invalid or unenforceable, then the remaining provisions of this chapter shall not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law.

145.11 WAYFINDING EVENT CABINETS.

The purpose of the City of Medina Wayfinding Event Cabinets is to promote downtown events and festivals. The postings are intended for viewing by pedestrians in the immediate vicinity of the kiosks.

(a) ~~—(a)~~—The event cabinets will be used for the posting of events and festivals open to the general public occurring within the nine block Historic District.

(b) ~~—(b)~~—The City of Medina will maintain a general calendar of events within a portion of the cabinet throughout the year.

(c) ~~—(c)~~—Event postings are limited to a two week period prior to the scheduled event and shall be removed within 48 hours of the close of the event.

(d) ~~—(d)~~—The Mayor or designee and Main Street Medina Executive Director or designee are the only representatives permitted to access and update the event posting cabinets.

(e) ~~—(e)~~—Requested postings shall be submitted to the City of Medina for placement in the cabinets by City staff or Main Street Medina.

(f) ~~—(f)~~—All postings shall be graphically printed in a professional manner subject to the approval of the Planning and ~~Community Development~~ Director.

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

1. INTRODUCTION.

This Procedural Manual is a public document and is adopted by the Historic Preservation Board of Medina, Ohio to describe its organization and the procedures which govern its activities. The Manual, together with the Design Guidelines and Rules and Procedures for use in reviewing applications found in Chapter 145 of the Codified Ordinances of the City of Medina, its Charter and the laws of the State of Ohio, shall be the official policies of the Board.

2. 2.—ORGANIZATION.

The organization, terms of office and vacancies of the Board are established in accordance with Chapter 145 of the Codified Ordinances of the City of Medina.^{3.}—

3. ORGANIZATIONAL MEETING OF THE BOARD.

The Board shall hold an organizational meeting annually during the month of January and elect a Chairperson and Vice-Chairperson by majority vote of the members present. The term of office of each shall be for the current calendar year and consistent with Chapter 145. The Chairperson shall preside at the meetings and decide all points of order and procedures. The Vice-Chairperson shall preside as Acting Chairperson in the absence of the Chairperson. In the absence of both the Chairperson and Vice-Chairperson, the Secretary shall call the meeting to order and a Chair Pro Tempore shall be elected by the Board to preside at the meeting.

A staff member or designee of the Planning Department shall act as the Board Secretary.

The Secretary, subject to the direction of the Chair of the Board, shall keep all records, conduct all correspondence of the Board and generally supervise the clerical work of the Board. The Secretary shall not be eligible to vote upon any matter. The Secretary shall also arrange the agenda of each meeting, prepare and keep minutes of each meeting and shall prepare for public inspection an annual report of the Board's activities, cases, decisions, special projects, attendance of the Board members and qualifications of members.

4. ~~4.~~—CONFLICT OF INTEREST.

Prior to the beginning of the discussion of any application, any Board member whose participation would constitute a conflict of interest shall disclose the nature of the conflict, shall remove himself/herself from any discussion concerning the application and shall not vote on said application. Board Members shall be subject to the Ohio Revised Code Chapter 102, Section 2921.42 and all opinions issued by the Ohio Ethics Commission. (~~Ord. 75-07. Passed 5-14-07.~~)

5. ~~5.~~—COMMITTEES.

Unless otherwise provided, and subject to approval by the Board, the Chairperson of the Board may appoint special committees. The Board shall determine the size, the duties, and the duration of service of such committees at the time of their establishment.

6. ~~6.~~—FILLING A BOARD VACANCY.

Any vacancy caused by resignation, death or other means shall be filled for the unexpired term within sixty (60) days by Mayoral appointment and approval of City Council.

7. ~~7.~~—DUTIES OF THE BOARD.

The Historic Preservation Board shall have the following responsibilities:

- A. —A.—Board will promote interest in, and aid and educate Medina citizens in

historic preservation by conducting or supporting educational sessions on an annual basis and preparing informational material as appropriate.

B. ~~B.~~ Board shall issue Certificates of Appropriateness for construction, preservation, restoration, reconstruction, and/or rehabilitation, and/or demolition or relocation of any building, structure, or object within the City's Historic Districts and other areas as established by City Council, according to the procedures set forth for such matters in Section 145.06 and 145.07 of the Codified Ordinances.

C. ~~C.~~ Board shall advise other officials and departments in Medina City government regarding the protection of local historic resources.

D. ~~D.~~ Board shall act as a liaison on behalf of the local government to individuals and organizations concerned with historic preservation.

E. Board shall encourage its members to attend workshops, seminars and other educational programs on historic preservation to stay abreast of design, enforcement, funding, and other issues relevant to the proper performance of their duties.

F. Board shall review proposed National Register nominations for properties within the jurisdiction.

G. When the Board considers a National Register nomination, or other action, which is normally evaluated by a professional in a specific discipline, and that discipline is not represented on the Board, the Board may, upon authorization of City Council, seek expertise in this area before rendering its decision. It may be advised by technical consultants, under contract executed by the City as City finances permit, to assist it in performing its functions.

H. Board shall be responsible for maintaining a system (Ohio Historic Inventory Form) for the survey and inventory of historic properties and cultural resources

within the City of Medina. All inventory material shall be recorded according to Ohio Historic Preservation Office guidelines, maintained securely, and made accessible to the public. The inventory shall be updated periodically to reflect alterations and demolitions.

8. 8.—AGENDA.

The Board shall consider no application or report unless it has been received by the Secretary and placed on the agenda. Copies of the agenda shall be mailed or otherwise sent by the Secretary to each Board member, the local newspaper, and other parties as may be determined by the Secretary or Board. Applicants shall be sent a notice of hearing. Any item placed on the agenda shall be heard and action taken, unless the Applicant applicant requests that the issue be removed from the Agenda.

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 to act on an application.

10. MEETING.

The Board shall hold a regular public meeting once each month in the Medina Municipal Building or other public place if so directed by the Chairperson and the Secretary. The regular monthly meeting will be held on the dates established by the Board at its annual organizational meeting.

Special meetings of the Board may be called by the Chairperson, provided a notice of the agenda for such meetings are mailed to or otherwise sent and received by the Members and the local newspaper not less than forty-eight (48) hours prior to time and place of the special meeting.

Whenever there is no business for the Board, the Chairperson may dispense with a regular meeting by giving notice to all Members not less than twenty-four (24) hours prior to the time set for the meeting.

11. ORDER OF BUSINESS.

The business of the Board shall be considered in the following order:

- A. Call to order
- B. Approval of minutes of last meeting
- C. Announcements
- D. Committee reports
- E. Old business
- F. New business
- G. Adjournment

12. ANNUAL REPORT.

The Board shall prepare and submit an annual report of Board activities, cases, decisions and special projects to the Planning Commission, the Mayor, and City Council. The Annual Report shall be kept on file for public inspection.

13. AMENDMENTS.

Amendments to Chapter 145 of the Codified Ordinance of the City of Medina shall be recommended to City Council by a majority vote of the entire Board at any regular or special meeting, providing notice and contents of the proposed change are mailed, or otherwise disseminated to, and received by each Member of the Board by the Secretary at least five (5) days prior to the meeting. The proposed amendments shall not be included in the Ordinance until approved by City Council.

Amendments to The City of Medina Guidelines for Historic Properties and Districts (supplemental document) may be made by majority vote of the Board after open discussion in a minimum of two meetings of the Historic Preservation Board. Amendments to the Guidelines shall be presented to the City Council for information, review and acceptance.

14. REPEALER.

This Manual shall supersede all rules and statements of the Board or Secretary heretofore adopted, or in effect by practice, which are in conflict with the Manual.

15. ADOPTION DATE.

This Manual is hereby adopted by the Board and shall take effect thirty (30) days following passage by City Council.

CHAPTER II

CERTIFICATE OF APPROPRIATENESS

Certificates of Appropriateness shall be issued by the Historic Preservation Board, in accordance with the standards and regulations of Chapter 145 of the Codified Ordinances of the City of Medina.

1. REQUIRED DATA.

To accomplish the Board's review of an application for a Certificate of Appropriateness, copies of all data specified in Chapter 145 of the Codified Ordinances of the City of Medina and the application shall be required. Number of copies and samples required shall be listed on the procedural information provided by the City.

A. Alterations and change of color.

1. ~~1.~~ Photographs of existing conditions. ~~2.~~
2. Drawings indicating any changes to the physical appearance. ~~3.~~
3. An outline describing work and the procedures to be performed. ~~4.~~
4. Material samples and manufacturer's literature for major materials and products to be incorporated in the building.

B. New buildings.

1. ~~1.~~ Photographs (8"x 10") of the proposed site and context including adjacent structures. ~~2.~~
2. Site plan and elevation drawings showing the design, indicating drives, road, parking, walks, walls, fences, landscaping, doors, windows, decoration, materials,

finishes and other features accurately representing the proposed design.

3. —~~3.~~—Material samples and manufacturer's literature for major materials and products to be incorporated in the proposed design.

C. Additions to existing buildings.

1. —~~1.~~—Photographs (8"x 10") of the existing building and adjacent buildings or structures.—~~2.~~—

2. Site plan and elevation drawings showing the design, indicating drives, road, parking, walks, walls, fences, landscaping, doors, windows, decoration, materials, finishes and other features accurately representing the proposed design.

3. —~~3.~~—Material samples and manufacturer's literature for major materials and products to be incorporated in the proposed design.

D. Demolition, partial demolition, or moving.

1. —~~1.~~—Photographs (8"8" x 10"), of the existing building in detail including context and site.

2. —~~2.~~—A Site Plan depicting the site of the subject building and its context.—~~3.~~—

3. A written request from the Owner indicating reasons for the demolition, partial demolition, or moving.

4. —~~4.~~—Include the following information:

■ ~~■~~—Status - National Historic Landmark, National Landmark Historic District;

● ~~●~~—Status - Listing on the U.S. National Register of Historic Places or determination of eligibility for the National Register;

■ ~~■~~—Status - Historic Landmark (Medina), Historic District (Medina);

● ~~●~~—Form of Ownership of the property, amount paid for property, date of purchase, party from whom it was purchased, and description of relationship between ~~Owner~~ owner and ~~Applicant~~ applicant;

● ~~●~~—Cost of proposed Demolition;

● ~~●~~—The fair market value for the property and the anticipated market value after rehabilitation;

- ~~Applicant~~ applicant—An analysis of the feasibility of rehabilitation, including the costs of rehabilitation, and the income and expense likely to be produced by the property after rehabilitation;
- ~~Applicant~~ applicant—A list of alternatives that were considered and reasons why alternatives were dismissed;
- ~~Applicant~~ applicant—Board may request other information specific to the project.

—5. The ~~Applicant~~ applicant may provide additional financial information supporting the case for demolition. This information may include:

- ~~Applicant~~ applicant—In the case of income-producing properties, provide the annual gross income from the previous two years and itemized expenses for the same time period;
- ~~Applicant~~ applicant—Price asked and offers received within the previous two years.

—6. If ~~Applicant~~ applicant claims lack of structural or architectural integrity as the reason for demolition, he/she must offer evidence prepared by a licensed engineer or architect as to the structural soundness of the building or structure.

2. ~~2.~~—APPLICATION.

The ~~Applicant~~ applicant shall complete the application and submit all required data to the Secretary. The official date of the application shall be the date of the next regular Board meeting after all required data and fees have been submitted to the Secretary and at which the ~~Applicant~~ applicant is scheduled to appear.~~3.~~

3. REVIEW AND BOARD ACTION.

Upon completion of the application, the Secretary shall place the application on the agenda of the next regular Board meeting and notify the ~~Applicant in~~ applicant in writing. The Board shall review the application as it appears on the agenda.

The Board shall act on the application by resolution and shall vote to approve, approve with amendment, approve with conditions or disapprove the application. The applicant

shall be advised in writing of the Board's decision. Such action shall be taken immediately following the review of the application, unless the ~~Applicant~~ applicant requests a time extension to modify or elaborate upon his/her proposal. When the applicant indicates to the Secretary that the modifications are complete, the extended proposal shall be deliberated at the next regular Board meeting or a special meeting called for this purpose. If more than one year has passed, ~~Applicant~~ applicant must file a new application. If the Board denies the application wholly or in part, the applicant shall be notified of the reason.4.—

4. CERTIFICATE OF APPROPRIATENESS.

Upon approval of the application by the Board, the Secretary shall issue a Certificate of Appropriateness. This Certificate of Appropriateness, however, does not exempt the applicant from provisions of the Building Code, Sign Code or other applicable laws of the City, County or State. The Certificate of Appropriateness shall become void if construction has not commenced within one (1) year after the date of approval. (Chapter 145 of the Codified Ordinances).

**Historic Preservation Board
Certificate of Appropriateness**

Receive completed application			
Applicant provided meeting notice		Staff reviews submission	
		Applicant provided meeting notice and staff report	Board Reviews

Application denied				Boards Action
Appeal to BZA				Application approved
				Certificate Issued

CHAPTER III
CONDITIONAL SIGN PERMIT

Conditional sign permits may be issued by the Historic Preservation Board in accordance with the standards and regulations of Chapter 1147 of the Zoning Code.

1. 1.—REQUIRED DATA.

To accomplish the Board's review of an application for a Conditional Sign-u Permit, copies of all data specified in Chapter 1147 of the Zoning Code and the application shall be provided. Number of copies and samples required shall be listed on the procedural information provided by the City.

2.—

2. APPLICATION.

The applicant shall complete the application and submit all required data and fees to the Secretary. The official date of the application shall be the date of the next regular Board meeting after all required data and fees have been submitted to the Secretary.

Submission requirements include:

- A. A.—Photographs of existing conditions.
- B. B.—Elevation drawings depicting the proposed signage of the building with sign and building dimensions noted.
- C. C.—Color and material samples for the proposed sign.

3.—

3. REVIEW AND BOARD ACTION.

Upon completion of the application, the Secretary shall place the application on the agenda of the next regular Board meeting and notify the applicant. The Board shall review the application as it appears on the agenda.

The Board shall act on the application by resolution and shall vote to approve, approve with amendment, or disapprove the application. The applicant shall be advised in writing of the Board's decision. Such action shall be taken immediately following the review of the application, unless the ~~Applicant~~ applicant requests a time extension to modify or elaborate upon his/her proposal. When the applicant indicates to the Secretary that the modifications are complete, the extended proposal shall be deliberated at the next regular Board meeting or a special meeting called for this purpose. If more than one year has passed, ~~Applicant~~ the applicant must file a new application. If the Board denies the application wholly or in part, the applicant shall be notified of the reason.

4.—

4. CONDITIONAL SIGN PERMIT.

Upon approval by the Board of the application, the Secretary shall issue a Conditional Sign Permit. This Conditional Sign Permit, however, does not exempt the applicant from provisions of the Building Code, Sign Code or other applicable laws of the City, County or State. The Conditional Sign Permit shall become void if construction has not begun within six (6) months after the date of the permit. (Section 1147.16 of the Zoning Code).

ORDINANCE NO. 201-21

AN ORDINANCE TO MAKE APPROPRIATIONS FOR
CURRENT EXPENSES AND OTHER EXPENDITURES OF
THE CITY OF MEDINA, OHIO FOR THE FISCAL YEAR
ENDING DECEMBER 31, 2022.

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

SEC. 1: That to provide for the current expenses and other expenditures of the City of Medina, Ohio for the fiscal year ending December 31, 2022, the following appropriations are hereby authorized as follows:

That there is hereby appropriated from the General Fund:

001-0101 – Police Department

52215	Contractual Service	5,000.00
		5,000.00

001-0140 - Street Lighting

52212	Utilities/Communications	187,500.00
53322	Maintenance of Facilities	33,000.00
		220,500.00

001-0210 – Cemetery

50111	Straight Time	108,273.00
50112	Overtime	3,000.00
50114	Holiday Time	2,495.00
50115	Vacation	3,402.00
50116	Sick Time	2,495.00
50117	Longevity	576.00
51121	Employee Retirement	16,834.00
51122	Employee Hospitalization	24,931.00
51123	Workers' Compensation	3,608.00
51126	Medicare	1,744.00
51131	Uniform/Clothing Allowance	800.00
52212	Utilities/Communications	13,000.00
52213	Insurance/Taxes	1,500.00
52215	Contractual Services	7,500.00
52226	Professional Services	200.00
52232	Rental of Equipment	400.00
53311	Office Supplies	400.00
53313	Operating Supplies	6,000.00
53314	Gasoline and Oil	6,000.00
53315	Tools & Minor Equipment	2,500.00
53321	Maintenance of Equipment	14,500.00

53322	Maintenance of Facilities	5,000.00
54413	Equipment	6,500.00
54417	Vehicles	<u>7,500.00</u>
		239,158.00

001-0410 - Planning & Zoning

50111	Straight Time	121,880.00
50114	Holiday Time	3,525.00
50115	Vacation Time	5,287.00
50116	Sick Time	3,525.00
50117	Longevity	324.00
50141	Boards & Commissions	800.00
51121	Employee Retirement	18,948.00
51122	Employee Hospitalization	49,862.00
51123	Workers' Compensation	4,061.00
51126	Medicare	1,963.00
52211	Education and Travel	3,500.00
52212	Utilities and Communications	1,600.00
52213	Insurance and Taxes	800.00
52214	Advertising Expense	1,800.00
52215	Contractual Service	13,000.00
52226	Professional Services	3,000.00
53311	Office Supplies	<u>1,500.00</u>
		235,375.00

001-0420 - Forestry/Shade Tree

50111	Straight Time	91,249.00
50112	Overtime	2,500.00
50114	Holiday Time	4,481.00
50115	Vacation	6,111.00
50116	Sick Time	4,074.00
51121	Employee Retirement	15,179.00
51122	Employee Hospitalization	34,969.00
51123	Workers' Compensation	3,253.00
51126	Medicare	1,573.00
51131	Uniform and Clothing Allowance	800.00
52211	Education/Travel	2,000.00
52212	Utilities/Communications	1,000.00
52213	Insurance/Taxes	1,000.00
52215	Contractual Services	7,419.00
52226	Professional Services	125.00
52232	Rental of Equipment	1,000.00
53311	Office Supplies	300.00
53313	Operating Supplies	4,000.00
53314	Gasoline and Oil	7,800.00
53315	Tools & Minor Equipment	3,500.00
53321	Maintenance of Equipment	16,000.00

54411	Land and Improvements	17,000.00
54417	Vehicles	<u>5,000.00</u>
		230,333.00

001-0430 – Building

50111	Straight Time	219,910.00
50114	Holiday Time	9,775.00
50115	Vacation	14,662.00
50116	Sick Time	9,775.00
51121	Employee Retirement	35,578.00
51122	Employee Hospitalization	59,900.00
51123	Workers' Compensation	7,624.00
51126	Medicare	3,685.00
51131	Clothing Allowance/Uniform	1,000.00
52211	Education/Travel	9,500.00
52212	Utilities/Communications	8,960.00
52213	Insurance/Taxes	15,000.00
52214	Advertising Expenses	200.00
52215	Contractual Service	6,760.00
52226	Professional Services	20,000.00
53311	Office Supplies	6,500.00
53314	Gasoline & Oil	5,000.00
53315	Tools and Minor Equipment	3,000.00
53321	Maintenance of Equipment	3,500.00
54417	Vehicles	18,000.00
56612	Refunds	<u>750.00</u>
		459,079.00

Building Official's vehicle approved to go home.

001-0510 – Utility Rate Review Commission

50141	Board & Commissions	1,000.00
51121	Employee Retirement	140.00
51123	Workers' Compensation	30.00
51126	Medicare	<u>15.00</u>
		1,185.00

001-0701 – Council

50111	Straight Time	149,139.00
50114	Holiday Time	2,618.00
50115	Vacation	3,927.00
50116	Sick Time	2,618.00
50117	Longevity	576.00
51121	Employee Retirement	22,243.00
51122	Employee Hospitalization	5,293.00
51123	Workers' Compensation	4,767.00
51126	Medicare	2,304.00

52211	Education and Travel	3,500.00
52212	Utilities and Communications	3,110.00
52213	Insurance/Taxes	1,663.00
52214	Advertising Expenses	8,000.00
55215	Contractual Service	5,000.00
53311	Office Supplies	3,400.00
53315	Tools and Minor Equipment	1,000.00
53321	Maintenance of Equipment	<u>2,163.00</u>
		221,321.00

001-0702 – Mayor

50111	Straight Time	137,577.00
50114	Holiday Time	2,170.00
50115	Vacation Time	3,255.00
50116	Sick Time	2,170.00
50117	Longevity	324.00
51121	Employee Retirement	20,370.00
51122	Employee Hospitalization	49,862.00
51123	Workers' Compensation	4,365.00
51126	Medicare	2,110.00
52211	Education and Travel	1,800.00
52212	Utilities/Communications	2,500.00
52213	Insurance/Taxes	2,000.00
53311	Office Supplies	1,200.00
53315	Tools and Minor Equipment	800.00
53321	Maintenance of Equipment	<u>400.00</u>
		230,903.00

001-0703 – Finance

50111	Straight Time	226,176.00
50112	Overtime	30,000.00
50114	Holiday Time	6,924.00
50115	Vacation	10,386.00
50116	Sick Time	6,924.00
50117	Longevity	1,152.00
51121	Employee Retirement	39,419.00
51122	Employee Hospitalization	87,259.00
51123	Workers' Compensation	8,447.00
51126	Medicare	4,083.00
52211	Education/Travel	6,250.00
52212	Utilities/Communications	5,500.00
52213	Insurance/Taxes	4,450.00
52215	Contractual Services	42,500.00
53311	Office Supplies	9,250.00
53313	Operating Supplies	150.00

53315	Tools and Minor Equipment	4,250.00
53321	Maintenance of Equipment	<u>9,500.00</u>
		502,620.00

001-0704 -- Law

50111	Straight Time	386,338.00
50114	Holiday Time	2,174.00
50115	Vacation	3,261.00
50116	Sick Time	2,174.00
51121	Employee Retirement	55,153.00
51122	Employee Hospitalization	40,262.00
51123	Workers' Compensation	11,819.00
51126	Medicare	5,713.00
52211	Education/Travel	8,250.00
52212	Utilities/Communications	7,750.00
52213	Insurance/Taxes	5,250.00
52215	Contractual Services	4,250.00
52225	Legal Services	47,500.00
53311	Office Supplies	5,750.00
53315	Tools and Minor Equipment	3,800.00
53321	Maintenance of Equipment	<u>2,500.00</u>
		591,944.00

001-0705 - Municipal Court

50111	Straight Time	1,009,560.00
50112	Overtime	8,000.00
50114	Holiday Time	34,327.00
50115	Vacation Time	51,491.00
50116	Sick Time	34,327.00
50117	Longevity	6,300.00
50119	Miscellaneous	21,138.00
50141	Boards & Commissions	3,000.00
51121	Employee Retirement	163,541.00
51122	Employee Hospitalization	281,720.00
51123	Workers' Compensation	35,045.00
51125	Insurance Benefits	2,000.00
51126	Medicare	16,939.00
51127	Muni Court SS FICA	500.00
51131	Uniform Allowance	5,000.00
52211	Education and Travel	15,000.00
52212	Utilities and Communications	50,000.00
52213	Insurance and Taxes	12,500.00
52214	Advertising Expense	5,000.00
52215	Contractual Service	10,000.00
52226	Professional Services	10,000.00

52232	Rental of Equipment	2,500.00
53311	Office Supplies	25,000.00
53313	Operating Supplies	6,000.00
53314	Gasoline and Oil	5,000.00
53315	Tools and Minor Equipment	7,500.00
53321	Maintenance of Equipment	10,000.00
53322	Maintenance of Facilities	10,000.00
		1,841,388.00

001-0707 - General Administration

52211	Education/Travel	25,000.00
52212	Utilities/Communications	25,000.00
52213	Insurance/Taxes	40,000.00
52214	Advertising Expense	1,000.00
52215	Contractual Services	149,000.00
52221	State Examiner	42,500.00
52222	County Auditor	30,000.00
52223	Election Expenses	12,500.00
52224	Engineering Services	1,500.00
52225	Legal Services	1,000.00
52226	Professional Services	35,000.00
52232	Rental of Equipment	2,500.00
52234	Rental of Facilities	500.00
53311	Office Supplies	12,500.00
53313	Operating Supplies	2,000.00
53315	Tools and Minor Equipment	2,500.00
53321	Maintenance of Equipment	10,000.00
53322	Maintenance of Facilities	1,500.00
54413	Equipment	15,000.00
56611	Transfers	<u>120,000.00</u>
		529,000.00

001-0708 - Cash Control

50111	Straight Time	16,507.00
50112	Overtime	675.00
50114	Holiday Time	600.00
50115	Vacation	899.00
50116	Sick Time	600.00
50117	Longevity	198.00
51121	Employee Retirement	2,728.00
51122	Employee Hospitalization	4,912.00
51123	Workers' Compensation	585.00
51126	Medicare	283.00
52211	Education/Travel	125.00
52212	Utilities/Communications	225.00

		290.00
52213	Insurance/Taxes	5,000.00
52215	Contractual Services	17.00
52226	Professional Services	6,585.00
53311	Office Supplies	18.00
53313	Operating Supplies	300.00
53315	Tools and Minor Equipment	1,175.00
53321	Maintenance of Equipment	<u>380.00</u>
54413	Equipment	42,102.00

001-0710 – Clerk Municipal Court

		528,933.00
50111	Straight Time	5,000.00
50112	Overtime	18,375.00
50114	Holiday Time	27,563.00
50115	Vacation Time	18,375.00
50116	Sick Time	2,628.00
50117	Longevity	84,123.00
51121	Employee Retirement	184,993.00
51122	Employee Hospitalization	18,027.00
51123	Workers' Compensation	8,713.00
51126	Medicare	3,300.00
52211	Education and Travel	5,473.00
52213	Insurance and Taxes	28,000.00
52215	Contractual Service	7,600.00
52232	Rental of Equipment	76,000.00
53311	Office Supplies	650.00
53315	Tools and Minor Equipment	2,700.00
53321	Maintenance of Equipment	<u>300.00</u>
56612	Refunds	1,020,753.00

001-0711 - Income Tax

		550.00
52214	Advertising Expense	<u>536,000.00</u>
52215	Contractual Service	536,550.00

001-0723 - Civil Service

		60,475.00
50111	Straight Time	2,500.00
50112	Overtime	2,688.00
50114	Holiday Time	4,032.00
50115	Vacation	2,688.00
50116	Sick Time	1,080.00
50117	Longevity	1,950.00
50141	Boards & Commissions	

51121	Employee Retirement	10,558.00
51122	Employee Hospitalization	5,293.00
51123	Workers' Compensation	2,263.00
51126	Medicare	1,094.00
51127	Social Security	125.00
52211	Education and Travel	500.00
52212	Utilities/Communications	1,000.00
52213	Insurance/Taxes	1,200.00
52214	Advertising Expenses	13,000.00
52215	Contractual Services	6,250.00
53311	Office Supplies	2,300.00
53313	Operating Supplies	50.00
53315	Tools and Minor Equipment	500.00
53321	Maintenance of Equipment	<u>500.00</u>
		120,046.00

001-0741 - Service Director

50111	Straight Time	106,236.00
50114	Holiday Time	4,722.00
50115	Vacation	7,083.00
50116	Sick Time	4,722.00
50117	Longevity	1,080.00
51121	Employee Retirement	17,339.00
51122	Employee Hospitalization	24,931.00
51123	Workers' Compensation	3,716.00
51126	Medicare	1,796.00
52211	Education and Travel	600.00
52212	Utilities/Communications	3,600.00
52213	Insurance/Taxes	4,200.00
52214	Advertising Expenses	150.00
52215	Contractual Services	3,250.00
52226	Professional Services	150.00
53311	Office Supplies	2,500.00
53314	Gasoline and Oil	4,075.00
53315	Tools and Minor Equipment	1,250.00
53321	Maintenance of Equipment	<u>1,500.00</u>
		192,900.00

Service Director's vehicle approved to go home.

001-0742 -- Engineering

50111	Straight Time	340,730.00
50112	Overtime	3,121.00
50114	Holiday Time	13,637.00
50115	Vacation	20,454.00
50116	Sick Time	13,637.00

		2,988.00
50117	Longevity	55,240.00
51121	Employee Retirement	80,086.00
51122	Employee Hospitalization	11,838.00
51123	Workers' Compensation	5,722.00
51126	Medicare	700.00
51131	Uniform and Clothing Allowance	3,000.00
52211	Education/Travel	6,000.00
52212	Utilities/Communications	5,500.00
52213	Insurance/Taxes	300.00
52214	Advertising Expenses	15,000.00
52215	Contractual Services	3,000.00
52224	Engineering Services	5,000.00
52226	Professional Services	2,000.00
53311	Office Supplies	3,500.00
53313	Operating Supplies	10,000.00
53314	Gasoline and Oil	1,000.00
53315	Tools and Minor Equipment	4,000.00
53321	Maintenance of Equipment	<u>25,000.00</u>
54417	Vehicles	631,453.00

001-0743 - Maintenance of Public Buildings

		74,987.00
50111	Straight Time	3,500.00
50112	Overtime	2,051.00
50114	Holiday Time	3,077.00
50115	Vacation	2,051.00
50116	Sick Time	1,080.00
50117	Longevity	10,880.00
50119	Miscellaneous	13,668.00
51121	Employee Retirement	24,931.00
51122	Employee Hospitalization	2,929.00
51123	Workers' Compensation	1,416.00
51126	Medicare	500.00
51131	Uniform Allowance	150,000.00
52212	Utilities/Communications	5,000.00
52213	Insurance/Taxes	200.00
52214	Advertising Expense	4,500.00
52215	Contractual Service	1,500.00
52232	Rental of Equipment	20,000.00
53313	Operating Supplies	29,000.00
53322	Maintenance of Facilities	<u>20,000.00</u>
54414	Street Resurfacing/Maintenance	371,270.00

001-0748 - Economic Development

		103,320.00
50111	Straight Time	4,593.00
50114	Holiday Time	6,889.00
50115	Vacation Time	4,593.00
50116	Sick Time	576.00
50117	Longevity	16,796.00
51121	Employee Retirement	41,462.00
51122	Employee Hospitalization	3,600.00
51123	Workers' Compensation	1,740.00
51126	Medicare	8,000.00
52211	Education & Travel	2,000.00
52212	Utilities/Communications	2,400.00
52213	Insurance/Taxes	10,000.00
52214	Advertising Expense	12,000.00
52215	Contractual Services	1,200.00
53311	Office Supplies	<u>1,000.00</u>
53315	Tools and Minor Equipment	220,169.00

001-0749 - Grants for Economic Development

		<u>169,539.00</u>
56630	Economic Development Grants	169,539.00

GRAND TOTAL GENERAL FUND:

\$8,612,588.00

SEC. 2: That there is hereby appropriated from the Street M&R Fund:

102-0145 - Traffic Control

		34,580.00
50111	Straight Time	1,020.00
50112	Overtime	306.00
50118	Shift Premium	5,027.00
51121	Employee Retirement	1,078.00
51123	Workers' Compensation	521.00
51126	Medicare	36,000.00
52212	Utilities/Communications	100.00
53311	Office Supplies	3,000.00
53313	Operating Supplies	250.00
53315	Tools and Minor Equipment	7,000.00
53321	Maintenance of Equipment	<u>12,550.00</u>
53322	Maintenance of Facilities'	101,432.00

102-0190 – Weigh Station

52212	Utilities and Communications	3,000.00
52215	Contractual Service	1,500.00
53321	Maintenance of Equipment	<u>630.00</u>
		5,130.00

102-0545 - Leaf Program

50111	Straight Time	77,484.00
50112	Overtime	4,000.00
51121	Employee Retirement	11,408.00
51123	Workers' Compensation	2,445.00
51126	Medicare	1,182.00
52212	Utilities and Communications	400.00
52213	Insurance and Taxes	174.00
53311	Office Supplies	100.00
53313	Operating Supplies	80.00
53315	Tools and Minor Equipment	200.00
53321	Maintenance of Equipment	<u>12,000.00</u>
		109,473.00

102-0610 - Street Maintenance and Repair

50111	Straight Time	205,578.00
50112	Overtime	19,380.00
50114	Holiday Time	24,519.00
50115	Vacation	36,778.00
50116	Sick Time	24,519.00
50117	Longevity	8,689.00
51121	Employee Retirement	44,725.00
51122	Employee Hospitalization	216,417.00
51123	Workers' Compensation	9,584.00
51126	Medicare	4,633.00
52211	Education and Travel	200.00
52212	Utilities/Communications	3,400.00
52214	Advertising Expense	50.00
52215	Contractual Service	1,000.00
52226	Professional Services	500.00
53311	Office Supplies	500.00
53313	Operating Supplies	1,900.00
53314	Gasoline and Oil	56,000.00
53315	Tools and Minor Equipment	1,000.00
53321	Maintenance of Equipment	26,000.00
53322	Maintenance of Facilities	3,000.00
54414	Street Resurfacing/Maintenance	<u>10,000.00</u>
		698,372.00

Street Superintendent's vehicle authorized to go home.

102-0615 - Street Cleaning

50111	Straight Time	59,556.00
50112	Overtime	27,030.00
51121	Employee Retirement	12,123.00
51123	Workers' Compensation	2,598.00
51126	Medicare	1,256.00
53311	Office Supplies	100.00
53312	Chemicals	200,000.00
53315	Tools and Minor Equipment	1,500.00
53321	Maintenance of Equipment	<u>115,000.00</u>
		419,163.00

102-0620 - Storm Sewer Maintenance

50111	Straight Time	172,712.00
50112	Overtime	4,000.00
51121	Employee Retirement	24,740.00
51123	Workers' Compensation	5,302.00
51126	Medicare	2,563.00
52213	Insurance and Taxes	1,300.00
52215	Contractual Service	40,000.00
52234	Rental of Facilities	400.00
53313	Operating Supplies	5,000.00
53315	Tools and Minor Equipment	500.00
53321	Maintenance of Equipment	25,000.00
53322	Maintenance of Facilities	<u>30,000.00</u>
		311,517.00

GRAND TOTAL STREET M & R FUND: \$1,645,087.00

SEC. 3: That there is hereby appropriated from the State Highway Fund:

103-0610 - Street Maintenance

50111	Straight Time	25,760.00
50112	Overtime	6,120.00
51121	Employee Retirement	4,464.00
51123	Workers' Compensation	957.00
51126	Medicare	463.00
53312	Chemicals (Salt)	<u>60,000.00</u>
		97,764.00

GRAND TOTAL STATE HIGHWAY FUND: \$97,764.00

SEC. 4: That there is hereby appropriated from the Parks & Recreation Fund:

104-0301 - Park Maintenance

		473,549.00
50111	Straight	10,000.00
50112	Overtime	9,835.00
50114	Holiday Time	14,751.00
50115	Vacation	9,835.00
50116	Sick Time	1,980.00
50117	Longevity	72,793.00
51121	Employee Retirement	65,193.00
51122	Employee Hospitalization	15,599.00
51123	Workers' Compensation	7,540.00
51126	Medicare	3,400.00
51131	Uniform and Clothing Allowance	2,000.00
52211	Travel and Education	30,000.00
52212	Utilities/Communications	9,000.00
52213	Insurance/Taxes	50.00
52214	Advertising Expenses	44,500.00
52215	Contractual Services	1,500.00
52224	Engineering Services	1,000.00
52226	Professional Services	1,500.00
52232	Rental of Equipment	6,000.00
52234	Rental of Facilities	1,000.00
53311	Office Supplies	23,000.00
53313	Operating Supplies	28,000.00
53314	Gasoline and Oil	9,000.00
53315	Tools and Minor Equipment	28,000.00
53321	Maintenance of Equipment	30,000.00
53322	Maintenance of Facilities	5,000.00
54412	Building and Structures	5,000.00
54413	Equipment	25,000.00
54417	Vehicles	400.00
56612	Refunds	934,425.00

Parks Director's vehicle and Superintendent approved to go home.

104-0303 - Splashpads

		7,578.00
50111	Straight Time	200.00
50112	Overtime	1,089.00
51121	Employee Retirement	234.00
51123	Workers' Compensation	113.00
51126	Medicare	3,000.00
52212	Utilities and Communication	200.00
52213	Insurance and Taxes	

52215	Contractual Services	2,600.00
53312	Chemicals	2,000.00
53313	Operating Supplies	1,000.00
53315	Tools and Minor Equipment	150.00
53321	Maintenance of Equipment	3,000.00
53322	Maintenance of Facilities	<u>2,000.00</u>
		23,164.00

104-0305 - Uptown Park

50111	Straight Time	20,826.00
50112	Overtime	4,500.00
51121	Employee Retirement	3,546.00
51123	Workers' Compensation	760.00
51126	Medicare	368.00
52212	Utilities and Communications	3,200.00
52213	Insurance and Taxes	150.00
52215	Contractual Services	14,700.00
53313	Operating Supplies	9,000.00
53322	Maintenance of Facilities	<u>4,000.00</u>
		61,050.00

104-0309 - Sport Field Maintenance

50111	Straight Time	38,081.00
50112	Overtime	3,400.00
51121	Employee Retirement	5,808.00
51123	Workers' Compensation	1,245.00
51126	Medicare	602.00
52212	Utilities and Communications	22,000.00
52232	Rental of Equipment	1,000.00
52234	Rental of Facilities	1,000.00
53313	Operating Supplies	22,000.00
53321	Maintenance of Equipment	16,000.00
53322	Maintenance of Facilities	10,000.00
54411	Land and Improvements	8,000.00
54412	Building and Structures	20,000.00
54413	Equipment	<u>12,000.00</u>
		161,136.00

GRAND TOTAL PARKS & RECREATION FUND: \$1,179,775.00

SEC. 5: That there is hereby appropriated from the Local License Fee Fund:

105-0610 - Street Maintenance/Repair

52213	Insurance and Taxes	1,000.00
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54417	Vehicles	<u>252,500.00</u>
		253,500.00

GRAND TOTAL LOCAL LICENSE FEE FUND: \$253,500.00

SEC. 6: That there is hereby appropriated from the Police Special Fund:

106-0101- Police

50111	Straight Time	3,186,580.00
50112	Overtime	270,000.00
50114	Holiday Time	132,991.00
50115	Vacation	199,486.00
50116	Sick Time	132,991.00
50117	Longevity	23,616.00
50118	Shift Premium	23,000.00
50119	Miscellaneous	200,990.00
51121	Employee Retirement	43,555.00
51122	Employee Hospitalization	663,716.00
51123	Workers' Compensation	125,090.00
51126	Medicare	60,460.00
51131	Uniform/Clothing Allowance	70,000.00
52211	Education/Travel	60,000.00
52212	Utilities/Communications	12,000.00
52213	Insurance/Taxes	32,000.00
52215	Contractual Services	5,000.00
52226	Professional Services	20,000.00
53311	Office Supplies	10,000.00
53313	Operating Supplies	15,000.00
53314	Gasoline and Oil	78,000.00
53315	Tools & Minor Equipment	50,000.00
53321	Maintenance of Equipment	92,000.00
53322	Maintenance of Facilities	20,000.00
54413	Equipment	20,000.00
54417	Vehicles	<u>90,000.00</u>
		5,636,475.00

106-0102- Police Communications

50111	Straight Time	583,091.00
50112	Overtime	48,000.00
50114	Holiday Time	25,916.00
50115	Vacation	38,873.00
50116	Sick Time	25,916.00
50117	Longevity	5,868.00
50118	Shift Premium	10,000.00

		39,597.00
50119	Miscellaneous	108,817.00
51121	Employee Retirement	221,162.00
51122	Employee Hospitalization	23,318.00
51123	Workers' Compensation	11,271.00
51126	Medicare	20,000.00
51131	Uniform/Clothing Allowance	10,000.00
52211	Education/Travel	30,000.00
52212	Utilities/Communications	10,000.00
52213	Insurance/Taxes	60,000.00
52215	Contractual Service	10,000.00
52226	Professional Services	8,000.00
53311	Office Supplies	1,500.00
53313	Operating Supplies	8,000.00
53315	Tools and Minor Equipment	15,000.00
53321	Maintenance of Equipment	<u>15,000.00</u>
54413	Equipment	1,329,329.00

106-0103 - Special Police Unit

		1,000.00
51123	Workers' Compensation	10,000.00
51131	Uniform/Clothing Allowance	1,000.00
52211	Education/Travel	<u>1,000.00</u>
52213	Insurance and Taxes	13,000.00

GRAND TOTAL POLICE SPECIAL FUND: \$6,978,804.00

SEC. 7: That there is hereby appropriated from the Fire Special Fund:

107-0110 - Fire Special

		760,000.00
50111	Straight Time	12,000.00
50112	Overtime	10,004.00
50114	Holiday Time	15,006.00
50115	Vacation	10,004.00
50116	Sick Time	1,404.00
50117	Longevity	15,828.00
50119	Miscellaneous	115,395.00
51121	Employee Retirement	74,793.00
51122	Employee Hospitalization	24,728.00
51123	Workers' Compensation	

51126	Medicare	11,952.00
51131	Uniform and Clothing Allowance	9,000.00
52211	Travel and Education	20,000.00
52212	Utilities/Communications	48,000.00
52213	Insurance/Taxes	15,000.00
52215	Contractual Services	22,000.00
52226	Professional Services	10,000.00
52232	Rental of Equipment	1,000.00
53311	Office Supplies	2,000.00
53313	Operating Supplies	22,000.00
53314	Gasoline and Oil	25,000.00
53315	Tools and Minor Equipment	20,000.00
53321	Maintenance of Equipment	78,000.00
53322	Maintenance of Facilities	25,000.00
54413	Equipment	<u>15,000.00</u>
		1,363,114.00

Fire Chief & Assistant Fire Chief vehicles approved to go home.

GRAND TOTAL FIRE SPECIAL FUND: \$1,363,114.00

Assistant Chief

SEC. 8: That there is hereby appropriated from the Street M & R Special Fund:

108-0610 – Street Maintenance

50111	Straight Time	20,000.00
51121	Employee Retirement	2,800.00
51123	Workers' Compensation	600.00
51126	Medicare	290.00
54411	Land and Improvements	<u>2,108,000.00</u>
		2,131,690.00

108-0808 – Debt Service

55511	Payment of Principal	574,450.00
55512	Payment of Interest	<u>186,875.00</u>
		761,325.00

GRAND TOTAL STREET M & R SPECIAL FUND: \$2,893,015.00

SEC. 9: That there is hereby appropriated from the County Local License Fee Fund:

115-0610 - Street Maintenance/Repair

53313	Operating Supplies	37,740.00
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53315	Tools and Minor Equipment	10,200.00
53321	Maintenance of Equipment	<u>16,830.00</u>
		64,770.00

GRAND TOTAL COUNTY LOCAL LICENSE FEE FUND: \$64,770.00

SEC. 10: That there is hereby appropriated from the Police & Fire Disability/Pension Fund:

126-0120 - Police & Fire Pension

51121	Employee Retirement	783,342.00
52213	Insurance and Taxes	3,500.00
52215	Contractual Service	1,000.00
52222	County Auditor/Treasurer	<u>15,000.00</u>
		802,842.00

GRAND TOTAL POLICE & FIRE DISABILITY/PENSION FUND: \$802,842.00

SEC. 11: That there is hereby appropriated from the Emergency Medical Service Fund:

135-0130 - Emergency Medical Service

52212	Utilities and Communications	850.00
52215	Contractual Service	1,500,000.00
52222	County Auditor/Treasurer	<u>25,000.00</u>
		1,525,850.00

GRAND TOTAL EMERGENCY MEDICAL SERVICE FUND: \$1,525,850.00

SEC. 12: That there is hereby appropriated from the Parking Fund:

140-0640 - On Street Meters

50111	Straight Time	6,995.00
51121	Employee Retirement	980.00
51123	Workers' Compensation	210.00
51126	Medicare	<u>102.00</u>
		8,287.00

140-0641 - OPNB Lot #1

50111	Straight Time	6,995.00
51121	Employee Retirement	980.00
51123	Workers' Compensation	210.00
51126	Medicare	102.00

52234	Rental of Facilities	<u>19,125.00</u> 27,412.00
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140-0642 -- City Hall Parking Deck

52212	Utilities and Communications	<u>10,000.00</u> 10,000.00
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140-0643 - Feckley Lot #3

50111	Straight Time	6,995.00
51121	Employee Retirement	980.00
51123	Workers' Compensation	210.00
51126	Medicare	<u>102.00</u> 8,287.00

140-0644 - Town Square Commons Lot #4

50111	Straight Time	6,995.00
51121	Employee Retirement	980.00
51123	Workers' Compensation	210.00
51126	Medicare	102.00
52234	Rental of Facilities	<u>8,400.00</u> 16,687.00

140-0645 -- Parking Deck

50111	Straight Time	2,028.00
50112	Overtime	357.00
51121	Employee Retirement	334.00
51123	Workers' Compensation	72.00
51126	Medicare	35.00
52212	Utilities and Communications	9,750.00
52213	Insurance and Taxes	600.00
53313	Operating Supplies	750.00
53322	Maintenance of Facility	<u>1,900.00</u> 15,826.00

\$86,499.00

GRAND TOTAL PARKING FUND:

SEC. 13: That there hereby appropriated from the Economic Development Fund:

143-0748 -- Economic Development Fund

52215	Contractual Service	<u>27,000.00</u> 27,000.00
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GRAND TOTAL ECONOMIC DEVELOPMENT FUND:

\$27,000.00

SEC. 14: That there is hereby appropriated from the Cable TV Fund:

144-0730 - Cable TV Fund

50111	Straight Time	235,247.00
50112	Overtime	8,000.00
50114	Holiday Time	8,861.00
50115	Vacation Time	13,291.00
50116	Sick Time	8,861.00
50117	Longevity	2,484.00
51121	Employee Retirement	38,745.00
51122	Employee Hospitalization	74,793.00
51123	Workers' Compensation	8,303.00
51126	Medicare	4,013.00
52211	Education and Travel	250.00
52212	Utilities and Communications	3,000.00
52213	Insurance and Taxes	2,000.00
52215	Contractual Service	10,000.00
52226	Professional Services	250.00
53311	Office Supplies	1,000.00
53313	Operating Supplies	2,000.00
53314	Gasoline and Oil	250.00
53315	Tools and Equipment	10,000.00
53321	Maintenance of Equipment	<u>1,000.00</u>
		432,348.00
GRAND TOTAL CABLE TV FUND:		\$432,348.00

SEC. 15: That there is hereby appropriated from the Railroad Renovation Fund:

145-0630 – Railroad Renovation Fund

50111	Straight Time	10,500.00
51121	Employee Retirement	1,470.00
51123	Workers' Compensation	315.00
51126	Medicare	153.00
52212	Utilities and Communications	2,500.00
52213	Insurance and Taxes	17,500.00
52215	Contractual Service	32,500.00
54411	Land and Improvements	<u>25,062.00</u>
		90,000.00
GRAND TOTAL RAILROAD FUND:		\$ 90,000.00

SEC. 16: That there is hereby appropriated from the Computer Legal Research Fund:

160-0705 - Municipal Court Computer Legal Research

50111	Straight Time	11,650.00
50114	Holiday Time	518.00
50115	Vacation Time	777.00
50116	Sick Time	518.00
51121	Employee Retirement	1,885.00
51122	Employee Hospitalization	2,510.00
51123	Workers' Compensation	404.00
51126	Medicare	196.00
53315	Tools and Minor Equipment	<u>12,000.00</u>
		30,458.00

GRAND TOTAL COMPUTER LEGAL RESEARCH FUND: \$30,458.00

SEC. 17: That there is hereby appropriated from the Municipal Court Probation Service Fund:

161-0705 - Municipal Court Probation Service

50111	Straight Time	80,707.00
51121	Employee Retirement	11,299.00
51123	Workers' Compensation	2,422.00
51126	Medicare	1,171.00
52211	Education and Travel	3,000.00
52226	Professional Services	12,000.00
53315	Tools and Minor Equipment	<u>2,000.00</u>
		112,599.00

GRAND TOTAL MUNICIPAL COURT PROBATION SERVICE FUND: \$112,599.00

SEC. 18: That there is hereby appropriated from the Community Service Fee Fund:

164-0705 - Community Service Fee Fund

52213	Insurance and Taxes	<u>1,500.00</u>
		1,500.00

GRAND TOTAL COMMUNITY SERVICE FEE FUND: \$1,500.00

SEC. 19: That there is hereby appropriated from the Indigent Driver Alcohol Treatment Fund:

165-0705 - Municipal Court Indigent Driver

52215	Contractual Service	<u>70,000.00</u>
		70,000.00

GRAND TOTAL INDIGENT DRIVER FUND: \$ 70,000.00

SEC. 20: That there is hereby appropriated from the Indigent Driver Interlock Monitoring Fund:

166-0705 – Municipal Court Indigent Driver Interlock Monitoring

52226	Professional Services	<u>30,000.00</u>
		30,000.00

GRAND TOTAL MUNICIPAL COURT INDIGENT DRIVER INTERLOCK MONITORING FUND: \$ 30,000.00

SEC. 21: That there is hereby appropriated from the Municipal Court Clerk Computer Fund:

167-0705 - Municipal Court Clerk Computer

50111	Straight Time	34,950.00
50114	Holiday Time	1,554.00
50115	Vacation Time	2,330.00
50116	Sick Time	1,554.00
51121	Employee Retirement	5,655.00
51122	Employee Hospitalization	7,529.00
51123	Workers' Compensation	1,212.00
51126	Medicare	586.00
52215	Contractual Service	35,000.00
53321	Maintenance of Equipment	<u>10,000.00</u>
		100,370.00

GRAND TOTAL COURT CLERK FUND: \$100,370.00

SEC. 22: That there is hereby appropriated from the Court Case Management Fund:

168-0705 – Court Case Management

52215	Contractual Services	35,000.00
53315	Tools and Minor Equipment	<u>12,000.00</u>
		47,000.00

GRAND TOTAL COURT CASE MANAGEMENT FUND: \$47,000.00

SEC. 23: That there is hereby appropriated from the General Purpose Capital Fund:

301-0707 -- General Purpose Capital

55511	Payment of Principal	220,000.00
55512	Payment of Interest	<u>70,288.00</u>
		290,288.00

GRAND TOTAL GENERAL PURPOSE CAPITAL FUND: \$ 290,288.00

SEC. 24: That there is hereby appropriated from the Computer/Electronic Technology Fund:

388-0714 – Computer/Electronic Technology

53315	Tools and Minor Equipment	50,000.00
54413	Equipment	<u>122,000.00</u>
		172,000.00

GRAND TOTAL COMPUTER/ELECTRONIC TECHNOLOGY FUND: \$172,000.00

SEC. 25: That there is hereby appropriated from the Special Assess Projects Fund:

428-0201 – Weed Control

52215	Contractual Service	9,500.00
52222	County Auditor/Treasurer	150.00
52226	Professional Services	<u>500.00</u>
		10,150.00

GRAND TOTAL SPECIAL ASSESS PROJECTS FUND: \$10,150.00

SEC. 26: That there is hereby appropriated from the Water Fund:

513-0531 - Water Office

50111	Straight Time	59,810.00
50112	Overtime	2,000.00
50114	Holiday Time	2,002.00
50115	Vacation	3,002.00
50116	Sick Time	2,002.00
50117	Longevity	576.00
51121	Employee Retirement	9,715.00
51122	Employee Hospitalization	24,931.00
51123	Workers' Compensation	2,082.00
51126	Medicare	1,007.00
52211	Education and Travel	200.00
52212	Utilities/Communications	300.00
52213	Insurance and Taxes	500.00
53311	Office Supplies	500.00
53315	Tools & Minor Equipment	100.00
53321	Maintenance of Equipment	6,000.00

56612	Refunds	<u>4,000.00</u> 118,727.00
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513-0533 - Water Treatment Plant

		585,117.00
50111	Straight Time	110,000.00
50112	Overtime	26,006.00
50114	Holiday Time	39,008.00
50115	Vacation	26,006.00
50116	Sick Time	4,968.00
50117	Longevity	8,056.00
50119	Miscellaneous	111,883.00
51121	Employee Retirement	264,641.00
51122	Employee Hospitalization	23,975.00
51123	Workers' Compensation	11,588.00
51126	Medicare	5,000.00
51131	Uniform/Clothing Allowance	2,000.00
52211	Education/Travel	2,600,000.00
52212	Utilities/Communications	15,000.00
52213	Insurance and Taxes	200.00
52214	Advertising Expense	41,000.00
52215	Contractual Services	250.00
52226	Professional Services	1,200.00
53311	Office Supplies	1,200.00
53312	Chemicals	250,000.00
53313	Operating Supplies	22,000.00
53314	Gasoline and Oil	10,000.00
53315	Tools and Minor Equipment	35,000.00
53321	Maintenance of Equipment	50,000.00
53322	Maintenance of Facilities	30,000.00
54412	Building and Structures	40,000.00
54414	Street Resurfacing/Maintenance	<u>12,000.00</u>
54418	Water System Maintenance	4,326,098.00

One (1) vehicle authorized to go home.

513-0708 – Water-Cash Control

		80,884.00
50111	Straight Time	3,200.00
50112	Overtime	2,937.00
50114	Holiday Time	4,405.00
50115	Vacation Time	2,937.00
50116	Sick Time	971.00
50117	Longevity	13,347.00
51121	Employee Retirement	28,362.00
51122	Employee Hospitalization	2,861.00
51123	Workers' Compensation	

		1,383.00
51126	Medicare	650.00
52211	Education and Travel	1,250.00
52212	Utilities and Communications	1,500.00
52213	Insurance and Taxes	16,800.00
52215	Contractual Service	95.00
52226	Professional Services	34,500.00
53311	Office Supplies	100.00
53313	Operating Supplies	1,625.00
53315	Tools and Minor Equipment	6,100.00
53321	Maintenance of Equipment	<u>1,900.00</u>
54413	Equipment	205,807.00

513-0813 – Water Debt Retirement

		503,306.00
55511	Payment of Principal	<u>11,842.00</u>
55512	Payment of Interest	515,148.00

GRAND TOTAL WATER FUND:

\$5,165,780.00

SEC. 27: That there is hereby appropriated from the Sanitation Fund:

514-0541 - Sanitation Office

		44,308.00
50111	Straight Time	6,204.00
51121	Employee Retirement	1,330.00
51123	Workers' Compensation	643.00
51126	Medicare	500.00
52212	Utilities and Communications	500.00
52213	Insurance and Taxes	300.00
53311	Office Supplies	3,200.00
53321	Maintenance of Equipment	<u>1,000.00</u>
56612	Refunds	57,985.00

514-0543 - Sanitation Collection

		853,450.00
50111	Straight Time	60,000.00
50112	Overtime	27,676.00
50114	Holiday Time	41,514.00
50115	Vacation	27,676.00
50116	Sick Time	8,280.00
50117	Longevity	142,604.00
51121	Employee Retirement	231,310.00
51122	Employee Hospitalization	30,558.00
51123	Workers' Compensation	

51126	Medicare	14,770.00
51131	Uniform and Clothing Allowance	8,950.00
52212	Utilities and Communications	2,500.00
52213	Insurance and Taxes	22,000.00
52215	Contractual Services	1,300,000.00
52226	Professional services	500.00
53311	Office Supplies	1,500.00
53313	Operating Supplies	3,500.00
53314	Gasoline and Oil	125,000.00
53315	Tools & Minor Equipment	40,000.00
53321	Maintenance of Equipment	290,000.00
53322	Maintenance of Facilities	1,000.00
54417	Vehicles	<u>190,000.00</u>
		3,422,788.00

514-0708 - Utility Billing

50111	Straight Time	67,679.00
50112	Overtime	2,630.00
50114	Holiday Time	2,458.00
50115	Vacation Time	3,686.00
50116	Sick Time	2,458.00
50117	Longevity	812.00
51121	Employee Retirement	11,162.00
51122	Employee Hospitalization	23,769.00
51123	Workers' Compensation	2,392.00
51126	Medicare	1,156.00
52211	Education and Travel	535.00
52212	Utilities and Communications	1,040.00
52213	Insurance and Taxes	1,310.00
52215	Contractual Service	13,750.00
52226	Professional Services	90.00
53311	Office Supplies	29,450.00
53313	Operating Supplies	79.00
53315	Tools and Minor Equipment	1,300.00
53321	Maintenance of Equipment	5,030.00
54413	Equipment	<u>1,600.00</u>
		172,386.00

GRAND TOTAL SANITATION FUND: **\$ 3,653,159.00**

SEC. 28: That there is hereby appropriated from the Water Capital Improvement Fund:

546-0530 - Water Capital Improvements

55511	Payment of Principal	440,000.00
55512	Payment of Interest	<u>103,350.00</u>
		543,350.00

GRAND TOTAL WATER CAPITAL IMPROVEMENT FUND: \$ 543,350.00

SEC. 29: That there is hereby appropriated from the Municipal Airport Fund:

547-0650 - Municipal Airport

52212	Contractual Services	1,000.00
52213	Insurance and Taxes	7,500.00
52215	Contractual Service	2,000.00
53314	Gasoline and Oil	<u>66,500.00</u>
		77,000.00

547-0656 -- Municipal Airport FY02-07-12-17

54411	Land and Improvements	<u>15,000.00</u>
		15,000.00

GRAND TOTAL MUNICIPAL AIRPORT FUND: \$92,000.00

SEC. 30: That there is hereby appropriated from the Rec. Center Administration Fund:

574-0303 -- Municipal Pool

50111	Straight Time	42,934.00
51121	Employee Retirement	6,011.00
51123	Workers' Compensation	1,289.00
51126	Medicare	623.00
51131	Uniform Allowance	300.00
52211	Education and Travel	200.00
52212	Utilities and Communications	10,000.00
52213	Insurance and Taxes	400.00
52215	Contractual Service	800.00
52226	Professional Services	350.00
53311	Office Supplies	200.00
53312	Chemicals	10,000.00
53313	Operating Supplies	5,000.00
53315	Tools and Minor Equipment	1,500.00
53321	Maintenance of Equipment	1,000.00
53322	Maintenance of Facilities	<u>2,000.00</u>
		82,607.00

574-0350 -- Administration

50111	Straight Time	367,416.00
50112	Overtime	5,000.00
50114	Holiday Time	16,330.00

50115	Vacation	24,495.00
50116	Sick Time	16,330.00
50117	Longevity	2,160.00
51121	Employee Retirement	60,443.00
51122	Employee Hospitalization	106,655.00
51123	Workers' Compensation	12,952.00
51126	Medicare	6,261.00
51131	Uniform Allowance	500.00
52211	Education/Travel	3,000.00
52212	Utilities/Communications	150,000.00
52213	Insurance/Taxes	10,000.00
52214	Advertising Expense	20,000.00
52215	Contractual Services	30,000.00
52226	Professional Services	3,200.00
53311	Office Supplies	5,500.00
53313	Operating Supplies	4,000.00
53314	Gasoline and Oil	500.00
53315	Tools & Minor Equipment	10,000.00
53321	Maintenance of Equipment	13,000.00
56611	Transfers	<u>100,000.00</u>
		967,742.00

574-0351 – Facilities

50111	Straight Time	70,294.00
51121	Employee Retirement	9,842.00
51123	Workers' Compensation	2,109.00
51126	Medicare	1,020.00
52215	Contractual Service	600.00
53311	Office Supplies	300.00
53313	Operating Supplies	2,400.00
53315	Tools & Minor Equipment	35,000.00
53321	Maintenance of Equipment	14,000.00
53322	Maintenance of Facility	<u>232,000.00</u>
		367,565.00

574-0352 - Rascal Room

50111	Straight Time	24,559.00
51121	Employee Retirement	3,439.00
51123	Workers' Compensation	737.00
51126	Medicare	357.00
53313	Operating Supplies	1,000.00
53315	Tools & Minor Equipment	<u>1,000.00</u>
		31,092.00

574-0353 – Café

52213	Insurance and Taxes	400.00
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52215	Contractual Services	600.00
53313	Operating Supplies	3,500.00
53315	Tools and Minor Equipment	200.00
53321	Maintenance of Equipment	<u>100.00</u>
		4,800.00

574-0356 – Aquatics

50111	Straight Time	328,257.00
51121	Employee Retirement	45,956.00
51123	Workers' Compensation	9,848.00
51126	Medicare	4,760.00
51131	Uniform Allowance	800.00
52211	Education/Travel	1,000.00
52215	Contractual Services	40,000.00
53312	Chemicals	23,000.00
53313	Operating Supplies	5,000.00
53315	Tools & Minor Equipment	4,500.00
53321	Maintenance of Equipment	2,500.00
53322	Maintenance of Facility	<u>500.00</u>
		466,121.00

574-0357 – Programs

50111	Straight Time	103,595.00
51121	Employee Retirement	14,504.00
51123	Workers' Compensation	3,108.00
51126	Medicare	1,503.00
52211	Education and Travel	500.00
52215	Contractual Services	42,000.00
53311	Office Supplies	100.00
53313	Operating Supplies	15,000.00
53314	Gasoline and Oil	500.00
53315	Tools & Minor Equipment	8,000.00
53321	Maintenance of Equipment	<u>2,000.00</u>
		190,810.00

574-0364 - Guest Services

50111	Straight Time	144,812.00
51121	Employee Retirement	20,274.00
51123	Workers' Compensation	4,345.00
51126	Medicare	2,100.00
52213	Insurance and Taxes	2,000.00
53313	Operating Supplies	<u>10,000.00</u>
		183,531.00

574-0874 - Debt Service

55511	Payment of Principal	500,000.00
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55512	Payment of Interest	<u>10,000.00</u>
		510,000.00

GRAND TOTAL REC. CENTER ADMINISTRATION: \$2,804,268.00

SEC. 31: That there is hereby appropriated from the MCRC Capital Fund:

575-0350 -- MCRC Capital

54412	Building and Structures	<u>100,000.00</u>
		100,000.00

GRAND TOTAL MCRC CAPITAL FUND: \$ 100,000.00

SEC. 32: That there is hereby appropriated from the Section 125 Fund:

616-0915 - Section 125 Fund

59938	Section 125	<u>52,500.00</u>
		52,500.00

GRAND TOTAL SECTION 125 FUND: \$52,500.00

SEC. 33: That there is hereby appropriated from the Payroll Fund:

625-0915 -- Payroll

59911	Net Payroll	9,894,000.00
59912	Federal Withholding Taxes	1,543,000.00
59913	Police Disability	337,000.00
59915	Public Employee Retirement	1,101,000.00
59916	Medical Mutual of Ohio	186,000.00
59918	OML Group Accident	1,000.00
59919	Garnishments	69,000.00
59922	State Withholding	386,000.00
59923	Local Withholding	190,000.00
59924	OPBA	19,000.00
59925	Colonial Life Insurance	46,000.00
59928	Deferred Compensation	498,000.00
59929	Employee Share Medicare	199,000.00
59930	City Share Medicare	199,000.00
59931	Teamsters	39,000.00
59932	School District Income Tax	11,000.00
59933	Medina County Credit Union	377,000.00
59935	Employee Share FICA	11,000.00
59936	City Share FICA	16,000.00

59937	Guardian Life Insurance	16,000.00
59938	IWS/Section 125 Plan	40,000.00
		15,178,000.00

GRAND TOTAL PAYROLL FUND: **\$15,178,000.00**

SEC. 34: That there is hereby appropriated from the Agency Revolving Fund:

637-0920 – Agency

52211	Education and Travel	350.00
52212	Utilities and Communications	1,000.00
52215	Contractual Service	5,500.00
53311	Office Supplies	750.00
53313	Operating Supplies	1,000.00
53321	Maintenance of Equipment	1,500.00
53322	Maintenance of Facilities	5,500.00
56612	Refunds	25,000.00
56613	Reimbursements	275,000.00
		315,600.00

GRAND TOTAL AGENCY REVOLVING FUND: **\$315,600.00**

SEC. 35: That there is hereby appropriated from the Auto Mechanics Revolving Fund:

676-0746 - Auto Mechanic

50111	Straight Time	222,401.00
50112	Overtime	3,000.00
50114	Holiday Time	9,885.00
50115	Vacation Time	14,827.00
50116	Sick Time	9,885.00
50117	Longevity	1,152.00
51121	Employee Retirement	36,561.00
51122	Employee Hospitalization	84,831.00
51123	Workers' Compensation	7,835.00
51126	Medicare	3,787.00
51131	Uniform Allowance	3,500.00
52211	Education and Travel	1,000.00
52212	Utilities and Communications	1,100.00
52213	Insurance and Taxes	4,000.00
52215	Contractual Service	500.00
52226	Professional Services	400.00
53311	Office Supplies	300.00
53313	Operating Supplies	12,500.00

53314	Gasoline and Oil	12,000.00
53315	Tools and Minor Equipment	12,000.00
53321	Maintenance of Equipment	5,500.00
53322	Maintenance of Facilities	<u>2,500.00</u>
		449,464.00

GRAND TOTAL AUTO MECHANIC REVOLVING FUND: \$449,464.00

SEC. 36: That there is hereby appropriated from the Developer Deposits Fund:

723-0983 – Grading Deposits

56612	Refunds	<u>17,000.00</u>
		17,000.00

GRAND TOTAL DEVELOPER DEPOSITS FUND: \$17,000.00

SEC. 37: That there is hereby appropriated from the Utility Deposit Fund:

741-0945 - Utility Deposits

56612	Refunds	<u>30,000.00</u>
		30,000.00

GRAND TOTAL UTILITY DEPOSIT FUND: \$30,000.00

SEC. 38: That there is hereby appropriated from the Cemetery Endowment Fund:

819-0220 – Cemetery Endowment

53313	Operating Supplies	<u>1,500.00</u>
		1,500.00

GRAND TOTAL CEMETERY ENDOWMENT FUND: \$1,500.00

SEC. 39: That there is hereby appropriated from the Cemetery Investment Fund:

820-0225 – Cemetery Investment

56612	Refunds	<u>5,000.00</u>
		5,000.00

GRAND TOTAL CEMETERY ENDOWMENT FUND: \$5,000.00

SEC. 40: That there is hereby appropriated from the Law Library Fund:

924-0930 - Law Library

56612	Refunds	<u>65,000.00</u>
		65,000.00

GRAND TOTAL LAW LIBRARY FUND: \$65,000.00

SEC. 41: That there is hereby appropriated from the Bid & Performance Bond Fund:

938-0940 – Bid & Performance Bond

56612	Refunds	<u>100,000.00</u>
		100,000.00

GRAND TOTAL BID & PERFORMANCE BOND FUND: \$100,000.00

SEC. 42: That there is hereby appropriated from the Board of Building Standards Fund:

939-0430 - Board of Building Standards

52213	Insurance and Taxes	<u>14,500.00</u>
		14,500.00

GRAND TOTAL BOARD OF BUILDING STANDARDS FUND: \$14,500.00

GRAND TOTAL ALL FUNDS: \$55,504,442.00

SEC. 43: That all expenditures against the appropriation hereinabove authorized shall be made in accordance with the Code of Accounts set forth in the 2022 Annual City Budget.

SEC. 44: That no department head is permitted to transfer funds into or out of **Line Item 50119, Miscellaneous (Retirement/Termination Payouts)**, Line Item 51122, Employee Hospitalization or line item 51123, Workers Compensation, without the legislative authority of Council.

SEC. 45: That the Finance Director is hereby authorized to draw his warrants on the City Treasury for payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefor, approved by the Board of Officers authorized by law to approve the same or an Ordinance or Resolution of Council to make the expenditures in accordance with the Code of Accounts of the 2020 Annual City Budget.

SEC. 46: That the Clerk of Council is hereby directed to forward a certified copy of this Ordinance to the Medina County Auditor.

SEC. 47: 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. 48: That this Ordinance shall be in full force and effect at the earliest period allowed by law.

PASSED: _____ **SIGNED:** _____
President of Council

ATTEST: _____ **APPROVED:** _____
Clerk of Council

SIGNED: _____
Mayor

RESOLUTION NO. 202-21

A RESOLUTION ADOPTING A FIVE-YEAR BUDGET FOR THE CITY OF MEDINA, OHIO FOR THE PERIOD BEGINNING JANUARY 1, 2022 THROUGH DECEMBER 31, 2026.

WHEREAS: Resolution No. 98-08, passed May 27, 2008 adopted the 2008 Strategic Plan Update for the City of Medina to formulate a clear, concise and comprehensive vision of the desired future for the City; and

WHEREAS: As part of the planning process, the City has also prepared a Five-Year Budget for each department to serve as a planning tool to identify and prepare for future needs and funding; and

WHEREAS: While the Plan incorporates the ability to carry forward unspent funds for the purpose of future planning for each department, with the exception of **Line Item 50119 – Miscellaneous (Retirement/Termination Payouts)**, Line Item 51121-Employee Hospitalization and Line Item 51123-Workers Compensation, Council reserves the authority to annually review and discuss the carry forward balances as set forth in a separate process to be established and adopted.

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

SEC. 1: That the Medina City Council hereby adopts the financial report entitled Five-Year Budget for the period beginning January 1, 2022 through December 31, 2026.

SEC. 2: That a full copy of said Five-Year Budget including projected revenues and estimates shall be kept on file in the Council Offices for official use and reference.

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

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

PASSED: _____ **SIGNED:** _____
President of Council

ATTEST: _____ **APPROVED:** _____
Clerk of Council

SIGNED: _____
Mayor

ORDINANCE NO. 203-21

**AN ORDINANCE REPEALING ORDINANCE NO. 189-19
PASSED NOVEMBER 25, 2019 AND REPLACING SECTION
161.13 OF THE CODIFIED ORDINANCES OF THE CITY OF
MEDINA, OHIO, RELATIVE TO THE ALLOCATION OF
INCOME TAX FUNDS.**

WHEREAS: Section 161.13 of the codified ordinances of the City of Medina, Ohio, presently reads as follows:

161.13 ALLOCATION OF FUNDS.

The funds collected under the provisions of this chapter shall be distributed as follows beginning January 1, 2020:

- a) Such part thereof which is necessary to defray all costs of collecting the taxes and the cost of administering and enforcing the provisions thereof shall be paid into the General Fund.
- b) Twenty percent (20%) of the balance shall be paid into the newly created Special Revenue Fund (2004) to be used for street, storm water, and utility construction, maintenance, repair and improvements.
- c) After the costs of collecting the taxes and administering and enforcing the provisions thereof and the required street, storm water, and utility construction, maintenance, repair and improvements are provided for as set forth in subsections (a) and (b) above, the remaining funds shall be distributed as follows:
 - A. Forty-four and one-half percent (44.5%) of the net available income tax receipts received annually shall be used to defray operating and capital expenses of the Police Department of the City.
 - B. Seven percent (7%) of the net available income tax receipts received annually shall be used to defray operating and annual capital expenses of the Fire Department of the City.
 - C. One and one-half percent (1-1/2%) of the net available income tax receipts received annually shall be set aside in a growth fund to be used to defray major capital expenses of the Fire Department of the City.
 - D. Nine and one-half percent (9.5%) of the net available income tax receipts received annually shall be used to defray operating expenses for the Parks and Recreation Department of the City.
 - E. Zero percent (0%) of the net available income tax receipts received annually shall be used to defray capital expenses for the Parks and Recreation Department of the City.
 - F. Zero percent (0%) of the net available income tax receipts received annually shall be used to defray Recreation Center debt for the Parks and Recreation Department of the City.
 - G. Twenty-five and one-half percent (25.5%) of the net available income tax receipts received annually shall be used to defray operating and capital expenses of the General Fund of the City.
 - H. Two and one-half percent (2.5%) of the net available income tax receipts received

- annually shall be used to defray general purpose capital expenses.
- I. One- and one-half percent (1.5%) of the net available income tax receipts received annually shall be used to defray Electronic Technology capital replacement expenses.
 - J. Zero percent (0%) of the net available income tax receipts received annually shall be used to defray expenses related to unanticipated capital necessities.
 - K. Seven percent (7%) of the net available income tax receipts received annually shall be used to defray operating and annual capital expenses of the Recreation Center of the City.
 - L. One-half percent (0.5%) of the net available income tax receipts received annually shall be used to defray operating and capital expenses of the Street M&R Fund of the City.
 - M. One-half percent (0.5%) of the net available income tax receipts received annually shall be used to defray expenses of the Unanticipated Capital Necessities Fund of the City.
- d) Exception for Receipts from the Medina-Montville Joint Economic Development District.
- A. After the costs of collecting the taxes and administering and enforcing the provisions thereof and the required street, storm water, and utility construction, maintenance, repair and improvements are provided for as set forth in subsections (a) and (b) above, the remaining funds shall be distributed as follows:
 - 1) Seventy-five percent (75%) of the net available income tax receipts received annually shall be used to defray Economic Development expenses.
 - 2) Twenty-five percent (25%) of the net available income tax receipts received annually shall be distributed in accordance with the distribution laid out in subsection (c) above.
- e) That effective January 1, 2023, (K) shall be amended to read as follows:
- K. Two percent (2%) of the net available income tax receipts received annually shall be used to defray operating and annual capital expenses of the Recreation Center of the City.
- f) That effective January 1, 2023, (G) shall be amended to read as follows:
- G. Thirty-one percent (31%) of the net available income tax receipts received annually shall be used to defray operating and capital expenses of the General Fund of the City.

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

SEC. 1: That Section 161 of the codified ordinances of the City of Medina, Ohio, shall be amended by the addition of a new Section 161.13 which reads as follows:

161.13 ALLOCATION OF FUNDS.

The funds collected under the provisions of this chapter shall be distributed as follows beginning January 1, 2022:

- a) Such part thereof which is necessary to defray all costs of collecting the taxes and the cost of administering and enforcing the provisions thereof shall be paid into the General Fund.
- b) Twenty percent (20%) of the balance shall be paid into the newly created Special Revenue Fund (2004) to be used for street, storm water, and utility construction, maintenance, repair and improvements.
- c) After the costs of collecting the taxes and administering and enforcing the provisions thereof and the required street, storm water, and utility construction, maintenance, repair and improvements are provided for as set forth in subsections (a) and (b) above, the remaining funds shall be distributed as follows:
 - A. Forty-three and one-half percent (43.5%) of the net available income tax receipts received annually shall be used to defray operating and capital expenses of the Police Department of the City.
 - B. Seven percent (7%) of the net available income tax receipts received annually shall be used to defray operating and annual capital expenses of the Fire Department of the City.
 - C. One and one-half percent (1-1/2%) of the net available income tax receipts received annually shall be set aside in a growth fund to be used to defray major capital expenses of the Fire Department of the City.
 - D. Nine and one-half percent (9.5%) of the net available income tax receipts received annually shall be used to defray operating expenses for the Parks and Recreation Department of the City.
 - E. Twenty-five and one-half percent (25.5%) of the net available income tax receipts received annually shall be used to defray operating and capital expenses of the General Fund of the City.
 - F. Three percent (3%) of the net available income tax receipts received annually shall be used to defray general purpose capital expenses.
 - G. One- and three-quarter percent (1.75%) of the net available income tax receipts received annually shall be used to defray Electronic Technology capital replacement expenses.
 - H. Seven and one quarter percent (7.25%) of the net available income tax receipts received annually shall be used to defray operating and annual capital expenses of the Recreation Center of the City.
 - I. One half percent (0.5%) of the net available income tax receipts received annually shall be used to defray operating and capital expenses of the Street M&R Fund of the City.
 - J. One half percent (0.5%) of the net available income tax receipts received annually shall be used to defray unanticipated capital expenses.
- d) Exception for Receipts from the Medina-Montville Joint Economic Development District.
 - A. After the costs of collecting the taxes and administering and enforcing the provisions thereof and the required street, storm water, and utility construction, maintenance, repair and improvements are provided for as set forth in subsections (a) and (b) above, the remaining funds shall be distributed as follows:
 - 1) Seventy-five percent (75%) of the net available income tax receipts received annually shall be used to defray Economic Development expenses.
 - 2) Twenty-five percent (25%) of the net available income tax receipts received

annually shall be distributed in accordance with the distribution laid out in subsection (c) above.

- e) That effective January 1, 2023, (H) shall be amended to read as follows:
 - H. Two- and one-quarter percent (2.25%) of the net available income tax receipts received annually shall be used to defray operating and annual capital expenses of the Recreation Center of the City.
- f) That effective January 1, 2023, (E) shall be amended to read as follows:
 - E. Thirty-one (31%) of the net available income tax receipts received annually shall be used to defray operating and capital expenses of the General Fund of the City.
- g) That effective January 1, 2023, (F) shall be amended to read as follows:
 - F. Two- and one-half percent (2.5%) of the net available income tax receipts received annually shall be used to defray general purpose capital expenses.

SEC. 2: That Ordinance 189-19, passed November 25, 2019 is hereby repealed.

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

PASSED: _____

SIGNED: _____
President of Council

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor

Effective date – January 1, 2021

ORDINANCE NO. 204-21

**AN ORDINANCE REPEALING ORDINANCE NO. 8-18,
PASSED JANUARY 8, 2018 AND READOPTING A NEW
PURCHASING CARD POLICY FOR THE CITY OF MEDINA.**

WHEREAS: Ordinance No. 8-18, passed January 8, 2018, adopted a Purchasing Card Policy for the City of Medina; and

WHEREAS: After further review, several items were omitted that need included.

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

SEC. 1: That Ordinance No. 8-18, passed January 8, 2018 is hereby repealed.

SEC. 2: That a Purchasing Card Policy is hereby adopted for the City of Medina.

SEC. 3: That a copy of said Policy is marked Exhibit A, attached hereto and made a part hereof.

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

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

PASSED: _____

SIGNED: _____
President of Council

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor

**CITY OF MEDINA
PURCHASING CARD POLICY**

OVERVIEW

The objective of the City of Medina's Purchasing Card Program is to improve the way we conduct business. It will allow us to obtain favorable pricing by enabling us to purchase from vendors who do not accept purchase orders, or expedite a transaction in an emergency situation. This program is designed to be easy to use, however, appropriate controls must be in place to ensure the ongoing success of the program.

This program is not intended to avoid or bypass current purchasing and payment procedures (i.e. purchase order and payment by check direct to vendor). Rather, the program enhances the existing process. Policies and procedures cannot cover every issue, exception or contingency that may arise in the use of purchasing cards, therefore, users should use common sense and good judgement in the use of government resources. City funds are committed each time a purchasing card is used, a responsibility that cannot be taken lightly.

GUIDELINES

1. Purchasing card transactions are hereby authorized for in-store, internet, telephone, fax or mail order acquisitions, only when a purchase order is not accepted by the vendor or in emergency situations where use of a purchasing card would be more efficient. You must have a purchase order in place to sign out the card from the Finance Department.
2. The Finance Director shall be responsible for the issuance, monitoring, retrieval and general oversight of compliance with this Purchasing Card Policy.
3. Purchasing cards shall be in the name of City of Medina. Transactions made on behalf of the City are ONLY to be made by City employees authorized by the Finance Director to do so. Authorized user lists will be maintained in the Finance Department.
4. Purchasing cards shall only be used for the purchase of goods and services that are the official business of the City of Medina.
5. All purchasing cards issued to the City of Medina will be maintained in the Finance Department. Should it become necessary for an employee to use a card for the purchase of goods or services as part of official City business, the employee shall sign out the card providing his/her name, department, date of use, vendor, reason for purchase, purchase order number and date of card's return.
6. Because of short payment terms and costly late fees and interest charges, a purchase order must be on file in the Finance Department BEFORE the purchasing card is signed out and used.

7. When providing the vendor with an email address for a purchasing card transaction, the employee must use accountspayable@medinaoh.org as the primary contact so that transactions and amounts can be monitored. Any emails received will then be forwarded to the employee who made the purchase for receipt processing.
8. The employee needs to ensure that sales tax is not charged at the point of sale – the City cannot pay sales tax. The employee is responsible for getting the vendor to remove any sales tax applied in error. If sales tax is not removed, the employee will be required to reimburse the City for that amount. Failure to reimburse will result in payroll deduction for the tax amount.
9. Documentation itemizing the goods and services purchased with City purchasing cards shall be required for all transactions. Obtaining appropriate receipts is the responsibility of the user. Acceptable receipts must be **itemized** and contain vendor name, dollar amounts, description of all items purchased, and date of purchase. This may be a signed credit card slip, sales receipt, invoice showing payment was made, purchase confirmation email, or a combination thereof. If this documentation cannot be provided, the employee shall reimburse the City for the entire amount of the purchase. Failure to reimburse will result in payroll deduction for the entire amount. Habitual failure to turn in appropriate receipts will result in termination of purchasing card privileges.
10. City purchasing cards shall not be used for personal use, cash advances, or other vendor category exclusions (i.e. alcohol, tobacco products, etc.). See “Card Controls and Limits” below.
11. Any refunds from purchasing card sales must be credited back to the purchasing card.
12. All benefits derived from the use of purchasing cards shall become the property of the City of Medina.
13. A purchasing card must be used for hotel stays so the City avoids paying a majority of the taxes. However, the card is only to be used for the room rate and any parking fees. No room service, mini bar food or drink, or entertainment expenses, or anything else other than room rate and parking fees are to be charged to the card.
14. Meals may not be charged to the card.
15. If an employee experiences denials when using a City purchasing card, the employee shall immediately notify Accounts Payable, who will then investigate the denial.
16. Employees shall be responsible for the protection and custody of the purchasing card while in their possession. Employees shall not knowingly post or otherwise make public available card data that could potentially result in fraud or unauthorized charges. If a card is lost or stolen, the employee shall immediately notify Accounts Payable. Repeated card loss may result in termination of card privileges.

17. The Medina Municipal Court is to adhere to said policy per the Ohio State Auditor's Office.
18. Any City employee who violates the provisions of this Purchasing Card Policy shall be subject to disciplinary action, up to and including discharge and/or civil or criminal action.

CARD CONTROLS AND LIMITS

The purchasing cards have embedded limits and restrictions. Each time a card is used, the vendor is required to obtain authorization from the banking network. This ensures the purchase is within the program controls and limits established to safeguard against possible improper and/or fraudulent use.

The following is an outline of the types of embedded restrictions on the cards. They are designed to protect you and the City of Medina:

1. Spending limits:
 - Monthly purchase limit - \$2,500 per card; \$10,000 City wide.
 - The splitting of purchases into separate transactions to avoid either of these requirements is strictly prohibited.
 - Board of Control approval is required to increase any limits.
2. City of Medina purchasing cards are not to be used for items such as:
 - Personal purchases
 - Cash advances, ATM transactions, and other cash related activities
 - Entertainment expenses
 - Alcohol and tobacco

I have read the City of Medina purchasing card policy and agree to abide by all of the requirements.

(Employee name – printed)

(Employee signature)

(Date)

RESOLUTION NO. 205-21

A RESOLUTION ESTABLISHING AN AD HOC COMMITTEE TO BE KNOWN AS THE 1969 COURTHOUSE LEASE COMMITTEE.

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

- SEC. 1:** That there is hereby established an ad hoc committee to be known as the 1969 Courthouse Lease Committee.
- SEC. 2:** That the purpose of the committee is to work with County representatives to develop the draft lease of the City of Medina to use the 1969 Courthouse building for Municipal Court operations.
- SEC. 3:** That the members of said committee are Mayor Dennis Hanwell, President of Council John Coyne and Ward 4 Councilman Jim Shields.
- SEC. 4:** That this Resolution shall be in full force and effect at the earliest period allowed by law.

PASSED: _____ **SIGNED:** _____
President of Council

ATTEST: _____ **APPROVED:** _____
Clerk of Council

SIGNED: _____
Mayor

ORDINANCE NO. 206-21

AN ORDINANCE AUTHORIZING THE PURCHASE OF TWO (2) 2022 FORD INTERCEPTORS, ONE (1) 2022 FORD INTERCEPTOR WITH REAR AIR FOR K9 VEHICLE, AND ONE (1) 2022 NISSAN ROGUE SPORT FOR THE POLICE DEPARTMENT.

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

WHEREAS: The request for participation provides for the waiving of the state and local competitive bidding requirements and allows the City the ability to purchase from centralized state contracts; 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 purchase of two (2) 2022 Ford Interceptors; one (1) 2022 Ford Interceptor with rear air for K9 vehicle, and one (1) 2022 Nissan Rogue Sport through the Community University & Education (C.U.E.) Purchasing Association and Montrose Ford is hereby authorized for the Police Department.

SEC. 3: That the funds to cover this purchase, in the amount of \$170,000.00, are available as follows, \$45,033.93 (Upfit cost) in Account No. 106-0001-54413 and \$122,968.52 (vehicle cost) in Account No. 106-0101-54417.

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

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

PASSED: _____

SIGNED: _____
President of Council

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor

ORDINANCE NO. 207-21

AN ORDINANCE AUTHORIZING THE INCREASE OF THE EXPENDITURE TO LAKE COUNTY SEWER CO., INC. FOR THE SERVICE DEPARTMENT.

WHEREAS: The Service Director has requested to increase Purchase Order #2021001667 from \$1,500.00 to \$25,000.00, which requires the Council's approval; and

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

SEC. 1: That the increase to Purchase Order #2021001667 from \$1,500 to \$25,000 is hereby authorized for the Service Department.

SEC. 2: That the funds to cover this expenditure are available in Account No. 102-0620-53319.

SEC. 3: That in accordance with Ohio Revised Code §5705.41(D), at the time that the contract or order was made and at the time of execution of the Finance Director's certificate, sufficient funds were available or in the process of collection, to the credit of a proper fund, properly appropriated and free from any previous encumbrance.

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

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

PASSED: _____

SIGNED: _____

President of Council

ATTEST: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Mayor

ORDINANCE NO. 208-21

AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT TWO (2) EASEMENTS NECESSARY FOR THE GATES MILLS BRIDGE REPLACEMENT PROJECT.

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

SEC. 1: That the Mayor is hereby authorized to accept Two (2) Easements necessary for the Gates Mills Bridge Replacement Project.

SEC. 2: That the Easement marked Exhibit A, attached hereto and incorporated herein, is on the property located at 815 Gates Mills Boulevard, Permanent Parcel No. 028-19D-05-281, part of Medina City Out Lot No. 1664, one (1) storm sewer and drainage easement.

SEC. 3: That the Easement marked Exhibit B, attached hereto and incorporated herein, is on the property located at 816 Gates Mills Boulevard, Permanent Parcel No. 028-19D-05-274, part of Medina City Out Lot No. 1651, one (1) storm sewer and drainage easement.

SEC. 5: That the funds to cover the easements, in the amount of \$4,692.49 are available in Account No. 108-0610-54411.

SEC. 6: 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. 7: That this Ordinance shall be in full force and effect at the earliest period allowed by law.

PASSED: _____ **SIGNED:** _____
President of Council

ATTEST: _____ **APPROVED:** _____
Clerk of Council

SIGNED: _____
Mayor

Ord. 208-21
Exh. A

Storm Sewer and Drainage Easement

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of (THREE THOUSAND THREE HUNDRED FORTY FOUR and 64/100) Dollars (\$3,344.64) and other good and valuable consideration recited herein given to MEGAN E. COWEN also known as MEGAN E. COWEN TRIPP hereinafter "Grantor(s)" by the CITY OF MEDINA, Ohio, hereinafter "Grantee", the receipt of which is hereby acknowledged, the Grantor does hereby grant, bargain, sell, transfer and convey unto the Grantee, its successors and assigns, a drainage and storm sewer easement for the purpose of erecting, constructing, installing and thereafter using, operating, inspecting, maintaining, repairing, replacing or removing a PERPETUAL WATERCOURSE WITH A STORM SEWER AND APPURTENANCES under, across, and through certain land of the Grantor(s) situated in the City of Medina, County of Medina and State of Ohio and more particularly described as follows:

Situated in the City of Medina, Medina County, Ohio and known as being part of Lot 1644 in Crestwood Land Company's Crestwood Development No. 1, also known as Sublot 14, as shown on the plat of said development recorded in Volume 6, Page 93 on the 29th day of August, 1955 by the Medina County Recorder, further bounded and described as follows:

Commencing at the Grantor's southeasterly property corner and the intersection of the southwesterly right of way line of Gates Mills Blvd., 60' wide; thence following the Grantor's northeasterly property line and the southwesterly right of way line of Gates Mills Blvd. North 38 degrees 28 minutes 48 seconds West a distance of 45.00 feet to a point on the Grantor's northeasterly property line and the southwesterly right of way line of Gates Mills Blvd. to the True Point of Beginning of the parcel herein described;

1. Thence South 51 degrees 31 minutes 12 seconds West a distance of 25.00 feet to a point;
2. Thence North 38 degrees 28 minutes 48 seconds West a distance of 35.00 feet to a point on the Grantor's northwesterly property line;
3. Thence North 51 degrees 31 minutes 12 seconds East a distance of 25.00 feet to a point on the Grantor's northwesterly property corner and the intersection of the southwesterly right of way line of Gates Mills Blvd.;
4. Thence, South 38 degrees 28 minutes 48 seconds East a distance of 35.00 feet along the Grantor's northeasterly property line and the southwesterly right of way line of Gates Mills Blvd. to the True Point of Beginning and enclosing an area of 0.0201 acres, more or less, none of which present road occupied and is from Medina County Auditor's Parcel No. 028-19D-05-281.

Bearings do not match plat and are based on an assumed meridian for reference only. This description was prepared and reviewed under the supervision of Mary E. Kimberlin, P.E., P.S., Registered Surveyor No. 7540, and is based on survey performed by the Euthenics' survey staff in July, 2020.

together with the right of reasonable ingress and egress over the immediately adjacent lands of the Grantor(s) for the purpose and use of said easement. The Grantee covenants and agrees that it will not use said easement for public right-of-way purposes.

As additional consideration for this easement and right-of-way, the Grantee covenants and agrees as follows:

1. Grantee shall repair any and all damage arising from the installation or subsequent repair, maintenance or reconstruction of a PERPETUAL WATERCOURSE WITH A STORM SEWER AND APPURTENANCES.
2. Grantee shall replace any driveway, lawn, shrubbery, or other improvement which may be damaged as a result of construction.
3. Within a reasonable time after completion of construction, and in no event later than forty-five (45) days, Grantee will return the ground to its original condition.
4. Grantee will secure and protect all permanent structures within the construction zone.
5. Grantee will pay for all costs of surveying, recording of documents, filing and transfer fees, escrow costs and title expenses, if any.

Grantor(s) covenant and agrees as follows:

1. Grantor will not install, erect or maintain any structure, fixture or device upon the easement which could in any way interfere with Grantee's use of the easement and right-of-way; however, Grantor retains the right to use the surface of the easement area provided said use does not interfere with the uses granted to Grantee.
2. Authorize the City of Medina, its Engineer, and all other officials, assistants, employees, agents and contractors thereof to enter upon the property designated as 815 Gates Mills Blvd.; Permanent Parcel No. 028-19D-05-281, part of Medina City Lot 1644 with the necessary equipment to remove any obstructions as necessary to allow for the proposed culvert and headwall installation including any rocks, trees, tree stumps, brush, vegetation, and landscaping; to complete grading to establish the watercourse; to install the proposed culvert, headwall, appurtenances; to remove a portion of the existing concrete driveway and to replace it in kind with concrete; to complete grading as necessary; to restore the affected areas with topsoil, seed, fertilizer, and mulch in accordance with the plans and/or specifications as prepared by the City of Medina or its agents during the period of time commencing with the breaking of ground for the above described proposed work and terminating when the work has been completed and/or accepted by the City; and
3. Release the City of Medina, its Engineer, and all other officials, assistants, employees, agents and contractors thereof, from claims of damage, of compensation by reason of the above described work as called for by the said plans and/or specifications provided that the property designated as 815 Gates Mills Blvd.; Permanent Parcel No. 028-19D-05-281, part of Medina City Lot 1644 is restored to the condition before construction or as close as reasonably possible in conformance with the plans and/or specifications and/or proposed work described above.

All the terms and conditions of this Easement and Right-of-way shall be binding upon and inure to the benefit of the Grantor(s), the Grantee, their heirs, executors, administrator, successors and assigns.

The grant of this Easement and Right-of-way shall constitute a covenant running with the land for the benefit of the Grantee, its successors and assigns.

IN WITNESS WHEREOF, the undersigned has executed this instrument this 13 day of September, 20 21.

Grantor:
Megan E. Cowen Tripp

Signature: Megan Tripp

Print Name: MEGAN COWEN TRIPP

State of Ohio)
County of Medina) SS:

Before me, a Notary Public, in and for said County and State, personally appeared the Grantor, Megan E. Cowen Tripp, who acknowledged that he/she/they did sign the foregoing instrument and that the same is his/her/their free act and deed.

In testimony whereof, I have set my hand and official seal at Medina, Ohio, this 13 day of September, 20 21.

Notary Signature: Deant States

Print Name: Deant States

My Commission Expires: 12-1-2022

Notary Seal



DEANT T. STATES
Notary Public, State of Ohio
My Comm. Expires 12-01-2022
Recorded in Medina County

This instrument was prepared by:

Gregory Huber, Law Director, City of Medina, Ohio
132 N. Elmwood Avenue
Medina, OH. 44256

EXHIBIT A
DRAWING OF EASEMENT AREA

S 38°28'48" E

Q R/W & CONSTRUCTION
GATES MILLS BLVD

IRON PIN FOUND
S 53°55'31" E,
0.30'

(MO1)

30.00'

(MO1)

L.S. 51°31'12" W

EX R/W

STA. 10+35.00
30.00' RT
T.P.O.B. (1-SH)

CONSTRUCTION LIMITS

N 51°31'12" E
25.00'

STA. 10+35.00
55.00' RT

MEGAN E. COWEN TRIPP
PPN: 028-19D-05-281

STA. 10+00.00
30.00' RT

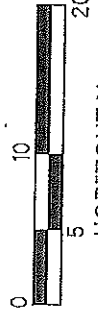
35.00'
N 38°28'48" W

S 38°28'48" E
35.00'

STA. 10+00.00
55.00' RT

L.S. 51°31'12" W
25.00'

SH



HORIZONTAL
SCALE IN FEET

Ord. 208-21
EXh. B

Storm Sewer and Drainage Easement

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of ONE THOUSAND THREE HUNDRED FORTY SEVEN and 85/100 Dollars (\$1,347.85) and other good and valuable consideration recited herein given to SHARON Y. SCHUESSLER hereinafter "Grantor(s)" by the CITY OF MEDINA, Ohio, hereinafter "Grantee", the receipt of which is hereby acknowledged, the Grantor does hereby grant, bargain, sell, transfer and convey unto the Grantee, its successors and assigns, a drainage and storm sewer easement for the purpose of erecting, constructing, installing and thereafter using, operating, inspecting, maintaining, repairing, replacing or removing a PERPETUAL WATERCOURSE WITH A STORM SEWER AND APPURTENANCES under, across, and through certain land of the Grantor(s) situated in the City of Medina, County of Medina and State of Ohio and more particularly described as follows:

Situated in the City of Medina, Medina County, Ohio and known as being part of Lot 1651 in Crestwood Land Company's Crestwood Development No. 1, also known as Sublot 21, as shown on the plat of said development recorded in Volume 6, Page 93 on the 29th day of August, 1955 by the Medina County Recorder, further bounded and described as follows:

Commencing at the intersection of the Grantor's northwesterly property corner and the northeasterly right of way line of Gates Mills Blvd. and the True Point of Beginning of the parcel herein described;

1. Thence North 51 degrees 31 minutes 12 seconds East a distance of 22.00 feet to a point on the Grantor's northwesterly property line;
2. Thence South 38 degrees 28 minutes 48 seconds East a distance of 16.00 feet to a point;
3. Thence South 51 degrees 31 minutes 12 seconds West a distance of 22.00 feet to a point on the Grantor's southwesterly property line and the northeasterly right of way line of Gates Mills Blvd.;
4. Thence, North 38 degrees 28 minutes 48 seconds West a distance of 16.00 feet on the Grantor's southwesterly property line and the northeasterly right of way line of Gates Mills Blvd. to the True Point of Beginning and enclosing an area of 0.0081 acre, more or less, none of which present road occupied and is from Medina County Auditor's Parcel No. 028-19D-05-274.

Bearings do not match plat and are based on an assumed meridian for reference only. This description was prepared and reviewed under the supervision of Mary E. Kimberlin, P.E., P.S., Registered Surveyor No. 7540, and is based on survey performed by the Euthenics' survey staff in July, 2020.

together with the right of reasonable ingress and egress over the immediately adjacent lands of the Grantor(s) for the purpose and use of said easement. The Grantee covenants and agrees that it will not use said easement for public right-of-way purposes.

As additional consideration for this easement and right-of-way, the Grantee covenants and agrees as follows:

1. Grantee shall repair any and all damage arising from the installation or subsequent repair, maintenance or reconstruction of a PERPETUAL WATERCOURSE WITH A STORM SEWER AND APPURTENANCES.
2. Grantee shall replace any driveway, lawn, shrubbery, or other improvement which may be damaged as a result of construction.
3. Within a reasonable time after completion of construction, and in no event later than forty-five (45) days, Grantee will return the ground to its original condition.
4. Grantee will secure and protect all permanent structures within the construction zone.
5. Grantee will pay for all costs of surveying, recording of documents, filing and transfer fees, escrow costs and title expenses, if any.

Grantor(s) covenant and agrees as follows:

1. Grantor will not install, erect or maintain any structure, fixture or device upon the easement which could in any way interfere with Grantee's use of the easement and right-of-way; however, Grantor retains the right to use the surface of the easement area provided said use does not interfere with the uses granted to Grantee.
2. Authorize the City of Medina, its Engineer, and all other officials, assistants, employees, agents and contractors thereof to enter upon the property designated as 816 Gates Mills Blvd.; Permanent Parcel No. 028-19D-05-274, part of Medina City Lot 1651 with the necessary equipment to remove any obstructions as necessary to allow for the proposed culvert, headwall and rock rip rap installation including any rocks, trees, tree stumps, brush, vegetation, and landscaping; to complete grading to establish the watercourse; to install the proposed culvert, headwall, appurtenances and rock channel protection; to remove a portion of the existing concrete driveway and to replace it in kind with concrete; to complete grading as necessary; to restore the affected areas with topsoil, seed, fertilizer, and mulch in accordance with the plans and/or specifications as prepared by the City of Medina or its agents during the period of time commencing with the breaking of ground for the above described proposed work and terminating when the work has been completed and/or accepted by the City; and
3. Release the City of Medina, its Engineer, and all other officials, assistants, employees, agents and contractors thereof, from claims of damage, of compensation by reason of the above described work as called for by the said plans and/or specifications provided that the property designated as 816 Gates Mills Blvd.; Permanent Parcel No. 028-19D-05-274, part of Medina City Lot 1651 is restored to the condition before construction or as close as reasonably possible in conformance with the plans and/or specifications and/or proposed work described above.

All the terms and conditions of this Easement and Right-of-way shall be binding upon and inure to the benefit of the Grantor(s), the Grantee, their heirs, executors, administrator, successors and assigns.

The grant of this Easement and Right-of-way shall constitute a covenant running with the land for the benefit of the Grantee, its successors and assigns.

IN WITNESS WHEREOF, the undersigned has executed this instrument this 10th day of November, 20 21.

Grantor:

Sharon Y. Schuessler

Signature: Sharon Y Schuessler

Print Name: Sharon Y Schuessler

State of Ohio)

County of Medina) SS:

Before me, a Notary Public, in and for said County and State, personally appeared the Grantor, Sharon Y. Schuessler, who acknowledged that he/she/they did sign the foregoing instrument and that the same is his/her/their free act and deed.

In testimony whereof, I have set my hand and official seal at Medina, Ohio, this 10th day of NOVEMBER, 20 21.

Notary Signature: Serafino Piccoli

Print Name: SERAFINO S. PICCOLI

My Commission Expires: OCTOBER 26, 2024

Notary Seal:



SERAFINO S. PICCOLI
Notary Public, State of Ohio
My Commission Expires
October 26, 2024

This instrument was prepared by:

Gregory Huber, Law Director, City of Medina, Ohio
132 N. Elmwood Avenue
Medina, OH. 44256

EXHIBIT A

DRAWING OF EASEMENT AREA

STA. 10+17.00 N 38°28'48" W
52:00' LT 16.00'

STA. 10+33.00
52:00' LT

N 51°31'12" E
22.00'

STA. 10+33.00
30.00' LT

S 38°28'48" E
16.00'

STA. 10+17.00
30.00' LT

T.P.C.B. (3-SH)

30.00'

CL R/W & CONSTRUCTION
GATES MILLS BLVD

S 38°28'48" E

STA. 10+17.00

IRON PIPE FOUND
(M01) N 51°31'12" E,
0.10'

SHARON Y SCHUESSLER
PPN: 028-19D-05-274

Ex R/W

CONSTRUCTION LIMITS



HORIZONTAL
SCALE IN FEET

ORDINANCE NO. 209-21

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

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

SECTION 31.14 SICK LEAVE.

(C) A full-time employee may also use such sick leave, upon approval of the responsible administrative officer of the employing unit, for each death in their immediate family. Immediate family shall be defined to include the employee's spouse, children, mother, father, grandmother, grandfather, brother, sister, mother-in-law, father-in-law, daughter-in-law, son-in-law. A death certificate or obituary notice in the newspaper is necessary for payment. The City may approve two additional sick leave days off for funeral leave for funerals or other legitimate reasons related to the death of an employee's immediate family member.

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

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

SECTION 31.14 SICK LEAVE.

(C) A full-time employee may also use **three days of** such sick leave, upon approval of the responsible administrative officer of the employing unit, for each death in their immediate family. Immediate family shall be defined to include the employee's spouse, children, mother, father, grandmother, grandfather, brother, sister, mother-in-law, father-in-law, daughter-in-law, son-in-law. A death certificate or obituary notice in the newspaper is necessary for payment. The City may approve two additional sick leave days off for funeral leave for funerals or other legitimate reasons related to the death of an employee's immediate family member.

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

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

PASSED: _____

SIGNED: _____

President of Council

ATTEST: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Mayor

ORDINANCE NO. 210-21

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PARTNER AGREEMENT WITH THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY (N.O.A.C.A) FOR AN ELECTRIC VEHICLE CHARGING STATION PROGRAM GRANT, AND DECLARING AN EMERGENCY.

WHEREAS: The City of Medina, previously submitted a Letter of Interest to NOACA regarding installation of fast charging electric vehicle charging stations (EVCS) at the City Hall Parking Deck by Resolution No. 30-21, passed by Medina City Council on February 22, 2021; and

WHEREAS: The City has been selected for installation of two (2) fast charging EVCS through this federally funded program and must now accept the attached Partner Agreement with NOACA.

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

SEC. 1: That the Mayor is hereby authorized and directed to execute the Electric Vehicle Charging Station Program Partner Agreement with Northeast Ohio Areawide Coordinating Agency (N.O.A.C.A.) for electric vehicle charging stations at the City Hall Parking Deck.

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

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

SEC. 4: That this Ordinance shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason the agreement must be returned prior to December 22, 2021; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: _____

SIGNED: _____

President of Council

ATTEST: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Mayor

Electric Vehicle Charging Station Program Partner Agreement

OD 210-21
Exh. A

THIS AGREEMENT is made effective and entered into as of the date last signed by the parties by and between the **[NAME OF COMMUNITY/ORGANIZATION]**, hereinafter referred to as the **PARTNER**, **[STREET ADDRESS, CITY, STATE, ZIP]**; and the Northeast Ohio Areawide Coordinating Agency, herein referred to as **NOACA**, 1299 Superior Avenue, Cleveland, Ohio, 44114.

1. PURPOSE

- 1.1 Chapter 23, Section 133 of the United States Code provides states with Federal funds to conduct the Congestion Mitigation and Air Quality (CMAQ) program and the funds apportioned to Ohio under 23 U.S.C. 149 are administered by the Ohio Department of Transportation ("ODOT").
- 1.2 NOACA has been allocated federal funds and is contributing a local portion of funds for a project involving the planning, distribution and installation of DCFC and/or Level 2 Dual Port Electric Vehicle Charging Stations at multiple locations throughout Cuyahoga, Geauga, Lake, Lorain and Medina counties (hereinafter the "Project"), which has received Federal Highway Administration ("FHWA") approval and authorization. The Project is identified as PID 112897, and named District 12/District 3 NOACA EV Charging Stations.
- 1.3 The Partner is authorized to enter into contract with NOACA to administer the design, qualification of bidders, competitive bid letting, use of the improvement on local agency property, construction inspection, research, and acceptance of any projects or transportation facilities, provided the administration of such projects or transportation facilities is performed in accordance with all applicable local, state and federal laws and regulations with oversight by ODOT, specifically including Section 5501.03 of the Ohio Revised Code as to the Ohio Department of Transportation.
- 1.4 **[Partner Name]** owns the property known as and located at **[Street Number, Street Name, Zip Code]**; and is agreeable to allow use of a portion of that property as a site for installation, operation and maintenance of electric vehicle charging stations under the Project. As of the date of this Agreement, the intended location is depicted on Exhibit A attached hereto.
- 1.5 The purpose of this Agreement is to set forth requirements associated with the Federal funds available for the PROJECT and to establish the responsibilities for NOACA and the PARTNER in administration, construction, operation and maintenance of the PROJECT.

2. FUNDING

- 2.1 NOACA shall using the above-mentioned federal funding and the local share that NOACA is providing to pay for all eligible items at a rate of 100% participation to implement the PROJECT as scoped, including all expenses associated with preliminary engineering, design, planning, construction and construction administration activities.
- 2.2 Unless otherwise agreed to in writing between the parties, Partner shall not be responsible for any costs of the development and construction of the Project, including costs related to preliminary engineering, environmental engineering, design and plans, construction contractor costs for purchase and installation of EV charging station equipment and software, site preparation, marking of parking spaces, extension of electric supply lines and connection to the charging stations.

3. NOTICE

3.1 Notice under this Agreement shall be directed as follows:

NOACA and the PARTNER shall designate a point of contact for all communications with associated with performance of the PROJECT. The point of contact shall be responsive to all communications in the performance of the PROJECT. As of the Effective Date of this Agreement, the parties designate the following contacts:

NOACA:

Randy Lane
NOACA
1299 Superior Avenue
Cleveland, OH 44114
rlane@mpo.noaca.org
(216) 241-2414, ext. 300

PARTNER:

[CONTACT NAME]
[COMMUNITY/ORGANIZATION NAME]
[STREET ADDRESS]
[CITY, STATE, ZIP]
[EMAIL]
[PHONE NUMBER]

4. TERM

The Term of this Agreement shall begin on the above-stated effective date and, unless otherwise terminated as provided in this Agreement, shall last for a period of five (5) years, which period shall coincide with the duration of the Project funding period with FHWA.

5. EXPIRATION AND TERMINATION PROVISIONS

5.1 This Agreement and obligation of the parties herein may be terminated by either party with thirty (30) days advance written notice to the other party. In the event of termination during construction, NOACA shall order a cease work, terminate all subcontracts relating to such terminated activities, take all necessary or appropriate steps to limit disbursements and minimize costs at the site, and furnish all data results, reports, and other materials describing all work under this contract, including without limitation, results accomplished, conclusions resulting therefrom, and such other matters as NOACA and/or ODOT may require.

6. OBLIGATIONS/RESPONSIBILITIES OF NOACA

6.1 NOACA will service as the Local Public Agency ("LPA") for the project, assuming all responsibilities to FHWA and ODOT in adherence to all requirements contained with the Locally Administered Transportation Projects Manual of Procedures. NOACA will engage the services of any consultants and contractors necessary to perform the PROJECT provided under this Agreement.

6.2 NOACA will in coordination with the Partner, assess potential sites to determine level of scope, costs, and schedule for charger installation the identified site.

6.3 NOACA will be responsible for:

- a. Development of detailed project scope and location identification as well as an engineer's estimate identifying all costs necessary for implementation of the Project.

- b. Development of the Plans, Specifications and Estimate (PS&E) package in accordance with ODOT Project Development Process (PDP) requirements, including:
 - Environmental (NEPA) Documentation
 - Right of Way Certification to ODOT
 - Design Plans (Consultant, proposed Design-Build)
 - Construction Specifications (Design-Build Scope)
 - Bidding Documents
 - c. Procurement and contract award for charging station equipment, electrical upgrades, and all labor necessary for proper installation
 - d. Directly or through a consultant perform construction inspection (Consultant)
 - e. Directly or through its Project contractor, obtain any applicable zoning and building permits, certificate of occupancy or other license, permit and approval. To the extent necessary to obtain such permit, license or approval, Partner will cooperate with NOACA or its contractor in obtaining such permit, license or approval as may be necessary.
- 6.4 NOACA shall provide copies of its plans, drawings, specifications for the construction and installation of the EV charging stations at Partner's site for review and acceptance,
- 6.5 Either NOACA or its contractor will make application with ODOT for a standard permit (MR 509) through ODOT's epermitting portal.
- 6.6 NOACA shall require of its construction contractor that it indemnify and hold harmless the State of Ohio and ODOT and to maintain those levels of liability, motor vehicle and Worker's Compensation insurance coverage that are provided in Section 107.12, of ODOT's Construction & Materials Specifications (Jan. 2019, as amended) a copy of which is appended hereto as Exhibit B.
- 6.7 Typical construction items, for which NOACA is responsible, depending on site conditions, include:
- New charging station units and associated equipment.
 - Conduit, signage at the parking spot, bollards, cable/wiring and electrical service box disconnects.
 - Concrete or asphalt addition or replacement.
 - Paint striping and stenciling of the charging station parking spaces.
 - Charging station installation labor (electrical, trenching, etc.)
 - Annual network fees for up to 5 years included in the original purchase price
 - Warranty and annual maintenance contract costs for the charging equipment (at least 5 years warranty required) included in the original purchase price
 - Construction inspection
- 6.8 NOACA shall require that its contractor or vendor cooperate with ODOT in setting up multiple pay options which users may employ to pay for any fee that may be charged for use of the EV Charging ports under Section _12.
- 6.9 NOACA or its contractor or vendor will be responsible for registering the location, hours of availability and other details about the EV Charging Stations at the ODOT site in any mapping or other relevant EV Charging Station database.

6.10 NOACA will ensure compliance with all federal requirements associated with project implementation, including environmental review, coordination of right of way or rights to locate on specific properties, design, contracting and reporting.

6.11 NOACA will include provisions in its Project or construction contract requiring that routine troubleshooting of the Electric Vehicle charging equipment and network upgrades are included under that contract for the five (5) year useful life of the charging units.

7. OBLIGATIONS/RESPONSIBILITIES OF PARTNER

7.1 As provided in Section 8, Partner will provide access to a specific location on its property for the construction, maintenance and use of the EV charging stations for the duration of the project, which coincides with the life expectancy of the charging stations of five (5) years.

7.2 Partner will coordinate with NOACA in

- a. The assessment of potential sites to determine level of scope, costs, and schedule for charger installation at each identified site:
- b. The development of detailed project scope and location identification
- c. The development of an engineer's estimate identifying all costs necessary for implementation
- d. The certification of availability of necessary property to comply with FHWA regulations for federally funded projects.

7.3 Partner will within this Agreement grant NOACA a right of entry onto its property to perform inspections or surveys in the planning of construction at ODOT's site and for the full construction/installation of the EV Charging station equipment at Partner's site. In the event that any additional or supplemental instrument or conveyance is needed to allow such construction as well as troubleshooting and installation of network updates, during the term of this Agreement, Partner will cooperate to provide such instrument.

7.4 Partner will allow for the installation of any additional electrical service facilities across its property which may be necessary to provide a power source to the EV Charging Stations.

7.5 Partner will maintain public access to the EV Charging Stations site for no less than twelve (12) hours per day for the useful life of the equipment of five (5) years.

8. RIGHT OF ENTRY AND LICENSE

8.1 The PARTNER hereby grants a temporary license and permission for a Right of Entry to NOACA, its consultants, contractors and subcontractors, and utility providers ("Agents") for entry onto the work area located at [STREET ADDRESS, CITY, STATE, ZIP], for the purpose of making surveys and tests and constructing the PROJECT, including installation of electric vehicle supply equipment ("EVSE"), necessary site and utilities improvements to operate the EVSE.

- 8.2 This Temporary Right of Entry and License shall commence on the effective date of this Agreement and shall continue until the date of final construction completion and mutual acceptance (the "Term"), unless extended in writing pursuant to the mutual agreement of the parties hereto, at which time NOACA and its Agents shall vacate the property.
- 8.3 Use of the Work Area and the installation of the PROJECT shall be in compliance with the requirements of all applicable Federal, State and local laws, ordinances, rules and regulations.
- 8.4 NOACA and its Agents shall coordinate all Improvements onsite with the designated PARTNER contact for the Work Area by telephone or by email.
- 8.5 NOACA, and its Agents shall notify the PARTNER contact at least 72 hours prior to entry onto the Work Area, and immediately if any unusual conditions are encountered. NOACA, or its Agents, shall provide the following information to the PARTNER contact at the time of notification:
- (i) Access routes to and from the Work Area;
 - (ii) Type, size and number of vehicles and crews to be used to perform the work; and
 - (iii) Copies of all plans, drawings, permits, etc., including, but not limited to permits related to sediment and erosion control and storm-water management.
- 8.6 Any and all proposed trimming of trees, cutting of timber and/or clearing of the Work Area by NOACA and its Agents, will be reviewed, approved and inspected by the PARTNER before any work is begun, to ensure that all such proposed work is permitted and within the Work Area.
- 8.7 NOACA and its Agents shall take any and all precautionary measures to protect any sensitive and threatened or endangered species and habitats.
- 8.8 In the event that historical, cultural or archeological resources are uncovered during the course of construction, work shall be halted immediately and NOACA shall contact State and Federal oversight agencies for guidance.

9. OWNERSHIP OF PROJECT EQUIPMENT

- 9.1 Upon completion of installation and construction EV Charging Station at the Partner's site and confirmation that the equipment is fully operational, the Partner will be considered to be the owner of the charging stations and thereafter responsible to provide maintenance as covered in Section 10, including maintenance of an electric power supply.
- 9.2 Partner shall be required to maintain the charging stations at its site for a period of five (5) years. Upon the expiration of that five year period, coinciding with the expiration of this Agreement, Partner may choose to retain the equipment in place and to operate it; or choose to have the equipment removed and discontinue making the charging stations available to the public.
- 9.3 In the event that Partner determines to retain and operate the equipment following the expiration of the five year period, the Partner/ODOT will be responsible for maintaining an agreement with a vendor for management of, receipt and disbursement of fees charges under Section _12.

10. PROJECT MAINTENANCE

- 10.1 23 United States Code, Section 116 requires a formal agreement with the appropriate officials of jurisdiction in which the project is located to provide for the maintenance of the PROJECT for the useful life of five (5) years, beginning from the date the facility is open to the public. The PARTNER shall be responsible for the maintenance of the PROJECT under this agreement. This includes the maintenance of electrical vehicle supply equipment and associated site improvements to allow for continued operation and functionality. The PARTNER shall also maintain public access to the site for 12 hours or more per day for the full useful life.
- 10.2 Maintenance under this Section shall include maintaining an electric power supply to the charging equipment and paying the costs of such electric service.
- 10.3 The PROJECT will be included for review under NOACA's annual Project Maintenance Monitoring Policy. If selected for maintenance review, NOACA will coordinate with the PARTNER to perform a site maintenance review in accordance with the policy, which may result in corrective plans and action to ensure the facility continues to be functional and accessible for public utilization.

11. DATA SHARING AND REPORTING

- 11.1 The PARTNER will provide, or arrange to be provided through the Electric Vehicle Supply Equipment (EVSE) provider, usage data reports on a semi-annual basis for the five year useful life (10 total reports). For each EVSE unit installed under this agreement, the following information, in summary form, will be required:
1. Location: Site name, EVSE ID number, address, city, zip, county
 2. Operational uptime (percentage)
 3. Number of charge events
 4. Number of unique vehicles
 5. Average charge time per event (minutes)
 6. Average kW per charge event
 7. Total kW consumed

12. FEE STRUCTURE

- 12.1 The PARTNER shall have the right to set and collect user or convenience fees to offset costs associated with electricity supply to and maintenance of EVSE. The PARTNER shall not monetarily profit or direct fees collected to any other purpose.
- 12.2 Payment of the fee shall be available through several optional forms: web/mobile application, pay card, subscription and credit card at point of sale.
- 12.3 Management of the fee payment system will be handled by NOACA's Project contractor or vendor, who shall collect the fees and disburse revenue. Details of the collection, management and disbursement of fees will be set out in a separate written Agreement to be entered after NOACA has awarded the Project construction contract.
- 12.4 Partner may apply the revenue resources to reimbursement costs of electricity supply and costs of maintenance or repair of the charging units during the term of this Agreement.

12.5 Following the term of this Agreement, in the event that Partner/ODOT chooses to retain the electric vehicle charging equipment in place and operate and manage that equipment, Partner/ODOT will be required to enter into a new, separate agreement for a party to manage collection of fees and disbursement of revenue.

13 INDEMNIFICATION

13.1 NOACA, to the extent allowable under law in the State of Ohio, and its Project contractor shall indemnify and save harmless the Partner against and from all expenses, liabilities, obligations, damages, penalties, claims, accidents, costs and expenses, including reasonable attorneys' fees paid, suffered or incurred for death or damage or injury to persons or property in whole arising out of the carelessness, negligence, or improper conduct of NOACA or its contractor or subcontractors, its agents, servants, employees or licensees resulting from its performance of its obligations under this Agreement or its use and occupancy of the Premises. Partner's liability shall be determined in accordance with Ohio Revised Code Chapter 2744. Notwithstanding anything to the contrary in this Agreement, no party shall be required to indemnify another party from or against such other party's intentional acts or omissions or negligence.

13.2 This provision may be met by maintaining liability insurance policies as outlined in Section 107.12 of the ODOT CMS and providing to ODOT/Partner copies of certificates of insurance coverage.

14. GENERAL

14.1 Neither this contract, nor any rights, duties or obligation described herein shall be assigned by either party hereto without the prior express written consent of the other party. Any change to the provisions of this agreement must be made in a written amendment executed by both parties.

14.2 This Agreement shall be construed and interpreted and the rights of the parties determined in accordance with the laws of the State of Ohio.

14.3 Performance by the Partner as a political subdivision of the State of Ohio and in the event that the Agreement requires the payment of money, the Agreement is subject to Section 5705.41 requiring the certification of availability of funds by the Fiscal Officer of the political subdivision.

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

14.5 NOACA agrees for itself and its project contractors that it is in compliance with the requirements of R.C. § 125.111.

14.6 NOACA certifies that it: (i) has reviewed and understands the Ohio ethics and conflict of interest laws as found in Ohio Revised Code Chapter 102 and in Ohio Revised Code Sections 2921.42 and 2921.43, and (ii) will take no action inconsistent with those laws. NOACA understands that failure to comply with Ohio's ethics and conflict of interest laws is grounds for termination of this Agreement and may result in the loss of other contracts or grants with the State of Ohio.

14.7. NOACA affirms that it is compliant with R.C. § 3517.13.

- 14.8 NOACA affirms to have read and understands Executive Order 2019-12D issued by Ohio Governor Mike DeWine. NOACA has signed and completed the Standard Affirmation and Disclosure Form and shall abide by those requirements in the performance of this Agreement and perform no services required under this Agreement outside of the United States. The Executive Order can be accessed at the following website: <https://governor.ohio.gov/wps/portal/gov/governor/media/executive-orders/2019-12d>.
- 14.9 Pursuant to R.C. § 9.76 (B), NOACA warrants that it is not boycotting any jurisdiction with whom the State of Ohio can enjoy open trade, including Israel, and will not do so during the contract period.
- 14.10 This Agreement may be executed in multiple counterparts, each of which shall be deemed an original and all of which shall constitute one agreement. Signatures delivered electronically (by facsimile or electronic mail) shall be deemed originals for all intents and purposes. The signature of any party to any counterpart shall be deemed to be a signature to, and may be appended to, any other counterpart.
- 14.11 While this Agreement is captioned as Partner Agreement, that neither that title nor any provision of this Agreement creates any agency, partnership, employer/employee, joint venture or other relationship between the Partner and NOACA.
- 14.12 If any term, covenant or condition of this Agreement or the application thereof to any part, person or circumstances shall, to any extent, be invalid or unenforceable, the remainder of this Agreement or the application of such term, covenant or condition shall be valid and shall be enforced to the fullest extent permitted by law.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the day and year last written below.

NORTHEAST OHIO AREAWIDE COORDINATING AGENCY	NORTHEAST OHIO AREAWIDE COORDINATING AGENCY
By:	By:
Legal Counsel	Executive Director
Date:	Date:
PARTNER: [COMMUNITY/ORGANIZATION NAME]	PARTNER: [COMMUNITY/ORGANIZATION NAME]
By:	By:
Legal Counsel	[AUTHORIZED REPRESENTATIVE]

ORDINANCE NO. 211-21

AN ORDINANCE AMENDING SECTION 31.02(E) OF THE SALARIES AND BENEFITS CODE OF THE CITY OF MEDINA, OHIO RELATIVE TO THE SALARY SCHEDULE FOR PART-TIME EMPLOYEES OF THE MEDINA COMMUNITY RECREATION CENTER AFFECTED BY THE OHIO MINIMUM WAGE INCREASE, AND DECLARING AN EMERGENCY.

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

SEC. 1: That Section 31.02(E) of the Salaries and Benefits Code of the City of Medina shall amended as follows effective January 1, 2022 for all part-time employees of the Medina Community Recreation Center affected by the Ohio Minimum Wage increase.

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

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

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

PASSED: _____ **SIGNED:** _____
President of Council

ATTEST: _____ **APPROVED:** _____
Clerk of Council

SIGNED: _____
Mayor

Recreation Center 2022

Part-time Pay Scale

CPI increase of 5.8% or 50 cents over 2021 minimum wage.

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
RC1	\$9.30	\$9.40	\$9.50	\$9.60	\$9.70	\$9.80	\$9.90	\$10.00	\$10.10	\$10.20	\$10.30	\$10.40	\$10.50	\$10.60	\$10.70
	Café Attendants														
	Field House Attendants														
	Fitness Room Attendants														
	Office Aides														
	Program Aides														
	Recreation Aides														
	Tour Guides														
RC2	\$9.30	\$9.40	\$9.50	\$9.60	\$9.70	\$9.80	\$9.90	\$10.00	\$10.10	\$10.20	\$10.30	\$10.40	\$10.50	\$10.60	\$10.70
RC3	\$9.30	\$9.40	\$9.50	\$9.60	\$9.70	\$9.80	\$9.90	\$10.00	\$10.10	\$10.20	\$10.30	\$10.40	\$10.50	\$10.60	\$10.70
RC4	\$9.30	\$9.40	\$9.50	\$9.60	\$9.70	\$9.80	\$9.90	\$10.00	\$10.10	\$10.20	\$10.30	\$10.40	\$10.50	\$10.60	\$10.70
RC5	\$9.30	\$9.40	\$9.50	\$9.60	\$9.70	\$9.80	\$9.90	\$10.00	\$10.10	\$10.20	\$10.30	\$10.40	\$10.50	\$10.60	\$10.70
RC6	\$9.30	\$9.40	\$9.50	\$9.60	\$9.70	\$9.80	\$9.90	\$10.00	\$10.10	\$10.20	\$10.30	\$10.40	\$10.50	\$10.60	\$10.70
RC7	\$9.30	\$9.40	\$9.50	\$9.60	\$9.70	\$9.80	\$9.90	\$10.00	\$10.10	\$10.20	\$10.30	\$10.40	\$10.50	\$10.60	\$10.70
RC8	\$9.30	\$9.40	\$9.50	\$9.60	\$9.70	\$9.80	\$9.90	\$10.00	\$10.10	\$10.20	\$10.30	\$10.40	\$10.50	\$10.60	\$10.70
RC9	\$9.30	\$9.40	\$9.50	\$9.60	\$9.70	\$9.80	\$9.90	\$10.00	\$10.10	\$10.20	\$10.30	\$10.40	\$10.50	\$10.60	\$10.70
RC10	\$9.30	\$9.40	\$9.50	\$9.60	\$9.70	\$9.80	\$9.90	\$10.00	\$10.10	\$10.20	\$10.30	\$10.40	\$10.50	\$10.60	\$10.70
RC11	\$9.30	\$9.40	\$9.50	\$9.60	\$9.70	\$9.80	\$9.90	\$10.00	\$10.10	\$10.20	\$10.30	\$10.40	\$10.50	\$10.60	\$10.70
RC12	\$9.30	\$9.40	\$9.50	\$9.60	\$9.70	\$9.80	\$9.90	\$10.00	\$10.10	\$10.20	\$10.30	\$10.40	\$10.50	\$10.60	\$10.70
	Café Supervisor														
	Front Desk Attendants														
	Head Counselors														
	Lead Teacher														
RC13	\$9.30	\$9.40	\$9.50	\$9.60	\$9.70	\$9.80	\$9.90	\$10.00	\$10.10	\$10.20	\$10.30	\$10.40	\$10.50	\$10.60	\$10.70
RC14	\$9.46	\$9.56	\$9.66	\$9.76	\$9.86	\$9.96	\$10.06	\$10.16	\$10.26	\$10.36	\$10.46	\$10.56	\$10.66	\$10.76	\$10.86
	Team Leaders														
	Lifeguards														
RC15	\$9.72	\$9.82	\$9.92	\$10.02	\$10.12	\$10.22	\$10.32	\$10.42	\$10.52	\$10.62	\$10.72	\$10.82	\$10.92	\$11.02	\$11.12
	MCRS Facility Attendant														
	Office Assistant														
	WSI														
RC16	\$9.98	\$10.08	\$10.18	\$10.28	\$10.38	\$10.48	\$10.58	\$10.68	\$10.78	\$10.88	\$10.98	\$11.08	\$11.18	\$11.28	\$11.38
	League Supervisor														
	Rascal Room Supervisor														
	Receptionist														
	Recreation Leaders														
RC17	\$10.24	\$10.34	\$10.44	\$10.54	\$10.64	\$10.74	\$10.84	\$10.94	\$11.04	\$11.14	\$11.24	\$11.34	\$11.44	\$11.54	\$11.64
RC18	\$10.35	\$10.45	\$10.55	\$10.65	\$10.75	\$10.85	\$10.95	\$11.05	\$11.15	\$11.25	\$11.35	\$11.45	\$11.55	\$11.65	\$11.75
RC19	\$10.51	\$10.61	\$10.71	\$10.81	\$10.91	\$11.01	\$11.11	\$11.21	\$11.31	\$11.41	\$11.51	\$11.61	\$11.71	\$11.81	\$11.91
RC20	\$10.77	\$10.87	\$10.97	\$11.07	\$11.17	\$11.27	\$11.37	\$11.47	\$11.57	\$11.67	\$11.77	\$11.87	\$11.97	\$12.07	\$12.17
	Building Monitor														
	After Before School Supervisor														
	Front Desk Supervisor														
	Head Lifeguard														
	Rental Coordinator														
	Day Camp Supervisor														
RC21	\$11.03	\$11.13	\$11.23	\$11.33	\$11.43	\$11.53	\$11.63	\$11.73	\$11.83	\$11.93	\$12.03	\$12.13	\$12.23	\$12.33	\$12.43
RC22	\$11.56	\$11.66	\$11.76	\$11.86	\$11.96	\$12.06	\$12.16	\$12.26	\$12.36	\$12.46	\$12.56	\$12.66	\$12.76	\$12.86	\$12.96
	Facility Monitor														
	Dock Supervisor														
RC23	\$12.61	\$12.71	\$12.81	\$12.91	\$13.01	\$13.11	\$13.21	\$13.31	\$13.41	\$13.51	\$13.61	\$13.71	\$13.81	\$13.91	\$14.01
RC24	\$13.13	\$13.23	\$13.33	\$13.43	\$13.53	\$13.63	\$13.73	\$13.83	\$13.93	\$14.03	\$14.13	\$14.23	\$14.33	\$14.43	\$14.53
RC25	\$13.66	\$13.76	\$13.86	\$13.96	\$14.06	\$14.16	\$14.26	\$14.36	\$14.46	\$14.56	\$14.66	\$14.76	\$14.86	\$14.96	\$15.06
RC26	\$14.18	\$14.28	\$14.38	\$14.48	\$14.58	\$14.68	\$14.78	\$14.88	\$14.98	\$15.08	\$15.18	\$15.28	\$15.38	\$15.48	\$15.58
RC27	\$14.71	\$14.81	\$14.91	\$15.01	\$15.11	\$15.21	\$15.31	\$15.41	\$15.51	\$15.61	\$15.71	\$15.81	\$15.91	\$16.01	\$16.11
RC28	\$15.23	\$15.33	\$15.43	\$15.53	\$15.63	\$15.73	\$15.83	\$15.93	\$16.03	\$16.13	\$16.23	\$16.33	\$16.43	\$16.53	\$16.63
RC29	\$15.76	\$15.86	\$15.96	\$16.06	\$16.16	\$16.26	\$16.36	\$16.46	\$16.56	\$16.66	\$16.76	\$16.86	\$16.96	\$17.06	\$17.16
RC30	\$16.28	\$16.38	\$16.48	\$16.58	\$16.68	\$16.78	\$16.88	\$16.98	\$17.08	\$17.18	\$17.28	\$17.38	\$17.48	\$17.58	\$17.68
RC31	\$16.81	\$16.91	\$17.01	\$17.11	\$17.21	\$17.31	\$17.41	\$17.51	\$17.61	\$17.71	\$17.81	\$17.91	\$18.01	\$18.11	\$18.21
RC32	\$17.86	\$17.96	\$18.06	\$18.16	\$18.26	\$18.36	\$18.46	\$18.56	\$18.66	\$18.76	\$18.86	\$18.96	\$19.06	\$19.16	\$19.26
RC33	\$18.00	\$18.10	\$18.20	\$18.30	\$18.40	\$18.50	\$18.60	\$18.70	\$18.80	\$18.90	\$19.00	\$19.10	\$19.20	\$19.30	\$19.40
	WSI / LTS Private Lessons														
	Group Exercise Instructor A														
	WSI / LTS Semi-Private Lessons														
RC34	\$22.00	\$22.10	\$22.20	\$22.30	\$22.40	\$22.50	\$22.60	\$22.70	\$22.80	\$22.90	\$23.00	\$23.10	\$23.20	\$23.30	\$23.40
	Group Exercise Instructor B														

31.02 (E)
ORD. 211-21
Exh. A

ORDINANCE NO. 212-21

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO THE THIRD AMENDMENT TO CLEVELAND CLINIC FITNESS CENTER AND MEDINA COMMUNITY RECREATION CENTER HEALTH AND FITNESS AGREEMENT, AND DECLARING AN EMERGENCY.

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

SEC. 1: That the Mayor is hereby authorized and directed to execute a Third Amendment to Cleveland Clinic Fitness Center and Medina Community Recreation Center Health and Fitness Agreement.

SEC. 2: That a copy of the Agreement is marked Exhibit A, attached hereto and incorporated herein, and is subject to the final approval of the Law Director.

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 that the current contract expires on December 31, 2021; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: _____

SIGNED: _____

President of Council

ATTEST: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Mayor

ORD 212-21
Exh. A

 **Cleveland Clinic - Law Department**

This page needs to be retained with the Agreement at all times.

COMPANY INFORMATION

CITY OF MEDINA, OHIO
132 N. ELMWOOD
MEDINA, OH 44256

CONTRACT INFORMATION

Contract ID: 4259566
Master Agreement Number: 3038652
Dept Reference No.:
Contract Description: THIRD AMENDMENT - EXTENDS AGREEMENT FOR 1 MORE YEAR, AND
ADDS A 60 DAY TERMINATION WITHOUT CAUSE PROVISION
Institute: Executive Administration
Submitting Dept: WELLNESS
Contract Amount: \$0
Dept Contact: LINDSEY SITKO

TERM INFORMATION

Effective Date: 1/1/2022
Expiration Date: 12/31/2022
Term Type: Fixed

LEGAL TEAM INFORMATION

Attorney: JOHN RITCHEY

Paralegal:

Contract approved as to form for: 4259566
Attorney: RITCHEY, JOHN
By: Ritchey, John
Date: 12/1/2021 11:34:06 AM

ORD 212-21
Rkh.A

**Third Amendment to Cleveland Clinic Fitness Center
and
Medina Community Recreation Center
Health and Fitness Agreement**

This Third Amendment to the Cleveland Clinic Fitness Center and Medina Community Recreation Center Health and Fitness Agreement ("Third Amendment") is made and entered into as of **January 1, 2022**, by and between **The Cleveland Clinic Foundation**, an Ohio nonprofit corporation, located at 9500 Euclid Avenue, Cleveland, Ohio 44195, on behalf of its Fitness Center, ("CCFFC"), and the **City of Medina**, an Ohio municipality, for its Medina Community Recreation Center, and amends the Cleveland Clinic Fitness Center and Medina Community Recreation Center Health and Fitness Agreement between the parties effective January 1, 2013 (the "Agreement.")

WHEREAS, the Term of the Agreement, as amended by the Second Amendment effective January 1, 2019, expires on December 31, 2021, and the parties desire to extend the Term for one more year; and

WHEREAS, the parties desire to further amend the Agreement as described herein,

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, CCFFC and the City of Medina, for its Medina Community Recreation Center, agree as follows:

1. **Term.** The Term of the Agreement expires on December 31, 2021. Therefore, the parties hereby agree that the Term shall be extended through **December 31, 2022** ("Term"), unless and until terminated earlier by the parties.
2. **Termination.** The parties hereby amend the Agreement to add a termination provision that either party may terminate the Agreement without cause upon sixty (60) days prior written notice to the other party.
3. **Rates.** The current member rates shall continue unchanged during the extended Term period.
4. **Effective Date of Third Amendment.** This Third Amendment is effective as of January 1, 2022.

All other terms and conditions of the Agreement not modified by this Third Amendment remain in full force and effect. In the event of any conflict between this Third Amendment and the Agreement, the terms of this Third Amendment will govern.

[Remainder of this page left blank; signature page follows.]

IN WITNESS WHEREOF, the parties hereto have caused this Third Amendment to be executed by their authorized agents as of the date first above written.

**THE CLEVELAND CLINIC
FOUNDATION**

**CITY OF MEDINA, for its Medina
Community Recreation Center**

By: _____
Authorized Signature

By: _____
Authorized Signature

Name (print or type)

Name (print or type)

Title

Title

Date

Date

ORDINANCE NO. 213-21

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO THE AMENDMENT TO THE WELLNESS SERVICES AGREEMENT BETWEEN MEDINA HOSPITAL AND THE CITY OF MEDINA, TO PROVIDE WELLNESS SERVICES FOR CITY OF MEDINA EMPLOYEES.

WHEREAS: Ordinance No. 95-12, passed May 29, 2012, authorized the Mayor to enter into a Wellness Services Agreement with Medina Hospital to provide Wellness Services for City of Medina Employees; and

WHEREAS: Medina Hospital and the City of Medina desire to make modifications to the agreement.

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

SEC. 1: That the Mayor is hereby authorized and directed to execute the Amendment to the Wellness Services Agreement between Medina Hospital and the City of Medina, effective January 1, 2022 and ending December 31, 2022.

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

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

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

PASSED: _____

SIGNED: _____

President of Council

ATTEST: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Mayor

AMENDMENT
TO THE
WELLNESS SERVICES AGREEMENT BETWEEN
MEDINA HOSPITAL
AND
CITY OF MEDINA

Ord. 213-12
Exh. A

This Amendment (the "Amendment"), entered into as of _____, 202_ is between **MEDINA HOSPITAL** ("MH") and **CITY OF MEDINA** ("COMPANY") and modifies the Wellness Services Agreement dated as of August 1, 2012 and as may be amended (the "Agreement") (MH Contract ID CW2336692).

WITNESSETH:

WHEREAS, MH and COMPANY desire to make modifications to the Agreement as set forth in this Amendment;

NOW THEREFORE, in consideration of the mutual promises contained herein and for other good and valuable consideration, MH and COMPANY agree to amend the Agreement as follows:

1. This Amendment shall serve as notice that the parties agree to renew the Agreement for one (1) year, ending on December 31, 2022, in accordance with the terms set forth in Section 6 of the Agreement.
2. Supplement the Agreement to include Exhibit D, attached hereto and incorporated herein.

Except as modified by this Amendment, the terms and conditions of the Agreement remain in full force and effect. All capitalized words not defined herein shall have the meaning set forth in the Agreement. In the event of any conflict between this Amendment and the Agreement, this Amendment shall control. This Amendment may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one theme and instrument.

IN WITNESS WHEREOF, the parties hereby execute this Amendment through their authorized representatives as of the date first written herein.

MEDINA HOSPITAL

CITY OF MEDINA

By: _____

By: _____

Printed Name: _____

Printed Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

EXHIBIT D
STATEMENT OF WORK
Number:
Project:
Organization: City of Medina

This Statement of Work ("SOW") dated as of _____, 202_, shall be governed and controlled by the Wellness Services Agreement dated August 1, 2012, as amended, between Medina Hospital ("MH") and the City of Medina ("Company"). The parties agree that this SOW is effective as of January 1, 2022.

1. **INTRODUCTION**

- a. Medina Hospital provides companies with wellness assessment services. Company would like to retain MH to provide Wellness Assessment services to Company employees, with an emphasis on prevention. MH will provide these services pursuant to this Statement of Work.

2. Scope of Services

Medina Hospital will provide programming and screenings for the employees of the City of Medina.

Annual Biometric Screening - consisting of cholesterol, diabetes, hypertension, and obesity risk assessments - \$83.00 per participant
Health Risk Assessment (HRA) screening
Follow-up report identifying top health risks for each participant
Educational opportunities addressing top health risks as identified by the HRA
Various wellness campaigns and challenges to encourage increased physical fitness.
Monthly newsletters for updates, information for participants to continue their efforts, and web-based educational videos
Participation in all Community screenings, education, challenges, events.
"Wellness-breaks" informational presentations, e.g. brown bag lunch and learns
A Cleveland Clinic Healthy Medina liaison who attends Wellness Committee meetings

Medina Hospital Responsibilities

Oversee and initiate a working group committee. Suggested members of the committee should be: wellness representative(s) as designated by Medina Hospital, administrative representative(s) as designated by Medina City Council and city representative(s) as designated by the mayor of the city of Medina.

Determine meeting schedule
Responsible for determining schedule of events and promotion
Provide staffing /speakers for events
Provide volunteers for events
Provide Newsletter or other related materials

City of Medina Responsibilities

Promote the programs through city resources
Assist in distribution of marketing materials and/ or assist in cost savings for distribution
Encourage participation in programming and events
Help in providing staffing/volunteers for programs as needed.

Benefits

This is a win win for the City of Medina as well as the Medina Hospital. Medina Hospital can continue to solidify their presence and commitment to the city of Medina while helping the city to continue in its efforts to live a healthier lifestyle. The City of Medina can provide wellness opportunities for their employees.

[signatures on the following page]

MEDINA HOSPITAL

By: _____
Authorized Signature

Name (print or type)

Title

Date

CITY OF MEDINA

By: _____
Authorized Signature

Name (print or type)

Title

Date

ORDINANCE NO. 214-21

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO THE FIRST AMENDMENT TO THE SUBLEASE AGREEMENT WITH MEDINA HOSPITAL TO JOINTLY OPERATE A WELLNESS PROGRAM WITHIN THE MEDINA COMMUNITY RECREATION CENTER.

WHEREAS: Ordinance No. 52-11, passed April 25, 2011, authorized the Mayor to enter into a Sublease Agreement with Medina Hospital to jointly operate a Wellness Program within the Medina Community Recreation Center; and

WHEREAS: Medina Hospital and the City of Medina wish to extend the sublease agreement.

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

SEC. 1: That the Mayor is hereby authorized and directed to execute the First Amendment to Sublease Agreement between Medina Hospital and the City of Medina, effective March 2, 2022 through March 31, 2027.

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

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

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

PASSED: _____ **SIGNED:** _____
President of Council

ATTEST: _____ **APPROVED:** _____
Clerk of Council

SIGNED: _____
Mayor

ORD: 214-21
Exh. A

**FIRST AMENDMENT
TO
SUBLEASE AGREEMENT**

THIS FIRST AMENDMENT TO SUBLEASE AGREEMENT (the "First Amendment") is made and entered into as of _____, 2021 by and between the **City of Medina**, a municipal corporation and political subdivision organized under its charter and the laws of the State of Ohio (the "City") and **Medina Hospital**, an Ohio non-profit corporation (the "Hospital").

WHEREAS, Hospital and City have entered into a certain Sublease Agreement effective as of March 1, 2011 (the "Sublease") pursuant to which Hospital subleased from City the exclusive use of Rooms U-032, U-033, U-034 and U-037 and an area designated solely for the use of rehabilitation services, as well as the non-exclusive use of the leisure pool, one 25-meter lap lane of the competitive pool, the fitness room, and field house and running track in the Medina Community Recreation Center (the "Recreation Center"). The Recreation Center is situated on land leased by the City from the Medina School District ("the "Master Lessor") pursuant to an Operating Agreement dated May 30, 2001 (the "Master Agreement") and is located at 855 Weymouth Road, Medina, Ohio 44256;

WHEREAS, Hospital and City have entered into a Wellness Service Agreement dated July 1, 2015, as amended by Amendments to Wellness Service Agreement effective July 1, 2018 and July 1, 2021 (collectively, the "Wellness Agreement") which remains in full force and effect and sets forth the terms and conditions under which the parties have agreed to jointly operate a Wellness Program within the Recreation Center;

WHEREAS, the initial one year term of the Sublease, as extended for ten additional terms of one year each, is scheduled to expire on March 1, 2022; and

WHEREAS, the parties desire to extend and amend the Sublease as set forth below.

NOW THEREFORE, in consideration of the mutual covenants, conditions and premises hereinafter set forth, the parties hereto hereby agree to amend the Sublease as follows:

1. Incorporation of Recitals. The recitals set forth above, the Sublease, the Master Agreement, and Wellness Agreement referred to therein are hereby incorporated herein by reference as if set forth in full in the body of this First Amendment.

2. Term. The Term of the Sublease shall be extended commencing on March 2, 2022 (the "Effective Date") and continuing through March 31, 2027 (the "First Extended Term"), unless earlier terminated pursuant to the terms and conditions of the Sublease. Either party may terminate the Sublease at any time upon sixty (60) days' notice to the other party. In the event either the Master Agreement or the Wellness Agreement expires or is terminated, this Sublease shall automatically terminate.

3. Notices. Section 13 of the Sublease shall be modified to show the following addresses for Hospital notices: Medina Hospital, 1000 E. Washington Street, Medina, OH 44256, Attn: COO; The Cleveland Clinic Foundation, 9500 Euclid Avenue, HS1-02, Cleveland, OH 44195, Attn: Sr. Director of Real Estate; The Cleveland Clinic Foundation, 3050 Science Park Drive, AC321, Beachwood, OH 44122, Attn: Sr. Counsel, Real Estate.

4. Confidentiality. The following paragraph shall be added to the Sublease as Section 14:

“14. CONFIDENTIALITY

Each party agrees that it will hold in strict confidence all documents, materials and other information concerning the Sublease (whether obtained before or after the date of the Sublease), including, without limitation, the business terms contained herein. Such documents, materials, information and terms shall not be communicated to any third party (other than to a party’s partners, counsel, accountants, financial advisors or lenders) and no public statements regarding the Sublease (e.g., press releases) shall be made without the permission of the other party. The obligation of each party to treat such documents, materials, information and terms in confidence shall not apply to any information which: (i) is or becomes available to such party on a non-confidential basis from a source other than such party; (ii) is or becomes available to the public other than as a result of disclosure by such party or its agents; (iii) is required to be disclosed as part of the application for any permit or entitlements related to the Sublease; or (iv) is required to be disclosed under applicable law or judicial process, but only to the minimum extent it must be disclosed.”

5. General. Except as specifically amended hereby, the terms and conditions of the Sublease shall remain unchanged and in full force and effect. All capitalized terms used but not otherwise defined herein shall have the meanings set forth in the Sublease. In the event any provision contained in the First Amendment conflicts with the terms and conditions of the Sublease, the terms of this First Amendment shall control.

6. Representations and Warranties. City hereby represents, warrants and agrees that it has timely performed all of its obligations under the Master Agreement, prior to the date hereof and is not in default of any of its obligations thereunder and that, to the best of its knowledge, Master Lessor has timely performed all of its obligations under the Master Agreement, prior to the date hereof and is not in default of any of its obligations thereunder.

7. Counterparts. This First Amendment may be executed in any number of counterparts, each of which shall constitute an original as against any party whose signature appears on it, and all of which shall together constitute a single instrument. This First Amendment shall become binding when one or more counterparts, individually or taken together, bear the signatures of all parties. This First Amendment may be executed and delivered by facsimile or other electronic means, with such electronic copy to serve as conclusive evidence of the consent and ratification of the matters contained herein by the parties hereto.

IN WITNESS WHEREOF, the parties have the authority necessary to bind the entities identified herein and have executed this First Amendment to be effective as of the Effective Date.

CITY OF MEDINA:

MEDINA HOSPITAL:

By: _____

By: _____

Print Name:

Print Name: Jason Hergenroeder

Title:

Title: Executive Director, Financial Accounting

ACKNOWLEDGMENT FOR CITY

STATE OF OHIO)
)
COUNTY OF MEDINA) SS:

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named CITY OF MEDINA, through _____, its _____, who acknowledged that he/she did sign the foregoing instrument and that the same is the free authorized act and deed of the _____.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at _____, Ohio, this _____ day of _____, 2021.

This is an acknowledgment; no oath or affirmation has been administered.

(Notary Seal)

Notary Public
My commission expires _____

ACKNOWLEDGMENT FOR HOSPITAL

STATE OF OHIO)
)
COUNTY OF CUYAHOGA) SS:

BEFORE ME, a Notary Public in and for the said County and State, personally appeared the above-named MEDINA HOSPITAL, by Jason Hergenroeder, its Executive Director, Financial Accounting, who acknowledged that he did sign the foregoing instrument and that the same is the free authorized act and deed of the non-profit corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Cleveland, Ohio, this _____ day of _____, 2021.

This is an acknowledgment; no oath or affirmation has been administered.

(Notary Seal)

Notary Public
My commission expires _____

CONSENTED TO AND APPROVED BY:

MASTER LESSOR:

Medina School District

By: _____

Print Name: _____

Title: _____

ACKNOWLEDGMENT FOR MASTER LESSOR

STATE OF OHIO)
) SS:
COUNTY OF _____)

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named MEDINA SCHOOL DISTRICT, through _____, its _____, who acknowledged that he did sign the foregoing instrument and that the same is the free authorized act and deed of the MEDINA SCHOOL DISTRICT.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at _____, Ohio, this _____ day of _____, 2021.

This is an acknowledgment; no oath or affirmation has been administered.

(Notary Seal)

Notary Public
My commission expires _____

ORDINANCE NO. 215-21

AN ORDINANCE ADOPTING A TRAVEL POLICY FOR THE CITY OF MEDINA, OHIO.

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

- SEC. 1:** That a Travel Policy is hereby adopted for the City of Medina, Ohio.
- SEC. 2:** That a copy of said Policy is marked Exhibit A, attached hereto and made a part hereof.
- 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

CITY OF MEDINA

TRAVEL POLICY

ORD. 215-21
Exh. A

I. Approval for Employee Business Travel.

Any official or employee of the City may attend, at the expense of the City of Medina, any conference or other municipal business relating to municipal affairs if approved by responsible elected official.

A. Qualification

In order to qualify for payment by the City of Medina, all business travel, and the projected reimbursable cost of that travel, must be approved in advance by the department's Superintendent and the Appointing Authority. The Mayor must approve Superintendents travel. Request for approval is submitted on *Travel/Education Expense Request Form*.

1. Approved expenditures meet two criteria.
 - (a) The expenditure is required for the general good of all inhabitants of the City of Medina.
 - (b) The primary objective of the expenditure is to further a public purpose.
2. Any member of Council, at their own discretion, may incur expenses not exceeding one hundred dollars (\$100) without prior approval of the Finance Committee.
3. The Director of Finance shall certify that funds are appropriated and available for such purposes. If advanced funds are necessary, the employee shall submit a request to the Finance Department not less than ten (10) working days prior to departure.

II. Reimbursable Travel Expenditures.

Reimbursable travel expenditures are expenses authorized and incurred while transacting official business away from the City. It is the responsibility of both the traveler and his or her supervisor to ensure that all travel charges to be paid by the City are incurred for the benefit of the City and that the travel is completed at the most economical and reasonable cost

Purchase orders for employee reimbursement of travel expenses are to be requested prior to travel.

A. Wage and overtime.

Generally, for the purposes of wage and overtime administration, travel incidental to City business will be considered hours worked. This does not include overnight lodging time. Such travel may be considered hours worked under limited circumstances, including situations in which:

1. The employee is required to travel during a time that cuts across the employee's normal workday, excluding normal commute time;
Example: The employee normally works 8am to 5pm Monday through Friday. If the employee travels to a training session from 3pm to 8pm on Monday, the hours between 3pm and 8 pm will be considered hours worked, excluding normal commute time.
2. The employee is required to travel on a non-workday during hours that **do not** correspond with the employee's normal workday hours;
Example: The employee normally works 8am to 5pm Monday through Friday. If the employee travels to a training session from 3pm to 8pm on Sunday (non-work day), the hours between 3pm and 8 pm will be considered hours worked.
3. The travel itself is a part of the principle activity that the employee is engaged in.

The City of Medina, in accordance with Federal, State and Local laws, rules and regulations retains the sole discretion to determine if the travel time will be considered hours worked.

Notwithstanding any other section of this policy, employees traveling on City business will be reimbursed for travel time and expenses in accordance with applicable IRS regulations, any collective bargaining agreements, and/or Fair Labor Standards Act.

B. Transportation/Mileage.

The most economical and reasonable form of available transportation should be used to satisfactorily accomplish City of Medina business.

1. Use of City vehicles.
 - City vehicles, if available, may be used for regional travel. City vehicles cannot be used for any non-business purpose. Employees anticipating personal travel in connection with a business trip should not use a City owned vehicle for the trip.
 - o Gasoline for a City vehicle may be purchased on a City issued fuel purchasing card. Employees who are issued the use of City of Medina fuel purchasing card shall adhere to the City of Medina Purchase Card Policy.
2. Use of privately-owned vehicles.
 - Employees may use their own vehicles for City business travel.
 - The mileage reimbursement rate for privately-owned vehicles shall be in accordance with Internal Revenue Service guidelines and shall be adjusted each January 1st accordingly (ORD 90-08). The rate as of January 1, 2021 is \$.56 per mile for use of a personal vehicle.
 - Employees will be reimbursed for round-trip mileage based on the most direct route of travel.
 - o Calculated from employees start address (their City of Medina employment address) to their approved destination.
 - o Most direct route is generated using MapQuest.
 - Employees must submit mileage on Travel Expense Reimbursement form to their supervisor so payment approval can be authorized and turned in to the Finance Department for reimbursement.
 - No reimbursement shall be made for personal travel.

C. Lodging.

Employees are always expected to seek out and utilize reasonably priced accommodations. Some hotels and motels grant corporate, government, GSA or other favorable rates to City employees. The traveler should inquire about such rates.

1. Lodging should be charged to City issued purchasing card whereas only lodging and parking may be charged on the hotel receipt.
2. Lodging will be reimbursed at the maximum rate of \$200/night. Any charges over \$200 should be evaluated and approved by Appointing Authority.
3. No other incidental items or meals may be charged to the room.
4. In accordance with purchasing card policy, an itemized receipt is required to substantiate lodging and/or parking expenses charged to a City card.
5. It is the employee's responsibility to inquire as to tax exemption requirements and forms for lodging accommodations within the State of Ohio.
6. The employee must submit lodging receipt to their supervisor so payment approval can be authorized and turned in to the Finance Department.

D. Meals.

To qualify for meal reimbursement, IRS regulations require that an employee must be away from home substantially longer than an ordinary day's work and during the time away from home, need sleep or

rest (referred to as the "overnight rule"). Therefore, for same day trips, City of Medina employees will not qualify for meal reimbursements unless the meal would qualify as a business meeting meal.

1. City issued purchase cards may not be used to purchase meals while traveling.
2. Should one employee seek reimbursement for the meals of multiple City employees, it is necessary to submit proof of permission to travel for all employees involved. It is further necessary to have all employees sign the reimbursement calculation form for the one employee to be reimbursed.
3. The maximum per-day meal allowance is \$45.00.
 - An itemized meal receipt is required for reimbursement.
 - Reasonable tipping is reimbursed, not to exceed 20%.
4. Employees are required to provide an itemized receipt prior to reimbursement.
5. Alcoholic beverages will not be reimbursed.

E. Registration Fees.

Registration fees should be prepaid by the City if time allows.

1. Registration fees paid through an employee's personal funds may be reimbursed by the City if a copy of the registration form and proof of payment are attached to the expense report.
2. The City of Medina prefers to prepay registrations rather than reimburse employees for personal payment. Registration fees may be charged to City purchasing cards in most cases.

F. Tolls/Parking.

Reimbursement for parking and toll expenses are only permissible if the employee is reporting to a site, attending official training, conferences or seminars where parking and/or toll expenses are incurred.

1. Itemized receipts are required for reimbursement.

III. Non-Reimbursable Travel Expenditures.

- A. Alcoholic beverages
- B. Non-itemized receipts
- C. Entertainment expenses
- D. Personal expenses incurred during travel that are primarily for the benefit of the City of Medina employee and not directly related to the official purpose of the travel.
- E. Political expenses
- F. Travel insurance expense
- G. Cost of traffic fines and parking tickets

IV. Prohibited use of personal benefits associated with City of Medina

Travel.

City of Medina employees and public officials are prohibited from using frequent flyer benefits (from any establishment's reward program including but not limited to grocery, hotel, and gasoline station reward cards), earned through travel on City business, because the benefits would constitute additional compensation for the official or employee.

V. Reimbursement.

A. Employee Travel/Education Reimbursement Form.

Upon return, *Employee Travel/Education Reimbursement Form* with applicable itemized receipts attached shall be approved by responsible elected official prior to being submitted to the Finance Director for payment.

1. Each member of Council shall approve his or her own expenses not exceeding one hundred dollars (\$100), however, expenses exceeding one hundred dollars (\$100) must have approval of the President of Council or the Finance Committee.
2. All approved expense reports shall be paid within 10 business days after submission to the Finance Department.

CITY OF MEDINA
Travel / Education Expense Requisition

To: **Finance Director**
City of Medina

Date: _____

I would appreciate receiving your permission to attend:

To be held on: _____

Date of Departure: _____

Destination
 Name/Address: _____

Date of Return: _____

Department: _____

Account # _____

Please attach copies of all Travel / Seminar information

Purpose	Authorized Amount	Vendor Name	Vendor #	Expense To Be Paid By City
Registration Fee				
Lodging				
Meals				
Mileage	56 cents/mile			
Misc Expenses				

Total travel expense \$ _____

 Employee Printed Name

 Employee Signature

 Date

 Supervisor signature

 Date

 Approved by: Mayor Signature

 Date

Per ORC Section 733.79 and Section 31.15 of Codified Ordinances of the City of Medina

Form must be approved by Finance Director before a purchase order can be assigned.
 If total travel cost exceeds \$1,500.00, please submit request to BOC.

After receiving approval / PO, please submit registration invoice for payment.

If you plan to take the hotel check with you, please submit the confirmation from the hotel, along with a note indicating that you'd like to take the check with you.

Upon return, complete the Employee Travel-Education Reimbursement Form, and submit with itemized receipts attached.

Misc Expenses include tolls, parking - that are paid by the employee. Save all receipts.

EMPLOYEE TRAVEL / EDUCATION REIMBURSEMENT

EMPLOYEE: _____ DATE: _____

DEPARTMENT: _____

DESTINATION NAME/ADDRESS: _____ DEPARTURE DATE: _____

REASON: _____ RETURN DATE: _____

EXPENSES TO REIMBURSE:

MILEAGE - PRIVATELY OWNED VEHICLE

	MILES <small>(@)</small> 0.56	#VALUE!
--	-------------------------------	---------

COMMENTS: _____

OTHER TRANSPORTATION COST:

MEALS TOTAL \$ AMOUNT

LODGING TOTAL \$ AMOUNT

MISC EXPENSES: TOTAL \$

COMMENTS: _____

REGISTRATION FEE: TOTAL \$

TOTAL REIMBURSEMENT:

PURCHASE ORDER #: _____

EMPLOYEE SIGNATURE _____

DEPT HEAD SIGNATURE _____

MAYOR SIGNATURE _____

NOTE: ATTACH ALL ITEMIZED RECEIPTS



City of Medina Traveler Certification Form

With regard to my trip described in the attached Travel/Education Requisition Form, I certify to the following:

- I have reviewed the City of Medina Travel Policy.
- The purpose of this trip meets the general requirements for approved travel set forth in the City of Medina Travel Policy.
- The purpose of this trip cannot be fulfilled locally.
- This trip is not routine local travel or local travel related to the performance of my regular job duties.
- I am taking this trip for the purpose identified in the Travel/Education Request Form.
- I have made appropriate effort to secure the most economical means of travel.

Traveler Name (Print)

Date

Traveler Signature

RESOLUTION NO. 216-21

**A RESOLUTION SUPPORTING THE BRANCH ROAD
INFRASTRUCTURE IMPROVEMENTS.**

WHEREAS: The Finance Committee discussed renovating Branch Road from Commerce Drive to westerly limits of MCL 8875 (the Fruth-Turner Property) at the Finance Committee meeting on November 22, 2021; and

WHEREAS: The Mayor and Council support extending the sanitary sewer and water from Commerce Drive to the same parcel, improving and widening the existing roadway, and installing the necessary storm sewer to drain the roadway.

WHEREAS: The Medina City Council and the Mayor desire to offer their support to this project.

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

SEC. 1: That Medina City Council and the Mayor, as duly elected public officials and current office holders for the City of Medina, hereby support the Branch Road infrastructure improvements.

SEC. 2: 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. 3: 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

ORDINANCE NO. 217-21

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE MEDINA COUNTY BOARD OF COMMISSIONERS TO PROVIDE FIXED ROUTE PUBLIC TRANSPORTATION SERVICES WITHIN THE CITY OF MEDINA FOR THE PERIOD OF JANUARY 1, 2022 THROUGH DECEMBER 31, 2023.

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

- SEC. 1:** That the Mayor is hereby authorized and directed to execute a Memorandum of Understanding with the Medina County Board of Commissioners to provide fixed route public transportation services within the City of Medina during the operating period of January 1, 2022 through December 31, 2023.
- SEC. 2:** That in accordance with Ohio Revised Code §5705.41(D), at the time that the contract or order was made and at the time of execution of the Finance Director's certificate, sufficient funds were available or in the process of collection, to the credit of a proper fund, properly appropriated and free from any previous encumbrance.
- SEC. 3:** That the City's bi-annual share of this is \$90,000.00 and will be available as follows: \$16,900.00 in Account No. 001-0707-52215, and \$73,100.00 in Account No. 125-0453-52215 (CDBG Grant).
- SEC. 4:** That a copy of the Memorandum of Understanding is marked Exhibit A, attached hereto and incorporated herein.
- SEC. 5:** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.
- SEC. 6:** That this Ordinance shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason the current contract expires on December 31, 2021; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: _____

SIGNED: _____
President of Council

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor

ORD. 217-21
EXH. A

MEMORANDUM OF UNDERSTANDING

Medina County Public Transit, acting on behalf of the Medina County Board of Commissioners, hereby agrees to provide fixed route public transportation services, and complementary paratransit services within the City of Medina during the operating period of January 1, 2022 through December 31, 2023.

Medina County Public Transit will provide said services within the City of Medina to assist residents in meeting employment, shopping, medical, and socialization needs. Said services shall be provided through the use of Medina County-owned light transit vehicles. Medina County Public Transit shall be responsible for payment of all personnel and operating costs associated with these services.

Hours of operation for these services shall be 6:00 a.m. through 6:25 p.m., Monday through Friday, and 10:00 a.m. through 3:50 p.m., on Saturdays.

The City of Medina, in recognition of the importance of providing these services to its residents, shall contribute the total amount of \$90,000.00 toward the overall costs of operation of these transit services during the aforementioned period. Medina County will commit \$300,000 towards the Medina County Transit Services for the aforementioned period.

Either party may suspend or terminate the Agreement in the event of default, inability or failure to perform on the part of Medina County Public Transit, or when the County and the City agree to terminate the Agreement in whole or in part. In the event of termination, the City will compensate the County for services rendered up to the point of termination.

William Hutson, President
Medina County Board of Commissioners

Dennis Hanwell, Mayor
City of Medina

Date: _____

Date: _____

RESOLUTION NO. 218-21

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR GRANT ASSISTANCE WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), U.S. DEPARTMENT OF HOMELAND SECURITY FOR A 2021 ASSISTANCE TO FIREFIGHTERS GRANT, AND DECLARING AN EMERGENCY.

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

- SEC. 1:** That the Mayor is hereby authorized and directed to file an application for grant assistance with the Federal Emergency Management Agency (FEMA), U. S. Department of Homeland Security for a 2021 Assistance to Firefighters Grant (2021 AFG) for replacement Self Contained Breathing Apparatus (SCBAs) for the Fire Department.
- SEC. 2:** That if the Grant is awarded to the City, the Mayor is hereby authorized to accept the Grant and complete all documentation for the implementation and administration of the Grant.
- SEC. 3:** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.
- SEC. 4:** That this Resolution shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason the deadline for the 2021 AFG Grant Application is December 17, 2021; wherefore, this Resolution shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: _____

SIGNED: _____
President of Council

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor

ORDINANCE NO. 219-21

AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO MAKE CERTAIN FUND ADVANCES.

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

SEC. 1: That the Finance Director is hereby authorized to make the following fund advances:

- \$150,000.00 from (001) General Fund to (125) PY21 CDBG-Allocation Fund

SEC. 2: That the Clerk of Council is hereby authorized to forward a certified copy of this Ordinance to the Medina County Auditor.

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

RESOLUTION NO. 220-21

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR A CAPITAL GRANT THROUGH THE FY22-23 CAPITAL BILL FOR THE MEDINA COMMUNITY RECREATION CENTER FITNESS ROOM EXPANSION PROJECT, AND DECLARING AN EMERGENCY.

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

- SEC. 1:** That the Mayor is authorized and directed to apply for a Capital Grant through the FY22-23 Capital Bill for the Medina Community Recreation Center Fitness Room Expansion Project.
- SEC. 2:** That if the grant is awarded to the City, the Mayor is hereby authorized and directed accept the grant and to execute any and all documentation for the administration of the grant.
- SEC. 3:** That the Project Information Worksheet is marked Exhibit A, attached hereto and incorporated herein.
- 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 considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason requests are due to Representative Ray by December 31, 2021; wherefore, this Resolution shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: _____

SIGNED: _____
President of Council

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor

**FY22-23 CAPITAL BILL
PROJECT INFORMATION
WORKSHEET**

(1) Project name, a brief description of overall project

Medina Community Recreation Center Fitness Room Expansion

This project was locally approved in 2019, but due to COVID restriction and the temporary closing of the Medina Community Recreation Center (MCRC) for public use, the project did not move forward.

(2) Specific description of what the state capital dollars would be used for

The city would construct a 4,836 square foot addition to the north side of the current facility. This addition would be utilized to house a second larger fitness room. The expansion would permit social distancing of all the fitness equipment, a portion of which is currently relocated to one of the MCRC basketball courts.

(3) Physical location of project (address or parcel)

855 Weymouth Road, Medina OH 44256

(4) Entity or organization sponsoring project

City of Medina

(5) Identification of facility/asset owner during construction and after work completed

The building is owned by the Medina City Schools and the MCRC space is utilized during the school day by the high school gym classes and extra-curricular activities, as well as patrons. This use will continue during construction. This expansion project was approved by the Medina City Schools Board of Education in 2019.

The city has a 50-year lease agreement with Medina City Schools, ending on June 30, 2052, for the space specifically occupied by the Medina Community Recreation Center. Per the lease, the city will continue to operate, staff, and provide maintenance for the MCRC during and after construction.

(6) Total project cost

\$770,000

ORDINANCE NO. 221-21

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

WHEREAS: Section 3 of Ordinance No. 157-20, passed September 14, 2020, presently reads, "That the estimated cost of the project, in the amount of \$156,625.00 is available as follows: *\$81,625.00 in Account No. 108-0610-54411, and \$75,000.00 in Account No. 301-0725-54412*".

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

SEC. 1: That Section 3 of Ordinance No. 157-20, passed September 14, 2020, is hereby amended to read, in part, as follows, "That the estimated cost of the project, in the amount of \$156,625.00 is available as follows: *\$81,6625.00 in Account No. 201-0645-54412*".

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

SEC. 3: That this Ordinance shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that the correction be made in the same fiscal year as the expenditure; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: _____

SIGNED: _____
President of Council

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor

ORDINANCE NO. 222-21

AN ORDINANCE AMENDING ORDINANCE NO. 43-21, PASSED MARCH 22, 2021 RELATIVE TO THE WEST LIBERTY STORM SEWER IMPROVEMENT/CITY HALL PARKING DECK DETENTION PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS: Section 1 of Ordinance No. 43-21, passed March 22, 2021, presently reads as follows:

“That Section 2 of Ordinance No. 157-20, passed September 14, 202 shall be amended to read as follows: That the estimated cost of the project, in the amount of \$204,000.00 is available as follows: *\$129,000.00 in Account No. 108-0610-54411, and \$75,000.00 in Account No. 301-0725-54412.*

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

SEC. 1: That Section 1 of Ordinance No. 43-21, passed March 22, 2021, is hereby amended to read as follows,

“That Section 2 of Ordinance No. 157-20, passed September 14, 2020 shall be amended to read as follows: That the estimated cost of the project, in the amount of \$204,000.00 *is available as follows: \$204,000.00 in Account No. 201-0645-54412*”.

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

SEC. 3: That this Ordinance shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that the correction be made in the same fiscal year as the expenditure; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: _____

SIGNED: _____
President of Council

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor

ORDINANCE NO. 223-21

AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO MAKE CERTAIN FUND ADVANCES.

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

SEC. 1: That the Finance Director is hereby authorized to make the following fund advances:

- \$204,000.00 from (001) General Fund to (201) Downtown Redevelopment TIF Fund

SEC. 2: That the Clerk of Council is hereby authorized to forward a certified copy of this Ordinance to the Medina County Auditor.

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

ORDINANCE NO. 224-21

**AN ORDINANCE AMENDING ORDINANCE NO. 151-21,
PASSED SEPTEMBER 13, 2021 RELATIVE TO THE TIF
FUND TRANSFER, AND DECLARING AN EMERGENCY.**

WHEREAS: Section 1 of Ordinance 151-21, passed September 13, 2021, presently reads as follows:

That the Finance Director is hereby authorized to make the following fund transfers:

- \$38,806.23 from the Case Management Fund (#168) to the Court Special Project Fund (#169). This transfer is part of the Judgment Entry dated June 14, 2017.
- **\$3,047,180.00 from the TIF Fund (#201) to the General Fund (#001) to cover the TIF District expenses.**

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

SEC. 1: That Section 1 of Ordinance No. 151-21, passed September 13, 2021, is hereby amended to read as follows:

That the Finance Director is hereby authorized to make the following fund transfers:

- \$38,806.23 from the Case Management Fund (#168) to the Court Special Project Fund (#169). This transfer is part of the Judgment Entry dated June 14, 2017.
- ***\$2,977,712.00 from the TIF Fund (#201) to the General Purpose Cap Fund (#301) to cover the TIF district expenses.***

\$69,468.00 from the TIF Fund (#201) to the General Fund (#001) to cover the TIF district expenses.

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

SEC. 3: That this Ordinance shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that the correction be made in the same fiscal year as the expenditure; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: _____

SIGNED: _____
President of Council

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor

ORDINANCE NO. 225-21

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

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

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

<u>Account No./Line Item</u>	<u>Additions</u>
001-0707-56611	3,047,180.00 *
201-0645-56611	3,047,180.00 *
001-0707-56615	204,000.00 *
201-0645-54412	204,000.00 *
201-0645-56612	5,000.00 *
616-0915-59938	10,000.00 *
001-0707-56615	150,000.00 *
125-0453-50111	52,400.00 *
125-0453-52215	73,100.00 *
125-0453-53315	24,500.00 *
001-0741-50111	6,000.00
001-0741-50111	5,000.00
001-0741-50111	2,000.00
107-0110-54413	40,000.00
513-0531-50111	5,000.00
513-0531-50112	1,000.00
513-0531-50114	500.00
159-0705-50111	15,000.00 *
159-0705-50114	250.00 *
159-0705-50115	250.00 *
159-0705-50116	500.00 *
159-0705-50119	100.00 *
159-0705-51121	6,500.00 *
159-0705-51122	24,000.00 *
159-0705-51123	950.00 *

SEC. 2: That Ordinance No. 217-20, passed December 14, 2020, shall be amended by the following reductions:

<u>Account No./Line Item</u>	<u>Reductions</u>
001-0741-53315	6,000.00
001-0741-52215	5,000.00
001-0741-53313	2,000.00

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107-0110-50111	40,000.00
513-0531-52215	5,000.00
513-0531-52215	1,000.00
513-0531-52215	500.00

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.

* - new appropriation

PASSED: _____

SIGNED: _____
President of Council

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor

ORDINANCE NO. 226-21

AN ORDINANCE AUTHORIZING AN EXPENDITURE NOT TO EXCEED \$45,000.00 TO THE BOARD OF COMMISSIONERS OF MEDINA COUNTY TO MODIFY THE NEW ROOF ON THE COUNTY COURTHOUSE FACILITY.

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 expenditure of not to exceed \$45,000.00 is hereby authorized to the Board of Commissioners of Medina County to modify the new roof on the County Courthouse Facility.

SEC. 3: That the funds to cover this expenditure are available in Account No. 143-0748-52215

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

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

PASSED: _____

SIGNED: _____

President of Council

ATTEST: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Mayor