

**CITY OF MEDINA
AGENDA FOR COUNCIL MEETING**

August 26, 2024
Medina City Hall – Council Rotunda
7:30 p.m.

Call to Order.

Roll Call.

Reading of minutes. (July 8, 2024)

Reports of standing committees.

Requests for council action.

Reports of municipal officers.

Confirmation of Mayor’s appointment.

Notices, communications and petitions.

Liquor Permit:

Not to object to the issuance of a new D5 permit to Recovery Center of Medina County, dba Serenite Restaurant & Porch & Patio, 538 W. Liberty St.

Unfinished business.

Introduction of visitors.

(speakers limited to 5 min.)

Introduction and consideration of ordinances and resolutions.

Motion to suspend the Rules requiring three readings on the following ordinances and resolutions: Ord. 141-24, Res. 142-24, Res. 143-24, Ord. 144-24, Ord. 145-24, Ord. 146-24, Ord. 147-24

Ord. 141-24

An Ordinance to approve, adopt and enact current replacement pages to the Codified Ordinances of the City of Medina, Ohio.

Res. 142-24

A Resolution authorizing the Mayor to file an application for grant assistance with the Federal Highway Administration (FHWA) for a Planning Study through their Safe Streets and Roads for All (SS4A) Program.

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Res. 143-24

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

Ord. 144-24

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

Ord. 145-24

An Ordinance amending Ordinance No. 106-24 passed May 28, 2024. (Petitioned Special Assessments for Legacy Hotel of Medina, LLC)

Ord. 146-24 (FIRST READING)

An Ordinance amending the Codified Ordinances of the City of Medina, Ohio, by the addition of a New Chapter 164, Transient Lodging Tax.

Ord. 147-24

An Ordinance amending Ordinance No. 190-23, passed November 28, 2023. (Amendments to 2024 Budget)

Council comments.

Adjournment.

MEDINA CITY COUNCIL
Monday, July 8, 2024

Call to Order:

Medina City Council met in regular session on Monday, July 8, 2024 at Medina City Hall. The meeting was called to order at 7:30 p.m. by President of Council John M. Coyne III, who also led in the Pledge of Allegiance.

Roll Call:

The roll was called with the following members of Council present: R. Haire, J. Hazeltine, P. Rose, J. Shields, D. Simpson, J. Coyne, and N. DiSalvo.

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

Minutes:

Mr. Shields moved that the minutes from the regular meeting on Monday June 24, 2024, as prepared and submitted by the Clerk be approved, seconded by D. Simpson. The roll was called and minutes were approved by J. Hazeltine, P. Rose, J. Shields, D. Simpson, J. Coyne, N. DiSalvo, and R. Haire.

Reports of Standing Committees:

Finance Committee: Mr. Coyne stated they will go on summer break and won't meet again in regular session until Monday, August 26th.

Public Properties Committee: Mr. Shields had no report.

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

Special Legislation Committee: Mr. Rose had no report.

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

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

Emerging Technologies Committee: Ms. DiSalvo had no report.

Requests for Council Action:

Finance Committee

24-146-7/8 – Budget Amendments

24-147-7/8 – Grant Application – Federal Highway Administration

24-148-7/8 – Grant Application – Ohio Public Works Commission

24-149-7/8 – ODOT Cooperative Purchase Program – E. Reagan Parkway Rehabilitation

24-150-7/8 – Grant Application for Spring Grove Cemetery lake repair

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Reports of Municipal Officers:

Dennis Hanwell, Mayor,

- A. Medina Community Band Concerts will continue on Friday evenings at 8:30 p.m. throughout July weather permitting. If adverse weather occurs the concerts are moved to Western Reserve Masonic Community.
- B. Multitude of July Fourth activities took place in our community. July 3rd. Fireworks Festival at Rec Center 5-9 p.m., fireworks at 10 p.m., On the 4th was the Twin Sizzler and Parade, so grateful for Police help with organization and traffic control and our safety forces working in these adverse weather conditions both days. This dedication makes Medina proud!
- C. Presented Proclamation with Councilman Paul Rose to Co-directors Jane Langol and Kim Love in recognition for the 50th Anniversary of the Medina Summer Reinforcement Program.

Keith Dirham, Finance Director, Keith stated there is a new state requirement from the Auditor of State that all government employees complete a training on fraud, currently working out some bugs with that in making sure we get all the certificates back. There are a few items on the agenda that he will talk about it when they get there.

Kimberly Marshall, Economic Development Director, Kimberly stated the demolition has begun for the Legacy Hotel Medina Project at 257 South Court Street. She noted several ribbon cutting events later in the month of July.

Greg Huber, Law Department, had no report.

Chief Kinney, Police Department spoke on the National Night Out event to be held on August 6, 2024 at the Medina Rec Center 5 p.m. – 9 p.m. Encouraged everyone to come on out.

Chief Walters, Fire Department, had no report.

Jansen Wehrley, Parks and Recreation Director, Mayor Hanwell reported the Firework Festival was a huge success with over 4,000 participants. They ran sale on memberships and now have a total of 8,800 memberships at the rec center. Parks staff managed over 13 pavilion rentals in addition to 8 special events. Jansen wanted to recognize Donna Knack from his office, Lee Heckler from Parks, and Christy Moats from Rec Center for keeping all of this in order while he was off last week.

Dan Gladish, Building Official, had no report.

Nino Piccoli, Service Director, had no report.

Patrick Patton, City Engineer, Patrick announced that they are two weeks away from opening

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West Smith Road, anticipating the week of July 22nd. Concrete Street Repair Program started today.

Andrew Dutton, Planning and Community Development Director, had no report.

Confirmation of Mayor's appointment

Historic Preservation Board – Matthew Strehle – Expiring 12/31/26

Mr. Shields moved to approve the Mayor's appointment, seconded by Mr. Simpson. The roll was called and the appointment was confirmed by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, N. DiSalvo, R. Haire, and J. Hazeltine.

Notices, communications and petitions:

There were none.

Unfinished Business:

There was none.

Introduction of Visitors:

Tammy Kirby, 246 W. Friendship St. Tammy thanked the city for taking care of them all when they have their events.

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. 132-24, Res. 133-24, Ord. 134-24, Ord. 135-24, Ord. 136-24, Ord. 137-24, Res. 138-24, Ord. 139-24, Res. 140-24. The roll was called and the motion passed with the yea votes of J. Shields, D. Simpson, J. Coyne, N. DiSalvo, R. Haire, J. Hazeltine, and P. Rose

Res. 132-24

A Resolution authorizing the Medina Police Department to apply for the 2024 State Violent Crime Grant and to accept the grant if it is awarded. Mr. Shields moved for the adoption of Ordinance/Resolution No. 132-24, seconded by Mr. Simpson. Chief Kinney stated this is to apply and accept if grant is awarded. This would be dedicated to pay for the FLOCK cameras for 2025. The roll was called and Ordinance/Resolution No. 132-24 passed by the yea votes of D. Simpson, J. Coyne, N. DiSalvo, R. Haire, J. Hazeltine, P. Rose, and J. Shields.

Res. 133-24

A Resolution authorizing the filing of a grant application to Firehouse Subs Public Safety Foundation to cover the cost of thirteen (13) AED's. Mr. Shields moved for the adoption of Ordinance/Resolution No. 133-24, seconded by Mr. Simpson. Chief Kinney stated this is a grant and will provide 13 AED's for their frontline cruisers. The roll was called and Ordinance/Resolution No. 133-24 passed by the yea votes of J. Coyne, N. DiSalvo, R. Haire, J. Hazeltine, P. Rose, J. Shields, and D. Simpson.

Ord. 134-24

An Ordinance amending Ordinance No. 108-23, passed August 28, 2023, authorizing the Mayor to execute an Amendment to Lease Agreement between the Medina County Board of Commissioners and the City of Medina for the Lease of a portion of the Medina County Courthouse Complex known as the 1969 Courthouse. Mr. Shields moved for the adoption of Ordinance/Resolution No. 134-24, seconded by Mr. Simpson. Mayor Hanwell stated this lease was passed in August of 2023, but the county still had some equipment/furniture that they went through three different processes of to dispose of and the building was not available for the city. They graciously did not begin the lease payments until of late. The agreement is from July 1st and they will bill us quarterly for the lease payments. The 33 years which is for the initial lease term plus 2 extensions will not start until July 1st. The other thing they did was agree that we would not pay the security costs which are about \$70,000 a year until we actually occupy the 1969 Courthouse and begin having Municipal Court operations there. The roll was called and Ordinance/Resolution No. 134-24 passed by the yea votes of N. DiSalvo, R. Haire, J. Hazeltine, P. Rose, J. Shields, D. Simpson, and J. Coyne.

Ord. 135-24

An Ordinance approving the Petition of LTC Montville, LLC to be included within the City of Medina-Montville Township Joint Economic Development District pursuant to Ohio Revised Code Section 715.76. Mr. Shields moved for the adoption of Ordinance/Resolution No. 135-24, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 135-24, seconded by Mr. Simpson. Kimberly stated this is for construction of a new 71,071 square foot 99 bed nursing facility. \$17-million-dollar investment. The emergency clause is requested as the developer needs to apply for the licenses for the beds from the State of Ohio and there are very specific timelines they have to meet. The roll was called on adding the emergency clause and was approved by the yea votes of R. Haire, J. Hazeltine, P. Rose, J. Shields, D. Simpson, J. Coyne, and N. DiSalvo. The roll was called and Ordinance/Resolution No. 135-24 passed by the yea votes of J. Hazeltine, P. Rose, J. Shields, D. Simpson, J. Coyne, N. DiSalvo, and R. Haire.

Ord. 136-24

An Ordinance amending Ordinance No. 20-23, passed January 23, 2023, relative to the estimated cost of the project for the City Railroad Improvements Project. Mr. Shields moved for the adoption of Ordinance/Resolution No. 136-24, seconded by Mr. Simpson. Patrick stated during completion of this project they ran into a couple of unexpected issues. Requesting for the authorized amount increase to just under \$20,000. The roll was called and Ordinance/Resolution No. 136-24 passed by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, N. DiSalvo, R. Haire, and J. Hazeltine.

Ord. 137-24

An Ordinance amending Ordinance No. 190-23, passed November 28, 2023. (Amendments to 2024 Budget) Mr. Shields moved for the adoption of Ordinance/Resolution No. 137-24, seconded by Mr. Simpson. Keith stated there are some donations they are passing through and then an adjustment for a repair and then a four-cent adjustment. The roll was called and Ordinance/Resolution No. 137-24 passed by the yea votes of J. Shields, D. Simpson, J. Coyne, N.

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DiSalvo, R. Haire, J. Hazeltine, and P. Rose

Res. 138-24

A Resolution authorizing participation in Ohio Department of Transportation's (ODOT) Cooperative Purchasing Program. Mr. Shields moved for the adoption of Ordinance/Resolution No. 138-24, seconded by Mr. Simpson. Patrick Patton stated this one relates to the following ordinance as well regarding East Reagan Parkway. We all know it needs attention due to the wash boarding affect there. He and Nino worked with some trade associations and came up with a recommended rehabilitation method which includes the injection of polyurethane as a soil treatment to stabilize the soil and bring all the individual concrete panels into alignment. This program is used by ODOT. Requesting authorization to participate in that program, and the second ordinance is to enter into an agreement with Uretek USA for the rehabilitation of East Reagan Parkway. The roll was called and Ordinance/Resolution No. 138-24 passed by the yea votes of D. Simpson, J. Coyne, N. DiSalvo, R. Haire, J. Hazeltine, P. Rose, and J. Shields.

Ord. 139-24

An Ordinance authorizing the Mayor to enter into an Agreement with Uretek USA, Inc. to complete a Rehabilitation Project on East Reagan Parkway. Mr. Shields moved for the adoption of Ordinance/Resolution No. 139-24, seconded by Mr. Simpson. The total estimated cost for this program is about \$900,000.00. They would like to do a first phase piolet program to gage the results before they move forward with the entire project. The roll was called and Ordinance/Resolution No. 139-24 passed by the yea votes of J. Coyne, N. DiSalvo, R. Haire, J. Hazeltine, P. Rose, J. Shields, and D. Simpson.

TO BE ADDED TO THE AGENDA: Res. 140-24

Mr. Shields moved to add Res 140-24 to the agenda, seconded by Mr. Simpson. The roll was called and the motion passed with the yea votes of N. DiSalvo, R. Haire, J. Hazeltine, P. Rose, J. Shields, D. Simpson, and J. Coyne.

Res. 140-24

A Resolution authorizing the Mayor to file an application for grant assistance with the Ohio Cemetery Commission for a 2025 Cemetery Grant pertaining to repairs to the lake at Spring Grove Cemetery. Mr. Shields moved for the adoption of Ordinance/Resolution No. 140-24, seconded by Mr. Simpson. Mayor Hanwell stated this opportunity for a grant came to Barbara late last week and it offers up to \$2,500 for infrastructure repairs at a city operated cemetery. The most critical need right now is to take care of a repair in a leak of the hard-edged lake at Spring Grove Cemetery. The grant amount is up to \$2,500. This project was estimated not to exceed \$4,000. Emergency clause is needed due to time restraints on the grant. The roll was called and Ordinance/Resolution No. 140-24 passed by the yea votes of R. Haire, J. Hazeltine, P. Rose, J. Shields, D. Simpson, J. Coyne, and N. DiSalvo.

Council comments

Mr. Simpson echoed the Mayor & Mrs. Kirby on all the work provided by the city this past week during the 4th festivities. Be kind to one another!

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Ms. Haire enjoyed all the activities around the square and reminded all to be kind and respectful of your neighbors and community.

Mr. Rose stated history will be made this summer with the two conventions and can't wait to see how everything unfolds. Enjoy the summer!

Ms. DiSalvo stated there was some confusion on whether or not fireworks were allowed to be set off by the public/individuals. The State of Ohio permits it but the City of Medina does not.

Mr. Coyne reminded the public that Council will be on summer break until August 26th.

Adjournment

There being no further business, the City Council meeting adjourned at 8:01p.m.

Kathy Patton, Clerk of Council

John M. Coyne, III, President of Council

**NOTICE TO LEGISLATIVE
AUTHORITY**

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2380 FAX(614)644-3186

TO

7240010		N		RECOVERY CENTER OF MEDINA COUNTY DBA SERENITE RESTAURANT & PORCH & PATIO 538 W LIBERTY ST MEDINA OH 44256
PERMIT NUMBER		TYPE		
08 07 2024				
ISSUE DATE		FILING DATE		
D5		PERMIT CLASSES		
52	077	C	E25250	
TAX DISTRICT		RECEIPT NO.		

FROM 08/09/2024

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



MAILED 08/09/2024

RESPONSES MUST BE POSTMARKED NO LATER THAN. 09/09/2024

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

C N 7240010

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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

WE DO NOT REQUEST A HEARING.

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

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

(Signature) (Title) -

Batch #: 9
Article #: 92147969009997901653174254
Date/Time: 8/12/2024 9:55:43AM
Code: 7240010
Code2: Christina Petticrew

Internal File #:
Internal Code:

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

ORDINANCE NO. 141-24

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

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

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

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

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

SEC. 1: That the ordinances of the City of Medina, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2024 Replacement Pages to the Codified Ordinances, which are hereby attached to this Ordinance as Exhibit A, are hereby approved and adopted.

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

Traffic Code

301.35	School Bus. (Amended)
303.991	Committing an Offense While Distracted Penalty. (Amended)
331.38	Stopping for School Bus; Discharging Children. (Amended)
331.44	Restrictions on the Operation of School Buses. (Added)
333.03	Maximum Speed Limits; Assured Clear Distance Ahead. (Amended)
333.11	Electronic Wireless Communication Device Use Prohibited While Driving. (Amended)
337.16	Number of Lights; Limitations on Flashing, Oscillating or Rotating Lights. (Amended)
337.26	Child Restraint System Usage. (Amended)
337.31	Lights and Sign on Transportation for Preschool Children. (Added)
351.04	Parking Near Curb; Handicapped Locations on Public and Private Lots and Garages. (Amended)

General Offenses Code

- 501.01 General Provisions and Penalty Definitions. (Amended)
- 505.16 Rights of Blind, Deaf or Hearing Impaired, or Mobility Impaired Person, or Trainer with Assistance Dog. (Added)
- 509.06 Inducing Panic. (Amended)
- 509.10 Impeding Public Passage of an Emergency Service Responder. (Added)
- 513.01 Drug Abuse Control Definitions. (Amended)
- 513.16 Adult Use Cannabis Control; Limitations on Conduct by Individuals. (Added)
- 529.07 Open Container Prohibited. (Amended)
- 533.08 Procuring; Engagement in Sexual Activity for Hire. (Amended)
- 537.03 Assault. (Amended)
- 537.12 Misuse of 9-1-1 System. (Amended)
- 537.16 Illegal Distribution of Cigarettes, Other Tobacco Products, or Alternative Nicotine Products; Transaction Scans. (Amended)
- 549.11 Possessing Replica Firearm in School. (Amended)
- 549.13 Concealed Handgun Licenses; Possession of Revoked or Suspended License; Additional Restrictions; Posting Signs Prohibiting Possession. (Added)

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

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

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

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

SIGNED: _____
Mayor

RESOLUTION NO. 142-24

A RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION FOR GRANT ASSISTANCE WITH THE FEDERAL HIGHWAY ADMINISTRATION (FHWA) FOR A PLANNING STUDY THROUGH THEIR SAFE STREETS AND ROADS FOR ALL (SS4A) PROGRAM.

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 with the Federal Highway Administration (FHWA) for a Planning Study through their Safe Streets and Roads for All (SS4A) Program.
- SEC. 2:** That if the Grant is awarded to the City, the Mayor is authorized to accept the grant and complete all documentation necessary 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 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. 143-24

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

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

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

SEC. 1: That the Council of the City of Medina, Ohio hereby approves the filing an application or applications to the State of Ohio, Ohio Public Works Commission, for Issue 1 and LTIP program funding.

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

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

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

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

PASSED: _____

SIGNED: _____

President of Council

ATTEST: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Mayor

ORDINANCE NO. 144-24

AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO MAKE CERTAIN FUND TRANSFERS.

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 transfers:
- \$70,000 from the General Fund (#001) to the Parking Fund (#140) to cover operating expenses.
- 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. 145-24

AN ORDINANCE AMENDING ORDINANCE NO. 106-24 PASSED MAY 28, 2024. (PETITIONED SPECIAL ASSESSMENTS FOR LEGACY HOTEL OF MEDINA, LLC)

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

SEC. 1: Section 11 of Ordinance 106-24 shall be amended and restated in its entirety to read as follows:

“SEC. 11: The list of Special Assessments to be levied and assessed on the Property in an amount sufficient to pay the costs of the Special Energy Improvement Project, which is \$7,654,597.20, including other related financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued to pay costs of the Special Energy Improvement Project in anticipation of the receipt of the Special Assessments, capitalized interest on, and financing reserve funds for, such securities, nonprofit corporate obligations, or other obligations so issued, including any credit enhancement fees, trustee fees, and District administrative fees and expenses, which costs were set forth in the Petition and previously reported to this Council and are now on file in the offices of the Clerk of Council, is adopted and confirmed, and that the Special Assessments are levied and assessed on the Property. The interest portion of the Special Assessments, together with amounts used to pay administrative expenses, has been determined by the District to be substantially equivalent to the fair market rate that would have been borne by notes or bonds issued by the District.

The Special Assessments are assessed against the Property commencing in tax year 2025 for collection in 2026 and shall continue through tax year 2042 for collection in 2043; provided, however, if the proceedings relating to the Special Assessments are completed at such time that the County Auditor of Medina County, Ohio (the “County Auditor”) determines that collections shall not commence in 2026, then the collection schedule may be deferred by one year. The semi-annual installments of the Special Assessments shall be collected in each calendar year equal to a semi-annual amount of Special Assessments as shown in **Exhibit C**, attached hereto and incorporated into this Ordinance. The Special Assessments may be levied and collected before the Special Energy Improvement Project is commenced.

The Special Assessments shall be allocated in proportion to the benefits which may result from the Project among the parcels constituting the

Property as set forth in the Petition and the List of Special Assessments attached hereto as **Exhibit C** and incorporated herein.”

- SEC. 2:** Exhibit C to 106-24 shall be amended and restated in its entirety to read as Exhibit C attached hereto and incorporated herein.
- SEC. 3:** This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council and any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with the law.
- SEC. 4:** In accordance with Article III, Section 11 of the Charter of the City, this Ordinance provides for improvements petitioned for by the owners of a majority of the foot frontage of the property benefitted and to be specially assessed therefor, and, therefore, 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

EXHIBIT C

**LIST OF SPECIAL ASSESSMENTS AND
SCHEDULE OF SPECIAL ASSESSMENTS**

LIST OF SPECIAL ASSESSMENTS

<u>Name</u>	<u>Assessed Properties Description</u>	<u>Portion of Benefit and Special Assessment</u>	<u>Amount of Special Assessments</u>
Legacy Hotel of Medina, LLC	Parcel Number 028-19A-21-402	100%	\$7,654,597.20

SCHEDULE OF SPECIAL ASSESSMENTS
FOR MEDINA COUNTY PARCEL NO.:

028-19A-21-402*

The following schedule of Special Assessment charges shall be certified for collection in 36 semi-annual installments to be collected with property taxes in calendar years 2026 through 2043:

Special Assessment Date*	Total Special Assessment Amount**
January 31, 2026	\$212,627.70
July 31, 2026	212,627.70
January 31, 2027	212,627.70
July 31, 2027	212,627.70
January 31, 2028	212,627.70
July 31, 2028	212,627.70
January 31, 2029	212,627.70
July 31, 2029	212,627.70
January 31, 2030	212,627.70
July 31, 2030	212,627.70
January 31, 2031	212,627.70
July 31, 2031	212,627.70
January 31, 2032	212,627.70
July 31, 2032	212,627.70
January 31, 2033	212,627.70
July 31, 2033	212,627.70
January 31, 2034	212,627.70
July 31, 2034	212,627.70
January 31, 2035	212,627.70
July 31, 2035	212,627.70
January 31, 2036	212,627.70
July 31, 2036	212,627.70
January 31, 2037	212,627.70
July 31, 2037	212,627.70
January 31, 2038	212,627.70
July 31, 2038	212,627.70
January 31, 2039	212,627.70
July 31, 2039	212,627.70
January 31, 2040	212,627.70
July 31, 2040	212,627.70
January 31, 2041	212,627.70
July 31, 2041	212,627.70
January 31, 2042	212,627.70
July 31, 2042	212,627.70

January 31, 2043	212,627.70
July 31, 2043	212,627.70

* As identified in the records of the Auditor of Medina County, Ohio as of August 1, 2024.

** Pursuant to Chapter 323 of the Ohio Revised Code, the Special Assessment Payment Dates identified in this Schedule of Special Assessments are subject to adjustment by the Auditor of Medina County, Ohio, Ohio under certain conditions.

*** The Auditor of Medina County, Ohio may impose a special assessment collection fee with respect to each Special Assessment payment. If imposed, this special assessment collection fee will be added to the payment amounts listed above.

ORDINANCE NO. 146-24

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF MEDINA, OHIO, BY THE ADDITION OF A NEW CHAPTER 164, TRANSIENT LODGING TAX.

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

SEC. 1: That the codified ordinances of the City of Medina, Ohio shall be amended by the adoption of a new Chapter 164, relative to establishing a transient lodging tax.

SEC. 2: That the new Chapter 164 shall read as follows:

**CHAPTER 164
Transient Lodging Tax**

164.01 DEFINITIONS.

As used in this chapter, the following definitions shall apply:

(a) "Hotel": Every establishment kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered to guests in which sixteen (16) or more rooms are used for accommodation or as otherwise defined in Ohio R.C. 5739.01(M) or is hereinafter amended by the General Assembly.

(b) "Transient guests": As defined in Ohio R.C. 5739.01(N) as it now exists or is hereinafter amended by the General Assembly.

(c) "Occupancy": The use or possession, or the right to use or possession, of any room or rooms or space or portion thereof in any hotel or motel, for dwelling, lodging or sleeping purposes. The use or possession or right to use or possess any room or any suite of connecting rooms as office space, banquet or private dining rooms, or exhibit, sample or display space shall not be considered occupancy within the meaning of this definition unless the person exercising occupancy uses or possesses or has the right to use or possess, all or any portion of such room or suite of rooms for dwelling, lodging or sleeping purposes.

164.02 LEVY.

There is hereby levied an excise tax at the rate of three percent (3%) on all transactions within the City of Medina by which lodging is furnished by a hotel to transient guests. The tax shall be 3% of the rent paid or to be paid by the transient guest for the uses set forth in the definitions in 164.01 hereinabove. The tax shall apply and be due at the time the accommodations are furnished, regardless of the time when the rent is paid.

164.03 USE.

All revenue derived from this tax shall be deposited in the General Fund.

164.04 COLLECTION.

Every hotel shall collect the tax herein levied commencing on the date of adoption of this ordinance and make a return and payment to the City of Medina Director of Finance on forms

supplied by the Department of Finance no later than January 31, April 30, July 31 and October 31 for the preceding quarter.

164.05 RULES AND REGULATIONS.

The Department of Finance shall establish rules and regulations necessary to provide for the administration of said tax including, but not limited to, the proper notification to all hotels and a consistent reporting format.

164.06 PENALTIES AND INTEREST.

(A) *Original delinquency.* Any operator who fails to remit any tax imposed by this subchapter within the time required shall pay a penalty equal to 10% of the amount of the tax, in addition to the tax.

(B) *Continued delinquency.* Any operator who fails to remit any delinquent tax on or before a period of 30 days following the date on which the tax first became delinquent shall pay a second delinquency penalty equal to 10% of the amount of the tax and previous penalty in addition to the tax and the 10% penalty first imposed. An additional penalty equal to 10% of the total tax and penalty of the previous 30-day period shall be added for each successive 30-day period that the operator remains delinquent.

(C) *Fraud.* If the Tax Administrator determines that the nonpayment of any remittance due under this subchapter is due to fraud, a penalty equal to 25% of the amount of the tax shall be added thereto in addition to penalties stated in divisions (A) and (B) hereof.

(D) *Interest.* In addition to the previous penalties imposed, any operator who fails to remit any tax imposed by this subchapter shall pay interest at the rate of ½% per month, or fraction thereof, on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

(E) *Penalties during pendency of hearing or appeal.* No penalty provided under this subchapter shall be imposed during the pendency of any hearing provided for in § 34.64, nor during the pendency of any appeal to the Board of Review provided for in § 34.64.

('65 Code, § 732.10)

164.99 PENALTY.

(A) Whoever violates Chapter 164 by failing to remit City of Medina income taxes deducted and withheld from an employee, shall be guilty of a misdemeanor of the first degree and shall be subject to a fine of not more than \$1,000 or imprisonment for a term of up to six months, or both. If the individual that commits the violation is an employee, or official, of the City of Medina, the individual is subject to discharge from employment or dismissal from office.

(B) Any person who discloses information received from the Internal Revenue Service in violation of Federal law shall be guilty of a felony of the fifth degree and shall be subject to a fine of not more than \$5,000 plus the costs of prosecution, or imprisonment for a term not exceeding five years, or both. If the individual that commits the violation is an employee, or official, of the City of Medina, the individual is subject to discharge from employment or dismissal from office.

(C) Each instance of access or disclosure in violation of Federal law constitutes a separate offense.

(D) If not otherwise specified herein, no person shall:

- (1) Fail, neglect or refuse to make any return or declaration required by this chapter;
- (2) File any incomplete or false return;
- (3) Fail, neglect or refuse to pay the tax, penalties or interest imposed by this chapter;
- (4) Refuse to permit the Tax Administrator or any duly authorized agent or employee to

examine his books, records, papers and federal and state income tax returns relating to the income or net profits of a taxpayer;

(5) Fail to appear before the Tax Administrator and to produce his books, records, papers or

federal and state income tax returns relating to the income or net profits of a taxpayer upon order or subpoena of the Tax Administrator;

(6) Refuse to disclose to the Tax Administrator any information with respect to the income or

net profits of a taxpayer;

(7) Fail to comply with the provisions of this chapter or any order or subpoena of the Tax Administrator authorized hereby;

(8) Give to an employer false information as to his true name, correct social security number,

and residence address, or fail to promptly notify an employer of any change in residence address and date thereof;

(9) Attempt to do anything whatsoever to avoid the payment of the whole or any part of the

tax, penalties or interest imposed by this chapter.

(E) Any person who violates any of the provisions of Federal law shall be subject to the penalties provided for by Federal law.

(F) Whoever violates Chapter 164 is guilty of a misdemeanor of the first degree and shall be imprisoned for not more than six months and shall be fined not more than \$1,000.

(G) Whoever violates any of the provisions of Chapter 164 for which no penalty is otherwise provided shall be subject to the penalty as provided in Chapter 164.

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

ORDINANCE NO. 147-24

**AN ORDINANCE AMENDING ORDINANCE NO. 190-23,
PASSED NOVEMBER 28, 2023. (Amendments to 2024 Budget)**

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

SEC. 1: That Ordinance No. 190-23, passed November 28, 2023, shall be amended by the following additions:

<u>Account No./Line Item</u>	<u>Additions</u>
514-0543-54417	\$15,000.00
001-0704-52225 (legal services)	30,000.00 *
001-0707-52215	900.00 *
001-0707-53311	700.00 *
001-0707-53313	175.00 *
001-0707-56611 (celebration fund)	12,534.76 *
103-0610-50111	50,000.00 *
104-0310-52215	1,500.00 *
107-0110-50111	1,169.53 *
109-0705-50111 (Probation Supervision Grant)	83,093.00 *
109-0705-50112	1,000.00 *
109-0705-50114	3,000.00 *
109-0705-50115	2,000.00 *
109-0705-50116	6,000.00 *
109-0705-50117	500.00 *
109-0705-51121	10,000.00 *
109-0705-51122	28,000.00 *
109-0705-51123	500.00 *
109-0705-51126	500.00 *
109-0705-51131	5,000.00 *
109-0705-52211	1,000.00 *
109-0705-53315	5,000.00 *
109-0757-50111 (Veteran's Court)	32,300.00 *
109-0757-50114	1,400.00 *
109-0757-50115	2,500.00 *
109-0757-51121	6,000.00 *
109-0757-51122	16,000.00 *
109-0757-51123	100.00 *
109-0757-51126	700.00 *
109-0757-51129	1,500.00 *
109-0757-52226	14,500.00 *
138-0462-52215	19,994.72 *
166-0705-56611	70,000.00 *
168-0705-53321	5,500.00 *
169-0716-54412	91.87 *
390-0645-52222	600.00 *

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390-0645-56612	20,000.00 *
902-0355-56611	12,534.76 *
103-0610-52213	1,500.00
108-0676-54414	94,000.00
171-0743-52214	288.00
171-0210-54411	20,307.00
001-0420-54411	1,465.00 *
106-0101-50112	1,035.00 *
107-0110-53315	1,488.30 *

SEC. 2: That Ordinance No. 190-23, passed November 28, 2023, shall be amended by the following reductions:

<u>Account No./Line Item</u>	<u>Reductions</u>
514-0543-50112	\$15,000.00
103-0610-50111	1,500.00
108-0610-54411	94,000.00
171-0650-54411	288.00
171-0743-52214	20,307.00

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: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Mayor