

**CITY OF MEDINA
AGENDA FOR COUNCIL MEETING**

October 15, 2024
Medina City Hall – Council Rotunda
7:30 p.m.

Public Hearing.

For various amendments to the Zoning Code found in Part 11 of the City of Medina Codified Ordinances. The amendments address a variety of topics including review procedures, fence regulations, open porch setbacks, lighting, and short-term rentals.

Call to Order.

Roll Call.

Reading of minutes. (September 23, 2024)

Reports of standing committees.

Requests for council action.

Reports of municipal officers.

Confirmation of Mayor's appointment.

Archive Commission – Roger Smalley – Expiring 12/31/27

Notices, communications and petitions.

Unfinished business.

Ord. 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.

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. 179-24, Ord. 180-24, Ord. 181-24, Ord. 182-24, Ord. 183-24, Ord. 184-24, Ord. 185-24, Ord. 186-24

Medina City Council
October 15, 2024 (Tuesday)

Ord. 179-24

An Ordinance ratifying the 1976 Agreement with the Medina County Board of Commissioners pertaining to providing additional parking at the County Administration Building.

Ord. 180-24

An Ordinance amending Ordinance No. 128-24, passed June 24, 2024, relative to the payment to the Medina County Treasurer for the Lease of the Medina Municipal Court in the 1969 Courthouse.

Ord. 181-24

An Ordinance amending Ordinance No. 59-24, passed March 11, 2024, relative to the 2024 Concrete Street Repair Program.

Ord. 182-24

An Ordinance accepting the appraisals (Fair Market Value Estimates) for the South Court Sanitary Sewer Relocation Project.

(emergency clause requested)

Ord. 183-24

An Ordinance amending Chapter 1519 of the Codified Ordinances of the City of Medina, Ohio, pertaining to Fireworks.

Ord. 184-24

An Ordinance amending Chapter 549 of the Codified Ordinances of the City of Medina, Ohio, pertaining to Carrying Concealed Weapons.

Ord. 185-24

An Ordinance amending Ordinance No. 26-24 passed February 13, 2024, relative to the expenditure to Green Home Solutions for the rehabilitation work at 850 North Huntington Street.

(emergency clause requested)

Ord. 186-24

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

Council comments.

Adjournment.

REQUEST FOR COUNCIL ACTION

No. RCA 24-159-8/26

FROM: Andrew Dutton
DATE: 7/15/24
SUBJECT: Zoning Code Amendments

Committee: Finance

SUMMARY AND BACKGROUND:

Miscellaneous amendments to the Zoning Code, found in Part 11 of the City of Medina Codified Ordinances. The amendments address a variety of topics including review procedures, fence regulations, open porch setbacks, lighting, and short term rentals. See the attached memorandum for a description of the amendments.

*Processes + Review - Standardize
Fencing - Request from PC
Set-backs
Parking lot lighting
Fitness facilities
Short-term rentals - No regulations currently.*

pending approval of Law Director

Public Hrg?

Estimated Cost: N/A

Suggested Funding:

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

Emergency Clause Requested: No
Reason:

COUNCIL USE ONLY:

Committee Action/Recommendation:

Council Action Taken: *8/26/24 JS/DS 7-0
subj to final
approval
Law Director
Pub Hrg - Tues Oct 15th*

Ord./Res.
Date:

Medina County Gazette - Legal Advertising
Please publish once: Friday, September 13, 2024

*Sent
notice
9-3-24*

NOTICE OF PUBLIC HEARING

Medina City Council will hold a public hearing Tuesday, October 15, 2024 at 7:30 p.m. in the Council Rotunda of the Medina City Hall located at 132 North Elmwood Avenue, Medina, Ohio.

The public hearing is for various amendments to the Zoning Code found in Part 11 of the City of Medina Codified Ordinances. The amendments address a variety of topics including review procedures, fence regulations, open porch setbacks, lighting, and short term rentals.

Interested persons are requested to appear and voice their opinions thereto.

By order of the Council of the City of Medina, Ohio.

Kathy Patton, CMC, Clerk of Council
City of Medina



MEMORANDUM

DATE: July 15, 2024
TO: City Council
FROM: Andrew Dutton, Community Development Director
SUBJECT: Zoning Code Amendments

Overview

The following are proposed amendments to the Zoning Code, found in Part 11 of the City of Medina Codified Ordinances. The amendments address a variety of topics including review procedures, fence regulations, open porch setbacks, lighting, and short term rentals.

Zoning Amendment, Variance, Site Plan, and Conditional Zoning Certificate Review (p. 1 - 4)

The review processes for Zoning Amendments, Variances, Site Plans, and Conditional Zoning Certificates have been revised to:

- Provide a consistent review process.
- Require that the Planning Director forward complete applications to the Board of Zoning Appeals or Planning Commission within 30 days.
- Require that the Board of Zoning Appeals and Planning Commission make a decision within 45 days of their initial meeting.

The Site Plan section (1109.01) has also been revised to clarify when a Site Plan must go to the Planning Commission and when a Site Plan can be reviewed administratively by the Planning Director.

Fencing (p. 5)

Standards for fencing have been amended per the following:

- "Areas" has been replaced with "Districts". Areas is not a defined term and is unclear in locations with a mix of uses.
- Exception ⁴ has been revised to allow fences in the front yard with a side street lot line (corner lots) to be up to 6 ft. in height within 15 ft. of the right-of-way with Planning Commission approval.
- Fences in the O-C or P-F districts may have a height of 8 ft. in the front yard with a side street lot line and barbed wire.
- Lots with double frontage, which have public rights-of-way to the front and rear of the lot, have two front yards, by definition. There are numerous such lots in the city, particularly backing up to Reagan Pkwy. Exception ⁵ allows a 6 ft. fence adjacent to the yard located opposite the building's front facade.

Roofed Porch Setbacks (p. 6)

Due to several recently granted variances and to allow existing homeowners to expand their homes in a reasonable manner, an amendment has been proposed allowing open roofed porches to extend 10 ft. into the rear setback.

Parking Lot Lighting (p. 6 - 7)

Existing parking lot lighting regulations have been revised per the following:

- Illumination Levels – Numerical illumination levels throughout a site are difficult to design, comply with, and measure. Specific lighting levels have been replaced with more general requirements. A maximum light level of 1 footcandle at a residential lot line remains unchanged.
- Luminaire Height – Lighting height is currently limited to 10 ft. in all districts except for the C-3 and I-1. A lighting height of 10 ft. is not practical and increases the number of lights needed. Height has been increased in residential districts to 15 ft. and other districts to 20 ft.
- Lighting Plan Submission – Clarification has been provided indicating that a photometric plan is needed when a site is adjacent to a residential zoning district or use.

Fitness Facility (p. 8 - 12)

A "Fitness Facility" has been removed from the "Personal or Professional Service" definition, defined separately, allowed as a permitted use in the C-3 district, and allowed as a conditional use in the C-1, C-2, and I-1 districts.

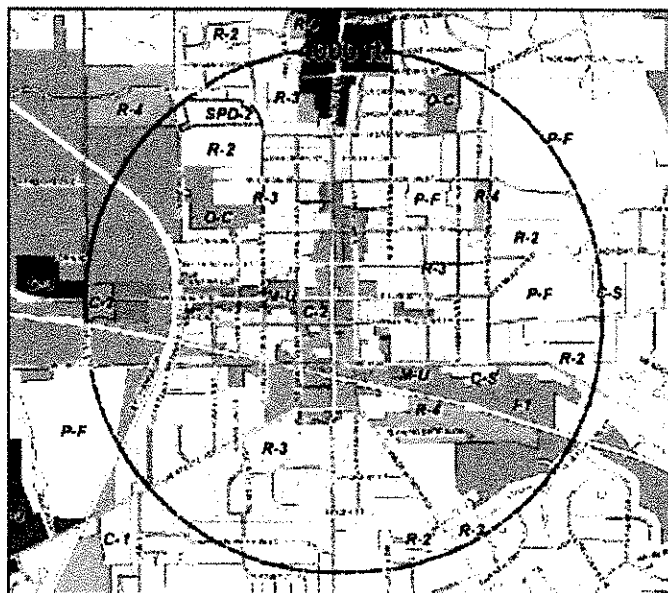
Short Term Rentals (p. 13 - 16)

The city does not have any current regulations regarding short term rentals. The use does not fit well into existing use definitions and may be classified as a residential dwelling unit, hotel, motel, or bed and breakfast.

Short term rentals currently exist in the city within and around the Historic District. Though there have not been any documented complaints regarding short term rentals, staff receives regular inquiries regarding applicable regulations.

Other cities regulate short term rentals in a variety of ways ranging from general regulations to formal registration programs in communities which have many tourists and visitors. The proposed amendments aim to provide general regulations:

- Short term rentals are a permitted use in the C-2 and M-U districts and a conditional use in the R-2 and R-3 districts.
- A parking minimum was provided, however, approximately half of the area where short term rentals are permitted is within the parking exempt district.
- Events are not permitted at short term rentals and there is a maximum occupancy based on bedrooms.
- Short term rentals are only allowed within 4,000 ft. of the Uptown Park as shown below. This encompasses the entire C-2 and M-U districts and R-2 and R-3 areas near the Historic District.



**Proposed Amendments to
the Zoning Code:
Part Eleven of the
City of Medina Codified
Ordinances**

7/15/2024

Key

~~Deleted Text~~

Added Text

Zoning Amendment, Variance, Site Plan, and Conditional Zoning Certificate Review

-Chapter 1107 – Administration and Enforcement-

1107.06 ZONING ORDINANCE AMENDMENT APPLICATION.

A proposed amendment to the text or map of this Ordinance may be recommended or requested by the Planning Commission, Council, the Administration or any other citizen or property owner of Medina. The application for such amendment shall be submitted in accordance with the following procedures:

- (c) Review and Action by the Planning Commission. *Within thirty (30) days of receiving a complete application, the Planning Director shall forward the application, along with any supporting materials and plans, to the Planning Commission.* The Planning Commission shall review the proposed amendment at one or more of its regular meetings, and within forty-five (45) days after the date of the ~~submission of the proposed amendment~~ *Commission's initial meeting*, recommend to Council the approval, approval with modification, or disapproval of the proposed amendment. *If a request made by the applicant to continue the review of the application at a subsequent meeting is granted, the Commission shall approve, approve with modification, or disapprove the application within forty-five (45) days after the date of such subsequent meeting.*

1107.08 APPEALS AND VARIANCES.

- (e) Review by the Board. *Within thirty (30) days of receiving a complete application, the Planning Director shall forward the application, along with any supporting materials and plans, to the Board.* Notice of the hearing shall be published in a newspaper of general circulation in the City at least ten (10) days prior to the date of the hearing, and sent by mail or personal delivery to the owners of property for which a variance request is being considered, and to all owners of property adjacent to and directly across the street from the property in question. At the hearing, a party may appear in person or by agent or by attorney.
- (f) Decision by the Board. The concurring vote of three (3) members of the Board shall be necessary to reverse an order, requirement, decision, or determination of the Planning Director, or to decide in favor of the applicant any matter upon which they are required to pass judgment. The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, in accordance with the guidelines set forth herein. *The Board shall render a decision within forty-five (45) days of the Board's initial meeting. If a request made by the applicant to continue the review of the application at a subsequent meeting is granted, the Board shall approve, approve with modification, or disapprove the application within forty-five (45) days after the date of such subsequent meeting.*

To that end, the Board shall have all the powers of the officer or body from whom the appeal was taken and may issue or direct the issuance of a permit. With an affirmative decision, the Board may impose conditions. The decision of the Board shall be final, but the City, with approval by the Council, or any person having an interest affected by a decision of the Board, may appeal to the Court of Common Pleas, and to any Court of final jurisdiction.

-Chapter 1109 – Site Plan-

1109.01 PURPOSE.

Before the issuance of a zoning certificate or conditional zoning certificate for any proposed multi-family, mobile home park, public facility, business or industrial use as provided for in Chapters 1115 to 1141, the Planning Commission or Planning Director shall review and approve site plans for such uses as identified below.

- ~~(a) A review by the Commission shall also be required when:
 - ~~(1) There is an increase in the number of dwelling units for multi-family;~~
 - ~~(2) The floor area of a nonresidential building is increased;~~
 - ~~(3) The use of an existing building is changed to a use which requires the addition of more off-street parking facilities than currently exist on the site;~~~~
- ~~(b) The following Minor Developments may be finally approved by the Planning Director in lieu of action by the Planning Commission. Any improvement which is not in compliance with this Chapter or is determined by the Planning Director to be beyond the scope of a minor building development will be forwarded to the Planning Commission for review.
 - ~~(1) New construction of one single family dwelling that will not require off site construction of any new street or road; or~~
 - ~~(2) Renovations, alterations, or expansions to an existing building or site up to 5,000 square feet for land uses other than single family dwellings and 10,000 square feet for I-1 zoned properties; or~~
 - ~~(3) Expansion of an existing parking lot up to thirty percent (30%) of existing spaces; or~~
 - ~~(4) Facade alterations which do not alter the existing architectural character.~~~~

- (a) Site plan review by the Planning Commission shall be required for the following:*
 - (1) **New Construction or Initial Development.** New construction of a principal building or initial development of a site, with the exception of a single-family residential use or two-family residential use;*
 - (2) **Floor Area Increase - Major.** An increase in floor area of a principal nonresidential building by more than five thousand (5,000) square feet for properties not located in the I-1 zoning district or more than ten thousand (10,000) square feet for properties located in the I-1 zoning district;*
 - (3) **Nonresidential Accessory Building - Major.** New construction or increase in floor area of a nonresidential accessory building with a floor area greater than two thousand five hundred (2,500) square feet or fifty percent (50%) of the principal structure's floor area, whichever is less;*
 - (4) **Outdoor Use - Major.** Establishment or expansion of a nonresidential outdoor use of more than five thousand (5,000) square feet for properties not located in the I-1 zoning district or more than ten thousand (10,000) square feet for properties located in the I-1 zoning district;*
 - (5) **Parking Lot - New or Major Expansion.** Establishment of a parking lot or the expansion of an existing parking lot of more than thirty percent (30%) of the existing spaces;*
 - (6) **Facade Alterations - Major.** Facade alterations to a multi-family residential or nonresidential building which alter the building's existing architectural character;*
 - (7) **Multi-Family Dwelling Unit Increase.** An increase in the number of dwelling units for a multi-family residential use; or*
 - (8) **New Street Construction.** Any development that requires off-site construction of a new street or road.*

- (b) *Site plans for the following may be reviewed and approved by the Planning Director. If the Planning Director determines that the project is beyond the scope of a minor development, he/she shall forward the site plan to the Planning Commission for review and approval.*
- (1) *Single or Two-Family Residential Uses. New construction or an increase in floor area of a principal building with a single-family residential use or two-family residential use;*
 - (2) *Floor Area Increase - Minor. An increase in floor area of a nonresidential building by less than or equal to five thousand (5,000) square feet for properties not located in the I-1 zoning district or less than or equal to ten thousand (10,000) square feet for properties located in the I-1 zoning district;*
 - (3) *Accessory Building - Minor. New construction or increase in floor area of any residential accessory building or a nonresidential accessory building with a floor area less than or equal to two thousand five hundred (2,500) square feet or fifty percent (50%) of the principal structure's floor area, whichever is less;*
 - (4) *Outdoor Use - Minor. Establishment or expansion of a nonresidential outdoor use of less than or equal to five thousand (5,000) square feet for properties not located in the I-1 zoning district or more than ten thousand (10,000) square feet for properties located in the I-1 zoning district;*
 - (5) *Parking Lot - Minor Expansion. Expansion of an existing parking lot of less than or equal to thirty percent (30%) of the existing spaces; or*
 - (6) *Facade Alterations - Minor. Facade alterations to any single-family residential building or two-family residential building or facade alterations to a multi-family residential or nonresidential building which do not alter the existing architectural character.*

1109.02 APPLICATION PROCEDURE.

Any application for site plan review as provided for by this Zoning Ordinance shall be submitted in accordance with the following procedures:

- (c) *Review and Action by the Planning Commission. Within thirty (30) days of receiving a complete application, the Planning Director shall forward the application, along with any supporting materials and plans, to the Planning Commission. Notice of the application shall be sent by mail or personal delivery to the owners of property for which the application is being considered, and to all owners of property adjacent to and directly across the street from the property in question. The Planning Commission shall review the proposed site plan at one or more of its regular meetings, and within forty-five (45) days after the date of the submission of the proposed site plan Commission's initial meeting, approve, approve with modification, or disapprove the application. If a request made by the applicant to continue the review of the application at a subsequent meeting is granted, the Board shall approve, approve with modification, or disapprove the application within forty-five (45) days after the date of such subsequent meeting. The Planning Commission's review and action shall be based on the following standards:*

-CHAPTER 1153 – Conditional Zoning Certificates-

1153.02 PROCEDURES FOR MAKING APPLICATION.

Any application for a conditional zoning certificate for any land or structure permitted under this Zoning Ordinance shall be submitted in accordance with the following procedures:

- (c) Review by Planning Commission. ~~The Planning Commission shall review the proposed development, as presented on the submitted plans and specifications in terms of the standards established in this Zoning Ordinance. Such review by the Planning Commission shall be completed and made public within forty-five (45) days of the date of submission.~~ *Within thirty (30) days of receiving a complete application, the Planning Director shall forward the application, along with any supporting materials and plans, to the Planning Commission. The Planning Commission shall review the proposed conditional zoning certificate at one or more of its regular meetings, and within forty-five (45) days after the date of the Commission's initial meeting, approve, approve with modification, or disapprove the application. If a request made by the applicant to continue the review of the application at a subsequent meeting is granted, the Commission shall approve, approve with modification, or disapprove the application within forty-five (45) days after the date of such subsequent meeting.*

- (g) Termination. *The conditional zoning certificate shall become void at the expiration of one (1) year after the date of issuance unless the conditionally permitted use has commenced for applications that do not include the construction of a new building. The conditional zoning certificate shall become void at the expiration of two (2) years after the date of issuance unless the conditionally permitted use has commenced for applications that include the construction of a new building.*

Fencing

-Chapter 1155 – Supplemental Regulations-

1155.01 FENCES.

(c) Permitted Fencing; Height Limits. Fencing may be permitted in any yard and along the edge of any yard not to exceed height limits set forth in the following table and exceptions thereto:

(1) Fence Height Limits and Exceptions.

| Area District | Front Yard (height in feet) | Front Yard with Side Street Lot Line (height in feet) | Side Yard (height in feet) | Rear Yard (height in feet) |
|---|--------------------------------|---|-------------------------------|-------------------------------|
| Residential R-1, R-2, R-3, and R-4 or M-U with a Residential Use | 3 ⁵ | 6 3 ⁴ | 6 ¹ | 6 ¹ |
| Commercial C-S, C-1, C-2, and C-3 or M-U with a Nonresidential Use | 3 ² | 6 3 ⁴ | 10 ³ | 10 ³ |
| Industrial I-1 | 6 ^{2,3} | 6 ^{2,3-4} | 10 ³ | 10 ³ |
| Public Facilities (parks, playgrounds, etc.) O-C and P-F | 8 ³ | 6 8 ³⁻⁴ | 8 ³ | 8 ³ |
| Exceptions: | | | | |
| ¹ Fence heights may be increased to eight (8) feet in height if the top two (2) feet are less than fifty percent (50%) opaque and is approved by the Planning Director. | | | | |
| ² Any fence set back fifty (50) feet or more from the street right of way may be eight (8) feet in height. | | | | |
| ³ Barbed wire not to exceed twelve (12) inches in height may be added to the top of the fence. | | | | |
| ⁴ Fences shall be setback at least fifteen (15) feet from the side street lot line. Fences three (3) feet tall or less may be located on the side street lot line. Fences set back fifteen (15) feet or more from the side street lot line may be six (6) feet in height. Fences set back less than fifteen (15) feet from the side street lot line may be up to six (6) feet in height with approval from the Planning Commission if the Commission finds the fence does not obstruct pedestrian or vehicular visibility and is compatible with the surrounding area. | | | | |
| ⁵ For lots with double frontage, fence heights may be increased to six (6) feet in the yard located opposite the building's front facade. | | | | |

(d) Materials.

- (1) No fence, with the exception of fences used for agricultural purposes, shall contain an electric charge.
- (2) Barbed wire, razor wire, or any other type of anti-climbing wire shall only be permitted in the industrial district I-1, O-C, and P-F districts.
- (3) Materials used for fences shall be of traditional fencing materials (wrought iron, chain link, pressure treated lumber, cedar, redwood, PVC, etc.) and shall be constructed of weather resistant materials or annually treated so that they are weather resistant and maintained in good condition.
- (4) The finished or most decorative side of the fence shall face away from the property erecting the fence.
- (5) All latches, hinges and other hardware shall be galvanized or painted so as to prevent or retard rust and degradation.

Roofed Porch Setbacks

-CHAPTER 1113 – Zoning Districts; General Regulations-

1113.05 GENERAL USE REGULATIONS.

- (k) Projections into Yard Areas. Every part of a required yard shall be open to the sky unobstructed, except for accessory buildings in a rear yard, and except for the ordinary projections of skylights, sills, belt-courses, cornices and ornamental features projecting not to exceed twelve (12) inches.
- (1) Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the level of the ground (first) story may project into a required side yard, provided these projections are distant at least two (2) feet from the adjacent lot line.
 - (2) The ordinary projections of chimneys or flues are permitted into the required side, rear and front yards.
 - (3) An open unenclosed porch or paved terrace may project into the required front and rear yard for a distance not to exceed ten (10) feet.
 - (4) *A roofed porch with walls that are fifty percent (50%) enclosed or less may project into the required rear yard a distance not to exceed ten (10) feet.*

Parking Lot Lighting

-CHAPTER 1145 – Off-Street Parking and Circulation-

1145.09 PARKING AREA DESIGN.

- (c) Illumination of Parking Areas. Parking and circulation areas, pedestrian areas, and related outdoor areas shall be illuminated to provide safety and security to users of these areas, to provide security for property, and to maintain privacy for adjacent properties. Exterior lighting shall be designed, installed, and maintained according to the following standards:
- (1) Illumination levels. ~~Except as provided in subsection (c)(5)B. hereof, exterior lighting shall provide minimum maintained horizontal footcandle (fc) illumination as follows:~~

| Activity Type | Maintained Footcandles |
|--|------------------------|
| Parking and pedestrian area ² | 0.6 fc minimum |
| Property security only | 0.2 fc minimum |

² ~~Exterior lighting in these areas may be reduced to the property security level during hours when these areas are not in use.~~

Illumination shall be consistent across the site and shall be designed so as not to generate dark spots that create safety issues in vehicular use and pedestrian areas.

- ~~(2) Residential parking. The minimum illumination levels in subsection (c)(1) hereof shall not apply to residential or multi-family parking areas with ten (10) or fewer parking spaces. These areas shall be provided with appropriate residential-type luminaries as shown on site plans approved by the Planning Commission.~~
- ~~(3) Uniformity ratio. Average illumination levels shall not exceed four (4) times the minimum level.~~

- (42) Light trespass. In order to maintain privacy, exterior lighting shall be designed and maintained to provide a maximum of one (1) horizontal footcandle illumination at side or rear property lines which are adjacent to a residential use or zoning district.
- (3) Measurement. *Light levels shall be measured in footcandles with a direct reading, portable light meter. Measurements shall be taken along a horizontal plane at a height of three and one-half (3½) feet above the ground.*
- (54) Luminaire height.
- A. *The total height of exterior lights shall not exceed the following height regulations. Height shall be measured from the average grade surrounding each light pole or structure to the top of the light fixture:*

| <i>District</i> | <i>Maximum Height</i> |
|--|-----------------------|
| <i>R-1, R-2, and R-3</i> | <i>15 feet</i> |
| <i>R-4, O-C, M-U, P-F, C-S, C-1, and C-2</i> | <i>20 feet</i> |
| <i>C-3 and I-1</i> | <i>25 feet</i> |

- A. ~~The maximum luminaire height in the C-3 and I-1 Districts shall be twenty-five (25) feet.~~
- B. ~~The maximum luminaire height in all other districts shall be ten (10) feet unless authorized by Planning Commission.~~
- CB. The Planning Commission may approve greater heights upon a showing by the applicant that the additional height complies with both of the following standards:
1. The additional height is necessary to efficiently illuminate outdoor areas; and
 2. The additional height will have no adverse effect on adjacent properties.
- (65) Glare. Exterior lighting shall be designed and maintained so that glare is not cast on adjacent properties, regardless of use, or on adjacent streets. All luminaries shall be cut-off types which includes shields or other devices which eliminate all light above an angle of eighty-five (85) degrees, as measured from the vertical axis of the light source. For the purpose of this subsection, "glare" means the brightness of a light source which causes eye discomfort.
- (76) Lighting plan submission. Site plans submitted to the Planning Commission shall include ~~data analyses~~ *an exterior lighting plan*, prepared by persons competent to do so, *illustrating* that the proposed exterior lighting system complies with the standards in this section. *A photometric plan shall be required when a multi-family residential use or a nonresidential use is proposed to be located adjacent to a lot located in a residential district or that is occupied by an existing residential use.*

Fitness Facility

-CHAPTER 1105 – Definitions-

CHAPTER 1105

Definitions

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1105.52 Fence.

1105.53 Financial institution.

1105.53-1 Fitness facility.

1105.54 Floor area.

1105.55 Frontage.

1105.56 Funeral home.

.....

1105.53-1 FITNESS FACILITY.

"Fitness Facility" means a facility where patrons participate in exercise or similar activities designed to improve and preserve physical fitness, including a health club, gym, CrossFit center, or other similar facility. This definition shall not include a "Recreational Facility".

1105.122 PERSONAL OR PROFESSIONAL SERVICE.

"Personal or professional service" means any for profit service enterprise or occupation involving the dispensation of a licensed service (excluding medical services) primarily to the general public such as: health club, day spa, ~~fitness facility~~, shoe repair, barber shop, beauty salon, bank or other federally insured financial institution, laundromat, ***music studio***, real estate agency, bookkeeper, tax accountant, plumber or electrician. Personal or professional services do not include sexually oriented businesses.

-CHAPTER 1133 – C-1 Local Commercial District-

1133.04 CONDITIONALLY PERMITTED USES.

The following uses shall be permitted as conditionally permitted uses in the C-1 Local Commercial District subject to the requirements of Chapter 1153, Conditional Zoning Certificates. Numerical identification after each item corresponds to specific standards in Section 1153.04, Conditionally Permitted Use Regulations.

| Residential | Public/Semi-Public | Commercial |
|---|---|--|
| Assisted Living Facility, Independent Living Facility, or Nursing Home ^{1, 3, 5, 7, 9, 11, 13} | Club ^{9, 11, 13} | Bar or Tavern |
| | Conservation Use | Bed and Breakfast Inn ^{11, 13} |
| | Educational Institution - Technical School, Vocational School, College, or University | Child Day Care Center or Nursery ^{5, 9, 11, 13} |
| | Publicly Owned or Operated Governmental Facility ^{3, 7} | <i>Fitness Facility</i> |
| | Public Utility ^{1, 10, 11} | Hospital ^{1, 3, 7, 9, 11, 13} |
| | Religious Place of Worship ^{1, 3, 7, 11} | Motor Vehicle Filling Station ^{5, 7, 15, 21, 23} |
| | Urban Garden | Personal or Professional Services with Drive Through ^{2, 7, 15} |
| | | Research and Development Laboratory with No External Hazardous, Noxious, or Offensive Conditions |
| | | Restaurant |

-CHAPTER 1135 – C-2 Central Business District-

1135.05 CONDITIONALLY PERMITTED USES.

The following uses shall be permitted as conditionally permitted uses in the C-2 Central Business District subject to the requirements of Chapter 1153, Conditional Zoning Certificates. Numerical identification after each item corresponds to specific standards in Section 1153.04, Conditionally Permitted Use Regulations.

| Residential | Public/Semi-Public | Commercial |
|---|---|---|
| Attached Single-Family Dwellings within a Mixed Use Building - Including Ground Level Residential Units in the Public Square Area ²⁴ | Conservation Use | Bed and Breakfast Inn ^{11, 13} |
| Multi-Family Dwellings within a Mixed Use Building - Including Ground Level Residential Units in the Public Square Area ²⁴ | Educational Institution - Technical School, Vocational School, College, or University | Child Day Care Center or Nursery ^{5, 9, 11, 13} |
| | Publicly Owned or Operated Government Facility ^{3, 7, 8, 11} | Conference Center, Banquet Facility, or Meeting Hall |
| | Public Utility ^{1, 10, 11} | <i>Fitness Facility</i> |
| | Religious Place of Worship ^{1, 3, 7, 11} | Hospital ^{1, 3, 7, 9, 11, 13} |
| | Urban Garden | Hotel or Motel |
| | | Major or Minor Motor Vehicle Repair ^{7, 15, 21, 23} |
| | | Mixed Use Building - Including First Floor Residential Units in the Public Square Area |
| | | Motor Vehicle Filling Station ^{5, 7, 15, 21, 23} |
| | | Motor Vehicle Sales ¹⁵ |
| | | Museum |
| | | Outdoor Dining ²⁸ |
| | | Personal or Professional Services with Drive Through ² |
| | | Research and Development Laboratory with No External Hazardous, Noxious or Offensive Conditions |
| | | Restaurant with Drive Through or Drive-In ^{2, 7, 15} |

-CHAPTER 1137 – C-3 General Commercial District-

1137.02 PRINCIPALLY PERMITTED USES.

The following uses shall be permitted in the C-3 General Commercial District:

| Residential | Public/Semi-Public | Commercial |
|--------------------|--|---|
| None | Club | Bar or Tavern |
| | Passenger Transportation Agency and Terminal | Clinic |
| | | Commercial Entertainment |
| | | Commercial Recreation |
| | | Convenience Retail |
| | | <i>Fitness Facility</i> |
| | | Funeral Home |
| | | Hotel or Motel |
| | | Mixed Use Building - Residential Excluded from Ground Level Floor |
| | | Minor Motor Vehicle Repair |
| | | Motor Vehicle Sales |
| | | Off-Street Parking Lot, Garage or Deck |
| | | Office |
| | | Personal or Professional Services |
| | | Plant Greenhouse |
| | | Restaurant |
| | | Retail Business less than or equal to 80,000 square feet in Size |
| | | Veterinary Office or Hospital in an Enclosed Building |
| | | Other Similar Uses as Determined by the Planning Commission |

-CHAPTER 1141 – I-1 Industrial District-

1141.04 CONDITIONALLY PERMITTED USES.

The following uses shall be permitted as conditionally permitted uses in the I-1 Industrial District subject to the requirements of Chapter 1153, Conditional Zoning Certificates. Numerical identification after each item corresponds to specific standards in Section 1153.04, Conditionally Permitted Use Regulations.

| Residential | Public/Semi-Public | Commercial |
|--------------------|--|--|
| None | Conservation Use | Building Materials Sales Yard and Lumber Yard |
| | Educational Institution- Technical School, Vocational School, College, or University | Car Wash ² |
| | Passenger Transportation Agency and Terminal | Commercial Entertainment |
| | Publicly Owned or Operated Government Facility ^{3, 7, 8, 11} | Commercial Recreation |
| | Wireless Telecommunication Facility | Contractor's Equipment Storage Yard - Must be Completely Enclosed if Facing a Residential District |
| | | Crematorium |
| | | <i>Fitness Facility</i> |
| | | Heavy Manufacturing ^{17, 26, 27} |
| | | Motor Vehicle Sales - Only including Rental and Minor Repair Work |
| | | Recreation Facility |
| | | Retail Business |

Short Term Rentals

-CHAPTER 1105 – Definitions-

CHAPTER 1105

Definitions

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1105.134 Setback.

1105.135 Sexually oriented business.

1105.135-1 Short term rental.

1105.136 Sign.

1105.137 Sign face.

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1105.09 BED AND BREAKFAST INN.

"Bed and breakfast inn" means a structure in which paying guests are lodged on an overnight basis, and may be served breakfast in connection with their lodging. Meals shall be served only to guests. The owner or operator of a bed and breakfast inn shall live on the premises.

1105.047 DWELLING UNIT.

"Dwelling unit" means one or more rooms providing complete living facilities for one family, including equipment for cooking or provisions for the same, and including a room or rooms for living, sleeping and eating.

1105.068 HOTEL.

"Hotel" means a building in which lodging is provided and offered to the public for compensation and which is open to transient guests, as distinguished from a boarding house and/or a lodging house where all rooms are accessed through an inside lobby or interior corridor where additional ancillary services such as a restaurant, meeting rooms and fitness facilities may be provided. See "Motel".

1105.99 MOTEL.

"Motel" means any building or group of buildings containing sleeping rooms, with or without cooking facilities, designed as overnight sleeping quarters for tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motor lodges and tourists courts where each sleeping room is accessed from the exterior of the building. Additional accessory services such as restaurants, meeting rooms and fitness facilities may be an integral part of the motel facility.

1105.135-1 SHORT TERM RENTAL.

"Short term rental" means the rental of a single dwelling unit in which lodging is provided and offered to the public for compensation and which is open to transient guests. This definition shall not include a "Hotel", "Motel", or "Bed and Breakfast Inn".

-CHAPTER 1125 – R-2 Medium Density Urban Residential District -

1123.04 CONDITIONALLY PERMITTED USES.

The following uses shall be permitted as conditionally permitted uses in the R- 2 Medium Density Urban Residential District subject to the requirements of Chapter 1153, Conditional Zoning Certificates. Numerical identification after each item corresponds to specific standards in Section 1153.04, Conditionally Permitted Use Regulations.

| Residential | Public/Semi-Public | Commercial |
|---|---|---|
| Assisted Living Facility, Independent Living Facility, or Nursing Home ^{1, 3, 5, 7, 9, 11, 13} | Cemetery ^{3, 7, 16} | None Short Term Rental |
| Group Home up to 8 Individuals | Conservation Use | |
| In-Law Suite | Educational Institution - Pre-School, Kindergarten, and Elementary School ^{1, 3, 5, 6, 11} | |
| Two-Family Dwelling | Public or Quasi-Public Owned Park or Recreation Facility ^{1, 3, 4, 5, 9, 11, 18, 19} | |
| | Publicly Owned or Operated Government Facility ^{3, 7, 8, 11} | |
| | Religious Place of Worship ^{1, 3, 7, 11, 12} | |

-CHAPTER 1125 – R-3 High Density Urban Residential District-

1125.04 CONDITIONALLY PERMITTED USES.

The following uses shall be permitted as conditionally permitted uses in the R-3 High Density Urban Residential District subject to the requirements of Chapter 1153, Conditional Zoning Certificates. Numerical identification after each item corresponds to specific standards in Section 1153.04, Conditionally Permitted Use Regulations.

| Residential | Public/Semi-Public | Commercial |
|---|---|---|
| Assisted Living Facility, Independent Living Facility, or Nursing Home ^{1, 3, 5, 7, 9, 11, 13} | Cemetery ^{3, 7, 16} | None Short Term Rental |
| Group Home up to 8 Individuals | Conservation Use | |
| In-Law Suite | Educational Institution - Pre-School, Kindergarten, and Elementary School ^{1, 3, 5, 6, 11} | |
| Manufactured Housing Park or Mobile Home Park ^{3, 5, 7, 8, 9, 10, 11, 13, 20, 22} | Educational Institution - Junior High School, Middle School, Intermediate School, and High School ^{1, 3, 5, 7, 11} | |
| Two-Family Dwelling | Public or Quasi-Public Owned Park or Recreation Facility ^{1, 3, 4, 5, 9, 11, 18, 19} | |
| | Publicly Owned or Operated Government Facility ^{3, 7, 8, 11} | |
| | Religious Place of Worship ^{1, 3, 7, 11, 12} | |

-CHAPTER 1129 – M-U Multi-Use District-

1129.02 PRINCIPALLY PERMITTED USES.

The following uses shall be permitted in the M-U Multi-Use District:

| Residential | Public/Semi-Public | Commercial |
|---------------------------------|---------------------------|---|
| Single-Family Attached Dwelling | None | Bed and Breakfast Inn |
| Single-Family Detached Dwelling | | Convenience Retail |
| Two-Family Dwelling | | Funeral Home |
| | | Office |
| | | Personal or Professional Services without a Drive Through |
| | | <i>Short Term Rental</i> |

-CHAPTER 1135 – C-2 Central Business District-

1135.03 PRINCIPALLY PERMITTED USES.

The following uses shall be permitted in the C-2 Central Business District:

| Residential | Public/Semi-Public | Commercial |
|---|--|---|
| Attached Single-Family Dwellings within a Mixed Use Building - Not including Ground Level Residential Units in the Public Square Area | Club | Bar or Tavern |
| Multi-Family Dwellings within a Mixed Use Building - Not including Ground Level Residential Units in the Public Square Area | Passenger Transportation Agency and Terminal | Clinic |
| | | Commercial Entertainment |
| | | Commercial Recreation |
| | | Convenience Retail |
| | | Mixed Use Building - Not including Ground Level Residential Units in the Public Square Area |
| | | Off-Street Parking Lot, Garage or Deck |
| | | Office |
| | | Personal or Professional Services |
| | | Restaurant |
| | | Retail Business |
| | | <i>Short Term Rental</i> |
| | | Other Similar Uses as Determined by the Planning Commission |

-Chapter 1145 – Off Street Parking and Circulation-

1145.04 SCHEDULE OF PARKING REQUIREMENTS AND STANDARDS.

- (a) Schedule of Parking Requirements. Accessory off-street parking spaces shall be provided not less than as set forth in the following schedule:

| Commercial Uses | Formula |
|--------------------------------------|--|
| Sexually Oriented Business | One (1) space for each 200 square feet of gross floor area. |
| Short Term Rental | <i>One (1) space for each bedroom.</i> |
| Veterinary Office or Hospital | Two (2) spaces for each examination room + one (1) space per each 200 square feet of laboratory and office floor area. |

-Chapter 1155 – Supplemental Regulations-

CHAPTER 1155

Supplemental Regulations

1155.01 Fences.

1155.02 Performance standards.

1155.03 Portable storage units.

1155.04 Outdoor vending machines and carrier service boxes.

1155.05 Dumpsters, recycling and donation boxes.

1155.06 Solar panels.

1155.07 Home occupation.

1155.08 Parking and occupancy of boats, camping vehicles, motor home/recreational vehicle, and trailers in residential districts.

1155.09 Parking of commercial vehicles, buses, trailers or trucks in residential districts.

1155.10 Regulations for drive-in, drive-through, or carry-out eating and drinking establishments.

1155.11 Outdoor storage and outdoor display of bulk goods in commercial and industrial districts.

1155.12 Outdoor storage in residential districts.

1155.13 In-law suites.

1155.14 Wind turbine and wind energy systems.

1155.15 Pedestrian connection.

1155.16 *Short term rentals.*

1155.16 SHORT TERM RENTALS.

- (a) *The maximum overnight occupancy of a short term rental shall not exceed two (2) persons per bedroom, plus two (2) additional people.*
- (b) *The hosting of events including, but not limited to, weddings, receptions, parties, or similar gatherings shall not be permitted at short term rentals.*
- (c) *A short term rental shall only be permitted within four thousand (4,000) feet of the Medina Uptown Park which is bound by East Liberty Street, South Broadway Street, East Washington Street, and South Court Street.*

MEDINA CITY COUNCIL
Monday, September 23, 2024

Call to Order:

Medina City Council met in regular session on Monday, September 23, 2024 at Medina City Hall. The meeting was called to order at 7:30 p.m. by President Pro-Tem Jim Shields, who 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, and D. Simpson. N. DiSalvo was absent.

Also present were the following members of the Administration: Acting Mayor John Coyne, Greg Huber, Keith Dirham, Nino Piccoli, Chief Walters, Dan Gladish, Kimberly Marshall, Andrew Dutton, Joe Toth, Chief Kinney and Teresa Knox.

Minutes:

Mr. Simpson moved that the minutes from the regular meeting on Monday September 9, 2024, as prepared and submitted by the Clerk be approved, seconded by Mr. Rose. The roll was called and passed with the yea votes of J. Hazeltine, P. Rose, J. Shields, D. Simpson, and R. Haire.

Reports of Standing Committees:

Finance Committee: Mr. Shields stated the Finance Committee met prior to Council this evening and will meet again in 3 weeks.

Public Properties Committee: Mr. Shields stated they have one item for Public Properties and will be scheduling soon.

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 was absent.

Requests for Council Action:

Finance Committee

24-191-9/23 – Budget Amendments

24-192-9/23 – Amend Ord. 119-24, Exp. to Rogue Fitness

24-193-9/23 – Exp. Over \$20,000 – Pioneer Waterproofing – PY22 CHIP

24-194-9/23 – Amend Ord. 128-24, Medina Courthouse Lease payments

24-195-9/23 – Amend Ord. 59-24, 2024 Concrete Street Repair Program

24-196-9/23 – Fair Market Value Estimates – South Court Sanitary Sewer Relocation

24-197-9/23 – Increase Exp. to Wintrow Construction – P.O. #2024-1383

24-198-9/23 – Amend Code Ch. 1519 Fireworks & Ch. 549 Carrying Concealed Weapons

24-200-9/23 – Change Order – Green Home Solutions – PY2022

Public Properties

24-199-9/23 – Lake Medina Improvements / Trail Planner – Medina County Park Dist.

Reports of Municipal Officers:

Acting Mayor, John Coyne recognized Council for their hard work and all efforts made.

Keith Dirham, Finance Director, Keith noted there is a levy on the ballot this fall for the city's portion of the EMS life support team. Video information on the levy is available, there is no increase this is a renewal. This will pay for the city share of the life support team.

Greg Huber, Law Department, had no report.

Kimberly Marshall, Economic Development Director, Kimberly stated Friday, October 4th is the next ribbon cutting day first one is at 3 p.m. for Recoup and Relief Counseling and Therapeutic Services located at 803 East Washington St. in Suite 200. 4 p.m. for Project Learn is the next event located at 39 Public Square in Suite 202.

Launched new Medina talent search – News letter released on Wednesdays.

Chief Kinney, Police Department, stated they are continuing to accept applications for the municipal deer hunting program. Bow season starts September 28, 2024 and runs through February 2, 2025. You must come to the Police Department to apply and receive a permit to legally hunt inside the City. If you don't have a permit you are not legal!

Chief Walters, Fire Department, had no report.

Jansen Wehrley, Parks and Recreation Director, was absent.

Dan Gladish, Building Official, was absent.

Nino Piccoli, Service Director, the interurban building was moved safely without using the crane. It is placed on a trailer at the Feckley lot for now and will be winterized. Deer carcass pickups were at 84 two weeks ago and today we are at 91 and this is the rut season so he anticipates there being another 30 or more before year end.

Patrick Patton, City Engineer, was absent.

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

Joe Toth, LST Director, Joe noted that through the month of August, LST responded to 2,508 calls. That is an increase of 189 from previous year and for all three entities they responded to 3,851 which is an increase of 307 from same time last year.

Notices, communications and petitions:

Liquor Permit:

Mr. Simpson moved not to object to the issuance of a C-1 and C-2 permit to Jammrs Corp, dba 7-Eleven, 1050 N. Court to 7-Eleven Inc. a Texas Corporation, 1050 N. Court Street. Motion seconded by Mr. Rose and approved by the yea votes of P. Rose, J. Shields, D. Simpson, R. Haire, and J. Hazeltine.

Unfinished Business:

Ord. 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.

*Hold for next meeting.

Introduction of Visitors:

Skip Sipos – Executive Director spoke on Medina Metropolitan Housing Authority.

Introduction and consideration of ordinances and resolutions

Mr. Simpson moved to suspend the rules requiring three readings on the following ordinances and resolutions, seconded by Mr. Rose: Ord. 170-24, Ord. 171-24, Ord. 172-24, Ord. 173-24, Res. 174-24, Ord. 175-24, Ord. 176-24, Ord. 177-24, Ord. 178-24. The roll was called and the motion passed by the yea votes of J. Shields, D. Simpson, R. Haire, J. Hazeltine, and P. Rose.

Ord. 170-24

An Ordinance authorizing the Finance Director to waive certain uncollectible utility accounts. Mr. Simpson moved for the adoption of Ordinance/Resolution No. 170-24, seconded by Mr. Rose. Mr. Dirham stated these are accounts that have gone through either a sheriff sale or bankruptcy and therefore are not permitted to make any collection efforts and so we would like to waive these and remove from our system. The roll was called and Ordinance/Resolution No. 170-24 passed by the yea votes of D. Simpson, R. Haire, J. Hazeltine, P. Rose, and J. Shields.

Ord. 171-24

An Ordinance authorizing the purchase of a security trailer from i2c Technologies for the Police Department. Mr. Simpson moved for the adoption of Ordinance/Resolution No. 171-24, seconded by Mr. Rose. Chief Kinney stated this is a security trailer that they will be able to use for larger events that are hosted in the city. This will allow them to keep an eye on traffic and crowd control as well. This trailer is being purchased with a combination of grant funds and a small portion of carryforward, it also comes with a significant discount. The roll was called and Ordinance/Resolution No. 171-24 passed by the yea votes of R. Haire, J. Hazeltine, P. Rose, J. Shields, and D. Simpson.

Ord. 172-24

An Ordinance authorizing the Mayor to rescind Ordinance No. 92-24, passed May 13, 2024, relative to the Job Creation Grant Agreement for Sandridge Food Corporation. Mr. Simpson moved for the adoption of Ordinance/Resolution No. 172-24, seconded by Mr. Rose. Kimberly noted that the company requested to withdraw their grant agreement due to a change in

circumstances and a new opportunity that has presented themselves. The roll was called and Ordinance/Resolution No. 172-24 passed by the yea votes of J. Hazeltine, P. Rose, J. Shields, D. Simpson, and R. Haire.

Ord. 173-24

An Ordinance authorizing the Mayor to solicit Requests for Proposals (RFP's) for drug screening and associated professional services for the employees of the City of Medina. Mr. Simpson moved for the adoption of Ordinance/Resolution No. 173-24, seconded by Mr. Rose. The roll was called and Ordinance/Resolution No. 173-24 passed by the yea votes of P. Rose, J. Shields, D. Simpson, R. Haire, and J. Hazeltine.

Res. 174-24

A Resolution authorizing the filing of a grant application for safety funds with the Ohio Department of Transportation (ODOT) relative to the installation of bump outs at certain locations around the Square. Mr. Simpson moved for the adoption of Ordinance/Resolution No. 174-24, seconded by Mr. Rose. Nino Piccoli stated the total cost for the project is \$629,100.00 and requesting the maximum \$500,000.00 with the grant and the city share would be for \$129,100.00. The bump outs would be installed on Court and Broadway. Adding improvements to the storm sewers that are affected with respect to the bump out installation and also it will improve ADA curb ramps at all four intersections around the square and resurfacing off the pavement on all four sides of the square as well. The roll was called and Ordinance/Resolution No. 174-24 passed by the yea votes of J. Shields, D. Simpson, R. Haire, J. Hazeltine, and P. Rose

Ord. 175-24

An Ordinance authorizing the purchase of five (5) 2024 Ford Explorers, including upfitting from Hall Public Safety, from Montrose Ford for the Police Department. Mr. Simpson moved for the adoption of Ordinance/Resolution No. 175-24, seconded by Mr. Rose. Chief Kinney stated 3 of the vehicles are budgeted, 1 is a replacement for the new K9 for the school resource officer. Hopefully in the future that may be reimbursed with a grant they are applying for, and the last one is an administrative vehicle. Of course, the last two vehicles will be purchased with carryforward. The roll was called and Ordinance/Resolution No. 175-24 passed by the yea votes of D. Simpson, R. Haire, J. Hazeltine, P. Rose, and J. Shields.

Ord. 176-24

An Ordinance authorizing the Mayor to execute a Ground Lease between the City of Medina and University Hospitals Health System, Inc. for Helicopter Crew Site and Ancillary Single T-Hangar space. Mr. Simpson moved for the adoption of Ordinance/Resolution No. 176-24, seconded by Mr. Rose. Mr. Huber stated this is a lease agreement they have negotiated with University Hospitals for the Helicopter's pilots to stay in the building out at the airport through the week, it pays \$1,200.00 a month and is a five-year lease, with a possibility of renewing for another 5 years. Thanked attorney Brian Moore who does a lot of lease work involving these kinds of situations at the Akron Canton Airport. The roll was called and Ordinance/Resolution No. 176-24 passed by the yea votes of R. Haire, J. Hazeltine, P. Rose, J. Shields, and D. Simpson.

Ord. 177-24

An Ordinance amending Ordinance No. 190-23, passed November 28, 2023. (Amendments to 2024 Budget) Mr. Simpson moved for the adoption of Ordinance/Resolution No. 177-24, seconded by Mr. Rose. Mr. Dirham stated there are a few items here for the new parking official and then some pass throughs of donations and sale of a truck. The roll was called and Ordinance/Resolution No. 177-24 passed by the yea votes of J. Hazeltine, P. Rose, J. Shields, D. Simpson and R. Haire.

Ord. 178-24

An Ordinance amending Ordinance No. 119-24, passed June 10, 2024 relative to the expenditure to Rogue Fitness (dba Coulter Ventures LLC). Mr. Simpson moved for the adoption of Ordinance/Resolution No. 178-24, seconded by Mr. Rose. Mr. Simpson moved that the emergency clause be added to Ordinance/Resolution No. 178-24, seconded by Mr. Rose. Mr. Coyne stated this is a second change order to Rogue Fitness Equipment for the City Hall workout room. It passed previously for \$37,358.82, the reason for the addition of \$93.09 is there was an added shipping charge for the equipment that was not included in the original ordinance and needs to modify that by increasing it \$93.09. Emergency clause is requested since it has been over 8 weeks for this to be paid. Mr. Shields noted that this equipment was completely grant funded, the Van Epp Foundation and well as Medical Mutual and he believes the Lincoln Foundation also contributed. The roll was called on adding the emergency clause and was approved by the yea votes of P. Rose, J. Shields, D. Simpson, R. Haire, and J. Hazeltine. The roll was called and Ordinance/Resolution No. 178-24 passed by the yea votes of J. Shields, D. Simpson, R. Haire, J. Hazeltine, and P. Rose

Council comments

Mr. Simpson asked residents that have political signs with vulgar words on them to please consider removing them as children pass by those homes on a daily basis.

Ms. Haire stated it's starting to get dark as she gets up in the morning and dark as she leaves work to come home and reminded all to be careful and patient while driving. Be respectful and kind.

Ms. Hazeltine thanked Skip Sipos, MMHA, and all that helped with this project for a homeless shelter.

Mr. Rose expressed being an educated voter - multiple sources of information. Spoke on Issue 1.

Adjournment

There being no further business, the City Council meeting adjourned at 8:04 p.m.

Teresa Knox, Deputy Clerk of Council

Jim Shields, President of Council Pro-Tem

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 lodging taxes, 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.

(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

1st Reading: 8/26/24

2nd Reading: 9/9/24

3rd Reading: 9/23/24

ORDINANCE NO. 179-24

AN ORDINANCE RATIFYING THE 1976 AGREEMENT WITH THE MEDINA COUNTY BOARD OF COMMISSIONERS PERTAINING TO PROVIDING ADDITIONAL PARKING AT THE COUNTY ADMINISTRATION BUILDING.

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

- SEC. 1:** That the 1976 Agreement, dated January 5, 1976 between the City of Medina and the Medina County Board of Commissioners pertaining to the Agreement for a sidewalk to be built on cemetery land between East Liberty Street and East Friendship Street to allow for additional parking at the County Administration Building, is hereby ratified.
- 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

ORD. 179-24
EXH. A

RESOLUTION NO. 76-1 (Con't)
"Exhibit A"

AGREEMENT

THIS AGREEMENT made at Medina, Ohio, this 5th day of January, 1976, between the MEDINA COUNTY BOARD OF COMMISSIONERS, hereinafter called the Commissioners, and the CITY OF MEDINA, OHIO, hereinafter called the City.

In consideration of the mutual promises and agreements of the parties, it is hereby agreed as follows:

1. The City will permit the Commissioners to occupy and use for parking purposes the following described parcel of real estate, to-wit:

Situated in the City of Medina, County of Medina, and State of Ohio, and beginning at an iron pin set in the north line of Medina City Lot 95 at the northeast corner of land owned by the Medina County Commissioners: thence easterly along the north line of Lot 95, a distance of 42.0 feet to a point; thence southerly, parallel with the east line of said Commissioner's land, a distance of 152.7 feet to a point; thence southwesterly, a distance of 93.4 feet to an iron pin set in the south line of Medina City Lot 96 at the southeast corner of said Commissioner's land; thence northerly, along the east line of said Commissioner's land, a distance of 236.25 feet to the point of beginning. Containing therein approximately 8165 feet.

2. The Commissioners agree to construct a four (4) foot sidewalk on the cemetery land between East Liberty Street and East Friendship Street, the said sidewalk location to be approved by the Public Properties Standing Committee of City Council.

3. The Commissioners will submit all plans for construction of the said sidewalk on the cemetery land to the City Engineer for approval and agree to amend said plans if necessary to comply with the requirements of the City Engineer.

4. The commissioners agree maintain said real estate as a parking lot during the term of this agreement.

5. The city agrees to maintain the sidewalk during the term of the lease.

6. The parties agree that this agreement shall continue for a period of ten (10) years after the date of execution and shall be automatically renewed at the end of the said ten (10) year term for an additional ten (10)

RESOLUTION NO. 76-1 (Con't)
" Exhibit A"

year term unless either party shall advise the other party in writing at least thirty (30) days prior to the expiration of the original term or may renewal thereof of the party's intention to cancel the agreement.

IN WITNESS WHEREOF, the parties have hereunto set their hands to this Agreement, on the day and year first above written.

Signed in the presence of:

MEDINA COUNTY BOARD OF COMMISSIONERS

Joseph J. Parks
Joseph H. ...

By: Charles P. ...
By: John C. ...
By: Donald B. ...

APPROVED AS TO
FORM
Roger R. ...
PROSECUTOR ATTORNEY

CITY OF MEDINA, OHIO

Thelma H. ...
Richard W. ...

By: August ...
Mayor

Situated in the City of Medina, County of Medina, State of Ohio, and known as being a strip of land 16.00 feet wide in the mid-part of City Lots 96, 97 and 98 further bounded and described as follows:

Commencing at an iron pin found at the southwest corner of City Lot 81, said point also being the intersection of the east right-of-way line of North Broadway and the north right-of-way line of East Liberty Street;

Thence easterly along the north right-of-way line of East Liberty Street, a record distance of 364.60 feet to a point being the southeast corner of a parcel 80.00 feet wide in City Lots 97 & 98 conveyed to the Medina County Board of Commissioners by deed dated May 10, 1985 and recorded in Deed Vol. OR 252 p. 357 of the Medina County Recorder's Office; said point also being the "TRUE PLACE OF BEGINNING" of the easement herein described;

Thence northerly on the east line of the Commissioners' parcel, a record distance of 236.26 feet to a point in the north line of Lot 97 being the north-east corner of said parcel;

Thence northeasterly into City Lot 96 along the south line of an agreement made January 5, 1976 between the City of Medina, Ohio, and the Medina County Board of Commissioners, Resolution No. 76-1, Commissioners' Journal No. 30 pp. 532A-534, a distance of 35.70 feet to a point;

Thence southerly through City Lots 96, 97 and 98 on a line 16 feet east of and parallel to the east line of the aforementioned parcel belonging to the County Commissioners about 268.10 feet to a point in the north right-of-way line of East Liberty Street;

Thence westerly along the north right-of-way line of East Liberty Street, a distance of 16.00 feet to the "TRUE PLACE OF BEGINNING" and containing within said bounds 4,035 sq. ft., 0.0926 acre, more or less.

EXHIBIT "A"

AN EASEMENT TO PROVIDE ADDITIONAL PARKING AT THE
 MEDINA COUNTY ADMINISTRATION BUILDING BY THE CITY OF
 MEDINA TO THE MEDINA COUNTY BOARD OF COMMISSIONERS
 SITUATED IN THE MID-PART OF CITY LOTS, 96, 97, AND 98
 IN THE CITY OF MEDINA, COUNTY OF MEDINA, STATE OF OHIO

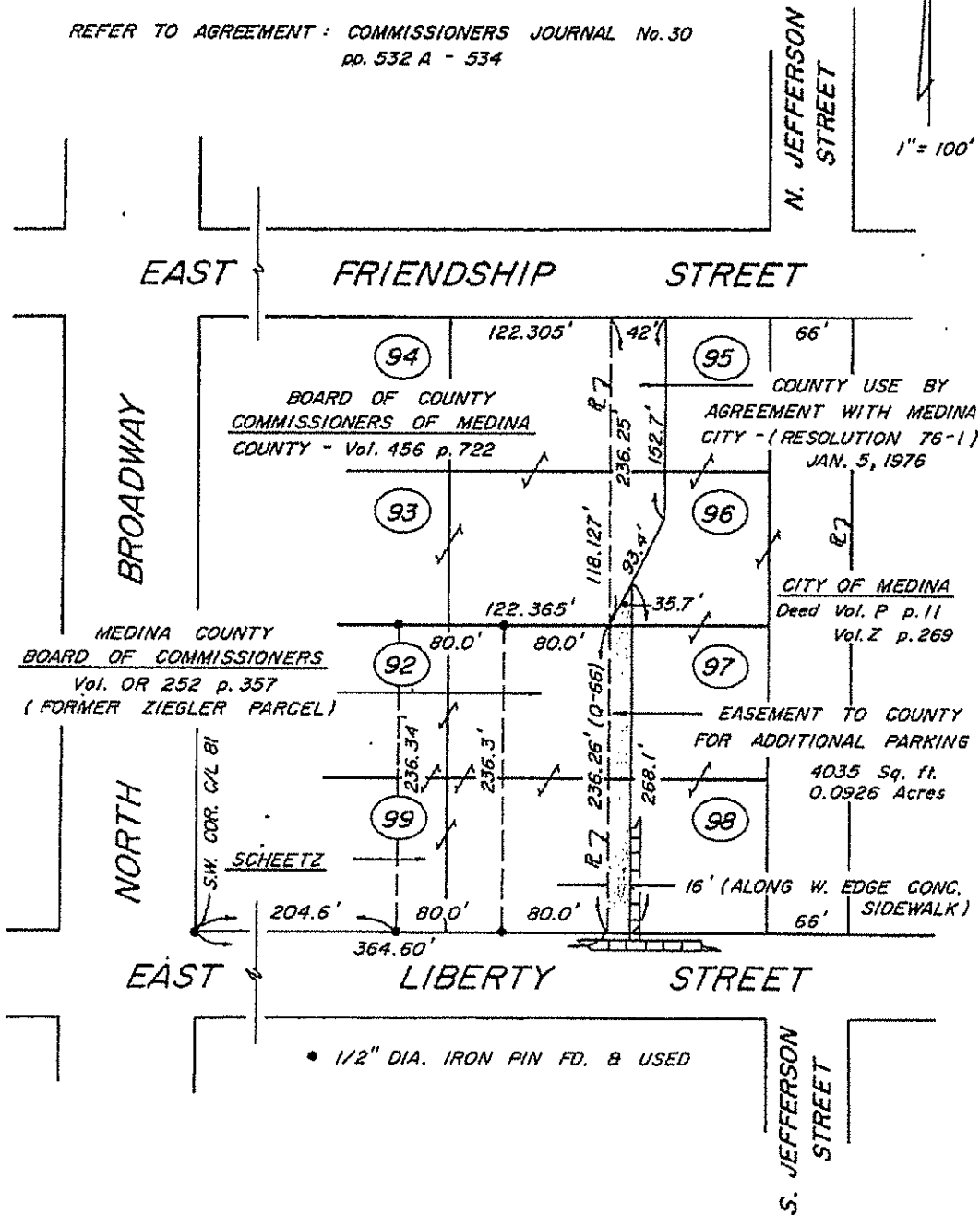
(PART OF OLD CITY CEMETERY PARCEL)

P.R. No. 028-098-06-071-00

REFER TO AGREEMENT: COMMISSIONERS JOURNAL No. 30
 pp. 532 A - 534

N

1" = 100'



PREPARED BY
 THE MEDINA COUNTY ENGINEERS OFFICE
 791 W. SMITH RD. MEDINA, OH.

OCTOBER 25, 1985

REGULAR MEETING - MONDAY, JANUARY 5, 1976

The Board of County Commissioners of Medina County, Ohio, met in regular session on this date with the following members present:

CHARLES F. CLARK JOHN C. OBERHOLTZER DONALD G. SIMMONS

Mr. Simmons offered the following Resolution and moved the adoption of same, which was duly seconded by Mr. Clark.

RESOLUTION NO. 76-1
RESOLUTION APPROVING AN AGREEMENT WITH THE CITY
OF MEDINA TO PROVIDE ADDITIONAL PARKING AT THE
COUNTY ADMINISTRATION BUILDING.

WHEREAS, it has been determined by the Board of County Commissioners that additional parking is needed for the offices in the County Administration Building, and

WHEREAS, the City of Medina presently owns some property located on the east side of the property owned by the Board of County Commissioners which was previously used as a baseball diamond, and

WHEREAS, the Board of County Commissioners feel that it is in the best interest to lease this property for additional parking.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that the Agreement with the City of Medina providing approximately 8165 square feet for parking be and is hereby approved.

BE IT FURTHER RESOLVED by this Board that a copy of this Agreement be attached hereto and marked "Exhibit A".

Voting AYE thereon: Mr. Clark; Mr. Oberholtzer; Mr. Simmons.

Adopted: January 5, 1976.

ORDINANCE NO. 180-24

**AN ORDINANCE AMENDING ORDINANCE NO. 128-24,
PASSED JUNE 24, 2024, RELATIVE TO THE PAYMENT TO
THE MEDINA COUNTY TREASURER FOR THE LEASE OF
THE MEDINA MUNICIPAL COURT IN THE 1969
COURTHOUSE.**

WHEREAS: Ordinance No. 128-24, passed June 24, 2024, authorized the payment of not to exceed \$50,000.00 to the Medina County Treasurer for the lease of a portion of the Medina County Courthouse Complex known as the 1969 Courthouse, for the purpose of operating the Medina Municipal Court; and

WHEREAS: It is necessary to increase the expenditure by \$25,000.00 in order to cover the payment for the first quarter of 2025, due no later than January 1, 2025.

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

SEC. 1: That Ordinance No. 128-24, passed June 24, 2024 is hereby amended to increase the expenditure from \$50,000.00 to not to exceed \$75,000.00.

SEC. 2: That the funds to cover the increase, in the amount of \$25,000.00 are available as follows: \$10,000.00 in Account No. 169-0705-52234, \$10,000.00 in Account No. 301-0707-52234, \$2,500.00 in Account No. 169-0705-52213, and \$2,500.00 in Account No. 001-0701-52213.,

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. 181-24

**AN ORDINANCE AMENDING ORDINANCE NO. 59-24,
PASSED MARCH 11, 2024, RELATIVE TO THE 2024
CONCRETE STREET REPAIR PROGRAM.**

WHEREAS: Ordinance No. 59-24, passed March 11, 2024, authorized the 2024 Concrete Street Repair Program in the amount of \$650,000.00; and

WHEREAS: The Engineering Department is requesting to increase the total amount authorized by \$20,000.00 to cover additional concrete replacement due to repairs from emergency water line breaks.

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

SEC. 1: That Ordinance No. 59-24, passed March 11, 2024 is hereby amended to increase the amount authorized from \$650,000.00 to \$670,000.00 for the 2024 Concrete Street Repair Program.

SEC. 2: That the funds to cover the increase in the amount of \$20,000.00 are available as follows: \$10,000.00 in Account No. 108-0610-54411, and \$10,000.00 in Account No. 513-0533-54414.

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. 182-24

AN ORDINANCE ACCEPTING THE APPRAISALS (FAIR MARKET VALUE ESTIMATES) FOR THE SOUTH COURT SANITARY SEWER RELOCATION PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS: In order to complete the relocation of the existing sanitary sewer on the west side of S. Court Street, the City must acquire three easements; and

WHEREAS: In order for the City’s right-of-way consultant (O. R. Colan) to proceed with the offer to purchase and complete negotiations and acquisition, Council must authorize acceptance of the Fair Market Value Estimates (FMVE) for the project; and

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

SEC. 1: That the City of Medina hereby authorizes the appraisals of O.R. Colan, and accepts the Fair Market Value (FMVE) for the following parcels as follows:

| <u>Property #</u> | <u>Address</u> | <u>Parcel</u> | <u>FMVE</u> |
|-------------------|-----------------------|---------------------------|--------------------|
| 3-S | 241 South Court | 028-19A-21-334 | \$ 2,300.00 |
| 4-S | 239 South Court | 028-19A-21-236 & 333 | \$ 1,750.00 |
| 5-S | 229 & 233 South Court | 028-19A-21-234, 235 & 327 | <u>\$ 5,800.00</u> |
| | | TOTAL | \$ 9,850.00 |

SEC. 2: That the Mayor is hereby authorized to sign each FMVE appraisal authorizing the Consultant to proceed with the acquisition.

SEC. 3: That the funds to cover these appraisals are available in Account No. 108-0610-54411.

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 considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason to expedite the sometimes lengthy process; 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

ORDINANCE NO. 183-24

**AN ORDINANCE AMENDING CHAPTER 1519 OF THE
CODIFIED ORDINANCES OF THE CITY OF MEDINA, OHIO,
PERTAINING TO FIREWORKS.**

WHEREAS: On or about October 27, 2021, the Ohio General Assembly adopted House Bill 172 revising the provisions of Ohio law relative to fireworks, including providing that any person authorized to possess 1.4G fireworks in the State of Ohio may discharge, ignite, or explode those fireworks on private property, with authorization from the property owners, on the dates specified therein.

WHEREAS: House Bill 172 authorizes the City to restrict the dates and times a person may discharge, ignite, or explode 1.4G fireworks or otherwise prohibit same.

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

SEC. 1: That Chapter 1519.04 of the Codified Ordinances of Medina, Ohio is hereby amended to include the following provisions:

- (i) Except as otherwise provided in Ohio R.C. 3743.06(J) and 3743.19(K), no person shall knowingly disable a fire suppression system as defined in Ohio R.C. 3781.108 on the premises of a fireworks plant of a licensed manufacturer of fireworks or on the premises of the business operations of a licensed wholesaler of fireworks.**

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

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

PASSED: _____

SIGNED: _____
President of Council

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor

ORDINANCE NO. 184-24

AN ORDINANCE AMENDING CHAPTER 549 OF THE CODIFIED ORDINANCES OF THE CITY OF MEDINA, OHIO, PERTAINING TO CARRYING CONCEALED WEAPONS.

WHEREAS: On or about March 14, 2022, Governor DeWine signed Senate Bill 215 (effective June 13, 2022), which will make it legal to carry a carry a concealed handgun without a license.

WHEREAS: It is necessary to update Chapter 549 of the City of Medina Codified Ordinances pursuant to Senate Bill 215.

WHEREAS: That Section 549.02 of the codified ordinances of the City of Medina, Ohio presently reads as follows:

“549.02 CARRYING CONCEALED WEAPONS.

(a) No person shall knowingly carry or have, concealed on the person’s person or concealed ready at hand, any of the following:

- (1) A deadly weapon other than a handgun;
- (2) A handgun other than a dangerous ordnance;
- (3) A dangerous ordnance.

(b) No person who has been issued a concealed handgun license, shall do any of the following:

(1) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, before or at the time a law enforcement officer asks if the person is carrying a concealed handgun, knowingly fail to disclose that the person then is carrying a concealed handgun, provided that it is not a violation of this section if the person fails to disclose that fact to an officer during the stop and the person already has notified another officer of that fact during the same stop;

(2) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly fail to keep the person’s hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer;

(3) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the person is stopped, including, but not limited to, a specific order to the person to keep the person’s hands in plain sight.

(c) (1) This section does not apply to any of the following:

A. An officer, agent or employee of this or any other state or the United States, or to a law enforcement officer, who is authorized to carry concealed weapons or dangerous ordnance, or is authorized to carry handguns and is acting within the scope of the officer's, agent's or employee's duties;

B. Any person who is employed in this State, who is authorized to carry concealed weapons or dangerous ordnance or is authorized to carry handguns, and who is subject to and in compliance with the requirements of Ohio R.C. 109.801 unless the appointing authority of the person has expressly specified that the exemption provided in subsection (c)(1)B. hereof does not apply to the person.

C. A person's transportation or storage of a firearm, other than a firearm described in divisions (G) to (M) of Ohio R.C. 2923.11 in a motor vehicle for any lawful purpose if the firearm is not on the actor's person;

D. A person's storage or possession of a firearm, other than a firearm described in divisions (G) to (M) of Ohio R.C. 2923.11 in the actor's own home for any lawful purpose.

(2) Subsection (a)(2) of this section does not apply to any person who has been issued a concealed handgun license that is valid at the time of the alleged carrying or possession of a handgun or who, at the time of the alleged carrying or possession of a handgun, is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1), unless the person knowingly is in a place described in Ohio R.C. 2923.126(B).

(d) It is an affirmative defense to a charge under subsection (a)(1) of this section of carrying or having control of a weapon other than a handgun and other than a dangerous ordnance, that the actor was not otherwise prohibited by law from having the weapon, and that any of the following applies:

(1) The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in or was going to or from the actor's lawful business or occupation, which business or occupation was of a character or was necessarily carried on in a manner or at a time or place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent person in going armed.

(2) The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in a lawful activity and had reasonable cause to fear a criminal attack upon the actor, a member of the actor's family, or the actor's home, such as would justify a prudent person in going armed.

(3) The weapon was carried or kept ready at hand by the actor for any lawful purpose and while in the actor's own home.

(e) (1) No person who is charged with a violation of this section shall be required to obtain a concealed handgun license as a condition for the dismissal of the charge.

(2) If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of subsection (b)(1) of this section as it existed prior to June 13, 2022, the person may file an application under Ohio R.C. 2953.35 requesting the expungement of the record of conviction.

(f) (1) Whoever violates this section is guilty of carrying concealed weapons. Except as otherwise provided in this subsection or subsections (f)(2), (5) and (6) of this section, carrying concealed weapons in violation of subsection (a) of this section is a misdemeanor of the first degree. Except as otherwise provided in this subsection or subsections (f)(2), (5) and (6) of this section, if the offender previously has been convicted of a violation of this section or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, carrying concealed weapons in violation of subsection (a) of this section is a felony and shall be prosecuted under appropriate State law. Except as otherwise provided in subsections (f)(2), (5) and (6) of this section, if the weapon involved is a firearm and the violation of this section is committed at premises for which a D permit has been issued under Chapter 4303, of the Revised Code or if the offense is committed aboard an aircraft, or with purpose to carry a concealed weapon aboard an aircraft, regardless of the weapon involved, carrying concealed weapons in violation of subsection (a) of this section is a felony and shall be prosecuted under appropriate State law.

(2) A person shall not be arrested for a violation of subsection (a)(2) of this section solely because the person does not promptly produce a valid concealed handgun license. If a person is arrested for a violation of subsection (a)(2) of this section and is convicted of or pleads guilty to the violation, the offender shall be punished as follows:

A. The offender shall be guilty of a minor misdemeanor if both of the following apply:

1. Within ten days after the arrest, the offender presents a concealed handgun license, which license was valid at the time of the arrest to the law enforcement agency that employs the arresting officer.

2. At the time of the arrest, the offender was not knowingly in a place described in division (B) of Ohio R.C. 2923.126.

B. The offender shall be guilty of a misdemeanor and shall be fined five hundred dollars (\$500.00) if all of the following apply:

1. The offender previously had been issued a concealed handgun license and that license expired within the two years immediately preceding the arrest.

2. Within forty-five days after the arrest, the offender presents any type of concealed handgun license to the law enforcement agency that employed the arresting officer, and the

offender waives in writing the offender's right to a speedy trial on the charge of the violation that is provided in Ohio R.C. 2945.71.

3. At the time of the commission of the offense, the offender was not knowingly in a place described in division (B) of Ohio R.C. 2923.126.

C. If subsections (f)(2)A. and B. and (f)(5) of this section do not apply, the offender shall be punished under subsection (f)(1) or (6) of this section.

(3) Carrying concealed weapons in violation of subsection (b)(1) of this section is a misdemeanor of the second degree.

(4) Carrying concealed weapons in violation of subsection (b)(2) or (b)(3) hereof is a misdemeanor of the first degree. If the offender has previously been convicted or pleaded guilty to a violation of subsection (b)(2) or (b)(3) hereof or a substantially equivalent municipal ordinance, carrying concealed weapons is a felony and shall be prosecuted under appropriate state law. In addition to any other penalty or sanction imposed for a violation of subsection (b)(2) or (b)(3) hereof, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2).

(5) If a person being arrested for a violation of subsection (a)(2) of this section is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of Ohio R.C. 2923.125, and if at the time of the violation the person was not knowingly in a place described in division (B) of Ohio R.C. 2923.126, the officer shall not arrest the person for a violation of that division. If the person is not able to promptly produce a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of Ohio R.C. 2923.125 and if the person is not in a place described in division (B) of Ohio R.C. 2923.126, the officer shall issue a citation and the offender shall be assessed a civil penalty of not more than five hundred dollars (\$500.00). The citation shall be automatically dismissed and the civil penalty shall not be assessed if both of the following apply:

A. Within ten days after the issuance of the citation, the offender presents a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of Ohio R.C. 2923.125, which were both valid at the time of the issuance of the citation to the law enforcement agency that employs the citing officer.

B. At the time of the citation, the offender was not knowingly in a place described in division (B) of Ohio R.C. 2923.126.

(6) If a person being arrested for a violation of subsection (a)(2) of this section is knowingly in a place described in division (B)(5) of Ohio R.C. 2923.126, and is not authorized to carry a handgun or have a handgun concealed on the person's person or concealed ready at hand under that division, the penalty shall be as follows:

A. Except as otherwise provided in this subsection, if the person produces a valid concealed handgun license within ten days after the arrest and has not previously been convicted or pleaded guilty to a violation of subsection (a)(2) of this section, the person is guilty of a minor misdemeanor;

B. Except as otherwise provided in this subsection, if the person has previously been convicted of or pleaded guilty to a violation of subsection (a)(2) of this section, the person is guilty of a misdemeanor of the fourth degree;

C. Except as otherwise provided in this subsection, if the person has previously been convicted of or pleaded guilty to two violations of subsection (a)(2) of this section, the person is guilty of a misdemeanor of the third degree;

D. Except as otherwise provided in this subsection, if the person has previously been convicted of or pleaded guilty to three or more violations of subsection (a)(2) of this section, or convicted of or pleaded guilty to any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is a dangerous ordnance, the person is guilty of a misdemeanor of the second degree.

(g) If a law enforcement officer stops a person to question the person regarding a possible violation of this section, for a traffic stop, or for any other law enforcement purpose, if the person surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop. If a court orders a law enforcement officer to return a firearm to a person pursuant to the requirement set forth in this subsection, division (B) of Ohio R.C. 2923.163 applies.

(h) For purposes of this section, “deadly weapon” or “weapon” does not include any knife, razor, or cutting instrument if the instrument was not used as a weapon.

(ORC 2923.12)”

WHEREAS: That Section 549.04 of the codified ordinances of the City of Medina, Ohio presently reads as follows:

“549.04 IMPROPERLY HANDLING FIREARMS IN A MOTOR VEHICLE.

(a) No person shall knowingly transport or have a firearm in a motor vehicle, unless the person may lawfully possess that firearm under applicable law of this state or the United States, the firearm is unloaded, and the firearm is carried in one of the following ways:

- (1) In a closed package, box or case;
- (2) In a compartment which can be reached only by leaving the vehicle;
- (3) In plain sight and secured in a rack or holder made for the purpose;

(4) If the firearm is at least twenty-four inches in overall length as measured from the muzzle to the part of the stock furthest from the muzzle and if the barrel is at least eighteen inches in length, either in plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight.

(b) No person who has been issued a concealed handgun license, or who is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of Ohio R.C. 2923.125, who is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose or is the driver or an occupant of a commercial motor vehicle that is stopped by an employee of the motor carrier enforcement unit for the purposes defined in Ohio R.C. 5503.34, and who is transporting or has a loaded handgun in the motor vehicle or commercial motor vehicle in any manner, shall do any of the following:

(1) Before or at the time a law enforcement officer asks if the person is carrying a concealed handgun, knowingly fail to disclose that the person then possesses or has a loaded handgun in the motor vehicle, provided that it is not a violation of this division if the person fails to disclose that fact to an officer during the stop and the person already has notified another officer of that fact during the same stop;

(2) Before or at the time an employee of the motor carrier enforcement unit asks if the person is carrying a concealed handgun, knowingly fail to disclose that the person then possesses or has a loaded handgun in the commercial motor vehicle, provided that it is not a violation of this division if the person fails to disclose that fact to an employee of the unit during the stop and the person already has notified another employee of the unit of that fact during the same stop;

(3) Knowingly fail to remain in the motor vehicle while stopped, or knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer.

(4) Knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the motor vehicle is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.

(c) (1) This section does not apply to any of the following:

A. An officer, agent or employee of this or any other state or the United States, or a law enforcement officer, when authorized to carry or have loaded or accessible firearms in motor vehicles and acting within the scope of the officer's, agent's or employee's duties;

B. Any person who is employed in this State, who is authorized to carry or have loaded or accessible firearms in motor vehicles, and who is subject to and in compliance with the requirements of Ohio R.C. 109.801, unless the appointing authority of the person has expressly specified that the exemption provided in subsection (c)(1)B. does not apply to the person.

(2) Subsection (a) of this section does not apply to a person who transports or possesses a handgun in a motor vehicle if, at the time of that transportation or possession, both of the following apply:

A. The person transporting or possessing the handgun has been issued a concealed handgun license that is valid at the time in question or the person is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1).

B. The person transporting or possessing the handgun is not knowingly in a place described in division (B) of Ohio R.C. 2923.126.

(3) Subsection (a) of this section does not apply to a person if all of the following apply:

A. The person possesses a valid all-purpose vehicle permit issued under Ohio R.C. 1533.103 by the Chief of the Division of Wildlife.

B. The person is on or in an all-purpose vehicle as defined in Ohio R.C. 1531.01 on private or publicly owned lands or on or in a motor vehicle during the open hunting season for a wild quadruped or game bird.

C. The person is on or in an all-purpose vehicle as defined in Ohio R.C. 1531.01 or a motor vehicle that is parked on a road that is owned or administered by the Division of Wildlife.

(d) (1) The affirmative defenses authorized in Section 549.02(d)(1) and (2) are affirmative defenses to a charge under subsection (a) that involves a firearm other than a handgun.

(2) It is an affirmative defense to a charge under subsection (a) of improperly handling firearms in a motor vehicle that the actor transported or had the firearm in the motor vehicle for any lawful purpose and while the motor vehicle was on the actor's own property, provided that the affirmative defense is not available unless the person, immediately prior to arriving at the actor's own property, did not transport or possess the firearm in a motor vehicle in a manner prohibited by subsection (a) while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic.

(e) (1) No person who is charged with a violation of subsection (a) shall be required to obtain a concealed handgun license as a condition for the dismissal of the charge.

(2) If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of subsection (b) of this section as it existed prior to September 30, 2011, and the conduct that was the basis of the violation no longer would be a violation of subsection (b) of this section on or after September 30, 2011, or if a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of subsection (a) of this section as the subsection existed prior to June 13, 2022, the person may file an application under Ohio R.C. 2953.35 requesting the expungement of the record of conviction.

(f) Whoever violates this section is guilty of improperly handling firearms in a motor vehicle. Violation of subsection (a) of this section is a misdemeanor of the fourth degree. A violation of subsection (b)(1) or (b)(2) of this section is a misdemeanor of the second degree. A violation of subsection (b)(3) or (4) of this section is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to a violation of subsection (b)(3) or (4) of this section, a felony and shall be prosecuted under appropriate State law. In addition to any other penalty or sanction imposed for a misdemeanor violation of subsection (b)(3) or (4) of this section, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2).

(g) If a law enforcement officer stops a motor vehicle for a traffic stop or any other purpose, if any person in the motor vehicle surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop. If a court orders a law enforcement officer to return a firearm to a person pursuant to the requirement set forth in this subsection, division (B) of Ohio R.C. 2923.163 applies.

(h) As used in this section:

(1) "Commercial motor vehicle" has the same meaning as in Ohio R.C. 4506.25(A).

(2) "Motor carrier enforcement unit" means the motor carrier enforcement unit in the Department of Public Safety, Division of State Highway Patrol, that is created by Ohio R.C. 5503.34.

(3) "Motor vehicle", "street" and "highway" have the same meanings as in Ohio R.C. 4511.01.

(4) A. "Unloaded" means:

1. With respect to a firearm other than a firearm described in subsection (h)(4)B. of this section, that no ammunition is in the firearm in question, no magazine or speed loader containing ammunition is inserted into the firearm in question and one of the following applies:

a. There is no ammunition in a magazine or speed loader that is in the vehicle in question and that may be used with the firearm in question.

b. Any magazine or speed loader that contains ammunition and that may be used with the firearm in question is stored in a compartment within the vehicle in question that cannot be accessed without leaving the vehicle or is stored in a container that provides complete and separate enclosure.

2. For the purposes of subsection (h)(4)A.1.b. of this section, a "container that provides complete and separate enclosure" includes, but is not limited to, any of the following:

a. A package, box or case with multiple compartments, as long as the loaded magazine or speed loader and the firearm in question either are in separate compartments within the package, box, or case, or, if they are in the same compartment, the magazine or speed loader is contained within a separate enclosure in that compartment that does not contain the firearm and that closes using a snap, button, buckle, zipper, hook and loop closing mechanism, or other fastener that must be opened to access the contents or the firearm is contained within a separate enclosure of that nature in that compartment that does not contain the magazine or speed loader;

b. A pocket or other enclosure on the person of the person in question that closes using a snap, button, buckle, zipper, hook and loop closing mechanism, or other fastener that must be opened to access the contents.

3. For the purposes of subsection (h)(4)A. of this section, ammunition held in stripper-clips or in en-bloc clips is not considered ammunition that is loaded into a magazine or speed loader.

B. "Unloaded" means, with respect to a firearm employing a percussion cap, flintlock, or other obsolete ignition system, when the weapon is uncapped or when the priming charge is removed from the pan.

(i) Subsection (h)(4) of this section does not affect the authority of a person who has been issued a concealed handgun license that is valid at the time in question to have one or more magazines or speed loaders containing ammunition anywhere in a vehicle, without being transported as described in those divisions, so long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under any other provision of this chapter. A person who has been issued a concealed handgun license that is valid at the time in question may have one or more magazines or speed loaders containing ammunition anywhere in a vehicle without further restriction, as long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under any provision of this chapter.

(ORC 2923.16)"

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

SEC. 1: That Section 549.011 of the Codified Ordinances is hereby established to read as follows:

"549.011 CONCEALED HANDGUN LICENSE – EXEMPTIONS

- (a) As used in this section:
- (1) "Restricted firearm" means a firearm that is dangerous ordnance or that is a firearm that any law of this state prohibits the subject person from possessing, having, or carrying.
 - (2) "Qualifying adult" means a person who is all of the following:
 - A. Twenty-one years of age or older;
 - B. Not legally prohibited from possessing or receiving a

- firearm under 18 U.S.C. 922(g)(1) to (9) or under Ohio R.C. 2923.13 or any other Revised Code provision;
- C. Satisfies all of the criteria listed in divisions (D)(1)(a) to (j), (m), (p), (q), and (s) of Ohio R.C. 2923.125.
- (b) Notwithstanding any other Revised Code section to the contrary:
- (1) A person who is a qualifying adult shall not be required to obtain a concealed handgun license in order to carry in this state, under authority of subsection (b)(2) of this section, a concealed handgun that is not a restricted firearm.
 - (2) Regardless of whether the person has been issued a concealed handgun license, subject to the limitation specified in subsections (b)(3) and (d) of this section, a person who is a qualifying adult may carry a concealed handgun that is not a restricted firearm anywhere in this state in which a person who has been issued a concealed handgun license may carry a concealed handgun.
 - (3) The right of a person who is a qualifying adult to carry a concealed handgun that is not a restricted firearm that is granted under subsections (b)(1) and (2) of this section is the same right as is granted to a person who has been issued a concealed handgun license, and a qualifying adult who is granted the right is subject to the same restrictions as apply to a person who has been issued a concealed handgun license.
- (c) For purposes of any provision of Ohio R.C. 1547.69, 2923.12, or 2923.124 to 2923.1213, or any other section of the Revised Code, that refers to a concealed handgun license or a concealed handgun licensee, except when the context clearly indicates otherwise, all of the following apply:
- (1) A person who is a qualifying adult and is carrying or has, concealed on the person's person or ready at hand, a handgun that is not a restricted firearm shall be deemed to have been issued a valid concealed handgun license.
 - (2) If the provision refers to a person having been issued a concealed handgun license or having been issued a concealed handgun license that is valid at a particular point in time, the provision shall be construed as automatically including a person who is a qualifying adult and who is carrying or has, concealed on the person's person or ready at hand, a handgun that is not a restricted firearm, as if the person had been issued a concealed handgun license or had been issued a concealed handgun license that is valid at the particular point in time.
 - (3) If the provision in specified circumstances requires a concealed handgun license to engage in specified conduct, or prohibits a concealed handgun licensee from engaging in specified conduct, the provision shall be construed as applying in the same circumstances to a person who is a qualifying adult in the same manner as if the person was a concealed handgun licensee.
 - (4) If the application of a provision to a person depends on whether the person is or is not a concealed handgun licensee, the provision shall be applied to a person who is a qualifying adult in the same manner as if the

person was a concealed handgun licensee.

(5) If the provision pertains to the imposition of a penalty or sanction for specified conduct and the penalty or sanction applicable to a person who engages in conduct depends on whether the person is or is not a concealed handgun licensee, the provision shall be applied to a person who is a qualifying adult in the same manner as if the person was a concealed handgun licensee.

- (d) The concealed handgun license expiration provisions of Ohio R.C. 2923.125 and 2923.1213, and the concealed handgun license suspension and revocation provisions of Ohio R.C. 2923.128, do not apply with respect to a person who is a qualifying adult unless the person has been issued a concealed handgun license. If a person is a qualifying adult and the person thereafter comes within any category of persons specified in 18 U.S.C. 922(g)(1) to (9) or in Ohio R.C. 2923.13 or any other Revised Code provision so that the person as a result is legally prohibited under the applicable provision from possessing or receiving a firearm, both of the following apply automatically and immediately upon the person coming within that category:
- (1) Subsection (b) of this section and the authority and right to carry a concealed handgun that are described in that subsection do not apply to the person.
 - (2) The person no longer is deemed to have been issued a concealed handgun license as described in subsection (c)(1) of this section, and the provisions of subsections (c)(1) to (5) of this section no longer apply to the person in the same manner as if the person had been issued, possessed, or produced a valid concealed handgun license or was a concealed handgun licensee.”

SEC. 2: That Section 549.02 of the Codified Ordinances is hereby amended to read as follows:

“549.02 CARRYING CONCEALED WEAPONS.

(a) No person shall knowingly carry or have, concealed on the person’s person or concealed ready at hand, any of the following:

- (1) A deadly weapon other than a handgun;
- (2) A handgun other than a dangerous ordnance;
- (3) A dangerous ordnance.

(b) No person who has been issued a concealed handgun license, shall do any of the following:

- (1) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, before or at the time a law enforcement officer asks if the person is carrying a concealed handgun, knowingly fail to disclose that the person then is carrying a concealed

handgun, provided that it is not a violation of this section if the person fails to disclose that fact to an officer during the stop and the person already has notified another officer of that fact during the same stop;

(2) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer;

(3) If the person is stopped for a law enforcement purpose, if the person is carrying a concealed handgun, and if the person is approached by any law enforcement officer while stopped, knowingly remove or attempt to remove the loaded handgun from the holster, pocket, or other place in which the person is carrying it, knowingly grasp or hold the loaded handgun, or knowingly have contact with the loaded handgun by touching it with the person's hands or fingers at any time after the law enforcement officer begins approaching and before the law enforcement officer leaves, unless the person removes, attempts to remove, grasps, holds, or has contact with the loaded handgun pursuant to and in accordance with directions given by the law enforcement officer.

(4) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the person is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.

(c) (1) This section does not apply to any of the following:

A. An officer, agent or employee of this or any other state or the United States, or to a law enforcement officer, who is authorized to carry concealed weapons or dangerous ordnance, or is authorized to carry handguns and is acting within the scope of the officer's, agent's or employee's duties;

B. Any person who is employed in this State, who is authorized to carry concealed weapons or dangerous ordnance or is authorized to carry handguns, and who is subject to and in compliance with the requirements of Ohio R.C. 109.801 unless the appointing authority of the person has expressly specified that the exemption provided in subsection (c)(1)B. hereof does not apply to the person.

C. A person's transportation or storage of a firearm, other than a firearm described in divisions (G) to (M) of Ohio R.C. 2923.11 in a motor vehicle for any lawful purpose if the firearm is not on the actor's person;

D. A person's storage or possession of a firearm, other than a firearm described in divisions (G) to (M) of Ohio R.C. 2923.11 in the actor's own home for any lawful purpose.

(2) Subsection (a)(2) of this section does not apply to any person who has been issued a concealed handgun license that is valid at the time of the alleged carrying or possession of a

handgun or who, at the time of the alleged carrying or possession of a handgun, is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1), unless the person knowingly is in a place described in Ohio R.C. 2923.126(B).

(d) It is an affirmative defense to a charge under subsection (a)(1) of this section of carrying or having control of a weapon other than a handgun and other than a dangerous ordnance, that the actor was not otherwise prohibited by law from having the weapon, and that any of the following applies:

(1) The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in or was going to or from the actor's lawful business or occupation, which business or occupation was of a character or was necessarily carried on in a manner or at a time or place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent person in going armed.

(2) The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in a lawful activity and had reasonable cause to fear a criminal attack upon the actor, a member of the actor's family, or the actor's home, such as would justify a prudent person in going armed.

(3) The weapon was carried or kept ready at hand by the actor for any lawful purpose and while in the actor's own home.

(e) (1) No person who is charged with a violation of this section shall be required to obtain a concealed handgun license as a condition for the dismissal of the charge.

(2) If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of subsection (b)(1) of this section as it existed prior to June 13, 2022, the person may file an application under Ohio R.C. 2953.35 requesting the expungement of the record of conviction.

(f) (1) Whoever violates this section is guilty of carrying concealed weapons. Except as otherwise provided in this subsection or subsections (f)(2), (5) and (6) of this section, carrying concealed weapons in violation of subsection (a) of this section is a misdemeanor of the first degree. Except as otherwise provided in this subsection or subsections (f)(2), (5) and (6) of this section, if the offender previously has been convicted of a violation of this section or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, carrying concealed weapons in violation of subsection (a) of this section is a felony and shall be prosecuted under appropriate State law. Except as otherwise provided in subsections (f)(2), (5) and (6) of this section, if the weapon involved is a firearm and the violation of this section is committed at premises for which a D permit has been issued under Chapter 4303, of the Revised Code or if the offense is committed aboard an aircraft, or with purpose to carry a concealed weapon aboard an aircraft, regardless of the weapon involved, carrying concealed weapons in

violation of subsection (a) of this section is a felony and shall be prosecuted under appropriate State law.

(2) A person shall not be arrested for a violation of subsection (a)(2) of this section solely because the person does not promptly produce a valid concealed handgun license. If a person is arrested for a violation of subsection (a)(2) of this section and is convicted of or pleads guilty to the violation, the offender shall be punished as follows:

A. The offender shall be guilty of a minor misdemeanor if both of the following apply:

1. Within ten days after the arrest, the offender presents a concealed handgun license, which license was valid at the time of the arrest to the law enforcement agency that employs the arresting officer.

2. At the time of the arrest, the offender was not knowingly in a place described in division (B) of Ohio R.C. 2923.126.

B. The offender shall be guilty of a misdemeanor and shall be fined five hundred dollars (\$500.00) if all of the following apply:

1. The offender previously had been issued a concealed handgun license and that license expired within the two years immediately preceding the arrest.

2. Within forty-five days after the arrest, the offender presents any type of concealed handgun license to the law enforcement agency that employed the arresting officer, and the offender waives in writing the offender's right to a speedy trial on the charge of the violation that is provided in Ohio R.C. 2945.71.

3. At the time of the commission of the offense, the offender was not knowingly in a place described in division (B) of Ohio R.C. 2923.126.

C. If subsections (f)(2)A. and B. and (f)(5) of this section do not apply, the offender shall be punished under subsection (f)(1) or (6) of this section.

(3) Carrying concealed weapons in violation of subsection (b)(1) of this section is a misdemeanor of the second degree.

(4) Carrying concealed weapons in violation of subsection (b)(2) or (b)(3) hereof is a misdemeanor of the first degree. If the offender has previously been convicted or pleaded guilty to a violation of subsection (b)(2) or (b)(3) hereof or a substantially equivalent municipal ordinance, carrying concealed weapons is a felony and shall be prosecuted under appropriate state law. In addition to any other penalty or sanction imposed for a violation of subsection (b)(2) or (b)(3) hereof, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2).

(5) If a person being arrested for a violation of subsection (a)(2) of this section is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of Ohio R.C. 2923.125, and if at

the time of the violation the person was not knowingly in a place described in division (B) of Ohio R.C. 2923.126, the officer shall not arrest the person for a violation of that division. If the person is not able to promptly produce a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of Ohio R.C. 2923.125 and if the person is not in a place described in division (B) of Ohio R.C. 2923.126, the officer shall issue a citation and the offender shall be assessed a civil penalty of not more than five hundred dollars (\$500.00). The citation shall be automatically dismissed and the civil penalty shall not be assessed if both of the following apply:

A. Within ten days after the issuance of the citation, the offender presents a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of Ohio R.C. 2923.125, which were both valid at the time of the issuance of the citation to the law enforcement agency that employs the citing officer.

B. At the time of the citation, the offender was not knowingly in a place described in division (B) of Ohio R.C. 2923.126.

(6) If a person being arrested for a violation of subsection (a)(2) of this section is knowingly in a place described in division (B)(5) of Ohio R.C. 2923.126, and is not authorized to carry a handgun or have a handgun concealed on the person's person or concealed ready at hand under that division, the penalty shall be as follows:

A. Except as otherwise provided in this subsection, if the person produces a valid concealed handgun license within ten days after the arrest and has not previously been convicted or pleaded guilty to a violation of subsection (a)(2) of this section, the person is guilty of a minor misdemeanor;

B. Except as otherwise provided in this subsection, if the person has previously been convicted of or pleaded guilty to a violation of subsection (a)(2) of this section, the person is guilty of a misdemeanor of the fourth degree;

C. Except as otherwise provided in this subsection, if the person has previously been convicted of or pleaded guilty to two violations of subsection (a)(2) of this section, the person is guilty of a misdemeanor of the third degree;

D. Except as otherwise provided in this subsection, if the person has previously been convicted of or pleaded guilty to three or more violations of subsection (a)(2) of this section, or convicted of or pleaded guilty to any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is a dangerous ordnance, the person is guilty of a misdemeanor of the second degree.

(g) If a law enforcement officer stops a person to question the person regarding a possible violation of this section, for a traffic stop, or for any other law enforcement purpose, if the person surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the

firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop. If a court orders a law enforcement officer to return a firearm to a person pursuant to the requirement set forth in this subsection, division (B) of Ohio R.C. 2923.163 applies.

(h) For purposes of this section, “deadly weapon” or “weapon” does not include any knife, razor, or cutting instrument if the instrument was not used as a weapon. (ORC 2923.12)”

SEC. 3: That Section 549.04 of the Codified Ordinances is hereby amended to read as follows:

“549.04 IMPROPERLY HANDLING FIREARMS IN A MOTOR VEHICLE.

(a) No person shall knowingly transport or have a loaded firearm in a motor vehicle in such a manner that the firearm is accessible to the operator or any passenger without leaving the vehicle.

(b) No person shall knowingly transport or have a firearm in a motor vehicle, unless the person may lawfully possess that firearm under applicable law of this state or the United States, the firearm is unloaded, and the firearm is carried in one of the following ways:

- (1) In a closed package, box or case;
- (2) In a compartment which can be reached only by leaving the vehicle;
- (3) In plain sight and secured in a rack or holder made for the purpose;

(4) If the firearm is at least twenty-four inches in overall length as measured from the muzzle to the part of the stock furthest from the muzzle and if the barrel is at least eighteen inches in length, either in plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight.

(c) No person shall knowingly transport or have a loaded handgun in a motor vehicle if, at the time of that transportation or possession, any of the following applies:

(1) The person is under the influence of alcohol, a drug of abuse, or a combination of them.

(2) The person’s whole blood, blood serum or plasma, breath, or urine contains a concentration of alcohol, a listed controlled substance, or a listed metabolite of a controlled substance prohibited for persons operating a vehicle, as specified in Ohio R.C. 4511.19(A), regardless of whether the person at the time of the transportation or possession as described in this subsection is the operator of or a passenger in the motor vehicle.

(d) No person who has been issued a concealed handgun license, or who is an active duty member of the armed forces of the United States and is carrying a valid military identification

card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of Ohio R.C. 2923.125, who is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose or is the driver or an occupant of a commercial motor vehicle that is stopped by an employee of the motor carrier enforcement unit for the purposes defined in Ohio R.C. 5503.34, and who is transporting or has a loaded handgun in the motor vehicle or commercial motor vehicle in any manner, shall do any of the following:

(1) Before or at the time a law enforcement officer asks if the person is carrying a concealed handgun, knowingly fail to disclose that the person then possesses or has a loaded handgun in the motor vehicle, provided that it is not a violation of this division if the person fails to disclose that fact to an officer during the stop and the person already has notified another officer of that fact during the same stop;

(2) Before or at the time an employee of the motor carrier enforcement unit asks if the person is carrying a concealed handgun, knowingly fail to disclose that the person then possesses or has a loaded handgun in the commercial motor vehicle, provided that it is not a violation of this division if the person fails to disclose that fact to an employee of the unit during the stop and the person already has notified another employee of the unit of that fact during the same stop;

(3) Knowingly fail to remain in the motor vehicle while stopped, or knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer.

(4) Knowingly have contact with the loaded handgun by touching it with the person's hands or fingers in the motor vehicle at any time after the law enforcement officer begins approaching and before the law enforcement officer leaves, unless the person has contact with the loaded handgun pursuant to and in accordance with directions given by the law enforcement officer.

(5) Knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the motor vehicle is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.

(e) (1) Subsections (a), (b) and (d) of this section do not apply to any of the following:

A. An officer, agent or employee of this or any other state or the United States, or a law enforcement officer, when authorized to carry or have loaded or accessible firearms in motor vehicles and acting within the scope of the officer's, agent's or employee's duties;

B. Any person who is employed in this State, who is authorized to carry or have loaded or accessible firearms in motor vehicles, and who is subject to and in compliance with the requirements of Ohio R.C. 109.801, unless the appointing authority of the person has expressly specified that the exemption provided herein does not apply to the person.

(2) Subsection (a) **and (b)** of this section does not apply to a person who transports or possesses a handgun in a motor vehicle if, at the time of that transportation or possession, both of the following apply:

A. The person transporting or possessing the handgun has been issued a concealed handgun license that is valid at the time in question or the person is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1).

B. The person transporting or possessing the handgun is not knowingly in a place described in division (B) of Ohio R.C. 2923.126.

(3) Subsection (a) **and (b)** of this section does not apply to a person if all of the following apply:

A. The person possesses a valid all-purpose vehicle permit issued under Ohio R.C. 1533.103 by the Chief of the Division of Wildlife.

B. The person is on or in an all-purpose vehicle as defined in Ohio R.C. 1531.01 on private or publicly owned lands or on or in a motor vehicle during the open hunting season for a wild quadruped or game bird.

C. The person is on or in an all-purpose vehicle as defined in Ohio R.C. 1531.01 or a motor vehicle that is parked on a road that is owned or administered by the Division of Wildlife.

(f) (1) The affirmative defenses authorized in Section 549.02(d)(1) and (2) are affirmative defenses to a charge under subsection (a) that involves a firearm other than a handgun.

(2) It is an affirmative defense to a charge under subsections (a) **and (b)** of improperly handling firearms in a motor vehicle that the actor transported or had the firearm in the motor vehicle for any lawful purpose and while the motor vehicle was on the actor's own property, provided that the affirmative defense is not available unless the person, immediately prior to arriving at the actor's own property, did not transport or possess the firearm in a motor vehicle in a manner prohibited by subsections (a) **and (b)** while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic.

(g) (1) No person who is charged with a violation of subsection (a), **(b) or (c)** shall be required to obtain a concealed handgun license as a condition for the dismissal of the charge.

(2) If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of subsection (d) of this section as it existed prior to September 30, 2011, and the conduct that was the basis of the violation no longer would be a violation of subsection (d) of this section on or after September 30, 2011, or if a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of subsections **(d)(1) or (2)** of this section as **it existed prior to the effective date of this amendment**, the person may file an application under Ohio R.C. 2953.37 requesting the expungement of the record of conviction.

If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of subsection (a) or (b) of this section as the subsection existed prior to September 30, 2011, and if the conduct that was the basis of the violation no longer would be a violation of subsections (a) or (b) of this section on or after September 30, 2011, due to the application of subsection (e)(2) of this section as it exists on and after September 30, 2011, the person may file an application under Ohio R.C. 2953.37 requesting the expungement of the record of conviction.

(h) Whoever violates this section is guilty of improperly handling firearms in a motor vehicle. A violation of subsection (b) of this section is a misdemeanor of the fourth degree. **A violation of subsection (c) of this section is a felony of the fifth degree or, if the loaded handgun is concealed on the person's person, a felony of the fourth degree.** A violation of subsection (d)(1) or (2) of this section is a misdemeanor of the second degree. **A violation of subsection (d)(4) of this section is a felony of the fifth degree.** A violation of subsection (d)(3) or (5) of this section is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to a violation of subsection (d)(3) or (5) of this section, a felony **of the fifth degree.** In addition to any other penalty or sanction imposed for a misdemeanor violation of subsection (d)(3) or (5) of this section, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2). **A violation of division (a) of this section is a felony of the fourth degree.**

(i) If a law enforcement officer stops a motor vehicle for a traffic stop or any other purpose, if any person in the motor vehicle surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop. If a court orders a law enforcement officer to return a firearm to a person pursuant to the requirement set forth in this subsection, division (B) of Ohio R.C. 2923.163 applies.

(j) As used in this section:

(1) "Commercial motor vehicle" has the same meaning as in Ohio R.C. 4506.25(A).

(2) "Motor carrier enforcement unit" means the motor carrier enforcement unit in the Department of Public Safety, Division of State Highway Patrol, that is created by Ohio R.C. 5503.34.

(3) "Motor vehicle", "street" and "highway" have the same meanings as in Ohio R.C. 4511.01.

(4) A. "Unloaded" means:

1. With respect to a firearm other than a firearm described in subsection (j)(4)B. of this section, that no ammunition is in the firearm in question, no magazine or speed loader containing ammunition is inserted into the firearm in question and one of the following applies:

a. There is no ammunition in a magazine or speed loader that is in the vehicle in question and that may be used with the firearm in question.

b. Any magazine or speed loader that contains ammunition and that may be used with the firearm in question is stored in a compartment within the vehicle in question that cannot be accessed without leaving the vehicle or is stored in a container that provides complete and separate enclosure.

2. For the purposes of subsection (j)(4)A.1.b. of this section, a “container that provides complete and separate enclosure” includes, but is not limited to, any of the following:

a. A package, box or case with multiple compartments, as long as the loaded magazine or speed loader and the firearm in question either are in separate compartments within the package, box, or case, or, if they are in the same compartment, the magazine or speed loader is contained within a separate enclosure in that compartment that does not contain the firearm and that closes using a snap, button, buckle, zipper, hook and loop closing mechanism, or other fastener that must be opened to access the contents or the firearm is contained within a separate enclosure of that nature in that compartment that does not contain the magazine or speed loader;

b. A pocket or other enclosure on the person of the person in question that closes using a snap, button, buckle, zipper, hook and loop closing mechanism, or other fastener that must be opened to access the contents.

3. For the purposes of subsection (j)(4)A. of this section, ammunition held in stripper-clips or in en-bloc clips is not considered ammunition that is loaded into a magazine or speed loader.

B. “Unloaded” means, with respect to a firearm employing a percussion cap, flintlock, or other obsolete ignition system, when the weapon is uncapped or when the priming charge is removed from the pan.

(k) Subsection (j)(4) of this section does not affect the authority of a person who has been issued a concealed handgun license that is valid at the time in question to have one or more magazines or speed loaders containing ammunition anywhere in a vehicle, without being transported as described in those divisions, so long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under any other provision of this chapter or Ohio R.C. Chapter 2923. A person who has been issued a concealed handgun license that is valid at the time in question may have one or more magazines or speed loaders containing ammunition anywhere in a vehicle without further restriction, as long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under any provision of this chapter or Ohio R.C. Chapter 2923.

(ORC 2923.16)”

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. 185-24

AN ORDINANCE AMENDING ORDINANCE NO. 26-24, PASSED FEBRUARY 13, 2024, RELATIVE TO THE EXPENDITURE TO GREEN HOME SOLUTIONS FOR REHABILITATION WORK AT 850 NORTH HUNTINGTON STREET, AND DECLARING AN EMERGENCY.

WHEREAS: Ordinance No. 3-24, passed January 8, 2024, authorized the expenditure of \$40,575.00 for rehabilitation work at 850 North Huntington St., as part of the PY22 CHIP Grant; and

WHEREAS: Ordinance No. 26-24, passed February 13, 2024 required a change to the account numbers used to cover this expenditure.

WHEREAS: A change order has been requested to add \$7,500 to the project for a new electrical panel, deduct \$600 to remove a kitchen vent and a revision to the following accounts to conduct the project: Account No. 139-0462-52215 (CHIP HOME) - \$40,575.00 and Account No. 137-0406-52215 (CHIP-PROGRAM INCOME) - \$6,900.00.

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

SEC. 1: That the authorized project amount is hereby amended from \$40,575.00 to \$47,475.00 with the following funding:

That the funds to cover this project, in the amount of \$47,475.00 are available as follows: \$40,575.00 in Account No. 139-0462-52215 (CHIP HOME), Project Number #AC-22-07, and \$6,900.00 in Account No. 137-0406-52215 (CHIP-PROGRAM INCOME).

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 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 project is completed; 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

ORDINANCE NO. 186-24

**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> |
|------------------------------|------------------|
| 139-0462-52215 | 4,983.00 * |
| 104-0301-51131 | 758.14 |
| 171-0650-54411 | 178,816.51 |
| 574-0350-54412 | 36,368.00 * |
| 574-0351-53322 | 10,000.00 * |
| 574-0356-53322 | 10,000.00 * |
| 574-0356-53312 | 5,000.00 * |
| 574-0356-50111 | 40,000.00 * |
| 574-0357-52215 | 10,000.00 * |
| 102-0145-53321 | 68,460.00 * |
| 513-0533-54413 | 30,000.00 |

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> |
|------------------------------|-------------------|
| 104-0301-52215 | 758.14 |
| 171-0743-52215 | 178,816.51 |
| 513-0533-54412 | 30,000.00 |

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