

Regular/Public

January 3, 2006

New council members Denny Miller and Julie Leathers and re-elected members Denny Landaw and Lyle Baker were sworn in.

Prior to council's regular meeting, a public hearing was held regarding Ordinances Q-05, R-05, S-05, T-05 and U-05, titles listed below.

Director Jewell was sworn for the public hearing.

Director Jewell summarized ordinances Q-05, R-05, S-05, T-05 and U-05 for the public hearing.

The first ordinance is an amendment of the Adult Entertainment, Chapter 1127, to the Zoning Regulations. The rest of the ordinances are amending the subdivision regulations. The Adult Entertainment Zoning regulation is necessary due to Supreme Court decisions recently. The first change is in Section 1127.12 states that the personal information that we gather in the process of licensing someone for an adult entertainment license—such as social security number and address—it states that this information is not subject to release under Ohio Public Records Act. The next Section 1127.05, issuance of license. The opinion says that this needs to be done in a timely fashion and the second part is that they have judicial review of those decisions that we make here administratively. In looking at the question of timely review, the period for us in house is now 15 days instead of 30. We have 15 days to review an application.

During the period that it is under review, if someone has a current license and it needs to be reviewed due to some problem, during the time of review, it will be status quo. If the status quo is that they are licensed, we will not pull their license during the period of review.

We removed the section on inspections which states that if an applicant is open for business their premises are subject to a search at any time. We did not feel there was a need or that it would be upheld to add something like that in our ordinance. There was information regarding not being discriminatory regarding the hours of operation for an adult entertainment business than for other businesses so Section 1127.19 so that the hours of operation instead of being closed from 1 to 8; their (nonbusiness) hours are 2:30 to 5:30 and on Sunday it is 2:30 to 5:30; previously on Sundays, they had to be closed from 1 a.m. to 12 p.m. This mirrors the requirements for other businesses. We added a section for appeal and judicial review of a licensing decision. We made it clear where they could go to appeal an adverse decision. They have been able to appeal to the Common Pleas Court. We added a section that they could appeal those to the City Council. After that, it is appealed to a higher court.

In the subdivision regulations change in 1151, most of these had to do with the change made recently in the Ohio Revised Code, which allowed the cities to review subdivisions of land where the lots were 5 acres to 20 acres. Previously, if it was 5 acres, there was no review. The new law allowed cities and counties to review the ones between 5 acres and 20 acres. A chapter was added for this.

In 1153, the purpose scopes application. This is probably the most important piece of legislation because it defines where that 5 and 20 acres is; it is under 1153.07. A minor subdivision, instead of being 5 acres is now 20 acres and the division or parcel of land into 5 to 20 acres where such parcels are used only for agricultural or personal recreation purposes. Those are exempt and it creates a

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new definition of a large lot subdivision, which is where we group all of the lots between 5 and 20 acres.

The next change is in 1157, which talks about procedure for subdivision reviews and it simply says that these need to come before the Orrville Planning Commission to be reviewed. In the improvement Standards and Specifications, there are a couple of changes in that do not have anything to do with the 5-acre law. The first change is in Chapter 1163 which allows Wayne County Soil and Water Conservation District to establish fees to cover the cost of administration of our Subdivision Regulations; now the Urban Storm Water Program. This is done without charging us anything. They need to be able to recoup some of the fees. This allows them to charge people for the permits that they received from them.

The final change in Chapter 1163.10 simply removes a reference to the Ohio Revised Code and makes it a reference to the Ohio Administrative Code.

Miller: Q-05 is putting our ordinance in line with what Ohio Courts have made decisions made on already?

Lutz: Correct. This is bringing it up to date with current law. Regarding why the City would license or allow an adult entertainment business, the City cannot prohibit the establishment of such a business or eliminate one but can reasonably regulate such a business. Our ordinance regulates it to the fullest extent of the law.

Purdy moved and Baker seconded that the public hearing be adjourned. Roll call vote. Ayes all. Motion carried. Time: 7:38.

President Handwerk called the meeting to order and all recited the Pledge.

Pastor Ray Pfahler offered the prayer.

Roll call: Purdy, Miller, Landaw, Baker, Weaver, Corfman, and Leathers were present.

Baker moved and Corfman seconded that the December 19, 2005, minutes be approved. Roll call vote. Ayes all. Motion carried.

Public Comment – None.

Standing Committee Reports:

A. Finance – Mr. Miller had no report.

B. Utilities – Mr. Landaw reported that the Public Utility board approved two resolutions for the water department to conduct a high rate filtration study. This will be an engineering study conducted by Burgess and Nipple. The goal is to study how to increase water plant production with little or no capital investment. There may be some minor projects that we can do to increase the capacity. Estimated cost is \$69,000. Burgess and Nipple have been hired for the Water Distribution Model and the general water department plan. They have a computer model of the water distribution system and it as last updated in 2002. Projects have been done since then to increase the flow and distribution

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system. This will update the model and plan with changes we have done and look at future projects to be considered. The estimated cost is \$30,000. He has more information and will report more later.
Handwerk: The studies sound like a lot of money but if they are able to accomplish what is needed, it will save us in the long run.

C. Health & Safety – Mr. Corfman had no report.

D. Parks and Recreation – Weaver had no report.

E. Transportation – Mr. Baker reported that the Transportation Committee would have a committee meeting February 13, 2006, immediately following Public Utility Board.

F. Planning – Mr. Purdy thanked Director Jewell for information on the public hearing ordinances. The Planning Commission has recommended these resolutions.

G. Ordinance & Personnel – Ms. Leathers reported that a Ordinance & Personnel meeting would be January 9, 2006, immediately following the Public Utility Board meeting regarding Resolution 1-06.

Special Committee Reports: None.

Administrative Reports:

A. Mayor - Mayor Steiner had no report.

B. Safety Service Director- Director Jewell reported that the Christmas trees were being picked up this week Thursday and Friday. She stated that with Chief Joe Routh retiring after 25 years of service, Dino Carozza would be the next Chief of Police. He will be sworn in January 9, 2006.

Handwerk: Are you hiring a new officer to replace Carozza?

Jewell: We did already in anticipation of his retirement. Mitch Zimmerman moved from part time to full time. We will go back to 14 officers. We will leave the part-time position open until our city's financial positions changes.

C. Utilities Director – Director Preising reported that sewer line construction would begin next week on Shrock Road. The street will be closed weekdays but there will be limited access. It will take about four weeks to complete.

D. Finance Director – Director Leggett had no report.

E. Law Director – Director Lutz had no report.

F. President of Council – President Dave Handwerk asked for the reappointment of Michelle Hedberg as Council Clerk. Weaver moved and Landaw seconded. Roll call vote. Ayes all. Motion carried. He also asked for reappointed of Bob Weaver as President Pro Temp. Miller moved and Leathers seconded. Roll call vote: Ayes: Purdy, Miller, Landaw, Baker, Corfman, Leathers. Abstain: Weaver. Motion carried.

Special Committee Reports - None

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Old Business

Ordinance Q-05

Leathers moved and Purdy seconded that Ordinance Q-05, an ordinance amending Chapter 1127 of the Codified Ordinances of the City of Orrville, Ohio, regarding Adult Entertainment Business be placed on third reading. Roll call vote. Ayes all. Motion carried.

Leathers moved and Corfman seconded that Ordinance Q-05 be adopted as read. Roll call vote. Ayes all. Motion carried.

Ordinance R-05

Leathers moved and Purdy seconded that Ordinance R-05, an ordinance amending Section 1151.28, Chapter 1151 of the Codified Ordinances of the City of Orrville, Ohio, regarding the definition of a sub divider be placed on third reading. Roll call vote. Ayes all. Motion carried.

Leathers moved and Landaw seconded that Ordinance R-05 be adopted as read. Roll call vote. Ayes all. Motion carried.

Ordinance S-05

Leathers moved and Purdy seconded that Ordinance S-05, an ordinance amending Section 1153.07 and adding Section 1153.10 to Chapter 1153 of the Codified Ordinances of the City of Orrville, Ohio, regarding the classification and determination of a subdivision type to add a large lot subdivision be placed on third reading. Roll call vote. Ayes all. Motion carried.

Leathers moved and Purdy seconded that S-05 be adopted as read. Roll call vote. Ayes all. Motion carried.

Ordinance T-05

Leathers moved and Purdy seconded that Ordinance T-05, an ordinance amending Chapter 1157 of the Codified Ordinances of the City of Orrville, Ohio, by adding a plat required for large lot subdivision be placed on third reading. Roll call vote. Ayes all. Motion carried.

Leathers moved and Purdy seconded that Ordinance T-05 be adopted as read. Roll call vote. Ayes all. Motion carried.

Ordinance U-05

Leathers moved and Purdy seconded that Ordinance U-05, an ordinance amending Chapter 1163 of the Codified Ordinances of the City of Orrville, Ohio, regarding new standard street designs, established fees for storm water review by the Wayne County Soil and Water Conservation District and survey monuments be placed on third reading. Roll cal vote. Ayes all. Motion carried.

Leathers moved and Purdy seconded that Ordinance U-05 be adopted as read. Roll call vote. Ayes all. Motion carried.

Resolution 53-05

Leathers moved and Miller seconded that Resolution 53-05, a resolution to accept the recommendations of the Wayne County Tax Incentive Review Council regarding tax abatements for companies located in the City of Orrville, be placed on second reading. Roll call vote. Ayes all. Motion carried.

Leathers moved and Corfman seconded that the rules, regulations and statutes requiring the reading of a resolution on three separate days be suspended. Roll call vote. Ayes all. Motion carried.

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Leathers moved and Purdy seconded that Resolution 53-05 be adopted as read. Roll call vote. Ayes all. Motion carried.

Jewell: In the past, we only moved on new abatements but the State would like all applications to come before council for approval.

The Tax Incentive Review Council recommends the agreement be continued.

Resolution 54-05

Leathers moved and Landaw seconded that Resolution 54-05, a resolution to accept the recommendations of the Orrville Tax Incentive Review Council regarding tax abatements for companies located in the City of Orrville, be placed on second reading. Roll call vote. Ayes all. Motion carried.

Leathers moved and Corfman seconded that the rules, regulations and statutes requiring the reading of a resolution on three separate days be suspended.

Leathers moved and Landaw seconded that Resolution 54-05 be adopted as read. Roll call vote. Ayes all. Motion carried.

New Business

Resolution 1-06

Leathers moved and Miller seconded that Resolution 1-06, a resolution fixing the salary of the law director of the City of Orrville and repealing all legislation inconsistent herewith be placed on first reading. Roll call vote. Ayes all. Motion carried.

This resolution will appear for second reading at council's next meeting.

Good of the Order – None.

Corfman moved and Landaw seconded that council meeting adjourn. Roll call vote. Ayes all. Motion carried.

Time: 8:07.

Michelle L. Hedberg, Clerk of Council

Date

Dave Handwerk, President of Council