

Regular/Public

January 7, 2008

Prior to the regular meeting the newly elected/re-elected and appointed council members were sworn in. They were Lyle Baker, President of Council; Rich Corfman, Ward 1; Arthur Shupp, Ward 3; Ricardo Aspiras, At Large; and Paul Vance, At Large.

President Baker called the meeting to order. Councilman Denny Miller offered the prayer. The Pledge was recited by all.

Roll call: Shupp, Miller, Landaw, Vance, Aspiras, and Corfman were present. Leathers was excused.

Corfman moved and Miller seconded that the December 17, 2007 regular meeting 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 had no report.

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

D. Parks and Recreation – Mr. Aspiras had no report.

E. Transportation – Mr. Shupp had no report.

F. Planning – Mr. Vance reported the Planning Committee met before the last council meeting of 2007 and out of that meeting are two ordinances before council tonight on first reading. The first is dealing with vacating two alleys as part of the proposed CVS pharmacy project on the corner of North Main and West High streets. The second deals with dedicating a portion of West Market Street. I would also like to report the Planning Commission met on December 28th and the Commission is recommending that we accept the proposed changes to the zoning code related to outdoor wood furnaces and outdoor signs. The ordinances related to those recommendations are before council tonight for a vote.

G. Ordinance & Personnel – Ms. Leathers was absent due to illness. Mr. Landaw stated there was no report for this committee.

Special Committee Reports: None.

Administrative Reports:

A. Mayor - Mayor Handwerk reported he has appointed Carol Pleuss for a six year term to the Civil Service Commission. She will replace Rick Helmuth who has served on that commission for three terms, which is 18 years – six years for each term – and he certainly needs a break. We appreciate Rick's service for all those years. My term as mayor began last Wednesday on January 2nd at 8:00 a.m. It was a busy first week and I would like to announce a new program that will start this week. It will be called "Monday with the Mayor" program. As I have said before,

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my door will be always open, but as I found out this past week there are many times I am not in the office even if the door is open. I am busy running around talking to somebody else. I would like to offer this "Monday with the Mayor" time from 1:00 to 3:00 on Monday afternoons where the door will be open for any citizens of Orrville that would like to come in and talk with me for any particular reason. This will coincide with the Harassing at the Hardware and Bashing at Buehlers which are currently in place already. Also, just remember you are welcome any other time too, but like I said sometimes I am not in there.

After clarification of the correct Darin Johnston to which board, the Mayor asked for council's approval for the appointment of Darin Johnston to the Board of Zoning Appeals. Miller moved and Landaw seconded this request. Roll call vote. Ayes all. Motion carried.

B. Safety Service Director- Director Jewell no report.

C. Utilities Director – Director Preising had no report.

D. Finance Director – Director Leggett reported that prior to the council meeting tonight I distributed the Investment Report as required by the investment policy. This requires no action by council. We just need the minutes to reflect that the report was distributed. At the next meeting I will have a resolution for council to approve the payment of our state audit which will be commencing at any time.

E. Law Director - Director Lutz had no report.

F. President of Council – President Baker reported that Julie Leathers is not here this evening, but I have asked her to be the President Pro-Tempore and I do need to have an approval from the council for that. Vance moved and Aspiras seconded this request. Roll call vote. Ayes all. Motion carried. We have one other item. We have a liquor license application.

Peppard: We received a renewal application for the liquor license to be renewed at the BP on South Main Street.

Baker: The next item is old business and Mr. Landaw will fill in for Ms. Leathers.

Old Business:

Landaw: These first three pieces are not necessarily on reading, but up to be voted on. I will introduce them and read them and make a motion to pass them.

ORDINANCE T-07

Ordinance T-07, an ordinance amending Chapter 1109 of the Orrville Zoning Code regarding on-premises exterior signs. Landaw moved and Corfman seconded that Ordinance T-07 be adopted as read. Roll call vote. Ayes all. Motion carried.

ORDINANCE U-07

Ordinance U-07, an ordinance to amend the Zoning Code of the City of Orrville, Wayne County, State of Ohio, by adding a new chapter to be entitled *Outdoor Wood Furnaces*. Landaw moved and Corfman seconded that Ordinance U-07 be adopted as read.

Baker: Is there any discussion on this before we vote? There was an e-mail that came from Mr. Carpenter. Does anyone have any comments about this ordinance before we vote on it this evening?

Corfman: Just a comment. It is largely recommended by the industry, these are industry standards, the industry that's building wood burning boilers, this doesn't restrict any more wood that you would burn in it then you would in a regular fireplace and the woods and products that are prohibited to be burned in it you would not want to burn in your house either. Primarily deals

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with stack height and things like that. I don't think there is anything to be concerned. We have already had a public hearing on it.

Vance: I think a key provision of it is extending the stack height to two feet above the eaves of surrounding residences within a certain radius and that helps to deal with the potential nuisance from the amount of smoke that can come from these units.

Baker: Any other comments?

Landaw: I just wanted to make sure from our meeting on this, whether or not we require a permit or application?

Baker: Mrs. Jewell, is that covered there?

Jewell: I can clarify that. This has been put into our zoning code and this is a conditionally permitted use. What that means is that the Planning Commission would look at the applications and vote on whether or not to issue the permit for the outdoor wood burning furnace. It would require a permit for anything that is new. Anything that is existing does not come onto the radar screen unless it becomes a nuisance. If we would receive complaints and then find that it is a nuisance, at that point they would need to take some measures such as raising the stack height or something to alleviate that. As of this time, I know there may be several of them in town. I know for sure of this one, but we have never received any complaints about any of them. This is just proactive based on what we have seen some of them can do.

Mayor Handwerk: I might add, I tried to call Mr. Carpenter this afternoon and was not able to get a hold of him and never heard back from him.

Baker: Is there any further discussion? Call for vote. Roll call vote. Ayes all. Motion carried.

ORDINANCE V-07

Ordinance V-07, an ordinance amending Section 1111.05 of Chapter 1111 of the Zoning Code of the City of Orrville, Ohio, regarding Permitted Conditional Uses. Landaw moved and Corfman seconded that Ordinance V-07 be adopted as read. Roll call vote. Ayes all. Motion carried.

RESOLUTION 76-07

Landaw moved and Miller seconded that Resolution 76-07, a resolution authorizing the Director of Utilities to purchase services or supplies by reverse auction in accordance with Ohio revised Code Section 9.314, and declaring an emergency, be placed on second reading. Roll call vote. Ayes all. Motion carried.

Miller: Just to kind of summarize a little bit. This was also amended to include Safety-Service Director and Utility Director in some spot, as well as, City of Orrville replacing Utilities and that has been passed last time and done.

Lutz: That is correct.

New Business:

ORDINANCE A-08

Landaw moved and Corfman seconded that Ordinance A-08, an ordinance amending Section 151.08 of the Codified Ordinances of the City of Orrville, Ohio, regarding compensation for the Clerk of Council, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Miller: Just as another point of clarification, our clerk is now responsible for the Board of Zoning Appeals which is one of the reason we are doing this.

ORDINANCE B-08

Landaw moved and Vance seconded that Ordinance B-08, an ordinance vacating the hereinafter described alleys that this council has determined will not be detrimental to the general interest, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Baker: These are the alleys we had discussed before that are around the proposed CVS project.

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Miller: There is a public hearing on this January 22nd and we can't do any action on this until that time.

Vance: While this is related to the CVS pharmacy project, the scope of the hearing is on strictly vacating the alleys.

Baker: That is right. Any other comments?

Aspiras: Just so I understand, are we talking about two alley ways?

Baker: Yes.

ORDINANCE C-08

Landaw moved and Aspiras seconded the Ordinance C-08, an ordinance accepting and confirming the dedication of a portion of West Market Street in the City of Orrville, Wayne County, Ohio, to the public use forever, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Jewell: We discussed this before and it went to the Planning Commission for their recommendation. For some reason there was a piece of West Market Street that had never been dedicated. It was actually deeded over to the City of Orrville when the street was installed and it has been used as a public street for years. The reason we found out that it was not dedicated was that we received an assessment for it for the Watershed District and we don't get assessments for dedicated right-of-ways. When we looked at the plat we determined that is the reason, it had never been dedicated. The purpose of this ordinance is to accept that section of street. It is between the Presbyterian church and the Hilltop apartments. It is just a small section right in there. There is no hurry, no need to pass it on first reading.

RESOLUTION 1-08

Landaw moved and Corfman seconded that Resolution 1-08, 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.

Miller: In the memo we got from Mr. Forrer it said the amount of this increase is in line with that approved for the other city directors. The only thing that wasn't clear to me, did he mean our city directors or other city law directors?

Lutz: Our city, my fellow directors here.

RESOLUTION 2-08

Landaw moved and Corfman seconded that Resolution 2-08, a resolution establishing wages for part time and seasonal employees of the City of Orrville, and repealing all legislation inconsistent herewith, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Miller: Mr. Forrer gave us the new rates he was talking about. \$7.00 an hour, which is the new state minimum wage, to \$15.00 an hour. Does anybody know what the old scale was? I assume this is proportionate.

Lutz: I can tell you next time.

Miller: Okay, because we don't have to pass this tonight.

RESOLUTION 3-08

Landaw moved and Corfman seconded that Resolution 3-08, a resolution authorizing the Safety-Service Director to enter into a coordination agreement with the State Historic Preservation Office in order to expedite implementation of certain elements of the FY07 Community Development Block Grant Downtown Revitalization Program, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Corfman: Any benefit that this pass tonight. It is declared an emergency.

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Jewell: The old agreement expires in February, so we could let this go one more reading. It does not need to be passed this evening.

Good of the Order: None

Corfman moved and Landaw seconded that the council meeting be adjourned. Ayes all. Motion carried. Council was adjourned at 7:53 p.m.

Tamra Peppard, Clerk of Council

Date

Lyle Baker, President of Council