

Regular/Public

February 17, 2009

President Baker called the meeting to order. Pastor John Beck of the Daybreak Community Church offered the prayer. The Pledge was recited by all.

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

Corfman moved and Aspiras seconded that the minutes of the February 2, 2009 regular meeting be approved. Roll call vote. Ayes all. Motion carried.

Public Comment:

Baker: We have a public comment scheduled for this evening. Is Mr. Carter here? I don't see him out there.

Standing Committee Reports:

A. Finance – Mr. Miller reported there was a Finance Committee meeting on February 9th concerning the capital improvement account. We looked at the project list and several scenarios on that and we will discuss that again on Tuesday, March 10th, at the Appropriations Workshop that we had already scheduled when the appropriation numbers are in and we have a better handle on those numbers and updated priority list.

B. Utilities – Mr. Landaw reported the Public Utility Board at their last meeting approved the appropriations for each of the utilities and that will be coming our way soon. They also approved an architectural study for the Rosemont building – the one building there of the property the electric plant acquired. The architectural study will have an estimated cost of \$34,000. That study will hopefully recommend several different options on how to improve that building, at what different stages, and what types of improvements we will want to make to it. Third item, the Power Cost Adjustment formula was recalculated for the previous quarter. Our customers will see a drop in electric rates. When we had done this quarter earlier, it amounted to pennies for the average customer. This drop will be several dollars for the average residential customer. Basically, it reflects the drop in diesel fuel prices. The fourth item, the Public Utility Board approved to route the wastewater from the Electric Plant to the City's Wastewater Treatment Plant. We are going to tie into an existing line and the estimated cost of tying into that current sewer line is \$30,000; mainly because they will be tunneling under some existing utilities.

C. Health & Safety – Mr. Corfman reminded council there is a meeting at the fire station at 7:00 p.m. We will be meeting with the Fire Chief and the Police Chief that evening. I will also speak to Ordinance G-09 when it comes up in the agenda.

D. Parks and Recreation – Mr. Aspiras commented on Schmid Hall. There was an open house last Monday, February 9th, for the renovation project of Schmid Hall at Orr Park as Mrs. Jewell announced at the last council meeting. I know those that were there would agree that it looked outstanding. I just wanted to thank the Schmids, Mrs. Jewell, and many others for a job well done. I would also like to remind the public that Schmid Hall is now open for rental so please take advantage of that and enjoy the fine facility.

E. Transportation – Mr. Shupp had no report, but reminded council there is a meeting next Monday, the 23rd at 7:00 p.m.

F. Planning – Mr. Vance reported the Planning Committee approved some the legislation that is before us tonight. At their last meeting we re-elected Darin Johnson to be the President of the Design Review Board.

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G. Ordinance & Personnel – Ms. Leathers had no report.

Special Committee Reports: None.

Administrative Reports:

A. Mayor - Mayor Handwerk issued a news release (to be given to Mr. Locher after the meeting) from the Arbor Day Foundation. "Orrville has been named Tree City USA Community by the Arbor Day Foundation to honor its commitment to community forestry. In its 29th year Orrville has received this national recognition. The Tree City USA program is sponsored by the Arbor Day Foundation in cooperation with the National Association of State Foresters and the USDA Forest Service. Orrville has met the four standards to become a Tree City USA community; having a Tree Board or Department, a Tree Care Ordinance, a Comprehensive Community Forestry Program, and an Arbor Day Observance and Proclamation." I would also like to mention that we have two city arborists, Joe Hranko and Dan Lowe who work in our Service Department. They do a very good job keeping watch on certain things with our trees; especially with the gypsy moth thing going on last year and also the emerald ash war. Secondly, I have a letter from the City of Williamstown. "On behalf of the City of Williamstown, KY, I would like to take this opportunity to thank you for your assistance after the snow and ice storm that crippled our area January 27th and January 28th. The assistance that you provided to the City of Williamstown on January 31st and February 1st with tree removal and utility repair maintenance was instrumental in our ability of restoring services to our customers as well as eliminating debris that was a result of the snow and ice storms. The expertise and professionalism that your utility employees demonstrated to the City of Williamstown was most appreciative and will be remembered. Again, thank you for the help you provided to our City in a time of need. I would further like to extend the invitation to you for providing our assistance in the future should the need arise. Sincerely, Douglas Beckam, City Administrator and Michael Schumaker Electric Superintendent." Our three gentlemen that went down from our utility crew was Bill Evans, Jon Baab, and Paden Spilker. We appreciate those guys being willing to go down and do that and help out another community like that.

B. Safety Service Director- Director Jewell had no report.

Corfman: We have had some citizen interest in being allowed or questions about our ordinance on hunting deer inside the city limits. They are not looking to be using firearms, it would be bow or cross bow. How is our ordinance apply and can we have discussion on that in the future? Do you know of any other cities who have experience with this? We have deer in town, I know that.

Jewell: We have a prohibition against hunting within the city limits. If you wanted to look into changing that, you should probably get the Health and Safety Committee together so you can reconsider that or look into it.

Corfman: Do you have any insight or maybe I should have asked Mr. Lutz.

Jewell: There may be some communities up north that have had more experience with it than we have. I haven't done any research.

Lutz: Is the interest reducing the population because it is becoming pests or is it just an interest in hunting deer within the city limits to hunt?

Corfman: Usually there is some sport behind it, my suspicion I think, but yes they are pests. It is a nuisance issue.

Aspiras: I do have a plan and I did want to set a committee meeting up. I am trying to get a hold of a fellow that is inquiring about this, but I do have a plan from a city down in Columbus. I am trying to get a hold of this guy so we can sit down. He would like to present the plan from this other city and some of his thoughts. There was a recent article by the OMDR Division of Wildlife about urban hunting. I clipped that out so we can have some discussion. His motivation was nuisance and he mentioned a few other people in the city that had the same thought.

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Corfman: I was just making you aware and it is out there.

C. Utilities Director – Director Preising had no report.

Vance: The power cost adjustment, do we have a percentage for Orrville residents for what that decrease would be.

Preising: On a typical residential rate, if you look at the total rate, it is about a 10% decrease. The actual power cost adjustment factor actually reduced it 38%.

D. Finance Director – Director Strimlan had no report.

E. Law Director - Director Lutz had no report.

F. President of Council – President Baker reported with your next invoice from Armstrong Utilities there will be an increase on the basic service. I would also like to thank the Schmid family and Smith Dairy for the new – it is almost like a new building at Schmid Hall. It is really fantastic. If you didn't get a chance to go to the open house, stop down by there and look in the window, if it is locked. If there is somebody using it, you may want to check with them before you become involved in the wrong party, but they did a great job on Schmid Hall and it is really a nice addition to our park.

Old Business: None.

New Business:

ORDINANCE E-09

Leathers moved and Landaw seconded that Ordinance E-09, an ordinance amending Chapter 1131 of the Orrville Zoning Code regarding Design Review, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Jewell: This is an amendment to the Zoning Code which will change our Design Review ordinance. It will change the Design Review district and it will also adopt Design Review Guidelines. That is the purpose of this piece of legislation. I just wanted to remind you that a public hearing has been set for our next meeting on March 2nd at 7:30 p.m.

Vance: The purpose of this legislation really is to tighten up some language in it so that anyone who wants to make some new construction or alteration within the Design Review District is going to have better information to be able to go off of then what we have had previously. I think with the CVS Pharmacy experience we realized the need for some updated and enhanced guidelines that will provide a much better template for businesses to be able to use, that will be a lot more useful to them and hopefully facilitate development within the Design Review District.

ORDINANCE F-09

Leathers moved and Landaw seconded that Ordinance F-09, an ordinance amending Chapter 109 of the Orrville Zoning Code regarding On-Premises Signs, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Jewell: This is another ordinance that will be the subject of the public hearing on March 2nd. The only other thing I would like to say about that is the changes regarding the On-Premise Sign are to require that a sign that has been vacant for a certain period of time will then be removed or a blank sign will be put up. We have received complaints about a lot of the signs that are up around town that reflect businesses that are no longer there and they can sometimes stay up for years. So this will require that those signs be either blanked out or removed.

Vance: Would it apply to signs that are up now or would they be grandfathered in?

Jewell: I don't think there is anything in the legislation that would grandfather them in.

Lutz: I don't think they would be grandfathered. If there is a business that is no longer in town, it is not going to be grandfathered.

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ORDINANCE G-09

Leathers moved and Miller seconded that Ordinance G-09, an ordinance adding Section 521.13 regarding Criminal Activity Nuisances to the Codified Ordinances of the City of Orrville, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Corfman: This ordinance is a result of several incidences that have happened over the last three to four years. It is not punitive in nature. It has a lot of the Chief's discretion on how it is applied and Mrs. Jewell has done a lot of research on this as we have looked at it in the past and our new Safety-Service Director coming in has experience with this. So this is something I don't think we have anything to fear. I think it is a good ordinance and it will have a public hearing coming up.

Baker: Has a public hearing date been set?

Leathers: March 2nd.

RESOLUTION 6-09

Leathers moved and Corfman seconded that Resolution 6-09, a resolution authorizing the Safety-Service Director to enter into an agreement and/or agreements with the State of Ohio Purchasing Cooperative to purchase two (2) vacuum leaf loaders for the Service Department, or in the alternative, to advertise for bids and enter into an agreement and/or agreements for the purchase of two (2) vacuum leaf loaders, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Jewell: Just a word of explanation on this one. Last fall Mrs. Endsley applied for a grant from the Start Tusc Wayne Joint Solid Waste Management District. The purpose of that grant was to get us some more equipment for our composting program; mainly for leaf pickup. We were successful in obtaining that grant and we were permitted to purchase some chainsaws, some leaf boxes which are the leaf boxes that go in the back of the trucks and we load the leaves into those, and then the other part of it was the actual vacuum leaf loaders. We checked into the cost of those leaf loaders as of the current time and what we found out was that both of them will cost approximately \$36,000. That is just a little bit less than the State Purchasing price. So knowing that we could go one way or the other, we are going to first bid it and if we get a price that is better than State Purchasing we will go with that and if not we have the alternative to go back and purchase it through State Purchasing. This is 100% funded by the grant. It does not need to be passed on first reading.

Handwerk: I would just like to point out this is just another one of those things where if Kristin wasn't doing her job looking for ways to get grant money, there is that many thousands of dollars that we would either be paying out of our own budget to buy these things or we wouldn't be getting them right away. That certainly does help, especially in these times.

Aspiras: Would it be to any advantage to pass it tonight?

Jewell: It would allow us to proceed that much quicker with the purchase, but we have some time yet.

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

Leathers moved and Aspiras seconded that Resolution 6-09 be adopted as read. Roll call vote. Ayes all. Motion carried.

RESOLUTION 7-09

Leathers moved and Landaw seconded that Resolution 7-09, a resolution authorizing the Board of Control to enter into a contract and/or contracts without bidding for a Phase I Archaeological Study for the Orrville Business and Technology Park, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Jewell: I believe I explained this at the last meeting. The estimated cost is around \$15,300. We would ask that Council pass this on first reading due to the fact that we do need to get this project underway so we can get the archaeological study done and be ready to do construction this summer if we can get it moving through the Army Corp of Engineers.

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Vance: I just wanted to point out that this isn't an archaeological dig in the sense that a lot of people think it is. It is an exploratory survey, very shallow, mostly walking along the ground perhaps doing some shallow digging with a shovel. In the majority of the time they find absolutely nothing with these things. We are required to do it in order to move forward with the project so we don't have a lot of choice with this.

Miller: If something is found in the survey of some kind of archaeological significance, is that something that is going to be detrimental to the project at all?

Jewell: From what I understand by talking with the consultant, lets say that they would find something that they would consider to be significant; they would catalog that item; they would determine what it is and what significance it has and then they would expect the City to mitigate the affects that you would have on that historical area. Maybe you would take it someplace and create a display or you would donate it to the museum or some how memorialize it somewhere, but it is a way to have everyone look at the historical impact, but it is not a way to stop projects.

Miller: So the project would continue on and the only delay would be doing the study.

Jewell: The only delay is now you are aware of it, lets note the significance of what we have hear. We don't think that we have anything, but it is a step we have to go through.

Vance. The aim of it is to make sure the cultural history of the area is preserved so they just want to find out if there is anything there of historical significance. If there is, that is shown in some appropriate way and they make a recommendation at the end of the study as to what that might be. Projects aren't generally stopped because of this; it is just more of an informational cultural aspect to it. I don't think we run the risk of the project being stopped, but they are going to find whatever artifacts they can find, put those all on a map and then just basically give us a report on what they found and what kind of significance it might have to the area.

Lutz: We did inquire about whether there was a less expensive way using a local professor or something to do it and they said that probably would not be acceptable to the Ohio Historical Preservation office so we have to have someone who is certified consultant who has done this before to report back to them to satisfy that office.

Aspiras: Thanks for checking.

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

Leathers moved and Aspiras seconded that Resolution 7-09 be adopted as read. Roll call vote. Ayes all. Motion carried.

RESOLUTION 8-09

Leathers moved and Corfman seconded that Resolution 8-09, a resolution authorizing the Public Utilities Board of Control to enter into a contract or contracts, without bidding, for ash disposal for the Power Plant, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Preisng: Our current coal contract includes ash disposal and in this particular situation the coal company lost the place where they were to take it. The landfill is full and they probably have to take it another place. The cost of taking it another place, we pay whatever it costs for them to take it there and it was an increased cost to take it to another location so we started checking on costs on our own. We found we could contract cheaper with the other locations than what the coal company could. Basically because the other places are coal companies too and they don't like dealing with another coal company so they charge them more and they charge us less. We need to take this out of our coal contract and have a separate contract with the disposal site.

Baker: Will we be doing the transportation or will the coal company.

Preisng: That is still under the coal contract for them to do the transportation.

Aspiras: Would there be any advantage to having Kimball do the transportation or are we bound in the contract with Oxford?

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Preising: It would actually cost us more because they would have to run a truck up to pick it up and run a truck back. We have the coal truck already coming and they take it as a back-haul.

Landaw: I think in your February 10th memo, Director Preising, you wanted to have this passed tonight if possible.

Preising: If possible, we are paying the extra fees now and we will just continue to pay them until we get a signed contract.

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

Leathers moved and Landaw seconded that Resolution 8-09 be adopted as read. Roll call vote. Ayes all. Motion carried.

Chief Dino Carozza presented the Annual Report for the Police Department.

Good of the Order:

Corfman: Health & Safety Committee will have a meeting on March 16th at 6:45 p.m. regarding urban hunting.

Vance moved and Miller seconded that the council meeting be adjourned. Ayes all. Motion carried. Council was adjourned at 8:42 p.m.

Tamra Peppard, Clerk of Council

Date

Lyle Baker, President of Council