

Regular/Public

April 6, 2009

President Baker called the regular meeting to order. Councilman Dennis Landaw 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 Aspiras seconded that the minutes of the March 16, 2009 regular meeting be approved as amended. Roll call vote. Ayes all. Motion carried.

Public Comment:

Baker: Mr. Landaw is there someone you would like to introduce for public comment this evening?

Landaw: If I could just make a point of order Mr. President, the folks that came would like to speak to our nuisance ordinance. I thought we had rules that would allow them to speak at that time.

Lutz: Any council member can make a motion to allow someone to speak at any time. It just needs to be approved by motion of council.

Landaw: Mr. and Mrs. Bowman might like to speak. I don't know. They may prefer to wait until we discuss our nuisance ordinance and everybody understands what is going on and what is going to happen this evening or not happen this evening. I would make a motion now that the Bowman's be allowed to speak when we discuss the nuisance ordinance.

Baker: Would the same rules apply that apply to public comment?

Lutz: Yes, I would recommend that. Council can also move to go beyond those rules my motion.

Baker: Do you (Mr. & Mrs. Bowman) wish to wait to speak?

Mrs. Bowman: I think we understand we don't need to comment tonight, but we will be on the comment later.

Standing Committee Reports:

A. Finance – Mr. Miller had no report, but welcomed Mr. Wheeler to the table in his first meeting as Safety-Service Director.

B. Utilities – Mr. Landaw had no reported.

C. Health & Safety – Mr. Corfman welcomed Mr. Wheeler. Our best wishes to Ms. Leathers with her new knee. She will be back in two weeks, but we all wish her a speedy recovery. She is doing well. We will also have a special report concerning Ordinance G-09 when it gets to the Law Director's report.

D. Parks and Recreation – Mr. Aspiras had no report, but also welcomed Mr. Wheeler. It sure is different looking over there and not seeing Mrs. Jewell, but I am sure Steve is glad to be here.

E. Transportation – Mr. Shupp had no report and wished Steve Wheeler the best of luck on the job.

F. Planning – Mr. Vance reported the Planning Committee met last Monday (03/30/09) with Council. We had a couple special guests there as well. Mrs. Jewell recapped for us our progress on the Comprehensive Plan; I think it was dated 2001 and so it would be due for an update here in the next couple years. But one area that I felt like stood out to us, while we have made good progress in some areas, one area that we have not made progress in is what the plan refers to as our gateway areas. I think that is one area that we need to be giving ongoing attention to and begin to put

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together some plans for how to address the needs that we have in the gateway areas of our community and so that will be what the committee will be working on here in the coming months.

G. Ordinance & Personnel – Ms. Leathers was absent.

Special Committee Reports: None.

Administrative Reports:

A. Mayor - Mayor Handwerk reported the March Employee of the Month was Bob Steiner from the Water Department. Bob is a Maintenance III worker with over 24 years of experience. He is responsible for maintaining and repairing water plant equipment instrumentation and controls. Bob also works in the distribution system installing water lines or repairing leaks. His knowledge and experience are very important to the operation of the department. Bob has a great attitude and work ethic. There have not been very many problems over the years that Bob has not been able to fix according to Water Superintending Jim McGrew. He recently helped with the installation of the Water Department's system which is a very time consuming project and the transition to the new system went very well. So we congratulate Bob Steiner and he chose to eat lunch last week at Senor Panchos. Also, last summer we were given a report about the Ohio Vietnam Veteran's Memorial Park in Clinton, Ohio and I received a mailer this week inviting any citizen of Orrville to come to the unveiling and dedication of the Ohio Vietnam Veterans Memorial Wall and the Gold Star Mother statue on Sunday, May 17th at 2:00 p.m. at the Ohio Veterans Memorial Park, 8005 Cleveland Massillon Road, Clinton, Ohio. Hopefully some of our citizens can make that. We are very well represented there in the park. Our American Legion and VFW went together last summer and purchased a granite bench for that and also some citizens of Orrville went with the City of Orrville and so there is also a bench from the City of Orrville and the citizens of Orrville. So we actually have two up there and I was informed by the people in charge that we are one of the few communities that have two. Lastly, just a reminder that April 19th through the 25th will be our Orrville Community Clean Up Week. As done before, Suzie Auble has kind of been in charge of the years and she is still doing that as well as getting some help from some other people this year. The main emphasis is just to get a group together or individuals; claim a territory; get yourselves organized; get supplies – which you can pick up at the Chamber office or at City Hall; and then drop off your trash under the underpass by the dumpster. You don't have to stick to just those times of year to clean things up. Some of our neighborhoods are actually getting together and doing a neighborhood cleanup which is also a nice thing.

B. Safety Service Director- Director Wheeler reported he received an application for Placement of Farmland in an Agricultural District from William Arnold. As is required by general statute, we are required to hold a public hearing within 30 days of receipt of the application. I would recommend Council proceed with the public hearing at the next regularly scheduled meeting which would be April 20th. I would need a motion to move forward with that public hearing. Miller moved and Shupp seconded the public hearing request. Roll call vote. Ayes all. Motion carried.

Lutz: Advised Council he will be absent from the next two council meetings because of military duty, but he will send a memo out to Council about what the alternatives are and what his recommendations would be.

Wheeler: Finally Mr. President, I just want to thank the Mayor, President, and Council, as well as, the residents and property owners in the City of Orrville for the opportunity to serve you in this position.

C. Utilities Director – Director Preising reported at the last meeting I had said we were going to attempt a fix to Turbine Generator #9. That fix was unsuccessful so we have moved in to an expedited program to rewind that turbine generator. We received bids today. To do that job it varies somewhere between \$650,000 and \$1.4 million. Our guess is somewhere around \$1 million it is

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going to cost to do this. It falls under the resolution you passed the last time to repair the generator so no additional action is required to do this, but I thought I should tell you what the numbers were going to be.

D. Finance Director – Director Strimlan reported the Quarterly Investment Report for the first quarter of 2009 was distributed to Council prior to the meeting.

E. Law Director - Director Lutz reminded Council to be careful not to e-mail each other or have discussions outside public hearings because of the open meetings law in Ohio. It is easy to e-mail back and forth, but you really are not supposed to be having decision making discussions that way, it is suppose to be in an open meeting. Related to that, in regard to the criminal activity nuisance ordinance, we had sent out a copy with the changes that we had made to all Council. I didn't feel I had enough feedback from enough of Council to put it the new ordinance on first reading for tonight so that will happen at the next meeting and I will make sure that legislation is done even though I am not going to be here. My predecessor and partner John Kropf or Tim Vansickle will make sure the legislation is presented to Council. The primary amendment in the new legislation are basically in paragraph B where we have incorporated that the City will make its best effort after two nuisance type violations within a six month period send a written notice to the owner of the property as a courtesy. That means that if for some reason we can't prove it got delivered to the owner, it doesn't prevent the City from proceeding with the way the ordinance was written before, after three such incidences. The other change that was made is it defined residential dwelling unit using the definition in Chapter 1102 of the Orrville Zoning Code and the reason we did that is because it was clearer that residential dwelling unit meant single family residence. In other words, it wouldn't be any misconception that if you had several incidences at an apartment building complex that that could qualify under this ordinance as a nuisance. It has to be several incidences at the same family dwelling, That just clarifies that. At next meeting a new ordinance will be on first reading. So the ordinance before you tonight, I recommend you vote down. The new one will come on first reading next time and you make your decision based on that; unless you want other changes. So that is what tonight was for, to make sure everybody on Council is on the same page with the way it is currently written because if we have to change it again, it has to come back on first reading if it is a substantial change and we don't want to have to keep doing that.

Corfman: Can we have that introduced declaring an emergency?

Lutz: If that is what Council wants.

Corfman: I am asking for that. I don't know if the other five here present agree with it, but that would put it into affect after it is passed by Council the following Tuesday morning. We have had four meetings, eight weeks of it – it has already been out there. This will make it ten weeks so I don't see the need to go another 30 days before it is enacted. It will be at the Police Chief's ability to get in enacted.

Vance: I think there is some reason to use the emergency clause because it is for the health, safety, and welfare of the City. I think if this ordinance doesn't affect that then there aren't many that do. So it certainly does meet the requirement, whether or not Council wishes to do that is certainly up to the other members of Council. One thing I wanted to point out, I think it is easy when we are communicating to send out an e-mail thinking that this means to give feedback. In fact, the e-mail actually didn't asked for feedback. It just said if you have any questions or comments to contact someone. I didn't have any questions or comments; I felt like I understood it so that might have been some of the others too. It is just always the communication going both ways and being as clear as possible. I think that might be some reason why we are not ready to go tonight. I just hope people understand that we may vote it down or delay the vote tonight, but we do have another plan in the works and we are still certainly committed to achieving this.

Baker: A point of clarification when you say emergency, the term emergency when it is used in an ordinance like this does not mean that there is an emergency that is happening. That is not the meaning of the word there. The meaning of that word means that it will take effect immediately

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rather than having to wait 30 days. Is that right Mr. Lutz?

Lutz: It is a waiver of the 30 day waiting period. It goes into effect as soon as it is passed and signed by the Mayor.

Baker: A lot of people misunderstand that wording when it is in an ordinance.

Vance: The reason being is we are getting into the summertime with all the stuff that goes on. That is why all this talk of the emergency clause is being discussed. I think it is something the Police Chief would appreciate having a tool in his belt to be able to use sooner rather than later as we get into the summer season.

Landaw: Are we going to plan on passing this on the first reading, this new piece of legislation, or will there be more time for citizens to come to meetings and speak up?

Corfman: I would expect first reading.

Vance: That is my expectation as well. We have done quite a bit of study, a lot of talking in the community with various groups, a lot of debate, very careful study of the language, and I am prepared to vote on it.

Miller: I just want to make sure it is as clear as humanly possible that the nuts and bolts of this ordinance is not being reconstructed. The additions are only what the Law Director has said. The essence of this is the same. We just need to make sure that is clear.

Baker: We are still under Mr. Lutz's report.

Lutz: That is all I have.

F. President of Council – President Baker

Peppard: We have received a petition from The J.M. Smucker Company for vacating of streets. This application will be referred to the Planning Commission.

Baker: For the general public I just want to remind you that this is a special week for many of us in Orrville and actually throughout the Country with it being Holy Week. If your church is having services, attend. If you are not a church member feel free what you would normally do at Easter time starting with Thursday, Friday, Saturday, and Sunday it will be a special day for many of the residents in Orrville.

Old Business:

ORDINANCE G-09

Corfman moved and Aspiras 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 third reading.

Vance: I have a question before we vote. We talked about postponing this, is that...

Lutz: I am recommending you vote this one down and the new one will come on next time. You are not postponing this one because this is not the one you are going to vote on to pass.

Roll call vote. Ayes all. Motion carried.

Corfman moved and Vance seconded that Ordinance G-09 be adopted as read. Roll call vote. Nays all. Motion declined.

New Business:

Finance Director Janet Strimlan presented the Annual Report for the Finance Department.

Good of the Order: None.

Corfman moved and Aspiras seconded that the council meeting be adjourned. Ayes all. Motion carried. Council was adjourned at 8:18 p.m.

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Tamra Peppard, Clerk of Council

Date

Lyle Baker, President of Council