

Regular/Public

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

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

Hamsher moved and Corfman seconded that the minutes of the May 16, 2011 regular meeting be approved. Roll call vote. Ayes all. Motion carried.

Public Comment: None.

Standing Committee Reports:

A. Finance – Mr. Miller reported that prior to tonight’s meeting Ms. Strimlan passed out the 2012 Budget Calendar and if you’ve had a chance to look at, I am sure you will see that it is similar to what we have done in the past. Also, with that there are a couple motions that we need to make tonight. The first being that I would move to set a public hearing on the 2012 Budget on the 20th of June prior to that Council meeting seconded by Aspiras. Roll call vote. Ayes all. Motion carried. The other motion we need to make is we are calling a special meeting for the second reading of the 2012 Budget on the 27th of June. That will also be a workshop for Council and that all will be after the Utility Board meeting, Hamsher seconded. Roll call vote. Ayes all. Motion carried.

B. Utilities – Mr. Vance reported that Resolution 17-11 is on our agenda tonight for third reading and just for the recorded I wanted Council to know the Public Utilities Board has met several times over this and discussed it extensively and has approved this resolution although tonight we have a slight amendment to it, it doesn’t change the substance of it. I just wanted to let you know the Utilities Board has approved this and I would urge us to approve it as well.

C. Health & Safety – Mr. Corfman had no reported, but reminded Council he would be absent from the next meeting.

D. Parks and Recreation – Mr. Aspiras reported that with all the sunshine and heat the parks are bustling so I just encourage everyone to get out and enjoy the parks. Then a reminder for the 4th of July celebration will start Wednesday the 29th and it will run to July 3rd and end with the fireworks. I still had a few people ask me that question and I know it gets publicized in the OrrViews and newspaper, but I just wanted to put that out there. As far as the movie in the park and concerts, Mr. Wheeler will update us with that information and anything concerning the dog park.

E. Transportation – Mr. Shupp had no report, but congratulated the graduating seniors and wished them good luck.

F. Planning – Mr. Hamsher reported there is an ordinance on tonight’s agenda, D-11, regarding sandwich board. We are going to be considering changing the codified ordinance so I think Mr. Wheeler will speak a little to that maybe. Also, the comprehensive plan is due an update. We have had a committee meeting. We had six or seven companies submit proposals. We met with four on a short list last week and are in the middle of deciding between two companies to go ahead and help us update our comprehensive plan in 2011. It has been ten years since we did the last one. It is kind of a guide to where Orrville wants to go. We will be asking several citizens for help in advising us where they think and several business leaders and several people in the community to help us guide Orrville into the future.

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

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Special Committee Reports: None.

Administrative Reports:

A. Mayor - Mayor Handwerk reported Tricia Kick has been selected as our June Employee of the Month. She is from the Police Department and she has been employed with the City of Orrville since 1993 as a records clerk and part time dispatcher. Tricia plays a vital role in the success of the Police Department and she is responsible for recording and maintaining all police records and as you can imagine that gets to be an insurmountable task sometimes. She is also responsible for creating purchase requisitions, handling a public record request, initiating training request forms, and other tasks that are assigned by her supervisors. Additionally, she fills in as a dispatcher whenever the full time dispatchers are on vacation or sick. We are very pleased to have Tricia as a member of the Orrville Police Department and those comments were from our Police Chief Carrozza. We certainly appreciate all the work that Tricia does. She is on vacation right now so I haven't been able to get ahold of her to find out when we are going to go eat, but we will do that at some point here in the next week or so. Also, just want to remind everybody that this week is the five year anniversary of Heartland Point and they have several activities going on this week. Tomorrow there is a community breakfast at 7:30 in the morning and then quite a few different things going on events on Thursday during the day. Other days of the week they are doing daily specials and things like that. Just be aware, that has been a great addition to the downtown over the last five years and it is just getting better. I think they are doing very well over there. I know lunchtime they are busy just about every day. So I think they are really encouraged by what is going on there. At our last meeting we talked a little bit about mowing notices and I wanted to just bring up a fact that I wasn't even aware of when we talked about it last. Those last few weeks in May we sent out 46 mowing notices. Some of those were taken care of before we had to do anything about it so obviously we didn't have to go mow all 46 of those. Some people did get those taken care of and understandably we did have a wet spring this year so it wasn't as easy as some years to keep that under control, but one fact that I was real surprised with is that 36 of those were vacant homes. If somebody would have asked before I heard that how many vacant houses we have in Orrville, I probably would have said no way there are 36. I just would not have thought that was the case. Definitely part of the problem a lot of the times vacant homes are bank owned, some of the banks are out of state, sometimes they are in between banks and owners and nobody is really taking care of them so it does present a problem. The good news is I think over the last week or two a lot of them have been taken care of. Some of the worst ones have definitely been taken care of. There are still a few more to go, but our guys are working on it. If there are any in your areas in town that you feel are still a mess, please give us a call because we don't see them all, but we will try to address those as we can because it is something we want to deal with too. Lastly, just wanted to congratulate all the athletes from the Orrville Track Team that competed in the State track meet this week. I think we had as high as several 5th place finishes. There was an 8th place finish. Whether you placed in the top eight or not down there, just getting there means you are in the top 16 in the State in your event and all of those kids did a really nice job so congratulations to all those athletes and their coaches.

B. Safety Service Director- Director Wheeler reported Orr Pool opened Friday, June 3rd, and we had a good turnout over the weekend. The weather cooperated for the most part and we are excited about another season with Orr Pool open. Our regular hours are weekdays noon to 1pm for adult swim; 1-4:45pm for public swim, 5-6 for adult swim again, then 6-7:45 for public swim. On weekends the pool opens from noon to 1pm for adult swim and from 1-6:45 on Saturday and 1-5:45 on Sunday. Daily pool admission is \$4, children under 18 is \$3, children under the age of 3 are allowed in free for use of the wading pool. 2011 season passes are \$80 for resident families, \$120 for non-resident families, \$40 for resident single, and \$60 for non-resident single, and senior citizens with a Golden Buckeye card are eligible for half price pool passes. Also, the Orrville performing arts will kick off Thursday, June 16th, with Gaetano Letizia & The Underworld Band. This is a powerhouse of blues

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and funk. The following Thursday June 23rd is Higher Calling which is a southern gospel trio. Performances start at 7pm. Be sure to bring your chairs. Also the first family fun night kicks off Friday June 24th. I completely botched that last meeting, my apologies. Then Nanny McPhee Returns on July 8th at Rehm Pavilion and the June 24th movie is Ramona & Beezus. Those are our first two movies at Rehm pavilion and start at dusk. Also, Ron Cross has been promoted to our full time Superintendent of Streets. He had been serving an inter-position since November. Also, the dog park plans are scheduled to be at the State this week. We had hoped to have them in the prior meeting, but it ran into a design issue that we have clarified now. Also, mosquito spraying is scheduled to start this week and a reminder to try to eliminate standing water as standing water tends to attract eggs and mosquitos. I know it has been a wet spring as the Mayor said and standing water does contribute significantly to the mosquito issue and we have already done some biscuits and some other things to try to eliminate the eggs themselves and will now try to address the mosquitos themselves with the spraying.

Miller: Are there any plans to replace Mr. Cross's former position?

Wheeler: That is actually...his position and his duties are actually going to be incorporated into the Street Department. Of course he will continue to do a lot of those, particularly the contacts with the industries. A large part of his role is working with them in regards to making sure they were following the codes of the City regarding development and streets and all those different kinds of things. He will continue to take on those roles. The code enforcement will also be taken over as part of the Street Department so as a result we are eliminating his position and as a result we will see significant savings in the budget which we are excited about and we are glad that Mr. Cross has agreed to take on the new position as well as continue the old duties as well.

Miller: That won't affect the efficiency of the code enforcement?

Wheeler: No. The only thing it will affect is your code enforcement you will see someone else doing it rather than Ron. It will be an individual that is within the Street Department. We have had Myron Miller doing that in the past. Danny Lyle will also be trained in that and those two individuals are very capable of doing a really solid job for us on the code enforcement.

C. Utilities Director – Director Brediger followed up on a question that Council Aspiras asked last week about the disposal of the compact fluorescent light bulbs. I did re-distribute a bill stuffer that went out earlier in the year that talked about some generic questions and answers and in that bill stuffer there was a section on what to do with a CFL when it burns out or breaks. The question was geared more towards the recycling side of things and right now things are kind of slow in the recycling department. The EPA is working on developing more programs, developing more sites to recycle these bulbs, but currently our local options are at Lowes. At least that is the closest one. Or Home Depot if you are in the area. Now there is a hazardous material and recycling efforts that go on at Wayne College every year. Just watch the newspaper for that. They usually do that in the summer/fall. I did talk with our local waste hauler and they said if they are broken or burned out throw them out in the trash for the residents. They do ask that you put them in double bags. Do not put them in the recycle bins. Ace Hardware at Buehlers at the present time does not accept these. Those are our options right now. Like I said, the EPA is working to expand some recycling and some other disposal options as these products become more prevalent in our homes. There are a couple websites that are listed in the bill stuffer. One of them was www.epa.gov/bulbrecycling. Another excellent website that is on there that talks about recycling and handling any hazardous sort of materials is www.earth911.com. Punch in your address or zip code and it will tell you how to dispose of everything and the closest recycling and/or hazardous waste facility closest to your zip code. Those are the choices as far as CFLs go. The other piece of information, I just wanted to update you I think there was an article that Mr. Locher covered in the Daily Record concerning a rash of thefts on our distribution circuits. We have had four events so far. Each time we lose hundreds of feet of wire. These are mainly up in the Sterling, Marshallville area. We have been plagued with some thefts in the Sterling, Blough, Pleasant Home, Eby Road areas. County Road 604 not only has material been taken off the poles for our utility suspicious people up on the lines that aren't in utility trucks or

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some other respectable labeling on that to please contact the Wayne County Sheriff Department or contact our distribution department. The Sheriff and a number of the other utilities are investigating this. They have some other people off on the side in the private sector, but these are big thefts. They are costing us money. They pose some serious safety risks to our customers as well as the person and/or persons that are taking this material. If you recall, back in March of this year we had people in our community in some areas of town that were cutting the ground wires and pulling out the grounding rods that are located at the bottom of our electric poles. This too is a very dangerous endeavor. I urge everybody to not do that. That is where we are at on the wire thefts. So far we continue to patrol those areas, but that activity appears to be going on after dusk and we have had some material that we have put up and come back two or three days later and it is back down again. We are utilizing a less expensive, not quite as high salvage value materials in those part of that circuitry, but it is not something you can just leave out. Again, if you do see something going on out there that looks suspicious, please let the Wayne County Sheriff Department or our office know and we will get right on that. If you do nothing more than get a license plate, that would be great. Other than that, Mr. Vance did speak to the resolution coming up. I will echo Mr. Vance's support with respect to the Utility Board's recommendation and continued support on that project and I will answer any questions to that ordinance at the appropriate time.

D. Finance Director – Director Strimlan had no report.

E. Law Director - Director VanSickle noted for Council's benefit, you have been given a copy of Resolution 17-11 which simply includes the language declaring it to be an emergency. That is so the resolution will be in effect immediately.

F. President of Council – President Baker reported school is out so all you people that are out driving around either going to work, going home from work, or out at lunch time keep in mind that there are lots of young people out there as pedestrians and bicycle riders. Watch out for them they have all been shown what they should do either by their parents or at school, but sometimes they tend to forget so take care while you are driving down the road.

Old Business:

Leathers moved and Vance seconded amending Resolution 17-11 by adding the words “and declaring an emergency” to its title and also adding Section 8 which is a section which makes it an emergency and declaring it effective immediately upon passage and approval by the Mayor. Roll call vote. Ayes all. Motion carried.

RESOLUTION 17-11

Leathers moved and Aspiras seconded that Resolution 17-11, a resolution authorizing the Director of Utilities of the City of Orrville to execute a Power Sales Contract with American Municipal Power, Inc. and taking other actions in connection therewith regarding participation in the AMP Fremont Energy Center, and declaring an emergency be placed on third reading. Roll call vote. Ayes all. Motion carried.

Baker: Anyone have a questions? We have been over this a few times and had some workshops.

Vance: I just wanted to make a comment. We know that at some point in the future our current power generating capacity is going to come to the end of the line and this decision helps us to lay some track beyond that point so that we can continue to provide power at below market rates for our customers here in Orrville. It utilizes a brand new state-of-the-art facility that uses clean burning natural gas. It is a decision that is attempting to address our energy needs 20 to 30 years into the future. Of course none of us here knows what the landscape looks like 20 to 30 years from now. So the decision is not entirely without risk, but with all the statistical models that have been done by the several experts that have looked at this only in the very worst case scenarios do we not receive power at below market rates from this facility. We have a way here to secure our energy prices well into the future with a minimal downside to it. I appreciate all the work that Mr. Brediger and the

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Utilities Board has done on this and I think this is a decision that we will look back on years from now and say this plant has served our needs well.

Leathers moved and Corfman seconded that Resolution 17-11 be adopted as amended. Roll call vote. Ayes all. Motion carried.

New Business:

ORDINANCE D-11

Leathers moved and Hamsher seconded that Ordinance D-11, an ordinance amending Chapter 1009 of the Orrville Zoning Code and adding legislation regarding sandwich board signs be placed on first reading. Roll call vote. Ayes all. Motion carried.

Wheeler: What this addresses is what are referred to as sandwich board signs or bifold signs. Many businesses and restaurants are starting to use these to advertise their daily specials or maybe something attractive about the business that they want you to visit for that particular day. Heartland Point uses them, Dairy Queen uses them, KC's uses them, and currently we don't have anything on the books and so of course our concern is with nothing on the books there is 1) the ability to abuse – not that any of those businesses would – but without nothing there, there is nothing that says we can regulate it. As a result we did bring this legislation to the Planning Commission. They did approve it unanimously. It is only applicable in commercial in the Central Business Development District and we did go with a sign 3' in height and 2' in width which is a standard sandwich board sign. One of the planning commission members is Jim Davis who of course is the owner of Dairy Queen and he was very excited about the regulation simply because there isn't anything so everyone is on the same playing field if you will in regards as to what is allowed. I do recommend approval though we can go all three readings if we need to. If I can mention one other thing, the legislation does require businesses to remove sandwich signs every evening as well upon completion of the business day.

Vance: There is also some usage of, I don't know what the signs are called, wind sale signs – I don't know what you call them. An example is north of town the shopping center there on Hostetler Road. Where a business can set out three or four of these large sale type signs and when you have an entire shopping center, one business now is putting signs out there, but what is to stop all the rest of them from doing it and have a whole line of signs when in fact we have put a lot of time and effort into regulating the amount of signage. So I don't know if that would be a subject of a separate ordinance or if it would be something that the committee reviewed separately other than do we want to put an entire sign ordinance together here. Perhaps just leave this to one subject, but that is something that I think should be reviewed as well.

Wheeler: We can do it either way. We can definitely look at some additional legislation and take it back to the planning commission.

Shupp: I notice here you have this limited to one board per tenant. I know that KC's has two that they use on a daily basis. Are they going to be eliminated to use one of those?

Wheeler: They would be required to go down to one.

Shupp: Is there a problem with having two? One is a daily lunch special and the other is the flavors of ice cream.

Wheeler: I don't see an issue if that is something that council would like to amend it to allow for it up to two. I can see where there is usefulness, particularly for an ice cream shop where you do have a variety of flavors that maybe change on a daily basis.

Shupp: I would prefer it to at least allow them to have two for daily specials and also something that they choose to put on their premises as a reminder of part of the menu. I don't know how the rest of council feels, but I don't think two on most properties is any bigger problem than one.

Wheeler: I agree. I don't see that as an issue as far as having up to two.

Miller: I don't see that as an issue either, but what I am thinking is if we do that we will have to make some kind of amendment motion and we can't vote on this specifically the way it is correct?

Wheeler: That is correct. We would need to amend the ordinance as it is written currently.

Miller: We would have to have the wording just right. So we should maybe wait and not do it on first reading.

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Handwerk: Did you want to hold off any way and talk about Mr. Vance's concerns and bring it all back or were you looking at something different?

Wheeler: To be honest I would prefer if we would move forward with the legislation since there is nothing on the books. That way we would at least address the issue as it currently stands, but definitely take another look at Mr. Vance's issues as well. I guess there are a couple options and I don't know if the Law Director would like to...

VanSickle: If you want to amend it, we can amend it to no more than two. We would have to have a motion to amend it and vote on it or you can start over with another piece of legislation.

Shupp: I could move to amend it to two signs instead of one.

VanSickle: Yes it would be paragraph 7. You are moving to amend Paragraph 7 of the ordinance to say that each lot shall maintain no more than two sandwich board signs?

Shupp: Yes.

Hamsher: I am not sure that I am on board with two. I am just thinking downtown. I see your point Mr. Shupp. For example, I know that Audrey's Attic puts one out. They put out two and Expert T's puts out two and the bank puts out two, now we have six or seven or eight signs in the space of a very short period. I think maybe, two options that come up...do we table it or let it go first reading then address it as it goes just so we can have the process started as Mr. Wheeler talked about? And then I guess we can all do some research and come back at it.

Vance: It may be a frontage thing. If we have a downtown business that only has a small lot, there may not be enough room for two signs for every tenant. Maybe we could make it relative to frontage perhaps.

Shupp: Or we could possibly deal with the CBDD area would be restricted to one. That is where your narrow buildings are going to be. We could change the language to restrict it to the CBDD area with one and allow more than one in other areas of town.

Wheeler: Other commercial areas.

Miller: So what I am hearing from this discussion is that if Mr. Wheeler wants something passed tonight, we would pass this and then go back and do the research on what the wording should be on another.

Wheeler: I don't have any issues if Council feels strongly about making an amendment tonight to make the amendment.

Miller: I am thinking the wording needs to be specific. I am not sure that we can come up with the proper wording tonight. It is thirty days before it goes into effect anyway. It is not an emergency.

Vance: Can I ask the Law Director can we come up with the wording for the CBDD idea or maybe the Main Street Orrville footprint?

VanSickle: You can do that, but I would suggest you table it tonight if you are going to do that.

Leathers: We don't have to table it do we, we just let it go on first reading?

Hamsher: We just pass the first reading so it is still active?

VanSickle: Absolutely. You can go through first reading and then come back next week with an amended version.

Wheeler: Can I ask that we hear that there is a consensus to move forward with that so we can appropriately amend it? So what we are hearing is that we go ahead and amend the Ordinance D-11 to reflect that the CBDD would allow only one sign on premise and then two for the commercial area.

Vance: That is my view.

Hamsher: I am not sure about that yet.

Baker: Does this have to go back to the zoning board since we are changing their language?

Wheeler: I don't believe that it does. I believe Council has the right to make the change.

Baker: If we are changing what they are recommended, does it have to go back to the Planning Commission?

Wheeler: I don't believe that it does. I believe Council has the final say.

Baker: We have the authority to change their recommendation?

Wheeler: Yes.

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RESOLUTION 19-11

Leathers moved and Corfman seconded that Resolution 19-11, a resolution authorizing the Safety-Service Director to execute a quit-claim deed that conveys to John D. Chiofalo and Beth M. Chiofalo certain real estate which is no longer need by the municipality for public highways, streets, avenues, sidewalks, public grounds, bridges, aqueducts, and viaducts, or needed in connection with any such purposes, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Wheeler: When Dr. Chiofalo purchased his property it was discovered upon the survey that there was a portion of property which ranges from 7-10 feet which is adjacent to his parcel which is not owned by anyone. It is outside of our right-of-way and also outside of his property line. This issue may have occurred when High Street was originally dedicated, but there are a few situations that we have seen in the past and probably there are a few more out there similar to this. Dr. Chiofalo did approach the City and asked if we would do a quit-claim so that he could take ownership of that property that has no ownership at this point which would allow him some additional space for his chiropractic business that he is constructing.

Leathers moved and Shupp 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 Corfman seconded that Resolution 19-11 be adopted as read. Roll call vote. Ayes all. Motion carried.

RESOLUTION 20-11,

Leathers moved and Corfman seconded that Resolution 20-11, a resolution authorizing the Safety-Service Director to execute a Deed of Easement that grants an easement to the Salvation Army, a New York Corporation, over and on the right of way owned by the City of Orrville, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Wheeler: The Salvation Army recently purchased the property behind Pizzazzios as well as the property on High Street which is going to allow them to expand the current facility and as a result there is some additional parking required and they have approached the City requesting an easement which would allow them to meet storm water requirements to run their storm water line behind their property which is on our property on the Blackwell Williams property. Really what they are requesting to do is install a storm water line as well as a catch basin on that property. It should not have any impact on what we are doing with the dog park and so as a result I did not see any issues with that request. It will save them a tremendous amount of money in regards to what they are going to be able to do, not only to maximize their use on the property but it will also allow them to minimize their cost on the storm water.

Leathers moved and Hamsher 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 20-11 be adopted as read. Roll call vote. Ayes all. Motion carried.

Good of the Order:

Hamsher: I would like to add on my congratulations to the Mayor's for the track athletes we sent. We had eight athletes go down and we came back with nine metals. That was a fabulous job by our athletes. I also wanted to thank our Utilities Director and Fire Chief and the Orrville Utilities and Safety-Service Department for their presence at the Orrville Library opening day extravaganza. Mr. Brediger himself was working with a small power line and we were a little concerned about his qualification to do that but we were glad he was there. The Chief was there educating the youngsters so thank you.

Aspiras: I also would like to echo Mr. Hamsher and the Mayor as far as the track team going down to State and their success. Also, the 127 graduates Mr. Shupp alluded to. It is really some tough times for these kids to graduate whether they decide to go to college, figure out how they are going to pay for these outrageous fees and expenses for college or whether they try to enter into the job market. We really wish them the best of luck. The other thing is I just wanted to take a few minutes and

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congratulate the recent six retiring teachers this year. They have put in a tremendous amount of years and effort. Those six teachers would be Rick Smith, Vicky Hahn, Carol Lance, Carolyn Markley, Linda McHenry, and Rob Hannel. I would just like to say if you characterize success to this city, the citizens, students, alumni you cannot do that without giving some partial credit to fine teachers such as these six.

Handwerk: I think Jim Varner retired. He has been a custodian for 41 years.

Aspiras: If you look at just these six teachers and Jim Varner they combine for close to 250 years of service. I just wanted to thank them for their service. When you teach that many years you have not only affected one generation, you have affected two and in some cases three generations. Thank you and best wishes.

Vance: I just want to pass on my congratulations to the Class of 2011 as well. It has just been a privilege to watch this class come up through school. I think we should have bottled whatever is in the water when this class was born because they are just a tremendous group of kids and I just wish them the best of luck and want you to know we are all proud of you.

Leathers moved and Aspiras seconded to adjourn the council meeting. Roll call vote. Ayes all. Motion carried. Council was adjourned at 8:15 p.m.

Tamra Peppard, Clerk of Council

Date

Lyle Baker, President of Council