

Regular/Public

September 5, 2006

President Handwerk called the meeting to order. Pastor David Kearns-Preston offered the prayer. The Pledge was recited.

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

Baker moved and Purdy seconded that the July 17, 2006 and June 24, 2006 minutes be approved. Roll call vote. Ayes all. Motion carried.

Public Comment – None

Standing Committee Reports:

A. Finance – Mr. Miller stated that a meeting was held August 28 concerning the one-quarter percent city income tax increase that would go directly to our capital improvement fund account and that will be on the ballot in November. We will be doing a lot to get the public information on this pretty soon such as information spots on Armstrong, public meetings, articles and the like. The next meeting will be on September 11 immediately following public utility board.

B. Utilities – Mr. Landaw had one item that was reported on at the Public Utility Board meeting. They're looking at moving in negotiations for purchasing coal for next year. At this point coal costs are climbing rapidly and we are going to expect to pay a good bit more for coal for next year. At this point there is no numbers or set prices yet, but there easily could be a 25 percent increase in coal cost, if not possibly more. From following the utilities, Mr. Landaw doubted if our electric utilities is going to be able to eat all that cost. Rates payers will all probably help to pay for these high coal costs. Whenever the numbers come in and they have a chance to review all the numbers from this year, we will know better what those figures are. Mr. Landaw was just giving an early warning.

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

D. Parks and Recreation – Mr. Weaver had no report, but wanted to thank the crew that worked at the park this year to keep the ball diamonds up and there's good progress on the tennis courts, which are being redone right now.

Handwerk: Where are they at with the tennis courts? Weaver: They have the poles up, but not sure if the resurfacing is completed or not. Jewell: The actual asphalt resurfacing has been done. Now they are waiting on that asphalt to cure so they can put the tennis court surface on. In the meantime, they are getting the poles up for the new fence. Handwerk: How long do they have to let that cure? Jewell: I think it cures for 30 days. Handwerk: They are going to be dealing with leaves and wet weather when they are trying to do their final coat. Jewell: I think their final coat will go down in mid-September as it has been down for at least two weeks already.

E. Transportation – Mr. Baker advised there have been some streets that have been repaired this summer so far. We are looking forward to a wintertime that is going to be coming up here so we are holding our breath to see what is going to be happening there.

F. Planning – Mr. Purdy had no report.

G. Ordinance & Personnel – Ms. Leathers had no official report, but welcomed Tamra Peppard, our new Clerk of Council. She was appointed at our special meeting on July 24th.

Regular/Public

September 5, 2006

Special Committee Reports: None.

Administrative Reports:

A. Mayor - Mayor Steiner reported the Home Builders Association's Parade of Homes had an attendance of 2749, which was a real success. We were very happy they chose Orrville for their Parade of Homes this year. Thank you to Paul Locher and The Daily Record for the positive articles on Orrville this summer on the events that were happening and also the progress we are seeing in our industrial communities. Keep up the good work, Paul. Downtown there is more building renovation going on now than in Mayor Steiner's memory. Unlike the downtown improvement project of the mid-90's, this is all being done with private money. Thank you to all that is involved in that. It is a real exciting time for Orrville downtown.

B. Safety Service Director- Director Jewell reported that Maple Street received its first coat of asphalt that was previously a chip and seal street. That is one of the first streets that is done with the gas tax motor vehicle license money we are now receiving. That project went well and the street turned out very nicely. Four streets were resurfaced with grant funds (small portions of S. Elm Street and S. Ella Street, Kirk Street, and Jefferson Avenue). It was done with the asphalt overlay on a chip and seal. West Oak and West Paradise streets were also completed. In an effort to save engineering dollars and additional costs this year, the Orrville Service Department completed on the handicap ramps and any of the curb repairs on that project. They did all that work ahead of time and Director Jewell thanked them for all their hard work for getting prepared for the surfacing project. The streets that have not been completed are West Hill and South Sunset and we have been receiving a lot of calls regarding this. The surface that is on there right now is still the temporary surface. That was part of the first step in preparing that roadway for asphalt overlay. In order to do that we have to take out quite a bit of material out so we can mold and profile the street so it is ready for asphalt overlay. This was done on South Sunset, West Hill, Smucker, and Crestview. That project went pretty well except when they were on Sunset and West Hill. When they were breaking it out, the surface was almost rolling with the grater, so it left the surface fairly rough. In the meantime, we need to put some asphalt to patch the roughness on that street and then it will get its final coat of chip and seal. So what is there now is not the way it is going to be by the time it is done. Director Jewell thought it was going to be completed already; however, they still haven't done it and she hopes it will be completed this week. There is also a dust problem because of the limestone. The final coat of chip and seal will use a flagstone, which is much harder and does not have the dust. Handwerk: It is up to the contractor as far as when they decide they can get back there to do that? It has been awhile that they have been putting up with the dust. Jewell: It is mainly because they have to get back in there with the asphalt and do the patching. I thought they were going to do that first and then do the chip and seal on the rest of the streets; however, they did the other streets first.

Regular/Public

September 5, 2006

C. Utilities Director – Director Preising commented that at the next meeting he will be coming with an ordinance to change the codified ordinances in the area of wastewater pretreatment. Thanks to the fine job the industrial community has done over the years, the EPA has allowed us to do away with some of the restrictions on the pretreatment program we have so we need to make those changes in the ordinance. It will also do away with some of the reporting that we had to do. Handwerk: Mr. Preising, at the utilities board meeting last week on the gas aggregation price you said you thought that it was going to be eleven something, I didn't hear? Preising: 11.677 I think. \$11.68. This isn't as low as we would like to have had. Handwerk: It is a little lower than last year though. We were at thirteen something. Preising: Yes, lower than last year, but we hoped it would be even lower yet this year.

D. Finance Director – Director Leggett distributed the July 31, 2006 Fund Balance Report prior to the meeting. Miller moved and Baker second that the report be accepted subject to audit. Roll call vote. Ayes all. Motion carried. Questions can be directed to Director Leggett's office.

E. Law Director - Director Lutz had no report.

F. President of Council – President Handwerk advised that Ms. Peppard has some information. Peppard: An application for a liquor license has been received from the Ohio Department of Liquor Control for a new license for Jerry Demlow, dba Jerry's, at 226 West Market Street, Orrville. Handwerk: As far as our month and a half hiatus council has had, according to the article in the paper on Saturday, I would like to say your council has been busier than what that sounded like. The reality is that we followed our last council meeting in July with a full council meeting to deal with the finance committee on the following Monday evening. Several of us, along with Mrs. Jewell, attended the public transportation with SARTA in Wooster on August 17th. We had another finance full council meeting on Monday, August 28th, after public utility board meeting and last Thursday (August 31st) several of us went to Wooster for the ethanol meeting. A lot of interesting information was presented. Hopefully, down the road maybe that is something this area will be able to benefit from. We did have our two Mondays off from formal council meetings in August, like we have done for – I know that past 16 years and probably quite a few years before that – so it would appear that really the only one who had a month and a half hiatus from council meetings was our Daily Record report Mr. Locher so welcome back. Back to the public transportation meeting, I haven't heard anything back formally from the people that ran that, but I would say that if anyone in the community is really, really got a burning desire to be involved with that or if you are really very interested in seeing public transportation county wide, please get in touch with your council people, let them know how you feel. I don't believe this is going to be anything that is going to be free. Before that ever happens there would have to be some sort of sales tax increase or something passed to foot that bill, but from the sounds of that meeting there seems to be a lot of people who are very interested in seeing something like that come into Wayne county.

Jewell: Wanted to mention – in case anyone gets any calls – we do have provisions made to continue the senior citizens bus routes as we have been doing. The Holmes Wayne Transportation has been working with us and we have all but one final detail worked out. This detail still in question is the monthly bus trips, but all the weekly routes are covered. We have a price proposal and it is just a matter of switching over at the beginning of October with the new company, which is Wayne Holmes Transportation.

Special Committee Reports - None

Old Business

Resolution 41-06

Regular/Public

September 5, 2006

Leathers moved and Landaw seconded that Resolution 41-06, a resolution to make appropriations for current expenses and other expenditures of The City of Orrville, State of Ohio, during the fiscal year ending December 31, 2006, and declaring an emergency be placed on first reading. Roll call vote. Ayes all. Motion carried.

Leggett: The only change in the appropriations is to the utility reserve fund and it is for the non-payroll items. One of the issues we have is with the utilities reserve funds in all of our utilities and more so the electric utility and water utility. When we did appropriations at the beginning of the year, we were very conservative in those appropriations and actually even in the estimates for certificate resources. We did not even appropriate all the money we could have appropriated based on our certificate resources that we have received from the county auditor. At this point it is obvious that we need to increase those appropriations to cover some of the contracts that are listed. The monies for this increase, because of the way the utilities reserve fund is funded, effects the working capital, that money was transferred in March. So the money for this \$200,000 appropriations fund is already in the utility reserve fund and is actually already included in our certificate resources. That money is already there, we just didn't appropriate to that level when we started. That is what we are asking for at this time. It would be best if this was passed tonight because some of these projects would probably happen – specifically the house purchase. I know that contract is in the process of being signed and will probably happen before the next council meeting. If we wait, then we have to encumber that out of another fund and then move it later.

Miller: Mr. Leggett explained it very well. The money is there to be appropriated.

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

Leathers moved and Weaver seconded that Resolution 41-06 be adopted as read. Roll call vote. Ayes all. Motion carried.

Resolution 42-06

Leathers moved and Miller seconded that Resolution 42-06, a resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the county auditor be placed on first reading. Roll call vote. Ayes all. Motion carried.

Leggett: This is an annual ordinance that we get from the Wayne County Budget Commission each year. They actually send us the form, which is why it looks different than what Mr. Lutz's office prepares. The Budget Commission holds their hearing in August, which I attended for the City of Orrville. Following this meeting the form is sent out and is required to be returned to the Wayne County Auditor's office by September 30. This gives the Wayne County Auditor the authority to collect the 2.8 mills of property millage that the City receives which amounts to about \$483,000 per year. This is something we do every year. The millage does not change; it stays the same every year. This will need passed tonight or at the next meeting depending on how much time you wish to give your clerk to get it back to the county office.

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

Leathers moved and Corfman seconded that Resolution 42-06 be adopted as read. Roll call vote. Ayes all. Motion carried.

Ordinance I-06

Leathers moved and Purdy seconded that Ordinance I-06, an ordinance amending the zoning map created by Chapter 1120 of the Codified Ordinances of The City of Orrville, Ohio, to reclassify Lot 747, City of Orrville, now owned by Schantz Organ Company, from R-3 (Residential) to I-1 (Light Industrial) be placed on first reading. Roll call vote. Ayes all. Motion carried.

Purdy: Received a letter from the Orrville Planning Commission that on July 20th the planning commission reviewed a request from Schantz Organ Company to rezone property located at 608 South Walnut Street, Lot 747, from R-3 (Residential) to I-1 (Light Industrial) district. The commission recommends to the Orrville City Council that the request for zoning amendment be approved as

Regular/Public

September 5, 2006

submitted. This is something we have to have a Public Hearing on, so it has to go three readings. The date recommended for this Public Hearing is October 2nd. Leathers moved and Purdy seconded that a Public Hearing be set for October 2nd. Roll call vote. Ayes all. Motion carried.

Handwerk: Vic Schantz is here this evening to answer any questions.

Jewell: The rest of that area that is owned by the Schantz Organ Company is zoned I-1 and this would be in addition to that and would take it up to the alley located right there next to their property.

Purdy: Will this be a significant increase in the amount of industrial space that you will have to expand and work with?

Schantz: This residential property was torn down largely for parking.

Handwerk: You do have a little bit of expansion you will be able to do because of this?

Schantz: This is a project in several phases over several years. In additional phases parking and the addition and renovation of the office followed by an addition to the back of the plant in subsequent years.

Handwerk: This will give you the parking in order to expand out the back later?

Schantz: Right.

Ordinance J-06

Leathers moved and Landaw seconded that Ordinance J-06, an ordinance amending Chapter 1327, Section 1327.99 of the Codified Ordinances of The City of Orrville, Ohio, regarding the Penalty Section of the Property Maintenance Code be placed on first reading. Roll call vote. Ayes all. Motion carried

Jewell: As council will recall at one point in time we discussed that we have a property maintenance code that no matter how many times we take someone to court for violations, it still continues to be a minor misdemeanor. At that time the discussion was were there any changes we could make that would make the penalty stiffer. That is what we have here. Mr. Lutz made some changes to the Penalty Section and what happens is that with each subsequent violation it goes up one step and it goes from a minor misdemeanor to a first degree and that would be on the forth offense or more. I suggest we put this on second reading.

Ordinance K-06

Leathers reported Ordinance K-06 needed to be amended prior to placing it on first reading.

Amending the title as follows:

“An ordinance changing the name of Smithville Road as it runs East and West from N. Elm St. to its terminus east of Main Street in the City of Orrville, County of Wayne, State of Ohio, to Hostetler Road.”

Amending section one as follows:

“WHEREAS, on the 29th day of June, 2006, 2004, a Petition by the Orrville City Council was duly present to Council praying that the name of Smithville Road as it runs east and west from N. Elm St. to its terminus east of Main Street in the City of Orrville be changed to that of Hostetler Road; and” Leathers moved and Corfman seconded to change Ordinance K-06 as stated. Roll call vote. Ayes all. Motion carried. Leathers moved and Landaw seconded that Ordinance K-06, An ordinance changing the name of Smithville Road as it runs East and West from N. Elm St. to its terminus east of Main Street in the City of Orrville, County of Wayne, State of Ohio, to Hostetler Road be placed on first reading. Roll call vote. Ayes all. Motion carried.

Purdy: Received a letter from Orrville Planning Commission on August 17th the planning commission reviewed a request from Orrville City Council for a change in street name from Smithville Road to Hostetler Road. The planning commission voted to recommend to City Council that this be approved. This is also an item that will require a Public Hearing and have to go three readings. The date recommended for this Public Hearing is October 2nd. Leathers moved and Baker seconded that a Public Hearing be set for October 2nd. Roll call vote. Ayes all. Motion carried

Landaw: Director Jewell, will any of the lots have to be renumbered?

Jewell: The actual number of the address will remain the same. Only the street name will change.

Regular/Public

September 5, 2006

Landaw: Will we have to notify the property owners of the public hearing with a letter or just the notice in the paper?

Jewell: I believe that just a notice in the newspaper, but I recommend that all the property owners be sent a notice so they are aware.

Handwerk: Who do you recommend notifying the property owners – your office?

Jewell: Whenever you have a zoning change like the ordinance we talked about, Ordinance I-06, in that case the zoning ordinance says the Clerk of Council shall notify all the abutting property owners on a rezoning, so I think in this case the Clerk of Council will want to notify all the abutting owners on Smithville Road of the public hearing.

Good of the Order – None.

Leathers moved and Baker seconded that the council meeting adjourn. Roll call vote. Ayes all. Motion carried. Meeting adjourned at 8:05 p.m.

Tamra Peppard, Clerk of Council

Date

Dave Handwerk, President of Council