

Regular/Public

December 3, 2007

Prior to council's regular meeting, public hearing was held regarding Ordinances T-07, U-07, and V-07. President Handwerk swore in Becky Jewell who desired to speak regarding the Ordinances to be discussed.

Ordinance T-07, U-07, & C-07 discussion began at 7:30 p.m.

Handwerk: Mr. Purdy do you have any comments?

Purdy: I will comment on the three ordinances and then I will refer to our Safety-Service Director for more explanation. Ordinance T-07, an ordinance amending Chapter 1109 of the Orrville Zoning Code regarding on –premises exterior signs. This is on third reading tonight. I am going to turn to our Safety-Service Director for more of an explanation of what this ordinance is all about.

Jewell: The purpose of this legislation is to amend the sign code. The biggest amendment included within this amendment is the definition of an instructional sign. I will read that definition because this is key to the changes that are being made. "Any sign that has a purpose secondary to the use on the lot and is intended to instruct employees, customers, or users as to matters of public safety or necessity. This includes signage erected by a public authority, utility, public service organization, or private business or industry that is intended to control traffic circulation, direct or inform the public will provide needed public service as determined by the rules and regulations of governmental agencies or through public policy." That is an amendment to our definition section and it establishes a definition of an instructional sign. Going back further into the code, we amend our sign area to say that the sign area that is permitted by a business does not include these instructional signs. These might be an instructional sign for exit or entrance or this is the drive up window, whatever those signs may be. They are not included in the total signage they are permitted on that lot. The next change is a change in the amount of signage that would be permitted in the commercial districts. This commercial signage would then fall in line with the other districts which would say that the maximum total signage on any lot would not be able to exceed 400 square feet. The final change being made as a result of this ordinance is to further clarify the usage of the instructional signs. It lists several purposes. I will not read those all, but basically they are instructional, they cannot be larger than what is necessary to serve there intended purposes, and these signs do not possess design characteristics that would constitute an identification sign. Those are the changes that are being made in our signage code to allow more options for these types of instructional signs.

Purdy: The next ordinance is 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*. I will refer to our Safety-Service Director for more information on that.

Jewell: Thank you Mr. Purdy. The code we are looking at here is a whole new chapter to our Zoning Code which will regulate these outdoor wood furnaces. Several years ago there was quite a bit of legislation that was happening in different places to regulate these furnaces. What is happened by now is that this has standardized and they have come out with what they feel in the industry are reasonable standards that could be put on these outdoor wood furnaces. Those are the ones that you burn your material outside and then the heat or heated water comes into your house or your garage or barn or whatever to provide the heat inside. It also provides for existing furnaces as long as they are not creating a nuisance. They can continue if we have any in existence and we do have some here in the city. The basic part of this is that these outdoor wood furnaces must conform to the manufacturer's instructions regarding the operation and they must burn the type of material that is permitted by there manufacture. Some prohibited uses would be wood that has been painted or varnished or has preservative or resins. They cannot burn that. They cannot burn garbage or rubbish. They cannot burn plastics, rubber, or newspapers or cardboard or anything with ink or dye products. Allowable things are natural

Regular/Public

December 3, 2007

wood, wood pellets, corn products, and biomass pellets and anything else listed as permitted. It gets into setbacks required from their property line. It also gets into required chimney heights above the roof line of their buildings and adjacent buildings. Finally, it provides for appeals and the Orrville Zoning Board of Appeals would be the appeals body for this legislation.

Purdy: The last ordinance we are going to be discussing during this public hearing is 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.

Jewell: What this is does is adds a new permitted conditional use and that would be referencing to the new section for the outdoor wood furnaces. It adds to the conditional uses. That means it would be reviewed by the Planning Commission prior to issuance.

Handwerk: Thank you Mrs. Jewell. Any other questions or discussion about these three ordinances? If there are none, we need a motion from council to close our public hearing.

Purdy moved and Baker second to close the public hearing. Roll call vote. Ayes all. Motion carried. Public Hearing closed at 7:47 p.m.

President Handwerk called the meeting to order. Pastor David Kearns-Preston of the First Presbyterian Church offered the prayer. The Pledge was recited by all.

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

Landaw moved and Miller seconded that the November 19, 2007 regular meeting minutes be approved as amended. Roll call vote. Landaw abstained, ayes from all others. Motion carried.

**Public Comment:** None.

**Standing Committee Reports:**

A. Finance – Mr. Miller reported there will be a Finance Committee meeting for the purpose of a workshop on the income tax filing ordinance on this coming Monday, December 10<sup>th</sup>, after the Utility Board meeting.

B. Utilities – Mr. Landaw had no report.

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

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

E. Transportation – Mr. Baker asked Mrs. Jewell if the leaf pickup has been finished.

Jewell: The leaf pickup today they are running two trucks in the south end of town. Tomorrow they will run two trucks in the north end of town. At that point in time they hope that everything that is out will be picked up so that should conclude it tomorrow.

F. Planning – Mr. Purdy reported that on November 16<sup>th</sup> he received three notices from the Planning Commission. Two had to do with petitions to vacate alleys and one had to do with a street dedication. These three have gone through the Planning Commission and have been approved and we are being asked to review these by the Planning Committee. I would like to set up a Planning Committee meeting for just before our next City Council meeting on December 17<sup>th</sup> at 6:45 p.m. to discuss the petitions to vacate two alleys and a partial street dedication.

G. Ordinance & Personnel – Ms. Leathers reported the deadline for interested parties in the

Regular/Public

December 3, 2007

council seat to be vacated by Mr. Baker when he takes office as President of Council was today. We have a good group of interested parties and I have packets for all of council for review of their letters of interest and resumes. We need to set a time or times to pull these people in and talk with them in regards to that position. I know we have meetings now on the 10<sup>th</sup> and 17<sup>th</sup> so I am looking for any options.

Handwerk: What about the 11<sup>th</sup>? Instead of trying to do this with another meeting and not knowing when we will be done with one. Just going ahead and setting one special night for that.

Leathers: Tuesday the 11<sup>th</sup>?

Handwerk: I am just throwing that date out. I don't know if that works for people or not.

Miller: It doesn't work for me.

Handwerk: Any other ideas?

Leathers: The other factor there is if all of those people can make it on that day as well.

Handwerk: That is true.

Landaw: How many do we have?

Leathers: There are eight.

Landaw: It is going to be kind of tough to even do them all in one night.

Handwerk: That is why I thought if we just did those instead of trying to have another meeting, but you are right it will be tough to do all of those in one evening. I don't know what to tell you. The chances of getting everyone here to say it is okay and then get eight more people to say it is okay probably aren't real good.

Leathers: Should we set up maybe two different sessions? Tuesday and Thursday of next week, the 11<sup>th</sup> and the 13<sup>th</sup>, and try to split them.

Handwerk: We can try to do that.

Leathers: Is that agreeable with everyone.

Landaw: I might not be here on the 13<sup>th</sup>, but that is fine with me.

Leathers: Time? 7:15 p.m.? Okay, 7:15 p.m. on the 11<sup>th</sup> and the 13<sup>th</sup>.

**Special Committee Reports:** None.

**Administrative Reports:**

A. Mayor - Mayor Steiner reported he had a request for council's approval for the re-appointment of Bob Maglio to the Public Utility Board. Corfman moved and Baker second this request. Roll call vote. Ayes all. Motion carried.

B. Safety Service Director- Director Jewell had no report, but was open for questions.

Corfman: Mrs. Jewell I would like if we could look into having a workshop immediately into the first of the year. We will have three new faces and I think we need to re-visit the Design Review Board and our legislation concerning that and tightening some of that up. In that meeting we saw a lot of...there are some things ambiguous including just the 30 day rule.

Jewell: Mr. Lutz and I have been discussing that and I think that is something that should be taken care of right after the first of the year.

Corfman: Just to bring up some of the history of that with three new members of council. Two are known and one is yet to be determined. There is a lot there. I know there is other council that feels the same, I will let them speak for themselves, but I think this needs to be revisited and discussed.

Jewell: Would you like to set a meeting at this time for January?

Corfman: I am not the chair of that committee and that committee has not been named yet, but just so you are prepared for it and know it is coming. If you guys are already working on it, it shouldn't be that hard once we have a chair.

Regular/Public

December 3, 2007

Jewell: I have a note on my calendar on January 2<sup>nd</sup> to look into that.

Handwerk: Did you want to set a date in January...It would be Mr. Purdy correct?

Lutz: What I would recommend, of course, is that you let the administration, Mrs. Jewell and I, work on it and give you a proposed amendment to that legislation for your review. That would probably be a little more efficient.

C. Utilities Director – Director Preising had no report.

D. Finance Director – Director Leggett had no report.

E. Law Director - Director Lutz reported regarding the Design Review Board, as we all know Mr. Purdy will be stepping down as the council person and he is the council's representative on the Design Review Board. The Design Review Board is required to have a council member or a designee. So probably at the next meeting or at the very latest the first meeting in January some member of council will want to agree to be on that board or a designee. I talked to Mr. Purdy and I don't think he wants to be the designee so you will have to find someone else.

Handwerk: Mr. Baker and I have already talked about that and I would image just whoever is going to be your chairman of the Planning Committee.

Baker: Yes, they are agreeable when they are selected.

F. President of Council – President Handwerk requested council's approval to re-appoint Mr. Roy Wade and Mr. Ed Hershey to the Firemens Dependency Board. Corfman moved and Leathers seconded this request. Roll call vote. Ayes all. Motion carried. I would also like to commend the Street Department workers during the last few weeks for their work with the leaf pickup. Any body who has any trees, this year has been kind of a strange year. The leaves just kind of wanted to hang on forever. Some of them still aren't down yet. It has been very difficult for them to get everybody's leaves because a lot of people weren't getting them out there when they normally would. I know last week at this time they were picking up leaves all day in pouring down rain and today it was snow and wind and just about as nasty conditions as you would want for that. I just commend them for doing such a good job and sticking with that. I would also like to encourage any citizens, anybody that has maybe been out of the country for the last few weeks, if they don't know we have a controversy going on with the CVS property, proposed property, theatre property down there. Please talk to your council people and let them know how you feel so they have an idea of what direction they want to go if it comes to council. Again, council has had no action in this yet. It is with the Design Review Board. It will be with them one more time on December 26<sup>th</sup>. If it does come to council, it would be nice to have a good feeling for where people are. One thing I would like to have council consider and that might be possibly moving the January 7<sup>th</sup> meeting up to about 6:00 p.m...just in case you happen to be an Ohio State fan.

**Old Business:**

**ORDINANCE R-07**

Leathers moved and Baker seconded that Ordinance R-07, an ordinance amending Section 931.07 of Chapter 931 of the Codified Ordinances of the City of Orrville, Ohio, and declaring an emergency, be placed on third reading. Roll call vote. Ayes all. Motion carried.

Handwerk: Any other questions on this one.

Miller: I just wanted to comment on this one. We did receive some information on what some of our neighboring cities are paying for trash pickup and recycling and I did a couple calls myself to Wadsworth and Medina and everybody appears to be at this \$12 rate or higher. It doesn't look

Regular/Public

December 3, 2007

to me like we are going to do any better than this at this point. And it is a three year locked in deal.

Leathers moved and Baker seconded that Ordinance R-07 be adopted as read. Roll call vote. Ayes all. Motion carried.

ORDINANCE T-07

Leathers moved and Purdy seconded that Ordinance T-07, an ordinance amending Chapter 1109 of the Orrville Zoning Code regarding on-premises exterior signs, be placed on third reading.

Jewell: We need to have Ordinances T-07, U-07, and V-07 continued to the first meeting in January due to the fact that the Planning Commission has not reported back to council yet.

Lutz: Mr. President, there are two ways we can do this. We can have the third reading, but postpone the vote until the January 7<sup>th</sup> meeting. So we would have a motion to postpone. We can go ahead with the third reading, but postpone the vote. It is council's choice.

Roll call vote. Ayes all. Motion carried.

Lutz: Mrs. Jewell informed me on the exhibit in the ordinance which is the restated code sections, Section 1109.09 and 1109.10 were inadvertently left off as the last couple pages to that ordinances. However, those sections are not being modified. There are no amendments in those sections. Those will be attached to the exhibit which will be voted on January 7<sup>th</sup>.

Leathers moved and Purdy seconded to postpone the vote on Ordinance T-07 to January 7, 2008. Roll call vote. Ayes all. Motion carried.

ORDINANCE U-07

Leathers moved and Purdy seconded that 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*, be placed on third reading. Roll call vote. Ayes all. Motion carried.

Leathers moved and Purdy seconded to postpone the vote on Ordinance U-07 to January 7, 2008. Roll call vote. Ayes all. Motion carried.

ORDINANCE V-07

Leathers moved and Landaw seconded that 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, be placed on third reading. Roll call vote. Ayes all. Motion carried.

Leathers moved and Purdy seconded to postpone the vote on Ordinance V-07 to January 7, 2008. Roll call vote. Ayes all. Motion carried.

RESOLUTION 69-07

Leathers moved and Landaw seconded that Resolution 69-07, a resolution authorizing the amendment of a certain agreement with Waste Management of Ohio, Inc., for trash pickup in the City of Orrville, Ohio, by increasing the rate charged, and declaring an emergency, be placed on third reading. Roll call vote. Ayes all. Motion carried.

Leathers moved and Purdy seconded that Resolution 69-07 be adopted as read. Roll call vote. Ayes all. Motion carried.

ORDINANCE W-07

Leathers moved and Corfman seconded that Ordinance W-07, an ordinance amending Chapter 181 of the Codified Ordinances of the City of Orrville, Ohio, regarding income tax, be placed on second reading. Roll call vote. Ayes all. Motion carried.

Regular/Public

December 3, 2007

Miller: We spoke of this a little bit earlier. We are going to have a workshop on this and it is scheduled to go three readings.

RESOLUTION 73-07

Leathers moved and Miller seconded that Resolution 73-07, a resolution to make appropriation for current expenses and other expenditures of the City of Orrville, State of Ohio, during the fiscal year ending December 31, 2008, and declaring an emergency, be placed on second reading. Roll call vote. Ayes all. Motion carried.

Miller: This is also scheduled to go three readings.

RESOLUTION 74-07

Leathers moved and Miller seconded that Resolution 74-07, a resolution authorizing the Public Utilities Board of Control to enter into a contract and/or contracts for coal supply and ash disposal for a three (3) year period, and declaring an emergency, be placed on second reading. Roll call vote. Ayes all. Motion carried.

Landaw: Just to review, this locks in our coal purchases for three years at a very good rate, below the market rate any how, considering the rising prices. Approximately \$28 million over three years not to be bid, but again they have been working most of this year and beyond to get these good prices. The biggest thing that might affect it is the motor fuel prices and transporting our coal might affect the cost in the future. Director Preising mentioned to me that it would be helpful to them if we could pass this tonight so they could move ahead with finalizing the contracts. If council is comfortable, I would encourage them to pass it.

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

Leathers moved and Weaver seconded that Resolution 74-07 be adopted as read. Roll call vote. Ayes all. Motion carried.

**New Business:**

RESOLUTION 75-07

Leathers moved and Miller seconded that Resolution 75-07, a resolution to make appropriation for current expenses and other expenditures of the City of Orrville, State of Ohio, during the fiscal year ending December 31, 2007, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Miller: Mr. Leggett will speak to this legislation.

Leggett: You should have received a memo from me outlining these changes, the three funds that are affected in this amendment. Traditionally at year end and I usually like to do it at the next meeting rather than this one to try to take care of any appropriations that need adjustment different from when we passed legislation back in the Spring. We have those three funds that we mentioned – the Solid Waste Fund, the Grants Fund, and the Electric Utility Reserve Fund. We would like to increase those by the amounts stated in the memo. The Certificate of Resources has room for all of these so there is no need to amend that. We would be happy to answer any questions and if you have none I would appreciate it if you would pass this legislation tonight.

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

Leathers moved and Weaver seconded that Resolution 75-07 be adopted as read. Roll call vote. Ayes all. Motion carried.

**Good of the Order:** None.

Regular/Public

December 3, 2007

Leathers moved and Baker seconded that the council meeting be adjourned. Ayes all. Motion carried. Council was adjourned at 8:15 p.m.

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Tamra Peppard, Clerk of Council

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Date

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Dave Handwerk, President of Council