

Regular/Public

January 17, 2012

President Baker called the regular meeting to order.

Pastor John Mulpas, Orrville Christian Church, offered the prayer. The Pledge was recited by all.

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

Excused: Hamsher.

Aspiras moved and Corfman seconded that the minutes of the January 3, 2012, regular meeting be approved. Roll call vote. Miller abstained. Ayes all. Motion carried.

**Public Comment:** None.

**Standing Committee Reports:**

A. Finance – Mr. Miller had no report.

B. Utilities – Mr. Vance called a meeting of the Public Utilities Committee for next Monday, January 23, 6:45 PM or at the conclusion of the Public Utility Board meeting whichever may come first. The purpose is to discuss the proposed increase in Water rates.

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

D. Parks and Recreation – Mr. Aspiras reported that Resolution 2-12 that Mr. Wheeler has introduced has grant money for Parks and Recreations and Mr. Wheeler will fill us in on details during his report and/or during the legislation.

E. Transportation – Mr. Shupp had no report.

F. Planning – Mr. Hamsher was excused.

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

**Special Committee Reports:** None.

**Administrative Reports:**

A. Mayor - Mayor Handwerk announced the January employee-of-the-month is Mr. Todd Yoder. Todd has been with the City for 22 years. He currently works as a Service Worker II and serves as the Union Steward for the Service Department. Ron Cross our Superintendent of Service Department has this to say, "Todd has a great work ethic and takes pride in his work." He "appreciates Todd's leadership and straightforward attitude. His efforts in helping our department through our recent transition have been greatly appreciated." Todd and his wife, and their daughter Mikenzie reside in Orrville. He has a dog named Munch and two cats, Garfield and Tuffy. So that's the rest of the family. Todd has a great sense of humor, is an avid bowler and enjoys playing bass guitar. Congratulations to Todd and he and I will be eating lunch at Senor Panchos on Friday. Also wanted to mention that we had some work done on Ella Street where the parking area is kind of in front of the high school and the Boys Club. We knew that that was a muddy mess and we really couldn't do much about that during the school days. We had that scheduled to work on Friday when the kids were out of school and then of course the snow came and that messed that up. We had two of our employees along with Ron Cross that came in on Monday which was a holiday for us, Martin Luther King Day. But they volunteered to come in, Ryan Immel and Myron Miller and they got quite a bit of gravel spread out there. It's not going to be the perfect solution to the problem out there. It is going to be a mess and of course today's rain and 50 degrees just makes that worse because the mud will be able to gobble up the gravel quicker that way. If it does freeze eventually, I think we will be fine but then spring comes along and we will be dealing with the same thing again. Keep in mind we are doing Mineral Spring Street this summer and hopefully next, the year after, Ella Street. It will be better at some point. We will keep trying to do some work on it as much as we can to make it possible for people to park out there. That is all I have. Thank you.

B. Safety Service Director- Director Wheeler reported trash pickup scheduled for this week remains the same as usual--the regular schedule. The holidays have not affected the trash pickup schedule. Also, we will be swearing in patrolman Doug Miller as a full-time officer this Friday at 9AM. He has been a part-

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time officer with our Police Department for the past year. We welcome him to the Orrville Police Department in a full-time capacity.

C. Utilities Director – Director Brediger just one point of information. I did send out an email to City Council and the Utility Board today. Orrville Utilities was featured in the U.S. Business Executive magazine--a nice feature article in there. They captured the spirit of what we are trying to do in this community. The magazine comes out on a quarterly basis and there were several other municipalities that were highlighted in this particular edition. I thought they did a pretty nice job representing us.

D. Finance Director – Director Strimlan had no report.

E. Law Director - Director VanSickle had no report.

F. President of Council – President Baker had no report.

**Old Business:**

**ORDINANCE A-12**

Leathers moved and Vance seconded that Ordinance A-12 an Ordinance amending the zoning map created by Chapter 1120 of the Codified Ordinances of the City of Orrville, Ohio, to reclassify parcels of land known as lot numbers 2240 through 2242 in the City of Orrville from I-2 (Industrial) to C-3 (Commercial), be placed on second reading. Roll call vote. Ayes all. Motion carried.

Wheeler: The Planning Committee did meet last week to discuss this agenda item but we really didn't talk about it at the last meeting so I thought I would at least give an overview in case someone out there in the public watching us was wondering what this was. This is a request from the City of Orrville, Orrville Utilities to rezone the former Rosemont property on Main Street from I-2 Heavy Industrial to C-3 Intensive Commercial. The property is approximately 9 acres and is adjacent to C-3 and C-4 property with I-1 property across from it on Vine Street. With the new Industrial Park obviously we are encouraging new industrial development at that location. There is a lack of buildable green space, commercial green space, in the City. Adjacent property owners were notified of the rezoning request. There was no opposition at the Planning Commission public hearing. And the Planning Commission did recommend approval.

Baker: Does anyone have any questions of Mr. Wheeler?

Leathers moved and Shupp seconded that the rules, regulations, and statutes requiring the reading of an ordinance on three separate days be suspended. Roll call vote. All Ayes. Motion Carried.

Leathers moved and Aspiras seconded that Ordinance A-12 be adopted as read. Roll call vote. Ayes all. Motion carried.

**ORDINANCE B-12**

Leathers moved and Miller seconded that Ordinance B-12, an Ordinance amending the zoning map created by Chapter 1120 of the Codified Ordinances of the City of Orrville, Ohio, to reclassify parcels of land known as lot numbers 370 through 372 in the City of Orrville from I-2 (Industrial) to C-3 (Commercial), be placed on second reading. Roll call vote. Ayes all. Motion carried.

Wheeler: This property is owned by Quality Castings and is adjacent to the North of the former Rosemont property. They are requesting too to be rezoned from I-2 Heavy Industrial to C-3 Intensive Commercial. The property is 73,000 SF and in the current I-2 zoning they would not meet the required minimum square footage for an industrial structure. Adjacent property owners were also notified of the rezoning of this property request and there was no opposition at the Planning Commission public hearing. And the Planning Commission did recommend approval of this request.

Leathers moved and Shupp seconded that the rules, regulations, and statutes requiring a reading of an ordinance on three separate days be suspended. Roll call vote. All Ayes. Motion Carried.

Leathers moved and Corfman seconded that Ordinance B-12 be adopted as read. Roll call vote. Ayes all. Motion carried.

Leathers: That concludes tonight's old business.

**New Business:**

**RESOLUTION 1-12**

Leathers moved and Corfman seconded that Resolution 1-12, a Resolution authorizing the Safety-Service Director to enter into a contract and/or contracts for the lease of space for the sale of soft drinks, ice cream, candy, popcorn, peanuts and other like items at Orr Park for the years 2012 and 2013, be placed on 1<sup>st</sup> reading. Roll call vote. Ayes all. Motion carried.

Wheeler: This is a bi-annual resolution which authorizes us to go out and get quotes for the leasing of concession stands at Orr Park. Matt Plybon has had this contract for the past 8 years. The lease is

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currently \$1200 per year and it has been that rate since 2006. Prior to him, Pat Lonier had the lease since 1990 and she actually continues to work for Mr. Plybon. So they definitely have a great deal of knowledge and expertise in the concession stand business. We have a list of contacts that we will see if they are interested in bidding on the lease but we have not had any other bidders in at least the past eight years and we have not actually talked to Mr. Plybon recently but we do believe he is interested in continuing to lease the stands. I would say that anyone that is interested in leasing the stands is welcome to contact the Safety Service Department. We will send the information out to you so that you can submit a proposal as well.

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. All Ayes. Motion Carried.

Leathers moved and Aspiras seconded that Resolution 1-12 be adopted as read. Roll call vote. Ayes all. Motion carried.

RESOLUTION 2-12

Leathers moved and Corfman seconded that Resolution 2-12, a Resolution authorizing the Safety-Service Director to file an application and enter into an agreement and/or agreements with the Ohio Department of Natural Resources to become eligible for financial assistance for public recreation purposes and declaring an emergency, be placed on 1<sup>st</sup> reading. Roll call vote. Ayes all. Motion carried.

Wheeler: This resolution would allow us to submit a grant application to the Ohio Department of Natural Resources, under their Nature Works grant. This grant just came available to us with approximately \$20,000 available, just under \$20,000. It is a 75/25 grant and some of the 25% is permitted being in kind but it does require some cash match. We did use the same grant, and that was already in 2010, believe it or not, to construct the Dog Park. But this year's grant, if we are lucky enough to be approved, we are proposing to purchase new park equipment for Orr Park. The City has spent money over the past few years and have received grants over the last several years for park equipment for other parks. We have done some equipment replacement at Gailey, Hill Top, as well as Beaver Street, but nothing since 2003 at Orr Park. Interestingly enough as part of the Comprehensive Plan Update as well as just some miscellaneous emails that the Mayor has received, we have received feedback from the public requesting some newer equipment at Orr Park. I am asking for approval of the resolution tonight so that we can submit the grant application in a timely manner. However, we do not expect to hear back from the State until the fall to winter of this year so the actual purchase may not occur until 2013. However I do plan to modify the capital budget for 2012 for final appropriations just in case it is approved at a time that we are still able to still purchase it in 2012. Typically, actually too, a lot of the equipment sales companies run pretty good deals in the winter when they are struggling for business. So that would be a great time to purchase it if everything is able to fall in line within that time line.

Vance: I am not questioning the use of funds for the park equipment. I just have a question about eligibility. The concrete bases of the little league fences have heaved up through frost heave. Is that a project that is eligible for funding through this grant at some point in time?

Wheeler: It would be. Normally they are looking for more active type of purchases or equipment but they do fund maintenance type projects as well.

Vance: As a follow up, so that project might be eligible but we're not sure that given all the other competing projects that are submitted that it might be looked at as favorably as some others.

Wheeler: Yes, sir, that is correct.

Vance: Okay. Thank you.

Baker: Any other questions, comments?

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

Leathers moved and Aspiras seconded that Resolution 2-12 be adopted as read. Roll call vote. Ayes all. Motion carried.

ADMINISTRATIVE ORDER 01-12,

Leathers: It is my understanding we do not actually place this on reading with a vote is that correct? We just read it?

VanSickle: Just read it.

Leathers: Administrative Order 1-12, an administrative order granting authority to the Public Utilities Board of the City of Orrville, Ohio, to increase water utility fees by six percent (6%) per year for a three (3) year period beginning fiscal year 2012.

Vance: I'll just note for Council's clarification, this is the item on the agenda for the Public Utilities Committee next Monday.

Baker: Does anyone else have anything?

Brediger: I would just like to add the Public Utility Board did review this and they did pass resolution at their meeting last week and there was some supplemental information that was supplied to City Council

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and Utility Board if there is any information or questions on that or any additional information prior to next week's workshop, please let me know. Thank you.

Miller: As I recall Mr. Brediger, the average increase on a bill would be in the vicinity of \$2.00.

Brediger: Yes, that is correct.

Miller: A month.

Brediger: Right--a little over \$2.00 the first year. Don't hold me to these numbers I didn't bring the documentation with me but \$2.10 the second year and \$2.20-.30 a month the third year.

Aspiras: Thank you, Mr. President. Mr. Brediger I know the Utility Board discussed the big concern is the net revenue versus the debt ratio. That is at 1.2 is the number we need to stay above. And I know you guys provided some good information, looking at the spread from 2011 to 2015, the model results that you provided on this chart here. It looks like in 2015, I know we are going to discuss this more in detail on Monday, but it does look like in 2015 we have a projected rate increase of 3% vs. the 6% for 3 years prior to that. Is that because the debt is going to be turned down at that time? Brought down? Is that mainly...?

Strimlan: If you recall the resolution doesn't address 2015 and that's because of the pending EPA regulations and we are not sure how the Water is going to be impacted at this time, because of the direction that the Electric Utility is headed so we need to wait until we can evaluate the situation with the Electric Utility. So at this point in time, and also the debt will be falling off, so we will wait and see what the future of the Electric Utility looks like and then we will address that rate increase at that time.

Aspiras: So all of that will be falling off in 2015.

Strimlan: 2018 the debt will be falling off. But we are protected at 3% right now.

Aspiras: Ok. Can we for Monday's meeting, can we get what this net revenue to debt ratio will look like. I know we've got it here each year, can we get it as far as if we were to look at a 5%, 4%, a 3%, what would that net revenue to debt ratio look like--even a 7 or 8%. What does that do to that ratio? Can we do that?

Strimlan: Sure.

Aspiras: Thank you.

Baker: Any other questions? We'll move on.

ORDINANCE C-12

Leathers moved and Vance seconded that Ordinance C-12, an ordinance extending the temporary moratorium on the acceptance and processing of applications for zoning, occupancy, and/or building permit approvals for sweepstakes/internet cafés and the issuance of such approvals for a period of six (6) months and declaring an emergency, be placed on 1<sup>st</sup> reading. Roll call vote. Ayes all. Motion Carried.

Wheeler: This ordinance is an extension of the current moratorium which council passed July 27<sup>th</sup> on internet sweepstakes cafés in the City of Orrville. Council obviously knows this but for the public internet cafés are actually locations where customers purchase phone cards or internet time on magnetic swipe cards which are actually loaded with sweepstakes points as well. They are able to use these cards to play games on computers that are actually provided at the location and they have a chance at winning cash or prizes. They currently have no State regulations or oversight in place regarding internet sweepstakes cafés and the moratorium is set to expire January 27<sup>th</sup>. According to the Attorney General, he is hopeful that the State Legislators will look at passing new regulations and so I am asking for a 6 month extension on the moratorium with the hope that State will address these internet sweepstakes cafés during that 6 month period. There is a House Bill still pending, still in committee, it has been there for a while but I think with the prodding of the Attorney General I am hopeful that there will be some action taken. I think it was interesting that the Attorney General did refer to these cafés as the Wild West of Ohio gambling which I thought was an interest phrase to use. I would be glad to answer any questions.

Vance: Thank you, Mr. President. The bill that Mr. Wheeler is referring to is HB195. It was actually sent to committee last April. We passed a resolution in July. Now we have to extend this moratorium again. I have asked for a resolution for Council to pass to encourage the legislature to get this bill out of committee and throw on the floor of the Legislature and get it to vote. This HB195 would give our council the tools that it needs to be able to provide the kind of planning that we need to in order to be able to deal with these kinds of businesses. Right now we don't have those tools other than to simply pass a moratorium. We need the State Legislature to take up this bill and act on it so Mr. Wheeler has indicated that we are preparing a resolution to do that. So we need to encourage our legislators to take some action on this so that we are not sitting here passing moratoriums waiting for them to act. They have had plenty of time to take a look at this, to hear testimony on it; it is time to put it to the floor and for the State House to get a vote on this. Thank you.

Baker: Any other comments?

Leathers moved and Corfman seconded that the rules, regulations, and statutes requiring a reading of an ordinance on three separate days be suspended. Roll call vote. All Ayes. Motion Carried.

Leathers moved and Miller seconded that Ordinance C-12 be adopted as read. Roll call vote. Ayes all.

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Motion carried.

Leathers: That concludes tonight's new business.

**Good of the Order:**

Corfman: For the "Good of the Order" I would like to note that Rittman has now also joined the other municipalities in passing a resolution urging the cities continue to collect our own income tax.

Baker: Anyone else have anything for the Good of the Order this evening?

Leathers moved and Shupp seconded to adjourn the council meeting. Roll call vote. Ayes all. Motion carried. Council was adjourned at 7:55 p.m.

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Jeanne Gault, Clerk of Council

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Date

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Lyle Baker, President of Council