

Regular/Public

November 3, 2014

Council President Baker called the regular meeting to order and offered the prayer. The Pledge was recited by all.

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

Excused: Wilson and Aspiras.

Corfman moved to approve the minutes of the October 20, 2014, regular meeting as posted and Shupp seconded. Roll call vote; all yeas; motion carried.

**Standing Committee Reports:**

None.

**Special Committee Reports:**

None

**Administrative Reports:**

Mayor Handwerk: Thank you, Mr. President. The only thing I really wanted to report on tonight is that the Rails to Trails organization and Mr. Douglas, we've been able to meet. And we've had one meeting so far and it went very positive. We are hoping to have another one scheduled here within the next week or so to move forward. And with any luck maybe we won't even have to worry about any kind of a lawsuit anywhere down the road. That's all I have. Thank you.

Safety Service Director Wheeler: Thank you, Mr. President. Tomorrow, just going through the schedule for everyone on our road construction, we do have a little bit of construction going on currently. Being sarcastic. Tomorrow we are doing concrete pours on E. Hostetler and S. Crown Hill. Thursday is the concrete pour on Hostetler by Main St. Heatherwood, Kenwood basin repairs and installation are complete. They are doing base repair currently on Kenwood and Tammy. Obviously we'll keep moving along on that project as long as the weather cooperates with us. The east lane of the Apple Avenue extension will be poured Wednesday. That project is coming along nicely if you ever get a chance to drive by and check it out you'll be amazed at how that project is coming along. The Dominion gas line project, which obviously the City is not in charge of but it does impact all of us obviously, has been completed on S. Main Street. The restroom construction in lower Orr Park is nearing completion and that actually is coming along quite nicely as well. The fence for ball fields 1 and 2 is complete, I think I mentioned that last time. That actually came out very nice. I did have an announcement to make that I promoted John Scott to the Service Department Superintendent. He's been the supervisor there for a number of years, deserves the opportunity and has done a fantastic job in the last few months doing a little bit of everything for us. I welcome John to the new position and I know he'll do a fantastic job. That's my report for tonight.

Utilities Director Brediger: Out of town.

Finance Director Strimlan: Thank you, Mr. President. Prior to tonight's meeting I distributed the temporary appropriation booklets. I'll also be sending those electronically to you. There are no changes from the 2015 budget that we reviewed in depth in June. This legislation will be on first reading on November 17<sup>th</sup>. It should go the full three readings. But if you have any questions between now and then, please feel free to call me. We will not have a workshop because they are temporary appropriations. Also I distributed the Fund Balance Report for the period ending September 30<sup>th</sup> and I

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would ask for a motion to approve that report subject to audit. Vance moved. Corfman seconded. Roll call vote, all yeas, motion carried.

Law Director Kirkbride: Thank you, Mr. President. Just a few items dovetailing what the Mayor shared. We have entered into an agreement as of this afternoon with the Rails to Trails group with respect to indemnification and attorney's fees. So we have that in place now. And also last week I attended an AMP seminar for law directors and for legal counsel. That was very informative and very interesting. I was there in Columbus for two days on that. That's all I have.

Council President Baker: I have nothing new to report for this evening but I would like to thank Mr. Wheeler and the Street Department. I realize there's been some times around town that people may have been delayed or had to detour here and there but overall things seem to be going very smoothly and I appreciate the work that our contractors and the City employees have done. Thank you very much. Wheeler: Thank you, Mr. President. May I add one thing?

Baker: Yes.

Wheeler: I don't know how I forgot this. This is the news of the day obviously. Leaf pickup has begun! South end from November 3<sup>rd</sup> until November 11<sup>th</sup>; then we move to the north end on November 12<sup>th</sup> and then will do a final pass through of the entire City from the 20<sup>th</sup> – 26<sup>th</sup>. Leaves are dry. If the weather cooperates it actually should move along pretty well. I'm not real sure how I missed that earlier but I did want to mention that.

Bakers: Thank you. That completes the Administrative Reports. We'll move to old business please.

### **Old Business:**

Leathers moved that Resolution 29-14 be tabled indefinitely. Corfman seconded. Roll call vote; all yeas; motion carried.

Leathers moved that Resolution 37-14 also be tabled indefinitely. Corfman seconded. Roll call vote; all yeas; motion carried

### **New Business:**

Leathers moved that Resolution 42-14 be place on first reading. Corfman seconded. Roll call vote; all yeas; motion carried. **RESOLUTION NO. 42-14**, A Resolution declaring the intent of the City of Orrville, Ohio, to appropriate fee simple title for the real property known as Permanent Parcel No. 58-00338.00, 45.287 acres on Orr Street in the City of Orrville, Ohio, for the purpose of highway improvements, and declaring an emergency.

Wheeler: Yes, real quick, (holding up a display map) High Street, DeHart property and Beazer, I'm sorry the Beazer property is number 11 on here. That's the property we're referring to right here. What this legislation does is allows us to proceed with eminent domain on that property for the truck route. It's .579 acres. What the issue is for us is, and Beazer is well aware of this and is supportive of the eminent domain believe it or not, the issue is is this property as I think everyone is aware is in the voluntary action program with the EPA. As a result the EPA and Beazer has to agree to the type of deed that they'll give us. They wanted to do the quit claim deed I believe. DOT requires a warranty deed on these types of projects so as a result we've been negotiating with them. I'm trying to get this done. Eminent domain seems to be the...I hate to say easy because it's not easy, but the smoothest way to do that. With all that being said Beazer did approach us the end of last week and say, "We think we might be

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able to figure out a way to do the warranty deed.” But in the meantime we thought we should go ahead and proceed legislation just in case we need it. I do think based on correspondence at the end of last week that it won’t be necessary but in order to keep the project moving in a timely manner, keep us on schedule which I know is a loose term with this project, we did decide to proceed with the legislation. And DOT is aware and has recommended we do the same as well. That’s what I’m bringing before you tonight is permission for us to proceed with eminent domain. There would be an additional piece of legislation back to you if we did do that which allows us to file with the court and things so this is actually step one in that process. So if you don’t see step two then of course you’ll know things are moving along appropriately.

Shupp: Mr. Wheeler, your map there, you mentioned five point something acres?

Wheeler: No, .579, just a little over half an acre.

Shupp: The ordinance has 45.287.

Wheeler: Yes, that’s the overall total and I hate the way the legislation was written by DOT but that’s actually the total parcel is 45 (sic) acres. All we’re asking for is .579 acres of. I agree, Mr. Shupp.

Shupp: That surprises me that the total project’s even 45 acres.

Wheeler: No, no, no, not the total project. Their total parcel of land is 45 acres.

Shupp: Okay. Okay. I understand you know. Thank you for clearing that up.

Wheeler: Yea, I said the same thing when I read it. I didn’t like it.

Leathers moved that Resolution 43-14 be place on first reading. Hamsher seconded. Roll call vote; all yeas; motion carried. **RESOLUTION NO. 43-14**, A Resolution declaring the intent of the City of Orrville, Ohio, to appropriate temporary construction easements for the real property known as Permanent Parcel No. 58-00338.00, 45.287 acres on Orr Street in the City of Orrville, Ohio, for the purpose of highway improvements, and declaring an emergency.

Wheeler: This actually is sort of a piggyback onto the prior one. What it does though is allows us to proceed with a temporary appropriation of the land, Beazer’s land, just for construction purposes and then literally it reverts right back to them. This basically it states for us to use for equipment and things to maneuver during the project and again, it’s the same exact reasoning behind it. I again don’t think we’ll need it, don’t think we’ll have to proceed with this process but DOT and everyone aboard feels like we need to proceed with the legislation just in case. And too, this would come back to you as a second piece of legislation if it did move forward so you’ll definitely be in the loop in regards to if we’re able to successfully negotiate with Beazer on the deed. This is actually .073 acres.

Leathers moved that Resolution 44-14 be place on first reading. Shupp seconded. Roll call vote; all yeas; motion carried. **RESOLUTION NO. 44-14**, An Ordinance authorizing the Mayor and the Safety Service Director of the City of Orrville, Ohio, to enter into a contract with Kimble Recycling and Disposal, Inc., competitively bid by the City of Newburgh Heights, Ohio, for refuse collection and disposal and curbside recycling services and declaring an emergency.

Wheeler: This is legislation which will allow us to piggyback on the Newburgh Heights contract. As everyone’s I think is aware, North Canton did not approve the piggybacking so we’re back to you with a different contract with some of the same type of highlights if you will. I am asking that we table this legislation until next meeting. Newburgh Heights is scheduled to meet tomorrow, their council is, and I would request that we allow them to make the first move, if you will and just to make sure that they’re okay with us piggybacking before we even consider doing the same. And I think there’s an amendment as well.

Kirkbride: Yes, we’ll need to amend this to indicate that we’re going to rescind the prior resolution for the North Canton contract which was known as Resolution No. 32-14.

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Leathers moved we amend Resolution 44-14 by inserting the words rescinding Resolution No. 32-14 before the current words in the title and declaring an emergency. And we also need to do that in the body of the ordinance as well.

Vance: Procedural question. I thought we were supposed to provide amendments in writing according to the rules of council. That's just what the rules say. I don't know if you have to do that or not but that's what it says.

Kirkbride: Well if the rules say that, we should do that. But since we're tabling it anyway, we'll do that for the next reading.

Leathers: So I guess I rescind my motion then. And I will make another motion, to table Resolution 44-14 until the meeting to be held on November the 17<sup>th</sup>. Corfman seconded. Roll call vote; all yeas; motion carried.

Leathers: And that concludes tonight's new business, sir.

Baker: Thank you. Anyone have anything for the Good of the Order this evening?

Corfman moved to adjourn the council meeting and Hamsher seconded. Roll call vote; all yeas; motion carried. Council was adjourned at 7:49 PM.

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Jeanne Gault, Clerk of Council

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Date

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Lyle Baker, President of Council