

## Regular/Public

October 19, 2015

Council President Baker called the meeting to order. Deacon William Craig from the First Baptist Church offered the prayer. The Pledge was recited by all.

Roll call: Shupp, Wilson, Vance, Hamsher, Aspiras, Corfman and Lorson were present.

Vance moved to adopt the minutes of the regular meeting October 5, 2015. Hamsher seconded. Roll call vote; all yeas; motion carried.

### **Standing Committee Reports:**

No report for Utilities, Health & Safety, Parks & Recreation, Transportation, Planning, and Ordinance & Personnel.

Finance – Aspiras: Thank you, Mr. President. Director Strimlan passed around a 2016 Temporary Appropriations calendar. So you all should have a copy of that. It is that time of year. So she is promised that the workbooks will be to council by November 13 and first reading will be on November 16 at our regular council meeting. Then on December 7, second reading. December 21<sup>st</sup>, our third reading. The other item that I had was I did have a chance to talk to Director Strimlan earlier prior to this meeting in regards to House Bill 5 (HB5) and what that means to the City of Orrville. Some of you know that HB5 was signed by Gov. Kasich in December of 2014. Which means that we're mandated to implement our new income tax code and ordinance. So we will have legislation prepared by Director Strimlan by our November 2 regular council meeting. That will be up for first reading. And then we will schedule a workshop to go over those items and changes in detail right after the Utility Board meeting. And that will be roughly 6:45 or depending on when the board ends but it will be November 9, after Utility Board, that will be our workshop to discuss the new income tax ordinance. And Ms. Strimlan may have more to say on that during her time. So that's all I have. Thanks.

Baker: We have no special committee reports. We'll move to administrative reports, Mayor Handwerk.

### **Administrative Reports:**

Mayor Handwerk: Yes. Thank you, Mr. President. I just have one item tonight and that is that we do have a resignation from the Utility Board, this as of last week. Jon McGuire has had to resign due to residency requirements and also some job related conflicts. So we appreciate his four years on the board. That is a five-year term for a first term and so he only had a year left to go. But I would like to ask Council's approval tonight to appoint Michele Abel to that position. She and her husband live here in town and she is employed at Pickett and Pickett right across the street from us. So if I could have a motion to do that.

Corfman moved to appoint Michele Abel to the Utility Board and seconded by Vance. Roll call vote; all yeas; motion carried.

Mayor: Thank you. And Mr. President, that's all I have this evening.

Baker: Thank you. We'll move to our Safety Service Director, Mr. Wheeler.

Safety Service Director Wheeler: Thank you, Mr. President. Work continues on East High Street. They are actually starting the tie-in today. So Orr Street is officially closed from Mill to Apple. The detour is Raspberry to Apple to Orr for those folks trying to get around town. So we urge you to avoid Orr Street because you won't have much luck getting through at this point. That work should continue for three weeks with concrete removal, etc. And then be ready and back open, really the new High Street then will be back open in the next three to four weeks assuming we get everything done in the intersection we need done at the same, so there's some variables in there. Hostetler Road work continues. They are obviously focused primarily on the east side. West lane traffic is open. They hope to complete the east side this week and then bounce back and hit the west side and keep going there. We'll probably have another month or so of work to continue on that so hopefully the weather cooperates for us. Also Country Lane asphalt overlay is continuing. Fabric will be installed tomorrow and the asphalt, the actual inner surface course will be installed Wednesday or Thursday weather permitting. And also, believe it or not, its leaf season coming up already. So leaf pickup schedule is out. November 2-6 will be work on the south end. Which includes Market Street. North end work begins November 9-13. And then they'll be around here and there the

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next couple weeks and then the final pass November 30-December 4. They also wanted to remind folks that if somehow you miss that window, Kimble actually is accepting bagged leaves on the standard pickup day only before and after City leaf pickup season though. And that's my report for tonight.

Baker: Thank you. We'll move to our Utility's Director, Mr. Brediger.

Utility Director Brediger: Thank you, Mr. President. Just two quick comments tonight. I just wanted to let Council know that we did issue bids for the boiler 13 coal to natural gas conversion last week. We expect to issue those bids in December assuming they come in along the lines that we're expecting. And the last item is I just wanted to make the utility committee and the balance of the council aware that the October 26 Utility Board meeting will be held at the Wastewater Treatment Plant. So following the board meeting we will take a quick tour of the plant and take a look at some of the capital improvement upgrades going on at that facility so far. And I'll hold off on some comments to the ordinance on the schedule until later one. That's all I have tonight, sir.

Baker: Thank you. Yes, sir.

Corfman: I encourage everyone to take advantage of that meeting and tour this. It's always interesting to go through the Wastewater plant.

Aspiras: Will that be early, Mr. Brediger? Due to the tour, will it start at 6?

Brediger: No, no, we'll start at the same time.

Baker: Any other comments? Thank you, Mr. Brediger. We'll move to our Finance Director, Ms. Strimlan.

Finance Director Strimlan: Thank you, Mr. President. I just wanted to give Council an update on our progress with the income tax changes that were mandated by HB5. The City's ordinance is near completion and as Mr. Aspiras mentioned it will be presented to Council for first reading on November 2. We'll follow that on November 9 with a workshop where we'll discuss with you the changes with our present income tax ordinance and to the one we're going to adopt on January 1<sup>st</sup>. And then final passage is tentatively scheduled for November 16 depending on Council's ability to participate in the workshop on the 9<sup>th</sup>. Prior to the introduction of that legislation there are a few things that we're working on right now. The first compliance deadline that's upon us is the publication of applicable interest rates for our delinquent accounts. To meet that requirement, we will be publishing those interest rates on our website by October 31. The interest rates are mandated by HB5 and they're tied to the Federal Short Term rate. There are a couple other changes that we're going to communicate to the taxpayers through a letter in the very near future. The first change we'll see prior to yearend is the distribution of forms. I'm sure you're all aware that in the past we have mailed estimated tax coupons and we mailed annual returns to all our residents. We found that the majority of taxpayers either use the form from our website or they use a generic form that their tax preparer provides. So, by and large, the forms and the return envelopes that we were mailing to everyone basically went unused. So we felt this was an opportunity to save taxpayer dollars. So beginning January 1, we will discontinue the mailing of those forms and return envelopes. They will be available on the City website. They will also be available here at City Hall and if someone calls and requests that we mail a form we will do that as well and we'll note that in our system. Again we'll send out those forms, or that letter notifying them of the changes prior to yearend. Another change we'll see in the new ordinance is the modification for the universal filing for senior citizens. Should make a lot of senior citizens very happy. In the past they were required to file an annual return every year. The new ordinance will require a one-time filing and no subsequent filings unless their earned income situation has changed in that particular year. So that'll save a lot for the senior citizens and a lot of processing. The remainder of the changes we'll present with the legislation at the workshop. We'll talk about NOL. We'll talk about the occasional entrant rule. We'll talk about some other things, deadlines, penalties, and the changes that we had to make. Also as Mr. Aspiras mentioned it is time for temporary appropriations. If you recall that's the process that allows us to expend funds for the first few months of the year until final appropriations are approved by yourself in March. And so prior to tonight's meeting I did give you a calendar with those pertinent dates when to expect your workbook and when that legislation will be on reading. And also prior to tonight's meeting I did distribute the fund balance report for the period ending September 30 and I would just ask for a motion to approve that report subject to audit.

Aspiras so moved; second by Corfman. Roll call vote; all ayes; motion carried.

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Law Director Kirkbride: Thank you, Mr. President. I actually do have something to say tonight. There is Sunshine Law training scheduled, unfortunately the only two that I could find through the end of the year in Columbus. I've periodically been looking throughout the year and none of the dates that were, well there were very few that were closer, and the few that were did not fit in my schedule. The last one was during the AMP conference that I recently attended in Akron. So, there is one coming up in Columbus on Tuesday, November 17<sup>th</sup>, it's a morning three-hour session. I am planning to go to that and I will be a representative for Council while I'm there. If anybody would be interested in coming with me, you're certainly welcome to do that and we can make arrangements and I can give you more information. There is a second one also offered in Columbus in early December. I think it's the 8<sup>th</sup> or something like that. So if you prefer to go on your own at that time I can also give you the information. And I believe there may be some online information as well. I find that going in person is much more meaningful, at least for me. So that's what I'm planning to do. And that's all I have.

Council President Baker: For my report this evening, I just want to remind everyone that its fall soon to be winter and I notice yesterday some white flakes were falling. So when these things happen, just keep in mind that the City will be taking care of our roadways but it's going to be up to you to make sure that you're driving carefully. That's all I have for this evening. We'll move to, actually we'll move to New Business because we have no Old Business. Mr. Lorson, new business.

### **New Business:**

Lorson moved that Ordinance H-15 be placed on first reading. Corfman seconded. Roll call vote; all yeas; motion carried. **ORDINANCE NO. H-15**, An Ordinance amending Section 913.01, 913.06, 913.07, 913.09 and 913.16 of Chapter 913 of the Codified Ordinances of the City of Orrville, Ohio, regarding control of industrial wastes, and declaring an emergency.

Baker: Mr. Brediger, an explanation for us?

Brediger: Yes, please. In my letter of October 13, we did describe a little bit about the background of this. There are several sections in chapter 913 of the Codified Ordinances that were modified to just reflect current rules and regulations and conditions that have changed on both the State and the Federal EPA arena. These regulations were prepared with the assistance of our engineer and they have been tentatively accepted by Ohio EPA. Ohio EPA does require a city ordinance to go to the public first before they go through a 30-day comment period. And then after that assuming there are no comments or changes those changes and those sections that were just mentioned will become effective. This is just a routine process. This was last done in 2006. The ordinance change has no impact on our current customers but it was required by Ohio EPA to keep us up to date with state regulatory and policy changes. Basically the changes that we had were again updates that we updated personnel that have changed over the years. They reflected some current loadings, these are emission from our Wastewater Treatment Plant that ended up in resulting in no technically based limits. And what that means is Ohio EPA adopts those limits. They do not incur any additional limits nor are they requiring us to impose any more limits beyond what the Federal government already requires. So in that respect we are just doing what is required by the Federal government, Ohio EPA and our local laws through the utility board are not requiring any changes. And again, this has no impact, no cost at all whatsoever, basically administrative changes. Utility Board did pass a resolution at their meeting Monday night approving these and I would bring these for your approval tonight. And I would be happy to answer any questions. Attached to the ordinance was a marked-up copy of the draft of that. All those changes in Chapter 913 and if you see anything in there that I can answer any questions for, I would be happy to answer those at this time.

Baker: Anyone have any questions? Mr. Lorson, we thought about having you read this thing in its entirety but we didn't want to have you lose your voice.

Lorson: Yes, it's a big one.

Lorson moved that the rules, regulations, and statutes requiring the reading of an ordinance on three separate days be suspended. Wilson seconded. Roll call vote; all yeas; motion carried.

Lorson moved that Ordinance H-15 be adopted as read. Aspiras seconded. Roll call vote; all yeas; motion carried.

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Lorson moved that Ordinance I-15 be placed on first reading. Vance seconded. Roll call vote; all yeas; motion carried. **ORDINANCE NO. I-15**, An Ordinance amending Chapter 1111, Section 1111.06 (B) (32), of the Zoning Code of the City of Orrville, Ohio, regarding the PERMITTED CONDITIONAL USES, REGULATIONS section.

Baker: Mr. Wheeler.

Wheeler: Thank you, Mr. President. This really just allows daycare centers within a residential area as a conditional use. They are currently allowed as a conditional use as a secondary use ie: the YMCA, a school that maybe has a daycare, a church that has a daycare. If permitted, it still would be required as the ordinance reads to meet State requirements, meet our parking requirements, meet all of our offset requirements and all of those kinds of things. So nothing changes other than it becomes a conditional use which one, we can allow or not allow, but also put strict requirements on. This really stems from a request for a rezoning, a district rezoning from residential to commercial right across from the YMCA and Smucker Road. Obviously with residential surrounding that, it would become a spot zoning situation. So we felt like one, there really is no reason to allow some things but not others in regards to a daycare is center is allowed as long as it's part of a school for instances or a Y in a residential area but wouldn't be allowed as a standalone. So the Planning Commission recommended approval of this. This does not have to be approved tonight. Like I said, it really doesn't change anything in regards to they're still required to meet State requirements, State code, State licensing as well as our parking and all those other things which would simply allow it to exist without being a secondary use of another primary use of a property. I hope that's clear.

Baker: Any comments or questions of Mr. Wheeler? I see none. Do we want to do it tonight?

Lorson moved that the rules, regulations, and statutes requiring the reading of an ordinance on three separate days be suspended. Corfman seconded. Roll call vote; all yeas; motion carried.

Lorson moved that Ordinance I-15 be adopted as read. Wilson seconded. Roll call vote; all yeas; motion carried.

Lorson moved that Ordinance J-15 be placed on first reading. Hamsher seconded. Roll call vote; all yeas; motion carried. **ORDINANCE NO. J-15**, an Ordinance accepting and confirming the dedication of a portion of Apple Avenue in the City of Orrville, Ohio.

Baker: Mr. Wheeler.

Wheeler: Well this one is a little more straight forward I guess. This is actually just dedication and acceptance of the new road constructed, which is the extension of Apple Avenue. Apple obviously looping over and connecting to Raspberry and Mill. By accepting it, it officially becomes a public road and just sort of is standard procedure if you will.

Baker: Anyone have any questions of Mr. Wheeler?

Lorson moved that the rules, regulations, and statutes requiring the reading of an ordinance on three separate days be suspended. Vance seconded. Roll call vote; all yeas; motion carried.

Lorson moved that Ordinance J-15 be adopted as read. Corfman seconded. Roll call vote; all yeas; motion carried.

Baker: That concludes our new business for this evening. Does anyone have any comments for the Good of the Order tonight? No hands went up.

Corfman moved to adjourn the council meeting and Aspiras seconded. Roll call vote; all yeas; motion carried. Council was adjourned 7:56 PM.

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Jeanne Feudo, Clerk of Council

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Lyle Baker, President of Council