

## Regular/Public

June 1, 2020

Council President Paul Vance called the June 1, 2020, regular meeting to order. Pastor Newton Brenneman led the prayer. The pledge was recited.

Roll call; all were present. Handwerk, Aspiras, Lorson, Mosley, Carozza, Widmer and Wilson.

Council minutes of regular meeting held May 18, 2020, were presented for approval. Carozza moved to approve those minutes as documented; Lorson seconded. Roll call vote; all yeas; motion carried.

### **Standing Committee Reports**

Parks and Recreation – Handwerk: Called for a zoom committee meeting. It will be held Monday, June 8 at approximately 6:45 pm following the Utility Board meeting to discuss the opening of Orr Pool and the challenges due to COVID-19 requirements.

Ordinance and Personnel – Lorson: Called for a committee meeting immediately after the Parks and Recs meeting June 8 to review applications received for the Ward 3 vacancy. Interviews will be set for a later date.

### **Special Committee Reports** - None

### **Administrative Reports**

Mayor Handwerk: Encouraged residents to get out and support local restaurants and businesses that have started opening up. Expressed heartfelt sadness for the situation in our country this past week. Appreciates all the citizens in our community as our country is under destruction (rioting) and as we work together. Our police department is doing an extremely good work and that's part of the reason we did not have anything happen here.

Safety Service Director Wheeler: Central Allied was out doing work on High Street and will crack seal tomorrow with street markings over the next few weeks as weather allows. They will also paint the Crown Hill edge line. Pool opening preparations continues with pool managers to meet safety requirements and offer quality service. City Hall has returned to normal operating hours. Visitors are required to socially distance and are urged to wear face masks but they are not required. We also urge use of email, call or use the website to conduct business where possible. Presented Chief Matt Birkbeck for a special report.

Chief Birkbeck: Speaking on events from last week, it is not customary for law enforcement to speak out about criminal investigation or personnel matters from other agencies but it is appropriate at times, such as this. He saw the same thing you saw on the video, heard the same things, had the same emotions and after learning as much as he could about the situation has arrived in the same place. It was a horrible crime committed by (Minnesota) police officers. They did not do what we expect officers to do. Bystanders did the right thing, did not interfere, did not break the law, did not attack the police. It is a shame and sad how this situation ended up. Police officers across the country feel the same way. We want to see justice served. The important things we need to do is stop hurting each other. It was a criminal act and cannot be seen as anything else. He will not speak out on every matter but this touches on all of us from coast to coast and will deal with the fallout for many years to come. This had nothing to do with a lack of training. The senior member there Derek Chauvin had 19 years on the department. I had a decade on before he worked his first day and I would have known not to hold someone on the ground like that when they are telling you they can't breathe and they are struggling and then they go unconscious. Our most important responsibility we have with someone in custody is for their care, for their well being. Every officer I've spoken to feels the same way. Our heart is broken. We're sorry this happened. We will work to do what we can do within our power to continue to advance where we were and to improve in the future and am confident with those that we have here. It's a character issue. Period. It doesn't mean they were that way when they got into the career. That may be something we have to look at moving forward, is evaluate people every few years. In the video, you're holding your knee on someones neck and hear them plead and they lose consciousness and you don't take action to help them, that's a

## Regular/Public

June 1, 2020

humanity issue, a character flaw. Training will always be appropriate but no training will show he should have done this and probably ample training that said you don't.

Mayor: We have to remember they may not have been that way when they started but there's something that no HR manager can tell and that's what is inside someone's head. We all have favorite teachers, etc., yet you hear of teachers, parents, ministers that abuse people. Stuff 99% of people in those professions would never do but there is somebody that does. This took someone's life. No good explanation for that.

Vance: Thankful for the relationship between our police and community. It is one of our most important assets. People need to feel safe to live in a community. Our police do an excellent job. Chief, thank you and you have our full support here in Orrville. We can't thank you and your department enough.

Birkbeck: It's an honor and a dream to serve here as a life-long resident, to serve in my hometown.

Law Director Kirkbride: Update on a lawsuit we joined with approximately 160 other municipalities a couple years ago regarding HB49 and HB5, collection and administration of local income tax, the status is municipalities lost at the appellate level. It was sent to the Ohio Supreme Court with oral arguments on May 20<sup>th</sup>. There is legislation that has or proposes to take away the collection of municipal income tax or allows businesses to opt out so they can consolidate their multiple location tax returns and send to the State. The State will charge us ½% fee and manage the collection of those before sending back to the cities. We lose control over our own municipal income tax collection, it's an encroachment of home rule, as well as HB5 relating to the creation of a more uniform tax code. There are problematic provisions in HB49 on certifications we make to the tax commissioner, if not made timely there is a 50% penalty of the tax even when the municipality doesn't have the information from the company that is to supply the information. Some aspects and features of that law are burdensome and even onerous on the communities. The Ohio Supreme Court has to decide the case whether it is an encroachment on home rule or it's constitutional, whether it's a permissible use of State taxing authority and whether the provisions themselves are permissible under our constitution. More information to come. Oral arguments were ten days ago. No ruling has been received. Wooster is also involved in this as well as other municipalities. This was advertised as giving more uniformity to the collection and the administration of local income tax. Many CPA organizations and tax preparers want this so as to not deal with multiple municipalities. Some think it makes Ohio more competitive to business by doing that.

Mosley: Would we be forced to recover that ½% that we pay to the State? Are there consequences on our side. Worst case scenario, how does this affect us?

Kirkbride: The business can opt in, many will particularly if they have multiple locations. How we would recover those lost revenues will take an act of the voters to increase our local income tax. There's not a way to recover that fee by charging a fee to the tax payers.

Council President Vance: An update to our unemployment situation, last time it was 4.3-4.4% in Wayne County. In one month it jumped to over 11%. Probably the largest one month increase in history. At 11% we are still tied for the fourth lowest unemployment rate in Ohio, largely due to our diverse industries. We continue to pour our dollars into investing in our infrastructure and industrial parks, our low income rates and local services we provide as a benefit to our businesses. That's what makes our economy strong. Businesses are now reopening and people being called back to work.

### Old Business

None

### New Business

Resolution 19-20 Lorson moved that it be placed on first reading. Mosley seconded. Roll call vote; all yeas; motion carried. **Resolution 19-20**, A Resolution authorizing the Board of Control to enter into an agreement and/or agreements with the State of Ohio Purchasing Cooperative, Department of Administrative Services to purchase one (1) 2019, 2020 or 2021 Ford Police Interceptor Utility V6 AWD Vehicle; or alternatively to purchase said vehicle from another dealer upon equivalent terms, conditions and specifications, but at a lower price than it can be purchased through the State Contract as allowed by Ohio Revised Code Section 125.04; or alternatively to advertise for bids and enter into an agreement and/or agreements for said purchase, and declaring an emergency.

## Regular/Public

June 1, 2020

Discussion: This is an annual replacement plan police vehicle purchase. The Ford Interceptor plant just went back into work with our estimate to have the new vehicle arrive is in 2021. This is in the budget and be within the budgeted amount. Due to the uncertainty of the budget and the uncertainty of delivery, we will not be trading in a vehicle in case we need one to last a little longer than usual.

Lorson, being that it's important to get into the que for this item that has been budgeted and considered over a great deal of time by us, moved that the rules, regulations, and statutes requiring the reading of a resolution on three separate days be suspended. Carozza seconded. Roll call vote; all yeas; motion carried. Lorson moved that Resolution 19-20 be adopted as read. Wilson seconded. Roll call vote; all yeas; motion carried.

Resolution 20-20 Lorson moved that it be placed on first reading. Handwerk seconded. Roll call vote; all yeas; motion carried. **Resolution 20-20**, A Resolution authorizing the sale of retired K-9 Officer Freddie to his handler for the sum of One Dollar (\$1.00); and declaring an emergency.

Discussion: This was discussed when deciding to get a new K9 officer to replace Freddie. K9 Freddie has been with us for 8 years. The normal career is 5-7 years. He has exceeded our expectations in duration and in terms of the quality of service he provided. Normal procedure is to stay with the trainer, Officer Smith. The new K9 Hulk is a german shepard and will be ready in the next couple of weeks as he finishes training. Council will meet him once we can all meet face to face.

Lorson, letting Freddie retire as soon as possible, moved that the rules, regulations, and statutes requiring the reading of a resolution on three separate days be suspended. Carozza seconded. Roll call vote; all yeas; motion carried. Lorson moved that Resolution 20-20 be adopted as read. Handwerk seconded. Roll call vote; all yeas; motion carried.

Resolution 21-20 Lorson moved that it be placed on first reading. Carozza seconded. Roll call vote; all yeas; motion carried. **Resolution 21-20**, A Resolution authorizing the receipt of property from Orrville City Schools; and declaring an emergency.

Discussion: Orrville City Schools agreed to donate a portion of their property along Ella as well as on the backside of the driveway going in for the Gateway Project which will be used for the pickleball courts as well as a new parking lot. This allows us to utilize this property as it will become our property. Orrville school board has approved it. The school board was thanked by President Vance for this property for use by the community.

Lorson, given it has been discussed in committee meetings and council meetings in the past, moved that the rules, regulations, and statutes requiring the reading of a resolution on three separate days be suspended. Wilson seconded. Roll call vote; all yeas; motion carried. Lorson moved that Resolution 21-20 be adopted as read. Handwerk seconded. Roll call vote; all yeas; motion carried.

### **Good of the Order:**

Discussion of council getting back to meeting in person since City Hall is back to normal hours. We could spread out in the room to keep social distance. Face masks would still be required. We will remain on ZOOM. Dr. Acton did extend the limit of meetings to ten or less in effect until July 1. It will be reevaluated at the end of the month.

Regular/Public

June 1, 2020

**Adjournment**

Wilson moved to adjourn the council meeting; Lorson seconded. Roll call vote; all yeas; motion carried. Council adjourned at 8:30 p.m.

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Jeanne Gault, Clerk of Council

\_\_\_\_\_, 2020  
Date

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Paul Vance, President of Council