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President Baker called the meeting to order. Pastor John Beck offered the prayer. The Pledge was recited by all.

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

Corfman moved and Miller seconded that the January 22, 2008 regular meeting minutes be approved. Roll call vote. Ayes all. Motion carried.

**Public Comment:** Larry Weese formerly of 123 Wabash Avenue, Orrville, Ohio; however, I have since moved to Wooster to 405 West North Street in Wooster. The reason I am here tonight is I unfortunately have an issue with Main Street Orrville. The Mayor, Mr. Handwerk, is aware of the situation because I had a conversation with him, not knowing where to go. However, he has since told me where to go and this is basically why I am here. I was arrested for menacing Mr. Dennis Wasniewski, The Director of Main Street Orrville, shortly after leaving Mr. Handwerk's office voicing a complaint. Shortly prior to that, in fact just prior to that, I had attempted to give Mr. Wasniewski a bill for my services under verbal contract which I had assumed was legal. I don't know if I have to read the definitions, but I have them hear, but sufficient to say, is I read Black's Law definitions I did have a legal contract with Mr. Wasniewski and Main Street Orrville. I also understand, Dan you are the President of Main Street Orrville?  
Lutz: That is correct.

Weese: So you are Mr. Wasniewski's boss.

Lutz: I am on the board.

Weese: Since he refused the bill, unfortunately, I have to give it to you. Now understand this is only business. I am the President and Chief Executive Officer of Eagle Enterprises. It is a multifaceted organization which now has moved from Orrville to Wooster for many reasons not necessarily all of them due to my contractual with Mr. Wasniewski, but suffice it to say I moved six businesses out of Wooster to Orrville and their tax dollars as I left. Now, the bill I presented to him is for eight hours of my time. Mr. Wasniewski met me at the Heartland. In fact, I did not even have a clue who he was. I was simply passing out business cards sometime around the first to mid of October in the coffee shop. One of my businesses is called Snow King Snow Removal. I have done Snow King Snow Removal off and on for 18 years. I do a very professional job and I am actually able to charge more for my service because of the service I give then most guys do. However, Mr. Wasniewski came up with the idea that I may be able to clean the entire downtown district sidewalks when it snowed, for a fee. I thought that was a great idea. I am always looking for more work, that is why I am passing out cards. He said to make the arrangements and do what I needed to do to prepare a contract. Because I did not have a piece of equipment that could do that. The best thing I had was trucks with plows and you can't drive on the sidewalk and an eight horse snow blower that would have taken me two days to clean the whole city. So I went about my business and went looking for a Ventrac, a \$20,000 Ventrac with a \$3,700 snow broom. I did all but sign the sales agreement on it. I thought I had better have a written contract in hand before I actually put my name on the line to buy the thing. Well after I made all the arrangements I got a hold of Darrell and all of a sudden he is not existent. I tried and tried and tried for weeks to get a hold of this man. Voice mails, e-mails, phone calls, walked into his office. I could never track him down. I unfortunately spent about two weeks in the hospital in mid-December, but that is after the fact. I was even in

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Medina, I had made an appointment to come talk to him in his office. I drove down from Medina to the appointment at the appointed time and he was no where to be found. As I do everywhere, I started walking every storefront in this city putting in business cards, some of them at three o'clock in the morning just sticking them in the doors just hoping somebody would call me and I could do business with them. I would have made four times the amount of money individually as I would on a contractual hourly basis. I charge \$100 per hour for snow removal. Basically that was the agreement we had. \$100 per hour to clean the entire city sidewalks in the business district. I feel I am owed at least one day's time, eight hours of my time, to compensate me for all the effort I did do on a verbal contract, a verbal agreement with Mr. Wasniewski. However, that is not the end of the story. A week ago Friday I was in Orrville, I had just left Mrs. J's restaurant. I decided at that time, if you will notice the date of the bill Dan, I wrote that bill sitting in Mrs. J's. I was going to take it to his office and low and behold guess who is walking across the street. I am about 100 feet from him and I said Darrell you got a minute of your time. Let me digress. I finally track Mr. Wasniewski down about a month ago prior to that because I still had not gotten a yes or no answer and I tracked him down in Heartland Point. He was discussing business with some other people and I was sitting there with a Snow King hat, he knows what I look like, and I did not disturb him. I sat down at the table right next to him and patiently waited at least a half an hour until he completed his business with whoever. The gentleman gets, they shake hands, they walk out, and Darrin walks right past me without even looking, saying a word. This is a matter of respect now. I say Darrin you got one minute of your time. His answer was no I have a business. I am a very patient man, but I lost, I was at the end of my patience. Unfortunately, it was a public place and I apologized to Mr. Runion or whoever called and said I could not go back in Heartland 15 minutes later, but it was a very verbal discussion about his ability to run Main Street Orrville and represent the entire city downtown district. As I was going from storefront to storefront about 2/3 of the people I talked to said boy this is a great idea, we wish Main Street Orrville would do it. I said I've been trying to track Darrel down for three weeks, he is non-existent. Yeh, we know that is kind of the way we feel. That was the temperature I was getting from Main Street people. The people he is representing. I asked them to send him an e-mail and tell him I am around town. I was hoping he would get 25 e-mails that day. I don't know whether he did or not, I just went on. Again, no response. Then I found him at Heartland Point and excuse me I think I rightfully a little angry, especially when he decides to walk right past me and disrespect me. Now, the events of the other day. I walked out of Mrs. J's with two copies of that in my hand, you have the third copy Dan. He literally ran across Main Street into the office and locked the door. He is standing there and basically telling me through the door I am not paying the bill. Well Dan you know what happens when people don't pay their bill. If he would pay my bill, I could pay yours, but

Lutz: Larry may I interrupt you a minute. First of all there is a three minute limit on public comments, but let me ask you a question. You said you were trying to track him down for a yes or no answer.

Weese: Yes.

Lutz: What answer did you want for what?

Weese: Whether we had a contract, whether I should sign the bill, whether he wanted me to do it or not. It took me two months to get a yes or no answer.

Lutz: So it is fair to say you didn't have a contract?

Weese: Pardon?

Lutz: So it is fair to say you didn't have a contract?

Weese: No written contract, but

Lutz: He hadn't even given you a yes or no.

Weese: Do I have to read Black's Law to you.

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Lutz: Larry, listen to me. Here is what happened. You contacted him. He was interested. He set up three appointments to talk to you. You cancelled all three.

Weese: That is a lie.

Lutz: I don't think so. At that point obviously he was not going to be interested in using you to plow anybody's snow if you can't even make one of three appointments he set. You can't bill him for your time trying to sell your services. That is not a contract.

Weese: It wasn't selling my services. After he made the arrangement...I would not have gone looking for Ventrac had he not mentioned this.

Lutz: Three minute limit on a public comment.

Weese: Well I am afraid, can I have a few more minutes?

Baker: You have already gone well past about three times.

Weese: Here is the second issue and I guess I am going to have to give this to the Mayor, because I am fixing to sue the City of Orrville. Not only that, here is the other bill sir. I spent 62 hours in the Wayne County Jail because of Mr. Wasniewski and I also could not return the Ventrac for three days that comes to \$6,200 my time and \$580 worth of Ventrac time that I could not even call the people to pick it up so here is a bill for \$6,780. Thank you very much we will see you in court. I choose the public court.

Baker: Thank you Mr. Weese.

Weese: Your welcome.

**Standing Committee Reports:**

A. Finance – Mr. Miller reported we are still on schedule with our 2008 Final Appropriations schedule on our calendar which was distributed last week. We have two pieces of legislation that Mr. Leggett will direct.

B. Utilities – Mr. Landaw was absent and there was not Utility report.

C. Health & Safety – Mr. Corfman congratulated Firefighter Derrick for being selected as Firefighter of the Year.

D. Parks and Recreation – Mr. Aspiras reported the Parks and Recreation Committee met last Monday (January 28<sup>th</sup>). It was a very good meeting I thought. We had good participation with 12 members in the meeting. We talked about a lot of things that actually went well over two hours. Our plates were full, but we got a lot accomplished. I will just go over a couple things. The basketball courts are moving forward; we are hoping to break ground by Spring. A couple minor things we want to wrap up and hopefully we will have legislation shortly. The bleacher project we have resolution being introduced tonight – Resolution 7-08. Also, we talked a little bit about the concession stand lease and that is also in legislation for second reading tonight. The equipment replacement at Gailey and Hilltop, some of you may have noticed there is some missing equipment at Hilltop and that is by design, we took it out of there. We got new equipment ready to go and the discussions at the meeting were that we are looking to set that up at Hilltop on April 26<sup>th</sup> and we are looking for volunteers. Gailey Park will be on the 17<sup>th</sup>. We talked a little bit about Schmid Hall renovation. A lot going on there. What I can say at this point in time is plans are for getting this done right after Labor Day and prior to Christmas. Lastly, I just wanted to mention was that GOBA (Great Ohio Bicycle Adventure) is coming to Orrville. John Lorson was kind enough to attend the committee meeting and share some of the things going on. John's biggest thing he wanted to say was to get the word out. It is good for our businesses and our merchants in Orrville. It will be along side Relay for Life so is should get interesting. Pretty crowded day – June 20<sup>th</sup>.

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E. Transportation – Mr. Shupp had no report, but reminded everybody there is a meeting immediately following council tonight. I would like to set up another meeting of the Transportation Committee on February 21<sup>st</sup> at 7:00 p.m.

F. Planning – Mr. Vance had no report.

G. Ordinance & Personnel – Ms. Leathers had no report, but requested Council have an Executive Session in regards to personnel and litigation matters right before Old Business.

**Special Committee Reports:** None.

**Administrative Reports:**

A. Mayor - Mayor Handwerk reported the new Maple Street Citizen of the Month got underway and started last week. Ashley Stiffler who is a first grader was chosen as the January Citizen of the Month. Basically, what that involves is when the school gets that child chosen, Chief Carozza, myself, and Mrs. Waseman went to that girl's house to pick her up for school in the morning in a police cruiser. She got to ride in the front seat and we even got the lights going a little bit there close to school. Judging by the smile on her face, she thought that was a pretty neat thing. The whole idea of the program is just to acknowledge that good character in our students and at school also makes for a good citizen in the City of Orrville. Hopefully starting at that young age we can get that ball rolling a little bit better too. I want to start another program that is well under way actually as far as the planning stages. I have a few more calls to make, but this is going to be Adopt A Citizen Program. Basically what we will be doing, I have about 15 of our church congregations contacted so far, as well as, Coach Duvall and the football team and probably a couple other groups that were going to help too. Once we get those total groups in line here and get enough people who say they are going to be willing to help, then we will be asking to contact or have those people contact us if you know somebody who is a citizen here in town possibly living by themselves, they don't have sons or daughters living in town here; possibly senior citizen or handicap person who cannot do things like snow removal, raking leaves in the fall, possibly even things like just stopping by and changing a light bulb for them because they can't do that. The idea is that a particular youth group from a church would adopt that citizen and they would be in charge of just staying in contact with that person throughout the year. By having enough groups like that we can make it so that it is not a real burden on any one group. They can split up the duties and do that during the year. We are not looking to necessarily mow the yard every week or that sort of thing. Those are things that people probably need to get handled in a different way if they can, unless a group chooses to do that for an individual. Just those things that I mentioned that are very difficult for someone like that to handle. Our goal is just to help people, give a helping hand where needed. Lastly, I just wanted to mention that next Monday I will not be in the office to do the Monday with the Mayor. I will be out of town.

B. Safety Service Director- Director Jewell reported the last time we went to the Planning Commission with a change we were recommended for the sign regulations, the Planning Commission again stated their intentions and their wishes that City Council consider passing legislation which would require the removal of signs once a business has gone out of business. We have done some research and looked into a couple different communities and what they do in that regard. I think it would probably be good at this time to get the Planning Committee together to discuss this and see if we can get some direction.

Baker: Is there a particular date you have in mind?

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Jewell: No, there is really no rush on it. Some time when Mr. Vance has a chance to talk with his committee, we can get together after that. The second thing I would like to report is that the Earth Science classes at Orrville High School are again going to be working on their radon project. What they call this is a pre-assessment and what it requires is that someone would place a sensor in the lowest level of their home. What they are doing then is they are taking the readings and charting those readings on a map which will tend to show if there is any areas in town that have more radon concentrations than others. Mr. Duxbury asked that we get the word out to everyone that if they are interested they can call the high school office. The number is 682-4661 or they can go to the website, [www.rockguy.com](http://www.rockguy.com) and Mr. Duxbury will make arrangements. This is a school project. They will come out, place the sensor, and come back and pick it up.

Miller: You said you were researching what other communities have done in legislation on removal of the sign. When we do that can we also find out what their practical experience and the logistics of enforcing that have been?

Jewell: That would be a good idea.

C. Utilities Director – Director Preising reported it appears our tree trimming program is working pretty well. Past Council passed a fairly extensive tree trimming program that will continue throughout the year. During our last heavy winds last week, we did not have one outage as a result of trees on our system. It appears it must be working. We hope to keep that tree trimming up even though it is an expensive project.

D. Finance Director – Director Leggett reported prior to the meeting tonight the Fund Balance Report for the period ending 12/31/2007 was distributed. This is our year end report and our audit is based on the numbers we derive from this. Miller moved and Vance seconded this report be approved subject to audit. Roll call vote. Ayes all. Motion carried. I want to make a comment about our new income tax ordinance. As you recall, we passed an income tax ordinance last year effective for last year and this is the first year that all citizens in the City of Orrville have been required to file an income tax return. Our Income Tax Administrator has been extremely busy. There has been numerous phone calls and numerous forms returned. The one very good thing is that everyone has been very patient, very understanding. We have been working hard to explain things. So far it has been a good experience. I want to thank the citizens of Orrville at this time for their patience as we continue to work through this. Most of the questions and concerns come from our retired community. It is very important for our retired residents to understand that their retirement income is not being taxed. The form is very easy for retired folks to fill out, but the first time you do it, it can be confusing. Please call our office. We have had people come in. Keep in mind there is no tax increase and we are trying to work with everyone as best we can. So far it has gone very well. We do want to thank everyone for their patience and if you have questions, don't hesitate to call.

E. Law Director - Director Lutz had no report, but encouraged the public to take advantage of the radon testing. I think it is considered the leading cause of cancer among non-smokers. We did our house several years ago and were pretty high above the safety level and had it remediated. It is relatively easy and inexpensive. I would encourage anybody who wants to take advantage of that.

F. President of Council – President Baker commended Mr. Duxbury and his high school class for promoting this radon study because it is something that is very important and it teaches the young people also the value of going around the whole community. I know it was a few years

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ago they did this project before and I was amazed at their results and I am looking forward to seeing the compilation of what the results are.

Leathers moved and Aspiras seconded the council go into Executive Session regarding personnel issues and litigation. Roll call vote. Ayes all. Motion carried.

Executive session began at 8:02 p.m.

Corfman moved and Shupp seconded that Executive Session be adjourned. Roll call vote. Ayes all. Motion carried. Executive Session ended at 8:45 p.m. Regular meeting resumed at 8:46 p.m.

**Old Business:**

**RESOLUTION 3-08**

Leathers moved and Corfman seconded that Resolution 3-08, a resolution authorizing the Safety-Service Director to enter into a coordination agreement with the State Historic Preservation Office in order to expedite implementation of certain elements of the FY07 Community Development Block Grant Downtown Revitalization Program, and declaring an emergency, be placed on third reading. Roll call vote. Ayes all. Motion carried.

Vance: Mrs. Jewell can you kind of give us the fly over of what we are talking about here.

Jewell: With the last downtown grant we received we had a coordination agreement with the Ohio Historic Preservation (OHPO). What that said was that they recognized that certain projects did not need to be reviewed by them and we would have the authority to determine what those projects would be based on a very strict set of guidelines. For instance, a flat roof replacement would not need to be reviewed by them. Something that we paint, not changing the color of a building is something we could do locally; however, if someone is doing another project that they want to do renovation to their building; they want to replace windows, those types of projects need to be reviewed by OHPO before grant dollars are used. That is what this agreement is. It is authorizing us to enter into this coordination agreement with the State so we can review certain projects in house, but we have their guidelines we have to use.

Leathers moved and Miller seconded that Resolution 3-08 be adopted as read. Roll call vote. Ayes all. Motion carried.

**RESOLUTION 5-08**

Leathers moved and Aspiras seconded that Resolution 5-08, 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 2008 and 2009, be placed on second reading.

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. Ayes all. Motion carried.

Leathers moved and Corfman seconded that Resolution 5-08 be adopted as read. Roll call vote. Ayes all. Motion carried.

**New Business:**

**ORDINANCE D-08**

Leathers moved and Aspiras seconded that Ordinance D-08, an ordinance amending Section 151.02 of the Codified Ordinances of the City of Orrville, Ohio, regarding payment of overtime for Police Department employees, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Baker: Do you want that to go this evening?

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Jewell: That would be really helpful if that could go this evening. This ordinance and several of the next ones coming through are to implement the OPBA agreement.

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

Leathers moved and Corfman seconded that Ordinance D-08 be adopted as read. Roll call vote. Ayes all. Motion carried.

#### RESOLUTION 6-08

Leathers moved and Corfman seconded that Resolution 6-08, a resolution fixing the salaries and wages of full-time employees eligible for membership in the OPBA, repealing all legislation inconsistent herewith, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

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

Leathers moved and Corfman seconded that Resolution 6-08 be adopted as read. Roll call vote. Ayes all. Motion carried.

#### RESOLUTION 7-08

Leathers moved and Corfman seconded that Resolution 7-08, a resolution authorizing the Safety-Service Director to enter into a contract and/or contracts for renovation of the bleachers at the main softball diamond located in Orr Park, and declaring an emergency, be placed on first reading.

Aspiras: We discussed this at the committee meeting and I really don't think we need to go any further with it unless anybody has any reservations.

Miller: Is there a need to pass this tonight?

Jewell: They would like to get started as quickly as possible so they could work on staining the wood. While the weather is bad outside they can work inside staining the wood. They would like to get started on that; however, if it needs to go a couple more weeks, that is not going to be a big hiccup to the project.

Aspiras: As Director Jewell said, these guys are anxious to get going on it. I don't see any reason to hold this up.

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

Leathers moved and Corfman seconded that Resolution 7-08 be adopted as read. Roll call vote. Ayes all. Motion carried.

#### RESOLUTION 8-08

Leathers moved and Vance seconded that Resolution 8-08, a resolution authorizing the Safety-Service Director to enter into a contract and/or contracts for engineering services for the following 2008 CDBG projects: Vine Street and the railroad alley, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Jewell: I would just like to speak to Resolution 8, 9, and 10-08. Those three resolutions will be the subject of the Transportation Committee after this meeting this evening. I just have these on first reading, but they do not need to be passed this evening unless Council would choose to do so. Those are for engineering for our roadway projects for this year.

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RESOLUTION 9-08

Leathers moved and Corfman seconded that Resolution 9-08, a resolution authorizing the Safety-Service Director to enter into a contract and/or contracts for engineering services for the following OPWC projects: Crown Hill Road and Schrock Road, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

RESOLUTION 10-08

Leathers moved and Miller seconded that Resolution 10-08, a resolution authorizing the Safety-Service Director to enter into a contract and/or contracts for engineering services for the following 2008 City paving projects: West Chestnut Street, Washington Boulevard, Evergreen Drive, Crestview Drive, South Sunset Drive and West Hill Drive, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

RESOLUTION 11-08

Leathers moved and Miller seconded that Resolution 11-08, a resolution to establish a Continuing Professional Training (CPT) Fund, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Leggett: This resolution I mentioned to you at last council meeting would be coming; however, during the week you did not get a memo explaining this to you. This is a fund that is required by the Attorney General's office to be established if we are to receive reimbursement for continuing professional training within the Police Department. Chief Carozza has this program going in our Police Department and at some point we will be receiving reimbursement for some of the monies that were spent. The Ohio Revised Code requires this to be in a separate fund and that is what this is here for. It is up to Council. You can pass it tonight or not. We haven't received any funds yet.

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

Leathers moved and Corfman seconded that Resolution 11-08 be adopted as read. Roll call vote. Ayes all. Motion carried.

RESOLUTION 12-08

Leathers moved and Miller seconded that Resolution 12-08, a resolution designating a public depository and awarding public monies, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Leggett: On a normal basis, now it is on a five year schedule, we meet with Council and declared public depositories. Basically what that means is there are banks that have to qualify with the State of Ohio to receive public money and if we have a depository agreement we can then deposit money in these banks. Since part of our investment portfolio is made up of Certificates of Deposits, those are actually considered to be deposits in a bank and not really considered to be an investment. Therefore, any time we purchase a CD from a bank we have to have a depository agreement. That is primarily required by our Charter. This agreement here is for Huntington National Bank and our investment banker which is Productive Portfolios advises us that in the future they feel Huntington will have the best CD rates compared to the other banks we deal with and they advised us to establish this agreement. We have an application from Huntington National Bank to do so. Again, this is something that does not need to be passed tonight. It is up to Council.



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

Leathers moved and Miller seconded that Resolution 12-08 be adopted as read. Roll call vote. Ayes all. Motion carried.

Director Jewell presented the Annual Report for the Safety-Service Department.

**Good of the Order:** None

Leathers moved and Aspiras seconded that the council meeting be adjourned. Ayes all. Motion carried. Council was adjourned at 9:28 p.m.

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Tamra Peppard, Clerk of Council

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Date

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Lyle Baker, President of Council