

Regular/Public

March 2, 2009

Prior to council's regular meeting, public hearing was held regarding Ordinance E-09 and Ordinance G-09. President Baker swore in all attendees who desired to speak regarding the Ordinances to be discussed.

Baker: Mrs. Jewell do you have anything just as a preface so people know what is going on here?

Jewell: We have two items that our public hearing is about this evening. The first would be the Criminal Nuisance property legislation and the other one would be changes to our zoning code that deal with design review and change to the sign regulations. Mrs. Endsley is here and she can speak to the design review and the zoning legislation.

Baker: We will present these in the order the Ordinances are on the agenda. That means the design review and zoning public hearing would be first. Is there anyone who wishes to speak on those ordinances?

Endsley: I think you are all familiar with our whole design review ordinance. Over the past couple of years we have really learned what works and what doesn't work. So just as a little bit of background, we took what we had; we went out to other cities and looked at their design review ordinances; pulled the pieces that we thought would work with what we had; we worked with Dan Lutz and we also worked with an attorney out of Columbus that specializes in design review legislation and came up with some changes with this legislation. It has been to the Design Review Board; we have looked at it several times; and it has also been to the Planning Commission and has been recommended to Council. I am just going to go over the differences from our existing design review ordinance. The design review board makeup has changed slightly. In the past we only allowed building owners and now we are going to allow either building owners or business owners. The other part of that is we had asked that everyone be a resident of the City of Orrville, except for the architect, and we are also expanding that to the building and business owners. They can now be non-residents, but they will either own a building or own a business in the downtown and that is just to open it up just in case we would ever have an issue of trying to fill that position. With a small town you run into there is only so many people that fill those niches. Probably the biggest change is that we adjusted the district and it is strictly now just the traditional downtown core. We now only go from Chestnut Street to Church Street along Main Street; so it would end just beyond Smith Dairy and the library and we still keep the boundaries of Walnut Street to the east and Sterling to the west. So we just kind of tightened that in to the traditional downtown core. There is a new denial procedure. Basically, if a proposal is denied there are three options that the applicant has. They can go for a rehearing and let the Board consider unusual or compelling circumstance or an economic hardship; they can actually have a mediator come in and mediate a solution that is agreeable to both parties, or they can just appeal strictly to Council. The other big difference is now the Board is allowed to look at substantial economic hardships for proposals that they were not allowed to look at before and they are allowed to take into consideration unusual and compelling circumstances and the code actually defines those. Finally, in terms of a demolition it is spelled out very clearly what is expected of the applicant and what they need to show with a demolition. And then of course I think you have all seen these...these are our design review guidelines. This is also part of this legislation and basically this is just a way for any applicants to take a look at what the Design Review Board has approved in the past and what they would like to see. These are guidelines; they are not set in stone, but it just is a road map for any applicant to kind of see what things the Board will consider. Are there any questions on the design review changes? Quickly, the other change would be to our zoning code in the chapter on on-premise signs and this actually came directly from the Planning Commission. It was a concern that they had about abandoned signs once a business leaves and who is responsible for removing that sign. Now we have wording that after six months the Safety-Service Director can actually ask that business owner or building owner to remove the sign and if it is not done then the

Regular/Public

March 2, 2009

City has the ability to remove the sign and then recoup the cost of taking the sign down and assessing the property owner for that. Are there any questions regarding signs?

Baker: I see no questions on Council. Is there anyone that would like to make a public comment concerning the zoning code change or the sign change? Seeing none, we will move on to the criminal activity nuisance ordinance. Mrs. Jewell would you like to make a statement for that one to begin?

Jewell: The purpose of the criminal activity nuisance legislation would be to hold property owners responsible for a property that would have excessive police calls or excessive enforcement calls in terms of property maintenance issues. This legislation would require that the police chief notify the property owner after if there is three violations within a six month period and then they would be notified and if the police department or let's say a code enforcement would need to go out after that then there would be a possibility that the property could be billed for those costs. This would be at the discretion of the Chief. If he can see that a property owner is taking very direct steps to try to curb the activity then the Chief would have the discretion to work with that property owner and that is in this legislation. The other thing I can tell you is that we did check with the Akron Police Department and they said that this piece of legislation has been very effective in Akron and they believe that approximately 80% of the properties that were an issue then come in to compliance and the nuisances in those neighborhoods stop. That would be the purpose of this legislation. It is written the same as Akron's with the exception of a section that was added that would clarify that if you have someone who would make false accusations against a neighbor that they then could be subject to criminal prosecution themselves under existing codes. That is pretty much a summary of the legislation. Unless anyone has any questions, we can move on to comments.

Baker: The owners of the property, in the legislation it says they would be informed after three violations or three calls. Would it be possible for the police chief or whoever decided to within the City to call those property owners after the first one because many times they don't know that....they may not know that the police had been called to that residence the first time, the second time, and if it is up to the third time and they only have one more time. If they would request that they be informed of any time, would it be possible to let them know just so they know ahead.

Jewell: I would say that it would be possible to do whatever would be written into the legislation although I think to do it after the first call maybe would be excessive, but maybe if they got two calls within that six month period to notify them that possibly the third one would be coming. It would be a lot of notifications if we did it just after the first one.

Baker: What if only the property owners that wished to be informed?

Jewell: I would say that would probably be difficult to track, but we could do anything that we would need to do, but to know that there is a certain list of property owners we may not always hit that so we would have to set up a system that would be effective for everyone in order to be 100% sure we would do it correctly. And the Chief and I have not talked about that so that is just my thoughts on that subject.

Baker: Anyone else on Council have any questions? I think it was covered with Council before. I would like to open the floor to comments from the public. If you do wish to speak, if you would come up to the lectern and state your name and address for the Clerk.

Thomas Treisch: We own property on Schrock Road and if you are going to work on problem solving then I think maybe the first thing to do is to call the first time. I mean, if you want to nip this in the butt you should call the first time. You wait til the third time and then you want to penalize me, I don't think that is quite right. The second thing is that these violations in here I don't understand why you don't deal with them with the renter. All of these are violations and they should be dealt with the renter. Why would it be up to the landowner to say what a renter is going to do, especially if they invite somebody over that we have no clue who they may be. They are all adults and my estimation is that this will prohibit people from investing in rental properties in the city of Orrville, at least in my estimation. Thank you.

Corfman: Mr. Treisch what is your address?

Treisch: 563 Tionesta Drive, Dalton, Ohio 44618

Regular/Public

March 2, 2009

Tim Butcher: Owner of Tesko Properties. I presently own a 52 unit apartment building and six single family homes in Wooster. In the past ten years I have bought and sold approximately eight other single family homes in Orrville. This come to my attention, in the process of purchasing these I have spent \$2 million in acquisition and another half million dollars in renovations I have invested in the City. On reading this ordinance I have to agree with my predecessor that it appears the landowner is the person being held responsible for the criminal acts of others. And my initial concern was brought up by you sir (Mr. Baker) and that is we don't know about problems that occur on our properties; I guarantee that the tenant is not going to tell us. If we are not notified we are completely unable to deal with it. I also own six properties in Barberton which has a similar ordinance and we actually had this occur there where we were notified by the Police Chief that there had been three calls to a property and we had absolutely no idea what so ever that there was a problem. It is not that we are absentee landlords; we are good landlords; we invest money in our properties; we keep them up. We have no way of finding this out if somebody doesn't tell us. To set us up for being either fined or whatever the result is of this ordinance without prior notification it just doesn't set very well with me. In our apartment building which, other than the cost of acquisition, we invested almost a quarter million dollars in it in upgrades. Over the past year and a half we owned it we have either evicted, declined to renew leases, or encouraged tenants to move based on having problems with them. When I say that in a 52 unit apartment building, that was approximately 25 or 26 people; half of the people that we encouraged in one way or another to leave the property because of problems. These are problems that we found out about well after the fact and probably some of them involved multiple police calls. We have no way of preventing the police calls if we don't know there is a problem with the tenant. As most landlords, I don't live at my properties. I live in my own house in Marshallville, but I am in Orrville constantly. I have a manager that is at the properties regularly and even my manager doesn't know about these calls. This is the year 2009, communications and the internet make it very easy to notify people. You don't have to call somebody. If this ordinance were to pass, I would gladly volunteer my e-mail address to be notified of police calls and I think that you have a duty to notify people if you are going to hold them responsible for the actions that occur on their properties. This doesn't address the fact that you are holding me responsible for criminal acts of other people. That in and of itself just seems absolutely wrong. However, if this does pass I think you owe a duty to the people that have invested money in your community to at least let us know that something has happened so we can deal with it. Otherwise, three calls and then we get a notification that we may be fined. How are we supposed to prevent it if we don't know? Secondly, the other thing that I have not seen defined in this ordinance, in a fifty some unit apartment building is that one residence or is that 52 residences? In my opinion, if one household or one property has one family in it that causes a problem, that landlord can get his three calls or whatever the case may be; then does that mean that I get 156 calls? So is it three calls per unit or is it three calls per property? I don't see it defined anywhere, unless I have missed it. I think that needs to be defined before this becomes law, if in fact it does.

Jewell: It is in the first paragraph of that legislation that it is per dwelling unit. Council wanted to be very clear about that.

Butcher: Thanks.

Vance: Just to make a comment in response to that...as part of the committee meetings we had discussing this, I don't think any of us or anyone on the administration wants to take any landlord by surprise. The intent of this is not to say guess what you have had three calls now you are getting a bill. That is not the intent at all. I appreciate that the landlords that have spoken so far are saying that they want to know if this is going on. That is the purpose of this. Not to tell you the first time, but after three times okay now we have a problem so now landlord we want to let you know there is a problem going on and the Police Chief is then very willing and he is available to talk to here after the meeting and perhaps can comment during this. He is very willing to work with you and I don't think you are going to find yourself surprised or in any way taken surprised by getting a bill in the mail. You will have plenty of opportunity to work with the Police Chief. It is not going to be something that is just going to come on you all of a sudden.

Regular/Public

March 2, 2009

Butcher: I understand that is the intent, but it did not work that way in Barberton.

Keith Dewitz: I live here in Orrville. I have lived here since about 1966. Coached and owned property here for all of those years. I feel the same as the other two and I think you are putting everything on the property owner. Why not have the property owners issue a part of the rental agreement; if you already got rental agreements made up that is fine we would just put a supplement with it and attach it to it stating that it is City law that if two calls are made then you will be advised that you may be evicted and then when the third one comes they are evicted. But what happens to the people causing the problems? They just go to another house in Orrville and you got the same problem there, but now it is over here. It is the times and the people. It is not like it used to be, that is for sure. Why not just put this on the people and if somebody is evicted because of a constant nuisance and trouble just put them on a list and tell them they will be put on a list where landlords would have the opportunity to know these people are trouble and not rent to them. There are some different things that could be done and put it right back on the people that are getting in your house, not us because just like the other two people I am around mine constantly, but I find out a week later that so and so that the police were there and I find that out when you go collect rent or something like that; maybe once a month and by that time some of them have had two and three calls. Then if the third call has already been made and you have been notified and the next day after you receive the message they get in another fight there and you are up for maybe a fine. Whereas if on that third one you serve an eviction notice then the police call and say Mr. Dewitz this happened again it is a nuisance we are going to have to fine you then I say I have given the people an eviction notice and as soon as this can take place they will be out of my property, but they are not going to be out of Orrville. These people that are renting and so forth, most of them live here because they work here in Orrville. To me that makes more sense to make somebody abide by it because their kids are in school. Now they got this letter stating the legislation from the City and I tell them I have nothing to do with this. You are the one that has to control your life, but these are the rules if you are going to live in my property, this is what will happen. If they don't have enough sense to know that if they keep getting in trouble, getting phone calls and all this stuff, they could be evicted and if they are evicted they are going to be put on a list and once they are put on the list they may not be able to rent another place in Orrville. That is the way I feel about it.

Baker: Thank you Mr. Dewitz.

Bob Ressler: I live at 16865 Burkhart Road, Orrville, Ohio. I own a duplex here on Viking Avenue. My numbers aren't quite as big as some of these other guys. The first thing that hits me is a couple hundred dollar cost is pretty big in the picture of just owning one duplex. I really agree with everything that has been said so far by the gentlemen that spoke before me. Specifically we should be notified each and every time. I would love to see the list of violators so that if I have a perspective tenant, I need to be able to look at that list or check some how to find out how many times they have had problems in the past so I can make a good decision, but really I disagree with this legislation entirely. I believe the stated intent was to hold the property owner accountable for the problems and I think we should have legislation with an intent to reduce the problems rather than simply holding the landowners responsible. It really bothered me when I read that the City has no obligation to file charges against the perpetrators. They can just go out and talk to them, go out and talk to them, go out and talk to them. Going out and talking to them if there is no penalties isn't going to work, If they are not being charged with criminal offenses and it is clear they are violating City ordinances, if it is not even serious enough to be charged with crimes then why am I being held responsible for the cost. If this is a true violation, they should be charged with the crime each and every time. I do believe the intent for penalties of crimes is to reduce the chances of it happening again. I believe most of our offense: speeding – speed once you get a fine, speed twice in six months that fine is going to be substantially higher, speed three times in six months you are going to see an extremely high fine and you are probably going to lose your license. If these violations were dealt with in that manner, I think you would reduce the instances right then. It just doesn't make to me that that these people are not being fined, are not being charged with a criminal offense. I don't know the laws, but just common sense would tell me that if these people are violating City ordinances, right then and

Regular/Public

March 2, 2009

there when the police are out there and there is a complaint, there is an issue, it should be dealt with right on the spot. If it is two time or three times in six months, that should be escalating penalties, which I assume is already in the code for these violations and that would reduce the instances instead of coming back to me as a landowner. I don't have jurisdiction out there. If there is a dog barking, am I allowed to go take their dog and take it to the dog pound? I don't think it works that way. So how can I be held responsible for a barking dog? It doesn't make sense. If a barking dog is violating City ordinance that person should be charged and fined for that offense and not come back to me as the landowner. Thank you.

Vance: The legislation doesn't say that they don't have to be charged, it says they don't have to be convicted. So there is a distinction there. It won't be where they just go out and talk. Here is the thing, if they go out and they don't see anything at all, it never happened. It is not counted as an incident. So a charge would have to be bought.

Ressler: I would like to see that in the legislation.

Vance: It would have to be a confirmed incident of criminal nuisance.

Ressler: That means a charge would be filed each and every time?

Vance: That is right. I need to double check about that.

Ressler: Each and every time? That needs to be in the legislation, that charges have to be filed because that is not in the legislation today. Thank you.

Jewell: I was just going to clarify in the instance of a barking dog complaint. If we received a complaint that there was a barking dog, the police department will go out. If that dog, and this is with or without this legislation, our standard procedure; you go out. If the police department hears the dog barking, they make contact with the person at the residence and they tell them their dog is barking. If they have to go back again, they are going to get cited the second time.

Ressler: They will be issued a citation the second time?

Jewell: But they get a warning the first time. But when we are tracking this and they are going to start tracking this in our software. The first time when they go out, if they actually hear that dog barking they are going to mark that as a nuisance call. That is the reason it say it does not necessarily mean that charges will be filed, but it has to be verified by an officer.

Ressler: I understand that the first time would be a warning, but by the third time when I get notified officially and hopefully that is the first time, but by the time we get to the third offense they should have two charges against them. Is that correct?

Jewell: That is correct.

Ressler: I would like to see that in the legislation. I do agree with the one warning, but if we are going to make the penalty this severe on me, because we are looking at a couple hundred dollars, that is a lot of money on me for one incident for only one duplex. If it is that big of a deal, they need to be charged at least by the second time – the second and third time. I feel very strongly about that.

Carozza: Just to answer your question about how penalties ascend. If the person is charged with disorderly conduct, it can only be a minor misdemeanor or a misdemeanor in the fourth degree. Even if it is the 5th, 6th, 7th, 8th time it doesn't escalate. Disorderly conduct is either a minor misdemeanor or a misdemeanor in the fourth degree. But if we see a criminal act we will definitely take action on that.

Ressler: You will file charges?

Carozza: Yes and it is up to the prosecutor's office to follow through.

Ressler: I understand the conviction. As long as you are filing the charges, it is very important to me that charges have been filed at least by the second and the third before I have to start paying. I would really like to see that in the legislation.

Denny Ault: 4232 Troyer Road, Smithville. We have a duplex at 626-628 Hostetler. I guess I have to ask...12 years we have been landlords and I have never received a call or a letter to the effect of any disturbances at our apartment, but I assume receiving this in the mail that there must have been.

Baker: How was the list made that was sent to the people?

Regular/Public

March 2, 2009

Jewell: What we did was query the auditor's website for everybody that owns two family and more residents and then everyone was notified of the public hearing. That does not mean there was a problem at your residence. I would say 99% of the residences that we have here don't have those issues.

Ault: I am sure there has been because of here say, but Judge Judy throws those out. I think there has been some at our residence there, but I echo everybody else. Is this not an approved ordinance at this point? Are you still working on it?

Baker: It has not been approved yet. It is on second reading this evening. It has to go for three readings. It will not be passed this evening, or most likely will not.

Ault: I would echo everybody that we have to know. That maybe we can help. I have no problem with the ordinance. Everything in there seems to be logical, but we have to know to be able to notify our renters. I assume no renters were sent anything.

Baker: No.

Handwerk: You bring up a very good point with the fact that you have had that rental all these years and probably have never had a call there. As Mrs. Jewell said, that is probably the case with – we sent over 180 notices out – probably two or three out of that 180 are actually going to be dealing with actually getting to the fourth step in this. Some people have said, well then you are just punishing all of us because of those two or three. If you are not one of those people that gets those kind of problems, it is not going to affect you. You have to remember this isn't just for landlords or rentals, this is every property owner. So if the police are called to my house three times in six months time, I would be getting the same treatment. I have lived here for 56 years and I have never had the police sent to my house, as probably most of you never have either. I think that is what we have to keep in mind. Everybody is getting really uptight about this, but it is really not going to affect very, very many people at all. But we had a couple instances within the past few years where the police are called there, people are cited for actions that are going on, but then the next week it is the same thing; they are out of jail and the same thing happens over and over again. Somewhere we have got to have some help to draw the line and that is what this is aimed to do.

Ault: I would encourage you to listen to the complaints and maybe do some tweaking on this before you bring it to an ordinance. Thank you.

Mike Smith: 506 West Oak Street. I am disturbed and disgusted by this proposed legislation. If feel that it is a copout. I feel that Council is looking for an easy fix; looking for a scapegoat by putting the burden on the landowner. I feel that the police are passing on their responsibilities to hold offenders responsible for their own actions. Since when do I become the parent of my tenant? I feel that the scope of these proposed laws are far reaching. The wording of this is: any animal violation, any disorderly conduct, any curfew violation. So now I have to make sure my tenants are in bed by a certain time? I feel that the City doesn't want to make an effort informed on the first one as suggested from my colleagues here. It seems that they are just looking for an easy fix. This proposed legislation presumes that I have the authority to affect immediate change when I do not. If I need to evict, it is not something I can do at the snap of a finger. I take steps to not have problems at my unit. I have it in the leases; no drug use, no domestic violence, so forth, but I have found as when I first become a landlord I was burned by the Wayne County Metropolitan Housing Authority. I had a tenant who I caught using illegal drugs and they would not let me evict them, but yet they came back on me because there was a light bulb burnt out in one of the kid's bedrooms. I am sorry, but a light bulb is the tenant's responsibility, not mine. I would like to know exactly what this Council expects me to do. What action do you think I can take upon receiving a notice for the first time after three instances? To the gentleman that owns 52 units I would like to say first I am jealous, but second that congratulations are in order because you just became a parent to 52 families. I find that disturbing and I would like to propose to my fellow landlords to form an association to address these problem renters and also to affect change in this council.

Beth Hodges: I am the principal of Salter Services, 2973 Cleveland Road, Wooster. We are actually a professional property management organization and own and manage several properties, not only in the City of Wooster, but throughout Wayne County. I have a letter that I make sure Mrs. Jewell

Regular/Public

March 2, 2009

has for distribution and a lot of the issues that have already been covered here this evening I am not going to be redundant with them. However, I think one of the issues that has not been covered and maybe was eluded to is regrettably under the State of Ohio the landlords responsibility to terminate tenancy is very limited. Over 99% of the evictions in Wayne County court are for one reason and one reason only; which is non-payment of rent. We all recognize these are tough economic times and one of the things that was addressed earlier is if in fact we – and by we I am saying the City of Orrville – if they are able to fine the tenant for these acts that disposable incomes would therefore be going for paying the fines versus paying the rent, which is the only reason we can terminate them. Basically, isn't this really an issue of a very few number of non-responsive landlords? Obviously based on the crowd that is here this evening, these are responsive landlords. Very few landlords want to have tenants disturbing their neighborhood. We all would like to see our tenants enjoy quiet, peaceful harmony and quiet enjoyment, which is in fact language in the Ohio Revised Code. However, until the Municipal Court Judges would allow us to evict for anything other than non-payment of rent, our hands are pretty much tied. We are basically, and this legislation is going to propose that we are penalized for something that we can have no positive response to. And in fact the essence of this is how can the police effectively control the behavior and activity of all residents of Orrville, not necessarily a tenant, but any resident who disturbs the quiet enjoyment and peaceful harmony. The very small percentage of non-responsive landlords who fail to deal with problems once notified is a secondary issue. It is nothing that needs to be legislative. Our hands are tied unless a tenant has been convicted of disturbing this peaceful harmony, we as landlords under the state law can do nothing to terminate them. I do think that a landlord cannot be responsive if they do not know the activity or behavior exists. We enjoy a great working relationship with Chief Carozza and with the City, but again we cannot take action. It has to be either a civil or criminal action that is taken by the legislative body to convict this resident of a wrong doing before a landlord can do anything or even attempt to do anything in the legal system. The proposed legislation does not address that. Thank you.

Ryan Treisch: 562 Tionesta Drive, Dalton, Ohio. The allegations that are brought or the ordinance that is brought about today I totally disagree with. From what others have said is true. I can't tell and I don't live in my rental property. I live in Dalton and I have a rental property here in Orrville. Even if I did live there, how do you tell your neighbor how to live their life? People have kids. Are you able to control them? This looks more like it is directed to landlords in general. You said yourself that this isn't a problem with people who live at home. Well that is because you are in control of the people that are in your house. I think that since I am not living at the facility, I can't control their lives. They are 18 or older when I sign a contract with them. I specifically state things that I do not wish for them to do. The problem is they chose to do this. I think a list is key. I mean if we are definitely going to enforce a \$200 charge or whatever is greater, based on....charge of \$200 or 10% of the cost of abatement...I think if we are issuing a penalty for these people I don't understand how that can be done. I disagree with the whole legislation being brought. What if one of your kids is out past curfew, is he going to get charged? There are a lot of what ifs. What if your kid goes to a friend's house and he is outside past curfew, is the allegation going to come to you or to the parents that are in charge? There are a lot of what ifs in this legislation and I totally disagree with it. I am a new landlord. I do see some things could be legit in this, but I feel like I am getting attacked in general. The people that are here today do want to take a stand on this and with the tenants here you can tell that this is definitely something we don't set easy with. Ways to prevent the crime rates in Orrville in general through rental properties, I think a list would be definitely accessible. The other gentleman said that these people rent and rent and rent. They bounce around. They know the system better than some of the landlords. The first tenant I had took me. I tried to evict him. What did he do? He kicked my walls in; tore my carpet up; so there is a charge in itself. There is money that I have to charge to evict them. They didn't pay rent or they are behind or they know the system better than me and now I am going to get charged \$200. It is just not feasible and practical. It is common sense, a dog barking, I have a dog myself. If it is barking and the neighbor hears it once or twice and calls...they are just minor allegations in my opinion. I feel if you really want to kick it in the butt and this is set

Regular/Public

March 2, 2009

forth there needs to be a list accessible and people need to be aware of the things that said. You can't prevent something if you don't know what is going on. That is all I have to say.

Christine Deitz: I live at 307 South Walnut. I am neither a landlord or a tenant, but a property owner who lives in a neighborhood that we are having a lot of trouble in. On behalf of thank the Police Department for what they have done, I don't want the landlords to think that the police departments aren't out there. Because we have removed two crack houses and a meth lab from our block. We are in communication with them to get them out of there. I have five children that I cannot allow to go outside and play in our backyard on our swing set because of the tenants in the properties that live around us. Just a week or two ago we had guys out drinking in the alley from those apartments when I came home from church with my children....drunk, beer cans all over the back of my property. This is a problem. I don't know if the landlords is a way to get to these people to make them understand that this isn't fair to me and my family when we are paying our mortgage on our house and I am trying to give my kids a good life. I have notified the landlords of the properties and unfortunately I do not see them here tonight. But something has to be done and I here them say this is not the way to hold them accountable. But these people are being charged with their crimes. It is not that they are getting away with their crimes. They are being charged, but somewhere some accountability has got to come because why am I being punished too? We can't go outside in the summer because there is music I don't desire my children to listen to being blared. Should I not call the police in on it? I mean I have fights breaking out behind our house. We have drugs being passed in the alley. We work with the police department very hard to get the meth lab out of Orrville. We were seeing cars pull up and park at the back of our house all day long, every five minutes another car come, another car come. It wasn't fair to my family to go through that. I notify the landlord and he pretty much told me he didn't care; it wasn't his problem; he wanted to sell the property; wouldn't do anything. We tried to take it that route before we started calling the police. When we can't get the help from the landlords and I realize it is not every landlord and you realize it is not every property, but if your property doesn't have problems you are not going to have to worry about the law. It is the people that are making my life miserable and not allowing my children to have a normal childhood to be allowed to play on their swing set in the backyard that something needs to be done. Thank you.
Butcher: May I have a follow up?

Baker: Yes.

Butcher: Have there been extra police officers hired to deal specifically with rental property problems?

Carozza: No, there have not been any additional officers hired strictly for rental property situations.

Butcher: Is the hours the police officers work dealing with rental property problems tracked.

Carozza: Not specifically no, but if this legislation is passed we would track whether or not it was a nuisance complaint. We would be able to do a query and we would actually track the time the officer arrived as well as the time the officer completed the call.

Butcher: That would be some useful information to have, but it makes me wonder if we don't know this information up front why are you basing the fines on the hourly cost of a police officer? The police officers are already being paid from general revenue and they are already there so there appears to be a little bit of revenue enhancement built into this and I think that is wrong idea. The other two comments I wanted to make was that I stated that we have evicted or otherwise encouraged to leave about 25 people and I agree with my colleagues here that every single one of them that we were able to track, which is not all of them, moved somewhere else in Orrville and the ones that moved in that we had to evict also came from Orrville. So all we have here is a case of musical chairs about the City. The average time for us to obtain an eviction is greater than 60 days in Wayne County. It is a little better than some counties where I own properties and a little worse than others. 60 days is a long time when you have somebody that is angry and getting kicked out of the house to cause more grief to the landlord, especially when they know there is an ordinance where I am going to get fined.

Carozza: Obviously you folks care about your properties and that is why you are here. Like Safety-Service Director Becky Jewell said and I think Councilman Vance said, I am willing to work with you.

Regular/Public

March 2, 2009

If it takes longer than 60 days, as long as I see proven steps in the right direction we are willing to work with each and every one of you to solve the problems. If additional instances occur, more than three, but you are taken proven steps to take care of the problem, then we will work with you and you won't be fined. I think you are good landlords and that is why you are here.

Thomas Treisch: A little rebuttal from what I said earlier. Some of the landlords said they keep moving around to different places in Orrville. They are from Orrville. They never move out of Orrville. They just keep working the system. If we had a list of those people who don't pay their rent or destroy property that would help us too. As far as the law goes, it should be three strikes. If you have a tenant and you go there three times, put them in jail for 90 days. That stuff will stop real quick. It is shifting the problem to somebody else. Don't shift the problem to somebody else. Take the problem in your hand. Let's change the law so these people don't irritate this lady and her kids. That shouldn't be going in Orrville. I wouldn't put up with it in Dalton. Why do we got to put up with it in Orrville?

Handwerk: What would you do about that in Dalton?

Treisch: I would go to City Council and tell them let's change the laws.

Handwerk: You kind of make reference like our Chief should put them in jail for 90 days. He can arrest them, but it is not up to him whether they go to jail or not.

Treisch: If you got a crack house or meth lab in Orrville and you got drugs going in Orrville, I am sure you can put them away for a long time.

Carozza: You can not adopt a City ordinance to supersede a State law.

Treisch: Well then let's put it on a State law then.

Carozza: You would have to contact your representative.

Treisch: We can do that too. These things have got to stop because I tell you what the economy is getting worse. I work in the steel industry and I am laid off. You got to have 40 years to have a job in the steel mill. There is going to be more laid off and there is going to be more crime.

Jewell: I just wanted to mention a couple things that we learned from Akron when we spoke with them. They said that in Akron this has been a very effective piece of legislation and that the landlords themselves have done a couple things affirmatively and that's they have started to incorporate this legislation into their leases and so I realize that can't be done right away, but as those leases come up for renewal in Akron they are actually incorporating this legislation and providing a copy of it to the people when they rent to them. The other thing they are doing there is they are coming up with a list amongst themselves of tenants that they have had problems with. I can check with the Law Director, but I don't believe that it would be something that would be the City's – I think there may be a problem with the City keeping a list like that and that would be something that the landlords, whether you have some organization amongst yourselves that you can keep track of whether or not someone is a good tenant and have references back and forth.

Hodges: A couple things that I would like to say and we certainly feel for the problem, but if the police cannot arrest – he can only arrest an alleged drug dealer. The police chief not the City cannot convict that person. If he is that powerless to not be able to take care of a drug activity in the neighborhood, how are we as helpless landlords going to do anything better than the police department? As far as the City of Akron's ordinance, I think that Council needs to recognize that part of the reason it was done was for university housing. That is not an issue for the City of Orrville.

Secondly, if in fact somebody is charged with a crime in Wayne County it is public record, but again and we all have access to Wayne County's municipal records but unless the police actually get the prosecutor to charge somebody with either a civil – which a lot of this nuisance is – or a criminal activity such as drug dealing, again we are the tail on this dog of what type of information we can find. If in fact we are going to be doing this lawfully, which I think is everybody's intent, this has to be a conviction. Just because I don't like my neighbor because he has a dog that barks when I am trying to sleep, doesn't necessarily make him guilty and so what has to happen and it still goes back to the police. They have to charge with a crime and he has to get the prosecutor willing to actually try the case and then the person then has a record we can all attach. It has nothing to do with the City of Orrville, the Village of Dalton, or wherever. Again, you can't hold the landlord; we are the last line on this. The work has to be coming from others. So yes, Akron did enact this, but the other thing is

Regular/Public

March 2, 2009

Akron is a big city. They have a housing court. They have different branches of your justice system. Wayne County has municipal court or common pleas court. That is all we are dealing with at this point. Until I see something on a jail record or on a criminal or civil record I cannot utilize it to determine who I can rent to. It would violate Federal law and none of us wants to do that.

Smith: I understand the City's intent and I appreciate it, but I feel we are going about it the wrong way. I think we are taking a cannon to kill a fly. To this legislation, the only things I feel are appropriate for this type of action to be taken against the landowner is points 3, 4, 8, 11, & 12 on the first page. Anything else is just minor stuff that is just like frosting on the cake to get extra income for the City.

Shawna Treisch: I live in Dalton and I am with my son and my husband, Tom Treisch and Ryan Treisch. My question is, is there a list of landlords that can be put out? I know with the one person that we had in our duplex, I called about four different landlords that I knew that had rentals just to say don't rent to so and so. I just kind of did it off to the side, but that was only through people I knew. So is there a list that is generated of landlords that is in the City?

Jewell: The only list that I know of is the one that I generated off the County Auditor's website by asking for everyone that owned a two family and up. That information is out there and it is available on the County Auditor's website. However, it does not pick up anybody who may just have a single house they rent, but it gets everything that is two family and up.

Treisch: Which you were saying is about 180?

Jewell: It was over 180.

Treisch: I agree with everybody back here also, but I just think some how, like the one gentleman said, you are just passing the people around. They just keep going. I know these people knew the system and we are new at the game. We only have the one duplex. When they kicked in the walls and you went through all of that and it was nothing to them because they knew. So they already had another place and I found out they had been to three other before ours.

Vance: Two points: Eileen Keller with the STEPS Turning Point Coalition at the Liberty Center in Wooster has a list as well, in addition to the one we have. That list has about 250 names on it.

Treisch: Of Orrville or of Wayne County?

Vance: For the Orrville area. She has sent a mailing just a couple days ago inviting landlords to a forum on March 10th. That will be at 7:00 at the Community Room. That is for landlords. It is not for the entire community. You would contact Eileen Keller at STEPS to register for that. She had some additional names in addition to what we had as well and she mentioned where she got those, but I don't recall off hand where that was. The purpose of that forum is to precisely let landlords know what can you do when you have illegal activity going on in your properties. That is the focus of that forum on the 10th.

Handwerk: I would just like to say that we have talked about this for over an hour here and this is only on second reading so it is not going to pass tonight. I would be in favor, and I don't know how Council feels about this I haven't talked to them about it either or even our administration, but if there are people out here that are serious about coming up with better solutions to this, not just sitting here and wanting to say things tonight but would actually be willing to come and meet with us in a meeting to try to work together and try to come up with something that will work for you and work for us. We got a problem we are trying to address and we are hearing a lot of issues from you tonight that maybe we weren't thinking of on your side. But before we get any farther with this I would like to see if we could meet with some people and work it out together. Maybe in a workshop we have another evening, before we bring it back for a third reading. Or if we have to table it for a week or two, we could do that. I don't know what the easiest way would be, maybe even just call down to City Hall tomorrow and leave your name if you are willing to meet with us. Then of course the hard part for us is trying to find a night when everybody can make that meeting. But if you are willing to do that I would certainly be willing to sit down and try to work out a better solution if we can. Mrs. Endsley has a paper if you want to leave your name this evening. If you want to call, call my office. It is 684-5001 and let us know.

Regular/Public

March 2, 2009

Baker: Does anyone else on Council have any comments? Administration? We have a form circulating right now.

Landaw: I want to thank the folks for coming out. We have to have public comment to do these types of things and I really appreciate the folks taking their time. Personally I would hope we would put this back into a committee of Council and give it plenty of time. I don't think we were in a deadline to do it in the first place and the more discussion we get and the more people involved the better we are going to come up with. I just thank folks for coming out and future input and involvement.

Aspiras: I would just like to shadow Mr. Landaw and the Mayor. Thanks for coming out. I heard some real good things to think about, but as the Mayor said we need to come to an agreement here. Two of the big things that I think I heard tonight that we really need to take a hard look at is the advance notification as opposed to later in the process. I think there should be some good conversation around that and also the adding the ordinance to the contract. Certainly there is both sides of this. You guys know that. We have to work something out and I shadow the Mayor if we can get together as a group. I would even motion to table this until further.

Vance: I want to encourage the landlords to form an association. It would have been great if we had somebody to call and say heh landlord association we need to deal with this problem, how can we work together. So that would be a great idea.

Ryan Treisch: I just want to restate...he said there was a list of 250 landlords and meetings that you can go to. Well when we are trying to process whether we want to let someone live in our rental, it is hard to call 250 landlords and ask them "is Joe a good renter." I think one point that was really missed in the whole meeting was that list of renters that are delinquent that we don't want in Dalton or Orrville. If they are delinquent we want to get them out and we don't want to put delinquents in our houses. It is more trouble for us and more money for us and it is more chaos for the police officers. I think you really need to look at that and see if you guys can incorporate something like that within the City Council. I don't know any of these landlords. Like I said, I am new to it.

Baker: We will end our public hearing.

Public hearing ended at 8:40 p.m.

President Baker called the regular meeting to order. Pastor Robert Maskowitz of East Union Lutheran Church offered the prayer. The Pledge was recited by all.

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

Corfman moved and Aspiras seconded that the minutes of the February 17, 2009 regular meeting be approved. Roll call vote. Ayes all. Motion carried.

Public Comment: None.

Standing Committee Reports:

A. Finance – Mr. Miller reported that Council should have received their 2009 appropriation booklets in the mail and I would like to remind Council next Tuesday, March 10th, the appropriations will be on first reading tonight. We will have a special meeting called for second reading of the appropriations as well as a workshop on the details of the appropriations and we're also going to discuss some updates on the capital improvement account at that time as well. That is next Tuesday, March 10th, at 7:00 p.m. We do have some legislation on the docket tonight that Council should have received a memo on that Ms. Strimlan will address as well during new business.

B. Utilities – Mr. Landaw reported at the last Public Utility Board meeting it was reported that the rate study and the recommendations for the Wastewater Division has come back to the City of Orrville and has been distributed to the Utility Board members. They will be setting up a committee

Regular/Public

March 2, 2009

meeting and we will be getting more information on that soon.

C. Health & Safety – Mr. Corfman reminded council there is a Health & Safety Committee meeting on Monday, March 9th, at 7:00 p.m. at Fire Station #1. It will include discussion on fire apparatus as well as a new police cruiser. I will speak to Ordinance G when it comes up.

D. Parks and Recreation – Mr. Aspiras had no report.

E. Transportation – Mr. Shupp reported the committee met last Monday on the 23rd to discuss the streets that we have chosen to work on for 2009. The main project will be South Main Street, which we have been waiting on for several years. Resurfacing by ODOT will be 80% of the cost and the City will pick up 20% of the cost. Hopefully the project will be completed by August of this summer. We are also going to do some work on Vine Street and Railroad Alley which will be an asphalt overlay and we will also be doing a mill and fill on Vine Street between Market and High. We will be doing some replacement of concrete on Hostetler Road at the intersection of Congress which has been a problem of water standing for quite some time. We will do some resurfacing on North Vine Street, West Water Street, and Bell Avenue which is part of the reclamation project where we till it up and grade it, pack it, and several years later we resurface that project. Maintenance wise we will be doing some crack sealing as usual, pothole repair. There is also a note here about the sidewalk replacement program. Just to let everybody know it expires on August 31st as far as we know at this point in time. Truck route update – nothing new except there will be another public meeting in the Spring. Maybe we will get some more input on some alternatives at that meeting. The chip and seal list has not been determined yet, but when we have that I will let you know.

F. Planning – Mr. Vance had no report.

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

Special Committee Reports: None.

Administrative Reports:

A. Mayor - Mayor Handwerk reported March is Red Cross Month and read a proclamation in honor of the Red Cross. We will be flying a Red Cross flag underneath our American Flag in front of City Hall as soon as we get it. One other item, Mr. Shupp said there was nothing new with the truck route he is correct. There is nothing new to be brought to the public yet, but it certainly isn't because we haven't been meeting about the truck route. We have had numerous meetings with different entities involved in the truck route and we have two more this week. We hope that before too long we will be able to have that public meeting we have been talking about that we thought we were going to have in January or February and it just hasn't come about.

B. Safety Service Director- Director Jewell had no report.

Vance: A lot of people have seen the renovation at Schmid Hall and seen how nice it is and are thinking of possible uses. Could we just review, have the rates increased from last year to this year and how much for Orrville residents especially?

Jewell: The rates did increase just slightly. One of the things that was important with the Schmid family as we undertook this project was that we didn't create a situation where people couldn't afford to rent this for family reunions. The rentals at Schmid Hall went up when all the other park rentals went up. It used to be \$70, it is now \$80 for a resident to rent it and \$120 for a non-resident. You can qualify for the resident rate if you live in town or work in town.

Vance: There is an article in the current issue of OrrViews that details some of the changes and there are some photos of the renovation on the blog (rememberthepromise.net) if you would like to see those.

Regular/Public

March 2, 2009

C. Utilities Director – Director Preising had no report.

D. Finance Director – Director Strimlan reported there are several pieces of legislation that have been initiated by the Finance Department and I will discuss those after their readings tonight.

E. Law Director - Director Lutz was absent.

F. President of Council – President Baker wanted to thank the people that showed up for the public hearing tonight. It seems that too often we have a public hearing and no one shows up. At least this time it shows that there are some people that care about what goes on in our City.

Old Business:

ORDINANCE E-09

Leathers moved and Landaw seconded that Ordinance E-09, an ordinance amending Chapter 1131 of the Orrville Zoning Code regarding Design Review, be placed on second reading. Roll call vote. Ayes all. Motion carried.

Baker: This was the ordinance that Mrs. Endsley spoke about before our meeting this evening. Does anyone have any questions? Do we want this to go three readings?

Landaw: Yes.

ORDINANCE F-09

Leathers moved and Aspiras seconded that Ordinance F-09, an ordinance amending Chapter 109 of the Orrville Zoning Code regarding On-Premises Signs, be placed on second reading. Roll call vote. Ayes all. Motion carried.

Baker: This also was explained to us earlier.

Leathers: We will let this go three readings.

ORDINANCE G-09

Leathers moved and Corfman seconded that Ordinance G-09, an ordinance adding Section 521.13 regarding Criminal Activity Nuisances to the Codified Ordinances of the City of Orrville, be placed on second reading. Roll call vote. Ayes all. Motion carried.

Corfman: This legislation is in result of five plus community meetings that I have been involved with. Certainly if we took the suggestions of these public groups that the landlords presently, I think would be shocked at some of the suggestions that they had; which included legislation that would establish registration of all landlords, fees including landlords. It took a lot for some of us to calm that down. That is not where we wanted to go. This legislation is a result of numerous problems on Vine Street, Oak Street, McGill Street, South Main Street, Walnut Street. I live on South Walnut or have lived on South Walnut and still own property there. I have seen what the lady from 207 South Walnut is complaining about. I have lived it. If some of the people got out there and talked to that neighborhood, I think they would be far more aware of the problems that some of those rental properties are creating and some of those property owners are creating. The expense of police calls, this is not a money grab by any means of the City. The police call repeatedly, nuisance calls because of public nuisances are not completely unlike false alarms where police have to go out repeatedly just to calm some petty problems. We have Mrs. Jewell who has researched this well and has definitely done her work. It has been in front of her for close to four years. We have been aware of this. Mr. Wheeler has experience with it; has seen it implemented. Chief Carozza is willing to work with any landlords involved or any property owners involved. This is extra work on his part. These are repeated problems that are at the expense of the City. The property owners when they're rental units they are money making enterprises. These people, while we are accused of trying to be babysitters, they are cashing their checks and letting us babysit their tenants as well to the point where I think we are completely...no one here is being punitive to any property owner, we are just

Regular/Public

March 2, 2009

saying when there is misbehavior there and it is repeated, property owner is responsible for what happens on their property and when the police have to go the rest of us tax payers have to pay for that enforcement. We are the ones paying for it. We are the ones hearing from voters, hearing from citizens in Orrville who are having this frustration. I have heard it for a long time. There is a lack of a landowner group. There is time when maybe the landlords should have an association and should get it started and get themselves organized. They have the right and ability to have a list. The City does not have that right and the City has not that responsibility and the City should not be put to that expense to have a list of who is good or bad renters.

Vance: We have had some talk of perhaps tabling it or taking some time. I think we did hear a couple of suggestions that are worth pursuing and would like to have an opportunity to do that and I think we did have some response tonight from landlords who said we are willing to work with you and help work on a solution to this problem so hopefully we will have an opportunity to do that. I don't know if that means we need to table it now or if we would do it when it comes up on the agenda again, but I think it seems like we are all in agreement that we would like to take some time and try to incorporate those suggestions and the input of the landlords.

Corfman: I would like to see some progress from the people complaining tonight. I would like to see some progress from them in the next two weeks. If we see something in the next two weeks where they get themselves together and they have talked to some of these people with the complaints then I am willing to go along with tabling it; let's have some meetings; let's bring them in. Then we can work with it. If nothing happens, other than they just came and expected us to back down and quit.

Handwerk: That is not where this is going at all. This has been going long enough. Having one more meeting with the landlords that are involved isn't going to hurt anything to get some input from them. We are going to come up with some legislation here. There is going to be something. But they had some very valid points tonight and if we can make that better for everybody before we put this on a vote and vote on it, then I think that is what we need to do.

Corfman: I say we can table it at the next meeting. I want to see something come through. I want to see them come up with suggestions. If we hear from them within the two weeks, I think we should table in two weeks.

Handwerk: That is why I invited them to come to a meeting.

Miller: I too appreciate the responsiveness of the folks that were here tonight and my guess is that these folks probably won't even be affected by this thing. But at any rate, what I did hear amongst all this was that there were some things that if we were all to talk about would require some amending to what we already have and that would certainly require a meeting which I don't think we can get together before the third reading of this. So that would require tabling of this. Now I am not on the committee so I am not going to make that motion, but I am just throwing that out there for discussion.

Leathers: You can table it before we put it on third reading in two weeks. We don't have to do it tonight.

Baker: There is a meeting scheduled for the landlords on the 10th which would be before that time.

Landaw: When it does come back the next time that would be the time for us to vote on it so it doesn't give many public opportunities to read the legislation again and have more discussion in a City Council meeting.

Baker: What they were suggesting was that it would be tabled before that reading at that meeting.

Landaw: I understand that, but then when it does get brought back up from the table it would be only read at one meeting and have to be voted on at that time unless we make enough changes to it that we would let this legislation die out and come up with some new language. I am in favor of tabling it.

Corfman: Mrs. Jewell, if I am correct, once it is amended it has to go three readings again.

Jewell: If it is a significant amendment.

Corfman: I have a feeling it would be significant.

Leathers: At that point don't you just throw out the old and have a new?

Jewell: It would be given a new number and start with first reading.

Baker: That would be up to Mr. Lutz to decide how significant that would have to be?

Jewell: That is correct.

Regular/Public

March 2, 2009

New Business:

ORDINANCE H-09

Leathers moved and Landaw seconded that Ordinance H-09, an ordinance amending Chapter 157 of the Codified Ordinances of the City of Orrville, Ohio, regarding the Records Commission. be placed on first reading. Roll call vote. Ayes all. Motion carried.

Jewell: The law that we have on the books right now, Chapter 157 of our Codified Ordinance, talks about our City Records Commission which is created according to the Ohio Revised Code and that Records Commission is responsible for reviewing records, schedules of retention and destruction, and for approving the disposal of records. There is actually a form that has to be filled out before the records are disposed of. Our existing ordinance says that it would be composed of the Mayor and then three other appointed individuals; however, the State law requires that it is the Mayor or the Mayor's appointed representative as the Chairperson and then specifically says that it would be the Chief Financial Officer and the Chief Legal Advisor to the City and then a citizen. The Ohio Revised Code and our legislation were different so the purpose of this legislation is just to make ours read the same as the Ohio Revised Code. That is what we are doing here with these two amendments and I would suggest leaving this go for three readings to you have time to look at it.

ORDINANCE I-09

Leathers moved and Corfman seconded the Ordinance I-09, an ordinance providing for the issuance and sale of \$400,000 Notes, in anticipation of the issuance of bonds, for the purpose of paying costs of improving the municipal electric system by the acquisition and construction of improvements to that system including, but not limited to, the reconstruction of electrostatic precipitators for the municipal electric generating plant, together with all necessary appurtenances thereto, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Peppard: The Fiscal Officers Certificate for Ordinance I-09 is on file.

Strimlan: I believe Council has received a copy of the note ordinances for review prior to tonight's council meeting. The first note is in the amount of \$400,000. This is a rollover of the precipitator improvement note. Each year we pay down \$100,000; this year is no exception to that. This is the same ordinance Council has seen for many years. We pay off and rollover these notes from year to year, paying down a small portion of the debt and it has been our standard procedure. This ordinance does not have to be approved tonight. We can rollover these notes up to 90 days prior to their expiration which is June 30th; however, we would like to have the flexibility of the full 90 day period for the trustee to take these bonds to market so the sooner it is approved, the sooner the underwriter can begin testing the market to get the best rate for the City.

Corfman: We have all seen this before and we have seen it every year. It is nothing new and out of the ordinary. I recommend we go ahead and pass it tonight.

Aspiras: It is in the 2009 budget?

Strimlan: Yes.

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 Miller seconded that Ordinance I-09 be adopted as read. Roll call vote. Ayes all. Motion carried.

ORDINANCE J-09

Leathers moved and Aspiras seconded that Ordinance J-09, an ordinance providing for the issuance and sale of \$1,600,000 Notes, in anticipation of the issuance of bonds, for the purpose of paying costs of improving the municipal water system by the acquisition and construction of improvements to that system including, but not limited to, the development of a new well field, extending raw water mains to that well field, constructing a building and a booster station in connection therewith and improving the site thereof, upgrading the control system at the water plant, increasing the capacity of and otherwise improving and upgrading existing raw water mains, installing additional pumping capacity and water mains, upgrading existing water mains, and otherwise improving that system,

Regular/Public

March 2, 2009

together with all necessary appurtenances thereto, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Peppard: The Fiscal Officers Certificate for Ordinance J-09 is on file.

Stimlan: This note is being issued for \$1,600,000. It was originally issued in 2008 to finance the water utility projects. We are paying down \$100,000 of this note and again this does not need to be approved this evening.

Aspiras: This also was in the 2009 budget and I was wondering if Mr. Preising could just give us an update on the well field and supply station.

Preising: The well itself has been drilled and is waiting to be connected on. We are waiting on the Corp of Engineers to approve all the projects associated with all the water mains. Until we receive that approval, we can't do anything. We have spent some of the money on the well and the road going into the well and there was a control system project inside the plant. That is about it that has been done with those monies at this point. Mainly the money that we have hear is matching funds that we would get through a grant and until the Corp approves it we don't get the grant.

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 J-09 be adopted as read. Roll call vote. Ayes all. Motion carried.

ORDINANCE K-09

Leathers moved and Aspiras seconded that Ordinance K-09, an ordinance providing for the issuance and sale of \$1,170,000 Notes, in anticipation of the issuance of bonds, for the purpose of paying costs of the refunding on December 1, 2007 of certain of the City's electric system mortgage revenue improvement bonds, Series 1997, which were issued for the purpose of paying costs of improving the municipal electric generation and distribution system, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Peppard: The Fiscal Officers Certificate for Ordinance K-09 is on file.

Strimlan: This is a rollover of the notes that were issued in 2007 to call a portion of mortgage revenue bonds that were outstanding for the electric utility. We are paying down \$200,000 of the note and it is included in the budget and again this does not need to be approved on first reading.

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 Landaw seconded that Ordinance K-09 be adopted as read. Roll call vote. Ayes all. Motion carried.

RESOLUTION 9-09

Leathers moved and Miller seconded that Resolution 9-09, a resolution to make appropriations for current expenses and other expenditures of the City of Orrville, State of Ohio, during the fiscal year ending December 31, 2009, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Strimlan: I assume everyone has received their final appropriation workbooks over the weekend. As Mr. Miller indicated early, we do have a workshop set for next Tuesday to go over it in more detail. If you have any questions though there isn't a need to wait until then, please call me or e-mail. If I have the answer I will go over it with you right away, otherwise I will make sure that we are prepared to discuss it on Tuesday night.

Superintendent Mike Staley presented the Annual Report for the Service Department.

Good of the Order:

Aspiras: The play *Once Upon a Mattress* will be performed this weekend at the Orrville High School. Friday and Saturday evening's performances will start at 7:00 p.m. and Sunday's begins at 2:00 p.m. I encourage everyone to go see it.

Regular/Public

March 2, 2009

Leathers moved and Corfman seconded that the council meeting be adjourned. Ayes all. Motion carried. Council was adjourned at 10:02 p.m.

Tamra Peppard, Clerk of Council

Date

Lyle Baker, President of Council