

Regular/Public

March 16, 2009

President Baker called the regular meeting to order. Councilman Denny Miller offered the prayer. The Pledge was recited by all.

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

Vance moved and Miller seconded that the minutes of the March 2, 2009 regular meeting be approved as amended. Roll call vote. Ayes all. Motion carried. Leathers moved and Aspiras seconded that the minutes of the March 10, 2009 special meeting be approved. Roll call vote. Ayes all. Motion carried.

**Public Comment:**

Ken Hershey, 255 North Crown Hill Road, Orrville – I wanted to make a few comments about the nuisance law. I want to commend the Orrville Police for what they have done. They have helped me out quite a bit in the last nine years. I had 100 units myself and French Village Apartments for nine years so we had a few situations with that many people. All together I have had 40 years of experience renting houses since 1969 up to the present. So I have seen people come and go for whatever various reasons and I have helped them move a little bit quicker maybe than they wanted to so I know what all the eviction laws are like and the procedures of dealing with people with evictions. My situation is with the Orrville Police. I think they are trained to deal with people; especially with today's drugs and alcohol and domestic violence which is one of the tougher situations that I understand that the Orrville Police deal with. But I don't know if I want to be involved to a certain degree of breaking up somebody's domestic violence situation, but we will see where it goes. Also, I don't mind working with the Orrville Police and I have on a lot of occasion, but I don't think we need this fine to be involved in this type of a situation. Most landlords want to know what is going on with their house. There are a few situations where some landlords have way over 100 units, but I am not going to go into that. I have 15 units and that is plenty for me for now after 40 years I am slowing down. I don't need all the hassles that we do have nowadays especially with the drugs. Alcoholism is right up there. A lot of people drinking their problems away and I can understand that with the economy the way it is, but don't take it out on me. Also, I think we need to look at our existing laws and make them better. Maybe we should look at a law like California, three strikes and you go to jail. I don't know why for instance Officer Hunt said they made over 50 stops at a house on South Main Street last year. That is ridiculous. In my opinion we need to toughen these laws up. Three times is plenty to go to somebody and get your act together and straighten it up. Also, maybe right Ron Amstutz and some of our state representatives and maybe toughen some of our laws. My uncle, Malcolm Hershey, was killed in the mid-70s because of a tenant/landlord dispute so that is just another good reason the Orrville Police can do better. Because we all pay equal taxes so I think we should be able to deal with this.

Vance: I have two guests here tonight that would like to give public comment as well.

Vance moved and Aspiras seconded that Troy Bisessi be allowed to give public comment tonight understanding the rules that comments be limited to council business and to three minutes. Roll call vote. Ayes all. Motion carried.

Bisessi, 735 South Main Street, Orrville – It was interesting to observe the last City Council meeting in which the matter of the nuisance law was addressed. As a resident, father, homeowner, and member of the South Main Area Residents Team (SMART) I would like to address a few of the comments made during that meeting. First, let's make it perfectly clear that while the City may have been researching this for some four years now, it is our community group that has pushed this forward whole heartedly. This needs to be clearly understood by the landlords. We urge that the legislation be promptly moved forward, but we do support the addition of the first notification that was

Regular/Public

March 16, 2009

mentioned at that last meeting. Second, I will defend this Council whole heartedly against any landlord that claims this is some type of a money grab situation by the City. Listen and understand that the citizens who demand something to be done. The issue of having some path to address problem properties is only going to grow; the percentage of rentals to homeowners in Orrville is already much higher than the national average and with the current state of the economy it has the potential to skyrocket. Third, specifically to the landlords who are concerned about this, understand no community organizes unless it is pressed to do so in defense. Let me assure you this was not brought to Council because someone painted their house pink or didn't like the lawn edging that was put down. This was originated from tenants showing outright disrespect for the neighborhood through drug sale and use and outright threats of physical violence. These are occurring on their business property. The landlords need to consider the stress created in the community from the operation of their business. The homeowners, we've brought this to the landlords attention and many of them are very responsive and do care what goes on on their property. These are the landlords that will understand that this legislation is a tool to be used by them to give them legal backing to protect their investment; however, too many of the landlords have offered ridiculous shoulder shrugs saying they wish they didn't even have rental properties because there is nothing they can do. This gives them something to do. If you wonder how tired we are of hearing that excuse, SMART organized because of it. The reality of this legislation is that it has not even been enacted yet and it has already shown a positive affect. The mere fact that so many landlords showed up for the meeting proves that this will create focus. The inclusion of this ordinance into leases will give them the legal stance necessary to take some action; the neighbors in the community will have a path of revolution for problem properties; and it will give the city a way to recoup costs associated with policing those business properties – not make money – recoup costs. As we understand it this ordinance would apply to all properties not just rentals. Homeowners have a vested interest in the City. It is time some landlords be shown that they have a legal responsibility for what goes on at their business and how it affects the neighborhood and community as a whole.

Vance moved and Aspiras seconded that Jeff Wiles be allowed to give public comment tonight understanding the rules that comments be limited to council business and to three minutes. Roll call vote. Ayes all. Motion carried.

Wiles of Jeff Wiles Realty, 1371 Independence, Orrville – I am here just to address a few of the issues that were spoken about also. Many of you probably know me. We own and manage about 65-70 units in town and have done this for the past 32 years. I understand both sides of the fence on something like this, but it is kind of difficult to put a landlord in a situation to police properties and I am going to tell you why. It is more of what the landlord/tenant laws are than anything else.

Understand this, the nice lady that spoke here a couple weeks ago about the same issue...she said well you can form a landlord association or you can pass out names to everybody to let people know what you are doing. Well people, you can't do that. That is against the law. As a landlord you can not sit there and do things like this. Also, we are supposed to police and watch what our people are doing inside the unit. Most leases and the landlord/tenant law states that you have to give a tenant a 24 hour notice unless you think there is some sort of an emergency. I am not going to say there is an emergency if you here someone screaming inside on of our units. We fortunately and Mr. Vance and a lot of other people that know me have commented that our units are pretty good and yes they are good. We try to keep a good relationship like this, but people it is awfully tough if you are going to expect a landlord to police these things. I do too also say we have an excellent police force, but I do believe the police are there to enforce the law. If somebody has actually been called out 99 times or whatever for breaking the law, I am sorry to say this, but that is not my fault. He is breaking the law; you people are policemen; he should be arrested. I can't arrest the guy. What am I going to do? We act like I can just go down there and say something to him. It is very difficult in landlord/tenant law and especially if you have read leases. I am all for eliminating all these problems, but I think it has to be in the category of where it should be and if we are going to get to a point, I do think we do have to have some notification of the landlords, but I don't think that is the answer. I do think that these people are violating the law. We have police people; arrest them.

Regular/Public

March 16, 2009

Baker: That concludes are public comment.

**Standing Committee Reports:**

A. Finance – Mr. Miller reported that last Tuesday we had a special meeting for second reading of the 2009 final appropriation and afterwards our Finance Director, Ms. Strimlan, held a workshop to walk Council through the budget numbers. We have third reading on this tonight. It is tight, which is representative of the economy, but we have capital projects that have been planned and prioritized; many of which involve a lot of grant money to get them done. If the economy picks up, there are also options as well in this. So tonight the appropriations will be on third reading. Also, I wanted to remind Council for those who can make it, the auditors for the State of Ohio scheduled an opening audit meeting for March 17th at 9:00 a.m. in the main conference room. On a more personal note, this is Mrs. Jewell's last official council meeting here with us and I just wanted to say that you have been extremely helpful in my four years here on council and I wish you the best and thank you for your service.

B. Utilities – Mr. Landaw reported the Public Utility Board and our Utilities have submitted nearly \$30,000,000 in projects – shovel ready projects – if stimulus money becomes available and can make its way to Orrville. We will be glad for anything we can get. Director Preising reported that the Ohio Municipal Education Association Legislative Day and Mayor's Reception will be March 31st in Columbus and Director Preising and several folks will be going to that and Council members are invited to go. It is a good event to meet with our state officials and speak up about Orrville and municipal power issues here in Ohio.

C. Health & Safety – Mr. Corfman said a word of appreciation to Mrs. Jewell. I had to start working with her when I started organizing bike races 20 years ago and she has always been utmost and helpful. She has a lot to do with the success of Mayor Steiner and she has certainly gotten Mayor Handwerk off on a great start and one of the big compliments in the book of *Good to Great* which is a great management tool is how well you plan your succession and she has done that to a T and I really compliment her on a great job and thank her for all her service to the City of Orrville. I think the City owes you a great thank you. We also had a meeting tonight on the Health & Safety Committee introducing the Council to discussion on bow hunting deer within the City of Orrville. This is just a discussion/information. We will all read and learn and have a meeting further on regarding that. Corfman moved and Leathers seconded to postpone Ordinance G-09 to April 6, 2009.

Vance: I am support of delaying the vote on this ordinance because there are some areas that I would like to see if we can improve. I am concerned about the amount of misunderstanding that is still out there about what this ordinance does and so I would like to see some improvement in the language that we have to see if what we have intended to do in this ordinance can be more clearly expressed. There are three main areas in my opinion that still need to be addressed. As I said, there is a considerable amount of misunderstanding. I think there is also some misunderstanding about the legal liability of a landlord for what does take place on their property. It is our position on Council that landlords are indeed ultimately responsible for what takes place on their property so we need to reach an understanding there. A number of landlords have said they would like to be notified on the first nuisance call. I am not in favor of that for a number of reasons we will discuss next Monday, but I want to be clear that my support in delaying the vote does not indicate that I am open to substantially modifying this ordinance. I am open to how it can be best implemented in a way that works well for the City and the property owners and to improve the clarity of a couple areas in the ordinance. I am open to listen to other ideas in regards to the notification guidelines and I am open to exploring what opportunities there might be to notify landlords earlier than what is currently in the ordinance.

Corfman: This motion has been made in light of a meeting that will be next Monday at 7:00 p.m. or immediately following the Utility Board meeting. At that time I welcome the public to come to that meeting. It is mostly an educational meeting.

Regular/Public

March 16, 2009

Roll call vote. Ayes all. Motion carried.

D. Parks and Recreation – Mr. Aspiras had no report; however, like my colleagues I would like to thank Becky Jewell for all her hard work and years of service to the City of Orrville. I am just a new kid on the block, but I have had the privilege to work Mrs. Jewell for the past 15 months or so. She probably doesn't realize this, but I have learned a lot from her; especially watching how she works and how she keeps the best interest of the City of Orrville and its citizens. Thank you very much and best wishes on your retirement.

E. Transportation – Mr. Shupp had no report, but also thanked Mrs. Jewell for her many years of service and her help my first year on Council.

F. Planning – Mr. Vance scheduled a meeting for the Planning Committee for March 30th at 7:00 p.m. The purpose of the meeting is to get an update on where we stand on our comprehensive plan. With Mr. Wheeler coming on board and flying solo on April 1st, I would like to get all of us on the same page and put one last appointment in Mrs. Jewell's calendar before she retires. I too wanted to say thanks to Becky. She has been the one to carry the lightning rod for the City with a smile on her face for all these years. I appreciate no matter how difficult circumstances have been that Becky does have a smile on her face. I hope to follow her example in dealing with various complaints and issues that come up and Becky I just wanted to say that you are a jewel and I appreciate so much your service to Orrville for these many years.

G. Ordinance & Personnel – Ms. Leathers had no report. It is not fair that I have to be the last committee report because I just have to say ditto to what everybody else has said, but Mrs. Jewell I want to thank you for your service to the City. You've been through a new zoning code and design review and you name it and you have trudged through it all...sidewalks and everything else. Sometimes not always the easiest of jobs that you had, but you always pulled all of us through it so I do appreciate it and I hope you totally enjoy your retirement and thank you again for all your service.

**Special Committee Reports:** None.

**Administrative Reports:**

A. Mayor - Mayor Handwerk wished Mrs. Jewell a happy retirement. When I first got on Council Pete Guster was our Safety-Service Director and then we had Bill Stocker and for the last numerous years, Becky Jewell. I think it is by far one of the most difficult jobs that the city has. As I mentioned in the OrrViews article that came out last week, it is not an easy job. There is no good way sometimes to give people bad news that they don't want to hear and that unfortunately is a daily part of that position it seems. She has been very, very helpful to me my years on Council and especially this last year and a half or so that I have been mayor and I certainly appreciate all of your hard work and wish you the best in your retirement. Stay away from cars...at least when you are walking. I would also like to mention that April 20-25 will be our citywide cleanup again. We are looking for individuals or businesses or groups that would like to help clean up Orrville. As with any city when you go though a winter, especially with all the wind storms and snow storms that we have had and especially when you have wind storms on trash night. An awful lot of stuff has been uncovered when the snow melted so we use that week to get stuff picked up and make Orrville look better all the way around. If you are interested in helping with that, contact Suzie Auble. She has been, in the past, the chairman of that group and we appreciate that. Also, you can check with the Chamber office or my office. We would like to have as much help with that as we can. Lastly, as far as our nuisance ordinance, I would just like to make a comment before we have our meeting next week and that is we are simply looking for cooperation with all the parties involved here. We are by no means suggesting, as some people have brought up to me both in phone calls and here at the meeting, that we want landlords to intervene in disputes between tenants and fights and stuff like that. We know

Regular/Public

March 16, 2009

that is not a good idea and that is not what we are suggesting. That would not even be the case normally. If the police have been called to a residence on a Saturday night, the landlord may not know about it until the following week. What we would be asking is that you work with the Police Department to try to come up with a solution. If that means calling that tenant and saying you know the police were there, that is the type of cooperation we are looking for. It is not going to be a solution that everybody is happy with on either side, but we have to do something and as you will find out next week, if you don't already, there is a list of probably 15 different cities in our area in the State that are already doing this so it is not an issue just in Orrville, it is an issue everywhere that needs to be looked at and dealt with.

B. Safety Service Director- Director Jewell – with this being my last report, the main thing that I would like to do is to just let everybody know it's been a privilege to serve the citizens of Orrville. 35 years has gone by very quickly and I just feel very privileged.

C. Utilities Director – Director Preising had no report.

D. Finance Director – Director Strimlan reported the Fund Balance Report for the period ending February 28, 2009 was distributed to members of council prior to the meeting. Mayor Handwerk, Steve Wheeler and I have reviewed the balances prior to the meeting and I would request a motion to approve this report subject to audit. Miller moved and Landaw seconded. Roll call vote. Ayes all. Motion carried.

E. Law Director - Director Lutz had no report, but would be remiss if I didn't say some words about Becky also. I just have the utmost respect for her and like the Mayor said, she certainly does have – in my opinion – the toughest job in the City, but she has always handled it with grace, dignity, courtesy, and impeccable integrity and it has been a privilege to work with her as a fellow director. It has been a privilege to know her as a friend. We are losing 35 years of experience and knowledge and I have always said that with her departure my job is certainly probably going to get harder. She has all that knowledge in her head that Mr. Wheeler probably doesn't have yet, but you have big shoes to fill Mr. Wheeler. I am sure you will do a great job. It has truly been a joy and privilege to work with Becky.

F. President of Council – President Baker

Peppard: We have received a new liquor license application for Barn Stone Café.

Baker: I do get to be the last one to congratulate Becky. Everybody got to have their chance going around the room. I know you do a great job and there are times when I have called you and I can feel the smile on the other end of the telephone and I know sometimes you probably didn't really enjoy what my phone call was about, but you seemed to handle things greatly and it is definitely not an easy job because it is frequent that you have to tell somebody what they don't want to hear and I appreciate that and hopefully everyone else does, even if they were on the receiving end of that answer that said no, you can't do that. We appreciate you Becky. We really do. I also would like to thank the Mayor. Your citizen of the month program for the schools, I know you don't select those citizens, but my grandson got selected. His teacher turned him in and between you and the Chief, his eyes lit up and when the police car door opened he wasn't quite sure what he was going to do. My wife said just be sure that is the only time you ride in that police car.

**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 third reading. Roll call vote. Ayes all. Motion carried.

Regular/Public

March 16, 2009

Leathers moved and Vance seconded that Ordinance E-09 be adopted as read. Roll call vote. Ayes all. Motion carried.

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 third reading. Roll call vote. Ayes all. Motion carried.

Vance: I do have a comment on this ordinance. It was originally designed to be able to deal with signs for business that had gone out of business and their signs remain, but we have noticed that there is some language in this ordinance that expands and strengthens our current language on existing signs on existing business that are open. The language reads, "the face of any permanent sign which advertises a business that hasn't been conducted on the premises for 180 consecutive days or fails to serve the purposes for which it was intended or evidences a lack of maintenance shall be removed by the owner, agent, or person." The way I read that is that if any of those conditions is evident then the sign owner or the owner of the business will be asked to deal with that sign. This will not only affect businesses that have gone out of business, but also businesses that have signs that are out of repair or in this case as the wording says, evidences a lack of maintenance. So our existing language has strengthened, it doesn't only apply to businesses that have gone out of business.

Jewell: Just as a point of clarification, Mr. Vance mentioned that section where it strengthens the existing code. Our existing code had a section in it which will be removed and that says, "any sign permitted by this Chapter which may show severe structural deterioration shall be replaced or removed at the owner's expense upon proper citation by the Director of Public Safety and Service." So this is in our Code, it is Section I of Section 1109.09. That part was removed and incorporated into this new language which talks about abandoned signs and failure to maintain.

Vance: In my view the extreme deterioration, or whatever the wording was, is now evidence of lack of maintenance. That is what I mean by it has been strengthened.

Jewell: So that part has been strengthened, because before it said severe structural deterioration and this allows it at an earlier point.

Leathers moved and Landaw seconded that Ordinance F-09 be adopted as read. Roll call vote. Ayes all. Motion carried.

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 second reading. Roll call vote. Ayes all. Motion carried.

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 Aspiras seconded that Ordinance H-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 third reading. Roll call vote. Ayes all. Motion carried.

Vance: You might want to get comfortable, I have a few minutes worth of thoughts here I would like to share on the appropriations. As we stand today we plan to provide about \$668,000 from the capital improvement fund towards capital projects. More than that is actually appropriated in this legislation, but historically we only spend about 85-92% of what is appropriated. We are fortunate that we are receiving just over \$1,000,000 in grant funds this year. Now to put \$668,000 in perspective, it would cost over \$700,000 just to repave Viking Avenue alone and so we are trying to

## Regular/Public

March 16, 2009

make fewer dollars than that stretch for the entire City. It wasn't long ago we were considering transferring \$600,000 from the general fund to the capital improvement fund, but at the appropriations workshop that money is now no longer available as we found out due to the down turn of the economy and the projected decrease in income tax revenues this year. Even though we are funding \$668,000 there is another \$1.2 million that is likely to not be funded if the economy does not improve. While someone may quibble with a project here and there, by enlarge these projects are worthy of funding. In fact that is one of the more difficult things to communicate about capital improvement projects, so many of them aren't visible but they are a very necessary part of maintaining the significant investment we have in our infrastructure and buildings. The projects requiring the \$1.2 million aren't going to go away because they won't be funded. The five streets that aren't going to be repaved this year are still going to be there next year, only in worse condition. They aren't included in next year's capital project plan either. In fact, if you look at our five year capital project plan we have an average shortfall of \$800,000 a year for the coming five years. Now I believe we on Council are committed to holding the line on taxes. We did not ask for a tax increase last year and while we don't have complete agreement, the consensus is we are not going to ask for a tax increase this year. But I do believe we also have a responsibility to let our citizens know that there are important capital projects that need to be addressed. Thankfully we have an administration that has worked very well together in the various departments in finding ways to reduce costs and prioritize their needs. Our employees need to be commended as well for each of them taking responsibility to reduce costs in the course of their work. I often hear our Directors talk about small steps that they take every day to make the most of taxpayer funds. A significant capital item in the appropriations this year is the replacement of Engine #67. This truck is 30 years old. It didn't occur to me how old that is until I road in it and realized it has been a long time since I have been in a vehicle that was 30 years old, let alone an emergency response vehicle. The Chief tells us that truck would not pass an ODOT inspection and has failed to pass its pump test for the past two years – it is a pumper. How much longer can we reasonably expect the department to keep that vehicle in service? If we delay the replacement of that truck until next year, it is projected to cost an additional \$50,000 in taxpayer funds due to increased EPA as well as other new requirements. We will need to seriously consider the need to the community for the capabilities of this truck and see if money becomes available during the course of this year to fund this replacement. Leathers moved and Miller seconded that Resolution 9-09 be adopted as read. Roll call vote. Ayes all. Motion carried.

### **New Business:**

#### **RESOLUTION 10-09**

Leathers moved and Landaw seconded that Resolution 10-09, a resolution authorizing the Board of Control to advertise for bids and enter into a contract and/or contracts for the asphalt resurfacing of Bell Avenue, in the City of Orrville, Ohio, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Jewell: I have a comment regarding this. This is one of the asphalt overlays on a chip and seal street. When the new \$5 license tax was put in, probably four or five years ago, we were going to start a program of overlaying the chip and seal streets. We have done several so far. Bell Avenue will be the one for this year and the estimated cost of that is \$40,000 and the money is set aside in the permissive motor vehicle license fund.

Aspiras: Mrs. Jewell, is there any advantage to passing this? I know it is not declared as an emergency.

Jewell: There would be a definite advantage to passing this because right now we are seeing a lot of bids come in, very good bids. I am afraid that if we wait a little bit longer we may start getting into the situation where we are competing with the people with the stimulus dollars coming in. It would be helpful to us if we could pass this one this evening as well as the other ones that are for the roadway projects. These are projects we have been planning to do, but we are not sure until we did the final appropriations if we would have the funds to do them.

Regular/Public

March 16, 2009

Aspiras: This project along with the next two, they are in the appropriations in the green shaded area so we have slated those funds already.

Jewell: Yes they are.

Leathers moved and Shupp 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 Aspiras seconded that Resolution 10-09 be adopted as read. Roll call vote. Ayes all. Motion carried.

RESOLUTION 11-09

Leathers moved and Corfman seconded the Resolution 11-09, a resolution authorizing the Board of Control to advertise for bids and enter into a contract and/or contracts for the downtown revitalization Phase 2 projects, in the City of Orrville, Ohio, be placed on first reading. Roll call vote. Ayes all.

Motion carried.

Jewell: This is one of those projects we are going to be funding because we have a grant. Mrs. Endsley wrote the grant for a Community Development Block Grant Downtown money. The project will resurface Vine Street from what we call Railroad Alley north to High Street. In addition to that it would resurface that alley that runs behind First National Bank and the furniture stores down to the depot. That alley will be resurfaced, the guardrail will be replaced and also we will be repairing and relaying the decorative brick papers in the downtown and redoing a lot of the tree pits. The estimated cost on this project is \$367,500. The good news is \$298,000 of that will be coming from the grant money and only \$69,500 out of our City capital improvement fund.

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 Landaw seconded that Resolution 11-09 be adopted as read. Roll call vote. Ayes all. Motion carried.

RESOLUTION 12-09

Leathers moved and Landaw seconded that Resolution 12-09, a resolution authorizing the Board of Control to advertise for bids and enter into a contract and/or contracts for concrete roadway repair of Hostetler Road, in the City of Orrville, Ohio, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Jewell: This project will be funded from what we call our first permissive license fund. These funds come in to the Wayne County Engineer from the State of Ohio. The City then applies to the Wayne County Engineer for the money that is set aside specifically to fund projects in the City of Orrville. We will be doing replacement of some concrete portions of the street as well as some curb ramps. The biggest part of this project will be the replacement of the intersection of Congress and Hostetler Road. There is a place there where water lays right in the curb ramps, right where the sidewalk is and also that corner was built before they had buses running in and out of there and it is very tight so the actual corner will be widened. Smith Dairy donated additional right-of-way there for us to do the project. The estimated cost is \$50,000 and this money will be coming from the permissive license fund held at the County.

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 Aspiras seconded that Resolution 12-09 be adopted as read. Roll call vote. Ayes all. Motion carried.

RESOLUTION 13-09

Leathers moved and Corfman seconded that Resolution 13-09, a resolution authorizing the Public Utilities Board of Control to enter into a contract and/or contracts, without bidding, for the overhaul of Turbine-Generator No. 9 at the Power Plant, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.



Regular/Public

March 16, 2009

Landaw: For this and the following utility resolutions I reference Director Preising's March 10th memo. This work was scheduled to be done in the fall, but in the meantime this turbine is down because there has been some problems in it and they are taking it apart right now. Preliminary testing, they suspect some electrical problems in the windings. Again, it is down right now. It is a good thing they did catch the problems early and they want to contract without bidding to get this done. The estimated cost is \$1.2 million. It is a budgeted item.

Preising: Since that memo was written we have determined that we do have significant problem in the windings of that generator. We are going about making a temporary repair to get us through the summer season. When this unit comes down in the fall it will require a total rewind. The estimate of that, right now we are in the process of obtaining estimates, the last rewind done 7 or 8 years ago was in the neighborhood of \$750,000. So we will estimate that this cost will be in excess of that amount to do this. We are making a temporary patch to get us through the summer, but to run it for long term that isn't going to happen. To be on the safe side we need to rewind this unit. Generator 10 was rewound in the past; Generator 11 has never been rewound. It is time, the unit is a fairly old unit and this will extend its life. The problem we have encountered though, we don't know exactly what the temporary fix is going to cost at this point. It may approach \$100,000, but we still don't have that number yet. We have contractors coming in tomorrow and throughout the early part of next week to give us some estimates on making this repair. Even if we took the unit down now and did the whole thing we were planning for the fall, there is a fairly long delivery item for the windings. They actually have to be made to specification and be brought in and that would take a period of time. What we are trying to do is just retape things and put it back together so it will hold together for a period of time. It would probably hold together for a period of a year or so, but going beyond a year throws us off in the schedules of our other units coming off and those are scheduled at a certain point. We can't afford to take an outage this fall and do something and take another outage a year from now so it is best to do this in the fall. I really don't have an exact number at this point. Our estimate at \$1.2 million was good for the work we were planning, but with rewind I don't know. We will probably have to look at amending the appropriations at some point when we do determine what this will cost. Luckily last year we had a good year. We were able to build our cash reserves so there are monies that weren't appropriated that are available to perform this work. We are not going to have that good year this year with the economy and everything else. On the other side of that, with the economy down the cost of these repairs may be down also so there is probably not a better time to do it.

Aspiras: Mr. Preising, I know several months back this power supply portfolio chart was passed out to Council and just a question here. In this chart we talked about Unit 11 being retired in 2013 and I think that is basically because of Boiler #10 being a stover unit doesn't meet the mac rules and that would be filled with the Prairie State supplement and the AMP generating station, but could you explain how the four boilers that we currently have versus the three turbines and we are talking about putting \$2 million into a turbine, but we are going to be shutting a boiler down in 3-4 years. Does that affect this or not.

Preising: Not directly. We have four boilers - #10, #11, #12, #13 - we normally run boilers #12 and #13 and then during peak periods we run #11 and we use #10 as a maintenance thing if #11 happens to be down during those periods. It is run very seldom. With a boiler mac rules if they go the way we anticipate them they will go, our plans would be to shut down boilers #10 and #11. The turbine generators can be run by any combination of boilers of #12 and #13. Having the three generators with two boilers is not a problem and actually turbine generator #9 that we are looking to repair is a very reliable unit and it efficiency wise probably runs better with boiler #12 then it normally does not with boiler #11.

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 Landaw seconded that Resolution 13-09 be adopted as read. Roll call vote. Ayes all. Motion carried.

Regular/Public

March 16, 2009

RESOLUTION 14-09

Leathers moved and Landaw seconded that Resolution 14-09, a resolution authorizing the Public Utilities Board of Control to enter into a contract and/or contracts, without bidding, for rebuilding Cooling Towers No. 5-7, at the Power Plant, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Landaw: This is the second phase of repairs to the cooling towers. Some of these towers and parts are 35 years old. We need to get these replaced. A lot of it is wood being replaced. They estimate \$300,000 for this project.

Preisig: Two years ago we rebuilt the actual physical structure of this cooling tower and this time we need to rebuild the internals which we didn't touch the last time. These are like fiberglass plates and things that distribute the water through the cooling system. This is a fall project. Doesn't need to be passed tonight.

Leathers moved and Landaw 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 14-09 be adopted as read. Roll call vote. Ayes all. Motion carried.

RESOLUTION 15-09

Leathers moved and Landaw seconded that Resolution 15-09, a resolution authorizing the Director of Utilities to enter into an agreement and/or agreements with the State of Ohio Purchasing Program to purchase one (1) electric distribution bucket truck, which meets the specifications of the City of Orrville, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Shupp: What was the estimated cost on this?

Preisig: It is about \$130,000 is what State Purchasing does, plus there is a couple options we don't know the exact cost of. We are saying \$150,000 at the very max.

Shupp: How many years of service do you normally get out of a truck like this?

Preisig: It depends on the chassis. The chassis usually lasts longer than the lift element. The lift element we usually use two of them on a truck over the body's lifetime and that could be as high as 20 years. This particular unit, the boom needs to be replaced, but the body is showing a lot of deterioration and we have welded things on it and the body has not held up on this particular unit. That is the reason we are looking at replacing both of them. Normally we would just replace the lift unit. We should get 20 years out of the chassis; the booms and that 10-12 years is pushing it.

Shupp: Would this be a single axle or tandem axle?

Preisig: Single axle. It is an International 4200.

Shupp: That gets daily use?

Preisig: Yes.

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 15-09 be adopted as read. Roll call vote. Ayes all. Motion carried.

(Note: Mr. Landaw had an emergency and left at this time.)

Chief Ballentine presented the Annual Report for the Fire Department.

**Good of the Order:**

Miller: The Orrville Community Theater will be presenting "A Cricket on Grandma's Heath" on April 3rd and 4th at 7:00pm at North Elementary. Please come out and show your support.

Leathers moved and Corfman seconded that the council meeting be adjourned. Ayes all. Motion carried. Council was adjourned at 9:00 p.m.

Regular/Public

March 16, 2009

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Tamra Peppard, Clerk of Council

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Date

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Lyle Baker, President of Council