

Regular/Public

April 20, 2009

Prior to council's regular meeting, public hearing was held regarding William E. Arnold's Application for Placement of Farmland in an Agricultural District. President Baker swore in all attendees who desired to speak regarding during the public hearing.

Baker: Mr. Wheeler would you like to start things off for us.

Wheeler: I received an application from William Arnold of 951 Back Massillon Road, Orrville, Ohio, for placement of farmland in an agricultural district on April 1st. Basically, he is currently a Current Agricultural Use Value (CAUV) designation. Just for some of the new council members, what that designation allows is for the farmland to be assessed at the agricultural value for real estate tax purposes rather than the highest and best use valuation. He is before us this evening requesting that the application be placed in the farmland in an agricultural district. An agricultural district, for informational purposes, the main advantages to that is that it allows for deferment of special assessments, protection granted from civil actions for nuisances and criminal statutes and also in an additional review process if the land was ever to be taken by eminent domain. Those are a few of the advantages. I just want to go over a timeline with you in regards to, as some of you know there has been some history with the property in regards to issues with the violations. May 24, 2007 the City sent a notice of violation letter to Mr. Arnold due to a violation of the property maintenance code, Chapter 1327.13 Exterior Property Areas due to an accumulation of out of use farm equipment and machinery. The letter also sights that the accumulation of the out of use farm equipment would fit the definition of a junk yard, which is also prohibited in Section 1120.03.k of the Orrville Zoning Code. Subsequently, September 19, 2007 the City sent another letter noted the same violations as the prior notice of May 24th and did not limited progress on the clean up efforts. January 8, 2008 the City sent an additional notice noting the same violations as prior notices of September 19, 2007 and May 24, 2007 and again noted limited progress on the clean up efforts. March 3, 2008 the City Inspector re-inspected the property and revealed again very minor progress. April 14, 2008 the City sent a request to the Wayne County Prosecutor's office that a complaint be filed on Mr. Arnold for Mr. Arnold being in violation of Section 1120.03.k of the Orrville Zoning Code which is commonly known as the "Junk Yard Ordinance". June 10, 2008 Wayne County Health Department issued a notice of violation to Mr. Arnold for accumulation of solid waste and old tires on property that he owns in the County limits in violation of their public health regulations. On July 22, 2008 Wayne County then issued a subsequent letter to Mr. Arnold that the solid waste and old tires had been satisfactorily baited and the public health regulations had been addressed. Wayne County Municipal Court then set a court date for the State of Ohio versus William Arnold for July 11, 2008 for his violation of the Orrville Zoning Code "Junk Yard Ordinance". The court case continued to August 22, 2008. The case was then continued again to January 23, 2009 and then continued to March 20, 2009. In the meantime, on December 8, 2008 the City re-inspected Mr. Arnold's property and identified 72 separate pieces of equipment on the property. In December 28, 2008 conversation with Mr. Arnold the City did agree to have the charges dropped if the collapsed building and debris piles were removed. The property was re-inspected on March 18, 2009 and Mr. Arnold at that time had removed the collapsed buildings and debris piles and the City then asked the prosecutor to drop all charges. On April 13, 2009 Mayor Handwerk, myself, and Ron Cross did view the property and it appears that most, if not all, the other pieces of equipment still remain on the property as of that date.

Baker: Mayor Handwerk do you have anything to add?

Handwerk: Not at this time.

Baker: Council members do you have any questions of Mr. Wheeler? If not, for this public hearing anyone that would wish to speak to City Council, if you would come to the lectern and state your name and address and what you would like to say concerning this application.

Regular/Public

April 20, 2009

Bob Slicker, 6759 Deerfield Avenue NW, Canal Fulton, OH. I am on the Wayne County line in Baughman Township. I am here speaking on behalf of all the farmers in Ohio, not any one particular farmer. I happen to be elected by four counties which Wayne County is one of my districts. I just happen to live here. I am on the Ohio Farm Bureau State Board of Trustees. I have been in contact with some of our attorneys down there and we would like to have information from you so this doesn't get blown clear out of proportion on how you feel or what you feel is the gray area you are using in the Ag District law. Our contention is that the law is the law and what was the intent of the law is what we are concerned about for all farmers in this State and we can not sit and allow somebody to construe something different than what the intent of the original law was. Therefore, if you have something that would show us that you can amend it like you did, we would like to have those briefs or whatever so we can approach those with our people and see if we can come to some kind of conclusion that is beneficial for all, other than having a big to due over this. Like I said, I am not representing any particular one, but I am an ag districts on several of my own farms in Wayne County and I am very concerned about precedent setting law that will distort this intent of the original law to the point where it is detrimental to other farmers in this State and that is where Ohio Farm Bureau will come in on this case. I am more than welcome to answer any questions.

Corfman: The ordinance is online at orrville.com. You can look it up and it is right there. There is nothing hidden.

Slicker: But you guys are trying to amend the law that is a five year renewal and that is a gray area. It is a five year renewal. Everyone that I have, I renew every five years. You are putting an amendment in there in the middle of the law and the law is not intended to be done on a one year basis. Am I not right?

Wheeler: If I may, I would recommend that the gentleman contact our Law Director, Mr. Lutz. That is more of a legal question than a question to Council.

Handwerk: The one year was at the suggestion of our Law Director.

Slicker: Then I would like to ask him instead of having a big to due. If he has the information that says he can do that, then I would like to have it and I will take it to Columbus. I am on my way down there all day Thursday.

Handwerk: I don't know when he will be back. He is with the military right now. It should be within the next two weeks.

Slicker: Do you want me to leave you my business card and you guys can get in contact with me and we can go from there, but that is where Ohio Farm Bureau will stand. We know what the intent of the law was when we put it in writing and we need to uphold that intention for all farmers in the State.

Handwerk: He will be back May 11th.

(Mr. Slicker have Mayor Handwerk his business card)

Baker: Is there anyone else who would like to speak?

Landaw: I have one question for Mr. Arnold if he would chose to answer or not. I was just wondering if he intends on continuing to operate his junkyard in the future – the buying and selling of equipment?

Larry Markley, 11656 Five Points Road, Orrville, OH. I have a farm just north of town. Until today I didn't know I was in the agricultural district, but I made sure I was and found out that that information I have. I really don't know too much about what is going on here. I know that the City basically has a feud with Bill Arnold over the trash, an eyesore, and that is fine. You have got to deal with that. I guess like Bob was saying, it becomes kind of a gray area. I know that it is in excess. I would agree with you 100% there and I think Bill is going to be cooperative and work on that. The thing is here and what is concerning most of the agricultural people in this area is you got two different issues here. Is his land in an agricultural district and can he operate a farm within City limits or are we going to take that away? It is as simple as that. I don't want to argue about trash. I don't want to argue about the garbage. I don't want to argue about rodents. The question is, where are we going with this? It is an agricultural piece of land. He is operating it as agricultural. Do we take that away just so we can operate against and try to get rid of the trash problem and the debris? There is some farm equipment sitting at my place; how long is it before I get a notice that says Dr. Markley you have six

Regular/Public

April 20, 2009

pieces of farm equipment sitting at your farm you are not using. Now I know I am not in excess as Bill is, but there again you got two different issues here. Are we going to take away farm agricultural district to get our ordinances passed and enforce things? If there are ways around that, farmers are worried you are going to use it as a tool and it is that way around the country. Where do we go? Let's bring up another point and I spoke very briefly with Bill this morning. We got a situation just ¼ mile away from what you are talking about now – an eyesore, but now we have 40,000 gallons of organic debris from swine and waste being injected into soil that is very near City property. Does anybody care about that? No because they inject it under the soil so it doesn't stink, but you got a couple million gallons of fecies and urine being injected in your soil down here to contaminate your wells. That is the only thing I have to say about it and I told Bill I would come and say that is the only thing that concerns me. I think it is an agricultural district; he is operating as a farm. Does he need to clean the place up? You have been working on it. I think if he gets it cleaned up, that is a whole different thing. Where does it begin and where does it stop?

Landaw: We have no intentions of keeping farming outside of the City limits. I have never heard anyone mention that. We have no intention to do that.

Markley: I haven't heard anything alluded to that either. The only concern I have and like they were saying and Bill even explained to me earlier about the difference in the law. I have to make sure my property is in agricultural district before I would say if Orrville comes out and wants to bring me into the city and I say great and then they say I want to run a sidewalk across there and I say great but I don't have the money to pay for it, then that is the City's right and they can do that. Bill even eluded to something whether he didn't know back when he was brought into the city that if you weren't in an agricultural district that is where the City comes in and has the ability to deny or take that away. There may be some confusion there.

Handwerk: To go along with what Mr. Landaw said, there is never any ever mention of somebody not farming. We don't have a concern with Mr. Arnold farming. We have a concern with all the stuff that is out there.

Markley: And others do to.

William E. Arnold, 951 Back Massillon Road, Orrville, OH. You annexed me in. You took my land back in 1992. I wasn't for it, but I said when the City comes my way I feel I should be compensated well for it and I can go on out and buy something someplace else. You took me in the way it was and last year when you rejected my agricultural district, the day after I went in; I talked to Ron Cross. He said it is out of my hands now. He said it is in my boss's hands. So I went to see Becky Jewell to see what I needed to do to come into compliance and her remark was "we won't be out until everything is done." Now how can you work with somebody that closes the door on you?

Baker: Mr. Arnold are you asking us what needs to be done in order for this to be accomplished?

Arnold: I asked that the day after you rejected the agricultural district last year. You heard my comments. That's what it is.

Baker: Do you want to know what needs to be done? Because I am sure that we can come up with the reasons or what you need to do in order to have this application approved.

Arnold: Why wouldn't you work with me last year instead of go to court?

Handwerk: This is actually the second year since that happened and I don't remember anybody not working with you. I think we pretty much made it clear what we wanted done out there. It just wasn't getting done. One thing we asked, I know for sure from this spot right here, was please don't just start moving a bunch of stuff farther out on the Back Massillon Road and you have done that and I have had lots of calls even though it is out of our jurisdiction. "What can we do out here?" "It is terrible out here. What are we supposed to do?" I have talked to the County Commissioners about it. They are aware of the situation too. If you can drive out there and say that that is a normal farm and that is the way it should look, okay that is fine if that is how you feel. I don't think people that live out there should have to see that every day. That is not farm equipment that you are using. It is just sitting there.

Arnold: We are talking about the ag district in the City right now.

Regular/Public

April 20, 2009

Handwerk: It goes together as far as we are concerned and I guess that is where we are differing right now on opinions. And now that we are going this direction, we are probably going to wait until our Law Director is back so that we can talk with him.

Baker: Mr. Wheeler, can we provide a list to Mr. Arnold of what needs to be done?

Wheeler: Absolutely, would be glad to do that.

Tim Fuller, 2510 West 130th, Brunswick Hills, OH. Didn't you just mention that the court dropped the case?

Wheeler: That is correct.

Fuller: So is there a new case? Everything was satisfied. I thought that is what you said. I don't understand how this pertains to ag district anyways.

Handwerk: I don't think at this point we want to get into what their lawyer said and what our lawyer said pertaining to that case. I don't know if we should do that here.

Fuller: Well there is no more case, is there?

Handwerk: Not at this point.

Baker: If the clean up is not made, the case can be re-opened or re-filed.

Fuller: Would the case not still be going on if it was not cleaned up?

Baker: I had nothing to do with that part of it so I don't know.

Handwerk: The debris piles were supposedly picked up this summer, but now there is a whole bunch of debris just sitting in a trailer right next to the Back Massillon Road. The shed that was laying there in shambles is not standing up and now I guess it is called a sheep pen. So if that is cleaned up, then I guess it is cleaned up.

Fuller: I guess that is up to the judge or whoever satisfied the case here. You have no case according to the court.

Ray Stevens, Steven's Equipment Repair, 14756 Fosnight Road, Marshallville. I do a lot of repair work for farmers. Farmers that farm with old equipment; farmers that farm with new equipment, but there is a lot more farmers farming with old equipment then there is new. Just because it don't have paint on it and look like a brand new car or shiny doesn't mean it don't work. Anything Bill has brought me in the last 20 years I have been able to fix and he can use it. So I don't agree with your statement that all that equipment is junk out at his place and classify it that way. Are you knowledgeable as to how farm machinery works and can see if it works and make it work or check it out? Or do you just say it is rusty, call it junk? There ain't one piece of equipment that I haven't been able to put in working order for him or anybody else that brings stuff to me and 90% of it doesn't have a nice shiny coat of paint on it. I wouldn't call that equipment out there junk.

Handwerk: I am sure not all of it is.

Stevens: What is the problem with it?

Baker: Has the equipment been used recently?

Stevens: Well you only use it certain times of the year.

Baker: Has it been used within the last two or three years?

Stevens: I can't answer that one.

Handwerk: Some of that stuff has not been moved for years.

Stevens: I know when one piece of equipment breaks and you are making hay, you go get another one. It don't hurt to have two or three of the same thing which I even have.

Handwerk: There is nobody here that is going to disagree with you on that. We are all sensible people. We understand what you are saying. When you are done during the day tomorrow, drive out on the Back Massillon Road and look and see if that is what that looks like to you.

Stevens: I know what it looks like. I have been there.

Baker: For legislation within the next 30 days our attorney will draw up the legislation to either accept or reject the application or to amend the application and I know there was some concern that that is not the proper thing to do, but that is up to our City Law Director to decide that for us. Thanks to everyone for attending.

Public Hearing closed at 7:53 p.m.

Regular/Public

April 20, 2009

President Baker called the regular meeting to order. Pastor Chuck David of the Assembly of God 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 April 6, 2009 regular meeting be approved as amended. Roll call vote. Ayes all. Motion carried.

Public Comment: None.

Standing Committee Reports:

A. Finance – Mr. Miller had no report.

B. Utilities – Mr. Landaw reported the Public Utility Board voted to fill an open position for some training. The position of Assistant Director of Utilities will be filled by the Electric Utility Manager. They will be doing cross training in the Water and Wastewater Divisions just to meet future needs. This is a move for cross training purposes. There is not really any new position. There is no addition of personnel, again just moving the Electric Manager into the Director of Utilities Assistant position for cross training.

C. Health & Safety – Mr. Corfman had no report.

D. Parks and Recreation – Mr. Aspiras reported the renovation of the Orrville High School baseball field is now virtually completed. This field is located in Orr Park at the corner of Hall and High Streets just east of the basketball courts. Friday, May 1st, in honor of the late Fleet B. Brenneman an official dedication of the baseball field will take place. The field will be officially named Fleet B. Brenneman Field. This ceremony will start approximately 6:00 p.m. between the Orrville/Triway High School JV and varsity game. Mr. Brenneman passed away in 2000 after several decades of coaching youth baseball. Fleet practiced law and volunteered for groups such as United Way, Rotary Club, and the Chamber of Commerce. Fleet Brenneman's widow, Carol, made a large contribution for the renovation of the high school field in his memory. The renovation project was led by baseball coach, Scott Marshall. Many of the improvements include new dugouts, a new grass infield done by AG Deisgn (the same company who did Canal Park for the Akron Aeros), new batting cages and bullpen with turf in the batting cages, new change link back stop and fence, and new foul poles 25' tall, just to name a few. The entire south end of Orr Park is now newly renovated and it looks great. Thank you to Scott Marshall and his group and we are very thankful to Fleet Brenneman's many years of service to the Orrville community and the generosity of Carol and the entire Brenneman family.

E. Transportation – Mr. Shupp had no report.

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: To go along with what Mr. Aspiras was just talking about, Mr. Wheeler and I received an e-mail from Kent Smith, the Athletic Director at the High School, today and basically just commenting on what has been done in the park in the last year or so and with the tennis courts being resurfaced, the basketball courts being redone completely – much of that with

Regular/Public

April 20, 2009

grant money, the new bleachers for the softball field, and now with the completion of the baseball field that to the Brenneman family and Schmid Hall we truly have a park that we can be proud of and a lot of that is done with cooperation from the City and the schools which makes all the more special. There are things that they do; I know Kent Smith mentioned the school takes care of resealing the tennis courts every three years or at least they have and we are going to try to pick up one of those here in the next year when it is going to be done again, but just that sort of thing with both entities working together makes for a better park for all of us so we appreciate that. This is the Orrville "Clean Up" week and the weather is not going to cooperate with us to begin with, but maybe by the end of the week it will help. If you haven't contacted the Chamber or through Suzie Auble that certainly doesn't mean you can't get somebody in your family together or you get a trash bag and go out and pick up some trash some place. I am sure there will be some left for you. Pick an area. I saw a group of mothers and kids walking up High Street just picking up trash when I was coming home from the high school track meet on Saturday. That is the kind of thing you like to see. It is just a group of people that said hey we are going to help clean up stuff and they were doing that. The last item I had was last week I was privileged to take out our April Employee of the Month and that was Dave Brenneman who is an employee of the Wastewater Department. Comments from Bob Auten, our Wastewater Superintendent, are: Dave is one of the most highly skilled and one of our best maintenance men that they have had down there. He is therefore required to perform a wide variety of duties since he is the only maintenance man at the wastewater plant. If Dave is not familiar with a particular task or new piece of equipment he quickly learns by either tearing it apart and/or researching manuals and blueprints so he knows exactly how those pieces of equipment work. His easy going personality makes him a real pleasure to work with. Dave was hired in 2006 and will hopefully be at the wastewater division for many more years. We had lunch last week at the Barnstone Café and I had a real enjoyable time with Dave and got to meet and talk with him for quite awhile.

B. Safety Service Director- Director Wheeler reported new swimming pool grates have been installed as required by some changes in the Ohio State law and we are in the process of beginning to clean the pool in preparation to open the pool on May 29th. We have also added a City News section to the website. It is just an effort on our part to keep our property owners informed of any happenings. For instance, the Orrville Clean Up Week is on there in hope of gaining some momentum in folks to help clean up their neighborhoods. That is another effort and a way for property owners to stay informed of happenings within the City. Also, we have talked with the contractor who was awarded the contract for the Main Street paving project and he has informed us that he hopes to begin the work after the 4th of July. We had hoped he would have it completed before the 4th of July, but I guess starting after the 4th is better than starting before and not having the work done. Finally, the Planning Commission has recommended approval the Smucker's request for the numerous street vacations. I am asking Council to schedule a public hearing for the May 4th council meeting at 7:30 p.m.

Vance moved and Aspiras seconded to schedule the requested public hearing. Roll call vote. Ayes all. Motion carried.

C. Utilities Director – Director Preising reported that the Turbine Generator #9 rewinding project is in progress. The low bidder was the company that was selected at a price of \$638,000. The bids ranged from \$638,000 to \$1.4 million. After some due diligence looking at the plant and where the coils would be made and things like that and talking to some references they selected the low bidder and we feel they are capable of doing the job. Hopefully it will be done before June.

Miller: That was a huge savings wasn't it? The last time we looked at it you thought it might be \$1 million.

Preising: We had estimated \$1 million based on what we had done in the past, but the company said they really were hurting for some work and they were willing to cut the cost substantially so we were able to take advantage of that.

Regular/Public

April 20, 2009

D. Finance Director – Director Strimlan reported the Fund Balance Report for the period ending March 31, 2009 was distributed prior to tonight’s council meeting. I would ask Council for a motion to approve this report subject to audit. Miller moved and Corfman seconded. Roll call vote. Ayes all. Motion carried.

E. Law Director - Director Lutz was absent.

F. President of Council – President Baker: Sometimes we think of everything that happens in Orrville and it doesn’t quite go any further than that many times. But you know the Orrville pride extends well beyond our city limits because we have one of our own who has been selected as the Michigan Collegiate Athlete of the Year and that was Tim Hiller. We don’t get to see him very often because he is away at school most of the time, but if you see him or his family congratulations are due. That is quite an honor.

Old Business: None.

New Business:
ORDINANCE L-09

Leathers moved and Corfman seconded that Ordinance L-09, an ordinance adding Seciton 521.13, regarding criminal activity nuisances, to the Codified Ordinances of the City of Orrville, and declaring an emergency, be placed on first reading.

Baker: Mr. Wheeler would you like to describe the changes that were made between that and the last ordinance.

Wheeler: What you are considering tonight is the ordinance which was amended and sent to you by the Law Director, Mr. Lutz, a few weeks ago. There are just a few changes between the new proposed ordinance and the original ordinance. The major changes include language that the City will notify the property owner or landlord if it is a rental unit when there are two nuisance activities that occur as a courtesy. Also added was language which provides that whenever a person knowingly provides false information under this ordinance they will be in violation of both Ohio Revised Code Section 2921.3 and the Orrville Codified Ordinance 525.02. Those are the two main changes as well as specifying that it is a dwelling unit in which you must have the three or more nuisances.

Vance: Just a clarification on that; Mr. Wheeler I believe the notification after two nuisance activities applies only to landlords.

Wheeler: That is correct.

Vance: So a regular property owner is still three. I had a question over the weekend where a resident was concerned that perhaps if they turned in a nuisance complaint and it turned out to not be a nuisance complaint that perhaps that could be held against the person calling in the complaint and I just wanted to verify that there is language in this ordinance that deals with that if you knowingly provide false information that would be a violation of the Ohio Revised Code, but if it is an unknowing kind of thing then there is no need to fear some kind of charge being brought against you.

Landaw: I would like to abstain from voting on this. I just want to say that I can’t vote against it in my heart because I know the intent of Council and I know the public problems that are out there and we are trying to get them addressed. I do believe that when this passes that we will be able to monitor this and if it works fine as is that is great. If we need to make some adjustments to the resolution over the future we can do that also, but I can’t deep down support it either. Some of the points that the landlords brought up in the meetings, but some of the ways that the landlords’ hands are tied by the County regulations and State regulations and also the point that was raised that some of these nuisances wondering if the fines are stiff enough to discourage some of them so I just don’t feel I can vote either way on it and am going to abstain for that reason.

Regular/Public

April 20, 2009

Handwerk: I don't see how you can just abstain from voting. That is what you guys are here for; to vote on tough issues and not so tough issues. This is a tough one, but everybody else could sit there and say they are not going to because it is tough for me to decide.

Landaw: They need to state that if they are going to abstain.

Handwerk: Okay.

Vance: I am just curious as to the legality as to whether you can abstain for some reason that it doesn't interfere with your own interests. If he owned a rental property that would be an appropriate reason to abstain, but if you are not benefiting personally from the legislation I don't know.

Landaw: I believe there are Council rules that don't offer any debate on this. The rules guide how we would handle it from this point and I don't think there is any debate at that.

Baker: I think it is your right to abstain. I am not sure I understand why, but rather than spend time discussing Mr. Landaw's vote or not vote does anyone else have any questions or comments to make.

Vance: I just have a question of the procedure. If that is indeed allowable for a council member to chose not to vote on an issue.

Baker: I think a person would be eligible to abstain any time for whatever reason.

Aspiras: I just wanted to add to Mr. Wheeler and Mr. Vance's comments to Section J. Any person providing false information would be in violation of the Ohio Revised Code and also the Orrville Codified Ordinance 525.02. That is nothing new. That has always been in our ordinances. So one of the reasons it is in this piece of legislation is because some of the voices we heard, but it is nothing new.

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, except Landaw - no. Motion carried.

Leathers moved and Corfman seconded that Ordinance L-09 be adopted as read. Roll call vote. Ayes all, except Landaw abstained. Motion carried.

RESOLUTION 16-09

Leathers moved and Corfman seconded that Resolution 16-09, a resolution authorizing the Safety-Service Director to enter into a contract and/or contracts with other political subdivisions to provide police dispatch services to said political subdivisions, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Wheeler: This is a contract that the City has had with the Village of Dalton Police Department for several years whereby we provide dispatch services for the Village of Dalton and we currently charge \$3,000 per year for these services. Our current contract is scheduled to expire July 31, 2009 and it is for a two year time period.

Corfman: While it is not an annual, it is a routine ordinance that we see. It is nothing out of the ordinary.

Aspiras: I think I know the answer to this question, but I am going to ask it anyway. With this contract would we need to add any additional resources.

Wheeler: No sir, we will just continue to provide the services for them that we have for several years. Leathers moved and Asprias seconded that the rules, regulations, and statutes requiring a reading of a resolution on three separate days be suspended. Roll call vote. Ayes all, except Landaw - no. Motion carried.

Leathers moved and Corfman seconded that Resolution 16-09 be adopted as read. Roll call vote. Ayes all, except Landaw abstained. Motion carried.

RESOLUTION 17-09

Leathers moved and Landaw seconded that Resolution 17-09, a resolution authorizing the Board of control to enter into an agreement and/or agreements with the State of Ohio Purchasing Cooperative to purchase one (1) 2009 Ford Explorer XLT 4x5 police patrol vehicle for the City of Orrville, Ohio, or

Regular/Public

April 20, 2009

in the alternative, to advertise for bids and enter into an agreement and/or agreements for said purchase, to meet the specifications of the City of Orrville, be placed on first reading.

Wheeler: This resolution would allow us to go out for bids or purchase through State contract a Ford Explorer for the Police Department. This vehicle would replace in patrol a 2004 Crown Victoria which does have over 103,000 miles on it and as was discussed in a prior meeting this 4x4 vehicle would allow the Police Department the ability to access emergency situation in emergency locations in poor winter weather which they have had trouble doing in the past. I think Chief Carrozza did a good job of explaining how it would be utilized at a prior meeting which would be of course in the winter months it would be easily accessible for all the patrol, but then in the warmer weather when the 4x4 wouldn't be as much of a necessity the supervisors would drive it and the vehicle mileage at that point would be decreased during that time period when it wouldn't really be necessary to have that type of vehicle on the road.

Handwerk: I thought that particular item that Mr. Wheeler just talked about was a real good idea by Chief Carrozza because by doing that and not using it on a 24 hour shift in the warmer weather they are going to put a lot less miles on that so it is going to last longer for us. Also, it was \$2,000-\$3,000 more than a Crown Vic would have been. We did look at a hybrid Escape – looking for the “green” thing to do here. That was \$7,000 more than the Explorer was and it was just too hard to justify doing that. Also if the battery went dead in the Escape it was another \$6,000 or \$7,000 to replace that. I think they are going to have to do something a little more with hybrids before we ever get to that point, but we did look into it.

Shupp: You said the cost came in just several thousand more than the patrol car we bought last year?

Wheeler: The initial estimates are that we were expecting \$26,000 in expenditures for a Crown Vic and we are estimating \$30,000 for the Ford Explorer.

Shupp: Why was last year's patrol car only \$20,000 and it went up \$6,000?

Wheeler: That is based on the estimates from the Police Chief and I am not sure why he felt like the cost was going to increase substantially, but he did have an estimate of \$24,000-\$26,000 for the Crown Vic.

Miller: My recollection of the last cruiser that we voted on was \$25,000 or \$26,000. Anybody remember?

Shupp: It is listed in the appropriations from 2008 as \$20,000.

Miller: I remember what we okayed was \$25,000 or \$26,000.

Wheeler: And that may have been with a trade in as well.

Shupp: If we are going to put less miles on this vehicle in warmer weather, aren't we going to be putting more miles on the other cruisers and may have to replace them sooner?

Handwerk: I don't know if it would work out that way or not. I suppose technically you would be putting some more miles if you take one vehicle out of the rotation.

Shupp: So we may not get as many years out of some of the other vehicles that we normally would have.

Handwerk: Possible.

Vance: My understanding is that this is an administrative car. We always have an administrative car.

Wheeler: That is correct. It would be an administrative car in the warm weather months and be utilized as a patrol vehicle during the winter months.

Landaw: I may be wrong, but I am thinking that one of the reasons \$30,000 was allocated was to put a light bar on and do some additional things to the car. Is that possibly why it was allocated at that amount?

Wheeler: Yes, there were some estimates in there for some additional equipment costs as well. Obviously we are going to try to use as much as we could from the old police vehicle.

Landaw: Was that part of the \$30,000?

Wheeler: Yes, some of those costs were in there for the \$30,000, but until we get the bids in we won't know whether or not that is a little high or a little low.

Shupp: Would this be equipped to haul prisoners in the back seat or detainees.

Regular/Public

April 20, 2009

Wheeler: Yes sir.

Shupp: So you will have the screen between the front seat, the back seat, and also the back part of the storage are in an Explorer?

Wheeler: Yes sir, we will have the cage in it if that is what you are referring to.

Aspiras: I think this is a good purchase. We originally put the appropriations when we separated the capital projects this became a secondary project.

Wheeler: Actually what I think was in there was originally the plan was to buy that vehicle so now what you will see is the \$30,000 is allocated in the green as well and actually that yellow should just now be a normal patrol vehicle in future years.

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, except Landaw - no. Motion carried.

Leathers moved and Landaw seconded that Resolution 17-09 be adopted as read. Roll call vote. Ayes all, except Landaw abstained. Motion carried.

RESOLUTION 18-09

Leathers moved and Aspiras seconded that Resolution 18-09, a resolution authorizing the Board of Control to enter into an agreement and/or agreements with the State of Ohio Purchasing Cooperative to purchase one (1) 2009 or 2010 GVWR 33,000 6 cylinder conventional cab and chassis truck, or in the alternative, to advertise for bids and enter into an agreement and/or agreements for said purchase to meet the specifications of the City of Orrville, be placed on first reading.

Wheeler: This dump truck would replace truck #39 which is a 1987 GMC 7000 dump truck and it currently has 52,000 miles on it. Unfortunately though it only has 52,000 miles on it the vehicle is in very poor condition. The hydraulics are shot; bed and cab are rusted; power steering lines are rusted out and obsolete which requires them to be custom made; brake parts are also obsolete and we have had considerable amount of maintenance issue with this truck over the past winter and unfortunately it is time to replace it. We have \$60,000 allocated from the Capital Improvement Fund for this purchase and Mr. Staley is here should you have any questions that I might not be able to answer in regards to this purchase.

Aspiras: That one is in the priority project list.

Wheeler: Yes.

Miller: I just wanted to say that the 52,000 miles kind of stuck out to me too, but I did a little research on the internet and looked up 1987 vehicles of the same kind and it is a limited use vehicle and that is why the mileage. The mileage, per say, because of the limited use is not the issue as much as the maintenance nightmares you have been having.

Wheeler: And unfortunately these are the worst kind of miles in regards as they are all city miles; they are all stop and go and unfortunately that vehicle is out there in the worst conditions as well so it bears the brunt of the wear and tear over its 22 years of life. The miles are a bit deceiving with these types of vehicles.

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, except Landaw - no. Motion carried.

Leathers moved and Landaw seconded that Resolution 18-09 be adopted as read. Roll call vote. Ayes all, except Landaw abstained. Motion carried.

Good of the Order:

Corfman: Congratulations are in order to the Orrville Boy's Track Team for winning the Orrville Invitational Saturday. It was an outstanding team effort as several of us witnesses.

Vance: Wanted to announce the South Main Area Residents Team (SMART) is soliciting people to be a part of their group. If you are interested in joining this group the e-mail address to contact is smart2009@zoominternet.net or you can phone 330-682-9499. This group is meeting Wednesday

Regular/Public

April 20, 2009

night to take part in the Clean Up Orrville emphasis this week. I also wanted to commend Jared Gravatt for taking the day off work on Friday to take part in the clean up project and he is encouraging Leadership Orrville Alumni Association folks to help him as well.

Leathers moved and Aspiras seconded that the council meeting be adjourned. Ayes all. Motion carried. Council was adjourned at 8:30 p.m.

Tamra Peppard, Clerk of Council

Date

Lyle Baker, President of Council