

Regular/Public

September 15, 2008

President Baker called the meeting to order. Pastor David Kearns-Preston of the First Presbyterian Church offered the prayer. The Pledge was recited by all.

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

State Auditor Mary Taylor was to present an award to the City this evening; however, she was unable to attend as she is in Canton attending a function with Sarah Palin. She is scheduled to be here November 17<sup>th</sup>.

Leathers moved and Aspiras seconded that the minutes of the September 2, 2008 regular meeting be approved. 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's Policy Committee met last Monday evening (09/08/08). They met to review the rules and regulations for all of our utilities. It is going to take several meetings to get through all of the rules and regulations and get them updated. I expect we will see some changes in the deposit procedures for all the utilities and there are definitely some other areas that they are making a lot of discussions in. Once the Public Utility Board gets their final recommendation and final draft we will get that to Council to look at. If a workshop is needed, we can do that.

C. Health & Safety – Mr. Corfman reported the Health & Safety Committee held a meeting last week (09/08/08) that was very productive. We had members of a loose organization from South Main Street who came. There were a lot of frustrations and information. They did get to address all of Council, as well as the Mayor, the President. We thank the Chief for being there. I have asked Mrs. Jewell and Chief Carozza to assemble a rough draft. We will have a future meeting on that when it is researched and thought out. Next Monday (09/22/08) we will have a landlord meeting under the guidance of the Health & Safety Committee. It will be immediately after the Utility Board meeting. It is arranged by the Mayor and we have one landlord for sure. Another one has been contacted and the wife of a third may be attending as his job may prevent him from attending.

D. Parks and Recreation – Mr. Aspiras reported the Parks and Recreation Committee met on September 2<sup>nd</sup>. There were three items on the agenda. The update for the Ohio Vietnam Veteran's Memorial in Clinton, Ohio, the donation collection will continue until the end of September. Donations can be made to the City of Orrville. The second item was the Orrville Park facility use rates. The committee held discussions on rate increases for the use of the park's pavilions, Schmid Hall, Heller Hall, Rehm Pavillion, and the swimming pool. Rates have been locked for over five years and it has always cost the City more to maintain these facilities than the revenues it generates. Therefore, Ordinance O-08 to amend these rates will be up for first reading tonight. The last item we discussed was the Little League Baseball fields.

Discussion had taken place in regards to repairing or replacing the fence and backstop at both

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fields. It was determined the repair cost would not be cost effective and the total replacement cost would be around \$16,000. Director Jewell is to meet with the Little League Organization to see what can be worked out mutually for funding as the City currently does not have funds appropriated for this. I just want to remind the public there are three renovation projects going on at Orr Park – the renovation of the High School baseball field, the basketball courts, and soon Schmid Hall. So for your safety, your children's safety please be aware of these projects and make an extra effort to stay out of these areas until the work is complete.

E. Transportation – Mr. Shupp had no report.

F. Planning – Mr. Vance reported the Design Review Board has adopted new guidelines for the Design Review District. Our Planning and Community Development Manager, Kristin Endsley, was the primary force behind these new guidelines. The Design Review Board has spent a lot of time reviewing them and making revisions to them and they approved those guidelines last Thursday (09/11/08). The purpose of them is to provide some clarity to the guidelines for those who are wanting to do some work either with new construction or by upgrading their current buildings. Some legislation will be forthcoming. It is being drafted right now and is being reviewed by a number of different people.

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

**Special Committee Reports:** None.

**Administrative Reports:**

A. Mayor - Mayor Handwerk reported we will continue to work with the owners and any interested buyers of American Weather Seal as much as we can. Mike Hedberg is staying in daily contact with them. Top priority, of course, would be to possibly attract a business or industry in there similar to what was there so a lot of those people that lost jobs could possibly be rehired. Secondly, I know Mrs. Jewell will address this, so I won't say too much about it. Just on the storm damage, she will go through what people can do. I just wanted to thank our utility crews. They are still going to be out tonight. We really escaped this with very little outage that I know of compared to what a lot of people went through and are going through. Also, our Street Department crew was also out the better part of the night. Our fireman had a group down at the station all night long. The auxiliary people came in and prepared food for the guys that were out working and also our police department too. All four of those groups worked very well together. Actually for the amount of trees that were down roads were passable very quickly. I am sure people could get where they needed to this morning. Much to the dismay of a lot of students, we had school here today. Lastly, our Healthy Habits walk last week that was sponsored by the City, we set a new record. We had 226 walkers. A good many of those were elementary kids coming to see Miss Ohio, but that is okay. We appreciate anyone that showed up for that.

B. Safety Service Director- Director Jewell reported on the windstorm we had. I think that our community overall fared very well. Probably the most difficult thing that we have will be the pick up of all the limbs. There was virtually no street that was untouched by the wind damage. Luckily there was very little damage to house or buildings and no one was injured. With that said, we will be out picking up limbs. We started today. What we have done is rented an additional chipper so we have two chippers out there on the street right now. We will be picking up the limbs that are out there and we will continue that. We will make several passes throughout the city this week. Over the weekend people will probably have a chance to get into

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their yards and maybe put some more things out. So if someone puts something out next week what we are going to ask is that they call the Service Center, leave their address, and then that way they will go specifically to those locations. We would like to wrap everything up by Wednesday of next week, if we can. Our goal is to just to this for about a week and a half. One of the questions that has come up is about the wood that is left after the Street Department comes by. We can only chip to a certain size, so what we are doing is we are cutting it up and then the wood we are actually leaving there along the street. The question was asked if we were going to go back and pick that wood up and take it to some central location, but what we have said is that if someone wants to pick that wood up – I know right now a lot of people are burning firewood so they may want that – so if they would just get the permission from the person whose house it is in front of; go ahead and take it from the curb line because that will actually save the city having to go out and pick it up. We just ask that you get permission first. The other thing we are asking is that all residents check the curbs and gutters in front of your house. There is a lot of leaves and leaf debris that has blown into the street. If you would rake that out of the street; especially if you would clean any of the storm drains off, that would then allow water to flow if we get a major rain. We just don't think we are going to have time to get everything picked up plus get the streets cleaned.

Leathers: If you would have, for instance like on my street I don't have a tree lawn or if you would have an inordinate amount of brush, could it be put back behind the sidewalk and they would still pick it up?

Jewell: As long as it is right next to the sidewalk.

Leggett: The trees that are in the devil strip, that the City actually maintains; if those are fallen or broken is the City crew going to take care of those?

Jewell: Yes they will and there again if you have one that is in front of your house that you know is broken, it might be something we haven't picked up yet just call your address in and they will get to them as needed.

C. Utilities Director – Director Preising reported on the storm damage. The electric crew was out all last night and all day today. There is three guys that weren't out last night that are out tonight. There is some people that will be off until tomorrow sometime; probably in the neighborhood of 12-15 people. These people are more out on the fringes and some of them suffered some substantial damage, like it tore the meter box off the side of the house when a tree limb came down. These are more substantial so the guys were fixing things that could get the most people on quickly. I talked to Dick Smith tonight and he said probably 10-12, maybe 15, still out. The Water Department even had a little damage. We use antennas in all our water wells to turn the wells off and on and we had a tree fall on one of the antennas and we also had one blow off so we had a couple wells we couldn't operate.

D. Finance Director – Director Leggett reported the Fund Balance Report for the period ending August 31, 2008 was distributed prior to the meeting and requested a motion to approve that report subject to audit. Miller moved and Leathers seconded. Roll call vote. Ayes all. Motion carried.

E. Law Director - Director Lutz had no report.

F. President of Council – President Baker thanked our city crews. Any Directors that have contact with those people please let them know we are thankful. One last thing for Mr. Preising, our tree trimming paid off. Some people were questioning the amount of money that was spent on tree trimming and I think it did pay off this year.

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**Old Business:** None

**New Business:**

**ORDINANCE O-08**

Leathers moved and Landaw seconded that Ordinance O-08, an ordinance amending Section 937.01 of Chapter 937 of the Codified Ordinances of the City of Orrville, Ohio, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Baker: This was the ordinance that we talked about at our committee meeting, but now we have the numbers in front of us.

Aspiras: I will just make a comment. At the committee meeting we did talk about Director Jewell adding the non-resident rates and I see those are in this ordinance so it pretty much shadows what we talked about.

Jewell: One thing I wanted to mention was that you should probably let this go for three readings since it is an adjustment in rates. We would like to have this before we do our rentals which start on November 1<sup>st</sup> for next year so we have time to do three readings for this legislation. When we talked about the resident rate, the other thing I would like to point out is that the resident rate also applies to anyone who works in Orrville. So if you live here or work here, then you get the resident rate.

Vance: Is that in the legislation anywhere?

Jewell: Yes. It is item C. at the bottom of the first page.

**RESOLUTION 47-08**

Leathers moved and Corfman seconded that Resolution 47-08, a resolution authorizing the Safety-Service Director to pay the Wayne County Commissioners for the City of Orrville's portion of the cost for resurfacing Water Street, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Jewell: In regards to this legislation we applied for this grant, it is our CDBG grant that comes from the State of Ohio and it comes to us through the County. We provide the specifications and bidding documents and then the County actually bids it. The County bid it and everything came in and then it came time to send our share of the cost over there and that is when I realized I had not asked for Council's approval to send that money. Since it is over \$15,000 it does require Council's approval. The one thing I would like to share with you is the total cost of the project out here on Water Street is \$68,532.55 and the block grant from the County is \$35,000 which means the City's share is \$33,532.55. The one thing I would also like to mention is that the amount that the City will send to the County will be just a little bit over \$49,000 because of the fact that we ran into a change order for this part between Main Street and Vine Street. We had to do a lot more milling there and then as a result we will be putting more asphalt back. We have estimated, and we hope it isn't this high, but we estimated that change order could be \$15,540. That makes the City's share of this project \$49,072.55 at its highest.

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

Leathers moved and Corfman seconded that Resolution 47-08 be adopted as read. Roll call vote. Ayes all. Motion carried.

**RESOLUTION 48-08**

Leathers moved and Vance seconded that Resolution 48-08, a resolution authorizing the Safety-Service Director to prepare and submit an application, and/or sign an agreement or

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agreements, to participate in the Ohio Public Works Commission State Capital Improvement Program for Grant Funds, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Jewell: The purpose of this legislation is to allow us to submit a grant application. Those grant applications are due actually today at the County. The grant will be for North Vine Street and West Water Street. Two parts of that include the asphalt overlay of an existing chip and seal street and then a part of that is a mill and fill. North Vine Street will be milled and filled from High Street north to approximately behind McDonalds. That is where it switches of to the chip and seal. This year that portion of the roadway, the northern portion, was replanned. What that does is it gives us a better base on which to put down the asphalt overlay. We have applied a Community Development Block Grant for that. That \$35,000 that we get every year, next year the project we are going to use for that would be that North Vine Street, West Water Street project. The estimated cost of everything there is \$122,500. We have a CDBG block grant that will pay \$35,000. What we are going to do with the balance of that is apply for a fifty percent OPWC grant. That is the purpose of this legislation. What that would mean to us would be about \$61,250. That is fifty percent of the total. That would leave the City's share at \$26,250.

Shupp: How far west are we going on Water?

Jewell: We are going to go just past the water tower. That is where the actual dedication of the street ends.

Landaw: Some of that could really stand to be improved back there – curbs and gutters. I know we don't have the money to do that, but I wish we did because some of that is kind of a mess back in there. Some day maybe we can improve it, but for now we just have to do this.

Shupp: Since we have routed the postal drop off back that street as a one-way street and then most people are turning right and going down the alley between the Smith Dairy warehouse and the Fire Department that is really getting in bad shape from the extra traffic. Did we have any plans to do anything with that, possibly next year? I don't know if we could try to include, maybe with this project, doing something with that at the same time.

Jewell: We can look at maybe doing something at the same time.

Shupp: I don't know how much it would add to the cost of things, but it is actually in worse shape than West Water Street.

Miller: Does what Mr. Shupp said change the amounts in the legislation or would you only do it if it was okay up to a certain amount?

Jewell: The actual grant application is for \$122,500. So if we did something with the alley it would be outside of this grant.

Miller: So you are not connecting it to it?

Jewell: We can do it at the same time.

Shupp: I guess my point was that if we are going to do that section, can we possibly look at some funds to do the alley at the same time and maybe get the bid from the same contractor.

Jewell: And we may be able just to drag some asphalt in there ourselves. We can look at all the different options.

Handwerk: They did some patching in there several years ago. It got pretty bad and they patched it up. It is getting pretty beat up again.

Jewell: It sounds like we need to do something there yet this year, before winter hits.

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 Resolution 48-08 be adopted as read. Roll call vote. Ayes all. Motion carried.

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RESOLUTON 49-08

Leathers moved and Aspiras seconded that Resolution 49-08, a resolution authorizing the Safety-Service Director to take bids and enter into a contract and/or contracts to effect a clean up of property pursuant to Section 1327.17 of the Codified Ordinances of the City of Orrville, Ohio, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Jewell: The property is located at 249 West Chestnut Street. It is a vacant rental property. That property has been the subject of numerous property maintenance violations over the years. At some point in time the owner did put a new roof on it and actually had the eaves covered. The siding is onsite, it just hasn't actually been put on the dwelling. We have had numerous violations and nothing we have done has seemed to solve this situation with this property. The purpose of this would be to allow us to go in and hire a contractor to put the siding on the house and then at that point the house should be in compliance with our property maintenance code. Just recently I had a discussion from the owner and they requested a thirty day extension. They think they may have someone that may be able to help them put the siding on. I would ask Council to let this go three full readings and that way we will be able to tell whether or not the property owner will be able to get that done before the City does it.

Vance: I agree with Mrs. Jewell. I think we need to give every opportunity for Mr. Gray to get this problem address, but it does need to be addressed. There is a commercial building for sale across the street and just for the purposes of values in that neighborhood and keeping those properties and up-to-date and well maintained that it does need to be addressed. We will need to follow it, but I think we need to give him every opportunity to get it done.

Jewell: Normally what we do in these situations is we send notices and if they don't follow through with the notices at that point we file charges in the municipal court and that has been done a couple different times. If that doesn't work, this is our only step we have left. Like Mr. Vance said, the property becomes an eye sore and really we owe it to the neighbors to do something about it.

Shupp: If we go ahead with that and end up hiring a contractor to finish the house, how do we recoup our costs to the contractor?

Jewell: We upfront the cost and then we mail a bill to property owner and generally the property owner can't afford to pay that bill or they don't pay it. Then we certify it over to the County Auditor that is certified for collection when the taxes come due. Unlike an assessment that is generally spread out over years, generally with something like this it is collected in one lump sum. So when the tax bill comes due for that half, this full amount comes due. We would not recoup our money until the taxes are paid.

Leggett: That is exactly what happens. I get information from Mrs. Jewell as to what the amount is. Same thing works with lawn mowing fees or whatever; they are usually just at a much lower rate. In this case the bill would come; it is not paid; I certify it to the County Auditor and ask them to add it to the tax duplicate; it is added to the tax duplicate. If it is not paid when they pay their taxes then the County Auditor follows her course of whatever needs to be done including foreclosure to make sure those taxes are paid. It becomes just like a property tax.

Shupp: If it is foreclosed on, are we first in line ahead of the County or anybody else?

Lutz: Yes. Taxes are recouped upfront along with what was added on for us.

Miller: This basically becomes kind of a loan without interest? I mean if they don't do the work, we do the work, they just don't want to do the work, but they end up paying it. We just give them a loan without interest basically.

Leggett: Yep, you could look at it that way. It is the only tool we have.

Lutz: In most cases it would probably be foreclosed on before we get paid. I am guessing in this particular instance any way that would be the case so the person is not really getting the benefit of it. They get pretty heavy penalties through the county. So it really wouldn't benefit them.

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Miller: So they are charged something?

Jewell: I think we charge an administrative penalty on it to when we certify it over.

Miller: Do we have any idea what kind of money we are talking about here?

Jewell: The one thing they would have to determine is whether or not the siding that is on site is still any good. My guess is anywhere between \$5,000 and \$15,000 would be the cost of this. That is just a wild guess.

Vance: I think that is fairly accurate. I went and looked at it today. I don't think there is enough siding there to finish the job. The problem that is happening is the house wrap around it has blown off so the wood is exposed. So that will all have to be redone. The building has been gutted. It is going to take a long time for it to generate any rental income. I think that is probably behind some of this is there is no income coming in and there is a large expense involved.

**Good of the Order:**

Jewell: We thanks a lot of different people that worked on this storm we had yesterday and I did want to mention one other group of people that we didn't mention and that would be the police dispatchers. They were really inundated with quite a few phone calls so I would just like for Chief Carrozza to mention to the dispatchers that they did a fine job of handling all those phone calls. We brought extra people in and there were a lot of different call, but they did a really good job.

Leathers: As most of you know I work in Wooster and we had quite a few districts that did not have school today and extra kids there and everything. Everyone was surprised and shocked that I had power. I said well I live in a public power community that has a great tree trimming program and I am very grateful. They figured Orrville would be the first to go out. I lost power for about 30 seconds through the whole ordeal. I think almost everybody in Wooster at least experienced a short outage. I am very grateful to everyone involved.

Leggett: Melissa Lehman that handles our main switchboard, she pretty much spent all day on the phone today telling people about what to do with their limbs and where to take them and when the compost center was open and all this kind of stuff. Also our cashier's office receives tremendous amount of calls. One thing I don't think we as a group do a very good job of is educating our public what they should do and who they should call whenever there is a power outage because when there is a power outage dispatch center gets calls, the main switchboard gets calls, the cashier's office gets call, and of course a lot of people do call the trouble number which goes down to the power plant, but a lot of people don't.

Leathers moved and Corfman seconded that the council meeting be adjourned. Ayes all. Motion carried. Council was adjourned at 8.16 p.m.

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Tamra Peppard, Clerk of Council

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Date

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Lyle Baker, President of Council