

Regular/Public

December 17, 2012

Council President Baker called the regular meeting to order.

Pastor Ray Pfahler of the CMA church offered the prayer. The Pledge was recited by all.

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

Aspiras moved and Vance seconded that the minutes of the December 3, 2012, regular meeting be accepted as documented. Roll call vote. All ayes. Motion carried.

Public Comment: Baker: Ladies and Gentlemen, in lieu of our public comment this evening, we have a special swearing in ceremony to be conducted. Mayor?

Mayor: We first have a commission for Freddie and then also we'll have a swearing in for Officer Smith. For Freddie, by authority invested in me by the citizens of Orrville, I hereby commission Freddie, a German Sheppard Police dog as a sworn officer of the Orrville Police Department with all the authority associated with the rank of a police officer. Congratulations, Freddie. And he's already been working for us the last few days. Hard at work. And officer if you would raise your right hand. (Whereby Officer Smith was sworn in again as a K9 Handler Officer with the Orrville Police Department. Original ceremony for both took place on Wednesday, December 12, 2012).

Wheeler: I think that everyone has heard that Freddie's had a busy couple of days already even when he's not on duty he's been very effective.

Standing Committee Reports:

A. Finance – Mr. Miller: Thank you, Mr. President. Tonight is third reading on temporary appropriations and we will vote on that tonight. That's all I have.

B. Utilities – Mr. Vance: Thank you, Mr. President. I have no report.

C. Health & Safety – Mr. Corfman: Thank you, Mr. President. The Health and Safety Committee would like to compliment Fire Fighter Jason Vodika for his Fire Fighter of the Year for 2012. Other than that, we have no report.

D. Parks and Recreation – Mr. Aspiras: Thank you, Mr. President. Just one thing, I've had a few people in the public ask me about the removal of some playground equipment in Orr Park. So I've asked Mr. Wheeler during his report tonight to just say a few things on that matter. Other than that, that's all I have tonight.

E. Transportation – Mr. Shupp: Thank you, Mr. President. I do have a short report tonight. The Transportation Committee met last Monday to discuss the closing of a railroad crossing in the City. This is in exchange for a grade crossing on a new loop road at the north end of the J. M. Smucker property. Norfolk and Southern Railroad will not seem to bend on this request. Mr. Wheeler and the Mayor have been working on this for almost a year with very little progress you might say. Mr. Wheeler presented two possible sites for consideration. The crossing on Walnut Street under the overpass and the grade crossing at the west end of Schrock Road. We kind of all decided we'd go with the Schrock Road crossing. We didn't like the idea of closing the Walnut Street crossing downtown there. Mr. Wheeler stated that the Schrock Road site is high on Norfolk and Southern's list of closings due to safety factors so hopefully

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this will satisfy the railroads request as far as being satisfactory to go ahead with the loop road. We contacted the Scott's fertilizer company. They were very positive about closing the road due to the truck traffic and they were pretty much in favor of it. Director Wheeler also mentioned that there was some grant money available from the Ohio Railroad Commission to help with some of the cost of closing this and also possibly some street reconditioning in that area, also widening, possibly, the intersection on Crown Hill and Back Orrville Wooster Road. So hopefully we can latch on to some of those funds to help with the costs here. So after we had quite a bit of discussion everyone at the meeting was "all aboard" or "on track" to move forward with this. And that's it unless anybody has any other comments or questions or punditures. Thank you.

F. Planning – Mr. Hamsher: Thank you, Mr. President. Reminder that Planning will have a meeting January 7th, Monday at 6:45 prior to City...that is a Monday, right? The 7th?

Leathers: Yes.

Hamsher: Good. Prior to Council meeting to wrap up the Comprehensive Plan and address some concerns of some citizens and the questions that they've raised.

G. Ordinance & Personnel – Ms. Leathers: Thank you, Mr. President. The Ordinance and Personnel Committee did meet prior to tonight's Council meeting. There will be some legislation forthcoming after the first of the year in regards to that meeting. That's all I have, sir. Thank you.

Special Committee Reports: None.

Administrative Reports:

A. Mayor Handwerk: Yes. Thank you, Mr. President. I would like to read a letter that came across my desk actually the day after our last Council meeting so I've kind of just been holding it from that point until now. (A letter recognizing outstanding efforts and participation of Chief Dino Carozza serving with the Certified Law Enforcement Executive committee – C.L.E.E.) Secondly, I wanted to mention that our December employee of the month was Chuck Clark. And he is an employee from our Tech Services Department. Chuck is a computer technician and he was hired December of last year so he's been with us just a year now. Jeff Fenningsdorf the Computer Systems Administrator and Chuck's supervisor said he is, "Hard working, upbeat and eager to help. He's only been with us for one year but has wasted no time learning as much as he can about our computer systems." And I know he's been down in our area quite a few times helping us when we've had issues with our computers and he does a very good job for us. Chuck lives in Smithville with his wife Tracy and two children. His major hobby is computers, strange. and enjoys researching new computer technology at home. He also enjoys muscle cars especially the Chevy Nova. Chuck has previous experience with web development and business systems and has been helpful on some recent projects such as Utility web site, inventory, AccuGlobe, TAC and Leads. Jeff also said, "With the ever increasing complexity of our systems, I have no doubt that Chuck will help keep the pace. I look forward to seeing him take on larger projects and continue to grow in knowledge. I thank Chuck for his efforts and express my gratitude for his hard work." Congratulations Chuck! And again those were comments from Jeff Fenningsdorf. And with that, I'd like to wish everyone a Merry Christmas. Thank you.

B. Safety Service Director Wheeler: Thank you, Mr. President. Christmas tree pick up schedule is scheduled to begin Monday, January 7 and go through the week until January 11. As always trees should

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be placed in the tree lawn without any type of plastic bags over or on it as well as all decorations removed please. Also a reminder that trash pickup will be delayed one day both next week and then the week following as well for Christmas and New Year's Day holidays. As Mr. Aspiras mentioned, there's been a few questions about some equipment that was removed which was removed a while ago but people have noticed it and this is part of a bigger picture of reconfiguration of some of the park. Mostly it involves the moving of the volleyball court up by the swim pool. And that was with the idea that perhaps more people would utilize the volleyball court in that area. We have also removed some equipment which I know had been there a long time, a lot of people have a lot of good memories on that, but when equipments been there a long time it ages and as a result it becomes a little bit of a safety hazard as well. So that was removed. It is with the intent of replacing that equipment. We have applied for a parks and rec grant and regardless if we get that or not, we still plan to proceed with some new equipment. That's part of the long term picture. And that's my report for this evening.

C. Utilities Director Brediger: Thank you, Mr. President. Just a couple items coming out of the Utility Board, at last Monday's meeting the Board recommended that the electric utility perform a cost of service study. This will help us accomplish a number of different goals including looking at an agricultural rate that we've been having a lot of discussions with recently. It will also be looking at providing us with some additional tools to expand our economic development rate with the goal of pushing that down into some commercial development and opportunities there. As well as trying to simplify our rate blocks a little bit and making sure that we don't have any cross-subsidizing going on. This will also provide us with a good tool going forward as we undoubtedly will be pursuing some additional debt for electric utility in the relatively near future, this will help us a little bit, establish a little bit better credit rating when that time comes. So we will be embarking on that effort sometime after the first of the year and that process will take about two and a half to three months to complete. The last item is just an update I think I mentioned that, a couple council meetings before, some of the efforts from Washington to deal with this looming fiscal cliff effort or avoidance that we're looking at, and some of the threats that we have with respect to Congress eliminating some of the tax exempt status to some of the bonds that we use to finance not only projects for the utilities but the City and some of our projects that we have through AMP in our long-term generation projects. Congress continues to eye these with a lot of interest. They feel there's an opportunity for them to recover roughly about half a billion dollars of interest. If they do go forward with some of this, it's going to threaten our ability to economically finance some projects long haul, it could also affect some of the financing that's currently in place. A number of our projects, our hydro project and our Prairie State projects, were built with some Build America bonds. Those are subsidized by the Federal government and one of the areas that their also looking at too is reducing or maybe eliminating some of that subsidy. For those two projects alone, over the life of the project, not just Orrville's portion, for all the members that are participating in those projects, we could be looking at close to \$500 million a year of additional interest paid over those. We're paying a lot of attention. We've been writing letters and contacting our legislative officials and at our association meeting last month, our association president has been urging mayors and elected officials to reach out to Congress, you know, try to find some solution to this. Hopefully in the form of not the expense of messing with the tax exempt status here. That will be a big issue and Congress has a lot of issues to deal with as we approach this cliff. Other than that I do wish everybody on Council and administrative staff Happy Holidays. Thank you.

D. Finance Director Strimlan: Thank you, Mr. President. The sponsors of HB601 Representatives Grossman and Henne held an invitation only interest parties meeting today. Some of the people in

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attendance at that were Lt. Governor Mary Taylor, representatives from the Ohio Chamber of Commerce, the Ohio Society of CPA's, The Ohio Municipal League was also represented and they also had tax administrators from Columbus, Dublin, Upper Arlington, and the past administrator from the City of Akron. Some of the topics that they discussed were mandating municipalities to adopt "by reference" Ohio Revised Code Chapter 718 and repeal their own income tax ordinances. Growth of state and local governments through mandates for various positions that are called for in this house bill. And, of course, the thing that we've all been talking about the unfunded mandate of the requirement to allow that 5 year Net Operating Loss Carry Forward treatment for business losses. So I have a whole list of other items that they've discussed but those were some of the main topics. They agree that they would meet again in January and we're being told that some form of HB 601 will be reintroduced. So we'll keep you apprised of any other information that we receive on this. And especially when that new bill is reintroduced what the contents of that will be. Prior to tonight's meeting I did distribute the Fund Balance Report for November 30, 2012, and I would ask for a motion to approve that report subject to audit. Miller: With pleasure, Mr. President. Vance seconded. Roll call vote, all ayes. Motion carried. Strimlan: That's all I have thank you.

E. Law Director Kirkbride: Thank you, Mr. President. I don't have any report this evening.

F. Council President Baker: This evening for my report our clerk has two items an alley and a street vacation. Gault: We have a request to close a portion of Tennyson and we also, and that's a street, and then we also have a request to close an alley that runs behind it from Tennyson. Baker: Those will be referred to the Planning Commission. Gault: Yes.

Old Business:

Leathers moved that Resolution 37-12 be placed on 3rd reading. Miller seconded. Roll call vote. All ayes. Motion carried. **RESOLUTION 37-12**, 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, 2013, AND DECLARING AN EMERGENCY.

Baker: This was our third reading. Does anyone have any further comments? Ms. Strimlan, anything?

Strimlan: No. I believe we've answered all the questions that everyone's had.

Baker: Ok.

Leathers moved that Resolution 37-12 be adopted as read. Miller seconded. Roll call vote. All ayes. Motion carried.

Leathers moved that Ordinance W-12 be place on 2nd reading. Aspiras seconded. Roll call vote. All ayes. Motion carried. **ORDINANCE W-12**, AN ORDINANCE AMENDING SECTION 505 RELATING TO DANGEROUS AND VICIOUS DOGS OF THE CODIFIED ORDINANCES OF THE CITY OF ORRVILLE, OHIO, AND DECLARING AN EMERGENCY.

Baker: Second reading on this one. Anyone have any comments this evening? I see none.

Leathers moved that the rules, regulations, and statutes requiring the reading of an ordinance on three separate days be suspended. Corfman seconded. Roll call vote. All ayes. Motion carried.

Leathers moved that Ordinance W-12 be adopted as read. Shupp seconded. Roll call vote. All ayes. Motion carried.

Leathers: And that concludes tonight's old business, sir.

Baker: Thank you ma'am. Let's move to new business.

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Leathers: As you wish sir.

New Business:

Leathers moved that Ordinance X-12 be place on first reading. Corfman seconded. Roll call vote. All ayes. Motion carried. **ORDINANCE X-12**, AN ORDINANCE TO PERMIT PAYMENT OF 2012 SICK LEAVE AND VACATION TIME RELATIVE TO BARGAINING UNIT EMPLOYEES AND NON-BARGAINING EMPLOYEES CURRENTLY ELIGIBLE UNDER CITY OF ORRVILLE'S ANNUAL CONVERSION PLAN AND DECLARING AN EMERGENCY.

Baker: Mr. Wheeler.

Kirkbride: Actually that' me. I'd like to hear what he has to say about it.

Baker: Ok I'll change this so you're not Mr. Wheeler. Ms. Kirkbride.

Kirkbride: Yes, the purpose of this ordinance is to allow for payment of sick leave and vacation time that was anticipated would be permissible under the conversion plan. However, our conversion plan is not compliant, the rules changed this year, mid-stream. So we have been working on how we're going to handle that and for purposes of 2012 we had some employees who were sort of counting on being permitted to at least convert that time into a payment and even though it will not be applied toward pension credit there's still going to be converting that time for wage payment. So this is something we need to pass ideally tonight so that it can be taken care of in 2012.

Baker: Questions?

Shupp: This may be for Director Strimlan. Will this have any impact on our budget in any way, money wise?

Strimlan: This is a plan that's always been in place. The only thing is it's not going to be pensionable from this point on because OPERS has deemed that our plan, that we've always had in place, doesn't meet their current requirements.

Shupp: Okay. Thank you.

Baker: Any other comments?

Leathers moved that the rules, regulations, and statutes requiring the reading of an ordinance on three separate days be suspended. Hamsher seconded. Roll call vote. All ayes. Motion carried.

Leathers moved that Ordinance X-12 be adopted as read. Corfman seconded. Roll call vote. All ayes. Motion carried.

Leathers moved that Resolution 43-12 be place on first reading. Corfman seconded. Roll call vote. All ayes. Motion carried. **RESOLUTION 43-12**, A RESOLUTION AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ENTER INTO A CONTRACT AND/OR CONTRACTS FOR ENGINEERING SERVICES FOR THE 2013 OPWC CITY PAVING PROJECT: ELLA STREET IMPROVEMENTS, AND DECLARING AN EMERGENCY.

Baker: This time I will ask you Mr. Wheeler.

Wheeler: Thank you Mr. President. At this time we are on the list of the Ohio Public Works Commission, we are on the verge of receiving funding for Ella Street. As a result of that the engineer has asked hey can we get started on the work here knowing that there's going to be a lot of coordination efforts required with the school again as well as this year with the Boys and Girls Club and with the apartment complex there as well. In order to get the field work started, get some of the engineering done and also start having some coordination meetings, we're requesting approval of a contract if not tonight then whenever you see fit, but so that they can move forward on the project. We do believe we can fit it within the existing engineering dollars

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that are set forth in the Capital Budget for this year so I think we can squeeze it into this year's budget as well.

Baker: Any questions? Yes, sir, Mr. Shupp.

Shupp: Mr. Wheeler, do you think this project will be completed this 2013?

Wheeler: I do. I do. Yes. Very optimistic that the funding, we'll get some sort of informal word within the next week or two. But then of course formal approval doesn't occur of course until Spring time and then the funds are not released until July 1st, which always explains why the project don't usually kick off until the summertime. I know a lot of people wonder why we wait that long. So yes, we are moving forward with the idea that it will be completed in 2013.

Shupp: That would be nice. Does anyone know what the completion date on the high school is?

Leathers: May.

Handwerk: Yes, this spring.

Leathers: This spring.

Shupp: This spring? Or, not fall?

Handwerk: Well, technically its fall but I know Superintendent Ritchie is anticipating possibly by the end of the school year actually moving the kids into the new building. Sort of like they did with the other two buildings. Remember? They moved them in right before the end of the school year.

Shupp: There will be a lot of coordination between the road project and them finishing things up.

Handwerk: Just like we did with Mineral Springs. Yes.

Shupp: Thank you.

Baker: Any other comments?

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

Leathers moved that Resolution 43-12 be adopted as read. Corfman seconded. Roll call vote. All ayes. Motion carried.

Leathers moved that Resolution 44-12 be place on first reading. Corfman seconded. Roll call vote. All ayes. Motion carried. **RESOLUTION 44-12**, A RESOLUTION AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ENTER INTO A CONTRACT AND/OR CONTRACTS IN 2013 WITH OTHER POLITICAL SUBDIVISIONS TO PROVIDE POLICE, FIRE AND/OR EMS DISPATCH SERVICES AND MUTUAL AID TO SAID POLITICAL SUBDIVISIONS, AND DECLARING AN EMERGENCY.

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Baker: Mr. Wheeler.

Wheeler: Mr. President this is really directly related to the Smithville dispatch service request that we've received. We've been working with them for a few months now in regards to one, their service call data as well as serviceability regarding signal and those kinds of things. Everything appears to be moving along where we can meet their needs. The contract would be a three year contract. The first year would be \$3000; second and third year would be \$6000. The first year is less with, due to some equipment needs they would need in order to make the transfer over to us. And we thought that was the fair way to handle it. They actually are looking forward to working with us if we can approve the contract.

Baker: Anyone have any questions? Yes, sir.

Vance: I know we've made a number of improvements in technology over the years in our dispatch center. So we can take advantage of some of the excess capacity we have right now and handle those calls. Who else are we dispatching for right now?

Wheeler: Currently we're contractually handing the Village of Dalton is the other one.

Vance: Okay. Are we still talking with other entities still?

Wheeler: Yes, we are.

Vance: Okay.

Wheeler: Yes, we are. Some of the other entities have come for visits and they're just trying to get a comfort level in regards to what we have. They were very impressed when they did come and visit though.

Baker: Anyone else?

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

Wheeler: If I could just say one comment real quick. This resolution allows me to enter into a contract with another entity if they were to come so that we can meet their demands in order to make that transfer by the first of January. I just wanted to be clear that it allows for others to join in as well just with my signature. So I wanted to make sure that everyone was aware of that as well.

Leathers moved that Resolution 44-12 be adopted as read. Aspiras seconded. Roll call vote. All ayes. Motion carried.

Leathers: And that concludes the business for 2012, sir.

Baker: Thank you, ma'am. Anyone have anything for the good of the order this evening?

Good of the Order:

Corfman: Merry Christmas.

Baker: Thank you.

Hamsher: Mr. Shupp is going to sing us a song?

Baker: Mr. Shupp is going to sing?

Hamsher: Joy to the World or something.

Shupp: I'm doing what?

Leathers: I move we adjourn before that could happen.

Shupp seconded. Roll call vote. Ayes all. Motion carried.

Baker: Merry Christmas everyone our meeting is adjourned.

Council was adjourned at 8:02 p.m.

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Jeanne Gault, Clerk of Council

Date

Lyle Baker, President of Council