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President Baker called the meeting to order. Jane Disbury of Trinity United Methodist Church offered the prayer. The Pledge was recited by all.

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

Corfman moved and Aspiras seconded that the minutes of the January 5, 2009 regular meeting be approved. Roll call vote. Ayes all. Motion carried.

Public Comment: None.

Standing Committee Reports:

A. Finance – Mr. Miller reported that prior to this meeting Finance Committee and Council met concerning job creation tax credit – our program there. We cleaned up some language in there and made some changes to bring it in line with State requirements. At this time I would like to move to approve the changes to the Job Creation Tax Credit Policy allowing for a credit not to exceed the State minimum to a maximum of 10 years. Vance seconded. Roll call vote. Ayes all. Motion carried. Also, I would like to remind council our next Finance Committee meeting will be February 9th after the Utility Board meeting to talk about the capital improvement account. Mr. Leggett passed out to everyone our 2009 final appropriations calendar and you should have that. We do have a minor conflict with another committee meeting on the second reading which on your sheet says 03/09/09. On that Monday Mr. Corfman has previously scheduled a meeting so we need to look at our calendars. First reading is going to be the 2nd and we need to have the third reading by the 16th so it needs to be done sometime that week. If the 10th, Tuesday, looks good we can take care of this now. Miller moved and Vance seconded a special meeting be held on March 10th at 7:00 p.m. rather than the March 9th. Roll call vote. Ayes all. Motion carried. The last thing I wanted to do, just as a very personal note, I would like to thank Mr. Leggett who is retiring pretty soon for the four years we have had together working together on the Finance Committee. It has truly been a pleasure and a privilege to work with him. I am looking forward to working with Ms. Strimlan as well, but I will miss you my friend.

B. Utilities – Mr. Landaw was absent.

C. Health & Safety – Mr. Corfman reported that a meeting of the Health & Safety Committee was held on January 12th concerning the nuisance ordinance. It was explained; we discussed it somewhat at length. We are going to tighten up some language and that ordinance will be coming in the near future.

D. Parks and Recreation – Mr. Aspiras had no report, but also seeing that this is Mr. Leggett's last council meeting I would like to say a few things. I've had the privilege to work with Mr. Leggett for a little more than a year so I will put my two cents in. Since 1865 Orrville has seen 20 treasurers, currently titled Finance Directors. Mr. Leggett has served the fourth longest term of the 20 behind Charles Horst, F.A. Arnold, and J.W. Hartzel. We all know during his 13 years of leadership his department has received the award "Making Your Tax Dollars Count" seven times from the Ohio State Auditor's office. As a matter of fact, Mary Taylor – our State Auditor, said in December 2008 out of 5600 government entities only 5% - that would be 280 out of 5600 – were eligible to receive this prestigious award. During Mr. Leggett's leadership I have not seen any personal agendas and the interest of the City of Orrville and its citizens has always been first and foremost. Jim has always been hard working and up front, honest, and fair. I have enjoyed working with him. I wish Jim and Esther the best in his retirement years. As an Orrville councilman and citizen, thank you Jim for your

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fine service to Orrville.

E. Transportation – Mr. Shupp had no report, but also thanked Mr. Leggett for his service and wish him good luck on his retirement.

F. Planning – Mr. Vance had no report, but joined his colleagues in congratulating Mr. Leggett and thanking him for all the help he has been to me as a new member of council and on the finance committee. He is one of the most good natured bookkeepers or account types that I have come across. He is a lot of fun. On a personal note, some people don't know that Jim inspired me to run a triathlon last year. I appreciate his influence in my life and all the help he has made.
Leggett: He finished also.

G. Ordinance & Personnel – Ms. Leathers had no report. I too would like to thank Mr. Leggett. I have served with Mr. Leggett not only here as it relates to council, but also through my church on Nursery School Board and several other places and he is wonderful and we are going to miss you very much.

Special Committee Reports: None.

Administrative Reports:

A. Mayor - Mayor Handwerk reported the Adopt-A-Citizen is working. This year we have several people that we were able to get on a list and provide some help this past week. I would like to mention to maybe anybody that is watching who is considering calling for help or maybe calling for help for somebody they know, please try to do that before the storms get here. It is very difficult. The last storm I got a call at home Saturday at noon, somebody wanting help and of course I can't get a hold of people who are willing to do that then. The idea of the whole program is to get signed up so we can match you with somebody who is willing to help and then when that type of thing happens then hopefully they will be able to come and help if it is the shoveling snow type problem and that sort of thing. It is working and I appreciate those people that are willing to step up and help people. That is very important. With our last snow storm we did institute our snow parking ban and I think it worked very well. I would like to thank the citizens of town because I think for the most part people did pay attention to that ban and they did move cars out of the way. We did have a few instances where cars were still in the way of our plows, but for the most part and especially on our main streets they were out of the way and I think it was very visible. By noon Saturday you could go down Market Street or High Street and they were able to really do a good job of plowing snow out of the way instead of going around automobiles and trucks. The other thing is that I would like to remind citizens that when you are doing your snow blowing in your own driveway or shoveling – I actually saw several people literally blowing the snow right back out into the street. That might be a way of feeling like you are getting back at the snow plows, I don't know, but really it is just making it harder on everybody – the people trying to keep the snow off the street and everybody else that is driving on those streets not just the person that is shoveling it out there. Please throw it on the sides of the driveway not back into the streets. It is a big job for our Street Department. Other than a couple little glitches I think we had a real good success this last snow storm for them. Also Mr. Leggett I would like to just publicly thank you for all your years of service. You and I go back quite a few years even on council together and as Mr. Aspiras said, you have always been very helpful. I know to me you have been; anytime I have questions you have been very good about answering questions and offering good advice. Enjoy your retirement.

B. Safety Service Director- Director Jewell reported we have design review legislation which was referred out to the Planning Commission and the Planning Commission has made a recommendation for approval of that legislation. Now we will be coming back to you as legislation. We need to set a public hearing and we need to set one where we would have at least thirty days notice. I am asking if council would set that public hearing for March 2nd. Vance moved and

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Leathers seconded to schedule the public hearing for March 2nd. Roll call vote. Ayes all. Motion carried. I wish Mr. Leggett much happiness in his retirement and we are going to miss him.

C. Utilities Director – Director Preising reported that the workshop we scheduled quite a few months ago will still be occurring next Monday night to discuss electric rates. I would also like to wish Mr. Leggett the best. It has been a pleasure and it is always nice to have Jim there in that job. A lot of times the finances were a little tricky and he made it very easy for us and I do appreciate that.

D. Finance Director – Director Leggett reported that prior to the meeting he distributed the Quarterly Investment Report. This report requires no action from council; however, as part of our Investment Policy we are report to you a list of our investment through the end of each quarter and that of course if the forth quarter of 2008. Also, distributed was the Fund Balance Report for the period ending 12/31/08 and that report is the year-to-date report so that report does cover the entire year of 2008 and those are the numbers we will be taking to our year end closing and audit. That report does require a motion from council so I would ask for a motion to approve the Fund Balance Report through 12/31/08 subject to audit. Miller moved and Aspiras seconded. Roll call vote. Ayes all. Motion carried. And lastly Mr. President since this is my last meeting, I would like to thank you and all the members of council for all the cooperation I have received over the years. This council and councils before, it has just been fantastic. This council asked good questions and wanted good answer and I urge you to continue to do that. Make sure you know what is going on, especially with the finances. I have always tried to give you that information and hopefully I have. As Mr. Miller mentioned, he and I have had a very special relationship over the last four years and I am sure that will continue with Ms. Strimlan. It is very important for the Finance Director and the Chairman of the Finance Committee to communicate well and we have done that. Thank you too Denny and thank all of you and I wish you nothing but the best.

E. Law Director - Director Lutz stated that at our last meeting Mr. Landaw made a motion believing that it was the year that we had a motion to appoint a Clerk of Council and President Protemp. That was not correct. It is actually the year following a municipal election when that is done so it wasn't to be done this year, but next year. All that means is that we can treat that motion as a nullity and that Ms. Leathers continues to be the President Protemp and of course our Clerk of Council is our Clerk of Council. I just wanted to clarify that. I had sent an e-mail out to council about that, but I wanted to clarify that just so the public is aware of that. Secondly, after many years of sitting next to Mr. Leggett I am looking forward to sitting next to Ms. Strimlan, I won't miss him quite as much as Mr. Miller, but I will still miss him.

F. President of Council – President Baker also thanked Mr. Leggett. The one thing we always worried about when it was time for Jim to give a report; people always held their breathe to see how long he was going to talk. Jim, I hope you found a way to express your voice outside of these chambers because I know you are going to need it; otherwise, your vocal cords are going to seize up and you won't know what to do. I too appreciate the years while you have helped me. I remember the first day after I was appointed to council and you invited me to your office and I got a handful of stuff. I had no idea what I was getting into and you made it a lot easier and I appreciate it and I am sure everyone else does too. You have done a fantastic job and I hope Janet is ready to fill your shoes. I would also like to thank our Street Department and Mr. Staley. And Mrs. Jewell, since I don't think Mr. Staley is here, if you will again thank them too; this past weekend with the snow and what was going on those guys often are not appreciated well enough. People may complain; yes the plow goes by and puts the snow back in their driveway that an hour before they just got done shoveling out, but those guys spend a lot of time and they do a good job overall and I hope you will tell them that we do appreciate what they do.

Jewell: I will be sure and pass that along to them.

Baker: One other thing; it is that time of the year. The season for any of you that are thinking about running for office for one of our council positions for City Council. Get that thought into your head; go

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out there and pick up a petition; get it signed. Whether you are a Republican or a Democrat become part of what goes on here. We need to have as many people interested in our city government as we can and it is always nice when we have opponents because frequently someone will run for office and there is nobody to run against. While you may save a little money in your campaign because you don't have anyone to run against you, it is awful nice to have someone on the other side of that ballot so that you no either the people appreciate me or they don't appreciate me. So any of you that are out there make sure you go over there, pick up your petition, visit the people in your neighborhood, find out how you can help run our city. The last thing, we do have one item from our Clerk.

Peppard: We received a liquor license renewal application for Jerry's Café.

Old Business:

ORDINANCE B-09

Leathers moved and Corfman seconded that Ordinance B-09, an ordinance adding Chapter 1305 to the Codified Ordinances of the City of Orrville, Ohio, relating to payment of insurance proceeds to the City for removal or repair of structures damaged by fire, 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.

Vance: Mrs. Jewell, I thought you had said you wanted us to go three readings, is that correct?

Jewell: It does not need to go three readings. It should probably go more than one and this is your second reading. That way the public has ample time to know the ordinance is out there. I have not heard any comments in my office about it.

Vance: I am in support of the legislation. A lot of communities have this.

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

New Business:

ORDINANCE C-09

Leathers moved and Corfman seconded that Ordinance C-09, an ordinance limiting the jurisdiction of the Municipal Civil Service Commission to only City Employees in the Classified Service of the City of Orrville, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Lutz: I can answer any questions on this. A memo went out to Council, but essentially what it is is that the Municipal Civil Service Commission is looking at updating its rules and regulations and its rules and regulations followed the State statute which says that the Municipal Civil Service Commission has jurisdiction over the City health district and the City school district. We don't have a City health district and we have never taken jurisdiction over the City school district with our Civil Service Commission. So what a case law says the City has to do, even though our Charter doesn't specifically spell out the City school district; we have to pass an ordinance that says we are limiting our jurisdiction to City employees only in the Classified Service. So that is what this is all about; then the Municipal Civil Service Commission will update its rules and regulations knowing that this has been passed to take out those references. By the way, the schools are in agreement with this.

Corfman: This is largely just cleaning up legislation.

Lutz: Actually passing legislation so they can clean up their rules and regulations.

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

RESOLUTION 2-09

Leathers moved and Miller seconded that Resolution 2-09, a resolution authorizing the Board of Control to enter into an agreement and/or agreements with the State Auditor's office to prepare the

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annual audit for fiscal year ending December 31, 2008, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Leggett: This resolution we have passed every year for the past several years. It is concerning our State audit. Our State audit costs us about \$35,000 a year and with most of the expenses in my department they are distributed throughout the different funds and usually the larger portion goes to the Utility funds, but with the State audit because they spend so much more time on the tax report funds and very little time actually on the enterprise funds the percentage of split is different. The general fund is worth about 52% of this charge and if you do the math at \$35,000 that takes us over the \$15,000 limit that can be approved out of the general fund by the Safety-Service Director. So we do need legislation in order to enter this contract with the State Auditor's office. We did this last year and of course I am asking you to pass it on first reading because we have already had meetings and the Auditors are coming whether we pass this legislation or not. This just makes it easier, makes sure we have the purchase order in place before we start getting invoices from them. It is an annual thing and I would like for you to pass it tonight.

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 Resolution 2-09 be adopted as read. Roll call vote. Ayes all. Motion carried.

RESOLUTION 3-09

Leathers moved and Miller seconded that Resolution 3-09, a resolution authorizing the Safety-Service Director to enter into a contract and/or contracts to provide for a job creation income tax credit for The J.M. Smucker Company and its subsidiaries, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Jewell: We are very fortunate that The J.M. Smucker Company has requested this incentive for a new project they will be doing. The project will create 115 new jobs and the annual payroll will be \$8,623,160 for the jobs created. In return for that the Smucker Company would receive a refundable credit of 25% of the income tax that is withheld for those new employees and that would be for a period of ten years. Anything that the City does at this point in time is all contingent upon the fact that The J.M. Smucker Company would have this tax credit approved by the State of Ohio. Mrs. Mary Beth Badertscher from the Smucker Company is here and she can answer any questions you may have.

Badertscher: I would also say that I am joined tonight by Bob Kenner, our Vice President of Taxes, we can answer any in-depth financial questions. Thank you for allowing us to be here this evening. For over 110 years the Smucker Company has been very proud to call Orrville its home and we feel very fortunate that we have our headquarters in a community that has such a long standing history of support of the business community; especially with the office of Industrial Development. Over the past ten years I am sure that you are aware that we have experienced significant growth and we are excited that the addition of Folgers has allowed some additional expansion and growth opportunities for this community as well. If you have any additional questions, we would be happy to answer those as well. Thank you very much for your consideration.

Leathers moved and Miller 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 Vance seconded that Resolution 3-09 be adopted as read. Roll call vote. Ayes all. Motion carried.

Good of the Order: None.

Leathers moved and Aspiras seconded that the council meeting be adjourned. Ayes all. Motion carried. Council was adjourned at 8:02 p.m.

Tamra Peppard, Clerk of Council

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Lyle Baker, President of Council