

Regular/Public

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Prior to the regular meeting a public hearing was held regarding Ordinance B-08, an ordinance vacating two alleys that council has determined will not be detrimental to the general interest.

Sean McDermott: Good evening Mayor and Council. We (Sean McDermott – Zaremba Group and Jack Gant – Jack Gant Realty) are here tonight to discuss with you for two alley vacations that are partial to the proposed CVS project at Main and High. We did discuss this at one of your committee meetings and we addressed some questions at that time, but tonight again I would like to open it up to any questions that you may have. The vacation of the alleys is absolutely integral to the project. Overall the project is approximately a \$3.5 million dollar investment in your core downtown. We have worked diligently with Beck and her staff and the Design Review Board and this is one of the final pieces of the puzzle to put together on the City's end for a project that we feel highly benefits your community. Any questions?

Leathers: Does anyone have any questions?

Jewell: I just wanted to clarify a couple things with the request. Their request is to vacate two different alleys. This alley right here (points to map) is an East/West alley. They are vacating half of that would be from the intersection of the North/South alley to the east. So this alley would be vacated. The alley to be vacated is the North/South alley. Half of this alley would go to the property owner to the west which is owned by I believe Schmid Incorporated or Smith Dairy. The other half of the alley comes to this property and becomes part of the Zaremba CVS project. That is the request that has been made. The Planning Commission did look at this request and recommended that it be approved. This portion of the alley, which would be the west part of the East/West alley, is not being vacated and that will allow this property right here to have access to the back of their lot so they can build a garage back here someday if they wish to do that. It also maintains the access in and out of this lot.

McDermott: If I could add, as part of the approved and proposed CVS site plan there will be a driveway that will still connect Main to Vine, so you can still have through access as you do today, but on a wider, safer driveway.

Jewell: On this map right here, this is the one portion of the East/West alley that is being vacated and this is the North/South alley and you can see that half of it is being incorporated into this project. The other half stays with this property which is a parking lot and there is a residence right here.

Leathers: Thank you Mrs. Jewell. Is there anything else? Here none we will thank Mr. McDermott and Mr. Gant for coming this evening. The public hearing is now closed.

Public Hearing closed at 7:35 p.m.

President Pro-Temp Leathers called the meeting to order. President Baker was absent due to the death of his mother.

Leathers: A couple of housekeeping orders that we must do before we go forward with our meeting. The first one is that I would move that Paul Vance be appointed to the unexpired term for the At-Large seat. Mr. Corfman seconded this motion. Roll call vote. Ayes all. Motion carried.

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We also need to re-appoint our clerk, Tamra Peppard, since we had an election the Charter requires that we re-appoint her, she is without term and has served as our clerk since August 2006. Leathers moved and Aspiras moved that Tamra Peppard be re-appointed as clerk. Roll call vote. Ayes all. Motion carried.

Pastor John Malpus of Orrville Christian Church offered the prayer. The Pledge was recited by all.

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

Landaw moved and Aspiras seconded that the January 7, 2008 regular meeting minutes be approved. Roll call vote. Ayes all. Motion carried.

**Public Comment:** None.

**Standing Committee Reports:**

A. Finance – Mr. Miller reported that Council has before them the 2008 Final Appropriations Calendar that Mr. Leggett passed out prior to the meeting. You can see it is similar to what we have done in the past. The actual workbooks are going to get to you around the 25<sup>th</sup>. That first sentence there, if you would change the year 2006 to 2007, that was a bit of a type. Also, just to highlight a few things on this, the first reading on this will be the 3<sup>rd</sup> of March. We will have three readings on this. The second reading will be at a special meeting of council and we will also do a workshop that day on March 10<sup>th</sup>. The third reading will be on March 17<sup>th</sup>.

Miller moved and Corfman seconded that a Special Meeting be held on March 10<sup>th</sup> for second reading of final appropriations and we will also do a workshop at that time and it will be after Utility Board. Roll call vote. Ayes all. Motion carried.

B. Utilities – Mr. Landaw reported at the last Public Utility Board meeting they approved an adjustment to the power cost adjustment formula which will raise electric rates just a bit. The Power Cost Adjustment (PCA) formula is used to adjust our rates for up and down fuel prices. Obviously, lately the fuel prices have been going up. They are going to have a small increase based on the third quarter fuel cost. I would say the average residential customer will see about a \$2.50 a month increase. They are expecting, after the final figures for the next quarter come in, that there may be another small increase again here in a few months. We have approved a study for our rate structure that is going to be happening this year and maybe this PCA formula can be adjusted and roll into our rate structure. Eventually we will follow that and monitor that more as that study comes back. I also want to report that Councilman Corfman and I are very thankful to be included in Legislative Day with AMP-Ohio and Ohio Municipal Education Association. We started out at the AMP-Ohio headquarters last week and received two updates on projects that we are involved in – the Prairie State Energy Projects and the Hydro Project. In the afternoon we had a legislative update with OEMA. Later on that afternoon we met with our elected officials. I have a nice big packet of information if anybody would like to borrow it and look it over. A lot of different legislative things are happening here in Ohio. I could give a lot more information on some of that stuff, but I think I will call it quits right here. Maybe Mr. Corfman might have something to add.

Corfman: We also got an update on the Meigs county. Mr. Preising, Mr. Bredinger and Mayor Handwerk were also part of that update. Again, we have a big packet of that information, but it gives us a lot of confidence in those three projects and our future needs for electricity. Keeping in mind that Director Preising is also Chairman of the Board of AMP-Ohio so we should have

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confidence in it.

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

D. Parks and Recreation – Mr. Aspiras reported he recently walked through the city parks. I took a few photos and made some notes. I did have some initial correspondence with Director Jewell. She was kind enough to share with me some of the projects and initiatives that are already going on. We have decided to set a committee meeting for Monday, January 28<sup>th</sup>, immediately after the Utility Board meeting. There are a lot of things going on right now. A couple things we will be discussing include the redoing of the basketball court at Orr Park; the bleachers for the main diamond at Orr Park; and Schmid Hall renovation.

E. Transportation – Mr. Shupp had no report.

F. Planning – Mr. Vance had no report.

G. Ordinance & Personnel – Ms. Leathers thanks Mr. Landaw for substituting for her during the last meeting as she was absent due to illness.

**Special Committee Reports:** None.

**Administrative Reports:**

A. Mayor - Mayor Handwerk reported he received a letter from Armstrong Utilities this past week indicating they will be raising our basic cable rates about \$2.50. I was told that does not affect anything except basic cable. Just to let people know, I believe those letters are going out to residents shortly. I would also like a motion from Council to appoint Rick Helmuth to the Wayne County Board of Health. This would be a three year term. He has been serving on this and would like to continue. Corfman made the motion and Aspiras seconded. Roll call vote. Ayes all. Motion carried. Lastly, I would just like to report a new program that we started this month – our City Employee of the Month. We have about eight different departments in our city, at least that is how we divided it up. Different Directors will be picking an employee of the month when it is their turn. Our first department was our Fire Department and Chief Ballentine picked Craig Hostetler. Basically, he made that decisions because he had a 98% run attendance in the year 2007, which means he didn't miss very many calls. We certainly appreciate all the firemen's work and congratulations to Craig for being chosen our Employee of the Month.

B. Safety Service Director- Director Jewell reported that as we start into the spring season, we are already looking ahead and I would like to request a committee meeting of the Transportation Committee. I did have a list for the Parks and Recreation Committee which I gave Mr. Aspiras and that list was about a page long, but the one for the Transportation Committee is almost two pages long. We do have to have a meeting to discuss some of the upcoming projects and legislation whenever you can get your members together. It was determined a Transportation Committee meeting regarding upcoming projects would be held February 4<sup>th</sup> immediately following the council meeting.

C. Utilities Director – Director Preising thanked the Mayor and Council persons Corfman and Landaw for attending the Legislative Rally. We were able to meet with Senator Amstutz and Representative Carmichael and talk about a few issues we feel are important to us. We also had the pleasure of having the Governor stop by. That is probably the first time in all these meetings

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I have been to – about 16-17 years. It is the first time the Governor has come to one. Several people were able to talk with him and shake hands with him.

D. Finance Director – Director Leggett reported at next council meeting I will be bringing a couple pieces of legislation. The first one will be a depository agreement with Huntington Bank. For our newer members who are not familiar with how we deposit our money and invest in our certificate of deposit. Not every bank in the state of Ohio is eligible to deal with public funds and must meet a qualification list with the State Treasury Department and we must also have a specific agreement with them passed by City Council and they must support the deposit we have then with some kind of methods of their own, usually government agencies or treasury. So opening a depository account is not a simple process, but it is somewhat routine and I will bring you legislation for that. The reason for that is that currently Huntington Bank is offering the better rate on certificates of deposits and this is a recommendation from our financial advisors that we open an account with Huntington. We currently have depository agreements with National City, First National Bank, First Merit, and Charter One Bank. This would be the fifth one we have. There will be no checking or savings account. This is strictly for certificates of deposit. Also, I will bring you legislation to establish a new fund to process money received by our Police Department as reimbursement for training. The Attorney General set up a program for local law enforcement agencies for money they spend on training and the statutory agreement says these funds must be kept separately. After checking with the State Auditor's office, they said yes we would be required to establish a new fund. It will not be a large fund; it will just be a couple thousand dollars passing through them. The law says it must be maintained separately. Compliments go out to Chief Carozza and his staff on being able to develop this and get this money for training. The last item is just for anyone of you or anyone watching that happens to follow the financial markets closely and happened to hear that some of the rating agencies have down graded AMVAC which is a major insurer of municipal bonds. It just so happens that AMVAC is the insurer of all three municipal bonds that we have. I think they went from a triple A to a double A. In case you do hear that and someone questions you about it, it is really not a concern to us at this time because all our bonds are a fixed rate, they all have utility reserve and debt service reserve funds established as all part of our indenture. So it is not really a concern and since we plan to pay our bonds off on time and at the maturity date, it really at this point has not impact. If these bonding insurance agencies would be down graded even further, really what it does is it devalues the value of our bonds in the market so people buying may diminish and it may even – as odd as it sounds – give us an opportunity in the future to buy our bonds back at a much lower rate than we actually borrowed. It could have a good affect on us, but we never like to see bonding insurance companies lose their ratings. It is just not good for the bonding industry we participate in. So if you hear that and someone wants to know if it is a concern for the City, at this point it really isn't. It really has no impact on us.

E. Law Director - Director Lutz had no report.

F. President of Council – President Pro-Temp Leathers again expressed condolences to Mr. Baker and his family. Condolences also go to the family to Ada Xander. Mrs. Xander was a resident of Orrville for quite some time and was a two-term councilwomen.

**Old Business:**

**RESOLUTION 76-07**

Leathers moved and Corfman seconded that Resolution 76-07, a resolution authorizing the Director of Safety-Service and/or the Director of Utilities to purchase services or supplies by

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reverse auction in accordance with Ohio revised Code Section 9.314, and declaring an emergency, be placed on third reading. Roll call vote. Ayes all. Motion carried.  
Leathers moved and Vance seconded that Resolution 76-07 as amended be adopted as read. Roll call vote. Ayes all. Motion carried.

ORDINANCE A-08

Leathers moved and Landaw seconded that Ordinance A-08, an ordinance amending Section 151.08 of the Codified Ordinances of the City of Orrville, Ohio, regarding compensation for the Clerk of Council, 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 on three separate days be suspended. Roll call vote. Ayes all. Motion carried.  
Leathers moved and Landaw seconded that Ordinance A-08 be adopted as read. Roll call vote. Ayes all. Motion carried.

ORDINANCE B-08

Leathers moved and Landaw seconded that Ordinance B-08, an ordinance vacating the hereinafter described alleys that this council has determined will not be detrimental to the general interest, be placed on second reading. Roll call vote. Ayes all. Motion carried.  
Leathers: This is the ordinance we had our public hearing on this evening. Is there any further discussion.  
Leathers moved and Corfman seconded that the rules, regulations, and statutes requiring a reading on three separate days be suspended. Roll call vote. Ayes all. Motion carried.  
Leathers moved and Corfman seconded that Ordinance B-08 be adopted as read. Roll call vote. Ayes all. Motion carried.

ORDINANCE C-08

Leathers moved and Aspiras seconded the Ordinance C-08, an ordinance accepting and confirming the dedication of a portion of West Market Street in the City of Orrville, Wayne County, Ohio, to the public use forever, 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 on three separate days be suspended. Roll call vote. Ayes all. Motion carried.  
Leathers moved and Aspiras seconded that Ordinance C-08 be adopted as read. Roll call vote. Ayes all. Motion carried.

RESOLUTION 1-08

Landaw moved and Vance seconded that Resolution 1-08, a resolution fixing the salary of the Law Director of the City of Orrville, and repealing all legislation inconsistent herewith, be placed on second reading. Roll call vote. Ayes all. Motion carried.  
Leathers moved and Aspiras seconded that the rules, regulations, and statutes requiring a reading on three separate days be suspended. Roll call vote. Ayes all. Motion carried.  
Leathers moved and Landaw seconded that Resolution 1-08 be adopted as read. Roll call vote. Ayes all. Motion carried.

RESOLUTION 2-08

Leathers moved and Landaw seconded that Resolution 2-08, a resolution establishing wages for part time and seasonal employees of the City of Orrville, and repealing all legislation inconsistent herewith, be placed on second reading. Roll call vote. Ayes all. Motion carried.

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Miller: I just wanted to point out that this is going to a range of \$7/hour which is the new minimum wage to \$15/hour. I would like to thank Mr. Lutz for getting this information of what it was before, which the range was \$5.15 to \$10 per hour. This has not been changed in eight years so it is time.

Jewell: I wanted to mention, we had some other questions regarding the rates we currently pay. Over the years our rates have increased and last year the lowest summer help rate we paid was \$6.85/hour and that would be for a minor that was working in the bath house. With this year's anticipated increase of three percent on that, that would have taken that rate over the \$7/hour anyway. We had anticipated that three percent increase in our budget and so we do have the funds in our budget to cover that increase. That is well within what we had anticipated. It isn't going to change our structure for those wages.

Aspiras: Just so I am clear, Director Jewell, I had some correspondence with Dennis also. The original maximum was \$12/hour and that is moving up to \$15. Aside from that, he had mention because I had questioned what would be the average wage and he said it was between \$8 and \$10. I was looking more at an aggregate. We are bringing everything up, but are we budgeted for that and you answered that question and he also responded we are okay.

Jewell: We will be okay with that. Sometimes if you have an increase to the bottom of the scale then it tends to skew the rest of it because a person who comes in usually starts working for us in the bath house when they are 16 and that is at one rate and then the next year when they come back they usually get like \$.25/hour more than they did the year before. We try to keep those relationships between your first year employees and second year. Once they become an adult they have a different wage scale. That whole scale will not be affected by this, because the three percent would have been over the \$7 minimum any way. It is within what we had planned for.

Apsiras: Initially, he had communicated that the minimum prior to this legislation being introduced was \$5.15. I looked at that and said wow that is a 36% increase; however, that is not where the average low was.

Jewell: It has gone up over the years in order to be competitive. Then when minimum wage went up last year and now this year again.

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

Leathers moved and Aspiras seconded that Resolution 2-08 be adopted as read. Roll call vote. Ayes all. Motion carried.

**RESOLUTION 3-08**

Leathers moved and Corfman seconded that Resolution 3-08, a resolution authorizing the Safety-Service Director to enter into a coordination agreement with the State Historic Preservation Office in order to expedite implementation of certain elements of the FY07 Community Development Block Grant Downtown Revitalization Program, and declaring an emergency, be placed on second reading. Roll call vote. Ayes all. Motion carried.

Landaw: I ask that we let this one go. We have a good bit of information and I would like to look it over.

**New Business:**

**RESOLUTION 4-08**

Leathers moved and Miller seconded that Resolution 4-08, a resolution authorizing the Board of Control to enter into an agreement and/or agreements with the State Auditor's Office to prepare the annual audit for fiscal year ending December 31, 2007, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

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Leggett: This resolution is necessary because of the split of this year's audit. This year's audit estimated cost is \$32,000. We split that cost based on recommendations, actually it is quite an old formula we've used established by the auditors some time ago because of the general city government funds being tax dollars require or get a lot more attention than the utilities or enterprise funds just because they are rate dollars even though the Utility's Department dollar amounts are much larger, but there is a lot more time spent auditing the tax reported funds and there are a lot more of the tax reported funds. The way that dollar amount splits out is the \$17,000 of the \$32,000 comes out of the General Fund and \$15,000 comes out of the various Utility Funds. Currently the ordinance we have in place limits the approval to \$15,000 without legislation so we need this legislation in order to enter into this contract with the State Auditor's office. It is not necessary to pass this tonight.

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

Leathers moved and Aspiras seconded that Resolution 4-08 be adopted as read. Roll call vote. Ayes all. Motion carried.

#### RESOLUTION 5-08

Leathers moved and Corfman seconded that Resolution 5-08, a resolution authorizing the Safety-Service Director to enter into a contract and/or contracts for the lease of space for the sale of soft drinks, ice cream, candy, popcorn, peanuts, and other like items at Orr Park for the years 2008 and 2009, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Jewell: We do this resolution every two years. It allows the Safety-Service Director to enter into this contract without bidding. We have two concession spaces we lease at Orr Park. One of those is at the west end of the bath house and the other one is the concession space by the main ball diamond. What we do is we lease out the space and maintain the buildings. Right now the contract has been with Matt Plybon and he is the one that provides the services for the concessions. The revenue generated from this is \$1,200 per year for the two past years. I don't know what that will be in the coming years, we will negotiate that with him.

Landaw: If we would have large tournaments at the park, do you have the authority to negotiate with a, for example a sandwich wagon or another vendor?

Jewell: What we have right now is a lease with Matt Plybon and historically, for as long as I can remember, the lease states that that person is paying us based on the fact that they have the exclusive right to sell within the park and no one else does with the exception of the 4<sup>th</sup> of July. I do not then have the ability to negotiate with anyone else to provide concessions. If we wanted to do that, then we would have to negotiate that up front so that they were aware and that would affect what they are willing to pay for that lease.

Landaw: I would encourage that maybe that be looked into. Again, not to undermine the products this person is selling, but if we would see large tournaments come to town for a weekend and there would be a lot of folks there, there may be needs to have additional vendors there and I would just encourage us to look into that for the future.

Jewell: I think the person we have out there right now actually gets a one time food license for some of those larger tournaments and then does sell sandwiches. We have to have that balance between allowing them to get something to eat there and also encouraging to frequent the other business here in town and use those restaurants too. We can always explore it.

Corfman: This is on Councilman Aspiras' committee meeting agenda so it will be discussed further at that time.

**Good of the Order:** None

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Corfman moved and Vance seconded that the council meeting be adjourned. Ayes all. Motion carried. Council was adjourned at 8:17 p.m.

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Tamra Peppard, Clerk of Council

\_\_\_\_\_  
Date

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Lyle Baker, President of Council