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President Baker called the meeting to order. Reverend John Beck of the Daybreak Community Church offered the prayer. The Pledge was recited by all.

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

Aspiras moved and Miller seconded that the minutes of the January 20, 2009 regular meeting be approved. Roll call vote. Ayes all, except Landaw who abstained. Motion carried.

Public Comment: None.

Standing Committee Reports:

A. Finance – Mr. Miller reminded Council there will be a Finance Committee meeting next Monday, February 9th, after Utility Board. The meeting will be to further discuss the capital improvement account. I would like to urge Council to locate their 2009 Budget that we approved in the summer. There is a project priority list in there that Mrs. Jewell has provided and I believe Mrs. Jewell will update that some, right?

Jewell: That is correct.

Miller: We will also have some scenarios we can look at. That is next Monday after the Utility Board meeting. I would also like to welcome Janet Strimlan here with us. Welcome to the Director's table and on behalf of Council we are all looking forward to working with you.

Strimlan: Thank you.

B. Utilities – Mr. Landaw reported a workshop was held January 26th with the Public Utility Board for the electric cost of service study. Thanks to Council members for their input. It gave the firm that is doing the study some information to go back and finalize that study with. Obviously we are going to be seeing some increases in our electric rates, but from the preliminary workshop I know they are going to be the best we can do. It will be the lowest possible increase for our rate payors while still allowing our electric utility to meet its needs for the future. So we will find out just what those increases are when that final report is released. The second item, just so Council is aware, the Public Utility Board committees are meeting for the final appropriations this week and they will be making their approval of that and it will all be sent to Council eventually.

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

D. Parks and Recreation – Mr. Aspiras had no report, but also welcomed Ms. Strimlan.

E. Transportation – Mr. Shupp had no report, but scheduled a meeting of the Transportation Committee for February 23rd after the Utility Board meeting regarding the streets for 2009.

F. Planning – Mr. Vance had no report.

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

Special Committee Reports: None.

Administrative Reports:

A. Mayor - Mayor Handwerk reported the February Employee of the Month is Paul "Skip" Soemisch. He started with the Orrville Utilities on July 23, 1970 as a Groundman and Skip has worked his way up through the ranks to his current journeyman position as a Line Worker 3. Having 39 years experience in line work Skip is a huge asset to the crew and he continues to teach and guide the more inexperienced line workers, according to Dick Smith the Distribution Superintendent. Skip's

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always been level headed and is very capable of making sound decisions and during difficult situations, said Jeff Bredinger the Electric Utility Manager. Skip continues to respond to trouble calls and can be counted on to come in when extra help is needed. He enjoys hunting and fishing when not at work and spending time with his wife, Pam, and his grandchildren. Skip has chosen to eat lunch at Dravenstott's. Also, I would like to congratulate the Police Officer of the Year, Chris Pauley. There was a nice article about him and also, Pam Morris our Dispatcher of the Year. Thank you Paul Locher for the articles. Also, as we get into February I would like to wish Denny Forrer a happy retirement. He will be retiring towards the end of the this month; I believe the 27th is his last day. Denny has been our Human Resource Manager for 30 years here in Orrville. The only one we have ever had and he has done a wonderful job so we wish him well. Phil McFarren will be taking his place and Phil started the 2nd of January along the same week Steve Wheeler started to replace Mrs. Jewell. The last thing I would like to mention is to all homeowners and renters in town, as you have noticed as the snow melts there is lots of things that have been blowing around all winter. It would certainly make things a lot easier for a lot of people if people would just look after the front of their own house; pick up things laying in the street and in the gutter so our community looks better all the time.

B. Safety Service Director- Director Jewell reported there is a new program started. It is a mass e-mail program. If someone would like to have an e-mail, it could be any various City functions that may be going on or it could be when we put the snow parking ban into effect, we would send a mass e-mail out to everybody who has signed up. If you are interested in being on the City's mass e-mail program, you can go to www.orrville.com and follow the link for Mass E-mail Sign Up. There will be several pages to go through and then you will be on the mailing list. That is a new program that Mr. Wheeler has started and I think it will be very helpful.

Handwerk: I think it is a fabulous idea and I wanted to let people know that I have signed up for that and it is very easy. A couple minutes and you are done. It is not anything complicated to do.

Jewell: The second item I had for this evening is to make council aware of some legislation that will be coming your way at the next council meeting. We are in the middle of this industrial park project and we were just notified recently by the Army Corp of Engineers that they would like us to do a Phase 1 Archeological Study of that property. We've been checking with a couple different consultants and the approximate cost of the archeological study will be \$15,250. That is approximate. Because it exceeds \$15,000 it will require Council's approval. We did not have time to get the legislation ready for this evening, but we will bring that to you at your next meeting and we would ask that you possibly pass it on first reading so we can get started on this study. We want to be able to start it as soon as the snow is off the ground and then there is a lag time on that and then we have to submit it. So right now the industrial park that was under construction is on hold until we complete this study. You will be getting more details on that, but I just wanted to let you know that we didn't have time to get legislation to you this evening, but it will be there at the next meeting. Another item, we are ready to go to City Council with the nuisance property legislation from your committee meeting. We have compiled a list of landlords. I think there are over 180 on this list. The public hearing could be set for March 2nd, the same night we are already going to have a public hearing on design review, so we can combine the two hearings. We would need a motion from Council to set the public hearing for March 2nd and to advertise that and to also send a notification out to the landlords we have on file. Corfman moved and Landaw second per Mrs. Jewell's request. Roll call vote. Ayes all. Motion carried. The final item I have is to notify Council that Schmid Hall is just about done. They will be turning it over to us this week. We are going to celebrate that on Monday from 4-6 p.m. There will be an open house at Schmid Hall. Steve Schmid and members of his family will be there for this open house and probably other members of the public will be there as well. It is a good chance to see what has happened inside and I think you will really be pleased with what we have there now as a community asset. Again, it is Monday, the 9th, from 4-6 p.m. at Schmid Hall.

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Vance: On the mass e-mail program I notice there is information for your address and all that, does the City need that information or really just their name and e-mail? Do we do anything with that address information?

Jewell: I think the address information might be helpful if we were looking at targeting a certain area; if there was something happening at one end of the town or the other. That would probably be helpful in that respect. We will not sell this list or give it out to anyone.

Vance: Have you heard of any kind of timeline in delay in the construction of the industrial park because of this archeological work that needs to be done?

Jewell: That is a really good question because once we turn this into the Army Corp of Engineers then they will have a period of time in which to respond back to us. Our hope is that we can be under construction in June, but there is like a 90 day turnaround time on the archeological study and then the Corps of Engineers is probably going to take 30 or 45 days to review that study. We really don't know at this point.

Miller: What is that study going to cost?

Jewell: \$15, 250 roughly.

Landaw: That will be extra money out of our pocket that we weren't anticipating. It won't be covered by a grant or anything like that?

Jewell: No, that is over and above what we had anticipated spending on the project and this week we are going to be pulling together those final numbers for the lists for our committee meeting next week and that \$15,000 will have a direct impact on other capital projects for this year.

Vance: You spoke a few weeks ago about some money that was coming to Wayne and Medina counties. It was over \$1,000,000. Any further developments on that?

Jewell: They're still working on pulling together Wayne County and Medina County, deciding on how the money will be targeted. It needs to be targeted to vacant or abandoned properties. Right now there is a committee – there are 8 members; 4 from Wayne County and 4 from Medina County that are working on that. I know the Mayor and Mrs. Endsley and Mr. Wheeler have attended quite a few meetings last week and some more this week. The final decision has not been made on the target areas.

Baker: Earlier, Mr. Wheeler, you looked like you had a comment to make on the e-mail.

Wheeler: I just wanted to mention that the first and last name of the individual signing up for the e-mail is the only required information, as well as the e-mail address. The other information is voluntary and not required in order to sign up.

Shupp: Back to the industrial park, do you think this study could put a halt to the project?

Jewell: As I understand, the archeological consultant that we talked with and I may not be phrasing this correctly, but any project that goes forward is not halted by such a study but if you would have a study and they would happen to find something, then they would expect you to go around it. To perhaps do something else to memorialize that some place else. But no, it would not stop the project. Right now what we are really dealing with are just delays. We have no reason to believe they are going to find anything that is of any significance there, but the Army Corp would like to have that study done. Phase 1 is basically your literature research and then walking the ground and looking for artifacts.

C. Utilities Director – Director Preising thanked Council for their input on the cost of service meeting. Just to reiterate the point, that is just a preliminary meeting and we are starting the actual design of the rates and things like that. You will get another shot at it and you will get another report at some point down along the line before anything starts to take shape. I would like to report that a crew from our Electric Distribution Department went to Williamstown, KY, on Friday night and have been there over the weekend and they are helping out down there in the areas where they had the bad ice storm and have all the electrical outages in places where they were looking at not having power for at least two weeks as a result of all the ice. Not only us, but Wadsworth, Hudson, and Hamilton sent crews.

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D. Finance Director – Director Strimlan thanked everyone for the warm welcome and I am looking forward to working with all of you in the coming years. For my first report Finance has nothing to report.

E. Law Director - Director Lutz had no report.

F. President of Council – President Baker had no report.

Old Business: None.

New Business:

ORDINANCE D-09

Leathers moved and Corfman seconded that Ordinance D-09, an ordinance approving the editing and inclusion of certain ordinances as parts of the various component codes of the Codified Ordinance of Orrville, Ohio, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Jewell: This is an annual ordinance. We use the services of the Walter Drain Company to keep our Codified Ordinance books up-to-date. This piece of legislation incorporates changes that were made in State code that affect City code sections and then incorporates any ordinance changes that we made in our codified ordinances during the year. It is a routine piece of legislation that does not need to be adopted on first reading.

Vance: Is Exhibit A available?

Jewell: Yes, the Clerk has the original Exhibit A, but we decided that instead of killing a few trees we would just attach it to the original. Everyone will actually get those to go in your Codified Ordinance books.

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 Corfman seconded that Ordinance D-09 be adopted as read. Roll call vote. Ayes all. Motion carried.

RESOLUTION 4-09

Leathers moved and Corfman seconded that Resolution 4-09, a resolution authorizing the City of Orrville to aggregate demand response of retail customers in accordance with FERC Order 719 and taking other actions in connection therewith, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Preising: I don't know if I have all the explanation for this. We were a little surprised to get this. The American Public Power Association picked up on this that FERC approved this and they didn't give us much time to react to it. We were looking at it with AMP-Ohio on how we could aggregate demand on our own and help our customers by paying them to operate a time load at peak times. There is a lot of other things that FERC has thrown into this and at this point we don't even know if we can do it with our metering system. Our thing is that we don't want to be forced to do this by an outside organization and they would come in and aggregate our customers and pay them monies and keep a good portion of that money if it is something where there is monies to be made we would rather reimburse our customers for doing this. We would have to work pretty directly with our customer to set something like this up. We don't even know whether it will affect us directly since we are a generator and it is more geared to the communities that aren't generators. There is a lot for us to learn, but in the time we are learning this we want to prevent anybody else from coming in and doing this instead of us, but we aren't prepared to start this as of tomorrow, but FERC has opened the door for this to start this month. I guess we are trying to prevent outsiders from coming in and bothering in our business as such.

Corfman: For those listening, FERC is Federal Energy Regulatory Commission.

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Preising: Yes this is a federal government thing and it is more geared towards large industrial utilities and very large customers, but we have some customers that have some fairly sizable load and they could come in a cherry pick those customers and try to do something like this, then it would throw it back on us to have to do all the metering and things associated with it and provide them all the data. That could force us to put in new metering that we are not ready to do at this point in time. There is a lot of ramifications that we don't know all the answers yet. Our best answer at this point is let's prevent this from occurring at this time and allow us to get a chance to work with APP and AMP-Ohio to establish a program that we can offer.

Aspiras: Director Preising, if I understand the memo you sent out, this is a rule that if we vote on this and pass it we agree to this FERC 719 but it is optional and we can opt out?

Preising: We can opt out and not do it. It is optional on our part whether we have to offer this. We are in the process of looking at how we can go about doing this. I don't have an answer whether we can do it. We think we can, but again it would have to be something between us and our customer. It opens the door for an investor company to come in and make a profit. For us we are a non-profit and we would return the cost to the customer.

Aspiras: We don't have a choice with this, is that correct?

Preising: No, we don't have a choice. If somebody comes in we have to do it unless we pass this legislation that allows us to control it.

Baker: Is this something that you prefer to have passed this evening?

Preising: The door opens as of February 1st. I am not aware that any aggregators have come to town, but I don't know that. Then again, Quality Casting and Technocast and the large loads would be the prime candidates for something like this. Basically one of the easiest things to look at is to take their demand, they have a demand of about 10 or 11 megawatts at Quality Castings, they could say will you lower that demand to 9 megawatts and during the peak periods and purchase power at a non-peak time and if you do that the RTOs will pay us so much money and we will pay you so much money. We feel they are going to keep a portion of this and they are going to pass the rest of it on to the customer. It helps us too. We have seen some benefits for us also. It could keep us from having to go to the market possibly if there is enough money involved in it that we could pay our customers to move their load around to some extent so they are not requiring a big heavy load during peak periods.

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 Landaw seconded that Resolution 4-09 be adopted as read. Roll call vote. Ayes all. Motion carried.

RESOLUTION 5-09

Leathers moved and Landaw seconded that Resolution 5-09, a resolution authorizing the Safety-Service Director of the City of Orrville, hereinafter referred to as the City of Orrville, to purchase salt from the Ohio Department of Transportation for the 2009-2010 season, per a participation agreement with ODOT, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Lutz: There is a clerical error in the third whereas clause in this legislation. It says 113,000 tons and it should be 1300. I tried to get you more salt, but Mrs. Jewell caught me. There is no need for a motion on that, we can just pen and ink that change.

Jewell: The purpose of this resolution is looking forward. We are looking now to the 2009-2010 salt season. ODOT has a program that municipalities are allowed to participate in. As a result of this, they will bid for the salt needs of ODOT and then everyone who is in this participation agreement, they will get a price for the salt and then we will deal directly with the vendor ordering our salt and paying the vendor directly; however, the terms of our contract will be controlled by ODOT. They have the contract specifications out and the contractor will abide by the ODOT terms. As you are aware, this past year we did not get a bid through the NEOSO salt program so what we are doing is looking forward and saying that it is our recommendation that we would stand a much better chance of

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getting a bid to be in the ODOT program for next year then by either doing it by ourselves or doing it through some other conglomerate. The reason we have this on your agenda we do need to get it to ODOT by February 27th so you do not need to pass this on first reading. You can think about this and then have it at your next meeting for second reading.

Baker: IF we pass this and are involved with ODOT for that, if we can find salt later at a cheaper price will we still be locked in to ODOT. This year we got caught off guard kind of, but next year suppose that the salt supply becomes more lucrative than it is right now. Would we be able to still get our own?

Jewell: The purpose of this is to lock us in to ODOT so we would be required to purchase at least 80% of that 1300 tons. We have to purchase between 80% and 120% of 1300 tons. As long as they get a good contract and we are required to stay with that contract, but what we are thinking is that it is really our best bet to get a good salt contract for next year. I haven't seen anything that would lead me to believe that things are better with salt right now. Everything is still pretty much the same.

Aspiras: ODOT helped us out this year through the local salt assistance plan and I know we looked at that a few weeks back. They had in there they classified us as a political subdivision. In that article it counted us as second priority and so will the contract be set up that way or will it be different than the assistance plan?

Jewell: This contract is different than the assistance plan as this would be set up we would be a part of the contract. What ODOT did with the salt assistance program was they had already bid this, this already had a contract, but they looked at what they felt was going to be additional salt that they would not need for this season and then agreed to sell that salt to subdivisions like Orrville. That is how that was different from what we are doing in this coming year. We are going to get in right up front for this coming year.

Aspiras: You will have that contract within the next week or so for price?

Jewell: They are not going to bid it until probably this summer.

Aspiras: And this has to be passed by the 27th?

Jewell: We have to have it to them by the 27th so they can have everything together when they go out for bid so they know exactly how many tons are in their contract quantities. We found out about this program when I was talking with them about their local salt assistance program. They mentioned to us that they were getting ready and they were going to try to pull the numbers together this spring for the fall bid for the '09-'10 season. We really won't know until this fall what the prices are going to be.

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

Leathers moved and Corfman seconded that Resolution 5-09 be adopted as read. Roll call vote. Ayes all. Motion carried.

Director Jewell presented the Annual Report for the Safety-Service Department.

Good of the Order: None.

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

Tamra Peppard, Clerk of Council

Date

Lyle Baker, President of Council