

Regular/Public

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President Baker called the regular meeting to order. Pastor Newton Brenneman of New Hope Christian Center the prayer. The Pledge was recited by all.

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

Corfman moved and Hamsher seconded that the minutes of the February 16, 2010 regular meeting be approved. Roll call vote. Ayes all. Motion carried.

Public Comment: None.

Standing Committee Reports:

A. Finance – Mr. Miller reported that Council should have received tonight from Ms. Strimlan the 2010 Final Appropriations booklets. It will be on first reading tonight. It will go three readings. I want to also remind Council that next Monday, March 8th, there will be a special meeting for second reading of the appropriations and a workshop that will be discussing the details of that. Also, we will be updating the capital improvement account and projected projects that will be happening this year as well at that time. There are also some note ordinances on the docket tonight that Ms. Strimlan will address. They are things that we have been doing annually.

B. Utilities – Mr. Vance reported the Mayor and Mr. Brediger and I went to capital hill last week and met with our congressional representatives about some areas of legislation that had to do with regulations of our local power plant. We felt like we had good meetings with all three representatives – Senator Sherrod Brown, Representative John Bocchieri, and we are going to be doing some follow up with some of them. We are going to be asking some of our local businesses here to sign a letter that we will be sending on that will help Congress to know how important local public power is to us. Some businesses will be asked to help support us in that way, but we continue to watch and see what the EPA is going to be doing here in the coming weeks.

C. Health & Safety – Mr. Corfman had no report, but noted everyone should have received a packet of information from our last meeting. Please read it; look at it objectively; and study it.

D. Parks and Recreation – Mr. Aspiras had no report.

E. Transportation – Mr. Shupp had no report.

F. Planning – Mr. Hamsher had no report.

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

Special Committee Reports: None.

Administrative Reports:

A. Mayor - Mayor Handwerk read a proclamation in honor of American Red Cross Month which is in March. We will also be displaying a Red Cross flag which they have given to us to hang in front of City Hall along with our American Flag and State of Ohio Flag for the month of March. Also, I would like to mention that within the next few weeks every citizen of Orrville, as well as our country, will be receiving a questionnaire from the Census Bureau and I would like to remind everyone how very important it is to make sure and fill this out and send it back in. The amount of federal and state

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money that we receive for various projects and programs is many times determined by our population so please when you receive your form please fill it out and get it sent it. It is only supposed to be ten questions this year so it shouldn't take too much effort to get that taken care of. As Councilman Vance mentioned, our trip to Washington, I would just also like to thank Senator Voinovich. The meeting we had with him with all of our AMP representatives was almost more of a farewell party because we probably won't see him again in that position in his office and he has done a very good job in his years of service; especially in the realm of public power. He has always been a supporter of that. We appreciate his dedication there.

B. Safety Service Director- Director Wheeler reported we had a police exam two weeks ago for the position vacated by Jim Davis' retirement. 39 out of the 51 that took the exam passed the police exam and the physical fitness test is scheduled, not for this week, but for next week and after that we will have a final ten that we can start interviews with. Also, just a little bit of a salt update; we have ordered 1400 tons of salt to date for this current winter season. There is about 300 tons remaining and we did use about 100 tons that was remaining from last year. So we have used about 1200 tons. The nice part is that the salt in February of '09 was \$115/ton and we are currently purchasing the salt for about \$51.77/ton. So we have scene significant savings this year which is a good thing with the quantity of salt that we have used as a result of the storms.

C. Utilities Director – Director Brediger thanked the Mayor and Councilman Vance for their participation. I do realize it does take some time out of your travels; Mr. Vance left his job for a couple days to spend with our public power community in Washington. That meeting was attended by over 1100 public power officials throughout the United States. I think we had a good visit on the Hill. We left behind a lot of messages and as Mr. Vance mentioned, we do have some legislation that is coming upon us here in April that could have some pretty damaging impacts not only on small municipal generators like Orrville, but will also touch our larger manufacturing and industrial communities. So it will be very important over the next several weeks as we reach out to our congressional leadership in having them contact the EPA to include some language in this upcoming rule making that we will be dealing with for the rest of this year. We will be playing a pretty active role. This will probably be some of the most important potential harmful legislation coming out of the Federal EPA agency in probably two decades for us so needless to say, we will have our work cut out for us in 2010.

D. Finance Director – Director Strimlan reported the Finance Department has initiated several pieces of legislation which I will speak to as they come up this evening. But also prior to tonight's meeting I distributed the Fund Balance Report for January 31st and I would ask for a motion from Council to approve that report subject to audit.

Miller moved and Shupp seconded that the Fund Balance Report ending January 31, 2010 be approved subject to audit. Roll call vote. Ayes all. Motion carried.

E. Law Director - Director Lutz had no report.

F. President of Council – President Baker requested the people that still have snow on their sidewalks and there are a few out there. Most of us have managed to keep them clean, but I do notice there are some out and when people have to walk in the street when the weather is not so great sometimes in the winter time visibility is not so great either so it would be a help if everyone would please take care of the walks in front of your own home or business.

Old Business:

ORDINANCE D-10

Leathers moved and Hamsher seconded that Ordinance D-10, an ordinance accepting the Orchard Glen Development Plat, Green Township, City of Orrville, Wayne County, Ohio, and confirming the dedication of Grace Lane and Clay Court and easements set forth thereon to the public use forever, be placed on second reading. Roll call vote. Ayes all. Motion carried.

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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 D-10 be adopted as read. Roll call vote. Ayes all. Motion carried.

RESOLUTION 6-10

Leathers moved and Aspiras seconded that Resolution 6-10, 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 Hamsher seconded that the rules, regulations, and statutes requiring a reading of a resolution on three separate days be suspended. Roll call vote. Ayes all except Shupp and Miller. Motion failed.

New Business:

ORDINANCE E-10

Leathers moved and Corfman seconded that Ordinance E-10, an ordinance providing for the issuance and sale of \$300,000 notes, in anticipation of the issuance of bonds, for the purpose of paying costs of improving the municipal electric system by the acquisition and construction of improvements to that system including, but not limited to, the reconstruction of electrostatic precipitators for the Municipal Electric Generating Plant, together with all necessary appurtenances thereto, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Peppard: The Fiscal Officer's Certificate for Ordinance E-10 has been filed.

Strimlan: I sent a memo to Council last week outlining the specifics of the note ordinances. The first note is in the amount of \$300,000. It is a rollover of the precipitator improvement note. Each year we pay down \$100,000. This year is no exception to that. It is the same ordinance that Council has seen for many years. We pay off and rollover the notes from year to year; paying down a portion of the debt is always our standard procedure. This ordinance doesn't have to be approved tonight. We can rollover these notes up to 90 days prior to their expiration; however, we like to give the underwriter the flexibility of utilizing the full timeframe to get the best interest rate for the City so the sooner Council approves it, the sooner the underwriter can begin testing the market.

Corfman: I believe this is our oldest note and it goes back to the \$1.5 million range.

Strimlan: Yes. \$1.8 million.

Corfman: So it has been going for a long time. There is nothing out of the ordinary.

Aspiras: Does the market look good right now for the bond rates?

Strimlan: It does. Last year the net effective interest rate on these notes was 1.73; this year they are seeing in the 1.35 to 1.45 range; however, you know the market. It is a little more stable this year than it was last year at this time, but that range is what we are hoping for.

Aspiras: Is there a deadline on the issuance of bonds?

Strimlan: They have until April 22nd to rollover the notes. So between the time this ordinance is passed and April 22nd will be the timeframe we are looking at.

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 Vance seconded that Ordinance E-10 be adopted as read. Roll call vote. Ayes all. Motion carried.

ORDINANCE F-10

Leathers moved and Miller seconded that Ordinance F-10, an ordinance providing for the issuance and sale of \$1,500,000 notes, in anticipation of the issuance of bonds, for the purpose of paying costs of improving the municipal water system by the acquisition and construction of improvements to that system including, but not limited to, the development of a new well field, extending raw water mains to that well field, constructing a building and a booster station in connection therewith and improving the site thereof, upgrading the control system at the Water Plant, increasing the capacity of and otherwise

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improving and upgrading existing raw water mains, installing additional pumping capacity and water mains, upgrading existing water mains, and otherwise improving that system, together with all necessary appurtenances thereto, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Peppard: The Fiscal Officer's Certificate for Ordinance F-10 has been filed.

Strimlan: This note is being issued for \$1.5 million. It was originally issued in 2008 to finance the water utility projects. We are paying down \$100,000 of this note; the same as we did last year. Again, this doesn't need to be approved this evening, but it does allow the underwriter more time to test the market to get the best rate for us.

Aspiras: I was wondering if Mr. Brediger could give us an update on this project. I know the well was put in and it was fairly successful.

Brediger: The well is in; most of the water line is in; the booster station is in, but it has not been commissioned yet. That should be taking place before the end of this month. That project is nearing completion.

Aspiras: So that has been fairly successful. When we first looked at that land in Stark County it was kind of a risk at the time.

Brediger: The well ended up over performing and exceeding our expectations on that and the balance of the project construction wise has been going off without any hitches at all.

Miller: I just think as a point of clarification it would be appropriate to say that these note ordinances we have dealt with on first reading in the past since there issuances where we have been paying them down. In case anybody was wondering, this is not an unprecedented thing for us to do that.

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 Hamsher seconded that Ordinance F-10 be adopted as read. Roll call vote. Ayes all. Motion carried.

ORDINANCE G-10

Leathers moved and Corfman seconded that Ordinance G-10, an ordinance providing for the issuance and sale of \$970,000 notes, in anticipation of the issuance of bonds, for the purpose of paying costs of the refunding on December 1, 2007 of certain of the City's electric system mortgage revenue improvement bonds, Series 1997, which were issued for the purpose of paying costs of improving the municipal electric generation and distribution system, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Peppard: The Fiscal Officer's Certificate for Ordinance G-10 has been filed.

Strimlan: This note again is being issued for \$970,000. It is a rollover of the notes that were issued in 2007 to call a portion of the electric revenue bonds to take advantage of the lower interest rates. We are paying down \$200,000 of the note as we have done in past years.

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 Miller seconded that Ordinance G-10 be adopted as read. Roll call vote. Ayes all. Motion carried.

RESOLUTION 7-10

Leathers moved and Aspiras seconded that Resolution 7-10, a resolution authorizing the Safety-Service Director to sign agreement and/or agreements on behalf of the City of Orrville for the purchase of salt from the Ohio Department of Transportation for the 2010-2011 season, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Wheeler: Believe it or not even though we are still in the midst of the end of this winter, it is time to make a commitment on salt for next winter as well. The Ohio Department of Transportation is getting their documents together to go out to bid and are requiring that we have this commitment back to them by March 19th. This was the first year we used them. We had a great deal of success. Of

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course, the pricing was very competitive; the service was very good; and all in all it was a very good relationship for the City. It provided all the services we needed in a very busy winter. I would recommend that we continue with this agreement for 2010-2011.

Miller: Would we be purchasing another 1300 tons?

Wheeler: Actually in the agreement we have 1400 ton which is approximately what we used this year, but within the terms of the agreement we are only required to use up to 80% of that. So when we have a mild winter next year we will only be committed to 1100 tons.

Hamsher: Is 1400 tons about what we order approximately?

Wheeler: Yes. This year we actually proposed 1300. In prior years, depending on the winter, it has been anywhere from 1200 to 1400.

Hamsher: If we have that non-mild winter that you are not counting on, we can get more?

Wheeler: 120% of the total, so we would be allowed to exceed the total up to almost 1700 tons.

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 7-10 be adopted as read. Roll call vote. Ayes all. Motion carried.

RESOLUTION 8-10

Leathers moved and Corfman seconded that Resolution 8-10, a resolution authorizing the Director of Safety and Service to enter into an agreement and/or agreements with Holtec Engineered Aluminum Systems Division, LLC and Orrvilon, Inc. permitting Orrvilon, Inc. to assume the rights, benefits, duties, responsibilities, and obligations of Holtec Engineered Aluminum Systems Divisions, LLC, under: 1) the Enterprise Zone Agreement between the City of Orrville and American Weather-Seal dated December 1, 2005 (including the April 10, 2008 amendment thereof); 2) the Assumption Agreement between the City of Orrville and Holtec Engineered Aluminum Systems Division, LLC dated December 31, 2009; and 3) the Enterprise Zone Agreement between the City of Orrville and Holtec Engineered Aluminum Systems Division, LLC dated December 31, 2009; and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Lutz: The title betrays the simplicity of this. It is really quite simple. After Holtec purchased the American Weatherseal property they formed a corporation called Orrvilon, Inc. that is taking over their operations here in Orrville. So basically all this resolution is doing is allowing the Safety-Service Director to sign an assumption agreement allowing Orrvilon to assume all the rights, obligations, responsibilities that Holtec had under the original one with American Weatherseal and the subsequent ones that Holtec signed in its own capacity. That is all this is doing.

Aspiras: Not that is matters for this piece of legislation, but I was just curious is Orrvilon now a subsidiary of Holtec or independent?

Lutz: I don't know if they are officially a subsidiary, but they are definitely affiliated. They share the same controller. Debbie Webb is going to sign the agreements for Orrvilon and she signed for Holtec so they are definitely affiliated. I don't know if it is technically a parent/subsidiary relationship though. 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 8-10 be adopted as read. Roll call vote. Ayes all. Motion carried.

RESOLUTION 9-10

Leathers moved and Miller seconded Resolution 9-10, 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, 2010, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Strimlan: I distributed the appropriation workbooks to everyone prior to the meeting as Mr. Miller explained. We do have a workshop set for next Monday to go over the appropriations line by line and explain any significant changes. If between now and then you come up with any questions, feel

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free to call or e-mail so the Directors and myself can be prepared to answer all of your questions Monday at the workshop.

Mike Staley presented the Annual Report for the Street Department.

Good of the Order:

Corfman moved and Aspiras seconded that the council meeting be adjourned. Ayes all. Motion carried. Council was adjourned at 8:45p.m.

Tamra Peppard, Clerk of Council

Date

Lyle Baker, President of Council