

Regular/Public

September 2, 2008

President Baker called the meeting to order. Pastor David Kearns-Preston of the First Presbyterian 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 Landaw seconded that the minutes of the July 21, 2008 regular meeting be approved. Roll call vote. Ayes all, except Leathers abstained. Motion carried.

**Public Comment:** None.

**Standing Committee Reports:**

A. Finance – Mr. Miller had no report.

B. Utilities – Mr. Landaw reported the Public Utility Board met last Monday (08/25/08) following their summer recess. The Board approved making some repairs to the air heater of Boiler 12. There has been a lot of patching done over the years, but it is time for some structural repairs and improvements. Similar work was done to Boiler 13 this year. Estimated cost for the labor is \$26,000 and approximately \$8,000 additional for materials. The second item is the Public Utility Board approved a rate increase for our electric rates. Effective September 15<sup>th</sup> the cost of electric will increase for our rate payors. This is done through our power cost adjustment formula which is looked back several months and look over the figures and come up with this adjustment. The adjustment this time is mainly for the increase fuel prices for the trucks that deliver our coal. It is approximately four percent increase. Our typical residential customer will see about \$2.50 a month. Of course, for higher electric users it would be more dollars. The third item I wanted to mention is that in the Committee meeting immediately preceding the Utility Board meeting an update was given on the coal market. I know we have all been reading and following the headlines and articles for some time, but I think we won't be surprised that we can expect to see coal prices nearly double in about two years. That will mean more increases, bigger increases for our electric customers. It will affect everybody. It is not just an Orrville thing.

C. Health & Safety – Mr. Corfman had no report but there will be a Health & Safety Committee meeting next Monday, September 8<sup>th</sup>, concerning the South Main Street and South Orrville House Group. They have some issues they would like to address Council about and I recommend/encourage all of council to attend.

D. Parks and Recreation – Mr. Aspiras reported a Parks and Recreation Committee meeting is scheduled for immediately following tonight's council meeting.

E. Transportation – Mr. Shupp reported the Transportation Committee met on July 27<sup>th</sup> at the request of several property owners on North Elm Street in reference to their concern of soil erosion on their properties on the stream that runs through this area. Becky Jewell suggested at the meeting that we contact an organization called NEFCO and proceed with them to look into a study of the erosion along the stream in this same area. I think this was scheduled for 2009, but we are just going to move it up a year. I think Mrs. Jewell has made contact since the meeting and she feels they can get started with the study yet this fall. Upon completion of the study, I believe the City can apply for possible grant money through Clean Ohio or other sources. Jewell: I did have communication with NEFCO today and they will be able to do it this fall.

Regular/Public

September 2, 2008

Shupp: Unrelated to that, I will mention that the resurfacing of North Crown Hill Road started today so just be aware the traffic will be maintained, but there probably will be delays.

F. Planning – Mr. Vance reported that at the last meeting we were talking about on the Design Review Board about updating the guidelines for the Design Review District and the purpose of that is to provide a clear path for new businesses to be able to design their buildings in such a way to compliment the character of the Design Review District as well as for existing businesses who want to renovate their buildings. We were to discuss that in our August meeting, but that was cancelled due to everyone's schedules over the summer. We will be revisiting that discussion at our September meeting.

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

**Special Committee Reports:** None.

**Administrative Reports:**

A. Mayor - Mayor Handwerk reported the Employee of the Month for August was Jeff Hershberger from the Wastewater Department. Jeff has been with the City for 27+ years and is currently an Operator 2 and is an OEPA Certified Class 3 Wastewater Operator. Jeff's work is always performed meticulously this is a quote from Superintendent Bob Auten: "He is always willing to help someone when needed and works more than his share of overtime. Jeff supports changes and suggests new ideas as well." Since he has purchased military time, Jeff is eligible for retirement with 31+ years and I believe he plans to do that sometime early in the year – January or February. Congratulations to Jeff. Secondly, our timing really wasn't so good with the Vietnam Veteran's Memorial because we announced it once at our last July council meeting and then we had no more council meetings so it was hard to keep reminding people and get the message out. There was one article about it in the OrrViews. Funds are slowly coming in. We are going to continue this for an additional two weeks so if there is anyone out there that would still like to contribute to the Vietnam Veteran's Memorial Park please do so. In a matter of several weeks we will go ahead and send the amount up to them. Lastly, the Healthy Habits walks actually started last Thursday starting at Heartland Point. Those are on Thursdays from 5-7 p.m. – anytime during that period. You don't have to stay for the whole two hours. We will be sponsoring the walk on September 11<sup>th</sup>. The City of Orrville will be sponsoring that and we would like to encourage as many of you that can to come and walk that night. Bring family and anybody you want to. We want to get as large a number as we can. Also that night the 2007 Ms. Ohio, Roberta Camp, will be there to autograph shirts or any souvenirs that you might have that you would like her to autograph after the walk is done.

B. Safety Service Director- Director Jewell reported an update on quite a few construction projects that we will have underway or have already started. Schmid Hall contract has been awarded to Imhoff Construction here in Orrville. The amount of that contract is \$307,860. We expect that construction will be starting within the next week or two on that project. Mr. Shupp already talked about the Crown Hill project. There are two different components to that. One is that asphalt overlay of all of the asphalt portions of the project. The second part will be the rebuilding of Schrock Road. There is a short portion of Schrock Road that is West of Crown Hill Road and it goes up to the railroad tracks there and that includes the intersection. Today they actually started on North Crown Hill Road preparing that for the overlay and that overlay will probably be completed with the next day or so. The other part of it is expected to begin on the 15<sup>th</sup> of September. That will be Schrock Road and this one will be quite a bit more disruptive

Regular/Public

September 2, 2008

because it will actually require the closing of Crown Hill Road at Schrock Road for one month while they rebuild that intersection there. Right now they will be completing the northern part and then around the middle of September they will be back in and they will start on the southern part of Crown Hill Road. That will go from the railroad tracks and will go down to Church Road. It will necessitate the closing of the whole intersection there. The contract for the Crown Hill and Schrock Road project is Northstar Paving and the amount of the contract is \$298,954. Another paving project that will be underway very soon will be the West Hill, South Sunset, Crestview, and Evergreen paving project. That one was awarded to Superior Paving in the amount of \$137,073. Again we are looking for a mid-September start on that project. During the time of that project all the traffic will be maintained through that area. That will not require closing of any roadways. Another construction project will be the basketball courts. We did receive the bids for that project. The successful bidder is Vasco and the amount of that contract is \$69,500. We will know after tomorrow when we anticipate starting the project. We will be holding our preconstruction meeting with them and usually at that time we will establish a starting date. It will be done before the snow flies in November. Another project underway is the Business & Technology Park. This is located north of American Weather Seal and Smith Dairy. It will be the extension of Dairy Lane and then an additional street that has yet to be named. The successful contractor on that one was Wenger Construction and the amount of the contract was \$1,481,093. The construction out there has already started with some of the soil being removed for the construction of the detention basin. We are hoping for completion of that roadway this fall; however, we have very small wetlands areas that are out there and we are still waiting on our 404 permit from the Corp of Engineers so we can go through those wetland areas. Another contract that was awarded since Council was in session last was the engineering for Step 3 of the Truck Route. We feel that we now have the okay from ODOT to go through to the next step. That will involve quite a few environmental studies so they will be out in the field actually looking at what is on the ground. It will be environmental and historic and various studies of that nature. The amount of that contract is \$605,349. That is an ODOT funded project at 80%. Step 3 all the data gathering will be this fall and we are hoping that right after the first of the year that we are ready to go forward with more public meetings. As we go through these studies we are narrowing the study area down and coming up with some alternatives that are just little bit tighter than where we started. So we hope to have everything ready for another public meeting after the first of the year. The final thing I have on my list is the dispatch console. We have a project ongoing to replace the dispatch console in the Police Department. The contract for that is with D&C. The amount of that contract is \$140,438. We should notice no difference when we call in for 911. What they are going to do is temporarily relocate the dispatch to another area in the Police Department. They will build the new dispatch and then they will be able to move in. That project has started and should be completed within the next month.

Baker: South Crown Hill Road, you said that section of the road will be closed for approximately a month?

Jewell: Yes

Baker: Those businesses that have a lot of trucks that come and go there, what are they going to do for a month?

Jewell: The one business is Spectrum and we already met with them because it will directly close their entrance for their trucks and they do have a place they can bring their trucks in and out off of Crown Hill Road. So we did meet with them and they are ready to go as soon as we are. There is another business out there and Mr. Cross is going to make contact with them. What they will have to do is bring their traffic in Church Road during that construction, but they will still have access.

Regular/Public

September 2, 2008

Baker: Spectrum is the one I was most worried about. They have dozens and dozens of trucks every day and Catrone maybe not quite as many.

Jewell: Luckily this coincides with a period that is slower for them so they won't have quite as many trucks and they do have the alternate access to get in.

Handwerk: Mrs. Jewell you might want to remind everybody about the grant money for the basketball court. Isn't that about 75%?

Jewell: That is correct. The basketball court has a grant of 75%. The Business & Technology Park has a grant of \$640,000. The dispatch console has a grant of around \$60,000. So quite a few of these projects are only made possible by the fact that we have very large grants. And of course the Schmid Hall project is only possible through the generosity of the Schmid family because they are paying quite a few of the expenses for that project.

Vance: I think the Schrock Road project is being funded in large part through Ohio Public Works.

Jewell: That is correct. 50% of that is funded by the Ohio Public Works Commission and then an additional \$100,000 was received from the State so over 50% of that project is being funded.

Vance: That is largely because of the increased truck traffic at Spectrum, isn't it?

Jewell: That is the reason.

Vance: We are inconveniencing them, but it is ultimately for their benefit.

Jewell: They will have a lot of benefits to access.

Handwerk: While we are talking about construction, the baseball field is being worked on and that is being done through the school from a generous donation.

C. Utilities Director – Director Preising reported the Natural Gas Aggregation program, it appears the number coming in October would be \$10.54 per MCF. We thought the number was going to be substantially higher than that so we feel that is a pretty decent number. That has not been cast in stone yet, but it is pretty close. If there are any questions about that, you can contact Mike Hedberg at City Hall. Another thing to report is that on October 11<sup>th</sup> the Wastewater Department is going to be having an open house and they will be celebrating 100 years. They will have some giveaways and some tours and I would like to invite all the public.

D. Finance Director – Director Leggett reported the Fund Balance Report for the period ending July 31, 2008 was distributed prior to the meeting and requested a motion to approve that report subject to audit. Miller moved and Landaw seconded. Roll call vote. Ayes all. Motion carried. I also wanted to make one announcement. A number of council members attended our Audit Exit Conference back in July when the State Auditors were here to go over our 2007 audit. Shortly after that conference we learned that the City did once again receive the State Auditor's award for the 2007 audit. This is something we are very proud of because there is only a small percentage of governmental entities in the state that receive that. The one we received in 2006, I think there was only 5% of the entities in the State actually received that. We are always very proud to receive that award. It is a good compliment to not only the Finance Department, but the entire City. But this time it is a little more special because it is our understanding that at our next council meeting State Auditor Mary Taylor will be here in person to present that award to the City. That is what we are planning on.

E. Law Director - Director Lutz reported that the Jackson Weaver Custom Homes lawsuit that we have discussed several times in Executive Session has settled without the City being brought in as a party. That is not surprising, but is great news.

F. President of Council – President Baker had two things. I hope everyone had a good summer and as a reminder schools are back in session so make sure that you take care and watch for

September 2, 2008

those little people that might not be quite aware of traffic that is out there and make sure you are aware of them. The second thing is since there is a lot of street work being done, watch for those workers. Sometimes they may do something and may not be aware you are right behind them. Watch for the kids. Watch for the workers and hopefully we can all have a safe fall.

**Old Business:**

**RESOLUTION 42-08**

Leathers moved and Landaw seconded that Resolution 42-08, a resolution to accept the recommendations of the Wayne County Tax Incentive Review Council regarding tax abatements for companies located in the City of Orrville, be placed on second reading. Roll call vote. Ayes all. Motion carried.

Jewell: Since it has been awhile since we met, I just wanted to remind you the purpose of this legislation is to approve the recommendations of the TIRC (Tax Incentive Review Council). What they have done is review all the financial documents and they have taken a tour and met with the responsible parties for these agreements to make sure they are in compliance with their tax abatement agreement. The purpose of this is to accept the report from the TIRC. It does not need to be passed now.

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 Resolution 42-08 be adopted as read. Roll call vote. Ayes all. Motion carried.

**New Business:**

**ORDINANCE N-08**

Leathers moved and Landaw seconded that Ordinance N-08, an ordinance accepting and confirming the dedication of a portion of Congress Street in the City of Orrville, Wayne County, Ohio to the public use forever, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Jewell: What this ordinance does is accept the plat that has been prepared. I believe council members received a copy of that. One of the projects we have chosen to undertake is to improve that intersection there. There is somewhat of a back slope and water tends to lay in that section. At the same time it was suggested that we should widen that radius so school buses that now use that intersection can get out of there easier. We went to the Smith Dairy Company and asked them if they would be willing to dedicate enough right-of-way to widen that radius on that corner; which they agreed to. The purpose of this legislation is to accept enough land from Smith Dairy to widen that radius.

Aspiras: Smith Dairy has signed this plat?

Jewell: Yes, they have signed it already.

Aspiras: The expansion is to the east side of Congress. Would there be any need to expand that to the west side?

Jewell: At this time we looked at that. We don't have a lot of traffic, any large traffic, coming in that direction. The school buses come into their property off of Elm Street and come out Congress Street. There is also some truck traffic that comes there, but most of the traffic turns right. You don't have a lot of traffic coming in to Congress. As far as the project goes, if we were to expand the radius to the west, it involved moving a fire hydrant a quite a bit more expense. So we were just going to do it on the east side.

Shupp: Do you think we will have time to get this project completed before winter hits?

Jewell: We originally planned to do it this year, but I don't think we are going to have time to do that because this needs to be bid. The scope of the work that we wanted to do there needs to be

September 2, 2008

bid. What we needed to do was to wait and see how a lot of these other projects came in so that we would know whether we had the funding left over to do this project. We still don't know if we will. We do know what our projects came in at, but we don't know if they are going to encounter any additional problems...unstable soils or additional asphalt work...that would take the funding away from this project.

Vance: I think the upshot of all of this is that the school buses are now using that street a lot more than they were before. What we are doing is that Mrs. Jewell saw that we needed to redo this area and the school buses needed more room to turn out. To me it looks like they would have to turn into the opposing lane of traffic in order to make a right hand turn there. So we are giving them a radius so that will be an easier turn. I think we are also going to have to be aware that this is going to require probably more maintenance on this road as well. It is certainly not one of the nicer streets in the town. This is also going to accommodate the new bus traffic on that street.

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 Aspiras seconded that Ordinance N-08 be adopted as read. Roll call vote. Ayes all. Motion carried.

#### RESOLUTION 43-08

Leathers moved and Corfman seconded that Resolution 43-08, a resolution authorizing the Board of Control to advertise for bids and enter into a purchase contract and/or contracts to meet the requirements of the City of Orrville, Ohio, for the Year 2009, for the following: liquid insecticide for mosquito control; services, supplies and machinery needed to chip and seal roadways and/or alleys; traffic paint service; and crack sealing services, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Jewell: This is a resolution we do every year for items that we are going to bid. The next resolution on your agenda is for items we do not bid. That is why you have a lot of different commodities listed. Some of them under the bid and some under the not to bid.

Vance: The mosquito control, we are spending about \$15, 000 a year on that?

Jewell: Yes, that is just for materials.

Vance: We have some significant dollars involved in that. I would say depending on how our budget discussions go next year, that might be an item that we look at as being not a mandate that the City needs to do. That is just a thought I wanted to introduce.

Jewell: That would probably be a possibility with the exception of the fact that it becomes a health issue. Most of us think of the mosquitoes as just a pest, but there are diseases that are born by mosquitoes. In that case it becomes a public health issue and then it becomes just a little bit harder to cut that item. That is one thing we have talked about in the past.

Vance: I understand that reason completely. Point well taken.

Shupp: I would recommend strongly about not cutting the spraying program as I can personally attest to what you go through with encephalitis with a family member. It is well worth the money we are spending on it.

Aspiras: Last year we did spend \$23,000. The bulk of that was the new ULV machine. It is down considerably this year.

Jewell: This year we are at approximately \$13,000 to date for the expenditure on the material and then we would add in the wages. The wages are always at an overtime rate because there is no way to really extend their day or have them come in early and do the spraying because it is right in the middle of the night when we need to be spraying so it involves overtime.

Aspiras: Are we done spraying for the season?

September 2, 2008

Jewell: We will keep spraying as long as we have rain and then you are going to have a hatch after things get wet. A lot of times we are still spraying into October.

Vance: Please don't misunderstand that I am against spraying for mosquitoes. I will be the first to say how much I enjoy and appreciate that. I am just saying if our budget is being stretched as tightly as we are being told it is, especially if we are looking at additional funding next year, that this would be an area that is not a mandate – certainly a much appreciated service that the City provides, so I am putting it in that category.

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 Corfman seconded that Resolution 43-08 be adopted as read. Roll call vote. Ayes all. Motion carried.

#### RESOLUTION 44-08

Leathers moved and Miller seconded that Resolution 44-08, a resolution authorizing the Safety-Service Director to enter into a purchase contract and/or contracts without bidding to meet the requirements of the City of Orrville, Ohio, for the Year 2009, for the following: gasoline and diesel fuel; medium curing asphalt, asphaltic concrete and asphalt emulsions; concrete; general miscellaneous engineering and architectural services; and public officials liability insurance with riders for employment practices liability, extended employment practices liability and police professional liability insurance, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Jewell: I did have one additional thing to add to this. To the new council members this may seem like these gasoline and diesel fuels and asphalts that those would be things we would want to get a bid for and we would want to have a firm price. It might not seem to make much sense that we buy those without bidding, but we had a very difficult time getting anyone to commit to a price for a year. If they did, their prices were usually higher. So what we do now is we call when we need the material and we get prices from the different vendors and then we purchase it from the one we have the best price from. We call that buying it on the spot market rather than having a contract for those materials. The other items are considered professional service contracts which we wouldn't normally bid.

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 Resolution 44-08 be adopted as read. Roll call vote. Ayes all. Motion carried.

#### RESOLUTION 45-08

Leathers moved and Landaw seconded that Resolution 45-08, 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, 2008, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Leggett: Believe it or not this is September and this is our first appropriation amendment of the year. We usually have several by now. You should have received a memo from me detailing the three items that make up the amendment. The increase in the secretarial allowance in the law department appropriations for the sewer fund. This is extremely small; it goes from \$250 to \$500. This is an item we have known about for some time, but I didn't want to prepare legislation for such a small item so we have been waiting for something else to come along so we could add to that. The second is the increase in the appropriations of the solid waste fund. I did want to explain that because it is a sizeable increase. What happened, if you remember, is our rates

September 2, 2008

for this year went up substantially from roughly \$9 a month to \$12 a month and that of course increased the receipts into the fund. This is a pass-through fund. What goes into this fund, we collect from the residents, is what we pay waste management. Since those rates went up, are receipts are up, but our appropriations needed amended. The third item is the water grant fund #3. If you remember last year we created three water grant funds because of a lot of activity in the water utility. One of those which had no activity last year was the grants for the streamer location. When we set the appropriations up at the beginning of the year the water utility did not appropriate into that fund well now that project is moving forward and a lot of that money is in-kind contributions from the water utility and also there is a portion of that coming out of the water utility fund. Well we have now received some grant money – about \$6,000 – and we will receive up to \$64,000 into that grants fund and we need the appropriations to move that money out of the grants fund. Part of it to pay contractors and part of it back to our utility reserve fund to reimburse for the labor and so forth that our staff has performed.

Aspiras: The third item on here is the water grant fund. Is that the reason this is being introduced as an emergency?

Jewell: We introduce all of our appropriations amendments as emergency legislation. I don't know where we would be if we go three readings and a month. It would be like two months from now. Normally when we come with an appropriation amendment we don't necessarily have two months to wait until we would not have to spend for something. The emergency clause has been explained before. It has nothing to do with urgency. Those two things should not be confused. The emergency clause merely means this goes into effect as soon as it is signed.

Jewell: That is actually required by our charter, that they are effective when they are passed. 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 Resolution 45-08 be adopted as read. Roll call vote. Ayes all. Motion carried.

#### RESOLUTON 46-08

Leathers moved and Corfman seconded that Resolution 46-08, a resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Leggett: This is an annual ordinance. Each year after all the Budget Commission hearings take place and that is all the governmental entities in the county must go in front of the Budget Commission to present their budget. When City Council passed our budget back in June then I had an appointment with the Budget Commission the first week in August to present our budget to them. After their hearings are all done they send out actually their own form, that is why you notice this legislation is a little different format than you are used to seeing, that certifies that these funds that the County Auditor is going to collect for us are correct and we agree with those. All the County Auditor collects for us is for property tax is 2.8 mills. 2.5 mills is an old Ohio statute that allows each municipality to collect 2.5 mills without voting and that goes into our general fund into operating fund and also .3 of a mill which the Ohio General Assembly passed decades ago to go towards police pensions and all our police pensions are paid out of our general fund; therefore, that .3 of a mill goes into the general fund as well. This legislation the County Auditor needs so they can collect those taxes for us. They have a deadline of September 30. This comes to us after our meetings in August and of course each year Council is on break so this is the first time we can present that to you. It doesn't need passed tonight, but it is an annual ordinance, but we do have to have it to them by September 30.



Regular/Public

September 2, 2008

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 46-08 be adopted as read. Roll call vote. Ayes all. Motion carried.

**Good of the Order:**

Handwerk: When I gave my report you were all very nice and didn't correct me, but I realize after I said it I think I said that the City is sponsoring it on September 11<sup>th</sup>, the Healthy Habits walk, which isn't next week, but the following week. As soon as I looked at the calendar I realized that was wrong, it is next week. I believe Heartland Education Committee is sponsoring this Thursday's walk and the City will sponsor next Thursdays on the 11<sup>th</sup>.

Aspiras: I wanted to say thank you and congratulations to Denny Miller and the cast and crew for putting on a fine performance last month. The play was performed last month at the old Orrville Junior High School and it was entitled "Over the Rainbow" and it was very nice. I enjoyed it and my family enjoyed it. These grass root type programs are very hard to start. It is a lot of work. Best wishes to Denny and the cast on future productions.

Miller: Thank you very much. We were very encouraged by the outcome of the whole thing and we are going to continue on. We are going to do something else at Christmas which we will be announcing shortly.

Leathers moved and Aspiras seconded that the council meeting be adjourned. Ayes all. Motion carried. Council was adjourned at 8.22 p.m.

\_\_\_\_\_  
Tamra Peppard, Clerk of Council

\_\_\_\_\_  
Date

\_\_\_\_\_  
Lyle Baker, President of Council