

Regular/Public

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President Handwerk called the meeting to order. Councilman Denny Miller offered the prayer. The Pledge was recited by all.

Roll call: Purdy, Miller, Landaw, Baker, Weaver, Corfman, and Leathers were present.

Baker moved and Corfman seconded that the October 1, 2007 regular meeting minutes be approved. Roll call vote. Ayes all. Motion carried. Purdy moved and Miller seconded that the October 8, 2007 special meeting minutes be approved. Roll call vote. Ayes all. Motion carried.

Public Comment: Larry Weese was scheduled to speak, but did not attend.

Standing Committee Reports:

A. Finance – Mr. Miller had no report.

B. Utilities – Mr. Landaw had no report.

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

D. Parks and Recreation – Mr. Weaver reported there was a meeting on Monday, October 8th and we met with the Orrville Youth Baseball which was represented by Scott Marshall and Darrin Johnson. They went over things they would like to do next year; have some tournaments and do some fundraisers. We also had some discussion on the new basketball courts we want to do. They did get a grant of \$54,000 so they will be redone sometime next year.

E. Transportation – Mr. Baker had no report.

F. Planning – Mr. Purdy reported there was a meeting on Monday, October 8th. The purpose of the meeting was to discuss changes in the sign code regulating instructional signs. A draft of the code and changes was distributed to everyone present. Everyone agreed to the changes shown. Eventually we will have some legislation come before us. At this time I would like to move that a public hearing be scheduled for November 19th at 7:30 p.m. regarding the sign code. Leathers seconded. Roll call vote. Ayes all. Motion carried.

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

Special Committee Reports: None.

Administrative Reports:

A. Mayor - Mayor Steiner had no report.

B. Safety Service Director- Director Jewell had several items to report. The first item is when I attended the Ohio Municipal League Conference the City of Orrville and Dunlap Hospital received a Healthy Community Award. While we were there, Dr. Andy Naumoff attended the awards ceremony so I asked him if he would come and show the City Council and the residents of Orrville what award we did receive. At this time I would like to introduce Dr. Andy Naumoff and Marilyn Mahoney from Dunlap Family Physicians.

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Dr. Naumoff: Thank you Mrs. Jewell for having us come tonight. We are very happy to be here. We come representing Growing Healthy Habits. I am Dr. Andy Naumoff and this is Marilyn Mahoney, one of our co-chairs. We started in 2003 and our ultimate goal is to make Orrville the healthiest city in the State of Ohio and prove it. Two years in a row we have been commended by the State of Ohio, the Ohio Department of Health. Last year we received the Silver award and this year we received the Gold award. Only six cities in the state of Ohio receive the award and we are very proud of it and wanted to show the City what all their hard work is doing and we appreciate the citizens of Orrville trying to become healthy and becoming even healthier. I have one other exciting bit of news. We had an article in the Akron Beacon Journal about 10 days ago. This was picked up by the Associated Press and a couple days later Good Morning America called me and they wanted to know if they could come down and do a little story about us. I had further discussion and they sort of put us on hold. They said we needed more people to be walking on our evening Thursday walks. We need people to walk the loop on Thursday evenings from 5-7. We need a couple hundred people. So that is part of the reason for being here, but I really appreciate you allowing me to speak here let's make Orrville the healthiest city in Ohio.

Marilyn Mahoney: You can start right over at Heartland Point at 5:00 on Thursday evenings. We will register you and get you going. If you have a yellow shirt, wear it. Yellow or green.

Handwerk: Thank you both for all you have done with that program. It is very nice to see all that publicity we are getting on that and definitely a good benefit for all the people involved in this too. Thanks for all your work.

Jewell: I have a couple other things I would like to discuss. One of the pieces of information that was given to the City Council members is the information on House Bill 9 which is known as the Public Records Law. House Bill 9 requires certified training for all elected officials or their designee. The reason I gave you the copies of the information now is because anyone who has a term that ends by December 31st of this year needs to attend a certified training before December 31st or designate someone to attend that training for you. They do have some training sessions close by, but there are none in Wayne County at this point in time. If you need any assistance getting information, getting travel information or anything we will be glad to help you. We can handle making your reservations for you if you like or you can make them on-line and then just get us a copy, but that is required by the State of Ohio and will be part of our compliance audit when the State Auditors come in and do our audit at the end of the year. I did attend the training session and I am one of the certified people so if you have any questions about the training, it is three hours, I can let you know what it is all about. Another piece of information that I had placed in your folders is a request for a rate change from Waste Management. Waste Management has a contract with us that is a three year contract with an option for renewing for an additional two years. They have requested a rate increase in there that is very substantial. It amounts to approximately a forty percent increase in the rates. The reason I gave that to you now is because we will be coming forward with legislation at your next meeting so that City Council can consider this. It will be determined at that time whether we would like to proceed with this or whether we want to end the contract at this point in time and then go to bid. Those are the two choices we have. I do know that some neighboring communities did decide to end the contract that they had with Waste Management and they re-bid it and in fact got a higher price then what they were offered. A lot of the places that other communities have include what they call a fuel surcharge and that is based on the Department of Energy. You go out to the Department of Energy website and it tells you what the oil prices are and from there it determines what your additional surcharge is on top of your bill. The Mayor and Mr. Leggett discussed this proposal from Waste Management and it would be our recommendation that we accept this. I have to apologize because I do not have a copy of that with me. Maybe one of the council people can tell me what is the proposed new rate and what is the old rate.

Leathers: Currently it is \$9.11 per month, \$8.25 for senior citizens and proposed it is \$12.49 per month and \$11.63 senior citizens with no fuel charge.

Jewell: So those are the proposed rates and in addition to that they are proposing that we continue the contract for two more years. They would be eligible for a rate increase. I did ask the

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Administrative Assistant in our office to call – Karen called and got the rate from surrounding communities and the rate that we are being offered is very comparable to the rates of the other communities surrounding us. I will be bringing that legislation at the next meeting for City Council to consider. I just wanted you to have the information ahead of time. Another item I'd like to discuss is Trick or Treat. There have been some articles in the newspaper recently that would indicate there is a citywide trick or treat to be taking place in Orrville on October 31st and what I would like to stress again is that the City of Orrville does not sanction trick or treat. If someone in a neighborhood wants to be responsible for the children in that neighborhood and they want to make arrangements for that, we have allowed that to happen, but the City does not sanction citywide trick or treat and the City is not involved in the effort of the mothers who have trick or treat on October 31st. Another piece of information that I bring to you is information regarding cable television. Senate Bill 117 was passed and as a result of that it is a statewide franchise for cable television. It does not affect someone who has a current franchise, but it does affect future franchises. One of the biggest pieces of legislation would concern the fact that if someone is in this statewide franchise there would be no franchise fee associated with that right now. The City of Orrville has a five percent franchise fee that amounts to around \$60,000 of income into the general fund. We will be bringing a piece of legislation at your next meeting which will protect that five percent fee in the future if we have anyone else who wishes to provide cable television services in Orrville or if our current franchise would end for any reason, we would still be protected due to the passage of this piece of legislation. So we will be bringing that to you at your next meeting. The final piece of information is the fact that leaf pickup will be starting in November. That information has gone out. The goal is to have everything picked up before Thanksgiving.

Handwerk: Mrs. Jewell, I hear conversations pertaining to the trash. Has it ever been kicked around again about us providing our own? I know we have talked about that from time to time.

Jewell: From what I understand from other cities, it is not cost affective to have your own trash collection service. That is what I understand. The cost that we have here are passed on to the residence. It is not necessarily a cost to the City of Orrville. This is a cost that is paid by the residence. I no in the past when they have looked at this, the City could not do it cheaper. That is one thing we can certainly look at in the future. I don't think we have time to do it between now and the end of the year.

Handwerk: That would be a long term investigation. What is the number of people right now that would be on our trash loop?

Jewell: We don't do any of the large apartment complexes that have a dumpster and we do not do commercial and industrial. I am thinking right now we are probably around 2600-2700 households.

Leathers: The rate that you had given us that we are paying now – the \$9.11 – is that including the recycling grant?

Jewell: That is the charge they would make to us and then \$.40 comes of for the recycling grant.

Handwerk: Any other questions on the things Mrs. Jewell brought up?

C. Utilities Director – Director Preising had no report.

D. Finance Director – Director Leggett reported prior to the meeting the Quarterly Investment was distributed to council as required by the Investment Policy. Also, I distributed the Year-to-Date Fund Balance Report for the period ending 9/30/2007 and I would like a motion to accept that report subject to audit. Miller made that motion, seconded by Baker. Roll call vote. Ayes all. Motion carried. Also, some time ago – I believe spring/early summer – I distributed to council a proposed calendar for new legislation concerning our income tax ordinance. We are in the process of updating that ordinance now and it is pretty well completed. I just this evening gave a draft copy to the Law Director for his review. We still plan to bring that legislation to council before year end, probably the second meeting in November. The changes are minor. Most of them are there just to bring our ordinance into compliance with recent changes in the Ohio Revised Code; however, the one main difference from the new ordinance to our current ordinance is that the new ordinance would require

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universal income tax filing. Which means, all the residence would have to file an income tax return each year for the municipal income tax. We are exploring some very simplified forms so that people such as retired people would merely have to check one box and send it back in. We are trying to make that very simple, but we will be bringing that and can talk to council about workshops and public meetings when we have that ordinance in front of you, but that is still in our plans to bring that to you yet in this calendar year and it would require filing for this calendar year by April 15th of next year.

E. Law Director - Director Lutz reported on the update of the arcade/gaming situation. There was some interest or inquiry regarding our bringing our legislation off the table because of the hold up in the courts. I made a couple inquiries last week, talked to Representative Carmichael and Senator Amstutz and last week the House overwhelming passed an amendment to House Bill 177 that makes any gaming that awards any merchandise worth more than \$10 or any amount of cash illegal. According to Senator Amstutz, who thinks the Senate is on board with that, will pass it relatively quickly. Senator Amstutz thought it could get held up through other means. I believe the Governor is also for this. My recommendation at this time would be to leave our legislation on the table and see what happens in the next couple weeks.

Miller: I just wanted to comment that I read where the President of the Senate said they would deal with that very quickly and of course the Governor would sign it so it looks like it is a goal.

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

Old Business:

Resolution 57-07

Leathers moved and Corfman seconded that Resolution 57-07, a resolution authorizing the Director of Utilities to enter into a Power Sales contract and/or contracts with American Municipal Power-Ohio, Inc. and take other actions in connection therewith, regarding the Prairie State Energy Campus (PSEC) Project, and declaring an emergency, be placed on third reading. Roll call vote. Ayes all. Motion carried.

Landaw: I don't have anything to add. I am sure we have plenty of time to ask questions on it and I would encourage adoption of this legislation.

Leathers moved and Baker seconded that Resolution 57-07 be adopted as read. Roll call vote. Ayes all. Motion carried.

Resolution 60-07

Leathers moved and Corfman seconded that Resolution 60-07, a resolution authorizing the Director of Utilities to enter into a power sales contract and/or contracts with American Municipal Power-Ohio, Inc., and take other actions in connection therewith, regarding Hydroelectric Project participation, and declaring an emergency, be placed on third reading. Roll call vote. Ayes all. Motion carried.

Leathers moved and Weaver seconded that Resolution 60-07 be adopted as read. Roll call vote. Ayes all. Motion carried.

Resolution 64-07

Leathers moved and Purdy seconded that Resolution 64-07, a resolution accepting a portion of Back Massillon Road in the City of Orrville, County of Wayne, State of Ohio, and confirming the dedication of all streets and utility easements set forth thereon, to the public use forever, be placed on second reading. Roll call vote. Ayes all. Motion carried.

Purdy: I want to remind council that I received a letter from the Planning Commission in regards to this particular change in the intersection and they approved through their commission that this dedication take place. It is on second reading tonight. It does not need to be passed tonight. There won't be any changes made out there at that intersection until probably next spring.

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New Business:

Resolution 65-07

Leathers moved and Landaw seconded that Resolution 65-07, 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, 2007, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Leggett: Council should have received a memo from me, it is rather lengthy, explaining this process. Trying to simplify this very quickly, what happened was way back – actually this would have been at budget time for 2007 which is really around May or June of 2006 – we made an error in our Certificate of Resources. It was a substantial size error. A Certificate of Resources is what basically determines what we can appropriate and because of that, the Water Utility Fund we appropriated slightly more than we should have because the certificate allowed that. This was discovered several weeks ago and Mr. Preising and I and Mr. McGrew from the Water Utility met and went over this and determined what items would be eliminated from his current appropriations so this fund would not be overspent. I want to make it clear, the fund was not overspent, the money is still in the fund, we have the money there to pay all the contracts and purchase orders and so forth that have been issued, but in order to do a couple projects yet this year that the Water Utility would like to do we need to reduce the appropriations in the Utility Reserve Fund and move some of those into the R&I Fund. That total amount is about \$120,000. The R&I Fund has about \$530,000 in it right now so there is plenty of room for that. I've spoke with the County Auditor and they have no problem with making this correction. We just need legislation to correct the appropriations so we can indeed do some of the projects that should be done this year.

Miller: Are there safeguards in place now to make sure that doesn't happen.

Leggett: There are always safeguards because there is a review process that goes through for all the receipts. It happens at the Utility Department level itself. In this case, it happens through the Public Utility Board, my department, and ultimately it comes to council. Everyone reviews these things and this is something that could have been caught. It is sort of an unusual situation because we created a new grant fund this year which wasn't a fund we had in the past. The receipt was originally booked into another fund that was in existence at the time the budget was started. It was basically a human error. There is a review process to catch these types of things and we will continue that process. Ultimately this should have been caught in the Finance Department.

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

Leathers moved and Corfman seconded that Resolution 65-07 be adopted as read. Roll call vote. Ayes all. Motion carried.

Resolution 66-07

Leathers moved and Landaw seconded that Resolution 66-07, a resolution authorizing the Public Utilities Board of Control to enter into a contract and/or contracts, without bidding, each for no more than a one year period, for various services and supplies required by the Department of Public Utilities, Orrville, Ohio, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Landaw: Director Preising sent us a memo that covered utility ordinances tonight that is dated October 10th. This one is an annual ordinance and the spreadsheet broke these items down very well. They are annual, but they do not need to be passed tonight.

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

Leathers moved and Landaw seconded that Resolution 66-07 be adopted as read. Roll call vote. Ayes all. Motion carried.

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Resolution 67-07

Leathers moved and Landaw seconded that Resolution 67-07, a resolution authorizing the Public Utilities Board of Control to advertise for bids and enter into contracts, each for no more than a one year period, for: purchase of electric distribution poles; purchase of electric meters and components; purchase of chemicals for all utilities, and purchase of water meters and components, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Landaw: Again, this is an annual ordinance.

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

Leathers moved and Baker seconded that Resolution 67-07 be adopted as read. Roll call vote. Ayes all. Motion carried.

Resolution 68-07

Leathers moved and Corfman second that Resolution 68-07, a resolution authorizing the Public Utilities Board of Control to enter into a contract and/or contracts for the replacement of the internal fire protection system on the cooling towers at the Power Plant, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Landaw: I believe it was back in June that we passed legislation to do this work at the cooling towers, but in the meantime, after a further study, to meet the fire code we realized are fire protection system was big enough – it did not pass the standards. We had budgeted \$60,000, but the new estimated cost is \$125,000. Hopefully we can get it done for less than that. Director Preising has asked that we adopt this tonight so the work can be done during this outage.

Miller: If I am reading this right, it looks to me that because of having to enlarge the system that is the difference between the \$60,000 and the \$125,000.

Preising: That is correct. We almost had to double the size of it. There wasn't enough water flow to get to it and to put a new water line in we would have had to come from a long distance to do that so this is probably the cheapest of the routes and the insurance company gave us a leeway of what we have to do, but they still have to approve the design. We have to get another proposal this week so we don't know exactly what the cost will be. Hopefully it will be lower, but again even after that we have to have the insurance company look at the design after the people are through with the design so it could still end up going over \$100,000.

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

Leathers moved and Landaw seconded that Resolution 68-07 be adopted as read. Roll call vote. Ayes all. Motion carried.

Good of the Order:

Weaver: I would like to make a comment about downtown. I think it looks nice now since they redid a lot of the building and the paving of the streets and also the parks are looking better. I just want to thank everybody involved in those efforts.

Baker moved and Leathers seconded that the council meeting be adjourned. Ayes all. Motion carried. Council was adjourned at 8:11 p.m.

Tamra Peppard, Clerk of Council

Date

Dave Handwerk, President of Council