

Regular/Public

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President Baker called the meeting to order. Pastor John Miller of New Hope Church offered the prayer. The Pledge was recited by all.

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

Miller moved and Aspiras seconded that the minutes of the October 20, 2008 regular meeting be approved. Roll call vote. Ayes all. Motion carried.

Public Comment: None.

Standing Committee Reports:

A. Finance – Mr. Miller had no report, but called a meeting of the Finance Committee on December 8th after the Utility Board meeting to have a discussion about the Capital Improvement Account. I would also like to encourage everyone to exercise their right to vote tomorrow.

B. Utilities – Mr. Landaw reminded Council of the workshop with the Utility Board on Monday, November 24th at 7:00 p.m. to review the Cost of Service Study for the electric utility. It will an update and presentation of the work done so far. We will have an opportunity to give some input on the final rate design that will come to us eventually. I encourage all of Council to be there for that.

C. Health & Safety – Mr. Corfman had no report, but encouraged everybody to go vote.

D. Parks and Recreation – Mr. Aspiras had no report and like his colleagues encouraged everyone to get out and vote.

E. Transportation – Mr. Shupp had no report, but reminded Council there is a Transportation Committee meeting following tonight's Council meeting.

F. Planning – Mr. Vance had no report, but informed that Council was provided with a copy of the new Design Review Board guidelines for their review.

G. Ordinance & Personnel – Ms. Leathers had no report, but asked everyone to get out and vote tomorrow.

Special Committee Reports: None.

Administrative Reports:

A. Mayor - Mayor Handwerk requested Council's approval of two appointments. One is for Mr. Al Lehman to the Board of Zoning Appeals. This is a three year term replacing Mr. Bill Sturgeon whose term expires the end of December and he would like to be off that committee for awhile. Corfman moved and Leathers seconded the appointment. Roll call vote. Ayes all. Motion carried. The second is for appointment of Mr. Brad Strasbaugh to the Public Utility Board. This is a five year term and he would be replacing Mr. Ken Stuter whose term expires the end of the year. Mr. Stuter has been on three terms and that is as long as he is allowed. Leathers moved

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and Aspiras seconded the appointment. Roll call vote. Ayes all. Motion carried. Lastly, I am very pleased to announce we have a new Finance Director that will be starting with us on December 1st. It is Janet Strimlan. She is now Head Controller at Morton Salt in charge of their finances. There were 46 or 47 applications for that position and we interviewed 10 and brought back 4 more for a second interview and Janet was chosen from those four. I think she will probably be at our next meeting. She was unable to come tonight. Just as an update as far as the Safety-Service Director's position, we are in the middle of those interviews right now. We did five last week and six this week. We are interviewing 11. There were 67 applications for that position. After we get the first rounds done this week, we will continue with second rounds; hopefully calling back 4 or 5 of those people. Then we will begin Mr. Forrer's position for HR Manager spot. I believe we have 44 applications for that right now too. We have had lots of people to look at and it is going very well.

B. Safety Service Director- Director Jewell: Mr. Vance mentioned you did get copies of the proposed Design Review Guidelines and Ordinance changes. The ordinance changes affect the zoning ordinance so that will need referred to the Planning Commission for them to make a recommendation. Once that recommendation come back then it will be coming to Council in the form of legislation and at that time normally you would set a public hearing for the second reading of that ordinance. There is quite a bit in front of you and that is the reason you have it so early; so you can have time to go through it and look at the legislation. At this time, or maybe when you get to the Clerk's report, you would need to refer to the Planning Commission for recommendation. It is probably something you will want to hold a committee meeting to discuss it so we can go over it in detail just to explain the changes that are being made. The district itself is changing and then some of the areas within the ordinance itself we are refining and really spelling out some of the procedures that were more vague in the existing ordinance. So it would probably be a good idea to hold a committee meeting once that comes back to you with a recommendation from the Planning Commission.

Baker: When does leaf pick up start?

Jewell: Leaf pick up will start next Monday, the 10th, and that will be everything South of the railroad tracks. The week after that they will do everything North of the tracks. What's left then is just a few days before Thanksgiving and they will do clean up, as necessary. Although I did speak with Mr. Staley today and we have some areas of town where the leaves fall early and there are lots of leaves so we are getting the equipment out and taking it on a trial run. So you may see the equipment out this week and they are just making sure everything is running right and they will go around and pick up so of those bigger piles around town.

Shupp: I have had some residents ask about the leaves if they come off the trees late, are we going to get them in this follow up round when the two weeks are done with or do they have to call and tell you they have leaves that haven't been picked up? Say like after Thanksgiving.

Jewell: After Thanksgiving they would need to bag them and put them out for the trash or take them to the compost site.

Shupp: So we won't be available to pick them up after Thanksgiving?

Jewell: That is correct.

C. Utilities Director – Director Preising had no report.

D. Finance Director – Director Leggett reported that prior to the meeting this evening I distributed the schedule for the temporary appropriations. The booklets will be out in a couple weeks and the temporary appropriations will be scheduled for three readings. At this time, and will probably be the case when they are published, there are no changes in the appropriation

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numbers for utilities. They are the same as the 2009 budget. Safety-Service Department, Mrs. Jewell just had one change in the State Highway Improvement Fund from \$45,000 up to \$75,000 and that is just to deal with the South Main Street repaving when that is done next year. So actually not a very significant change.

E. Law Director - Director Lutz had no report.

F. President of Council – President Baker

Peppard: We need a motion to refer the Design Review information you received to the Planning Commission. Vance moved and Miller seconded. Roll call vote. Ayes all. Motion carried.

Baker: I would like to welcome a group in our audience this evening. We have a group of Boy Scouts and a group of Webelos. They are here to learn just a little bit about how City government works. I would like to add my comment to what quite a few others have said to please get out and vote tomorrow regardless of your political affiliation. Get out there. It is one of those things that we have that opportunity in this country that many people around the world do not have. Also, as a reminder for everyone next week on November 11th, Veteran's Day, make sure you go up and shake some veteran's hand and thank them for the sacrifices they have made either currently or in the past. It is really pleasing to me to hear about the application process that has been ongoing to fulfill our positions within the City. We must have a really good reputation around the area to have as many good applicants as what we have had. I think that really says something for the current administrators and directors we have now and it is something we will continue with because I know we are going to be selecting some fine people to replace these hard to replace people that are outgoing for us.

Old Business:

ORDINANCE Q-08

Leathers moved and Aspiras seconded that Ordinance Q-08, an ordinance amending Chapter 181 of the Codified Ordinances of the City of Orrville, Ohio, regarding income tax, be placed on second reading. Roll call vote. Ayes all. Motion carried.

Leggett: This just has to do with exempting some people from filing municipal income tax when they are not required to file with the State and they have no income for us. So people that would owe us zero tax. It is on second reading and it can go to three that is totally up to you.

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

New Business:

ORDINANCE R-08

Leathers moved and Landaw seconded that Ordinance R-08, an ordinance vacating an existing easement at Crown Hill Development, Lot 2440, Green Township, City of Orrville, Wayne County, Ohio, and confirming the dedication to the public use forever of new easements as set forth on the replat Lot 3440 and new easement dedication plat, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Jewell: The purpose of this legislation is mainly to vacate some easements we have out in the Crown Hill Development. This would be in the condominium development. There is one lot out there right now that has remained vacant. Originally that was set up to be an assisted living

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facility so they put utilities in to service a building that was going to be set towards the back of that lot. In the meantime, the company that held that ended up losing the property. It went back to the bank. Someone else purchased it and went to the Planning Commission; amended the planned unit development and now they are building condos there. As a result of that they had to relocate some of the utilities they had put in mainly towards the front of the lot and they had to relocate those utilities so that they are actually running down the side or down the middle where the driveway is located so they could actually build where the utilities had been installed previously. As a result of that, there were easements and they need to vacate those easements and then the second part is the second page of the plat which shows the new easements where the utilities will be installed. The purpose of this legislation is to vacate easements and then have the new ones on the lot where they are building condominiums. This legislation does not need to be passed on first reading. It has been recommended by the Orrville Planning Commission.

Leathers moved and Shupp 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 R-08 be adopted as read. Roll call vote. Ayes all. Motion carried.

ORDINANCE S-08

Leathers moved and Corfman seconded that Ordinance S-08, an ordinance amending Section 931.07 of Chapter 931 of the Codified Ordinances of the City of Orrville, Ohio, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Jewell: The next two pieces of legislation are really companions. The purpose is to change the rate that will be paid by the residents to...they actually pay the money to the City of Orrville and then the City in turn pays Waste Management. This is the final year of a five year contract that we have had with them. Each year they're permitted to ask for a cost of living adjustment based on the what the cost of living index is for the United States. It is very, unusual from what we have experienced previously, but this year it is 4.9% is what the cost of living adjustment is and that is quite a bit higher than in the past, but that would allow the rates to change. The existing rate for customers is \$12.49 and that would go to \$13.10 and that is a cost per resident per month. We also have a senior citizens rate and that goes from \$11.63 to \$12.20 per month. The reason you have two pieces of legislation is that one allows us to amend the contract we have with Waste Management and the other states the rates that will actually be charged back to the residents. The rate charged to the resident is \$.40 less than the rate we pay Waste Management and that is because we have a grant from the Stark Tusc Wayne Joint Solid Waste Management District. So the Solid Waste District gives us a grant and part of what we do with that money is offset the cost of curbside recycling. So then the rates that will actually be paid by the residents will be \$12.70 per month and \$11.80 by senior citizens. I just wanted to clarify. The rate paid by the resident is \$12.70 and the actual rate we pay to Waste Management is \$13.10 and then for seniors they would pay \$11.80 and we actually pay \$12.20 to Waste Management. The \$.40 is offset by the grant. This would go into effect the first of the year and does not need to be passed on first reading.

Shupp: When this was in effect in 2005 with Waste Management it was \$8.28 a month?

Jewell: That is correct.

Shupp: We are now up to \$13.10 per month?

Jewell: That is correct.

Shupp: Have there been any other increases in this besides cost of living over the three year contract?

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Jewell: It was either last year or the year before when it was time for renewal Waste Management would have had the option to not renew, but what they asked for at that time was that we consider the cost of fuel. So they were given an increase that was greater than the cost of living adjustment and that was based mainly on fuel. It might have been some on tipping fees though too.

Shupp: Because this is about a 50% increase over three years and the cost of living hasn't run that much.

Jewell: The increase they received that one year was fairly significant, but still the rates we are charged are less than those in surrounding communities.

Shupp: That would be my next question...are we still competitive?

Jewell: Yes.

Aspiras: As Mr. Shupp said, legislation was passed last year, Resolution 69-07, and there was a 37% increase and prior to that in 2006 there was a 10% increase and prior to that in 2005 there were two increases and I don't know what the percentages are. This year it is 4.9% and the contract expires next year, correct?

Jewell: After the end of 2009.

Aspiras: I know we looked at...you put together a plan...at the City of Orrville looking at providing those services within the City of Orrville. Is that something we would want to look at? I would recommend we do that again if these rates are rising at these rates.

Jewell: I think that would be something Council would want to start looking at probably in April or May of next year. I know we pulled together the figures we could with our knowledge, but there are people out there that specialize in that. I believe the City of Rittman is conducting a study right now. There would be a cost for that study, but that would be something you would want to start looking at next year because the bidding will probably take place next year in September or October.

Aspiras: The 27% increase last year, you mentioned the bulk of that was fuel. Is that is a surcharge? Because fuel has come back down.

Jewell: I will have to do some research. I can go back and look at the contract and the requests they have made along the way for each year. This time I didn't. I just looked at the cost of living adjustment they were entitled to and then I rolled it with that 4.9%. I can go back and get that history for Council over the five year contract and get some more information for you.

Miller: You just mentioned the cost of living adjustment they are entitled to. Is that somewhere in the contract?

Jewell: Yes.

Miller: Are there actual figures there or how does that work?

Jewell: It says that it is done by the Cost of Living Indicator A which is all items based on the Federal Cost of Living Index September to September. It is very specific in there and how to make the calculation.

Miller: So this is indeed.

Jewell/Leggett: Consumer Price Index.

Miller: And 4.9% is that number.

Jewell: Yes. Right off the website.

Landaw: I know this has been asked before, but I don't remember the answer. What happens if Council does not go along with this and votes it down?

Jewell: Then the waste hauler would have the option of not taking the contract on for the next year and then at that point we would be looking at having to do a very quick procedure to bid a contract so we would have waste pickup services the first of the year. We would have the option to do that and then they would have the option to non-renew.

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Baker: We have a senior citizen rate. How does the City know when those people turn that particular age?

Jewell: The senior citizen age is 65 and really we don't have any way of knowing that. We just try to get the word out that there is a senior rate. What they need to do is bring in some proof of their birth date and we then notify the Cashier's Office and they would charge them the senior citizen's rate.

Aspiras: I went on Waste Management's website and looked at their third quarter key highlights and I will just read the first sentence here. "Internal Revenue growth from yield on base business was 2.7% including a positive impact of higher recycling commodity prices and higher fuel surcharge revenue. Internal Revenue growth from yield was 6.5%." So I guess I had already asked the question if the fuel charge was through a surcharge and they are mentioning here higher recycling commodity prices. That is how they gained additional revenue, obviously the price of steel going up. Is that in the contract also? Commodity pricing?

Jewell: No. There is nothing in our contract that reflects the commodity pricing.

Aspiras: Can it be contract that way?

Jewell: In the past we had a contract that allowed us if they met a certain threshold then they had to start paying money back to the City for recycling. So there was a period of time, it has probably been at least ten years ago that we actually got revenue from the recycling. But then we went through the period of time where it was actually costing money to get the recyclables hauled away. I don't really have any feel for what the market would be right now as far as the revenues. Apparently, they are getting better prices, but that does fluctuate very frequently. It is not something they depend on. So the contract could be written with that in there again. The other part was the fuel surcharge...I do remember one of the things they mentioned the last time when they asked us for that rate increase was that they would take that as a set rate and that there would not be a fuel surcharge on our contract through this contract. So they are not doing a fuel surcharge on top of these rates. Most other communities are paying a fuel surcharge and that changes from month to month or quarter to quarter...I am not sure. It changes on a regular basis during the year.

Handwerk: Might also mention that when Rittman announced a month or so in the paper that they were looking into getting figures about their own waste hauling, Mrs. Jewell and I talked about that the next morning because she did get a lot of figures together for us and that was last year we talked about that. What we found out last year was that it was actually going to cost us, I believe close to \$18 per month for us to do our own. Obviously to go out and purchase trucks and do all that stuff and then tell people it is going to cost them more than it was before is not going to go over to good. We will stay in contact with Rittman. We talked about even possibly trying to work something out where we are working together. If that is something that would work, we would do that. But the thing we found out is that there is more to just getting a trash truck. You have to have your recycling and then you have to be able to get that stuff to the landfills and recycling plants. We will check into again and see if it would be cost affective. The worse thing would be to get into that whole deal and find out we can't do it any cheaper or even more expensive.

RESOLUTON 53-08

Leathers moved and Corfman seconded that Resolution 53-08, a resolution authorizing the amendment of a certain agreement with Waste Management of Ohio, Inc., for trash pickup in the City of Orrville, Ohio, by increasing the rate charged, be placed on first reading. Roll call vote. Ayes all. Motion carried.

RESOLUTION 54-08

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Leathers moved and Corfman seconded that Resolution 54-08, a resolution authorizing the City of Orrville to sell or dispose of unclaimed property held by the Police Department by internet auction. Roll call vote. Ayes all. Motion carried.

Corfman: This is an ordinance that has become an annual ordinance ever since we started selling excess...both the following resolution of excess municipal property as well as the Police Department's unclaimed property. It is nothing out of the ordinary. It has been successful now for three years.

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 Resolution 54-08 be adopted as read. Roll call vote. Ayes all. Motion carried.

RESOLUTION 55-08

Leathers moved and Landaw seconded that Resolution 55-08, a resolution authorizing the City of Orrville to sell or dispose of municipal personal property by internet auction, be placed on first reading.

Miller: Historically, before we done this we had done an auction ourselves which involved a whole lot of people's time and effort. I believe, if I am correct, that we have actually done better doing it this way.

Jewell: Typically we have done better.

Miller: I just thought that would be some history worth mentioning.

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 55 -08 be adopted as read. Roll call vote. Ayes all. Motion carried.

RESOLUTION 56-08

Leathers moved and Miller seconded that Resolution 56-08, 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: You should have received a memo from me explain the need for this appropriation change. It has to do with the Capital Improvement Fund. The Industrial Park project which the contract to do that work is somewhere around \$1.1 million of which \$640,000 was for the road. That money was going to be grant money received from the State of Ohio and then the other part of the contract was to be under infrastructure; water, wastewater, storm sewers, and those type of things. Typically when we do grants, say for example in this instance, if we would get an invoice from the contractor say for approximately \$300,000 of the \$1.1 million, what we would do is we would look at that invoice and determine what part was for the road and what part was for the non-road items. The non-road items we would pay out of the Capital Improvement Fund. The road items we would merely approve and send a copy of that invoice to the State. The State would pay the contractor directly and then they would notify us that the contractor had been paid. Then we would do a paper receipt into our Grants Fund and a paper expenditure out of the Grants Fund. That is the way most of our grants work. We don't actually get the money going into our bank account. The State processes the payments, but we have to show it going through our books because we are the ones that end up with the asset. So we do have to show

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that as a payment and also as a receipt. That is required by the Ohio Revised Code. The other grants that we have had that we dealt with that is pretty much the way they have all worked. This one is different and we were unaware of this when the original appropriations were established. This is a reimbursement grant. What this one is is that when we do work for the road we have to pay for it and get a copy of the cancelled check and send it along with the invoice to the State to prove that we paid for it and then they will reimburse us. When we get that reimbursement, it will go into the ; however, when we make that initial payment there is no money in the Grants Fund yet so that payment has to be made out of the Capital Improvement Fund and that wasn't planned for. So that money has to come out of there first, then after we receive the money from the Grants Fund – the same day we receive it – it will be reimbursed out of the Grants Fund into the Capital Improvement Fund. So the Grants Fund will never really carry a cash balance. It will be in and out the same way back into the Capital Improvement Fund. The Capital Improvement Fund is just really serving as a pass through and it is really serving as fronting the money for this project until we can get the grant money from the State. That is the reason this change had to be made. After this all settled and done, there is no impact on the Capital Improvement Fund. Every additional dollar spent will be an additional dollar that came in from the Grants Fund. This does not need to be passed tonight.

Landaw: Will the money be in the Capital Improvement Fund?

Leggett: That is an excellent question. Yes, we do believe it will. Now as you recall, we are looking at maintaining at least by year end a \$500,000 balance in the Capital Improvement Fund. The Capital Improvement Fund right now has about \$1.3 million in it, but there is a lot of stuff encumbered so that is all eventually going to go away and this money is not all going to be spent at one time. It will be spread out. Mr. Miller and I discussed this a little bit this afternoon and Mrs. Jewell advised that this process because it is so late in the construction season because of some of the delays we have had due to the EPA stipulations we have had to meet and so forth, this project is a little behind schedule and may not actually get done this construction season. It may be in the next year. That is something we do have to watch to make sure the cash flow is there, but we do anticipate that that will not be a problem.

Good of the Order:

Peppard: Mr. Leggett, is the State Auditor coming?

Leggett: The last word we heard was that Mary Taylor will be here December 1st. Her liaison told me that she would be here December 1st; however, that is the third date he has given us so that is always subject to change, but I would write that in pencil. But he did guarantee she would be here before I retire. Right now it is set for December 1st which would be kind of nice because Janet Strimlan will be starting that day.

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

Tamra Peppard, Clerk of Council

Date

Lyle Baker, President of Council