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Prior to council's regular meeting, public hearing was held regarding the Ohio Health Facilities Revenue Bonds.

Baker: Anyone wishing to speak during this hearing please stand and I will swear you in. (Three people were sworn in).

Morris Stutzman: I am here this evening representing Orrvilla, Inc. who owns and operates an assisted living facility located at the edge of Orrville and commonly referred to as Maple Terrace. In 1992 the City issued Hospital Facility Revenue Bonds which were used to develop that site and also to construct the building which now stands at that location. Those bonds have a maturity of December 1, 2008 and consequently we are coming before the City this evening with a proposal for the issuance of some new Hospital Facility Revenue Bonds. The proceeds of which will be used to refinance the existing bonds and to also refinance some other indebtedness that had been incurred subsequently to add an addition to the building. Also, there is a small amount included in the project at this point in time for some capital improvements. The total amount of the bonds would be \$1.5 million. We would be happy to answer any questions at this time. I believe there is an ordinance which will come before Council later and bond council will be here to explain that ordinance to the Council and answer questions related to it.

Baker: Public hearing is declared closed at 7:33 p.m.

President Baker called the meeting to order. Pastor Brad Dews of Orrville Baptist Church offered the prayer. The Pledge was recited by all.

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

Corfman moved and Miller seconded that the minutes of the November 3, 2008 regular meeting be approved. Roll call vote. Ayes all. Motion carried.

**Public Comment:** None.

**Standing Committee Reports:**

A. Finance – Mr. Miller reminded council there will be a meeting of the Finance Committee on Monday, December 8th after the Utility Board. Also, we have a couple pieces of legislation tonight which Mr. Leggett will be addressing; including temporary appropriations, which we all should have received in the mail, on first reading.

B. Utilities – Mr. Landaw reminded council of the workshop next Monday evening (11/24) at 7:00 p.m. following the Public Utility Board. The workshop will be to review the electric cost of service study.

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

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

E. Transportation – Mr. Shupp had no report.

F. Planning – Mr. Vance had no report.

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

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**Special Committee Reports:** None.

**Administrative Reports:**

A. Mayor - Mayor Handwerk announced the Employee of the Month for October was Pam Morris. Pam is from the Police Department and she has been with the department since 1990 as a dispatcher and is now our Senior Dispatcher. Pam is responsible for all the training of all our new police dispatchers and she has trained new dispatchers this past year. Her performance is outstanding and we are fortunate to have her as a member of our department. She chose to eat at Senor Panchos on our day out. Also, we have our November Employee of the Month and that is Karen Flinner. Karen has been with the City for 18 years. She does a wonderful job in the central office downstairs. She has vast knowledge of City procedures and is very professional with her duties at City Hall. Safety-Service Director Becky Jewell, who nominated Karen for this honor, had these comments..."Karen is very efficient, totally organized, a wealth of information, and handles everything from A to Z and that would be animal complaints to zoning." Karen has chosen Barnstone Café for lunch. Also, if you noticed in the Orrviews last issue there was an article about the Christmas Cookie Contest. This was something that Howard Wade, a former Mayor of ours used to do. It hasn't been done for quite some time and last year Roger Scott asked me if I would consider bringing that back again and after talking with him I thought that would be a really good idea. From what I understand, people used to bring their cookies down and they were judged by our office staff and the mayor and as much as I think that would be a good idea, we thought maybe we would do it a little different and if you are aware of our citizen of the month that we have at Maple Street school – those are kindergarten through second graders – we are going to have those young students be our judges. We will be doing that on the day after Thanksgiving down at the public library at 4:00 p.m. right before our Home for the Holidays starts downtown. Those young students will be our judges and we will have cookies judged not only for best decorated, but also best tasting. I suppose I will have to help with that part of it, at least. Our Fire Fighters Association, along with the Salvation Army this year will again be doing the food drive and if you noticed in an article in the paper in the last day or so that is looking to be a very, very large task this year. Obviously everybody is aware of different companies that have either closed or are laying people off so it is going to be even more difficult than usual I think. Jeff Lorson said last year they had around 234 families they helped and he said right now we are already to that point with people signed up and they think it will be well over 300. We would ask for anyone's help. If you would like to donate non-perishable items or financial donations to the Fire Fighters Association or Salvation Army please get those to them so they can begin putting them together. They will be working with the schools again also on this. If you have any questions contact Jeff Lorson or Craig Hostetler from the Fire Fighters Association or Stacey Underwood from the Salvation Army. I would also like to introduce Ms. Janet Strimlan. We had a reception for her tonight to let Council meet her and Janet will be taking over for Mr. Leggett as Finance Director upon his retirement the end of January. Welcome Janet. I would like to ask Council's approval for the appointment of Janet Strimlan as Finance Director effective February 1, 2009. Aspiras moved and Leathers seconded this request. Roll call vote. Ayes all. Motion carried. Lastly, I would just like to mention our Christmas decorations in the lobby of City Hall. It was a very definite combined effort from a lot of people. We were able to buy some decorations from our City Hall fund as far as the Christmas trees and lights. We really didn't have any place to plug those in up by the clock tower so one of our employees from the Service Department, Ryan Immel, came up and did all the electrical work for us to put an outlet up there and one on the wall so we could plug the wreaths in. John Donda and Doug Peppard, our custodians, helped a great deal – helped me this week get the trees up there. There is no easy way to get up there. You have to get a ladder and just climb up and take everything up with you, but we got that done Monday last week. And then Vince Steiner from our Service Department – we weren't sure how to hang those wreaths up and he actually manufactured a great bracket for us. He did that at home on his own time. He came over and looked to see what we needed and did that over night and had them here the next day for us.

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We appreciate that help a great deal. That was awful nice of him to do that. Mrs. Jewell offered to purchase all the ornaments on the trees and I purchased the wreaths and the garland and we put those up with Becky's husband and my wife last Friday evening to get that all finished and I think it looks really nice. I am just excited to have that look like that out there.

B. Safety Service Director- Director Jewell reported that they are ready now to have a meeting of the Health & Safety Committee to talk about the cemetery regulations. There were some State laws that were passed that have to do with specifically regarding the rights of burials of a fetus. As of right now there was nothing in the State law that specifically mentioned that and the State law that was passed specifically says that they do have the right to have them buried in the same grave with a parent, grandparent, or sibling. So we need to change our regulations to be sure we are in compliance with the State law. We should probably have a committee meeting just so we can go over those regulations and talk about that. Another item, and I am pretty sure this falls under the Health & Safety Committee, we do have the draft ready for the criminal nuisance law that we are going to look at. That law is mirrored on what they do in the City of Akron regarding properties that have a lot of criminal nuisance activities at the properties. You should have copies of the draft of that criminal nuisance activity and you should also have a copy of the draft of the changes to our cemetery regulations that you can go over. This year I wanted to talk about the snow parking ban. Last year when we were in the midst of one of our biggest snow storms we realized how cumbersome it is the way that we have been doing this in the past years. So we are going to change the way we enforce the snow parking ban this year. I wanted to make City Council aware of that and we are also going to try to get the word out in various other means that we can to make sure everybody is aware of it. The last several years when we have put the snow parking ban into effect then the Police Department started going door to door and knocking on doors and asking people to move their vehicles; however, there is already a sign in front of the house that says no parking if snow exceeds three inches so people should have been aware that they needed to move their vehicle during a big snow storm if they are on a snow parking street. So this year when we put the snow parking ban into effect we will tow vehicles. We will not send the Police Department door to door and knock on doors. That whole process takes officers off the street for four to five hours and that is a minimum. Last year we realized just how cumbersome that had become. We are going to get the word out if you are on a snow parking ban street and the snow is exceeding three inches you need to get your car moved because once the ban goes into effect then we will be towing cars and we will not be knocking on doors and asking people to move those vehicles. That is a change and I wanted to get that out.

Leathers: Can you, for the public's knowledge, how do they know that snow parking ban is in effect?

Jewell: They would listen to WQKT, the local Wooster radio station and that is where we put the word out that we have a snow parking ban in effect.

Handwerk: Can that be put on the A Channel or not?

Jewell: I don't think so because there is a delay there.

Vance: Would it be possible to put that on the website?

Jewell: I would have to check on that. Karen Flinner is the person who maintains our website so I don't know what process she would have to go through to do that. We are going to put the information on the website reminding people that if they live on a snow ban street they need to move their cars if there is more than three inches of snow. So we can get that out there, but the specific day we put the snow parking ban into effect I don't know how that would work as far as uploading it to the website.

Shupp: How much time does a resident have to move the car once the ban is in effect? Like if the ban goes into effect in the morning and they are at work, possibly out of town, will they have time to get home after 5:00 or so and move the vehicle?

Jewell: No. I don't think they would have time to do that.

Shupp: Are we going to call the ban the night before then?

Jewell: It depends on what kind of a snow storm we are in to. If we are into a snow storm where it

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starts snowing over night and we look at the radar and we see that it is going to continue and we are just at the point where we have to start plowing then we would do that probably in the early morning hours, but we don't want to put the snow parking ban into effect if we don't need to. So we wouldn't do it the night before unless the snow was already at three inches, but a person who lives on one of those streets would know what the weather forecast is and if they are going to be gone for an extended time they probably would want to move their car before they leave.

Vance: Going to work isn't really being gone an extended time.

Shupp: It is very possible that you could leave for work in the morning at 5:30 or 6:00 and the ban not be in effect yet and we get six inches of snow by noon and they are going to come home and their car is going to be gone.

Jewell: It is very likely that could happen. If they know that there is a forecast for more than three inches of snow, they are probably going to want to move their vehicle before they leave for work in the morning.

Landaw: I know they would have to pay for the tow bill, will they be ticketed and fined additionally to being towed and having to pay for that.

Jewell: At this time it is our intention to just have them towed so we can get the streets cleared and that is the main thing. When you ask about a time frame, I don't think the public would allow us to wait for an eight hour shift or a nine or ten hour until a person would get home at night for us to start plowing the streets back so we have to get the streets open and that is why we have the snow parking ban. We would have to have those vehicles moved so we can get the streets cleared.

Miller: Where would these cars, under this scenario, be towed to and what would it take to get them out?

Jewell: It is our expectation that unless there are way too many, that the towing company would take it to their impound lot – whoever actually tows the vehicle would take it to their impound lot and hold it for the towing bill to be paid.

Shupp: Do we have any local towing companies with an impound lot?

Jewell: I believe that Smitley has a lot out off of Back Orrville Road.

Handwerk: I would just like to comment, this certainly isn't anything we are doing to try to inconvenience people, but when we had a snow the magnitude we had last March and our guys are out trying to do their job and plow the streets and get them cleared for people to go to work and get around town and they are constantly going around cars that are parked. And again, as Mrs. Jewell said, we are talking about the heavy snows. If we have two inches of snow, we are probably not going to be plowing anyway, but when we get those big snows and you get this much all around their car it is not easy for them to get their car out either. But the biggest thing is just allowing our men to do the work that we want them to do, is get the streets cleared and get the snow out of the way. And they had an awful job trying to get around a lot of cars last March.

Jewell: Another item I would like to be sure that Council is aware of, Ward 2 sidewalk notices went out. This was the year for Ward 2 to be inspected and last week we sent over 150 notices out to people in that ward that they need to make repairs to their sidewalks. They were given until August 31st of next year to get those repairs done so they have the summer months to do that work. I just wanted you to be aware that there were over 150 notices sent in Ward 2. The final thing I have for this evening and I can answer any questions that City Council may have, but I have prepared a Letter to the Editor that I am going to send to the newspaper. I really wanted to take some time during this meeting to correct some things that were in the newspaper the last time after the Council meeting. This would be specifically regarding the information that was in there about the trash and recycling contract. There was information in there that was not correct and I think that it needs to be corrected. We have a solid waste and recycling contract and that contract document is very specific and it talks about how the trash hauler can get an increase and that is tied to the Consumer Price Index – All Items. The article said that it was seemingly not reflective of the National Cost of Living Increase; however, it is reflective of the National Cost of Living increase because the figure that we are proposing is 4.9% and that is specifically what the Cost of Living Index was for September to September from '07 to '08. The increase they are asking for is what is in the contract and that is not

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an unusual provision to be in the contract. There would be some provision and that is not unusual. The thing that was unusual was the 4.9%. The cost of living has not been running that high, but I think we all know as we have gone to the grocery store or the gas station that the cost of everything has gone up and this year it was 4.9% and that is somewhat unusual. The other thing that was stated in there was in the information where we talked about whether the City could get into the business of hauling trash. The City would not pick up trash in a dump truck. The information that was in the newspaper stated that I said that we would pick up the trash in a dump truck. Actually, those vehicles for hauling trash and recyclables are very expensive vehicles. It is a specialized vehicle and they probably cost at least \$200,000 a piece. So it would be picked up with only a trash hauling truck. The other thing I wanted to mention was that we get a lot of compliments from our citizens and we get very few complaints about the job that Waste Management does for us. I don't think the article was reflective of the fact that Waste Management does provide a good service to our community and they are very contentions of what they do here. I just wanted to be sure that was mentioned because as we went through the discussions I did not want it to reflect poorly on the contractor and Council is just doing their due diligence in asking the questions about what is in our contract and what are the provisions. But just because we are asking those questions doesn't mean that it would need to reflect poorly on that contractor. I just wanted to say that and I did provide information to the City Council members about the increases over time and we can either talk about that now or we can discuss it when that legislation comes on the agenda today.

C. Utilities Director – Director Preising had no report.

D. Finance Director – Director Leggett reported that prior to the meeting the Fund Balance Report for the period ending October 31, 2008 was distributed and I would like approval from Council accepting that report subject to audit. Miller moved and Landaw seconded. Roll call vote. Ayes all. Motion carried. Also, one other item, as Council was aware the City did receive the State Auditor's Award for the audit for the 2007 year. State Auditor Mary Taylor has been scheduled a couple times to come to our council meeting and present that award to us personally and the latest information we have – which has been confirmed – is that Ms. Taylor will be here at our next meeting on December 1st to present that award to us. We do look forward to that and appreciate her taking the time out of her schedule to do that.

E. Law Director - Director Lutz had no report.

F. President of Council – President Baker reminded the citizens on the north side of town that leaves would be picked up this week.

Jewell: That is correct. They will be doing the north end of town this week and then next week – those few days before Thanksgiving – they will be doing clean up around town every place else.

Baker: Just as a reminder to everyone, with inclement weather on its way do take care in driving. Not only do we not want to have anyone get hurt, but we don't need to have any of our signs or lamp posts that need to be replaced. So do take care. I am sure that our City crews will be out trying to keep our streets as clear as they possibly can, but it is going to be up to each one of us individually to drive safely. I would also like to welcome Janet Stremelin. We are glad to have you here and ready to come onboard.

**Old Business:**

**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 second reading. Roll call vote. Ayes all. Motion carried.

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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 Ordinance S-08 be adopted as read. Roll call vote.

Landaw: May I make a comment before I cast my vote. I thought we might have some more discussion on that?

Vance: We have the second one coming up.

Landaw: This is for the second, I am sorry. Yes.

Roll call continued. Ayes all. Motion carried.

Landaw: I just wanted to say that I am not going to be supporting this legislation I don't believe. I would like to see us go back to the trash hauler. It is a time when the City of Orrville and everybody is being told to tighten budgets and get by with what you got and the City is having to do it and the rate payers for this service are paying and having to do the same. I think if we could go back to Waste Management and maybe get a smaller percentage with them. This contract is negotiable. I understand they have the right to ask for what they are asking for, but I would gamble to say they probably wouldn't want to lose us as a customer and I would like to see us maybe start the process earlier in the future so we would have a little time to negotiate with them a little bit more. But again I don't think I am going to be able to support these two pieces of legislation.

Miller: Is the contract indeed negotiable or is it pretty specific in what it says? And we are under contract for this next year, right?

Jewell: We are in the second year, 2009 will be the second year of a two year extension of our contract. The contract specifically says what the increase will be; how they can apply for it; and when they have to apply for it. They have to ask 90 days before the end of the year if they want an increase and then we have to wait until the Consumer Price Index for September to September comes out and then once that comes out we can figure the amount of the increase. Whether or not this is negotiable, we don't consider it negotiable because it is in that contract. There have been times when they have asked for more then the amount to which they would be entitled, but normally it has been routine that they would ask for the amount that is specified in the contract and that is tied to the Consumer Price Index. That is how that is done. The timing on it is related to the way it is written in the contract. Now this next year, towards the end of 2009, will be the time you will be bidding your next contract. At that time the bid specifications can be changed. If you want to have this come earlier, you could maybe look at a July to July date and then be looking at this in September, but right now it is being done per the contract.

Miller: That is why I asked the question. Because it was my understanding that we are under contract and it is really not a negotiable item.

Jewell: I don't consider it to be negotiable because of the fact that it is what is in the contract. Now we could always try to negotiate that, but the other thing that I did was I checked with surrounding communities in Wayne County and our rates are actually going to be lower than what they are charging in other communities. So I feel the rate we have is very competitive and it is very much reflective of the cost of providing that service.

Shupp: Basically, if we open the door on this we could end up paying more than what we are going to pay with the contract we have. We would open the door for them to increase their offer.

Jewell: Yes and specifically the item that we don't pay which other communities do have in their contract is the indexing for the price of diesel fuel. Depending on what the cost of diesel fuel is, other communities pay a surcharge on their bill which we do not have. So I think we would probably be looking at something like that. The cost of diesel fuel is still up around \$3 a gallon so it hasn't come down like gasoline has recently.

RESOLUTION 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 second reading. Roll call vote. Ayes all. Motion carried.

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Baker: This goes along with the first one.

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 except Aspiras was a nay. Motion carried.

Miller: Did we vote on Ordinance S-08?

Leathers: Yes we did.

Miller: I don't remember Mr. Landaw casting his vote.

Leathers/Corfman/Peppard: Yes he did.

Landaw: I am sorry, I lost track. I thought someone said it was to put it on second reading.

Leathers: We put it on second reading. We suspended the rules and adopted it.

Jewell: I don't think you had a motion to adopt.

Peppard: Yes we did.

Jewell: They voted to suspend the rules, but I don't think there was...

Miller: We didn't vote on the legislation.

Leathers: The clerk would have it in her records.

Peppard: I have it. We did.

Leathers: Mr. Landaw's discussion was after the ordinance was actually adopted.

Peppard: Yes. It was when the vote came to adopt it, is when he asked for discussion. Just to set the record straight, on 53-08 you put it on reading; you suspended at which point Mr. Aspiras said no to the suspension and now you have made the motion to adopt.

Miller: Unless I am missing something, before Mr. Landaw registered a vote and entered into his discussion he was told this was the vote to suspend the rules. Is that correct?

Landaw: I don't believe that was said by the President or Clerk or anyone. The information I was given was referring that there was going to be a second piece of legislation.

Vance: The comment I made was that we have a second piece of legislation and we were trying to kind of whisper back and forth and there was a little confusion.

Leathers moved and Corfman seconded that Resolution 53-08 be adopted as read.

Baker: Would you like to have discussion before we have the roll call?

Jewell: One very important thing that I forgot to mention earlier was that I had invited representatives of Waste Management to be here; however, a lot of other communities are doing their contracts right now and the Sales Representative out of Columbus had already made arrangements to be at another Council meeting tonight and then the Wooster Manager is on vacation so he was not available to attend. So I did invite them to attend and they could not be here. I did not follow up with Council to let you know that piece of information.

Corfman: We have a favorable contract. We have reasonable rates; rates below neighboring communities. Waste Management, an article in the Beacon Journal, is now stockpiling recyclables because the recyclable market is so poor. It is not a very favorable market for Waste Management. They are simply asking for a contracted cost of living adjustment. It is a good time just to move forward and continue our waste pickup. Thank you.

Roll call vote. Ayes all except Aspiras and Landaw were nay. 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 second reading. Roll call vote. Ayes all. Motion carried.

Leggett: This is a much simpler piece of legislation. This is a change in our appropriations concerning the \$640,000 grant from the State of Ohio which hopefully I explained in the memo and also at the last meeting. We need to change our appropriations because of the way this grant is going to be paid to us. All this money is going to run through our books. It will all actually run through our Capital Improvement Fund; the Capital Improvement Fund will be reimbursed from the Grant Fund after we have made the expenditures. We did not anticipate that when we set the

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appropriations; we anticipated the State would pay the vendor directly and that money would all flow through the Grants Fund. It has to come into the Grants Fund by law and then we will just reimburse the Capital Improvement Fund from that Grants Fund. It is on second reading. It is your choice. I don't think we have pending invoices at this time so you can wait another two weeks or you can pass this.

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 Miller seconded that Resolution 56-08 be adopted as read. Roll call vote. Ayes all. Motion carried.

### **New Business:**

Baker: We will need to move the first item under New Business, Ordinance T-08, to the end of the meeting to accommodate the arrival of Orrville's Bond Council.

### **RESOLUTION 57-08**

Leathers moved and Landaw seconded that Resolution 57-08, 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, 2009, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Leggett: This is first reading for temporary appropriations. You all should have received your temporary appropriations booklet and I believe you all did with the exception of the Chairman of the Finance Committee. We seem to have a rough time getting the mail from our place to Mr. Miller's place and we apologize for the, but we are sending it to the right address. This legislation is scheduled to go three readings. It just needs to be passed prior to January 2nd so we can expend funds in the first three months of 2009 and then of course after the first of the year you will be working on your permanent final appropriations for 2009. If anyone has any questions, just let me know. There was just one change which I think was explained in the memo. Otherwise these numbers are the same numbers that appeared in the 2009 budget.

### **RESOLUTION 58-08**

Leathers moved and Aspiras seconded that Resolution 58-08, 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.

Preisig: This is an annual resolution. There is no rush for it. I can answer any questions. You should have gotten a spreadsheet that had the numbers for 2007 and three-quarters of 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 Landaw seconded that Resolution 58-08 be adopted as read. Roll call vote. Ayes all. Motion carried.

### **RESOLUTION 59-08**

Lutz: Requests a motion to postpone the reading of Resolution 59-08 to next Council meeting for the reason that Mr. Preisig tells me there are several mistakes in it that are more than just scribbled errors. They have to be amended. So we will present it for first reading at the next Council meeting.

Leathers moved and Aspiras seconded that Resolution 59-08 be postponed until the next meeting at the request of the Law Director. Roll call vote. Ayes all. Motion carried

### **RESOLUTION 60-08**



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Leathers moved and Landaw seconded that Resolution 60-08, a resolution authorizing the Public Utilities Board to create the job classification "Computer Systems Technician" and to establish a pay grade of 306, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Preising: This is a new position. We currently, for a long time, had only one person as our computer technician for the Utilities. The general City, Mr. Leggett, has one person also. The Utility's systems and computers have become so complex we feel we need more than one person to do this. Our individual was in the hospital for a period of time and when he was gone we were in dire straights had some of these things happened. So we need a second person to be trained and somebody that has a substantial amount of computer knowledge, not to the level of our top person but somewhat below that person; reporting to that person. And would also act as a backup possibly to Mr. Leggett's person since he only has one also. We used to have Don Duffy, our Technical Services Manager, as the backup, but the levels of technology have gone up another level and we really don't have anybody capable, other than one individual, to do some of the things. Since we are running the power plant totally on computer and most of the other entities are all computerized. It is a new position.

RESOLUTION 61-08

Leathers moved and Landaw seconded that Resolution 61-08, a resolution authorizing the Director of Public Utilities to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvement Program for Issue 1 Funds and to enter into an agreement(s) as required, and waiver of the normal 30 day waiting period, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Preising: Mrs. Jewell passed a similar resolution to take part in the Issue 1 Funding. The Utilities had projects that we put in previous years and we resubmitted our list. We didn't anticipate being funded, but we actually made the bottom of the cutoff list or very close to it. This legislation allows us to take part in this if we can come up with the matching funds for next year. It is a grant of \$237,000 and we would have to come up with a match of like \$67,000 to take part in this. We are going to try to come up with that matching money for next year if we can. This will allow me to accept that grant and sign the necessary contracts.

Miller: Mr. Preising, the grant, in your memo, is \$237,000 and our cost would be \$63,000.

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 61-08 be adopted as read. Roll call vote. Ayes all. Motion carried.

RESOLUTION 62-08

Leathers moved and Landaw seconded that Resolution 62-08, a resolution authorizing the Director of Safety-Service to enter into a contract and/or contracts with the University of Akron for police mutual aid, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Jewell: This is a resolution that we do every three years. It provides for the City of Orrville and the University of Akron Police Department to have a mutual aid contract. In that contract we specifically say the items that they will handle and those we will handle. It is different than a mutual aid contract that we would have with a neighboring community. Those we do not have written mutual aid contracts any more. What we do is the shift officer, highest ranking, has the ability to send mutual aid to another community normally. But with the University of Akron/Wayne College being within our City limits we need to specify just a little bit more clearly what services they will provide and then what we would help them out with also. That is the purpose of this agreement. It has not changed and it is proposed to be the same over the next three years. This does not need to be passed on first reading.

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.

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Leathers moved and Landaw seconded that Resolution 62-08 be adopted as read. Roll call vote. Ayes all. Motion carried.

ORDINANCE T-08

Leathers moved and Landaw seconded that Ordinance T-08, an ordinance authorizing the issuance and sale of not to exceed \$1,500,000 aggregate principal amount of City of Orrville, Ohio Health Facilities Revenue Bonds, Series 2008 (Orrville, Inc. Project), for the purpose of refunding certain health facilities revenue bonds and other indebtedness previously issued and incurred to assist Orrville, Inc. in financing a portion of the costs of constructing and acquiring certain hospital facilities within the city, paying for certain additional capital expenditures, and paying for the costs associated with the issuance of the Series 2008 Bonds, authorizing the execution and delivery of a base lease and lease and an assignment to the original purchaser of the bonds and any other documents or instruments in connection with the issuance of those bonds, authorizing and approving related matters, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Lutz: I sent a memo to Council giving the general background of what this is all about; however, Attorney Bob Labes is here from Squires, Sanders, & Dempsey. He is the bond council for Orrville. Squires, Sanders, & Dempsey happens to be our bond council also. He is here and prepared to answer any questions about this legislation that Council might have.

Baker: Members of Council do you have any questions?

Labes: I guess I would like to begin with three apologies. The first apology is I am sorry that I arrived a bit late. I actually exaggerated. I told these gentlemen it was a three hour drive; it is actually two hours and forty-five minutes this evening to get down from Cleveland. I encourage all of you to be very careful when you leave. It has gotten very icy. My second apology is to the length of the title of the ordinance. I was actually having conversation with my partner the other day who has done an enormous amount of work over the years for the City and your Water Utility. There are some City Councils that used to read ordinances in their entirety and this Council once upon a time may have done that. While I feel badly that I am apologizing for the length of the title, at least you don't read the full ordinance. The third, I don't know if it is so much an apology as an explanation which is we are requesting that Council suspend the rules and pass this under suspension of the three reading rule this evening. The reason for that and I believe Mr. Lutz included this in the memorandum he sent Council is that the largest chunk of this \$1.5 million is being used to refinance some bonds that the City previously issued. The current holder of the outstanding bonds which is National City Bank, I guess soon to be PNC – which I have been told stands for Previously National City – but anyway, National City expects to be repaid on December 1st and when Mr. Lutz and I had conversation about this a handful of weeks back, one of the things that Council is doing as was indicated in the title is you are approving the execution of various documents; substantially in the form as they exist at the time Council passes the ordinance – and it would be this stack of documents – and we wanted to make sure – you are not signing anything tonight, but those are the documents we drafted – that they were complete as possible at the time we appeared before the meeting and so we discussed whether one reading or two and so in order to have a transaction between Orrville and the Commercial and Savings Bank that would reflect their business deal we are here this evening and asking that it be passed under suspension of the three reading rule. Again, the largest chunk of these dollars is going to be used to pay off bonds that the City previously issued. There is about \$200,000 of capital improvements to be made; mostly a new elevator and backup generator. As you can see, what we are really doing is in addition to refinancing some outstanding debt at a lower cost of interest which will help Orrville, they are going to make some improvements that I think are really quite significant to the residents. This facility, for those of you who aren't familiar with it, is a congregate care assisted living facility so I think a good, new, well working elevator is something that is of particular value to this population.

Lutz: Bob, just to reiterate and I think this was in my memo as well, there is no monetary liability to the City of Orrville even in the event of a default. Would you just emphasize that?

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Labes: Yes. The reason why it is the City that is issuing the bonds instead of the bank simply making a loan to Orrville is that the Internal Revenue Federal Tax Law enables these bonds to be issued on a tax exempt basis – meaning the interest that Orrville pays to the bank will be tax exempt, similar to when you issue bonds for your own municipal purposes. It benefits the City when you issue bonds; because of the lower cost of interest here we are providing a benefit to Orrville. Lower cost of interest in their borrowing means lower fees they are able to charge to their residents. So under Federal tax law the City needs to be involved. Under State law the structure is in theory Orrville is leasing the facility to you (the City) and the City is leasing it right back to Orrville. And again the reason that is the structuring and we end up with a few hundred pages of documents is because Chapter 140 of the Ohio Revised Code says that if a city is going to issue bonds for a nursing home facility or hospital facility the structure that is used is this leased structure. In that lease there is a section entitled Indemnification in which Orrville agrees to indemnify and defend and hold the City harmless for any theoretical liability that might arise as a result of issuing the bonds. The Commercial and Savings Bank is purchasing the bonds, they understand the City is not in anyway, shape, or form obligated to make payments on behalf of Orrville so they understand that they are effectively making a loan to Orrville. But by virtue of the tax exempt bond process the interest will be tax exempt so the interest rate will be quite a bit lower than it would have been.

Baker: Anyone have any questions? Mr. Lutz do you have any further comments?

Lutz: I do not.

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

Jack Runion presented the Annual Report to the City from Main Street Orrville.

**Good of the Order:**

Miller: Orrville Ministerial Association will sponsor a community Thanksgiving worship service at Orrville Baptist Church this Sunday at 6:00 p.m. Also, Orrville High School will present their fall play this weekend on Friday, Saturday, and Sunday. Please support the talented young people.

Leathers moved and Aspiras seconded that the council meeting be adjourned. Ayes all. Motion carried. Council was adjourned at 8:52 p.m.

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Tamra Peppard, Clerk of Council

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Date

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Lyle Baker, President of Council