

Regular/Public

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President Baker called the meeting to order. Pastor Ray Pfahler of Christiam Missionary Alliance Church offered the prayer. The Pledge was recited by all.

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

Baker: We have a special guest here with us this evening. Mr. Leggett would you handle the introduction please.

Leggett: I would be glad to. Members of City Council, Administration, Mr. Mayor we are very pleased to have here with us this evening Auditor of State, Mary Taylor. Ms. Taylor is here to present the City with an award.

Taylor: Thank you very much Jim. It is certainly an honor to be here with you this evening. I like to show up when we have good news and we definitely have good news this evening and it is an honor for me to be here to present the City of Orrville with our 2007 Making Your Tax Dollars Count Award. It is a special privilege for me when I can do this in person because I like to make sure that not only you understand what you do (referring to Mr. Leggett) but the Mayor, Council, and obviously all of your friends and neighbors living here in the City of Orrville understand that we believe this award to be a very prestigious award. We have raised the bar for those that are eligible to receive it and having done that only five percent of all of the government entities in the State of Ohio are actually eligible to receive it. We have over 5600 government entities so we believe it is a high honor when we are able to recognize the City of Orrville for doing such a outstanding job and making sure the tax dollars count here. In order to be eligible to receive the award you must complete and submit a Comprehensive Annual Financial Report or CAFR within six months after the end of your fiscal year; have a clean audit with no findings for recovery, material citations, material weaknesses, no significant deficiencies, single audit findings, or question costs. I know you appreciate what it takes to get an audit that is clean that way and also have no other financial concerns. It is certainly an honor that I am able to present this award to the employees and obviously to Jim, our Finance Director here at the City of Orrville. It is also an honor that this is your seventh consecutive year to receive this award and I certainly commend you for making sure you are doing what is necessary to make sure you appropriately account for tax payer dollars in the City of Orrville. With that I would like to congratulate you on your accomplishment. We are recognizing the City of Orrville; the plaque is actually to the entire City and all of the staff here who worked so hard to make sure you are doing your job to properly account for tax payer dollars. With that I would like to present the award that is the Auditor of State Making Your Tax Dollars Count Award to the City of Orrville and recognize you, Jim, for doing an outstanding job. Congratulations.

Leggett: Thank you Auditor Taylor. First of all I would like to thank you very much for taking time out of your schedule to come here this evening and present this award to us. It means an awful lot that you are here. I would also like to thank the members of my department for all the work they put in to control the finances of this city, but also as you know and as you mentioned this doesn't happen unless you have cooperation throughout the entire city so to all the employees of the City of Orrville and specifically the other directors, Mr. Lutz our Law Director, Mr. Preising our Utilities Director, and Mrs. Jewell our Safety-Service Director. Thank them very much for their cooperation and all the support we get from the Mayor and City Council. Everyone gets involved in making this possible and we are very proud of it and again thank you very, very much for coming to present this yourself.

Taylor: If I could beg your indulgence for one more minute. I would also like to present to you (Jim) in honor of your upcoming retirement, which I understand is happening sometime in January, so we want to, at the Auditor of State's office, recognize you personally for your service – 13 years of service – as the Finance Director for the City of Orrville to your dedication to the citizens of this City and certainly it makes my job easier knowing that we have great finance directors working in the

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cities across the State of Ohio who care so much about the job they do and I am certainly honored to be able to present to you, not only the Making Your Tax Dollars Count Award, but this certificate of recognition for your 13 years of service and we want to thank you for that and present you with that certificate as well.

Leggett: Well thank you very much.

Taylor: I appreciate the opportunity to be with you tonight.

Landaw moved and Aspiras seconded that the minutes of the November 17, 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 second reading on temporary appropriations tonight that will go three readings.

B. Utilities – Mr. Landaw had no report.

C. Health & Safety – Mr. Corfman reported the Health & Safety Committee met this evening and we reviewed upcoming legislation that we will see in the next meeting or two concerning cemetery rules and regulations that will become legislative rather than just rules approved by Council and they are up to speed with the State law. I would also like to set a meeting for March 9th at 7:00 p.m. at the Fire House. It is for the Health & Safety Committee, but all Council members are welcome. We will be guests of the Fire Department.

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, but scheduled an Ordinance & Personnel meeting after our regular council meeting on December 15th.

Special Committee Reports: None.

Administrative Reports:

A. Mayor - Mayor Handwerk requested a motion from Council to appoint two members to the Firemen's Dependency Fund Board – Roy Wade and Ed Hershey. Corfman moved and Leathers seconded. Roll call vote. Ayes all. Motion carried.

Next, seven of those awards in a row is a great thing Mr. Leggett and we certainly appreciate all your work. Ms. Strimlan number eight would be just fine next year...no pressure. Also I would like to announce that the annual State of the City report will be given prior to our next council meeting on December 15th at 6:30 p.m. I will give a short overview of the year followed by our directors and their reports for the year. I am also pleased to announce that our replacement for Mrs. Jewell has been chosen. He is Mr. Steve Wheeler from North Carolina. I am sure all of you will get a chance to ask him the same thing he has been asked about a dozen times already...why would you leave North Carolina to come to Ohio? His answer is a good one, it is basically he is from Canton, Ohio originally. He and his wife both and they both want to get back closer to their parents. They have been down in that area for about ten years and so they are very excited about getting back close to them. They were here over the Thanksgiving holiday visiting their parents in Canton, but they

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stopped over here Saturday and spent the day looking for houses already. They are ready to get up here and Mr. Wheeler will actually start officially on January 5th to work with Mrs. Jewell for a period of time before she retires. Also, Ms. Strimlan's first day was today. She was here bright and early working with Mr. Leggett already and getting used to her job. Lastly, I would just like to thank our Service Department for the fine job they did again this year getting our decorations up downtown. If any of you were here for the Home for the Holidays on Friday night, you know it was really a good crowd downtown. It was very neat to see and the City looked great all lit up. Very nice job from our Service Department and we thank them for the work they did.

B. Safety Service Director- Director Jewell had no report.

C. Utilities Director – Director Preising apologized for the late notice for the last Utility Board in scheduling the workshop thereafter, we just received the information that Monday morning that the person wasn't going to be able to make it to the meeting. What I need to do is reschedule that meeting and I was looking at sometime in January, if that is possible...(after a brief discussion) we will attempt to set the date January 26th with the individual and I will get back with Council. The second item, we had a couple power outages over the weekend. They were small areas. The largest one was on the north side of town where we had a transformer go out on the backside of Save-A-Lot which put out the north side of town. One of the things we discovered is when people couldn't call in and tell us they had a power outage and we had a little glitch in the phone system. In the daytime it goes one place and that person switches it when they go home at night so it goes to the control room, well some how the switch didn't get made. We got a lot of calls on one phone where nobody was there to answer it. We are in the process of upgrading our phone system in this particular avenue so we can put out messages that people will be able to dial in and they will have a menu to select from. If it is a current outage the menu will tell them possibly where that outage is and if they are not in that particular area it will give them an option to talk directly to a person. We are working on that and hope to have it up in the not too distant future.

D. Finance Director – Director Leggett had no report.

E. Law Director - Director Lutz had no report.

F. President of Council – President Baker

Peppard: We have received from the Ohio Division of Liquor Control an application for change of corporate stock ownership for Gary's Drive Thru changing the ownership from Gary Wertemberger to David Corbett, Joni Corbett, Jeffrey Collins, and Renee Collins.

Baker: I hope everyone had a great Thanksgiving, I know I did. Congratulations to Mr. Leggett and your staff. Seven years, that is going to be a tough record to compete with. Your (referring to Ms. Strimlan) is well paved. I was downtown for Home for the Holidays and had a blast. I took my grandkids down there. Our gentleman from the newspaper did see me and I had a tie on and he asked why I was down here – everybody else is dressed casual and all bundled up because it was a little bit chilly – with a tie on. I did have a good reason for having that tie on, I was playing in a concert afterwards so I had my tie on getting ready to play bells. Even though I was overdressed for eating popcorn, I was correctly dressed later on in the evening.

Old Business:

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

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Leggett: Just keep in mind this resolution must be passed before January 2nd to allow us to spend funds for the first three months of 2009. This is the second reading; it is scheduled to go three and that is what I would recommend. If anyone has any questions, please give my office a call.

RESOLUTION 60-08

Leathers moved and Vance 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 second reading. Roll call vote. Ayes all. Motion carried.

Preisig: Basically this is an addition to help out our Computer Systems Administrator. It is an additional position. The work load has become quite heavy and quite complex. We have developed a position that will be his backup should he be off for any reason.

New Business:

RESOLUTION 59-08

Leathers moved and Aspiras seconded that Resolution 59-08, 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, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Preisig: These are the annual ordinance items that we do every year. Council set a maximum of \$50,000 on these purchases back when. So this would be anything over \$50,000 and these particular items we have spent in the past years close to \$50,000 or over \$50,000 and they are things we spend every year. I don't have my numbers with me tonight, but I think you have all the numbers on the spreadsheet comparing 2007 and three-quarters of 2008.

Aspiras: Mr. Preisig, just looking through this the legislation that is being introduced, basically being introduced not to require bidding and then looking through the ordinance fund expenditure matrix that you had handed out, it looks like some of these items you have had multiple suppliers or service contracts; do you still plan on bidding some of these items?

Preisig: Probably not. The reason there is multiples on some of them...like for example would be wire. Not all suppliers supply all the different types of wire. Certain suppliers concentrate on certain types of wire so if we have to do a project to rebuild someplace that requires a specific wire usually there is one, maybe two, suppliers that we deal with and what we do is go out and we will get a proposal from each one of them for so many feet of wire and whichever is the cheapest of the two we will go with that one. But there is usually not a lot of suppliers. The most you would have is two, maybe three, but then you are getting to the point you are buying clear out on the west coast or something with transportation charges. We only have a few select vendors that we use around close. To bid that is a lot of extra work to go through the bid process and then submitting all the bid bonds and things like that. We have worked with all the vendors on this list for a number of years. We get quotations every time unless they are the only supplier. We have come up with a pretty comprehensive list. When I say no bid, we don't go through the formal bid process. We do solicit proposals prior to the purchase.

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

Leathers moved and Corfman seconded that Resolution 59-08 be adopted as read. Roll call vote. Ayes all. Motion carried.

RESOLUTION 63-08

Leathers moved and Corfman seconded that Resolution 63-08, a resolution authorizing the Director of Utilities to sign an amendment to Section 2.03 of the Pike Island Agency Agreement with GenPower, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Lutz: As I indicated in my memorandum to Council, I had a request from GenPower to extend the agency agreement we are currently under with them. Originally in that agreement they were required

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to give us a notice to proceed with construction by the end of this month. Because of negotiations and bureaucracy while negotiating with the Army Corps of Engineers that another act was delayed. However, they are not dragging their feet. If the members of Council is interested in seeing the six month progress I have it here. You are welcome to have it, take it, read it. They are proceeding. They are doing everything they need to do, it is just they need this extra year extending their deadline to give us notice to proceed to December 31, 2009.

Vance: I have a question for Mr. Preising. In the newspaper article that referenced this yesterday, I just want to clarify a few items made in it. Is the government threatening to revoke this license?

Preising: Not our particular license. At one point in time that was true back a few years ago, but GenPower through us has gotten an extension on that license and I don't remember if it is 2012 or 2013 to be complete with construction. They still can meet that schedule and if they get into construction and they get close to that or something I am sure the government will extend at that point. Our license is good for quite a bit of time. It went through Congress to actually get that extension.

Vance: Have we invested \$1,000,000 in this project?

Preising: We have invested approximately \$300,000 twenty-some years ago and through escalations and everything else that money is approximately \$1,000,000 now.

Vance: Another point was...In return for allowing GenPower to use our license that we would be able to benefit, that our benefit would be to be able to purchase power below market rates. Is that the benefit we are looking for?

Preising: No, not out of this project. The chances of buying it below bottom market rates out of this project are slim and nil. GenPower is a "for profit" entity. They will be looking to sell this into the market and get as much money as they can out of this. We will receive a small percentage of that as long as they are making power out of the plant. They are probably going to try to sell to large investor owned utilities that are required now by law to have a renewable portfolio and in that portfolio they have to have some renewable power and this would be a good source of that, but I got a feeling that power is not going to be cheap by any means and that is the reason we are involved in the AMPOhio projects which AMPOhio is a non-profit entity and it is there for the benefits of the communities and that power should be whatever the cost of power is rather than what the market is. Hopefully that will be a lot less than market.

Vance: So there are two projects. The AMPOhio project is where we are trying to get wholesale prices for power. This project is completely for a different reason.

Preising: This is for GenPower to make money off it and for us to recoup some of the funds we had invested.

Lutz: The only other thing I have is that it does not have to be passed necessarily on first reading, but it would have to be passed on second reading since the contract expires the end of this month. Leathers moved and Vance seconded that the rules, regulations, and statutes requiring a reading of a resolution on three separate days be suspended. Roll call vote. Ayes all. Motion carried.

Leathers moved and Corfman seconded that Resolution 63-08 be adopted as read. Roll call vote. Ayes all. Motion carried.

Good of the Order:

Miller: The Orrville Community Theatre will be presenting its Christmas production called *Humbug*. It is Friday and Saturday, December 12th & 13th, at 7:00 p.m at North Elementary which is the old Junior High School. Tickets are only \$7. If you are a student, no matter what your age if you are going to school, your ticket is \$5. If you enjoyed the summer production, you will really enjoy this too. We thank the community for their support and we hope it continues.

Corfman: Again, I think Council should congratulate Mr. Leggett and his accounting staff for another fine, exceptional audit.

Leathers moved and Aspiras seconded that the council meeting be adjourned. Ayes all. Motion carried. Council was adjourned at 8:03 p.m.

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Tamra Peppard, Clerk of Council

Date

Lyle Baker, President of Council