

Regular/Public

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President Baker called the regular meeting to order. Dave Barber, the Associate Pastor at 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 Aspiras seconded that the minutes of the November 16, 2009 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 there are some things on the agenda tonight; among which are the temporary appropriations on second reading and it is scheduled to go three readings. Also, on this Pearl Harbor Day I would like to thank all the men and women who served in World War II and who have every served or are currently serving in the military. Without you we wouldn't be here tonight.

B. Utilities – Mr. Landaw reported the Public Utility Board will be meeting on Monday, December 14<sup>th</sup> at 6:30pm. There will be a workshop for all of City Council with the Public Utility Board to discuss the hydro projects. I will just mention now that we are going to postpone the resolution for the hydro projects to January 19<sup>th</sup> for the third reading so we have time to have this workshop and more time to follow up with any reports or studies that might come in.

C. Health & Safety – Mr. Corfman reported the Fire Department has entered into a contract with a truck. It will be a Smeal. The bids (a total of 3) came in within \$316,000 of each other. The final price is \$439,000 and small change after that. It will be late next year before it comes back and Mr. Wheeler is going to report with more of the details.

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

E. Transportation – Mr. Shupp had no report.

F. Planning – Mr. Vance reported the committee has not met since we were last together so there is no report.

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

**Special Committee Reports:** None.

**Administrative Reports:**

A. Mayor - Mayor Handwerk reported Corey Yugulis of the Wastewater Department has been selected the December Employee of the Month. Corey began his employment as a part time lab technician in 2008 and then in 2009 was moved to full time status. He is in charge of all the aspects of sample collection and analysis for the Wastewater Division. Corey has made many improvements to make our lab function more efficiently and more professionally. Each sample that is collected must be preserved properly, analyzed correctly with blind samples and quality control checks performed, and information pertaining to each sample must carefully be documented. Since we collect several hundred samples each month, this is no small task. Corey also works with outside laboratories on

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various projects throughout the year. Corey has a Bachelor of Science degree in Biology from Baldwin Wallace and his enthusiasm, energy, and reliability has been greatly appreciated according to Wastewater Division Superintendent Bob Auten. So we congratulate Corey and he chose to eat at Barn Stone Café next Wednesday. I would just like to mention to everyone that prior to the City Council meeting on December 21<sup>st</sup> at 6:30pm will be the State of the City Address. I will give a short report followed by our Directors.

B. Safety Service Director- Director Wheeler reported the City of Orrville Police Department in cooperation with the City of Orrville Fire Department, as well as, the City of Orrville Finance Department will be hosting a Hispanic Forum for our local Hispanic community on Saturday, January 9<sup>th</sup>, at 1:00pm at Schmid Hall. This will be an opportunity for leaders from those respective departments to explain the how to's of the different functions of their departments. We hope to have leaders from the Hispanic community at this meeting as well and hopefully that will be a beneficial meeting for our Hispanic community. The City of Orrville Police Department made an arrest last week as a result of someone seeing a person wanted on a warrant on our Police Department Facebook page. So the Facebook page has paid off already. For those of you who might be interested in joining the Orrville Police Department Facebook page you can visit Orrville.com and then click on the Police Department link on the right side and then the Facebook link on the left side of the Police Department home page. As Mr. Corfman mentioned, the Fire Department has entered into a contract on a Smeal fire truck. The delivery time is 9-11 months and there will be three different inspection phases as part of that process so the Fire Department will be directly involved in making sure it is built as per the specifications. The cab type and the storage space of the Smeal was considerably better than the others and as a result weighed heavily in the Fire Department's decision to proceed with the Smeal. Leaf pickup has been completed. We give recognition to the Street Department. They did a fabulous job this year and also the new equipment that we were able to gather as a result of Kristen Endsley's work paid off as well as the Solid Waste District. That equipment was heavily used and worked very well for us this year. The Industrial Park has also been completed. There are a few punch list items that will be completed in the Spring when the weather warms up, but all the infrastructure has been constructed to date. Some housekeeping this evening....The Fireman Dependency Fund Board has two position that are expiring at the end of this year. Both Roy Wade and Edward Hershey are willing to continue to serve on the Board. This Board actually reviews and processes all claims for benefits to be paid to surviving spouse and dependent children for the firefighters that are killed in the line of duty. So as you expect, that is a Board that we hope never has to meet, but one none the less that is required as part of our volunteer fire department. I would ask for a motion to continue Mr. Wade and Mr. Hershey for another term on that board. Corfman moved and Miller seconded. Roll call vote. Ayes all. Motion carried. Finally, I am requesting an executive session prior to new business on the agenda to discuss a personnel matter. Shupp: I had a short talk with Chief Ballentine about the fire truck purchase. He mentioned something about us possibly saving 3% on part of the cost if we prepaid on the chassis was it? Wheeler: Actually that is correct and that is something we have asked Ms. Strimlan to examine in regards to the potential savings as compared to the investment and my personal guess is that it is most likely something we will take advantage of. Once they ask for that money it will be early 2010 actually when they will ask for that payment for us to get that discount. It comes out to about \$8,000. Leathers: What was the time of the Hispanic forum? Wheeler: 1:00pm, January 9<sup>th</sup> at Schmid Hall. Vance: I have one question on a different subject. Regarding the new police cruiser – the 4-wheel drive vehicle. I may have missed something somewhere. My understanding was that it was going to be an administrative vehicle and it seems like it is on patrol in the evening and I just wanted to get some clarification on exactly how we are using that vehicle. Wheeler: I will ask Chief Carozza to answer that.

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Carozza: We are using that vehicle for regular patrol. We were originally going to use it six months out of the year, but since we don't anticipate buying a vehicle in 2010 we are going to use it around the clock because the number of miles we racked up on the other vehicles.

Shupp: What did the cost of that come in at?

Carozza: I would have to double check. I think it was like \$23,800. It was \$800 more than the purchase price of a Crown Vic.

Shupp: You went with a 6 cylinder engine?

Carozza: Yes, because we wanted to save on fuel. It is very comparable to the Crown Vic V8.

Vance moved and Shupp seconded to go into Executive Session before new business. Roll call vote. Ayes all. Motion carried.

C. Utilities Director – Director Brediger reported that since this Council met last the AMP Board of Trustees and the AMP GS Board of Participants have decided to cancel the coal fired plant it started on a few months ago or so. I don't have any more details other than the information that was released in the press release on November 25<sup>th</sup>. There will be some more information following our Utility Board meeting next Monday night however. The other piece of information is something to mark on Council's agenda for next year. February 22<sup>nd</sup> thru 24<sup>th</sup> is American Public Power Association Legislative Rally in Washington DC. This is an opportunity to get some briefings on our industry from the federal perspective as well as meeting with some of our federal representatives. If you have an interest in attending that, please let our office know within the next week or so. Hotel rooms tend to book fairly early for that.

D. Finance Director – Director Strimlan reported that at the next meeting she will distribute the Fund Balance Report as well as the Year End Projection Recaps I have been providing for you. We do have some legislation in old business that I will review when it comes up.

E. Law Director - Director Lutz had no report,

F. President of Council – President Baker reminded everyone to make sure you get into your brain your winter driving mode. We don't want to have any accidents and it seems that every year the first few times we have bad weather people tend to forget it takes a little longer to stop.

**Old Business:**

**RESOLUTION 39-09**

Leathers moved and Miller seconded that Resolution 39-09, a resolution authorizing the Director of Utilities to execute power sales contracts with American Municipal Power, Inc. and take other actions in connection therewith, regarding Meldahl and Greenup Hydroelectric project participation, and declaring an emergency, be placed on second reading. Roll call vote. Ayes all. Motion carried.

Brediger: Just a reminder, as Mr. Landaw mentioned, that following the Utility Board meeting next Monday we will have a workshop to discuss this project and to give the City Council and the Board an update on our long term power supply. Please plan to attend that important meeting. There will be a PowerPoint presentation followed by as much time as we need to answer questions.

Landaw moved and Leathers seconded to postpone the third reading of Resolution 39-09 until January 19, 2010. Roll call vote. Ayes all. Motion carried.

**RESOLUTION 40-09**

Leathers moved and Miller seconded that Resolution 40-09, 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, 2010, and declaring an emergency, be placed on second reading. Roll call vote. Ayes all. Motion carried.

Strimlan: I spoke about this last week, but just to remind you the amounts that are included in the Temporary Appropriations are virtually the same as the 2010 Budget we went over line by line several months ago with the exception of the Grants Fund which has increased from \$440 to \$610 in

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anticipation of a grant from OPWC for street paving. The resolution needs to be passed by January 2<sup>nd</sup> so we can expend funds the first three months of 2010.

Aspiras: Have we received that grant money yet?

Strimlan: We have not received notification.

Wheeler: We are ranked number 2 in the county in regards to priority for that project and still feel very confident that we will receive it, but we have not received any official notification. Of course, we would not spend that until we the absolution.

Council moved into Executive Session at 8:05p.m.to discuss a personnel issue. Aspiras moved and Corfman seconded that the Executive Session be adjourned. Roll call vote. Ayes all. Motion carried. Executive Session was adjourned at 8:00p.m.

**New Business:**

**ORDINANCE P-09**

Leathers moved and Landaw seconded that Ordinance P-09, an ordinance amending Section 151.02 of the Codified Ordinances of the City of Orrville, Ohio, regarding overtime pay, repealing all legislation inconsistent herewith, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Leathers: That will go for second reading at the next meeting.

**ORDINANCE Q-09**

Leathers moved and Aspiras seconded that Ordinance Q-09, an ordinance amending Section 151.04 of the Codified Ordinances of the City of Orrville, Ohio, regarding vacations, repealing all legislation inconsistent herewith, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

**ORDINANCE R-09**

Leathers moved and Landaw seconded that Ordinance R-09, an ordinance amending Section 151.06 of the Codified Ordinances of the City of Orrville, Ohio, regarding uniform allowances, repealing all legislation inconsistent herewith, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

**ORDINANCE S-09**

Leathers moved and Miller seconded that Ordinance S-09, an ordinance amending Chapter 181 of the Codified Ordinances of the City of Orrville, Ohio, regarding income tax, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Lutz: The Finance Director gave you very detailed memo regarding the changes that we are addressing in this ordinance. The primary one is to remove an exemption of mandatory filing that we put into place last year in a good faith effort to exempt retirees. The problem in having done that – that was an amendment to the tax ordinance – the problem with having done that is now that we are looking at prosecuting people who refuse to file that created a burden of proof problem because it is a criminal prosecution, it is the highest burden under law beyond reasonable doubt the City would have had to try to get evidence that the person, the defendant who is before the court, was not exempt and the defendant could just sit there – you can't call on the to testify; you can't ask them. The burden is entirely on the City of Orrville to prove that they had a mandatory duty to file and refused to do so. Having that exemption in there caused that problem so we are asking now primarily in this amendment to remove that exemption and yet the tax department and the Finance Director are looking at doing an easy form that retirees can simply check if they are retired with no taxable income and file that with the City as opposed to having to file the whole return. That is very similar to how the City of Wooster does it, addresses that issue. That is the primary reason for the

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amendment and then there were other clean up issues regarding the language in the ordinance. If you have any questions regarding those we can answer them.

Miller: I just want to be clear about what you are saying. The issue is that there was an exemption at all, not that there was an exemption of who was exempted?

Lutz: That there was an exemption. Originally there was not and then in good faith we thought let's not put this burden on retirees who shouldn't have to file. In good faith we made that amendment last year not thinking about when we have to prosecute these will that cause us any problems. Now we have been talking about prosecuting these because it has been a couple years since we passed the ordinance for mandatory filing and then thought it out and realized that is going to cause problems for prosecuting even a few individuals because of what I just described. So now we are asking to amend it to remove that exemption and yet from a policy standpoint allow retirees to file an easy form which the tax department is working on.

Miller: The sample form that was sent out looks very simple. It is just a matter of checking a box.

Shupp: Will this go to all retirees whether they have any tax liability or not?

Lutz: If they have taxable income. I believe the form states that not only are they retired, but they have no taxable income. If they have taxable income, they still have to file a return and pay tax on that.

Shupp: Even if they don't owe tax they will still have to fill this out.

Lutz: The easy form.

Aspiras: So if I am a retiree and I have no income, I still need to fill this out?

Lutz: That is right.

Aspiras: And where is this available? Will we be mailing those?

Strimlan: We will mail this form to every resident of the City along with a regular income tax form at the end of the year.

Vance: So I assume the easy form doesn't have to be in the ordinance?

Lutz: It doesn't. It is mandatory filing and then if the tax department receives that easy form and the 1040 with it if they file one. They will be able to review that and no that don't have to file the regular income tax form.

Vance: The ordinance has a lot of wording that you have to have all your income and I am not seeing anything about an easy form, but it is still allowable.

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 Ordinance S-09 be adopted as amended. Roll call vote. Ayes all. Motion carried.

RESOLUTION 41-09

Leathers moved and Landaw seconded that Resolution 41-09, a resolution authorizing the City of Orrville to sell by internet auction or dispose of unclaimed or forfeited property held by the Police Department, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Corfman: This is, I believe, our third year doing this; first year with Mr. Wheeler and he is comfortable with the way it operates. It replaced a long time one day auction that was rather ineffective and this has been successful for the City. We have moved a lot of unclaimed property. Highly successful project.

Wheeler: As Mr. Corfman stated, we have currently used this for the last few years. It has been an effective means to auction off any unclaimed or forfeited property from the Police Department and we have found it to be very effective. We have gained quite a few more dollars than we would have in the past off the one day auction. I do recommend approval to continue this for the 2010 calendar year.

Miller: I just wanted to say we have saved a lot of money doing this too. Back in the day it used to be a regular auction and there was manpower involved and time and all kinds of stuff and since we have gone to this, we have saved quite a bit of money.

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Wheeler: That is correct. In fact, both Resolution 41-09 and 42-09 the point person on that auction is Karen Flinner who has done a fantastic job for us. She has actually handled not only the Safety-Service Department's, but also the Utility Department's as well getting the auctions online. She has done a fabulous job. Of course, it does take her some administrative time, but she has done it long enough that she is very effective at it and does a fabulous job at keeping track of it.

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 41-09 be adopted as amended. Roll call vote. Ayes all. Motion carried.

RESOLUTION 42-09

Leathers moved and Corfman seconded that Resolution 42-09, a resolution authorizing the City of Orrville to sell by internet auction or dispose of municipal personal property, be placed on first reading. Roll call vote. Ayes all. Motion carried.

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 Landaw seconded that Resolution 42-09 be adopted as amended. Roll call vote. Ayes all. Motion carried.

RESOLUTION 43-09

Leathers moved and Landaw seconded that Resolution 43-09, a resolution fixing the salaries and wages of full-time employees of the City of Orrville eligible for membership in the Ohio Patrolmen's Benevolent Association (OPBA), repealing all legislation inconstant herewith, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

RESOLUTION 44-09

Leathers moved and Aspiras seconded that Resolution 44-09, a resolution fixing the salaries and wages of full-time employees of the City of Orrville eligible for membership in the United City Workers Union (UCW) for the grades heretofore established, repealing all legislation inconsistent herewith, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

RESOLUTION 45-09

Leathers moved and Landaw seconded that Resolution 45-09, a resolution authorizing the Utility Board of Control to bid and contract, for no more than a one year period, for purchases of electric distribution poles, electric meters and components, chemicals, and water meters and components, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Landaw: This is an annual ordinance.

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 Landaw seconded that Resolution 45-09 be adopted as amended. Roll call vote. Ayes all. Motion carried.

RESOLUTION 46-09

Leathers moved and Landaw seconded that Resolution 46-09, a resolution authorizing the Mayor, the Utilities Director and/or the Law Director of the City of Orrville to execute all documentation necessary to complete and file an application for surrender of license to the Federal Energy and Regulatory Commission ("FERC") for the surrender of the License held by the City to construct the Pike Island Hydroelectric Project ("Project"), FERC Project No. 3218, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

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Lutz: I sent a brief e-mail memo to Council, but I will elaborate a little bit on this. Several weeks ago a person from FERC contacted the Utilities Department and asked if we were going to surrender the license and apparently if we do not surrender it they will start what is called involuntary termination proceedings to terminate the license. Basically FERC wants to free up these licenses so they are available for anyone who might be able to develop such projects so they don't just let them stay if nothing is happening. As you know, our agent that we were very optimistic and hopeful would develop the Pike Island project decided it was not going to proceed with the project. GenPower was our agent. The economy hit them like it did everyone else and also the fall in energy prices made the project not as profitable for them so they backed out of it. They had taken the project away from the agent that we had had for years and years and years – Bedford Associates negotiated a compromising settlement agreement with that agent who was the agent of the City at that time who had done nothing with the project and spent quite a bit of money to do that. Spent quite a bit of money not actually going to construction, but doing all the testing and everything else that was necessary before you can even start construction and then obviously came to the conclusion that it was not going to be a profitable project they wanted to pursue and backed out. FERC, in the meantime, has been putting deadlines for construction and in fact GenPower had taken this away from Bedford Associates because it was pretty clear FERC was probably going to say "do something with this or we are going to do an involuntary termination of the license." So that was able to be worked out. Those deadlines had not changed. So in other words, there is not someone else waiting out there to simply pick up and then meet the deadlines that FERC has established for construction. So what happens is either we voluntarily surrender the license or they start these involuntary termination proceedings and whoever wanted to develop this project here in this location would have to start from the beginning applying for a license and going through all the steps to do so. We are voluntarily surrendering the license because if they do the involuntary termination proceedings it doesn't look good on the City. If we ever want to hold the license in the future in any capacity and it is in the record that they had to do involuntary termination proceedings we wouldn't be looked upon as favorably to get a license, if that should ever happen in the future. The City of New Martinsville, WV, has done the exact same thing. They were on the same progression almost parallel to ours regarding another hydro project on the river and they have surrendered themselves.

Landaw: If I recall, we initially invested like \$300,000 and we have other legislation before us that we are going to have a meeting on to talk about future hydro projects. I am just wondering why another group didn't maybe help us develop this like for example AMP is helping some other communities work on hydro projects. What maybe happened that it didn't make that a possibility or a reality in Orrville' situation?

Lutz: I can tell you what I know from asking other people who are involved in this because this goes back to the mid 80's when this was all started. The City had an opportunity and apparently saw it as an opportunity to get this license and try to develop this project. My understanding is and maybe Mr. Brediger can correct me if his understanding is different, is that the City realized soon after they did this that they were in over their head and would have to hire someone else to develop the project – an agent. That is what happened. Unfortunately, the agent that City got involved with really never pursued it aggressively; never got the thing off the ground; just kept asking for continuances to push the deadline for construction back until GenPower was able to come in and take it away from them. Why that worked out that way I am not sure; whether the cost of energy or the profitability of the project was such I don't know. These other projects we are looking at that we talked about at the last meeting AMP Ohio is pursuing and I think AMP-Ohio is a much better organization or vehicle to spread the cost of such a project around and make it profitable for all the municipalities that participate in that.

Brediger: I can add a little more to that. The other thing to as to why other people aren't stepping up to this. From the time this project was first looked at, roughly 30 years ago until now, the economics and the viability, the capacity that that plant has changed over those years. AMP several years ago or so evaluated all the remaining locks and dams on the Ohio River through a couple different

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consultants and all those locks were evaluated and this project really ranked a lot lower than it did 30 years ago. That is really why nobody has stepped up on it. It is still a viable project out there some day as all these locks become combination lock and hydro electric plants, but from a ranking perspective it is down near the lower end of the spectrum. In addition to the fact that AMP had a number of these projects already ongoing and they just had their capital needs pretty well stretched out. This project wasn't ranked this high today as it was roughly 30 years ago. So it is mainly economics as Mr. Lutz indicated and these firms that have taken over of these projects in subsequent years are more profit driven then looking at these projects from a long term power supply perspective. That is the difference between these two entities – us and AMP-Ohio. We are looking at these more long term power supply investments versus how quick can I get my money back. To them it is strictly an economic and the technical viability of the project. It just wasn't fitting their needs.

Shupp: Have we exhausted any extension on this that wouldn't be costly to us? Is there an application that we can apply to extend this license without shelling out a bunch of money?

Brediger: I honestly can't answer that, but I believe the answer to that is no because there have been a number of renewals on this application by agents acting on our behalf. I would see no real benefit for us at this stage of the game.

Lutz: I did contact Mr. Preising to get his historical perspective on this and ask him about why AMP-Ohio is not interested in this particular license because I had recalled that he had mentioned that AMP may be interested in this awhile back – a couple years back. The reason he gave me now is that they didn't pop on this is because there is no way now they could meet the deadlines FERC has established and they didn't believe FERC would extend them any further. They were not interested in it based on that reason.

Miller: I am just curious about something. A year ago we were talking about this thing as well when we were trying to get an extension with GenPower when they were still involved and when Mr. Vance had asked a question "is the government threatening to revoke this license?" and Mr. Preising's response at that time was "not our particular license. At one point in time that was true a few years ago, but GenPower through us has gotten an extension on that license and I don't remember if it is to 2012 or 2013."

Lutz: What he was referring to, I believe, was an extension to begin construction or maybe it was complete construction. I am not sure.

Miller: It says to be complete. It goes on to say, talk about complete with construction.

Lutz: My understanding is GenPower decided they were backing out of the project because it wasn't going to be profitable for them to do it plus they were hit by the economy. According to Mr. Preising energy prices fell and it just wasn't going to be a profitable project for them on the short term like Mr. Brediger talked about, they look short term as opposed to long term like municipalities do and under those deadlines to get construction completed or even beginning, and I am not sure which that was referring to, there aren't any interested entities that can meet those deadlines.

Miller: So this wasn't just a simple extension of the license to 2012?

Lutz: I believe the extension was a deadline to either begin or complete construction.

Miller: It says to be complete with construction.

Lutz: I would assume that meant completely constructed if I recall right.

Miller: So that means that somebody would have had to have started work on it pretty dog gone quick to get it done by 2012.

Lutz: Right and GenPower spent a lot of money doing the various studies they have to do and negotiating with the Army Corp of Engineers. I would see the paperwork come through and see what was going on and they spent a lot of their own money. We didn't spend any additional money for them to take this over and the reason they did that is if they ended up constructing it they would make a good profit based on where energy was and where their company was at the time that they first looked at it. Then after it was constructed, ultimately, we would have been reimbursed \$1M



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which we figured in today's dollars based on the \$300,000 we spent for that initial investment and then we would transfer the license to them. But that obviously didn't work out that way.

Miller: So this extension would have been for GenPower to have completed construction by 2012 not just a simple extension of the license for us?

Lutz: That is right. My understanding is that FERC was threatening to not extend it any further with the current agent we have and because they say GenPower as a legitimate player who could possibly make this happen FERC agreed to extend it. FERC is chomping on the bit for us to file this surrender. I would ask that it be passed tonight if possible so I can get working on that to get it filed so they don't begin these termination proceedings.

Aspiras: So they actually approached you?

Lutz: They contacted the utilities department and said heh are you going to surrender the license and we didn't know anything about it and we said yeh I guess so. They said it is a good thing to surrender as opposed to them initiating termination proceedings. That is when I spent quite a few hours on the phone with a representative from FERC going through what has to be done to file this application.

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

Leathers moved and Aspiras seconded that Resolution 46-09 be adopted as amended. Roll call vote. Ayes all. Motion carried.

**Good of the Order:**

Miller: Orrville Community Theater has their Christmas production going on. It is called Buddy the Elf. It is going to be a lot of fun for the whole family. December 18<sup>th</sup> and 19<sup>th</sup> at 7:00pm and December 20<sup>th</sup> at 2:00pm at North Elementary – the old Junior High School. Tickets are just \$7; if you are a student they are \$5. Please come and support live theater in Orrville.

Corfman moved and Leathers seconded that the council meeting be adjourned. Ayes all. Motion carried. Council was adjourned at 8:32p.m.

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Tamra Peppard, Clerk of Council

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Date

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Lyle Baker, President of Council