

Regular/Public

December 21, 2009

President Baker called the regular meeting to order. Pastor Chuck Davis of Calvary Assembly of God 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 December 7, 2009 regular meeting be approved as amended. Roll call vote. Ayes all. Motion carried.

Public Comment: None.

Standing Committee Reports:

A. Finance – Mr. Miller had no report, but acknowledged that tonight we say so long to a guy that has spent 16 years serving this community on Council. Mr. Landaw, thank you for your service and I wish you will and I will miss you.

B. Utilities – Mr. Landaw thanked Council for their attendance at the workshop that we had last Monday the 14th with the Public Utility Board. We had a very good presentation on the hydro projects that we are considering for 2010. Again, I know Council knows that legislation will come back up for third reading on January 19th to be considered by this Council to get us into some more hydro projects for the future.

C. Health & Safety – Mr. Corfman thanked Mr. Landaw for his service. He has been a friend and colleague and helped me when I came on Council. An item I am reporting on that was put in my committee years ago after a workshop; the Rail Trail that goes from Clinton to Orrville. We haven't seen a lot of public activity on that, but I assure you that negotiations for that have always been sensitive and have always been very delicate and that is why there hasn't been a lot of public announcements of it. As you saw on the front page of the Wooster paper it has come about. A lot of credit goes to Keith Workman having a vision to pursue that and special thanks from the community of Orrville should go to Don Noble. He has done a persistent, hard work to get this to come about. The Wayne County Rail Trails now owns that rail from Orrville all the way to Clinton where we would be able to tie into the Ohio Towpath Trail. This is all something that benefits all homeowners, all residents of Orrville. There is no downside. It is definitely going to become an asset to our community in a large way. Now we will see other groups get behind it; we will see what the City can do as well. We have the potential now to build a trail head in Orrville which brings people to our city and it also makes our city attractive to people who want to buy houses and live here. Again, I want to thank Don Noble for that. There is just not enough to say.

D. Parks and Recreation – Mr. Aspiras had no report. 16 years ago I moved into the City of Orrville from the State of Maine and three months after that some young man knocked on my door campaigning and that happened to be Dennis Landaw. That is the first time I met him. He has been my neighbor for several years. I have really enjoyed being around Dennis and working with him here. I appreciate the 16 years he has served Orrville. I wish Dennis, Nadine – his wife, and Allyson – his daughter, the best of luck.

E. Transportation – Mr. Shupp had no report. Thanked Dennis for his 16 years of service and I wish you good luck.

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F. Planning – Mr. Vance had no report, but I too would like to join my colleagues and thank Mr. Landaw for his service to the City and I wish him the best in the future.

G. Ordinance & Personnel – Ms. Leathers had no report. I will add my sentiments, as well, to Mr. Landaw. Thank you very much. It has been a pleasure serving you. On another note, before anybody else gets there, I am going to say it first. A very Merry Christmas and a happy 2010 to everyone.

Special Committee Reports: None.

Administrative Reports:

A. Mayor - Mayor Handwerk thanked Mr. Landaw for all his years on Council. I know we served on council together for a lot of years and had a lot of meetings together so I certainly appreciate your service to the City. Since we did our State of the City address already, that is all I have tonight. I wish everyone a Merry Christmas and Happy New Year.

B. Safety Service Director- Director Wheeler reported he was fortunate enough to be able to participate in the Shop with a Cop two weekends ago. We had 25 children participate in the program and I just want to personally thank Josh Hunt for all his efforts to make that program possible. Chief Carrozza and all the volunteers, but also the little ones that gave their time. It really reminded me of the reason for the Christmas season. I want to thank everyone involved, not only to Josh, but all those that gave their money to make that possible. Also, just a reminder of the Christmas tree pickup schedule; we will begin picking up Christmas trees Monday, December 28th, and continue through Friday, January 8th. Please place your trees in the tree lawn and please remove all decorations and they should not be placed in any kind of plastic bags as they will be composted. Another reminder that J&J will assume solid waste responsibilities January 7th and 8th. South of High Street and including High Street will be picked up on Thursdays at that point and North of High Street will be picked up on Fridays. Your recycle bins should be out, whether or not there are recyclable in them the last pick up of this month which is December 31st. At that time Waste Management will pick up those recycle bins. If you are interested in separate containers provided by J&J, other than the recyclable, you can contact them and they will set you up on a program for a fee. I would also like to thank Mr. Landaw not only for his years of service, but also for all his help over the past year. Also, a special thank you to everyone and a safe Merry Christmas and Happy New Year.

C. Utilities Director – Director Brediger reported a few dates for Council to put on their calendar. There will not be a Utility Board meeting on December 28th. The Utility Board met for the last time last Monday night. On January 11th we will hold the second workshop with the Utility Board and this group to discuss the AMP hydro-based project participation. That will follow the Utility Board meeting at approximately 7:00 p.m. The last date is January 19th. This is AMP-Ohio and the Ohio Municipal Association's Legislative Day in Columbus. If you can attend this event, I would say this is one of those must attend. We have a number of legislative issues brewing at the statehouse that is going to have an impact on all of our customers and taxpayers next year and years to come. That program usually starts around noon, followed by an afternoon of legislative updates, then we have a few legislators come in from the House and the Senate to speak to us. Following those updates there is a reception where we can spend some quality time with our State elected officials. That is a good chance if you have not met with any of our State officials to meet with them personally. It is a great opportunity to have some one-on-one time and discuss some specific issues with them. There will be some more information, but that is January 19th and we will arrange to get you down to Columbus on that. The last note is what has already been echoed this evening. On behalf of the Board and the Utilities office, Dennis I do thank you for your years of service and your contributions and tough decisions you have helped that board make over the past years.

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D. Finance Director – Director Strimlan reported the Fund Balance Report for the period ending November 30, 2009 was distributed prior to tonight’s meeting. I would just ask for a motion to approve that report subject to audit.

Miller moved and Landaw seconded. Roll call vote. Ayes all. Motion carried.

I will speak to my other legislation as it comes up, but I would like to echo everyone’s comments; I have enjoyed working with you, Mr. Landaw. Thank you for your service. I would also like to wish everyone a Merry Christmas.

E. Law Director - Director Lutz echoed the same thing. It was nice working with you Dennis and Merry Christmas to everyone. I don’t have any report other than I will be asking for a motion to amend Ordinance T-09 under new business. We have incorrect rates in there. I will ask for that motion when we get there.

F. President of Council – President Baker – Dennis, the first time I met you was quite some time ago. It was when Volvo still had a plant here in town and we worked together there. Over the years I have come to know you fairly well and we really appreciate the 16 years that you have spent on Orrville City Council. I hope you have good luck in the future and that whatever you do brings happiness to you. One other thing, everyone has said Merry Christmas and Merry Christmas we use to celebrate the birth of Christ, but this past weekend – maybe a little bit early and he is definitely not Christ, but I have a new grandson and my son is very happy because he already had two daughters and now he is not alone as the lone male in his house. At least there is another one although he cannot talk yet. For people who are walking or jogging for exercise, most of the areas of our town now have sidewalks. If you would please use those. It is rather dangerous when you decide to run in the streets and I can understand how that might be if your neighborhood doesn’t happen to have sidewalks, but I have seen more and more people who even though the sidewalks are there still like to run in the streets and this past week I had a person complain to me that they almost ran over one of those joggers. I don’t care how healthy you are, if you have an incident with a vehicle you will be the one to lose, not that vehicle. So use our sidewalks. We have them there for a purpose.

Old Business:

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

Strimlan: This is the third reading for temporary appropriations. I believe all the questions have been answered. This gives us the ability to expend funds the first few months of the year until final appropriations are complete at the end of March.

Leathers moved and Miller seconded that Resolution 40-09 be adopted as read. Roll call vote. Ayes all. Motion carried.

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

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 P-09 be adopted as read. Roll call vote. Ayes all. Motion carried.

ORDINANCE Q-09

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

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 Q-09 be adopted as read. 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 second reading. Roll call vote. Ayes all. Motion carried.

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 R-09 be adopted as read. 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 second reading. Roll call vote. Ayes all. Motion carried.

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 43-09 be adopted as amended. Roll call vote. Ayes all, except Shupp. Motion carried.

RESOLUTION 44-09

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

Shupp: I didn't know if the rest of Council understood on page 2 of this ordinance, this is not only for the union contract, but this is for all employees of the City. The same pay raises affect all of them. I didn't realize it at the last Council meeting, but I was wondering if everyone else knew it, but it doesn't state it in the title page here that it is for all employees. I just wanted the community to know that.

Aspiras: Mr. Wheeler, this piece of legislation – just as the prior – is good for three years.

Wheeler: That is a three year contract and as Ms. Strimlan mentioned before, we did budget 3% in this current, 2010, fiscal year. So there will be some savings from the 1.75 in the upcoming fiscal year.

Shupp: I also would like to mention that Mrs. Strimlan provided me with some other figures on the breakdown of the tax supported payroll. I don't know if the rest of you had these or not, but by the end of the third year this will increase our outlay by \$235,000 a year. That is a pretty substantial increase. We have to come up with that money somewhere and if we could possibly create about 750 new jobs by that time, paying \$30,000 a year, it would cover it, but that is going to be a tough thing to do.

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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 Resolution 44-09 be adopted as read. Roll call vote. Ayes all, except Shupp. Motion carried.

New Business:

ORDINANCE T-09

Lutz: I would ask that a motion be made to amend Ordinance T-09 by deleting the references to \$11.78 and \$10.88 and substituting \$12.18 and \$11.28 respectively.

Leathers moved and Aspiras seconded to amend Ordinance T-09 as requested by Mr. Lutz. Roll call vote. Ayes all. Motion carried.

Leathers moved and Landaw seconded that Ordinance T-09, an ordinance amending Section 931.07 of Chapter 931 of the Codified Ordinances of the City of Orrville, Ohio, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Wheeler: This reflects the savings that will be incurred as a result of changing to J&J. The savings per resident is about \$1.14 per month. Seniors will experience about \$1.54. There is a slight cushion in there, if you will, from what J&J is charging us in order to protect ourselves in case there is a fuel surcharge. What we will do is analyze those annually and we will reflect that rate accordingly depending on the fuel costs at that time. So there may be some potential to charge less than what we are incurring from J&J in the future. At this point they are ready to go and we just want to make the changes so our citizens can experience that reduced rate effective the first of the year.

Aspiras: Mr. Wheeler, the memo you passed out that compared the rates and by the way this was a good job – the amended rates that we just voted on that Mr. Lutz alluded to, there is a slight difference. Is that in reflection to the credit we get from the solid waste district.

Wheeler: Actually what you are seeing there is a slight increase from what J&J is charging us. They are actually charging us \$11.93 and there is a slight cushion in there of \$.25 for each resident in case we do incur a fuel surcharge to protect us and like I said we will analyze that annually and adjust accordingly.

Aspiras: So none of this rate here reflects the credit we get from the solid waste joint district?

Wheeler: That is correct. The solid waste district does some stuff for us on the recycling side, as far as grants and things along that line, but not any credit. So most of what we see back is in grant form.

Leathers: They changed their formula with that. When we used to get an ordinance, we used to have the rate and then a separate rate for with the solid waste grant included, but didn't they change their formula or something so we don't get it that way anymore?

Wheeler: That is correct.

Landaw: Will this \$.25 fuel surcharge be held?

Wheeler: Yes. We have a separate account for our solid waste collection. It will be in there and as that increases or decreases then we will adjust the rate accordingly.

Landaw: So the City potentially could make money off this.

Wheeler: We are not in the business of making money off the solid waste. This is actually just a pass through. If there were savings and as a result there is some money in that account what we will do is adjust the rates down to give the break back and use those monies. We are not there to make any money off it.

Aspiras: And that would come up to Council?

Wheeler: Absolutely. Any rates increase or decrease for solid waste comes to Council.

Vance: Mr. Wheeler, is it defined anywhere what the age is for senior citizen?

Wheeler: It is defined as 65 years of age or older and that is in Section P of that Code.

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

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RESOLUTION 47-09

Leathers moved and Landaw seconded that Resolution 47-09, a resolution authorizing the Safety-Service Director to enter into a contract and/or contracts for engineering services for the following 2010 OPWC city paving projects: resurfacing of Apple Blossom Lane, Harding Avenue, Linden Avenue, Lynn Drive, Sunrise Circle, and Washington Boulevard, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Wheeler: We have received preliminary word that we are in line to receive the OPWC funds in order to pave these particular streets mentioned. We would like to get started on the engineering side in order to be ready when those funds are released to us and this would simply allow us to do that utilizing the engineer that we typically used on these projects.

Shupp: That is a 50% matching fund on that grant.

Wheeler: Right. It is a \$170,000 grant with \$170,000 in funds coming from the City's side.

Leathers moved and Landaw 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 47-09 be adopted as read. Roll call vote. Ayes all. Motion carried

RESOLUTION 48-09

Leathers moved and Landaw seconded that Resolution 48-09, 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, 2009, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Strimlan: I sent a memo to Council outlining this amendment. This is due to a modification of our deposit policy in the utilities which allows for return of the deposit after three years of timely payments. We did not anticipate this policy change when we prepared appropriations so this amendment is necessary now.

Leathers moved and Miller 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 48-09 be adopted as read. Roll call vote. Ayes all. Motion carried

RESOLUTION 49-09

Leathers moved and Landaw seconded that Resolution 49-09, a resolution authorizing the Board of Control to enter into an agreement and/or agreements with the State Auditor's office to prepare the annual audit for fiscal year ending December 31, 2009, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Strimlan: I also outlined this resolution in my memo. This allows for us to enter into an agreement with the State of Ohio for the annual audit and it does not need to be passed on first reading.

Leathers moved and Landaw 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 49-09 be adopted as read. Roll call vote. Ayes all. Motion carried

Good of the Order:

Miller: On behalf of Orrville Community Theater I would just like to thank the Orrville community for coming out and supporting the Christmas production, Buddy the Elf, this past weekend. We had record crowds. It was great and that says a lot for the Orrville community and their appreciation for the theater arts. Again, thank you and watch for our spring production.

Landaw: I thank Administration and Council members and others for their kind words. It has been an honor and a privilege to serve on the City Council. It has been a joy. Three administrations and I have met a lot of folks around this community and I encourage folks to come and speak to this

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Council and this Administration. I feel in the years I have been involved it is when we have gotten together we often went from clear opposite directions when we have gotten the most done in this community. So I encourage the citizens to speak up. You have a voice. Again, thanks to everybody for the opportunity to serve.

Aspiras: (played his Christmas music tie)

Handwerk: I would like to just say that if there are any citizens out there that have any particular indigestion over the ordinances with our police contract or UCW contract to please, instead of sitting at the coffee shops and grumbling, please call Mr. Phil McFarren, Steve Wheeler, Jeff Brediger, Janet Strimlan, Dan Lutz, or myself and arrange a time to come down and talk about it. That would certainly make a big difference I think for everyone.

Leathers moved and Aspiras seconded that the council meeting be adjourned. Ayes all. Motion carried. Council was adjourned at 8:10p.m.

Tamra Peppard, Clerk of Council

Date

Lyle Baker, President of Council