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April 1, 2013

Council President Baker called the regular meeting to order.

Dave Barber of the Orrville Baptist Church offered the prayer. The Pledge was recited by all.

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

Aspiras moved that the minutes of the March 18, 2013, regular meeting be accepted as documented. Vance seconded. Roll call vote. All yeas. Motion carried.

Vance moved that the minutes of the March 25, 2013, special meeting be accepted as documented. Miller seconded. Roll call vote. All yeas. Motion carried.

Public Comment: None.

Standing Committee Reports:

- A. Finance – Mr. Miller: Thank you, Mr. President. No report.
- B. Utilities – Mr. Vance: Thank you, Mr. President. Other than feeling the need to adopt a resolution to end the winter, I have no report.
- C. Health & Safety – Mr. Corfman: Thank you, Mr. President. Actually the weather goes under Health and Safety but we'll still hold that off. I have no report.
- D. Parks and Recreation – Mr. Aspiras: Thank you, Mr. President. As soon as Mr. Vance and Mr. Corfman figure out the weather, let me know and we'll open up the parks. Right now not much happening in the Parks and Recs. Thanks. That's all I have.
- E. Transportation – Mr. Shupp: Thank you, Mr. President. I have no report and no other comments.
- F. Planning – Mr. Hamsher: Thank you, Mr. President. No report, sir.
- G. Ordinance & Personnel – Ms. Leathers: Thank you, Mr. President. Ordinance and Personnel has no report this evening however I would request, actually I will move that we go into Executive Session after tonight's new business to discuss personnel matters, please. Hamsher seconded. Roll call vote. All yeas. Motion carried.

Special Committee Reports: None.

Administrative Reports:

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A. Mayor Handwerk: Yes, thank you, Mr. President. I would like to mention that Ken Lott is our April employee of the month and he is from the Wastewater division of our Utilities. Ken began working with the Wastewater division in 2009 after working at the Akron Wastewater Plant for 30 years. Ken is a supervisor at the wastewater plant and responsible for overseeing day-to-day operations. Ken's easy going personality makes him a pleasure to work with says Bob Auten, the superintendent down there. His many years of experience make him a very valuable part of the wastewater team. Ken is a Class IV Wastewater Operator and a proud grandfather. We will be eating lunch tomorrow, I'm not sure where yet. March 19th I had the privilege of again working with the Meals on Wheels program, the Mayor's for Meals that they do every year. I just want to mention that the volunteers that do that daily are an amazing bunch of people. I've worked with probably 3 or 4 different ones over the last few years and they're a great bunch of people. Their just volunteering their time and their vehicle and driving and delivering usually 12-14 meals everyday that they work. They're pretty spread out all over Orrville and the surrounding area. We certainly appreciate them and also Mrs. Myers who does all the cooking up there for that and gets the meals prepared and ready to go. And then lastly I wanted to just mention an event coming up at the Wayne College and that is the 6th Annual University of Wayne College Regional Career Expo. That's Friday, April 12. Free and open to the public and this is an opportunity for anybody who is either looking for jobs or who is an employer who is looking for employees but they have quite a few people out there represented and different speakers and so forth. Keep that in mind, there's a long list of, well I'll just read the ones that are in here. This event is sponsored by the Wayne County Common Good organization which is a regional consortium of local service agencies in partnership with the University of Akron Wayne College. The Common Good Consortium partners include the Wayne County Economic Development Council, the Wayne-Holmes-Ashland County Departments of Jobs and Family Services, Wayne County Employment and Training Connection, The Rehabilitation Services Commission, Goodwill Industries of Wayne and Holmes County, Wayne County Veterans Outreach Services, Community Action in Wayne and Medina Counties, the Mental Health and Recovery Board of Wayne and Holmes Counties, the Wayne County Counseling Center, STEPS, Family Learning and Development Center, Your Human Resource Center of Wayne and Holmes Counties, the Bureau of Vocational Rehabilitation, Wayne County Schools Career Center, OSU ATI, and the HOPE Foundation, Mature Services, the Wayne Metropolitan Housing Authority and the University of Akron Wayne College. So lots of people represented out there. And again a good opportunity for anybody that wishes to go to that.

B. Safety Service Director Wheeler: Thank you, Mr. President. We continue to use the Dura Patcher for pot holes. We are focused on Crown Hill this week. Please feel free to call the Service Department at 330-684-5060 to report any pot holes that we may have missed. As was mentioned earlier our Service Department is hoping to be able to start prepping ball fields this week. If the weather starts to cooperate we'll get that done as well. And the week of April 15, the Service Department will be planting 42 trees. Some of these will be at the cemetery and Orr Park and replace some that have been removed. Others will be in the devil strip. Affected property owners that are going to have new trees in the devil strip have been notified. Also the Fire Department will be doing some training on houses on Orr and East High in the next few weeks before these houses are demolished. So folks may run into some delays in the evenings get through this area. We appreciate your patience. And that's my report for this evening.

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Vance: Have you had anybody mention the condition of South Main Street? We've done a lot of work with Dura Patching there. A few folks have mentioned it to me that it seems to have accumulated. Any thoughts on that?

Wheeler: Yes, we're going to have to back in and do some additional base repair. That's an area that over the last few years, historically, has been an issue. So we'll have to get back in there and do that and hope to do that this year yet. The dura patching in that area is truly a temporary fix.

C. Utilities Director Brediger: Thank you, Mr. President. Nothing on the Utilities front tonight. I will be presenting the Utilities Annual Report at the next City Council meeting though however. I will have a few comments concerning Resolution 12-13 later on tonight.

D. Finance Director Strimlan: Thank you, Mr. President. I too will have some comments on Resolution 12-13 when we come to it on the agenda. Prior to tonight's meeting I did distribute the quarterly investment report for the first quarter of 2013. This does not require a motion from Council however, I would like the minutes to reflect that has been distributed to Council.

E. Law Director Kirkbride: Excused.

F. Council President Baker: For my report I have one thing, that is to thank Mayor Handwerk for last Wednesday, there was a Vietnam Veteran's Welcome Home. That may have been a little bit late but those of us that came home did not always get a good welcome when that thing happened. So thank you very much.

Old Business:

Leathers moved that Resolution 9-13 be place on second reading. Corfman seconded. Roll call vote. All yeas. Motion carried. **RESOLUTION 9-13**, A RESOLUTION AUTHORIZING THE DIRECTOR OF SAFETY AND SERVICE TO ENTER INTO A CONTRACT TO PROVIDE FOR TAX ABATEMENT FOR REAL PROPERTY FOR PERICLES HOLDINGS, LLC AND SD ORRVILLE, LLC AND DECLARING AN EMERGENCY.

Baker: Anyone have any comments? I see none.

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

Leathers moved that Resolution 9-13 be adopted as read. Corfman seconded. Roll call vote. All yeas. Motion carried.

Leathers: That concludes tonight's old business, sir.

New Business:

Leathers moved that Resolution 10-13 be place on first reading. Vance seconded. Roll call vote. All yeas. Motion carried. **RESOLUTION 10-13**, A RESOLUTION AUTHORIZING THE CITY OF ORRVILLE, OHIO TO PICK UP THE STATUTORILY REQUIRED CONTRIBUTION TO THE POLICE AND FIRE PENSION FUND OF OHIO FOR THE ELIGIBLE EMPLOYEES OF THE CITY OF ORRVILLE POLICE DEPARTMENT, AND REPEALING ALL LEGISLATION INCONSISTENT HEREWITH.

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Phil McFarren, HR Manager: Thank you, Mr. President. I would like to note that this pick up simply allows the City to deduct the employees' contributions that are sent to the Ohio Police and Fire Fund pre-tax. This is not a pickup of their wages or of that contribution. This is just a required piece of legislation by the Ohio Police and Fire Fund that allows us to do it prior to taxes coming out.

Leathers: Is this just a routine ordinance or is this part of the whole package?

McFarren: No, this is routine as required by the fund.

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

Leathers moved that Resolution 10-13 be adopted as read. Vance seconded. Roll call vote. All yeas. Motion carried.

Leathers moved that Resolution 11-13 be place on first reading. Aspiras seconded. Roll call vote. All yeas. Motion carried. **RESOLUTION 11-13**, A RESOLUTION AUTHORIZING THE CITY OF ORRVILLE, OHIO TO PICK UP THE STATUTORILY REQUIRED CONTRIBUTION TO THE POLICE AND FIRE PENSION FUND OF OHIO FOR THE ELIGIBLE EMPLOYEES OF THE CITY OF ORRVILLE FIRE DEPARTMENT, AND REPEALING ALL LEGISLATION INCONSISTENT HEREWITH.

Baker: This has the same reasons as the previous?

McFarren: Yes, that is correct.

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

Leathers moved that Resolution 11-13 be adopted as read. Corfman seconded. Roll call vote. All yeas. Motion carried.

Leathers moved that Resolution 12-13 be place on first reading. Miller seconded. Roll call vote. All yeas. Motion carried. **RESOLUTION 12-13**, A RESOLUTION BY THE CITY OF ORRVILLE, OHIO IN SUPPORT OF TAX-EXEMPT MUNICIPAL BONDS.

Strimlan: Mr. Aspiras touched on this briefly at our last Council meeting after our trip to Washington. I just want to give you a little bit of history on this. As you know tax exempt bonds are the basic tool used by States and cities, counties, school districts and other government entities to fund public purpose projects necessary to provide needed infrastructure and services as well as most public power projects. Municipal bonds have been exempt from Federal taxation since 1913. Every year, on the average, public power utilities make about \$15 billion in new investments that are financed primarily with municipal bonds for everything from power generation to distribution, transmission and emission controls. The ability of these governmental entities to issue tax exempt bonds so that they're attractive to investors is essential to providing savings for the utility customers. Despite that enormous benefit that they provide, tax exempt financing is now under the budgetary microscope. Pressure to reduce the Federal budget deficit has resulted in an on-going review by Congress and the administration of all Federal tax programs and spending programs including tax-exempt financing. Fortunately no changes were made to the tax-exempt financing to avoid the fiscal cliff at the end of the year but Congress, with the new threats that are arising with the efforts to implement mandatory spending cuts or the sequestration, as well as to address the debt limit or possibly as part of the major tax reforms potentially coming down the road in 2013, they're taking a look at these again. Any reductions in the availability of tax-exempt financing to

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municipal governments or increases to the costs of issuing tax-exempt bonds would impose further significant injury to local governments. It could delay or cancel projects which could stall the needed economic development for our communities. Ultimately, in our community, the loss of tax-exempt financing could increase pressure on some municipalities to try and raise taxes or utility rates which if they are too high, as you know, can discourage home ownership, business retention and private investments in our communities. We've already begun to see the impacts of the sequestration. For those of you who don't know, from 2008 to 2012 AMP accessed this bond market for more than \$4.97 billion to support generation project developments. Of that amount, \$685 million was through Build America bonds which qualified AMP to receive about \$465 million in incentive payments from the Treasury over the terms of the bond. With the sequestration, those incentive payments have now been reduced by \$6.5 million per year. So essentially the debt service now will increase annually by that amount and so basically what that means for us is, the member's project shares will also increase proportionately by that same amount. That cost ultimately is going to be passed down to our utility customers. So what we're asking Council to do is let Congress know our feelings. Their expected to resume consideration of this issue when they return from Easter break on April 8. We'd encourage you to adopt this resolution, not necessarily tonight, but as soon as possible so that we can send it to the administration and also to the Congress of the United States urging them to reject any efforts to tax the interest on municipal bonds or otherwise alter the Federal tax treatment or the fundamental structure of municipal bonds that's in place today.

Brediger: You pretty much said it all. I did pass out a sample cover letter that will accompany this resolution assuming Council does adopt this resolution tonight. This resolution will also be going to the Utility Board next Monday night. As Ms. Strimlan mentioned, Congress does come back from their break on April 8 and they do plan on resuming talks with respect to this subject matter. And it does have some serious threats to us, again not only just for the Utility financed projects but also the City and the pending projects that we're currently staring at as a result of some recent EPA rule making. This is a major fundamental financing tool that municipalities and other state and local governments have been using for almost a century. To the extent we don't receive tax credits from the IRS, this is one of those tools that has been out there for nearly a decade that kind of levels that playing field and enabled us to do a lot of good work around our community. I would urge your support of this resolution

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

Leathers moved that Resolution 12-13 be adopted as read. Miller seconded. Roll call vote. All yeas. Motion carried.

Leathers moved that Resolution 13-13 be place on first reading. Vance seconded. Roll call vote. All yeas. Motion carried. **RESOLUTION 13-13**, 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 INCONSISTENT HEREWITH, AND DECLARING AN EMERGENCY.

Leathers: As just as a note we do have a typographical error in this piece of legislation. In section 3 the first line reads that effective January 1, 2012. It should read effective January 1, 2015.

Baker: That change will be made without an amendment?

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Leathers: As Mr. Krupp would have called it in the past, it is a Scribner's error. And I believe this will go for second reading at the next meeting.

Leathers moved that Resolution 14-13 be place on first reading. Corfman seconded. Roll call vote. All yeas. Motion carried. **RESOLUTION 14-13**, 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.

Baker: No questions or comments for this one? That will need to go again too?

Leathers: Yes.

Leathers moved that Ordinance G-13 be place on first reading. Miller seconded. Roll call vote. All yeas. Motion carried. **ORDINANCE G-13**, 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.

Baker: This one also will go to second reading.

Leathers moved that Ordinance H-13 be place on first reading. Corfman seconded. Roll call vote. All yeas. Motion carried. **ORDINANCE H-13**, AN ORDINANCE AMENDING SECTION 151.03 OF THE CODIFIED ORDINANCES OF THE CITY OF ORRVILLE, OHIO, RELATING EMPLOYEE LEAVE, AND DECLARING AN EMERGENCY.

Baker: This one also will move on to second reading.

Leathers moved that Ordinance I-13 be place on first reading. Corfman seconded. Roll call vote. All yeas. Motion carried. **ORDINANCE I-13**, 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.

Baker: Thank you and this one also will move on.

Leathers moved that Ordinance J-13 be place on first reading. Aspiras seconded. Roll call vote. All yeas. Motion carried. **ORDINANCE J-13**, AN ORDINANCE AMENDING SECTION 151.16 OF THE CODIFIED ORDINANCES OF THE CITY OF ORRVILLE, OHIO, REGARDING LEAVE DONATION, REPEALING ALL LEGISLATION INCONSISTENT HEREWITH, AND DECLARING AN EMERGENCY.

Baker: Thank you. This one also will go to second reading.

Leathers moved that Ordinance K-13 be place on first reading. Corfman seconded. Roll call vote. All yeas. Motion carried. **ORDINANCE K-13**, AN ORDINANCE AUTHORIZING THE EXPENDITURES OF CERTAIN FUNDS TO IMPLEMENT THE CONTRACT BETWEEN THE CITY OF ORRVILLE AND THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION, AND DECLARING AN EMERGENCY.

Baker: This one also will go to second reading.

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Leathers moved that Ordinance L-13 be place on first reading. Hamsher seconded. Roll call vote. All yeas. Motion carried. **ORDINANCE L-13, AN ORDINANCE AUTHORIZING THE EXPENDITURES OF CERTAIN FUNDS TO IMPLEMENT THE CONTRACT BETWEEN THE CITY OF ORRVILLE AND THE UNITED CITY WORKERS, AND DECLARING AN EMERGENCY.**

Baker: And this one also will go to second reading.

Leathers: And that, sir, concludes my very lengthy new business report.

Baker: We will now have an executive session. We'll need someone to make a motion for that.

Leathers moved to go into Executive Session. Corfman seconded. Roll call vote. All yeas. Motion carried.

Baker: Okay. We'll go to our Executive Session and for Paul, we are not planning on any further legislation after that meeting.

Entered Executive Session at 8:05 p.m.

Hamsher moved and Corfman seconded to adjourn Executive Session. Roll call vote. Yeas all. Motion carried.

Executive Session ended at 8:50p.m.

Regular session resumed.

Corfman moved to adjourn the council meeting and Aspiras seconded. Roll call vote. Yeas all. Motion carried. Council was adjourned at 8:51 p.m.

Jeanne Gault, Clerk of Council

Date

Lyle Baker, President of Council