

Regular/Public

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Council President Baker called the regular meeting to order.

Randy Gehres of Christ United Church of Christ offered the prayer. The Pledge was recited by all.

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

Corfman moved and Aspiras seconded that the minutes of the October 7, 2013, regular meeting be approved as posted. Roll call vote. All yeas; motion carried.

**Public Comment:** None.

**Standing Committee Reports:**

A. Finance – Mr. Miller: Thank you, Mr. President. Council should have received this evening the 2014 Temporary Appropriations calendar with your materials and you'll find that all the dates are comparable to what we have done in the past. This obviously allows us to spend money the first few months of 2014 and is just the same as the budget that we approved this past summer. It will go three readings and the first reading will be on the 18<sup>th</sup> of November. That's all I have, sir.

B. Utilities – Mr. Vance: No report.

C. Health & Safety – Mr. Corfman: Thank you, Mr. President. No report. However, I will give notice I will not be at the next meeting. I will be with Director Brediger seeing some of our AMP Ohio operations.

D. Parks and Recreation – Mr. Aspiras: No report.

E. Transportation – Mr. Shupp: Thank you, Mr. Baker. I do have a short brief report. The Transportation Committee met along with Council and Mr. Wheeler last Monday night. The subject was several intersections in town that we discussed. The first intersection was discussed was Church and Maple Street. Since the school is no longer there, there's no school crossing at the intersection any longer. So Council decided there probably no need for the 4-way stop. We made a decision to change that to a 2-way stop being on Church Street. The second intersection we discussed was Linden and Harding Avenue. This intersection was changed from a one way stop to a 3-way stop in the last year or so. Council decided after discussion to return this intersection to a one-way stop being Linden Street. The third intersection was Oak Street and Cleveland Avenue. This intersection was changed from a 2-way stop to a 4-way stop several years ago. Some members are concerned this intersection does not warrant a 4-way stop but we made no decision on Monday night on any changes at this time there. Also mentioned at the meeting was the intersection of High Street and Elm. There seems to be a problem turning onto Elm Street going south with the short distance for the no parking zone, the yellow curb area. Council decided to try and lengthen this and asked Mr. Wheeler to look into it to see if we couldn't increase a better traffic flow with that situation. And that's about it unless anybody has any questions or any other discussion on it.

F. Planning – Mr. Hamsher: No report.

G. Ordinance & Personnel – Ms. Leathers: No report.

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**Special Committee Reports:** None.

**Administrative Reports:**

A. Mayor Handwerk: Thank you, Mr. President. I would like to just remind folks that the marketing video that we took part in to make this summer is now on the City's website as of the last few weeks and also that we do have several of our businesses that paid for some advertising on there too. So you might want to check out their advertising on there, if you get a chance to look at that. Also, we have an update on the hotel possibility. The feasibility study that the City will be doing is, I won't say underway yet, but we're in the process this week of getting that started. And this will be Hospitality Consulting Group from Excelsior, Minnesota, that will actually be doing that study probably within the next few weeks and some of those folks will be in town to physically do the study, the things that they do, to see about the feasibility of the hotel here. So as we hear more information on that, we will let everyone know. And that's all I have. Thank you.

B. Safety Service Director Wheeler: Thank you, Mr. President. Leaf pick up, a reminder the leaf pick up begins November 4 and continues through November 21. Our hope is to complete the south end first and then just move on to the north side of Market. We ask everyone to have your leaves out around November 4 so we can keep moving along as we make progress and then we will do a final pass through the entire city the week of November 25. The Ella Street reconstruction project is complete. We are now awaiting the decorative lights to arrive so that we can partner with distribution on the installation of those lights and those will run down both Ella and Mineral Springs. Work on Raspberry Road continues if anyone noticed there's been a significant amount of concrete that was poured last week and the weather was beautiful and cooperative not so sure it will be this upcoming week. But work continues and we are making progress on that project. Initial work on Lakeview, Magnolia, and Primrose has also begun. Again we are hopeful that the weather will cooperate over the next month so we can get that project completed and it is of course weather dependent. Also a reminder reservations are accepted for the 2014 use of our facilities including Schmid Hall which is our most popular facility and that begins November 1<sup>st</sup>. It's a first come, first serve. We do typically have people waiting in the lobby when we open at 8 a.m. and we do take those people that have arrived in person before we answer any calls on reservations. So anyone that's interested in a particular day, I recommend you come early and wait in the lobby. That's my report for this evening.

C. Utilities Director Brediger: Thank you, Mr. President. Just a reminder that we're still enrolling residents for the natural gas aggregation program that is a one-year fixed program currently at \$4.77/mcf. That compares to prices that are currently being offered today in the upper \$5 to low \$6/mcf range. If you're currently enrolled in that program you do not have to do anything. There are other options, variable, month-to-month, quarterly. I urge you to check the Public Utility Commission of Ohio's (PUCO) website; it's their Apples-to-Apples tab for some other options. But if you're interested in a one-year fixed rate, we have the lowest rate in the state currently. If you are not enrolled and you want to enroll you can call IGS at 1-800-280-4474 or you can contact our office if you have any questions. Second and last, I just am going to request an executive session prior to adjournment to discuss a personnel matter and that concludes my report for tonight, sir.

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D. Finance Director Strimlan: Thank you, Mr. President. The week of October 7<sup>th</sup>, I attended training conducted by the American Public Power Association on electric utility cost of service, rate design, and utility financial checkups. There was a substantial amount of information I was able to bring back that we plan on utilizing in our current cost of service study and also some financial checkup information that we plan on implementing in the near future that we'll be able to distribute to you periodically. More information on the utilities, hopefully by now all of you have had a chance to visit our new online payment service we're offering for the utilities. This new service began on September 23<sup>rd</sup>, it is working very well. The link is located on the Orrville Utilities' website. It does give our customers many more options than what they've been accustomed to. Customers can now opt out of receiving paper bills and strictly go to eBills. We've had 50 customers sign up already for the eBills. Customers can also make one time payments or they can sign up for automatic payments using check, VISA, MasterCard or Discover. You can also store those multiple accounts on line for us. After you have a history established, you can access 24 months of bills on line. You can also update your contact information which we would encourage you to do if we're ever in emergency situation it makes it much easier for us to contact our customers so we would ask that everyone update their contact information. Customers who have more than one account can now pay them with just one payment rather than multiple payments. We also have APPS now for multiple payments for customers that have iPhones, or iPads, or Android devices. And so I would encourage all of you, if you haven't had an opportunity to go on line and look at that new payment service. One last item for the utilities, I know that some customers have experiences not receiving a return envelope with their utility bills. It has caused some frustration. We have been working diligently with the billing provider to resolve the issue. We do believe that the necessary job controls and quality checks have now been put in place that this does not occur in the future. We do want to apologize for any inconvenience that that may have caused our customers and again hopefully we have it resolved moving forward. As Mr. Miller indicated it is time for our Temporary Appropriations. We will be delivering those books to you prior to the Council meeting. If you have any questions, feel free to call. You'll find though, I don't believe we're going to make any changes from the 2014 budget. We are beginning all of our yearend preparations and we will be coming to you in November with some appropriation amendments for 2013. Most of them are the standard housekeeping items you're used to seeing. However there will be some that will be a little different than in years past. For instance, there's a resolution on the agenda tonight, the section of 138kv transmission line and distribution circuits will require some appropriation amendments. So you will see that and a few other items on the City side but I will outline all of those for you in a memo prior to that legislation being presented so you have an opportunity to review it prior to its presentation. But I just wanted you to be aware that those will be coming to you in a meeting in November. Lastly, prior to tonight's meeting I did distribute the Fund Balance Report for the period ending September 30<sup>th</sup> and I would ask for a motion to approve that report subject to audit. Miller so moved. Vance seconded. Roll call vote; all yeas; motion carried.

E. Law Director Kirkbride: Thank you, Mr. President. Councilman Corfman and myself attended a Sunshine Law and open meetings seminars last week in Avon and got some good information at that seminar. I am going to be providing a highlight to you as I attended as many of your designee and I'm going to provide a highlight of some of the things we discussed at that seminar so you have some good information there. Also there is a Sunshine Law book and or DVD that the attorney general's office provides if anyone has an interest in that I can obtain copies. Just let me know after the meeting or send me an email and I can take care of that for you. I have also extended an invitation to the attorney general's office that they might hold future meetings in Orrville or Wayne County. I talked to the Mayor and they've graciously offered Schmid Hall as a possible venue so we're hoping that the meetings will be

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a little bit more accessible. The Avon meeting was a little bit of a drive and that was one of the closer ones this year that was offered. I am hopeful that future meetings could be a little bit more convenient. I'm also going to be requesting a very brief executive session this evening as well to just provide you with a quick update on the litigation matter that we've discussed previously. And that's all I have.

Leathers made a motion to move into executive session at the end of tonight's New Business.

Baker: Do you want that to be for both executive sessions?

Leathers: Both the personnel matter and the litigation matter, sir.

Aspiras seconded. Roll call vote; all yeas; motion carried.

F. Council President Baker: No report.

**Old Business:** None.

**New Business:**

Leathers moved that Ordinance R-13 be place on first reading. Corfman seconded. Roll call vote; all yeas; motion carried.. **ORDINANCE NO. R-13**, AN ORDINANCE AMENDING SECTION 931.07 OF CHAPTER 931 OF THE CODIFIED ORDINANCES OF THE CITY OF ORRVILLE, OHIO, RELATING TO THE RATES FOR GARBAGE AND RUBBISH COLLECTION.

Wheeler: The Kimble Company approached us about an increase to the contract for 2014. The last increase was in 2012, over 5 years we've had two total increases of which have accounted for 64¢ total increase in our contract price over the 5 years. This proposal today would change what the City is paying to Kimble from \$12.38 to \$12.57 and then the senior rate would increase from \$11.44 to \$11.61. Now to jump into the resolution which is upcoming which actually accounts for what we are charging, what we would charge back to the residents are \$12.45 and \$11.47 for the senior. How that is created, it takes into account a 40¢ deduction as a result of our Solid Waste Grant and also increases it 2.25% to account for the fuel surcharge which is about the average rate we've seen over the last two year. And that's how we came up with those numbers. And believe it or not we are still 47¢ below what the contract was, the old contract with the prior provider, which ended in 2009.

Vance: Just a reminder to our residents how important it is to participate in our recycling program because of the grant we get from the amount that we send to the recycle. We got a very reasonable rate increase here as you mentioned the history of the past 5 years. How about the quality of service that we're getting, how would you describe that?

Wheeler: They've been good. I think they have been as good as prior providers. I will be the first to tell you they are not perfect and I haven't ran into a trash provider that is. Every so often they will miss a house or a recycle but they are very good in response in regards to coming back and getting those including on days when they're not even in town, they'll come and make a special trip to pick up what they missed. They are very responsive and been very good to work with.

Aspiras: I just wanted to add the comment too that when we signed up with Kimble/J and J, part of that contract was the CPI index. And this is resulting of that. So it's really no surprise as long as we follow that CPI index.

Wheeler: That's correct and they did agree to freeze it from 2012 to 2013 when they could have approached us for an additional increase but did agree to freeze it for the first year of the two year extension period. After this 2014 year, around this time next year, we'll be going back out for bids for a three year contract and so we'll be fair game out in the open market and hopefully be able to get a competitive bid.

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Miller: Do we know what some of our neighboring cities are paying?

Wheeler: Absolutely I pulled that up knowing that that was a question that I think you had specifically asked last time.

Miller: Am I that predictable?

Wheeler: No, that's a legitimate question to ask in regards to whether or not we're competitive. We are still second of the neighboring communities. Third if you were to include Wadsworth which actually allows you, we're lower than Wadsworth unless you get an exemption from Wadsworth service director which allows you to use a 64 gallon rather than a 96 gallon. So it's a little complicated in regards to, I honestly don't know how many are actually getting the exemption with the 64 gallon. With that being said, a normal 96 gallon or less than that we would be second in regards to the senior rate as well. Rittman is lower and they just did a contract a few years ago and got competitive bid, though they do have a different fuel surcharge rate, so it's hard to compare apples to apples in that regards.

Miller: What is their rate?

Wheeler: Their rate is \$11.50 and \$10.50 and then plus the surcharge.

Miller: Plus the surcharge. Okay. Thank you.

Shupp: There was some discussion last year about Kimble switching over to CNG gas. Have they accomplished that with any of their fleet yet?

Wheeler: They actually had, yes. They're one of the, are a consistent user of the CNG station that Smith Dairy has provided out to retail for open market. So they are definitely one of the users and their CNG vehicles are here weekly.

Shupp: So they're buying fuel here in town too then.

Wheeler: Correct. Good point.

Shupp: Thank you.

Vance: I know some communities every resident gets their own large trash, wheeled trash container. Smithville's new, I think Smithville has Kimble, they all got new dumpsters. Has that ever been discussed here? Is there an additional charge?

Wheeler: I believe those are available and we allow you to work directly with Kimble on that rather than be the go between. Those are available from Kimble as well.

Vance: My guess would be those residents pay Kimble directly for their trash service.

Wheeler: Yes, and I think they have the option of a monthly rate, I believe they just charge them for the container at that point it's almost like a rental. And they have the option of either paying the lump sum or paying monthly. I'm not aware of anyone taking advantage of that. We've had a few calls on that and have directed them over to Kimble.

Leathers moved that the rules, regulations, and statutes requiring the reading of an ordinance on three separate days be suspended. Corfman seconded. Roll call vote; all yeas; motion carried.

Leathers moved that Ordinance R-13 be adopted as read. Corfman seconded. Roll call vote; all yeas; motion carried.

Leathers moved that Resolution 40-13 be place on first reading. Aspiras seconded. Roll call vote; all yeas; motion carried. **RESOLUTION NO. 40-13**, A RESOLUTION AUTHORIZING THE AMENDMENT OF A CERTAIN AGREEMENT WITH KIMBLE COMPANIES FOR TRASH AND RECYCLING PICKUP IN THE CITY OF ORRVILLE, OHIO, BY INCREASING THE RATE CHARGED.

Baker: This is the resolution that is related to the previous ordinance. Anyone have any questions?

Leathers moved that the rules, regulations, and statutes requiring the reading of a resolution on three separate days be suspended. Aspiras seconded. Roll call vote; all yeas; motion carried.

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Leathers moved that Resolution 40-13 be adopted as read. Corfman seconded. Roll call vote; all yeas; motion carried.

Leathers moved that Resolution 41-13 be place on first reading. Corfman seconded. Roll call vote; all yeas; motion carried. **RESOLUTION NO. 41-13**, A RESOLUTION AUTHORIZING THE BOARD OF CONTROL TO ENTER INTO A PURCHASE CONTRACT AND/OR CONTRACTS TO MEET THE REQUIREMENTS OF THE CITY OF ORRVILLE, OHIO, FOR CALENDAR YEAR 2014, FOR THE FOLLOWING MATERIALS AND SERVICES: LIQUID INSECTICIDE FOR MOSQUITO CONTROL; SERVICES, SUPPLIES AND MACHINERY NEEDED TO CHIP AND SEAL ROADWAYS, ALLEYS AND/OR CITY-OWNED PARKING LOTS AND DRIVEWAYS; TRAFFIC PAINT SERVICES; AND CRACK SEALING SERVICES.

Wheeler: I refer to these as housekeeping resolutions. These are resolutions we do annually around this time just allowing us to either go out for bid or enter into contracts in these respective services in 2014. We're already getting ready for the 2014 calendar year.

Shupp: Mr. Wheeler, do you have any idea off the top of your head how much mosquito disbursement we used last year?

Wheeler: \$14,000 worth.

Shupp: Do you know how many gallons that is?

Wheeler: I don't know the gallons off hand. We actually had some that we had used from the prior year as well. I can provide that to Council though. Last year was a tough year mosquito year to be honest with you. It was a wet year. It was a battle to say the least.

Shupp: Thank you.

Leathers moved that the rules, regulations, and statutes requiring a reading of a resolution on three separate days be suspended. Shupp seconded. Roll call vote; all yeas; motion carried.

Leathers moved that Resolution 41-13 be adopted as read. Vance seconded. Roll call vote; all yeas; motion carried.

Leathers moved that Resolution 42-13 be place on first reading. Aspiras seconded. Roll call vote; all yeas; motion carried. **RESOLUTION NO. 42-13**, A RESOLUTION AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ENTER INTO A PURCHASE CONTRACT AND/OR CONTRACTS FOR THE PURCHASE OF THE FOLLOWING MATERIALS AND SERVICES TO MEET THE REQUIREMENTS OF THE CITY OF ORRVILLE, OHIO, FOR CALENDAR YEAR 2014: PURCHASE OF GASOLINE AND DIESEL FUEL; PURCHASE OF MEDIUM CURING ASPHALT, ASPHALTIC CONCRETE AND ASPHALT EMULSIONS; CONCRETE; GENERAL MISCELLANEOUS ENGINEERING AND ARCHITECTURAL SERVICES; POLICE PROFESSIONAL LIABILITY INSURANCE; AND PUBLIC OFFICIALS LIABILITY INSURANCE (WITH RIDERS FOR EMPLOYMENT PRACTICES LIABILITY, EXTENDED EMPLOYMENT PRACTICES LIABILITY).

Wheeler: This is part two of the housekeeping resolutions that we do annually. Typically these two are presented at the same time and just allows us to go out for bid or contracts on these respective services for 2014.

Leathers moved that the rules, regulations, and statutes requiring a reading of a resolution on three separate days be suspended. Shupp seconded. Roll call vote; all yeas; motion carried.

Leathers moved that Resolution 42-13 be adopted as read. Corfman seconded. Roll call vote; all yeas; motion carried.

Leathers moved that Resolution 43-13 be place on first reading. Shupp seconded. Roll call vote; all yeas; motion carried. **RESOLUTION NO. 43-13**, A RESOLUTION AUTHORIZING THE PUBLIC UTILITIES BOARD TO ENTER INTO A CONTRACT AND/OR CONTRACTS, WITHOUT BIDDING FOR ENGINEERING, LABOR AND

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MATERIALS FOR THE RELOCATION OF A SECTION OF 138KV TRANSMISSION LINE AND DISTRIBUTION CIRCUITS, AND DECLARING AN EMERGENCY.

Brediger: I did send Council a memo last week with a few details concerning this project. To recap that, basically the J. M. Smucker Company has asked us to relocate a section of our high voltage transmission line in order to provide a little bit more buffer space for them and to allow for some future expansion. Since this project has no benefit to the Utilities, the J. M. Smucker Company has agreed to reimburse us for all costs associated with this project. They have also asked that we try to move up the speed and the time frame for which this project is also being considered. Basically this line is located between their Main Street building and the new Raspberry Road. This line will be relocated to the north of Raspberry Road parallel to some existing distribution circuits that connect the generating plant to the substation that is also located on Smucker's property. Other than that I'll entertain any other questions that you may have.

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

Leathers moved that Resolution 43-13 be adopted as read. Corfman seconded. Roll call vote; all yeas; motion carried.

Leathers moved that Resolution 44-13 be place on first reading. Aspiras seconded. Roll call vote; all yeas; motion carried. **RESOLUTION NO. 44-13**, A RESOLUTION AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO AMEND A CONTRACT AND/OR CONTRACTS TO PROVIDE FOR A JOB CREATION INCOME TAX CREDIT FOR THE J.M. SMUCKER COMPANY AND ITS SUBSIDIARIES, AND DECLARING AN EMERGENCY.

Baker: Mr. Wheeler. We also have representatives from the Smucker Company this evening.

Wheeler: Thank you, Mr. President. Correct and I'll introduce them at the end here. Tonight we have the Job Creation Tax Credit. Any time we have a job creation agreement it's exciting in regards to the opportunity for a local industry to thrive and grow and expand. This agreement on the agenda is actually an amendment to the Job Creation Tax Credit from 2009 with the J. M. Smucker Company which was approved in early '09. They approached us shortly thereafter about amending the agreement to reflect recent acquisitions particularly the acquisition of the Sara Lee Company. Around this time the Ohio Department of Development in coordination with the new governor was working on completely modifying their Job Creation Tax Credit agreement language. So we have been waiting on the Ohio Department of Development to finalize those changes. So now two years later we bring the new agreement to you with the changes that the State incorporated. The updated changes to the agreement are a change from 115 jobs to 300 jobs; an increase in payroll from \$8,263,160 to \$14,900,000. And this is a 25% credit for a period of 15 years. And the J.M. Smucker Company also agrees to stay in business in the City of Orrville for one additional year for every year of the agreement or a total of 30 years which is standard language in these agreements. Maribeth Burns, Vice President of Corporate Communications and Aaron Broholm, the Director of State and Local Taxes are both here from the J. M. Smucker Company to answer any questions you might have specific to them. And I'd be glad to answer any questions as well in relation to the agreement.

Corfman: Unlike an abatement or anything similar this is not the school's money we're talking. This is our money. This is the City putting its money where its mouth is and we're the ones standing behind the job creation here.

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

Leathers moved that Resolution 44-13 be adopted as read. Vance seconded. Roll call vote; all yeas; motion carried.

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

**Good of the Order:** None

Baker: We had a motion earlier to go into executive session. We have no plans to conduct further business after that executive session so I would ask that everyone else please exit and thank you for coming to our meeting this evening. We've had a productive night and we will continue. 8:05pm.

Motion to adjourn executive session by Hamsher. Seconded by Aspiras. Roll call vote; all yeas; motion carried.

Regular session resumed.

Hamsher moved to adjourn the council meeting and Aspiras seconded. Roll call vote. Yeas all. Motion carried. Council was adjourned at 10:12 p.m.

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Jeanne Gault, Clerk of Council

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Date

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Lyle Baker, President of Council