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Council President Baker called the meeting to order.

David Hargrave, Associate Pastor at Salem Mennonite Church, offered the prayer. The Pledge was recited.

Roll call: Shupp, Wilson, Vance, Hamsher, Aspiras, Corfman and Lorson were present.

Lorson noted there was an error in the recitation of the title of Administrative Order No. 2-17. The title should have been read "Wastewater" and not "Water". The title was correct on the Agenda and the proposed Administrative Order in front of Council. I indicate this correction so that the minutes accurately reflect the legislation that was previously read. This administrative order is scheduled for fourth reading tonight.

Vance moved to approve the minutes of the last regular meeting on October 16, 2017; Wilson seconded. Roll call vote; Shupp abstained; all remaining yeas; motion carried.

Public Comment: Lynn Horner, to speak of the Utilities and render her support on the rate increases.

Standing Committee Reports:

Planning – Hamsher: Requested a Planning Committee meeting for Nov. 20, 2017, 7:15 PM.

Administrative Reports:

Mayor Handwerk: Employee of the month for November is Scott Myers. Scott has been employed by Orrville Utilities since 2000 where he started as a buyer. He was promoted to his current position as Materials Manger in 2003. Scott's department is responsible for purchasing materials and services for all the Utilities. He maintains an inventory of over 12,000 items valued at over \$4 million. Scott's team deals with a wide variety of material needs, always shops around for the best solutions and has it on the shelf when needed. "In our business, you don't just go to Lowe's or Ace Hardware especially when you are providing services that operate 24/7", said Jeff Brediger, Director of Utilities. Our parts and equipment for our utilities and city, can be extremely specialized and complex. So that's not a hit on Lowe's or Ace Hardware but they simply don't have those materials. Scott and his crew do the best job possible in finding those things for us at the best price. Scott follows all sports especially Buckeye's football, and all the Cleveland teams. Living in Orrville, he spends most of his time in the yard and with his family, wife of 30 years Tammy, and daughters Brooke, Lacey and Ashlee. Their newest addition is granddaughter Brynlee 4 months old. We'll be having lunch Wednesday this week.

Several names were brought before council for approval on various boards. Needing council approval: Utility Board Don McFarland; Board of Zoning Appeals Kevin Domer and Al Lehman; Street Tree Commission Matt Plybon; Design Review Board Steve Snyder, Mike Hamsher, Sue Ann Werntz. Corfman moved to accept the recommended list; Lorson seconded; roll call vote; all yeas; motion carried. The following appointments do not require council approval: Planning Commission Jen Phillips; Civil Service Commission Arlin Steiner; Nuisance Abatement Committee Alicia McDonald, Rich Corfman, Ron Dessecker, Tim McGuire; Income Tax Review Committee Steve Knox and Chris Conway and if a meeting is called they will appoint a third member.

Rails to Trails member, the one that helped make it the most possible, Tom Moffitt passed away Saturday. Our deepest sympathy to his family, wife Jody and all of their friends.

Safety Service Department: Norfolk Southern railroad is doing work on a few crossings, one within the

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city at South Crown Hill. They are expected to be a couple days. And also a few others that are not within the city limits. Leaf pick up is full steam ahead. They are north of Market this week, a little ahead of schedule. They will be on the north end for a couple of weeks and then turn back around and get the south end again. Everyone will get at least one more pass through.

Utility Director Brediger: Last night's storm, we had a few blinks on the circuits, tree branches things along that line. Several incidents of lightening damage but no customer outages. The Public Utility Board is reviewing policy changes dealing with delinquent accounts. About 34 people attended the board meeting. Summaries and responses are being completed to send to the attendees. There will be further discussions with the board at the next meeting. Thank you, Lynn Horner, for the words of support.

Finance Director Janet Strimlan: At the next meeting we will present the Temporary Appropriations for 2018. They are very similar to the 2018 budget that was reviewed in June. There will also be appropriation changes for 2017, similar to those that have been presented to you in years past.

Old Business:

Lorson moved that Administrative Order 1-17 be placed on fourth reading. Corfman seconded. Roll call vote; all yeas; motion carried. **Administrative Order 1-17**, An Administrative Order granting authority to the Public Utilities Board of the City of Orrville, Ohio, to increase Water Utility Rates by eight percent (8%) beginning December 1, 2017, through December 31, 2017. The first day of January beginning 2018 through January 1, 2022 increases as follows: The first two years (2018 and 2019) the increase will be seven percent (7%) per year. The next three years (2020, 2021, and 2022) the increase will be six percent (6%) per year.

Hamsher moved that Administrative Order 1-17 be adopted as read. No one seconded. Motion failed. This will go for 5th reading.

Lorson moved that Administrative Order 2-17 be placed on fourth reading. Corfman seconded. Roll call vote; all yeas; motion carried. **Administrative Order 2-17**, An Administrative Order granting authority to the Public Utilities Board of the City of Orrville, Ohio, to increase Wastewater Utility Rates by seven percent (7%) beginning December 1, 2017, through December 31, 2017. The first day of January beginning 2018 through January 1, 2022 increases as follows: The first year (2018) the increase will be seven percent (7%). The next four years (2019, 2020, 2021, and 2022) the increase will be six percent (6%) per year.

Hamsher moved that Administrative Order 2-17 be adopted as read. No one seconded. Motion failed. This will go for 5th reading.

New Business:

Lorson moved that Resolution 46-17 be placed on first reading. Vance seconded. Roll call vote; all yeas; motion carried. **Resolution 46-17**, A Resolution authorizing the Safety-Service Director to enter into a

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contract and/or contracts with other political subdivisions to provide Police, Fire and/or EMS services to/from said political subdivisions for the calendar year 2018, and declaring and emergency.

Discussion: This is a bi-annual resolution that allows us to enter into contracts with our local townships to provide fire and EMS coverage in areas that they are in need of coverage. We work with them on where they want us and where we will be. Typically for a two-year contract. The police part is just in case someone wants to enter into a mutual aid agreements. Ohio Revised Code already allows for mutual aid so those agreements don't have to be in writing for us to do those, but occasionally we run into those that want it in writing so there is a clear understanding of expectations. Those are outlined in Ohio Revised Code so they don't necessarily need to be on paper in order for them to be in effect.

Lorson moved that the rules, regulations, and statutes requiring the reading of a resolution on three separate days be suspended. Shupp seconded. Roll call vote; all yeas; motion carried. Lorson moved that Resolution 46-17 be adopted as read. Aspiras seconded. Roll call vote; all yeas; motion carried.

Lorson moved that Resolution 47-17 be placed on first reading. Wilson seconded. Roll call vote; all yeas; motion carried. **Resolution 47-17**, A Resolution authorizing the City of Orrville to sell by internet auction, or otherwise dispose of, Municipal personal property in the year 2018.

Discussion: This is an annual resolution allowing us to sell personal property such as cell phones, cars, etc., selling at the highest possible cost on either eBay or Gov Deals.

Lorson 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. Lorson moved that Resolution 47-17 be adopted as read. Aspiras seconded. Roll call vote; all yeas; motion carried.

Lorson moved that Resolution 48-17 be placed on first reading. Wilson seconded. Roll call vote; all yeas; motion carried. **Resolution 48-17**, A Resolution A Resolution authorizing the City of Orrville to sell by internet auction, or otherwise dispose of, unclaimed or forfeited property held by the Police Department in the year 2018.

Discussion: Another housekeeping item. This one is for the most part bicycles that have been unclaimed. We sell by eBay or Gov Deals.

Lorson 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. Lorson moved that Resolution 48-17 be adopted as read. Vance seconded. Roll call vote; all yeas; motion carried.

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Lorson moved that Resolution 49-17 be placed on first reading. Aspiras seconded. Roll call vote; all yeas; motion carried. **Resolution 49-17**, A Resolution authorizing the Safety-Service Director to enter into a purchase order(s), without bidding, for the purchase of the following materials and services to meet the requirements of the City of Orrville, Ohio, for calendar year 2018, as follows: purchase of gasoline and diesel fuel; purchase of medium curing asphalt, asphaltic concrete and asphaltic emulsions; concrete; liquid insecticide for mosquito control, services, supplies and machinery needed to chip and seal roadways, alleys and/or city-owned parking lots and driveways; services, supplies and machinery for street traffic painting and crack sealing services; 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).

Discussion: Another housekeeping, annual resolution outlining products we purchase throughout the year that are critical to provide services to our citizens throughout the year. Chip and seal is typically contracted out. We do a small amount of street painting on our own.

Lorson moved that the rules, regulations, and statutes requiring the reading of a resolution on three separate days be suspended. Shupp seconded. Roll call vote; all yeas; motion carried. Lorson moved that Resolution 49-17 be adopted as read. Vance seconded. Roll call vote; all yeas; motion carried.

Lorson moved that Ordinance D-17 be placed on first reading. Aspiras seconded. Roll call vote; all yeas; motion carried. **ORDINANCE D-17**, An Ordinance to authorize the Mayor of the City of Orrville, Ohio, to join a coalition of municipalities retaining special counsel for purposes of initiating litigation to challenge the constitutionality of amendments to Chapter 718 of the Ohio Revised Code relating to Municipal income tax, and declaring an emergency.

Discussion: We have discussed this ordinance over the past several months. At the last meeting Councilman Aspiras asked that we proceed with the legislation that's before you. This allows the City of Orrville to enter into a coalition of municipalities' that will retain Frost Brown Todd to challenge the constitutionality of amendments to Chapter 718 of the Ohio Revised Code with regard to municipal income tax. The required amendments to the tax were approved with Gov. Kasich's budget. The bill requires that we adopt these changes prior to January 2018 or we could risk losing our authority to collect income tax. One of the items that will have an impact on the City of Orrville allows the Ohio Department of Taxation to collect net profit tax returns on our behalf. The funds would be paid along with the return to the Ohio Department of Taxation then they would be disbursed back to the city. However, they would make deductions for audit adjustments or refunds both of which do not require our approval. We do an audit here of returns and there are many times that we return requested refunds because of an error. With this situation we will not be able to see those returns or approve them if the State approves them then that's the way the return will stand. They will also charge a service fee of ½% before the funds are disbursed back to us. We will no longer have access to those

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business returns. We can request that they be reviewed or corrected or audited but we have no authority to do that ourselves. We feel that this is a direct violation of our home rule authority. Essentially, the state is forcing municipalities to adopt legislation that gives the State the authority to collect and administer our local income tax. It does not have to be passed this evening. The ½% amount will depend on the number of businesses that choose to move to the gateway. About 30% of our income tax that is collected is attributable to net profit returns so it could be significant if businesses decide to follow and submit through there. We fear the next step is that it will be a requirement and the next step will be withholding and they have put some provisions in that they can compare that with our local government funding and so we feel that this is possibly a real slippery slope that the state is headed down. We already have an income tax administrator that we would still be paying plus the money we would pay to the state. We would not be able to provide assistance to any business or individual that files with the Ohio Business Gateway because we won't have access to that documentation. They would be required to call the Ohio Department of Taxation and work through those individuals and we feel we provide a nice service to our residents and our businesses. There are many instances where we help with the preparation of the return or answer questions, if you will, and help them with payments and required due dates and those types of things. They would now be required to go to the Department of Taxation if they opt into that program.

Lorson asked how many had joined the coalition. As of last week, there were over 115 in the coalition. Tonight is a popular council night for most of the cities and villages so that number will probably increase. A power point presentation was distributed. It was prepared by the City of Athens and Cleveland that was presented at a recent OML conference regarding these changes in HB49.

The mayor has spoken with Representative Wiggam and also Senator LaRose about this. They assure me that they both understand how we feel and we would never allow anything to pass that's going to hurt municipalities but yet this snowball just continues to keep rolling. Even though they assure me that they don't agree with that, I don't know where all the push is coming from down there because it keeps going. Our concern is where are we going to end up with this?

Aspiras noted this is an important coalition and we're not sure where it's going to go. We do understand that Orrville is fine without HB49. We have no problems administering our tax code here. It's been successful for several years. We have law makers in Columbus that decide that they think they can do a better job or at least take a few dollars while they're trying to do our jobs. Orrville has been stellar in managing our taxes while I've been on board with Leggett and now Ms. Strimlan, with several awards in our finance department. It really is unfortunate. We support the Mayor in this coalition with these hundred plus municipalities hopefully we can get some ears in Columbus to listen. It is disheartening. If it isn't broke, don't try to fix it like they're trying to do.

Vance thought Ohio legislature is trying to make Ohio more competitive for a business environment, trying to make it easier to file taxes and so they are trying to utilize this Ohio Business Gateway which has been a terrible website for many years, has to be revamped in order to implement this, but what they failed to lose sight of is the local connection and the local community leaders that can work with these businesses in order to help administrate and help with this very important aspect of doing business which is dealing with your taxes, being able to estimate your taxes, have our taxes credited to your account, be able to check in with your local officials on where are we with our taxes. We will lose that ability here. My question for the Ohio legislature is when is this encroaching on home rule going to

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stop? A couple times a year we continue to see legislation that takes away more and more of our home rule authority. The reason why there is home rule authority is because local municipalities are better at handling their affairs than the state government. Once you get to the state government level, it seems like then they feel they are better than local municipalities at handling the affairs. That's the trend we have seen and continue to see. We see very little from our local legislators that show us that they understand and what really is going on and it's time that they listen to us. So let's respectfully ask our legislators to take a much closer look at this issue of how much home rule authority has been eroded from municipalities over the past several years and the impact it has made on hundreds of municipalities across the state.

Corfman noted the business gateway is fine online until you have to dial the 1-800 number for assistance, it is definitely not done better at the state level. Here you just call our 684 number and get our tax people.

Lorson moved that the rules, regulations, and statutes requiring the reading of an ordinance on three separate days be suspended. Aspiras seconded. Roll call vote; all yeas; motion carried. Lorson moved that Ordinance D-17 be adopted as read. Corfman seconded. Roll call vote; all yeas; motion carried.

Good of the Order

Go out and vote tomorrow. Be sure to thank a Veteran for their service. Veterans Day is Saturday.

Aspiras moved to enter to executive session to discuss personnel matters. Hamsher seconded. Roll call vote; all yeas; motion carried. 8:17 p.m.

Hamsher moved to adjourn executive session; Vance seconded. Roll call vote; all yeas; motion carried.

Corfman moved to adjourn the council meeting; Aspiras seconded. Roll call vote; all yeas; motion carried. Council adjourned at 8:55 p.m.

Jeanne Gault, Clerk of Council

_____, 2017
Date

Lyle Baker, President of Council