

Regular/Public

May 3, 2010

President Baker called the regular meeting to order. Pastor Nathan Poole of First 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 and Hamsher seconded that the minutes of the April 19, 2010 regular meeting be approved. Roll call vote. Ayes all. Motion carried.

Public Comment: None.

Standing Committee Reports:

A. Finance – Mr. Miller had no report.

B. Utilities – Mr. Vance congratulated Orrville Utilities as they have received for the second time the Reliable Public Power Provider designation. It is significant recognition in that more than 2000 public power utilities are a part of this group and Orrville Utilities is one of only 94 to receive this recognition. It is to demonstrate proficiency and reliability, safety, workforce development, and system improvements. It is good to see our utilities have been recognized for something we already know and that is that we have a very reliable power system here and it is thanks to the dedication and hard work of our employees and of Mr. Brediger. Our congratulations and our thanks for your hard work and a job well done.

Brediger: You're welcome. Thank you.

C. Health & Safety – Mr. Corfman reported he attended the Wayne County Rail Trails meeting last Thursday and got an update on both their County Line – the Holmes County and the Orrville Clinton Trail. Everything is going on. The trail is going on as planned. They are still waiting and willing to talk to the few land owners that are in opposition. They have so far refused to discuss anything with them or talk to them. The opportunity is still there for compromise. Other problems have come up in say the Holmes County trail and compromises have always been met. This just doesn't seem to be; no one is talking, but the invitation is still there and still quite positive. They do own the property and all legal things/stuff, whatever lawyers call it, have been cleared.

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

E. Transportation – Mr. Shupp had no report.

F. Planning – Mr. Hamsher had no report.

G. Ordinance & Personnel – Ms. Leathers had no report; however a reminder to Council that we are meeting at 6:45pm prior to the next Council meeting.

Special Committee Reports: None.

Administrative Reports:

A. Mayor - Mayor Handwerk reminded everyone that Orrville will celebrate our National Day of Prayer on Thursday morning at 7:00a.m. and that will be at Schmid Hall. If you haven't registered for that yet, I am sure you probably still could. You would have to check with Jane Disbury at Trinity United Methodist Church. Also, there will be a noon prayer service at the Christ United Church of Christ that day also. Our Employee of the Month for May is John Scott from the Service Department. I know John to be a fine employee for the City and also as a leader of our small group bible study that a few of us attend on Wednesday mornings at 6:00 a.m. before the work day starts. Mike Staley, our Service Superintendent, had the following comments to share about John. "John began his career as a Maintenance Worker I on February 18, 1985. John worked on the streets in this capacity until he was promoted to Assistant Street Foreman on May 1, 1989. In 1990 the Assistant Street Foreman classification was changed to the Service Supervisor I position which he currently holds today. John's responsibilities are many. He is responsible for the maintenance and operation of the streets, storm system, and two cemeteries, and all the other City properties. John plans, schedules, procures materials for, and oversees the many diverse tasks that are performed daily by the Service Department. This also includes anything that may fall from the sky at any given time. During his employment with the City John has worked for three mayors, four service directors, and four service superintendents. For those of you who know your City history, John has worked for all but one service director. The years have allowed John to amass considerable knowledge for our history and infrastructure and this comes in handy." Mike says, "I allow John to run the day-to-day operations of the department and know that I can depend on him. John's responsibilities keep him very busy. He can share a new meaning of the old saying "Never a dull moment." Join me in congratulating John Scott for being chosen as the May Employee of the Month. Thanks John for your hard work and commitment and John has chosen to eat lunch at Barnstone Café. Also, I wanted to mention that

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several years ago one of our Leadership Orrville classes helped put scoreboards up for the youth baseball and softball fields. When those were mounted they were actually a little too high for any of the kids to keep score on those so they haven't been used as much as they could have been. I would like to announce that after having that brought to my attention last year too, we got some people working on that. The City has purchased the materials to actually build a little platform in front of each of those scoreboards with steps so kids can get up there and keep score. Those are almost complete. I think they ran out of materials this Saturday, but our Service Department, Myron Miller, John Ashcraft, and Ryan Immel actually dug the holes and set all the poles for some volunteers we had that wanted to do that work and that was Don Dreher and Dean Reusser. I know they got one of them pretty much completed Saturday and they will hopefully get the other ones put together here pretty soon. Those should be ready to use for all the little league games coming up. Another thing I wanted to mention is, Council members I think you all received an e-mail from Dick Geitgey (class of '61) and this actually had to do with part of the reunion 2010, but he had a suggestion to rename Ella Street where the high school is to Red Rider Road. I know Mr. Wheeler and I talked about that and we thought it sounded like a pretty good idea. I think I had several conversations with some Council members. Certainly nothing that is a done deal or anything like that yet. I would like to recommend that go into Council's committee – Transportation, Mr. Shupp – maybe we could meet on that. It has also been mentioned maybe the possibility of Mineral Springs since that has both the elementary schools. One name has been Orrville Way. There could be other suggestions for that too, but maybe talk about both of those and see what our decision would be on that coming down the road. Especially with the schools becoming complete – well the elementary school pretty soon and actually starting with kids next week and then start on the high school next year. And lastly, I just want to remind everyone to make sure and get out and vote tomorrow. Make no mistake about it, our schools play a huge part of our economic development for our city and so a vote for our schools is also a vote for our city.

B. Safety Service Director- Director Wheeler reported the third grade tours rapped up today. This was Ms. Strimlan and my second year of those tours and they were able to tour the police department and also city hall. We also do a mock council meeting where we have students act as the president and mayor and council and the citizens bring a petition to them. The petitions vary from very creative and obviously some don't necessarily have to do with city policy. Today's, which I thought was wonderful, was all water fountains in the schools would have pop instead of water coming out of them. It was actually rejected 4-1 so the kids don't get soda coming out of their fountains. So that was a good time and I want to thank the teachers, students. We always enjoy those. They are a lot of fun and also really lighten up the day in regards to making us aware of what a privilege it is to work here. I also wanted to pass on that June 4th is the first Friday of June and we are kicking off our movie night and also kicking off the concert series as well that night. That is also the last day of school so that should be a good way to kick off the summer for our students. From that point on every Thursday through August 12th we will have concert series. Those are from 7-9pm and she is finalizing those schedules. We are finalizing our movie schedule as well. Right now we have four movies sponsored. I think we can get at least a couple more sponsored and hope to have six again like we did last year. There should be plenty to do down in Orr Park this year again. Saturday, May 8th is Operation Medicine Cabinet. This is being done by the Orrville Police Department and this is an opportunity for people to drop off expired prescription drugs at City Hall. Detective Hunt is running that operation. There are no questions asked when you drop off your prescription drugs. We urge folks that maybe have some outdated prescription drugs in their cabinet to go ahead and bring those in and we will dispose of them in the appropriate manner. Also, there will be a number of basin repair projects over the next few weeks. This is also the time of year when we kick off road repair and resurfacing projects throughout the city and we want to urge all the citizens to use caution and be aware that there will be plenty of construction this summer and fall. Some good news is that Team Neo, an inside business magazine, has informed the City that we are a finalist in the category of Business Expansion in the 4th Annual Team Neo Economic Development Plus Awards. The City is a finalist for its efforts in the retention and expansion of Orrvillon, formerly known as Holtec, and this is an honor for the City and is due to the efforts of Mike Hedberg as well as Mayor Handwerk and a lot of other folks involved as well. Quite a wonderful recognition for the City and who knows maybe we will win. That award will be announced in June.

C. Utilities Director – Director Brediger reported we received the proposed rule making from the Federal EPA last Thursday. It is 400+ pages of EPA wonderfulness. I guess that is the best way to describe this. Right now we are still in the process of evaluating this. We really won't have a good handle on the details and full impact of this proposed rule making for a few more days yet, but Orrville, AMP, our state association and our coalition of 24 other industry members are hard at work at this. This has a probable effective date of December of this year and a implementation date, a compliance date of roughly three years after that. That is probably worst case scenario. We have 45 days to comment on this rule making. There is a lot of information to cover; a lot of statements to support, defend, and also come up with a whole host of counter-proposals. Following this 45 day comment period, we go into a whole series of negotiations. This is both from a technical aspect, from a legal aspect, and eventually from a political aspect. Right now the way the rule stands, if nothing changes, this poses some pretty serious risk to the operation of the plant. We are looking at cost

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exposures of \$6M to \$10M per unit and several hundred thousand dollars a year in additional operation and maintenance costs. Needless to say, this rule making will garner a lot of our attention and effort over the next several months as we try to make this thing a little bit more palpable for us. We will be studying a whole wide variety of options now that we know where a lot of the limitations are at. These limits the EPA are proposing are about a third of what they were four years ago when they attempted this rule making which later was thrown out in federal court. They have come back with a little bit more vigor and a few more challenges than what we had anticipated and again we do have a lot of work to do as we evaluate the impact of this and then come up with various strategies that we will be using as part of our negotiations going forward. As I mentioned, there are two dozen other entities that are involved in the coalition that we are involved in. This rule making does impact a little bit over 1.3 million business and industries all the way from churches to large industries like refineries and certainly small municipalities like ourselves. So it covers a very broad spectrum and it has a lot of various environmental challenges anywhere from simple reporting to annual tune ups for small guys to very elaborate environmental pollution control equipment for entities such as ourselves. I haven't sent the e-mail link to all city council, but I utility council members and certainly our utility board members all have links to these documents. If the balance of council wants to take a dive into this rule making, just let me know and I will forward you that technical link to this and you can join us in our efforts to try to understand this rule making. But again, right now this is a proposed rule making. It will not be final until December of this year. A lot of things can happen between now and then so we are not really speculating on what it is going to do to the plant other than just looking at some worse case scenarios and those are still very preliminary for us.

Vance: I just want to add to Mr. Brediger's comments. I read just very briefly some information that has initially come out and we have a lot to learn. Just to give you an idea of what we are dealing with; we are not any way opposed to increasing the quality of our environment. That is not what this is about at all as far as trying to work with the EPA. Just to give you an idea of some of their justification. Mr. Brediger said this will \$6-\$10M per unit for us to possibly look at dealing with these regulations. The EPA is justifying that expense by saying that our community would save \$5 in healthcare for every \$1 we spend on improving our operations. We can let people judge from themselves whether or not that is sound reasoning, but that is difficult for me to buy. To spend the many millions of dollars is going to see that kind of return, but just to give people an idea of what we are dealing with and the kind of thinking and methodology that EPA is using this is an over-reaching regulation. It is trying to reduce mercury emissions by 50% with one fell swoop. That is why we are going to be, I don't want to say opposing, but certainly giving some alternatives here to what the EPA can do. It is not that we are opposed, but this is an over-reaching step by the EPA and I just want to give people an idea of the kind of thinking that the EPA is putting into this. That is why we are doing the work we are doing.

Brediger: I will also add that on the day this rule making did come out we got personal phone calls from both of our Senators asking us what we thought about this rule making and wanted to know a good quick 10,000 level, first blush look and reaction to this. So our federal legislators are very much in tune to this and they are with us as we go forward with this process, but it was probably within an hour that this rule making came out late Thursday night that we had been contacted by both Senator Brown and Senator Voinovich wanting to know what this thing looked like. We do applaud them for their high degree of interest. They certainly understand the potential impact that this rule making has on us and other businesses and industries throughout the United States.

Baker: When you said it was \$6-\$10M per unit, how many units do we have?

Brediger: Four.

Baker: So we could potentially be up to \$40M worse case scenario.

Brediger: Yes in that neighborhood. We conducted a couple studies about five years ago when this rule making was proposed back in that time period and those were some ballpark costs that we had for the technology to comply to meet the standards at that time. Certainly these standards today are considerably lower, but the technology is still somewhat comparable.

D. Finance Director – Director Strimlan reiterated Mr. Wheeler's comments and thanked the 3rd graders for touring the City today. Our voting process of screaming for our favorite mayor candidate is a little different from the process that we will all experience tomorrow, but it certainly makes for a very interesting and enjoyable day here at City Hall.

E. Law Director - Director Lutz had no report.

F. President of Council – President Baker reported our Clerk has something to read this evening.

Peppard: We have received an application for Estrella for a new liquor license at 513 North Main Street.

Baker: This past week I toured our new elementary school. If you did not get a chance, you have missed out. Somewhere along the line make sure you get a chance to go through that new school. It is really, really nice. I have got a grandson that will be going there next fall and I am really happy that Orrville has seen fit to provide him with the kind of school he deserves and that all the rest of our children in this town deserve also. I would also like to congratulate Dave Lehman. He was selected as the Orrville Citizen of the Year and was presented with that award at the Chamber of Commerce dinner. Dave is a fantastic man. When you get a chance, congratulate him because he deserves

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every congratulation he can get. We received a letter from Ron Amstutz. As Council we had passed a resolution supporting the hospital and hopefully to get their tax reduced for the amount that was going to be and Ron is 100% behind that. He wrote a letter explaining his thoughts on it. The one thing that caught my eye first off was "this was an outrageous action directly taxing Ohio hospitals at a time when they are under severe financial distress." The letter goes on much further, but I think he is right; our hospital cannot afford any further tax than what it has. We have a good non-profit hospital for a town our size. We don't want to lose that hospital. So hopefully our people in Columbus take a second look at this and will take a little bit different stance as to how they want to do that.

Old Business:

ORDINANCE I-10

Leathers moved and Vance seconded that Ordinance I-10, an ordinance amending Section 151.08 of the Codified Ordinances of the City of Orrville, Ohio, regarding compensation for the Public Utilities Board, be placed on second reading. Roll call vote. Ayes all. Motion carried.

Baker: This will go for three readings.

New Business:

RESOLUTION 12-10

Leathers moved and Aspiras seconded that Resolution 12-10, a resolution to adopt the Solid Waste Management Plan for the Stark-Tuscarawas-Wayne Joint Solid Waste Management District, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Wheeler: This is the plan that I had mentioned at the last Council meeting. I did send over the executive summary of 41 pages long. If everyone got a chance to look at it, I don't think there was anything in there that was particularly earth-shattering or new to anyone. They are not proposing any policy changes as part of this plan. It is really an update on where they are at and where they are headed type information. I would be glad to answer any questions, but I thought the executive summary, though lengthy, was fairly straight forward in regards to the information. This is required by the EPA to be approved by each participating member of the Solid Waste District.

Vance: I just wanted to add that right now the EPA has the plan the district is using and so this plan is simply to have our own plan so the Ohio EPA isn't in charge of what our district does. That is another reason to adopt this.

Aspiras: This plan is a ten year plan correct?

Wheeler: Yes.

Aspiras: And it has been approved by the Ohio EPA. On page 2 it states this plan was approved by the Ohio EPA on December 22nd. In this report it did say that there was enough capacity over the ten years?

Wheeler: That is correct.

Aspiras: And no increase although they did mention a disclaimer on page 37 that if their revenue reserve fell below \$75,000 which historically it has not come close to that.

Wheeler: That is correct. It appears that is something that has never been an issue for them.

Aspiras: I appreciate you giving us this information. Just a couple things I want to share. I was really floored by some of these statistics and the data in here. It was saying that across the whole district 6.47 lbs per person per day of waste is generated. That means my family generates 40 lbs of waste every day. I got to take a second look at what I am doing. That brought up the thought of recycling. Obviously we want to promote that as much as possible and I know here in Orrville and maybe you can chime in too, that we have on our website this City of Orrville Recycling Program. I would just make a recommendation that maybe we put that right on the home page. This has some great information. It talks about obviously the curbside recycling and the Green Meadows composting center and our own composting center on Apple Lane, but it is all in here and it is some good stuff. I know the Mayor supports this heavily as part of the recycling. We are still receiving, even under this new plan, the actual credit?

Wheeler: All the grants will continue under this new plan.

Aspiras: I didn't see anything in here, but it is a summary.

Miller: It is just a technical questions really. Section 1 of the actual resolution say the City of Orrville approves/disapproves the STW District Solid Waste Plan. Is that an error or a circle deal.

Wheeler: I think what that is is they actually supply a resolution which we are required to use so it may have just been copied word for word. It may very well be a circle thing.

Lutz: They supplied the form of the resolution. So obviously that got copied, but you can just circle approves when it is signed and that will take care of it. That may have been what they intended anyhow.

Leathers moved and Hamsher 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 12-10 be adopted as read. Roll call vote. Ayes all. Motion carried.

RESOLUTION 13-10

Leathers moved and Aspiras seconded that Resolution 13-10, a resolution authorizing the Board of Control to advertise for bids and enter into a contract and/or contracts for the resurfacing of

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Briarwood Street, North Ella Street, and South Mill Street in the City of Orrville, Ohio, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Wheeler: These projects were budgeted in the green, if you will, on the capital project list. They are chip and seal streets that we are now moving on to the resurfacing phase and these are being funded with the PMVL dollars as part of the overlay of chip and seal streets.

Shupp: Could you clarify that again for me Mr. Wheeler? Are we going to resurface these chip and seal again or are we going to do asphalt overlays.

Wheeler: These are asphalt overlays.

Shupp: In the next resolution are we doing asphalt on those streets also?

Wheeler: Correct.

Shupp: What was the reason for breaking the two up?

Wheeler: The other one is funded through the OPWC grant so that one requires specific resolution for those grant dollars.

Shupp: All of these streets will end up being surfaced with asphalt?

Wheeler: Exactly. They are really the same, you could have piled them all as part of the same project, it is just different dollars from different sources.

Miller: The actual grant is in the amount of \$170,000?

Wheeler: The actual grant on the 14-10 is in the amount of \$160,000. 13-10 is through money that we actually apply for from the county and get back.

Hamsher: Mr. Wheeler, these streets here were chip and sealed last year. There may be some wondering why we break them up and chip and seal. Why don't we just go straight to asphalt? Why do we do a double layer so to speak?

Wheeler: It is just a process that we use in order to...one it is the base a stability of the roads, but also a process where we can keep the roads in decent condition as we gather dollars to resurface them.

Hamsher: Does it last longer having a chip and seal under the asphalt?

Wheeler: That is the idea.

Handwerk: I think all those ones you are talking about going over the chip and seal have been chip and seal all along. They are now just becoming asphalt streets. Isn't that correct?

Wheeler: Mill particularly we did just chip and seal last year.

Handwerk: They haven't been asphalt before?

Wheeler: That is correct.

Handwerk: And just to clarify, North Ella is just north of Mineral Springs right?

Wheeler: North Ella is from High Street north.

Vance: Just so the residents of South Mill Street know, if you live on Mr. Hamsher's end you are getting asphalt and if you live on my end you are not. The reason is the parts of the streets that have curbs, in addition to the fact that Mr. Hamsher is a more handsome city council person than I am, you are getting asphalt. If you don't have curbs, we will continue to enjoy chip and seal streets on our end of the street.

Handwerk: However, if you would like to be assessed for the curbs and improve the street, eventually we can do that.

Leathers moved and Hamsher 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 13-10 be adopted as read. Roll call vote.

Ayes all. Motion carried.

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RESOLUTION 14-10

Leathers moved and Corfman seconded that Resolution 14-10, a resolution authorizing the Board of Control to advertise for bids and enter into a contract and/or contracts for the resurfacing of Harding Avenue, Linden Avenue, Apple Blossom Lane, Sunrise Circle, Lynn Drive, Washington Blvd, and Willard Drive in the City of Orrville, Ohio, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Hamsher: Clarification, I am looking on the list of streets and it says the resurfacing of Linden Avenue, etc. and Section 3 and Section 5 talk about resurfacing the asphalt sections of Apple Blossom and Lynn Drive.

Wheeler: That is correct. There are portions of that are in similar situation as Mill Street that do not have the curb and would not be resurfaced as part of this project.

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 Corfman seconded that Resolution 14-10 be adopted as read. Roll call vote. Ayes all. Motion carried.

Good of the Order:

Baker: For those of you who have a Saturday evening free on May 15th there is going to be a Rainbow of Music held that evening at Augsburg Lutheran Church. There will be a variety of choirs, different soloists, different instrumentalists, and if you have not heard a bell choir play before or if you have and really enjoy it, there will be two bell choirs playing that evening. It starts at 7:00 and everyone is welcome. There is no admission charge, but a donation would be accepted.

Leathers moved and Corfman 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