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Prior to council's regular meeting, public hearing was held regarding Ordinances L-10 which concerns the cornfield and M-10 which concerns the auto business. Baker swore in all attendees who desired to speak during the public hearing.

Ordinance L-10

Ryan Pitchure, 1155 Penn Avenue, just north of the cornfield. I would like to speak regarding Ordinance L-10 and just say that I am opposed to any changes from industrial to residential 4. I believe it is not in the best interest of our neighborhood to have a multiple dwelling complex.

Hamsher: Why?

Pitcher: I am opposed to the high volume of foot traffic that is going to be traveling in and out of those neighborhoods. Also, the housing values of the neighborhood. I feel it is going to bring down the value if there is an apartment complex going in.

Matthew Wayt, 245 Lakewood Drive, just north of the cornfield. I too oppose of the rezoning there. After reading a couple things I have heard and seen. Just like Ryan, I am concerned a little bit with the value and the traffic. More importantly having three small kids there we get enough traffic as it is. My kids out in the front yard I guess it is no different then any other place except that we don't have sidewalks and everything like that. My kids are right up against the road there as it is. I guess my other concern would be with four main entrances into the City of Orrville, that being one of them, my concern is what that is going to bring. We spent a lot of time and effort revitalizing downtown and making the appearance everything it needs to be, but is that what we want for everybody coming west of Orrville into town under the graffiti bridge seeing a big apartment complex. I just don't know if that is the image right now that everybody in town is shooting for. So that is where I am opposed to it.

Shupp: I assume that most of the people here are concerned about the integrity of the neighborhood with multiple housing units going in there; a lot of traffic through back yards; and just property values and that is pretty much your point, correct?

Wayt: Yes and then it is hard because that is the subjective opinion, but then trying to step back and I talked with my wife and the objectivity is again the whole entrance to town and trying to think how this would benefit everybody and not just being a personal opinion from just myself and the neighborhood, but I think that is just another objective point.

Ken Smythe, 335 Lakewood Drive, north of the cornfield. We are not really opposed to the property being rezoned, it is just rezoned that much – that big of jump at once. They are not going to sell that property at I-2 with the industrial parks and so on so it makes sense to rezone the property. What doesn't make sense about it is going to that. If it was zoned R-2 or R-3 and somebody got a project, they would have to bring it to Council to get it approved and say okay that is a good use for that land and move on. Jumping that far anything negative or bad could happen. They are right, there is no way there is a short cut to the school, Buehlers, or anything. It is through our neighborhood. It is a private drive and then there is an underused drive/street that Bob lives on and that is the short cuts off that property to downtown, the park, Buehlers, wherever you want to go. So it is going to create a tremendous amount of foot traffic, vehicle traffic, whatever you want to say. There is no other option to it. All the roads through there are chip and sealed. There is not enough infrastructure to handle that volume of people. That is why we are opposed to it going that far at once.

Apsiras: You are saying you are not necessarily opposed to going from industrial to residential, you are just opposed to going that deep in the residential code to an R-4.

Smythe: If my understanding is correct, that means there could be 30 units per acre. There is 20 acres there. That is 600 units. If they have kids, what are we talking? The other thing in town now, we bus kids to school. So lets go over there and start an apartment complex that creates an expense down the road when you already have other places in town and several places that are

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zoned that are already next door to the school. So there are a lot of things to it. Our sewer lines on our street actually run a street or two over and plug in some half-hazard way into whatever. We have had problems over the years. Somebody in our family has lived on that property for 40+ years. We have seen things come and go from the sewers and all the different things like that too. So there are other things about it. We have six residents back there I think that are on an electric line that comes in from the overpass, runs across that property, comes up the old drive, and that is how we hook up to Orrville Utilities. We learned that the hard way once. The last time there was an ice storm and all the poles were taken down in the neighborhood we were without power another four days over anybody else because it was a massive job to fix six people. So there is just a lot of things about that neighborhood that is jimmy-rigged together and now you say lets dump in 600 more people.

Brian Maiwurm, 1306 Terminal Street, just a few houses away from the cornfield. I also own a piece of property which abuts against the cornfield. I never did receive a letter that was stated that I would receive from the first reading. I am concerned about that. My concerns are very similar to my fellow neighbors. The traffic – I have children. It is not against the rezoning. Again, like Mr. Smythe expressed we put a lot of money into the new industrial sites in town that is more beneficial, more accommodating to that situation, to the truck traffic. Housing or condos or something that is more intone with what Orrville is about. It is small town community with neighbors that communicate and get along with each other. Do we really want big apartment complexes in Orrville? Is that what we are about? Or are we about the nice school, the small classrooms, the small community? I think that is to our benefit. Why would we want to branch out from that to possibly have an out-of-town developer come in and put in a large complex? Let's keep Orrville small and let's keep it the way it is and what we worked and built so hard and dreamed what it could and would be. Let's keep it that shining small town and not go big city. Big city is up north. Let's leave it up north.

Shupp: I kind of take it that most of you are in favor of the R-2 and that and I think a lot of is it to do because that would be more property ownership and occupancy, rather than rental properties where you have out-of-town owners who don't seem to be quite as concerned. I don't think too many of you here have a problem with an R-2 and R-3 rating. Is that correct?

Maiwurm: That is my consensus from the neighbors that have spoken with me and I spoke with them.

Shupp: So it is more about property ownership with the R-2 or R-3 where you have people living in the dwellings that own them, correct?

Maiwurm: Correct. That have the same values as we have in the community.

Miller: Just for the sake of clarification for folks that might not know, Mr. Wheeler can you tell us what R-2, R-3, and R-4 are?

Wheeler: R-2 allows single family, two family residential dwellings. R-3 is single family and two family. R-4 is single family, two family, multi-family.

Miller: What is the difference between R-2 and R-3?

Wheeler: There are some additional requirements with an R-3 regarding the set backs and the size of the residential dwellings.

Shupp: Mr. Wheeler, on R-2 and R-3 condominiums are acceptable in those zoning classifications also, correct?

Wheeler: According to my understanding, if it is done as a PUD that is correct. PUDs do require a certain amount of land in order to do a PUD which is 25 acres I believe. So one parcel, the Baer property would meet that requirement.

Shupp: Pretty much the difference between R-2 and R-3 is just the density per acre, correct?

Wheeler: Exactly.

Vance: I have a question for Mr. Wheeler. I had understood that the idea was they were going to try and do something that looked like the condominium development on the other side of the road. Is that not necessarily the case?

Wheeler: Well from my understanding the property owner there has not had any potential buyers so I don't think there has been anything put on the drawing board in regards to what was planned there

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at this point. To be very honest, it sort of open to whoever decides to purchase that property and of course how it is zoned.

Vance: My understanding was that it was going to be something like the condominium area there.

Wheeler: If that is the case, I am not aware of it at this point and it wasn't brought up in the Planning Commission meeting where there was another public hearing held and it was considered.

Handwerk: Just a further comment on that Mr. Vance. First of all I thank all of you for coming down tonight and sharing your views. Just to shed a little bit of light on this whole process, I kind of get the feeling that a lot of you think there is already something going in out there and I think Mr. Wheeler just hit on that. There isn't any plan for that property right now. The owner of that property had a representative come to us a few months ago and asked to come to the Planning Commission to just get it rezoned because they felt like being an industrial zoned property it is just not going to go anywhere. So they were looking for a way to eventually get that property sold and make it useful. They requested it go to R-4. That is what the Planning Commission acted on and so if it is Council's choice to eventually decided not to accept that, then we need to go back and see if it can be rezoned. That is the way it can be redone. But as of right now, there is no big thing going in there like I feel like some of you think there already is.

Vance: Mr. Handwerk, the Planning Commission I understand their conclusion was that this zoning would remain in character with the rest of the area. Is that accurate?

Handwerk: That is true and I think that is why they came to us with an R-4 because across the road the other condos are R-4 and some other surrounding property in that area is R-4 so I think that is why they initially brought that to us because it looked like it would be harmonious to what is already there.

Vance: Mr. Wheeler, what about the concerns with the other residents as far as using this private drive, utilities, and so forth? Can you speak to those? Will there be an impact on their sewer system or power or access to those neighborhoods? Will people be using those neighborhoods which now enjoy relatively peace and quiet? Will they be accessing this particular area or parcel of property through say coming up Terminal Street or whatever?

Wheeler: I would defer to Mr. Brediger on that question in regards to the utility use. I would be glad to answer the private drive. From a private drive standpoint obviously with it being a private drive there should not be anyone utilizing that drive other than those that are deeded that property. From a private drive there shouldn't be an impact, but obviously when there is more vehicle traffic I guess there is the potential for more vehicles to go down there not knowing it is a private drive.

Vance: They might have trouble getting that enforced if people end up using it.

Wheeler: Well, it is interesting but we have had very few calls regarding private drives. I think they do a really good job at regulating it themselves. Most people tend to be courteous and when they find out it is a private drive they leave it alone.

Vance: They would have to use that private drive to access the parcel. Is that correct?

Wheeler: No. The access is directly off of Crown Hill for both parcels.

Vance: In your opinion would the streets be able to handle that additional traffic? Let's say an apartment complex is put in and we have 100 or more units there, can our current streets handle that kind of traffic?

Wheeler: Crown Hill obviously with it being a concrete road is one we continually repair, but it is also one of the busiest areas as well. So from that standpoint I would say yes. It is already doing a decent job and we are focused on repairing that as well in the areas that need it.

Vance: So they can access it from Crown Hill, but not from the other direction. Is that right?

Shupp: Penn Avenue dead ends, I think, at the private drive. Is that right Mr. Smythe?

Smythe: It goes past us just a little bit. The point is those lots are so long that when he says they could access on Crown Hill, they could but it is going to be six, seven, eight blocks to go from the back of that lot up to Crown Hill so anybody on the back half of that lot is not driving an extra six blocks west to turn to go north to come back to whatever. That is the point. The other roads – Penn Avenue, our private drive, Terminal Street, Wabash – those streets are on the back half of that lot.

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There is no way in or out of that lot without going up one of those streets and so if that lot is fully developed there is nobody on the back half of that lot traveling all the way to Crown Hill to go out. That is just not going to happen.

Wheeler: I think that would be part of whatever was put there Planning Commission approval in order to ensure there is adequate ingress and egress that doesn't impact that back side.

Shupp: We could put some stipulations in there that it isn't used for a lot of the traffic, but then there is also fire and safety sources that may want more than one entrance into that much acreage and the logical place would be Penn Avenue. I think it is a concern that they have that is important.

Wheeler: Absolutely, regardless of what the zone is for that large of parcel of property.

Lutz: I just want to make a comment. Someone had mentioned that they would rather have it R-2 or R-3 so it could go through the process of the Planning Commission whatever is being proposed at that location, but that would also be true for R-4. Any developer who wanted to come in and for example put in a big apartment complex like was mentioned, would have to run that through the Planning Commission. There would have to be studies done to determine if there is adequate streets available or that could be put in to accommodate the increased traffic flow for a larger population. It is possible that wouldn't even be approved. It is possible, but that would still have to run through the Planning Commission possible. I just wanted to make that clear.

Aspiras: You mentioned something that is interesting. Even if it was to be developed, it is not to say that there couldn't be an additional road that is put in there as part of that planning process.

Lutz: There may have to be.

Aspiras: So just because there is not a road there doesn't mean that if this should get developed that one would not go in there.

Lutz: Correct.

Aspiras: I think that is part of these people's concerns.

Lutz: It may be a requirement that is put upon a developer who would want to come in because of traffic study.

Vance: So if the Planning Commission did not like the traffic study and they said no we don't want traffic from this development going on these streets that haven't had this traffic before, they would have the ability to vote that down then. Is that correct?

Lutz: They would have the ability if they didn't think that location and the developers plans adequately accommodated the traffic for what was being proposed they could say no to it and make them change it until it does.

Vance: Is there a way that we can protect these streets from being used?

Lutz: I don't know if you can do that. I think the Planning Commission can make a recommendation to you whether something should be approved or not, but I don't know if this Council sitting here can.

Vance: I just mean just generally whatever our planning process is, if they can put some things in there hey those streets are going to dead end there; we are not going to connect to them or whatever. Do we have the option to do that?

Lutz: Well if you are referring to the private road – is that what you are referring to?

Vance: Well or Penn Avenue.

Shupp: Penn Avenue.

Lutz: Well those are public roads.

Vance: That is what I am saying. If we don't want to connect to those, can we do that?

Lutz: If there is adequate flow of traffic otherwise, I suppose you wouldn't have to connect to those. But you are getting way beyond my expertise in the planning part of it.

Vance: I had a follow up question for Mr. Brediger. We heard some concerns over utilities. What is your response to those? They said they are having some troubles with their sewers and the capacity now.

Brediger: I can't speak to the issues that the gentleman spoke to. I am not aware of those right now, but in regards to anything that would go in there it would go through the same process of design review and we would look at that whole infrastructure needs in that area depending on what was

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being developed. But if there are some issues that we have from a wastewater perspective, that is something we will certainly take a look at too and follow up with the residents in that area and see what is going on. I am not aware that we have any current problems in that area.

Corfman: Any high density though would probably put a strain and the rest of the city would have to come up with improving the infrastructure just to be able to take on those 27 acres of high density.

Brediger: It is possible.

Corfman: Pretty likely wouldn't though.

Brediger: It depends what goes in there. It really does. There are a lot of utilities running in that vicinity and it really would depend what those demands were to see what kind of impact it would have on the system.

Lutz: Again just for clarification. I think everybody knows this and Mr. Wheeler made it clear, but R-4 doesn't necessitate multi-family apartment complexes. It can be anything less than that too. For example, as was stated, right across the street is the condominium complex. So it can be single family residential, but it just allows the most flexibility and I think the testimony or the evidence that was given at the Planning Commission was to keep it consistent and harmonious with what was there already, but to also increase the flexibility of it so it could be used. It has sat there as an I-2 for sale forever and nothing has happened with it.

Baker: Is there anyone else who wishes to speak on Ordinance L-10?

Ordinance M-10

Baker: Ordinance M-10 reads the same on our agenda; however, the difference is there will already be a business there and a residence there. Does anyone wish to speak on Ordinance M-10? Seeing no one we will close our public hearing. Ladies and gentlemen thank you for attending. Those of you, who commented, thank you for your comments. It gives us a lot of things to think about.

Public hearing ended at 7:55 p.m. and was followed by the regular council meeting.

President Baker called the regular meeting to order. Pastor 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.

Aspiras moved and Hamsher seconded that the minutes of the July 19, 2010 regular meeting be approved. Roll call vote. Ayes all, except Leathers abstained. Motion carried.

Public Comment: None.

Standing Committee Reports:

A. Finance – Mr. Miller had no report.

B. Utilities – Mr. Vance reported there was a workshop done by the Public Utility Board where we heard more testimony and more details on the plan that is coming up later on here on our agenda that we will discuss, so I will just leave our discussion until we get there.

C. Health & Safety – Mr. Corfman had no report, but the Health & Safety Committee is keeping an eye on an ongoing investigation concerning a vicious dog and an unfortunate incident we had. Upon the conclusion of how that goes, Council will have a meeting to discuss that.

D. Parks and Recreation – Mr. Aspiras reported we have received the Natures Work Grant from the Ohio Department of Natural Resources in the amount of \$25,182 maximum. This has been unofficially awarded to the City of Orrville. A few months ago we had submitted an application for a

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dog park to be put here in Orrville and so that is what that grant money is for. I mentioned it was unofficial as we have not received a completed grant contract. Having said that it appears that construction will begin sometime in the Spring of 2011.

Handwerk: In relation to the dog park, if you saw the article in the paper today from Shreve that was also applying for that grant, one of the things that was mentioned was that they did not present their case well enough to receive that grant and I think that another attribute that we have with Kristin doing a good job with the grant application process. If we don't have that, maybe we don't get that either. Good job with Kristin Endsley and Mr. Wheeler on getting that grant for us in the first place.

E. Transportation – Mr. Shupp thanked Julie for the nice minutes she took at the meeting. In fact, I am going to use your minutes for my report. Transportation Committee met on July 26th at 7pm. All members of Council were present including President of Council; also the Mayor, Kristin Endsley, Steve Wheeler, and Chief Carozza. Steve Wheeler updated everyone on the current street repairs. He noted there would be probably a \$30,000 to \$35,000 remaining in the budget for the streets – which was good news. Discussion was held regarding those funds and what we should do as far as the leftover monies go. Some suggestions including resurfacing Lake Street were suggested; slated for 2011. It is just outside the critical area in our scoring. Mr. Wheeler noted that he would like to use some of the money or most of it for concrete repairs on Church Street, Hostetler Road, Crown Hill Drive, and several other areas. I think Church Street was a priority. Chief Carozza gave a review of potential traffic problem at the new school buildings and before tonight's meeting he told me that it was running pretty smoothly. They have changed the flow from the Middle School over to the new elementary school and they have got plenty of area for the drop off and pick up of the students now so it is working pretty well. Discussion also was held regarding the Ella Street, between High and Congress and Mineral Springs Streets on the name change. It was proposed that Mineral Springs be named Orrville Way and Ella Street be renamed to Red Rider Road. It was suggested that these properties on these streets be contacted personally regarding the change. Discussion was also held regarding the effects to the GPS systems, internet directions, etc. It was mentioned that we could possibly leave both names on the signs for a transition period. There was also a question raised regarding the traffic signals at Maple Street and Market whether it should be removed due to the new school or the old school being closed. Kristin Endsley noted that in order to put in a traffic light we need a warrant study and possibly we should have a warrant study for removing one. Other intersections possibly needing a warrant study include Crown Hill and High as well as Crown Hill and Hostetler Road. I think Mr. Wheeler and Kristin Endsley were going to look into possibly doing some warrant studies on that for us.

Wheeler: Correct. We have received a few estimates and are looking at ways to potentially do it a little cheaper than what the estimates are coming in at. They are about \$10,000 per study and we think we can do some of that work in-house in order to lower that cost. So we are looking at that option and hopefully still do the studies and do them a little more reasonably priced.

Shupp: I agree with that.

F. Planning – Mr. Hamsher had no report.

G. Ordinance & Personnel – Ms. Leathers had no report.

Special Committee Reports: None.

Administrative Reports:

A. Mayor - Mayor Handwerk asked Council's approval for the appointment of Mr. Russ Miller to fill in the unexpired term of Mr. Dave Shrader for the Utility Board. Dave Shrader's term ends at the end of this year, December 31st. At that point we would have to reappoint Mr. Miller then if he chooses to still be on there.

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Corfman moved and Leathers seconded the appointment of Mr. Russ Miller. Roll call vote. Ayes all. Motion carried.

Secondly, I wanted to just introduce our August Employee of the Month. This is an employee from the Wastewater Division and that is Dwight McIntire. Dwight began his career as a utility worker in 1994 and was promoted to Wastewater Operator in 1998 and promoted to Wastewater Operator II in 2009. Dwight has an Associates Degree in Environmental Resource Management from Muskingham College and an OEPA Class 3 Wastewater Operator's license. He previously worked in Zanesville Wastewater Treatment Plant after serving for 20 years in our Marine Corp. Dwight is a senior operator and we rely on his experience in many areas. Most of his current duties are related to compliance monitoring and testing. Dwight and his wife have three children and live near Orrville. Dwight and I had lunch at Dravenstotts about two weeks ago. Also, just in talking about the meeting Mr. Shupp was talking about, I have started the process of contacting residents on Mineral Springs and Ella Streets. Mineral Springs I took an afternoon and went down and only found a few of them home. I just wasn't catching people at home that afternoon. I will go back there again to contact the rest of them. The ones I did contact really didn't have any problem with it at this point. A couple thought it was a good idea. Also, on Ella Street Mr. Wheeler and I have a meeting scheduled for Friday this week to meet with Mr. John Ritchie, Superintendent of Orrville City Schools, and Kevin Platz from the Orrville Area Boys and Girls Club just to go over again that process with them and also some other information about the future plans of resurfacing and so forth. The other residents on Ella Street I will get a hold of contact this fall. Mr. Brediger may be talking about this so I won't say much about it, but I just wanted to bring up – this was mentioned at our utilities workshop, but wanted to bring this up to all council members – just the fact that I have a letter here from the Mayor of Cuyahoga Falls for the assistance that our utility crew gave them during a time of need up there. This was our electrical distribution team. In particular he mentioned Bill Evans, John Babb, Tim Johnson, and Steven Hess going certainly above the call of duty up there to help out that community. I know Jeff you mentioned another community at the same time that we had also helped the past month or so.

Brediger: That was the Village of St. Clairesville.

Handwerk: I think a lot of people don't realize our crews do that and I think that is really a neat thing that I appreciated the Mayor of Cuyahoga Falls sending a letter down to Jeff and I got a copy.

B. Safety Service Director- Director Wheeler reported that due to the Labor Day holiday yesterday trash and recycling pickup will be delayed by one day this week for Orrville City residents. If your pick up day is Thursday, it will be Friday. If your pickup is Friday, it will be Saturday. Lynn Drive has been milled and concrete repairs were completed. Concrete and curb ramp repairs should be completed by Friday of this week and they will be mobilizing paving equipment on Thursday with the hope of starting paving by Monday at the latest and then all resurfacing within the City should be completed within the next two weeks. Orr Pool closed August 21st. Overall it was a good year with very few problems and the hot weather made Orr Pool a very popular place this summer. I want to thank our pool staff, concession staff, and our summer help in both the park and street departments for their efforts this summer to keep the pool and the park looking good. Also, the citywide yard sale is October 2nd from 9am to 4pm and please contact the Orrville Chamber of Commerce for more information on that if you are interested.

C. Utilities Director – Director Brediger reported a number of updates. These will be old news for Council who attended the Public Utility Board last week, but I wanted to give Council a chance to ask any questions concerning some of these issues. I will be speaking under new business to Resolution 21-10 when that time comes up. A few other items of interest – on August 26th the Utility Department hosted the meeting with Jennifer Kline, the Director of the Energy and Environmental Policy office for the Ohio Chamber of Commerce. She toured power plant, Quality Castings, and Gerdau. We had a luncheon in between those tours that was attended by roughly 30 people and we

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had a lot of discussions on energy and environmental and regulatory issues. She was interested in mainly how the EPA has been impacting some of our larger businesses and industries in this town. This office acts as kind of a consumers advocate at the State level. We have worked with her office before. Our state association works very closely with her office on a variety of issues. It was good to have her up out of the Columbus area getting out into the streets so to speak. We sent out a press release at the end of August to Council and the Board members about AMPs conversion of the coal-fired power plant down in Meigs County that was cancelled last November. That plant is now going to be converted to a natural gas combined cycle plant. This will be close to a 600 megawatt facility. Whether or not Orrville participates in this project is unknown at this time. We are in the process of updating our power supply study. One of the benefits; however, in this plant being converted to another plant is our ability to recover some of our stranded cost that we have in that project. How much we recover is still being worked out. I told the Board that at the next board meeting we will be having an update on our hydroelectric projects that we are currently involved in. On August 23rd we did submit about 32 pages worth of comments to the Federal EPA concerning the rule making that is impacting the power plant and a lot of other businesses and industries throughout the country. These comments go to Federal EPA. They have to read every one of them and respond to all of these comments. We have a lot of work to do between now and December 15th which is the tentative effective date of this rule. Assuming that date does not slide and becomes effective on mid-December, we will have three years to comply with that rule. We do expect a lot of arguments and concerns being brought forth to the federal government; a lot of our state legislators on both sides of this issue. We have had a lot of support from the Governor's office and both of our senators. I did pass out letters to our Utility Board from letters that have been written by Senator Voinovich and Senator Brown. They have also cosigned a number of other letters by the House and Senate; both sides of the fence against this rule making. While that process continues on as the EPA never sleeps even though the Board and Council was on vacation for a month, there was another rule that the EPA handed out in there continuing assault on just about every business and industry in the United States. These rules will further reduce SO₂ and NO_x. These proposed standards will bring new regulations to most of the counties in Ohio. Currently there are only fourteen. The counties that will be affected the most severe will be the counties that touch the larger metropolitan areas like Toledo, Columbus, Cleveland, Akron, Canton, and Youngstown. We do border the Stark County which is where Canton is at. These new restrictions will restrict new business. They will inhibit business expansion. It will bring more stringent air pollution control requirements across just about every business and industry in the State of Ohio. There is more stuff coming from our friends in Washington. Sometime between now and the end of the year our State Association AMP will be rolling out a new energy program. It is actually an option that is called EcoSmart Choice. It is a green pricing program that will be offered through AMP. I will give you a few details on this and there will be some more information that we will be passing out once that is available. For an additional between a 1/2 cent and .7 cents a kilowatt hour residents can offset 25-100% of all of their energy use with renewable energy. To give you an idea on a ballpark on what this would cost a typical residential customer using around 750 kilowatt hours; this would add about another \$4 to your electric bill. This program will also be available to commercial and industrial customers, but they will be purchasing larger blocks of energy. You will be able to drop in or drop out of this program at any time. What this additional purchase does it forces green energy providers when biomass solar to deliver into the grid. You do not buy power from any specific project, but there is a consortium of energy providers out there that are in position to sell this green power energy. What this does is it helps promote development on a larger scale. The more demand there is for this, developers of wind and solar and other renewable energies can build larger plants and it makes the economy a lot better. There will be a little bit more information on that and just how that program will be working sometime between now and the end of the year. I do remind Council that we are invested in 500 electric projects along the river so we do have some renewable energy into our portfolio of energy supply that will be coming into this community starting 2012 and 2013. Switching gears a little bit,

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Ella and Elm water main projects have been completed. There were some disruptions to the residents in that area, but that work is done. We did complete cleaning out two of the three lime lagoons just north of town. In the Wastewater Department we are ready to begin an initial phase study of a full scale wet lands. some of our biggest concerns we have going forward with this are the possible need by the EPA that would require this pond to be lined and certainly the cost associated with that liner would be a big inhibitor to us, but it is part of an effort that Mr. Auten has been looking at for a number of years that will lower the toxics and be a precursor or a proactive effort in the wastewater utility to stay one step ahead of some upcoming regulations that will be placing some pretty large burdens on the wastewater treatment plant. We will be having a committee meeting to discuss this in the near future.

Vance: I just wanted to make a comment. We talk a lot about the EPA around here and it is not that we are against clean air regulations or anything like that. It is just that we believe that Congress needs to be making these rules for the most part and the EPA is a little frustrated with Congress because they are not moving along fast enough for the EPA and they're being directed to simply come out with these rules on their own. The EPA is not run by elected officials and so they are not accountable in the way an elected official is. So they're simply coming out with these rules on their own, outside of any kind of ability for Congress to be able to do anything and so that is the difficulty that we face. That is why we talk about the EPA a lot. We have a political process where elected officials are to set policy and that is the way we think this process should work instead of agency simply being able to have this dramatic affect on so many areas that we work with. I just wanted to make a comment on that regard. That is why we are spending so much time talking with the EPA.

Brediger: I would agree with your comments there. It is not that we are opposed to the regulations. It is the depth that these regulations go in to. Just by that vary nature of the process they only get a shot at you so many times so they want to make as large of a cut as they can get because it may not be another five or seven or eight or ten years before you get another opportunity there. The issue is we set these standards and these limits so low that the day they come out there is no technology that exists and they hope at the time it comes time to be in compliance that technology has had a time to catch up with it. A little bit of that field of dreams concept. That is where we struggle a lot with. There can be a lot of strides, not only from a utility, but a lot of manufacturing, industrial, commercial sectors to make some improvements in environment. We are just proposing to go at them a little bit more reasonably.

D. Finance Director – Director Strimlan reported the State Auditor's office is finalizing our 2009 audit so Council, the Directors, and Mayor should be receiving an invitation in the next day or two inviting you to the closing audit meeting which is tentatively scheduled for Tuesday at 9:00. If you could let me know if you plan on attending so I can make sure we have adequate seating arrangements, I would appreciate it. I believe all the invitations will be sent via e-mail and you will have all the documentation then as well as if you have a chance to review the information if you have any questions, please feel free to call me about it. Also, prior to tonight's meeting I distributed the Fund Balance Reports for July and August 2010 and asked for a motion to approve that report subject to audit. Miller made the motion and Shupp seconded. Roll call vote. Ayes all. Motion carried. I also distributed the Quarterly Investment Reports for the quarter ended June 2010. No action is required, but I do need the minutes to reflect that those reports were distributed. I also have a resolution on the agenda tonight, but I will speak to that when it comes up.

E. Law Director - Director Lutz reported in relation to Mr. Corfman's report for Health & Safety; at the suggestion of our County Auditor, Jarrod Underwood, I may be meeting in the future here with the other law directors of Rittman and Wooster with her regarding the vicious dog ordinances and perhaps enhancing public awareness. As you know, the County Auditor is responsible for registering/licensing dogs so I will coordinate with Mr. Corfman and his committee to make sure we are all on the same page there.

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F. President of Council – President Baker reported the Clerk had something.

Peppard: We received an application for an alley vacation from the Orrville City Schools which needs referred to the Planning Commission.

Baker: My report also has to do with the Orrville City Schools. Everyone please keep in mind that there are students back on the streets again. We have high school students that are driving. We have students that are walking, but very important make sure that you pay attention to the buses when their red lights blink. The bus routes have changed this year from what they were in the past so be sure to take that into account when you are on your way into work and you have two minutes to get there and you have to wait five minutes behind that bus. Maybe just leave a couple minutes earlier until you get used to these new bus routes.

Old Business:

ORDINANCE L-10

Leathers moved and Aspiras seconded that Ordinance L-10, an ordinance amending the zoning map created by Chapter 1120 of the Codified Ordinances of the City of Orrville, Ohio, to reclassify a parcel of land known as Lot Number 3425 in the City of Orrville from I-2 (Industrial) to R-4 (Residential), be placed on second reading. Roll call vote. Ayes all. Motion carried.

Baker: Comments? Seeing none, do we want this to go to third reading?

Shupp: Yes I do.

Vance: I would like to at some point hear the Administration's view on this issue. We can do it at third reading or now. Either from Mr. Wheeler or the Mayor.

ORDINANCE M-10

Leathers moved and Hamsher seconded that Ordinance M-10, an ordinance amending the zoning map created by Chapter 1120 of the Codified Ordinances of the City of Orrville, Ohio, to reclassify a parcel of land known as Lot Number 3426 in the City of Orrville from I-2 (Industrial) to R-4 (Residential), be placed on second reading. Roll call vote. Ayes all. Motion carried.

Baker: Any comments on this one? Mr. Wheeler do you have any further information for Council?

Wheeler: Just to clarify one thing in case there is a misunderstanding. Mr. Nussbaum came in after the last meeting and mentioned to me that he had heard some rumblings that he was actually building something new there which is not correct. He simply wants to use the existing building there to both live in and operate his business out of as a rezoned R-4.

Shupp: Samaritan Care – are they moving out of the facility all together?

Wheeler: That is correct.

Shupp: So we won't have their services any longer in the community?

Wheeler: That is my understanding. That is correct.

Lutz: They are going to be operating out of Wooster.

Wheeler: Wooster alone.

Shupp: We will have Aubles yet though?

Wheeler: Yes, absolutely.

New Business:

RESOLUTION 21-10

Leathers moved and Corfman seconded that Resolution 21-10, a resolution authorizing the Director of Utilities of the City of Orrville to approve the execution of an Efficiency Smart Power Plant Schedule Agreement between the City of Orrville and American Municipal Power, Inc., be placed on first reading. Roll call vote. Ayes all. Motion carried.

Brediger: Just to recap on a couple of the highlights from our workshop that was held with Council and the Public Utility Board on August 30th. This is an energy efficiency program. We had a representative from AMP who went through a PowerPoint presentation and we had a lot of good

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dialogue; there was some good questions that were asked as part of that presentation. A few recaps on this program. This is a result of a mandated consent decree from the Federal EPA as part of the new Gorsuch Station settlement. This program requires us to participate in an energy efficiency program along with the other members of the Gorsuch project. There are a number of different options how to participate in this. My recommendation to the Board at that meeting was to be a full participant. With that the organization, Vermont Energy Group, will guarantee that we reach 70% of the kilowatt hour savings that is a target that is mandated by Federal EPA. This will be a three year program. We are looking at our customers realizing a benefit in a three to four, five years at the most. We were asking for Council placing this on first reading. The Public Utility Board we are hopefully seeking approval at their September 13th meeting and we are requesting Council approval on the following Council meeting on the 20th. This program right now is scheduled to launch sometime the forth quarter of this year. They expect to start delivering services the first quarter of 2011. As I mentioned, this is part of a \$15 million decent decree from the EPA. This is in addition to the monetary fine that was also part of that consent decree. Some of the benefits that we see from this program; not that you can... we look at it as an opportunity to make lemonade out of some lemons that were thrown at us. This will allow us to recovery through energy savings a penalty that we could have just as easily been levied as a full monetary penalty and we would just be coughing up a big fine and paying that to the Federal EPA and letting them do whatever they do with the money. With this it does allow our residents, commercial and industrial customers to actually realize some of these savings back into their businesses and residences. If we play our cards right, we can actually recover a large portion of this fine that has been opposed on us. With that I will open the floor to any questions that we had with the presentation that was given and see what we have. We don't have an option on this. We have three options on how to participate. We look at going into this thing as a full participant. We can be a partial participant which means the program will be offered, but they will not guarantee most of the savings on this or we can just go ahead and pay the fine which right now is in the neighborhood of \$360,000 to \$400,000 a year. We can recover most of that back again if we have some success in this program. I will remind that the Vermont Energy Group has run this program successfully in many states. They have a good track record. AMP has been working with them for a number of years to launch a program like this and we think we have the resources here in town; certainly the businesses and industry here to take a lot of advantage of that. We currently have three industries right now that are very much interested in starting this program before it even gets launched here officially next month. So with that I will answer any questions Council has at this stage of the game.

Aspiras: I know during the informational meeting we were told some of the products and services that may become available such as coupons and rebates for CFLs and energy efficiency appliances. Could you just kind of elaborate to the public what may be coming from this program?

Brediger: There will be a number of programs. Some of those that you just mentioned that we have seen already in some of the state and federal government sponsored programs where they have given you rebates for energy star appliances. These programs will be along those same orders for residential customers in addition to rebates on compact fluorescent light bulbs (CFL). When we get into the commercial and industrial this could involve them upgrading their lighting systems; updating their heating and cooling systems. On an industrial level if a company was looking at replacing older motors or older systems, there would be incentives thrown out there to allow them to step up to even higher levels of energy efficiency for the same cost they were already planning on paying for their initial upgrade. A lot more of those details will be out. We will be working with a lot of our area suppliers and contractors. This company realizes those benefits by working with companies like Johnson Hardware, Ace Hardware, and local contractors to be able to do this. So they will be working with us to identify, at least in our community, who those people and industries and business are which again will try to keep those dollars here locally. If a company was on the border of considering an upgrade, some of these incentives that this energy efficiency program could make a difference to keeping their businesses thriving and going strong. There will be a lot more examples

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that will be rolled out through an advertising program. These will be in various forms of media. Our point of contact on this will be Mike Hedberg out of our Industrial Development office, but most of the leg work will be performed by the consultants that AMP has hired as part of this program. We will have a lot more details later on this quarter and we will have a lot better examples for our customers over the next couple months.

Aspiras: And you will be communicating how that interface will happen whether it is through mail or a flyer attached to their energy bill?

Brediger: We will be using multiple forms of media to get that information out. Because the key to this thing is customer awareness all the way across all the classes there and they are very good about reaching out and using programs that are tailored for the community. That is one of the other benefits of this program is each one of these programs are catered to the types of customers you have in your community. So we won't get a program that is put together for the City of Cleveland or the Village of Marshallville. They will be coming in and looking at us specifically; looking at the types of customers we have; how we use our energy here; and determine where some of these bigger bangs for the bucks can be and they will focus those incentives, those rebates, in those areas that can return the biggest dollar savings for our customers. We hope everybody participates for this. One advantage I think we have in all of this in order to meet the EPA targets that we have is the fact that we have a lot of large commercial and industrial base. Some of our larger customers can really benefit and realize some large savings and reduce those energy numbers by making some fairly simple changes in here and these programs will be tailored to divert or direct the dollars that create those largest energy savings. We can put larger dollars towards a business or industry or a large commercial customer in the form of energy efficient lighting. For example Buehlers with all their lighting they have in their store versus trying to get every home retrofitted with CFLs for example. We will be targeting a lot of opportunities out there and try and make these programs available across all of our customer classes. It would be to your advantage, if you have ever thought about it right now and thought it was a little pricey or not for you, these programs will be designed to try to get into every home, every business, every industry we have right now. The key to this is having a good effective program; having solid marketing out there; and at the end of the day we also have to verify the savings so there will be independent people out there that will serve as the gatekeeper to make sure we are achieving this energy efficiency target number that we are required to hit at the end of the three year period. If not, the EPA has other motivations as part of this consent decree; retrofitting diesel buses and things along that line that may come out if we don't hit some of these targets. So again, this consent decree and this program is not an option for us. It is forced on us, for lack of better words. We can't say we don't want it, we don't like it. That decision has already been made for us. It is how we best take advantage of a bad situation and turn that into something positive for all of our customers here.

Vance: The resolution we have isn't just to enter into the contract, it is that we are entering into the contract as a full participant. It cost a little more, but we are getting the guarantee with that that we will meet the energy savings that we are required to meet. Part of that guarantee says that if we don't meet those energy savings they will either return the money to us or it will be put towards the next contract. Is that our decision or theirs and is there another contract envisioned after this three year one?

Brediger: I think a lot of that depends on how well this community embraces it. The answer to your first question is yes we have the option to take the money if they fall short or to use that as a credit so to speak if we would choose to continue on with this program after the three year requirement. I think that will speak for itself after this program has been in affect for a couple years and we start seeing where our progress is at and we see where the feedback comes back from our customers. If we penetrated into as far as we think we can go, then there may not be any more incentives for us to voluntarily participate in this program after the required three years. I think a lot of that depends on just how successful and just how willing we are as a community and customers to start thinking more along the lines of energy efficiency. One of the other savings on this and this may be where Paul

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and I need to spend a little bit more time. We are not investing in another power plant. The concept is if you use less energy, you are going to require the need for finding more energy or building a new power plant in the years to come. For us with the onset of the J.M. Smucker's expansion and Orrvillon coming on board, here in another couple months we will be pushing the capacity of our existing plant by the end of this year, maybe the first half of 2011. What these kind of programs do for us from that perspective is if our demand exceeds the capacity of that plant, that means we're out in the wholesale power market. We are out exposed to market fluctuation; the mercy of the market for lack of better words. If we can avoid having to be subject to the volatility of the market, we are actually avoiding building new power plants, lessening or dependence on others. This over time will have the effectiveness of not having to build additional generation; not only for us, but for all the other members that have participated in this project. The concept of an energy efficiency power plant is the fact that we are not building a power plant because we are using less energy. So we will kind of clarify that because the article that was in the paper a few days ago was a little misleading. Paul and I will spend some time here to make sure we have a little clarity on the concept of this.

Vance: I just wanted to add as well that we are being told by this company that for every dollar Orrville spends we will get \$1.94 in energy savings. That is the silver lining to the cloud. It is that there is a benefit to this other than just simply paying a fine. That is a good reason for us to participate in the program.

Aspiras: And the guarantee is 70% of that?

Brediger: Yes.

RESOLUTION 22-10

Leathers moved and Miller seconded that Resolution 22-10, a resolution accepting the amounts and rates as determined by the budget commission and authorizing the necessary tax levies and certifying them to the county auditor, be placed on first reading.

Strimlan: This is the annual ordinance that we receive from the Wayne County Budget Commission each year. This ordinance gives the Wayne County Auditor the authority to collect our property tax for us. This is something that we do every year. This doesn't need to be passed tonight; however, we do need to have this returned to the Wayne County Auditor by September 30th so it will need to be passed at the next meeting.

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 22-10 be adopted as read. Roll call vote. Ayes all. Motion carried.

Good of the Order: None.

Leathers moved and Aspiras seconded that the council meeting be adjourned. Ayes all. Motion carried. Council was adjourned at 8:52 p.m.

Tamra Peppard, Clerk of Council

Date

Lyle Baker, President of Council