

Regular/Public

October 6, 2014

Council President Baker called the regular meeting to order.

Pastor John Malpus from Orrville Christian Church offered the prayer. The Pledge was recited by all.

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

Aspiras moved that the minutes of the September 15, 2014, regular meeting be accepted as documented and Wilson seconded. Roll call vote; all yeas; motion carried.

Standing Committee Reports:

Planning – Hamsher: Thank you, Mr. President. Prior to tonight's meeting Planning Committee met to discuss regulating certain gaming activity in the City. There was an application to Planning Commission that came about and we met to discuss that. We discussed Rails to Trails. We discussed a matter that was brought to us by a citizen regarding RV's and campers within the City.

No report for Finance, Utilities, Health and Safety, Parks & Recreation, Transportation, Ordinance & Personnel. No Special Committee reports.

Administrative Reports:

Mayor Handwerk: Thank you, Mr. President. I do have one proclamation for us tonight. This week is Public Power Week and so I have a proclamation concerning that. (Proclamation was read.)

Safety Service Director Wheeler: Thank you, Mr. President. Needless to say there's a few things going on in the City right now. Dominion is still out working on South Main. They have a few more weeks of work to go on the new gas line installation there. They have also started work on Penn Avenue today as well. Apple Avenue extension project continues. That project's moving along fairly well so far and it's on schedule if the weather will continue to cooperate. South Crown Hill concrete has been replaced on the southbound lane to Andover. The work zone is now south of Andover stretching to the Paragon Stone which is the property line. Concrete is being removed and replaced as weather permits. Collins Blvd. has been completed. Hostetler westbound lane is complete from Elm to Crown Hill. The eastbound lane is scheduled to be concreted this week, again if weather permits. Just a reminder Hostetler does remain a one way during this project. We also decided to do a small portion between East High and Walnut to piggy back on some work that Dominion was doing there. It seemed silly to dig that up twice so we did decide to piggy back on their project and move forward with that. As far as asphalt streets, Heatherwood, Meadow Lane, Kenwood and Tammy Court project, that continues. Basin work is being done; base work is also being done currently there as well. South Vine Street CDBG resurfacing project began today. They are pulling up curb and replacing the curb and any walk areas that need replaced and that's a fairly straightforward project with the resurfacing there. And finally, believe it or not, it is leaf pick up time. The leaf pick up schedule has been released. Actually started fairly similar time to last year, we'll start on the south end on November 3 and that's south of Market Street. And move to the north end on November 12. And November 12 is a Wednesday, if you're asking why, well it took about 10 days last year to do the south end and rather than have people rush to have it out a few days, a week before they need to, we're being more realistic with when we'll be there to the north end. North end will be up by November 12. The final pass through will be November 20-26. Same rules apply as in the past.

Vance: When the gas line is going through and they rip up those sidewalks, is there any obligation to replace the sidewalk like what was there. Like if people had done a little bit extra design work on their sidewalks. How is that handled?

Wheeler: We try to have them replace it with "like kind" and Dominion fairly good about trying to appease the property owner. So if there's any circumstances like that we try to be aware of it and make sure Dominion's contractors are doing that kind of work as well.

Wilson: Just out of curiosity, will Hostetler continue to be one way in the same direction?

Wheeler: Yes. And the reason we did that that way was just we felt like switching directions just complicates it. So we're trying to make it easier for the vehicular traffic so that they're not confused, "What week is it?" "Are we going eastbound or going westbound?" So yes, we kept it one way even though the lane changed.

Utilities Director Brediger: Thank you, Mr. President. Just a few departmental updates. Our fall outage on Boiler 13 began this week and will continue thru the 17th. The work that we're doing this period is basically routine in nature and just involves inspections and repairs that can't be made while the unit's

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normally in service. During that time we'll be supplying energy from the other one of the other two available units in combination with our other projects and some market purchases. On the Wastewater Department there's a resolution that I'll speak to a little bit more in detail at that time. There's just an update on, I reported back in the summer that the EPA came out with another environmental rule concerning a greenhouse gas. This rule mainly targets carbon dioxide emissions. That rule came out in June. It's a proposed rule. It's going through a comment period and depending on how those comments come into play, will be effective June of next year. I just wanted to give you a little bit of information on that. I also believe I reported that we believed we were not pulled into that rule. I misspoke a little bit on that. We are not, by definition, included in that rule but we are on a list and we need to get our name off that list. City of Orrville and the City of Hamilton has units that are on this list and we will be submitting some comments. We're actually putting our legal team and forces together, Hamilton and Orrville, will be jointly coordinating some comments. Ohio EPA is aware of this. They understand that this is an error but regardless of it being an error we have to get it off the list. So the Ohio EPA will be working with us on that effort. Some other issues that we have, our concerns we have with that rule is also how it will impact our projects. Our Prairie State Coal Plant and our Fremont Natural Gas plant will come under the auspice of this rule. AMP will be submitting some comments to that and we'll be including BTU language in our comments. One of the key issues in this rule that we'll be focusing on is the fact that we want to have the inclusion of our hydro projects as part of the emission reduction strategies that the states have been asked to employ. The EPA really isn't as clear as we would like them to be on this. These credits could prove very valuable for us in the future and it's important the agency understands the rule that renewables have in those and it's not so much a timing sort of issue. So you'll be hearing us talk a little bit more about those comments here between now and the comments middle time which is like December 1st of this year. Last comment I have is some of our customers have received or may be getting letters from our natural gas supplier IGS in the mail. That is a standard letter that came out that says that you are part of a current program. It discusses the rate which is \$4.25/MCF and it has some standard terms and conditions and that. If there's anything in that letter that you don't understand, give IGS or our office a call. And it's still not too late to sign up for that aggregation program if you're interested. That is a fixed amount all year regardless of when you do join. And if you have any questions on that too you can call that 1-800 number that's in the letter or give our office a call.

Aspiras: Mr. Brediger, if I could just ask, I'm glad to hear you mention that there's still time to sign up for the aggregate program. Actually had a neighbor ask me and I went on to the Orrville Utilities site and it had the number to call and it said there's still time to sign up, it did not give a date. I was looking for a date to tell the neighbor how late you would have to sign up.

Brediger: There is no date. You can sign up 6 months from now if you want. That rate is fixed for the next year and that year begins November 1st. You can sign up any time if you're currently not a member or currently not part of the program, you can sign up any time November 1st through October 31st of next year.

Aspiras: So if I sign up in March of next year, I'm okay. It just ends in October.

Brediger: That's right. But it is a fixed program for the entire year regardless of when you sign up.

Mayor: One thing to go along with that is, you kind of touched on that, is if you already are in the aggregation project, you don't have to do anything. You don't have to re-sign up. You're already in it. You just have to notify them if you want out or if you're new to come in.

Brediger: That is correct.

Aspiras: This neighbor actually was not in it so they were asking me about it.

Brediger: Right. And if they have any questions just give us a call. We'll walk you through the process. It's very simple.

Aspiras: And they may have done that. I saw them a couple days ago.

Vance: Just call Rick he knows all about that.

Brediger: We have a lot of ambassadors out there.

Finance Director Strimlan: Thank you, Mr. President. As you know we are working on updating our ERP system. We should be receiving completed RFP's from our vendors this week. We're planning for vendor demos the first and second week of November. And we'll keep you informed as the project progresses and probably have a committee meeting closer to the end of the year to discuss our options. Also the Ohio Municipal League has invited Senator Frank LaRose to a meeting on October 15th from 10-12 at Schmid Hall. This is to discuss the effects of substitute House Bill 5, the Municipal Income Tax Reform bill that's currently being considered by the Ohio Senate. Senator LaRose would like to hear about the impact the bill may have on municipal budgets within his district. This meeting and ones that are very similar are being conducted across the state right now before any decisions are made. If you'd like to attend give me a call or send an email and I can get an RSVP submitted for you. I do have some legislation on the agenda tonight and I'll speak to that as it comes up. Also, I did distribute the Fund

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Balance report for the period August 31, 2014 and I would ask for a motion to approve that report subject to audit. Aspiras so moved. Shupp seconded. Roll call vote; all yeas; motion carried.

Baker: Ms. Strimlan, what was that date again for Senator LaRose?

Strimlan: October 15 from 10-12 at Schmid Hall.

Law Director Kirkbride: No report.

Council President Baker: For my report I have a sad item to note this evening. Julie Leathers is going to be leaving City Council. She still has a few years left on her term but due to job responsibilities she's not going to be able to complete that term. So we invite anyone from the general public that lives in Ward 2 to submit a resume if they are interested in that position but the one thing to remember is that you do need to be living in Ward 2. The address to send that to, send it to the Clerk of Council in Orrville and that is 207 North Main Street. So if you're interested this is your opportunity. That's the way that I got on City Council in the beginning. I filled an unexpired seat and it's been very rewarding. So if you've been thinking about it, you don't even have to run this time. Just send your resume and we will be conducting interviews after that. Julie do you have words for us tonight? We really do hate to see you go.

Leathers: I really hate to go too. However, because of a job change I do have to resign because it's in direct conflict of interest. I'm very sad. This is my 9th year in council and I've truly enjoyed it. And you're not going to get rid of me too quick. I'll be here until the end of November.

Baker: We thank you for your service. I do have another item this evening for the Council people, there is a resolution that's going to be coming to our next meeting but the members of council need to have this resolution so they can look it over in advance. It's a resolution to change the Council rules. What's being changed there, there will be a section added concerning executive session. So those of you on council look those over. At our next meeting is when we'll be voting on that change to the council rules. One last item, I spent a week in South Dakota two weeks ago. And it's very beautiful country. However, I went through quite a few towns and two of them had flower baskets. But I will say this that country out there is beautiful but our flower baskets had them beat. And one of the towns was much larger than Orrville so I don't know if they spent more money or what may have happened but their flowers were not quite up to what we have. So I really want to thank the people of Orrville. Everyone, the individuals and the businesses, that donated their time and money to make downtown Orrville and all the way out either direction beautiful because our baskets will match up with anyone around.

Old Business:

Leathers moved that Resolution 29-14 be placed on the table until our next meeting. Vance seconded. Roll call vote; all yeas; motion carried.

Kirkbride: I'll speak to that resolution that's been pending. One of the items that we've talked about having a concern as a Council and as a City is that there is pending litigation with this property relating to Rails to Trails and the City of Orrville. We are in the process of negotiating and entering into an agreement with Rails to Trails that would allow for us to put a cap on our legal expenses and any liability that might flow to the City as a result of this litigation. Time constraints and logistics have made it so that we don't quite have that agreement in place today so that we're optimistic and we're certain that we're going to have something in place. I've given a draft to the attorney for Rails to Trails but we don't have it back yet today. And to be fair to them I didn't get it to her until late last week and her schedule was busy and my schedule was busy so they have not had an opportunity yet to review it with their full board and make any suggested changes or concerns that they have. So I am sure that we will have something in place soon and I think we're very close to having an agreement but we're not quite there yet tonight.

New Business:

Leathers moved that Resolution 36-14 be place on first reading. Hamsher seconded. Roll call vote; all yeas; motion carried. **RESOLUTION NO. 36-14**, A Resolution authorizing the Director of Utilities and/or the Public Utilities Board of Control to accept bids and to enter into a contract and/or contracts for improvements to the wastewater blower building and screen installation, and declaring an emergency.

Brediger: I will speak to this. I did send council a memo on the 29th of September. This resolution is just a revision to the previous resolution 7-14 (sic) that council approved recently. This revision is necessary to reflect more accurate construction estimates now that the final engineering is done. The scope remains the same. The estimate has moved from \$850,000 to \$1.32 million. And again this is just due to the final engineering has come in on that. The engineers that we were working with initially, they just missed their budget number with us. Again the scope remains the same; the funds are still available for this project. We may come back to council here in the near future for an appropriation amendment. Ms. Strimlan and I will work on that later on this year. The construction is still scheduled to start towards the later part of this year; wrap up by summertime. We are planning on going out for bids within the next

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week or so. In the resolution it does repeat basically the same language we had before, it does go over the scope of the project, and a majority of this work is EPA mandated upgrades. I'll be happy to answer any question that you have on this.

Aspiras: Thanks for that explanation, Mr. Brediger. We have, in the original legislation 7-14, and in this current legislation also, \$99,000 for engineering services. So with this increase to \$1.32 million is it the engineering that's increased?

Brediger: No, the materials, the construction estimates for the project. The engineering remains the same. So just to increase better engineering, detailed engineering has been completed and they went back to revise their estimates because we were getting ready to go out for bid and part of that bidding process, we need to give the contractors a range of where those construction estimates were at. And when they went back and revised those construction estimates it resulted in this increase.

Aspiras: Okay. You're saying the scope remains the same. This is \$470,000 more than originally legislated. Nothing in addition?

Brediger: Nothing changed. They just blew their initial estimate that's really all there was. There's no real excuses for them or nothing on our side. We added a few more provisions in the bid specs that allows us to do some more separating and carving out so we may end up with some more multiple contracts to try to keep these costs lower. They just blew the estimate. They apologized for that. We're not involved in that type of estimating so we kind of go with the numbers that they gave us initially that we needed to get the process up and going. We knew they were going to revise the estimates. Usually they're pretty good, they usually hit them within 10-15-20%. This time they were off.

Aspiras: And we have enough in the utility reserve to cover?

Brediger: Yes, sir. That's not a problem.

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

Leathers moved that Resolution 36-14 be adopted as read. Aspiras seconded. Roll call vote; all yeas; motion carried.

Leathers moved that Ordinance I-14 be place on first reading. Wilson seconded. Roll call vote; all yeas; motion carried. **ORDINANCE NO. I-14**, An ordinance to authorize the establishment of the City of Orrville, Ohio, First Responders "Shop with a Cop" Program, or its successor program, and declaring an emergency.

Strimlan: Hopefully all of you had a chance to review the memo that I sent detailing the request for the addition of this fund. As you know our first responders in partnership with the Wadsworth Police Department have been participating in the Shop with a Cop program during the holidays since 2006. Due to the generous support of the community it was decided last year to bring the program to Orrville to give local business and local service organizations an opportunity to participate as well. The legislation tonight will establish a special revenue fund to receipt the donations and record the expenses that revolve around the program. It will be very similar to the Performing Arts Fund. It will provide additional oversight, control, and complete transparency for our first responders. The auditor of the state has given pre-approval for the addition of this fund however it is contingent upon council approval to the addition to the financials. It does not have to be approved tonight; however, we would like to start to get the donations put into the fund with the program usually occurring the first couple weeks of December.

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

Leathers moved that Ordinance I-14 be adopted as read. Corfman seconded. Roll call vote; all yeas; motion carried.

Leathers moved that Ordinance J-14 be place on first reading. Corfman seconded. Roll call vote; all yeas; motion carried. **ORDINANCE NO. J-14**, An Ordinance amending Chapter 1131, Section 1131.03 of the Zoning Code of the City of Orrville, Ohio, relating to Establishment of the Design Review Board.

Wheeler: This is actually an amendment to the Design Review Board chapter of the Zoning Code. This amendment updates the designees for the board, eliminates what was number five in the past, which was a Main Street Orrville designee. Obviously that organization is no longer in existence. The reason for the need to update is our Main Street Orrville designee is resigning for family reasons and so we need to replace her. She's done a great job for us but we need a replacement so we thought the appropriate thing would be to increase the number of design review district business owners as representatives on that board so that number would change from two to three. And we do have someone that has expressed interest in being on the board so it worked out well.

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Vance: I don't necessarily have a question I just think it's just good to review who's on the Design Review Board. This ordinance says it will have an architect, a real estate agent, member of council, a historian, and then three business owners who are in the Design Review district. And so I think we have good representation from all of the parties that are involved and hopefully have good ownership of the Design Review businesses that are affected by the decisions that are made here.

Wheeler: It's an excellent board. They thoroughly review each request. They take into consideration the historical perspective as well as the needs of the downtown area and do a great job balancing those needs and demands.

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

Leathers moved that Ordinance J-14 be adopted as read. Aspiras seconded. Roll call vote; all yeas; motion carried.

Baker: Anyone have anything this evening for the Good of the Order?

Hamsher: I need to apologize for my lack of focus. I was slightly distracted by the glare coming off the left hand of our clerk of court. If you want to zoom in on that rock over there, wow. Congratulations.

Gault: Thank you.

Leathers moved to adjourn the council meeting and Vance seconded. Roll call vote; all yeas; motion carried. Council was adjourned at 8:05 PM.

Jeanne Gault, Clerk of Council

Date

Lyle Baker, President of Council