

OCTOBER 22

07

Amherst City Council met in a Regular Session under full compliance of State Law with President Dietrich opening the meeting at 7:30 P. M. Roll call: Mr. VanderWyden, Mr. Traster, Mr. Cowger, Mr. Costilow, Mrs. Wasilk, Mr. P'Simer, Mr. Brusky. Also present were Mayor Taylor, Safety/Service Director Clotz, Auditor Kukucka, Treasurer Litkovitz, Law Director Pecora, members of the Public and the Press.

The Prayer was invoked by Senior Pastor Bill Mouer of the Family Fellowship Foursquare Church, followed by the Pledge to the Flag led by Sgt. at Arms Cowger

Consent Agenda: The Clerk read the Consent Agenda. Mr. Cowger motioned to accept the Consent Agenda as read. Seconded by Mr. P'Simer. Roll call vote 7-0 to accept the Consent Agenda.

Acknowledgement of the Public pertaining to items on the Agenda: Mr. Michael Greenburg, environmental consultant from GT Environmental Inc. Mr. Dan Billman, director of the Lorain County Solid Waste Management District, and Brian Parsons, public representative for the Lorain County Solid Waste Management District's Policy Committee introduced themselves and were present to answer questions. Mr. Greenburg distributed an Adopted Solid Waste Plan Update and discussed the points in the pamphlet. Reports on file. Mr. P'Simer wondered about the City of Lorain and the Lorain County Commissioners not adopting this plan. Mr. Greenburg said one of the County Commissioners is on the policy plan which drafted this plan and the Commissioners must vote just like any other City or Township. The statute lays out the procedure on how to vote for the plan. The County Commissioners and Lorain City must approve this plan in order for it to be approved according to the Ohio State Statutes. First the policy committee adopted the plan. Then there was a 30 day public comment period. Then there was a Public Hearing. Following that the Policy Committee made decisions and adjustments to the plan based on comments they heard from communities and citizens. The plan was revised and then the plan was sent out for a 90 day ratification period. We are in that ratification period right now and all the entities are treated the same. Every one has 90 days to make that decision. The City of Lorain is under deliberations at the present time. Mr. P'Simer assumes the Commissioners will approve this plan. Mr. Greenburg could not speak for them, but assumes they will. Mr. P'Simer was concerned about going through all the meetings and if Lorain does not adopt this, it won't go into effect anyway. Mr. Greenberg agreed; every large City and Large County in the State of Ohio has to be in on the plan. Mr. P'Simer asked if Lorain comes on board with this, along with us and they get the 60% and then in two years Lorain decides to opt out. Mr. Greenburg said they can't, that's not the way it works. Once the plan is approved and ratified, it is sent to the Ohio EPA. They do a final review. Once the OEPA approves the plan, which they have always approved any plans that are submitted, that plan is in place until the next one is approved. The opt out is solely related to the grant program. With that, if Council decides to go with either system, after two years that this is not working, and they want to go back to the old plan, that is when the opt-out plan comes into play. So they can go back to the original \$68,000 grant.

Mrs. Wasilk asked if the paperboard is cereal boxes, such? Mr. Greenburg said it was. Mrs. Wasilk asked about the \$20,000 and the \$30,000 payments. Mr. Greenburg said as soon as the plan is approved, ratified on schedule, and goes to EPA, who have 90 days to approve, then early next year the plan will be approved by the Director and the Council will pass a Resolution, which then goes to

Mr. Billman and at that time we get in line with all the other entities that have submitted their Resolution that they will implement the volume based system and Mr. Billman will issue these payments. Mrs. Wasilk said so basically we will get \$120,000 next year. Mr. Greenberg agreed. Mrs. Wasilk asked about the \$20,000 plan from the EPA. Mr. Greenburg said if the plan is not approved, then, under law, then the EPA will come in and write the entities' plans, which such as the plans they had written in the Stark, Tuscarawas, Wayne Solid Waste District which are usually severe and have thousands of dollars cut in funding to their communities.

Mr. VanderWyden asked about the \$70,000 grant and if there were any requirement of how this money could be spent and if we could directly apply this to Allied Waste and not figure out the credit for every single household. Mr. Greenburg said after the plan is written, Allied will provide a breakdown of what the cost of trash collections will be with the grant and what the cost will be without the grant money. Allied Waste will be responsible for the accounting and the City will not have to do the bookkeeping at all. Mr. VanderWyden asked about the funding that the District gets, which is over \$3,000,000 a year. If the EPA takes over, we will get less money from the state? Mr. Greenburg said they may use it for other programs that they think are more important. He spoke further on that.

Mr. Costilow said for future, all this time we have spent discussing this, maybe the big groups should vote on these plans before it is presented to the smaller cities. He spent a lot of time reading the plan and now if the bigger groups don't approve it, it was all for nothing. Mr. Greenburg said that is a good point, but to do that, it would require the re-writing of State Statutes, because everyone has the same 90 days.

Mr. Traster asked if we have to adopt the yard waste plan. Mr. Greenburg said the plan does not make any community do anything they don't want to do. This is an incentive. Yard waste is a the largest component of the waste stream. They want communities to use this for compost. So they want communities to try and keep this yard waste from the waste stream. That's why they have a \$20,000 incentive.

Mayor Taylor said the \$30,000 and \$20,000 are one time shots. So he wants Council to know that we will only receive those monies once. These programs like the cart system is coming and will be a way of life. So really it's better for the City to obtain that \$70,000 and use it and take advantage of that because it's coming anyway. So if we wait and it comes later, we will be out the grant money. Mr. Greenburg agreed with these statements. Mr. Greenburg said the system is coming across the country and it is now here in Ohio and in effect in northeast Ohio. Mayor Taylor said so we will get the \$70,000 without having to match and although under the circumstances everything is not perfect, to pass up the money over the next four years would be foolhardy so he would recommend that we adopt the plan.

Mr. Cowger said the \$20,000 for the curbside yard waste recycling - is that something that if we implement it for a year we would get that money and if it's not working out, we have to return the money? Or do we have to keep going with the curbside recycling for the yard waste? Mr. Greenburg said for the yard waste plan, the City can opt out if it does not work after the two years.

ORDINANCES AND RESOLUTIONS FIRST READING:

- (a) A Resolution naming the recipients of the City's City enhancement awards for the year 2007.

Mr. Traster motioned to send this on to its second reading. Seconded by Mr. Costilow. Roll call vote 7-0 to pass to second.

- (b) A Resolution to adopt and Solid Waste Management Plan for the Lorain County Solid Waste Management District; and declaring an emergency.

Mr. Brusky motioned to suspend all Council rules so that this may be passed in its first reading. Seconded by Mr. P'Simer. Roll call vote 7-0 to suspend rules. Mr. P'Simer motioned to adopt. Seconded by Mr. Traster. Roll call vote 7-0 to adopt. Becomes R-07-06.

- (c) A Resolution authorizing the Safety/Service Director of the City to file an application for \$68,106.23 in grant funds and enter into an agreement with the Lorain County Board of Commissioners through the Lorain County Solid Waste Management District for the purpose of acquiring funds for the year 2008 through the recycling and composting grant Program pursuant to the Lorain County Solid Waste Plan; and declaring an emergency.

Mr. Brusky motioned to suspend all Council rules so that this may be passed in its first reading. Seconded by Mr. P'Simer. Mr. VanderWyden noted that this Resolution will not be necessary if the Plan is adopted. Mr. Greenburg agreed. Roll call vote 7-0 to suspend rules. Mr. Traster motioned to adopt. Seconded by Mr. P'Simer. Roll call vote 7-0 to adopt. Becomes R-07-07.

- (d) 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.

Mr. Brusky motioned to suspend all Council rules so that this may be passed in its first reading. Seconded by Mr. P'Simer. Roll call vote 7-0 to suspend rules. Mr. P'Simer motioned to adopt. Seconded by Mr. Cowger. Roll call vote 7-0 to adopt. Becomes R-07-08.

- (e) An Ordinance reappropriating funds in various accounts, and declaring an emergency.

Mr. Traster motioned to suspend all Council rules so that this may be passed in its first reading. Seconded by Mr. Brusky. Roll call vote 7-0 to suspend rules. Mr. Traster motioned to adopt. Seconded by Mr. Brusky. Roll call vote 7-0 to adopt. Becomes 0-07-61.

- (f) An Ordinance to increase appropriations in Funds 100, and 284 and declaring an emergency.

Mr. Brusky motioned to suspend all Council rules so that this may be passed in its first reading. Seconded by Mr. Traster. Roll call vote 7-0 to suspend rules. Mr. Cowger motioned to adopt. Seconded by Mr. Brusky. Roll call vote 7-0 to adopt. Becomes 0-07-62.

- (g) An Ordinance transferring funds from various funds to other funds, and declaring an emergency.

Mr. Cowger motioned to suspend all Council rules so that this may be passed in its first reading. Seconded by Mr. Costilow. Roll call vote 7-0 to suspend rules. Mr. Cowger motioned to adopt. Seconded by Mr. Traster. Roll call vote 7-0 to adopt. Becomes 0-07-63.

ORDINANCES AND RESOLUTIONS SECOND READING:

- (a) An Ordinance to approve the form and authorize the execution of a power sales contract with American Municipal Power-Ohio, Inc. and taking other actions in connections therewith; and declaring an emergency.

Mr. Cowger motioned to suspend all Council rules so that this may be passed in its second reading. Seconded by Mr. Brusky. Mr. VanderWyden wanted to state again why he is against this proposal. He has received a lot more information this past weekend and Council has as well. He feels as Council people we have two basic responsibilities to our citizens, one is to protect their tax dollars and keep them to a minimum and the other is to provide for their safety and welfare. This proposal meets neither of those criteria for our responsibilities. This is a plan for 50 years for a plant that we still do not know the cost of. So the cost of this plant could dramatically affect our tax dollars. We could find a cheaper source of energy - there are other ways to do this, natural gas, biomass etc. We are tying into old technology and tying in more than AMP Ohio has because we are being committed to the kind of plant they are telling us they are going to use. The second concern is that it could be more dirty than the coal plants in existence now. It is projected to put in 7.36 million tons of CO2 every year with this supposedly new technology. AMP Ohio is still to figure out what with the CO2 that they claim that they can trap. So we are asked to buy into something very quickly. Across the country a dozen proposals for coal fired plants have been taken away, scrapped, because they were found to be more expensive and not environmentally safe. So they are getting away from coal plants. We have been misled to believe that we can't wait until March 1 to get on this, when the contract states the opposite. So this is like a person coming into your come and saying you have to buy this now. He does not understand why we are suspending rules to get into this contract with AMP-Ohio when it will cost more dollars for our for our citizens and is also unproven technology. Mr. Cowger said the City can get out of this in the spring, this is not the final vote on this issue. We can weigh the costs when they come in and we can choose to back out of it in the spring without any consequences. Another point is that we have the electric utility in our City and the money for this comes from that utility and is not tax dollars. It is dollars that come from the utility. The cities that have electric companies, CEI or Ohio Edison, the money you pay to those electric companies, they use that money to invest into plans like this. We are not doing anything different than an electric company would do and that is trying to find areas for future electrical generation. Our rates are lower than outside electric companies, and we are reinvesting those electric dollars into finding future places to get electricity. So he will be supporting this right now. Mrs. Wasilk will also be supporting this as this is a cleaner technology because the present power plants are going on 50 years old, are less efficient, they are not nearly as clean as the future plants being constructed with coal as a fuel. She thinks it's a myth to think that what we call alternative sources are viable in the State of Ohio. If we were to use the maximum amount of air, water and sun available, it would provide less than 2% of the electric demand for the State of Ohio. She does not think bio mass is a viable approach to producing energy.

In the State of Ohio this means burning food, which is corn, to be able to turn on our light. She does not think that's a good idea. We see it already that the use of corn as a fuel, gasohol, for automobiles have cost direct increases in food prices. It is well documented this is the reason why milk has gone up 50% and all the other corn based agricultural products have gone up in the six months. Corn is being furnished to power automobiles and she does not think that morally this is the right approach. This plant is cleaner technology, it is well accepted and she doesn't think in this case that the National Resources Defense Council, which she thinks is a radical environmental group, is acting the best interest of the citizens of Ohio and she will not support their contention that this is a bad idea. She thinks for the best interest of our Amherst residents, we need to pursue this and make sure that we can provide our citizens safe and inexpensive electricity for decades to come. Mr. VanderWyden said saying this is not City tax dollars is semantics. Whether you call it tax dollars or not, it will cost our citizens money. As for the statement that a company would do this, we were not a company, we are a government. We are taking on the cost of all the research and development of this unproven technology. At this point, not one plant has been built using this technology, so he wonders how one can say that something is proven. Two weeks in a row AMP-Ohio has come to us and tell us they will figure out how they will capture the CO2 and they are asking us to be guinea pigs. We can focus on bio mass and also natural gas and other resources. Day in and day out there are new resources being developed. Chevrolet has an automobile that runs on hydrogen. Why do we have to opt in now? He feels this is unwise. There was a discussion on hydrogen and natural gas and it's negative effects as pertaining to environment. Roll call vote 6-1 with Mr. VanderWyden voting no to suspend rules. Mrs. Wasilk motioned to adopt. Seconded by Mr. Cowger. Roll call vote 6-1 with Mr. VanderWyden voting no to adopt. Becomes 0-07-64.

ORDINANCES AND RESOLUTIONS THIRD READING:

- (a) An Ordinance establishing the salary for the Safety/Service Director for the years 2008, 2009, 2010, and 2011.

Mr. Costilow motioned to adopt. Seconded by Mr. P'Simer. Roll call vote 7-0 to adopt. Becomes 0-07-65.

- (b) An Ordinance establishing the salary for the Clerk of Council for the years 2008 and 2009.

Mr. P'Simer motioned to adopt. Seconded by Mr. Brusky. Roll call vote 7-0 to adopt. Becomes 0-07-66.

- (c) An Ordinance establishing the salaries for the members of Council for the years 2008, 2009, 2010 and 2011.

Mr. Costilow motioned to adopt. Seconded by Mr. Traster. Roll call vote 7-0 to adopt. Becomes 0-07-67.

- (d) An Ordinance to approve the Developer's Agreement between the City of Amherst, Ohio and Amherst Condominiums, LLC for public improvements for Quarry Lakes at Amherst Condominium Development.

Mr. Brusky motioned to adopt. Seconded by Mr. Traster. Roll call vote 7-0 to adopt. Becomes 0-07-68.

(e) An Ordinance amending Chapter 916 of Amherst's Codified Ordinances pertaining to storm water runoff and quality controls.

Mr. Brusky motioned to adopt. Seconded by Mr. P'Simer. Roll call vote 7-0 to adopt. Becomes 0-07-69.

Miscellaneous and Acknowledgement of the Public: There was no one speaking.

Agenda Requests and Committee Meeting schedules:

A-07-85 Utilities Approval of Prairie State Energy Power Sales Contract

A-07-86 Utilities Approval of Hydro Project Power Sales Contract

Finance November 5, 2007 at 7:00 P. M. A-07-80 2008 Interim Budget
Streets November 5 at 7:05 P. M. A-07-22 sidewalks
Utilities November 5 at 7:10 P. M. A-07-85, A-07-86

The remaining Council Committee Meetings from October 23 to November 6 are cancelled.

Reports of the Administration

Treasurer Litkovitz: Noted that in regards to AMP-Ohio that in no way will this raise Income Tax whatsoever. It is a revenue account.

Auditor Kukucka: Council will be provided with the interim budget this week. If there are questions, they can call his office.

Law Director Pecora: Their Law Department is drafting the sales agreement for the Old Rich's Auto Body.

Safety/Service Director: Listed the leaf pickup schedule.

Mr. Cowger motioned to accept the Reports of the Administration. Seconded by Mr. Brusky. Voice vote 7-0 to accept.

Mr. Brusky motioned to adjourn, seconded by Mr. Cowger. Voice vote 7-0 to adjourn.

The meeting adjourned at 8:25 P. M.

Olga Sivinski, Clerk of Council

John S. Dietrich, President of
Council