

Minutes of the Regular City Council Meeting Held on Monday, June 4, 2012 7:00 p.m.

1. COUNCIL BUSINESS

(a) Call Regular City Council Meeting to Order and Roll Call – 7:00 p.m.

A Regular meeting of the Oberlin City Council was held on June 4, 2012 in the Council Chambers of the Oberlin City Hall, located at 85 S. Main Street Oberlin, Ohio. The meeting was called to order at 7:08 p.m., by Presiding Officer Ronnie Rimbert. Roll call was taken as follows:

Council Members:			Present	Absent
Charles Peterson				
Bryan Burgess			\Box	
Sharon Soucy			-	
Elizabeth Meadows			-	
Scott Broadwell				
Aaron Mucciolo				
Ronnie Rimbert				
Appointees:				
Belinda Anderson, Cl	erk of Council			
Eric Severs, Law Director			\Box	
Eric Norenberg, City Manager			₽	
Sal Talarico, Finance Director				₽
(b) Approval of M	inutes – Regular Ci	ty Council Meeting – April 16, 2	012.	
Motion to approve the Mucciolo, seconded b		ril 16, 2012 Regular City Counci	il meeting as sul	bmitted was moved by
Roll Call: 6 Aye	es	0 Nays		Motion Carried
(c) Proclamation -	Juneteenth.			
Councilor Elizabeth M	leadows read and pr	resented a proclamation to Linda	Isabel in recogn	nition of Juneteenth.

PROCLAMATION

Juneteenth Oberlin 2012

WHEREAS, Juneteenth is the oldest and most widely known celebration of emancipation in the United States and forerunner to the thirteenth Amendment to the United States Constitution; and,

WHEREAS, the City Council established Juneteenth as an official holiday in the City of Oberlin by its passage of R04-06 CMS in 2004, maintaining the ideals of freedom and equality for all by the Constitution of the Oberlin Anti-Slavery Society, founded in June, 1835 - its objective being:

"the immediate emancipation of the whole colored race within the United States: The emancipation of the slave from the oppression of the master, the emancipation of the free colored man from the oppression of public sentiment, and the elevation of both to an intellectual, moral, and political equality with whites"; and

WHEREAS, Juneteenth Oberlin, Inc., was established in 2005, declaring as its purpose "to facilitate the community recognition, celebration, promotion, and understanding of the City of Oberlin's officially declared and established Juneteenth holiday;" and

WHEREAS, Juneteenth is celebrated annually on the "teenth" Saturday in June, and relates to the date in 1865 when news of the Emancipation Proclamation and the end of the Civil War reached a group of enslaved Africans in Galveston, Texas; and

WHEREAS, the seventeenth annual Juneteenth festival will be held on Saturday, June 16, 2012, on Tappan Square in downtown Oberlin; and

WHEREAS, Juneteenth Oberlin has established as this year's thematic focus The Coming of Emancipation; and

WHEREAS, sponsors of the weekend and related activities include the City of Oberlin and its Recreation Department, Oberlin Public Library, Olla Mae's Dry Goods, Oberlin College Community & Government Relations, Oberlin Main Street-Chamber, Oberlin Rotary Club, and the Oberlin African – American Genealogy & History Group;

NOW, THEREFORE, I, Ronnie J. Rimbert, Mayor and President of the Council of the City of Oberlin, Ohio, and on behalf of the entire City Council, do hereby ask that all citizens join with me in observance of Juneteenth Oberlin 2012; and I take this occasion to welcome all visitors to our community and thank all the organizers, sponsors, and participating individuals, families, and organizations who help make this a successful and eventful weekend.

IN WITNESS WHEREOF, I have hereunto subscribed my hand and caused the Great Seal of the City of Oberlin, Ohio, to be affixed hereto, this 4th day of June, 2012.

Ronnie J. Rimbert Mayor/President of Council

Presiding Officer Ronnie Rimbert noted the following Rules of Decorum to be observed during Council proceedings: each unscheduled speaker would have 3 minutes to speak. Those coming before Council with presentations would be permitted 10 minutes. Additional time to speak would be permitted at the Presiding Officer's discretion. It was further noted that New Business, Item F, a resolution on fracking, would immediately follow Council Business.

(d) Introduction of Recycling Coordinator Lori Sprosty. Hear and discuss a recommendation to implement a recycling education program that will enable implementation of a requirement to source separate curb-side residential recycling in accordance with program guidelines as recommended by the Resource Conservation and Recovery Commission.

Baumann introduced the new Recycling Coordinator Lori Sprosty. A presentation was given regarding the Public Works Department's recommendation to require curb-side source-separation of residential recyclables.

City of Oberlin 2 Printed on 7/3/2012

(Power Point Presentation attached)

Meadows asked if the Abitibi bins were strictly for newspapers. Baumann remarked that the bins were not strictly for newspapers, they could be used for mixed papers as well as magazines, junk mail, office paper etc. Meadows questioned whether or not the City had large bins for glass, bottles, or cans for people who entertain company on a regular basis? Baumann remarked that there currently was a drop off center at the Republic Facility but it was not something that was offered through the Public Works Department. Public Works could advertise that alternative to the residents but whether or not they would set up a drop off location in the City would need further discussion.

They had established a program before where there was a drop off at IGA that turned out to be a disaster over time. They would have to be careful about having a location that was not staffed in order to prevent clutter. Meadows suggested that the City consider providing larger containers for people who entertain on a regular basis. This container could be borrowed by residents and then returned to the City once they were done. Baumann remarked that they could consider this as an option. They were currently offering this type of service for cardboard collection.

Broadwell asked how the commingled items were presently being picked up. Baumann explained that there were five compartments on the truck and the commingled items were mixed with the glass and mixed paper compartments. Broadwell asked where the commingled material was taken. Baumann remarked that it goes out to Republic where it goes through their sort line, and about 80 percent of it is recovered. The City pays them about \$37/ton for this service. Broadwell recalled there being some misunderstanding about the commingled items going straight to the dump instead of being recycled.

Baumann said on occasion when their recycling truck needs repairs they will often use an alternative truck to pick up the recyclables. This truck doesn't have the needed compartments to separate the recyclables which means the items become commingled. Broadwell thanked Baumann for his response and then remarked that it might also be a good idea to do some targeted training on recycling as they drew closer to commencement. He noticed a great deal of commingling taking place on the College campus when many students were on their way home.

(e) Hear and discuss a status report on the Oberlin Project and Energy Efficiency Program offered by POWER (Providing Oberlin with Efficiency Responsibility).

The City Manager remarked that Bryan Stubbs with The Oberlin Project was there to provide an update on the Oberlin Project.

Stubbs remarked that they continue to feel that these quarterly updates were an essential tool for the collaboration and communication for the partnership between the City and College, while serving as a conduit to facilitate goals and in setting priorities within the partnership.

The Oberlin Project staff continues working daily with both City and College staff to assist with efforts of moving towards carbon neutrality while improving the prosperity and resilience of our community. As stated in our previous update, the project has tasked work to ten committees. This evening, Cindy Frantz from the Energy Committee would speak briefly on their efforts.

Additionally, the core committee, including City staff, will be meeting one week from today The Oberlin Project's annual retreat where accountable action items, for the coming 12 months will be set. The president and vice president of Council have been invited to attend and Stubbs remarked he looked forward to seeing them there.

With the work of both the City and The Oberlin Project staff and the expectation that the updated Climate Action Plan will meet with Council's approval, The Oberlin Project's expectation is that the partnership, from the perspective of the City, will meet the requirement from the Clinton Climate Initiative to move from Candidate to Participant status later this year.

With an eye on our limited time this evening, the following updates have been prepared:

Economic Development

The project has pressed forward on assisting with the core concept of keeping as much money as possible-including investment capital-local. To that end, we have started the process of creating and implementing tools for local investing.

First, while early, the idea of pre-selling to cover improvements/expansions has garnered the interest of three local businesses for forthcoming projects. The key to these projects is that it lowers the cost of borrowing for the business, while creating a pool of capital from the community, rather than a national bank: thus keeping more of our dollars local, which stirs within our local economy several times over, increasing wealth and revenues for the community, rather than the shareholders of a national bank.

Second, we are in discussions with a local credit union regarding local business certificates of deposits. This local bank fund would be used by local businesses for access to capital for project financing. Anyone from the community can participate and become an investor within the CD for as little as \$25 dollars, making investing accessible and equitable to all community members.

On a macro level, in terms of development, The Oberlin Project continues to move forward on the concept of having sustainable clusters of economic development. By this, we mean creating an environment where new ventures (be it energy, food, woodworking and so on), feel supported in an environment that encourages risk taking and entrepreneurship. We advocate creating policy based on long view economic development which could potentially include items such as green energy or electricity, energy financing district (ESID), and incentives for employees to live in Oberlin, Community investing and College investing portfolios. To this, we are currently in talks with the Lorain County Community College Foundation and the fund for our economic future about a Community College Foundation and the fund for our economic future about a Community Commercialization Program Partnership, which will serve as an incubator for the county, with Oberlin serving as the sustainability/green hub of activities.

Sustainable Business Alliance

This is an alliance that assists local business and institutions with procuring of goods on a local level that focuses on keeping the money in town.

Development Energy Special Improvement District (Where energy and economic development come together):

The Oberlin Project has been in extensive discussions with a variety of local businesses and area institutions, the Lorain County Port Authority, and the Ohio Environmental Council to create a Lorain County Energy Special Improvement District. The program is a voluntary financing tool for local businesses, non-profits, municipalities, education institutions, and churches; to use PACE financing for energy efficiency and renewable energy projects. Bonding for the projects would potentially be handled through a partnership with the Lorain Port Authority, in partnership with the Toledo Port Authority. The program will be administered through an independent 501(c)(3) based within Oberlin, while the program will be rolled out to Elyria and Lorain later this year. Detailed information will be forthcoming.

Climate Action Plan/Climate Action Committee:

The Oberlin Project continues to assist with the City's Climate Action Committee and in particular with the updated Climate Action Plan. This includes facilitating community outreach, research, and leveraging resources for this group.

Education:

We continue assisting all four educational partners as directed including areas around operational energy efficiency, workforce development, program development for JVS and LCCC, and IB curriculum development for Oberlin K-12.

Community Engagement Team:

The Community Engagement Team has been created and has been meeting regularly since February. In addition to meeting regularly, the CET has initiated progress on 2 key initiatives: (1) an external communication strategy covering in-person, print, and online strategies for maintaining regular information sharing both to and from The Oberlin Project; and (2) a community engagement strategy run by Management Assistance for Nonprofit Agencies (MANA), which will be rolling out in fall 2012.

Stubbs noted that The Oberlin Project website would be published by 2:00 p.m. the following day. Then he turned the discussion over to Cindy Frantz.

Frantz provided a report from the Energy Planning Committee to the members of Council. She noted that The Energy Planning Committee has been meeting regularly and has adopted several goals for 2012. In particular the Committee is actively focusing on three milestones:

- 1. Raising the energy IQ of Oberlin residents. That means understanding how energy works, how they can use energy most efficiently, and the benefits of doing so. The Cindy Frantz's Column that appears in the Oberlin News Tribune is one way of doing this.
- 2. Identifying potential uses for waste heat generated by landfill gas electrical generation. This is heat that is just going out into the atmosphere. It is potentially a valuable resource that can be a powerful attraction to drawing businesses. (i.e., property owners house could heat their green houses for free based on the waste heat generated).
- 3. Development of a single point of contact program for residential energy efficiency.

The non-profit organization POWER (Providing Oberlin with Efficiency Responsibly) will lead this effort. Through a grant from the Ohio Department of Development, in collaboration with Ohio Partner for Affordable Energy, POWER will be offering free energy assessments to over 150 residences. POWER is building a broad coalition of organizations to support the campaign, including Oberlin Heritage Center, Zion Community Development Corporation, Oberlin Community Services, and Watson's Hardware. POWER hopes that all Council members will lead by example and have their homes assessed as well.

Energy efficiency is a win/win for everyone: it makes homes more comfortable, healthy, and affordable; it protects our environment; and it stimulates our economy by providing jobs for local contractors.

POWER is partnering with Columbia Gas who has outstanding programs that provide substantial rebates for people of all income levels. Columbia Gas is eager to do as many homes as possible in Oberlin.

Meadows thanked the presenters and asked that copies of their reports be given to Council. Meadows said she thought they were already making use of the heat that was generated at the landfill. Dupee remarked that it has been explored over the years by the College related to their review of the Central Heating Plant. Norenberg added that the City had budgeted funds this year for a consultant to look at capturing waste heat from the generating station to use at the Wastewater Treatment Plant. This was side tracked because it has proven to be cost prohibitive. It was noted that the Public Works Department was still exploring avenues to get this study done.

(f) Hear and discuss a status report by LMHA on the Pagoda Renovation Project.

Council heard a brief update from John McMahon of Lorain Metropolitan Housing Authority (LMHA) regarding the Pagoda Renovation Project. He began by explaining the complexities of the project due to the amount of paperwork involved and an extensive review process. This resulted in the project taking longer than anticipated. At this time they were not in a position to give the City an answer on the start date, but they could say that they were definitely moving forward with the plan. Several milestones have been accomplished so far:

- LMHA has contracted with a relocation consultant, who specializes in relocation as it relates to public housing. This will not only ensure that LMHA is fully compliant with all of the aspects of relocation but it is also intended to protect the rights of the residents.
- LMHA with the help of its co-developer has come up with a plan that will not require any families with school age children to relocate out of the City of Oberlin. Families will still be relocated to different pagodas within the City and then back to a renovated unit after that. They anticipate that there will be between (7) seven to (9) nine families without children that will be temporarily relocated to other LMHA properties in the Lorain and Elyria area. One or two of those families are couples that require a (1) one or (2) two bedroom unit who can opt to relocate to the JFO high-rise on a temporary basis.
- Contracted with a moving company who will help the residents to move.
- 4 (four) to 6 (six) families have been identified as displaced. These are families that will not be provided a renovated unit due to family size. LMHA will apply for Section 8 vouchers once they know the specific number of families involved. This will allow these families to find rental properties anywhere in Lorain County. A meeting will be scheduled with these families when they are ready.
- LMHA is obligated to provide as many supportive services as possible. They have hired a bi-lingual Supportive Service Coordinator in their Resident Service Department who is there to provide one-onone assistance to the families.
- LMHA will provide transportation for the residents to inspect the units that they offer them for temporary relocation.
- LMHA will provide residents with assistance for filling out forms.
- The LMHA organization will incur all of the expense of relocation, including the transfer of any existing services (i.e., cable, utilities, etc.). A receipt and explanation of the cost will need to be provided.
- LMHA will provide storage for families who are relocated to another location that doesn't have a storage unit on it.

• LMHA has notified residents that when they have been relocated, they must continue to comply with their lease agreement. Residents who do not comply with the lease agreement can face eviction.

A report regarding a project start date will be forthcoming.

Soucy asked if the project would begin in one big geographical area and then move slowly throughout the City or if the project would take place all at once. McMahon said they would try to make a fluid transition throughout the City it would not occur all at once. Soucy asked how long it would take to complete the project. The contractors indicated that it would take about 3-4 months to get the first units done. The remaining units will be completed every two weeks after that.

Tony Mealy, 328 South Professor Street asked if LMHA paid for the utilities or if the residents did? McMahon remarked that the residents would pay for gas and electric and the Housing Authority would pay for water and sewer. Mealy asked if LMHA regulated energy conservation as part of its tenant policy. McMahon said they did not, at this time they left it to the resident's judgment. Mealy said the renovation project is a total upgrade including energy efficient windows and insulation. He thanked LMHA for making this kind of investment in Oberlin. He further noted that not only would the pagodas look better but they would have greater efficiency as well.

McMahon added that they have placed a great deal of emphasis in moderating the water usage which is a rare and expensive commodity. They do their best to implement water saving devices such as the volume toilets, low flow aerators, and high efficiency water heaters.

Megan Schief, 95 East Vine Street said she lived at Concord Manor and wondered if there was something that could be done to renovate that location. McMahon remarked that the site she referred to was a Project Base Section 8 that LMHA didn't have any control over. A Project Base Section 8 has to operate like a regular apartment complex. Their subsidy is based on the rental value of an apartment. Like any other apartment owner they are responsible for saving their money for building renovations. Additional monies can also be pursued through competitive grant applications.

(g) Hear and discuss a presentation by Oberlin College Geology Professor Bruce Simonson regarding hydraulic fracturing.

Rimbert remarked that Bruce Simonson has been asked by Councilmember Broadwell to present on the topic of fracking to better educate Council and the staff.

Bruce Simonson provided a presentation on the above stated purpose. Following the presentation questions were entertained.

Broadwell asked how long the horizontal fracking had been around. Simonson remarked that horizontal fracking had been going on in Texas for over a decade but the injection of fluid was fairly new. Broadwell asked what happens with the residue from the injected fluid. Simonson said he didn't know. Broadwell asked what the probability of the potable ground water being affected by this injection process would be. Simonson said not much except at the well site. One of the problems that he is aware of has to do with unstable pressure. He remarked that if the pressure were to get out of control and an explosion were to occur at the well site. Then the immediate vicinity of the well site would be at risk. Broadwell remarked that well site contamination was a priority for him; he knew that a fear for many people was having their well water affected. Simonson remarked that this wasn't a big risk in Ohio because the ground water resources were not that great which is why most people primarily drink from surface water.

Soucy asked why chemicals were being used in the fracking process. Simonson explained the process of enhanced recovery. He noted that as oil becomes more expensive drillers think of different ways to get it out. Some of the ways this is done includes injecting water, steam, Co₂, and they also inject polymers of various kinds that they call surfactants because it loosens the oil on the mineral grains so you get more recovery. He remarked that the chemicals were probably surfactants to corrode the cracks, to make larger cracks so they can get greater permeability. He didn't think that anyone had a good idea of how long these cracks will stay open. The estimate of how much gas will come out of the cracks is all over the map.

Norman Craig, 260 Oak Street said as a chemist he thinks that they need to consider the integrity of the pipes that are being installed. The theory is that that they will be cement lined and they will be okay, but they are in regions where there are possible small earthquakes. Residents are also dependent on the integrity of the companies responsible for installing the pipes. Therefore what happens down the road in some sense is not an issue for us it's what happens to those pipes that are up here that are of great concern. Simonson remarked that there is the potential for leakage around the pipes especially when they are under extremely high pressure. The question would be what's going to be done to ensure that it's handled as properly as possible.

Tony Mealy, 328 South Pleasant Street stated that Lorain County didn't seem a prime target for fracking. Simonson said that he didn't think that they were as good of a target, on the face of it, as other places because they didn't have as much organic rich shale in terms of thickness and it is not as rich in organic carbon in those places. On the other hand if drillers were looking at it in terms of trying to minimize contamination and are being environmentally conscious then Lorain County may be a better option.

Kevin Weidenbaum, 99 South Cedar asked if they knew how far away horizontal drilling had been done by drilling companies. Simonson said that he didn't know for sure but he would have to say that it was less than ten (10) miles.

Gil Miranda, 92 Morgan Street, asked if they considered the amount of injected water that rises and forms pools on the surface. Simonson said this concern is probably one of the things that they are testing out at this time but he had no specifics.

Burgess remarked that it appeared to him that as time goes on, based on the presentation provided today, there is a declining availability of natural gas. Simonson said that although the price spike seen in the cost of gas has dropped, due to fracking and some other unconventional sources, drilling companies have managed to ramp up production again which contributed to the price reduction. Burgess said that based on this information it would stand to reason that the only way to expand gas production in the future would be through more and more difficult means. Simonson concurred. Burgess remarked that it follows that if the City were to use natural gas in the future then not only would it be harder to get to, but it would be more expensive as well. Simonson agreed.

Rimbert thanked the presenter for the information and noted that at this time, with Council's consent, Resolution R12-09 CMS would be moved to the next item on the agenda.

(F). <u>RESOLUTION No. R12-09 CMS</u>: A Resolution Requesting that Governor John K. Kasich and the Ohio State Legislature Move Swiftly to Place a Moratorium on Horizontal Hydraulic Fracturing and Brine Inspection Wells in the State of Ohio Until Further Study and Risk Assessment is Completed, and Declaring an Emergency.

(1st)(E)

Soucy moved to have the ordinance read by number, title and substantive portions only, seconded by Meadows.

Roll Call:

6 Ayes

0 Nays

Motion Carried

The Clerk read as directed.

Motion for passage on first reading was moved by Mucciolo and seconded by Meadows.

City Manager Norenberg provided background remarks. He stated that at the last meeting Council heard a request from members of the public to address the issue of fracking with the State legislature. The matter was further discussed during agenda session where he was directed to place the item on the agenda. After additional research the Clerk provided several examples of similar ordinances that address fracking. The one before Council was modeled from a resolution adopted by the City of Cincinnati. The resolution has been reviewed by Linda Slocum, President of the League of Women Voters Oberlin Area (LWVOA) as well as by John Elder, who has been tracking this issue pretty closely, and both are satisfied with the resolution's content. The resolution is now being submitted for Council approval.

Sam Rubin, 189 South Professor Street spoke on behalf of several people who were not able to make it to the meeting. Those individuals had hoped that Council would have adopted language that would call for a ban rather than a moratorium. Due to the negative impacts of fracking in terms of contamination to water, community and health as well as its larger impacts around climate change, the language calling for a moratorium seemed to leave the question opened to debate. He remarked that he also wanted to address some of the questions asked related to the use of chemicals during the fracking process and the integrity of the pipes being laid. He explained that the chemicals were being used to suspend the sand in the water that way the sand could more accurately penetrate the cracks. Also, there is a great deal of bacteria beneath the earth's surface. The chemicals are used to kill the bacteria to prevent it from clogging up the piping and causing other damage. Furthermore he provided supporting evidence that concerns related to failed wells and rusted pipes were valid. He explained that a Professor Anthony Ingraffia of Cornell University, who has a PhD in Rock Shattering Sciences, and works extensively for the oil and gas industry, estimates that 25% of well casings fail immediately and that 75% fail over the course of their lifetime. In addition, Mr. Rubin provided a brief history regarding the origin of fracking.

Susan Johnson, 143 E. College Street said it is her understanding that the chemicals that are being used for fracking were dangerous and considered proprietary information. Currently drilling companies don't have to disclose the use of harmful chemicals to residents. A significant percentage of these chemicals are found in these pools that form on people's properties that can contaminate whole areas. She further noted that municipalities in Lorain County were unable to pass laws against fracking. That power had been granted to the Ohio Department of Natural Resources (ODNR) and they were appointed by the Governor.

Jo Huber, 82 East College Street said she attended a meeting last week in Litchfield about fracking. She suggested that if Council is really interested in this topic they should investigate what is going on in Pennsylvania. She saw a picture of what happens to areas that have been impacted by fracking – it turns farmlands into industrial sites. She concurred with comments made by Mrs. Johnson regarding local government's inability to pass laws against fracking, but under the Constitution individuals did have a right to health, good water and a safe environment. She urged Council to make a ban to protect the rights of the citizens and the environment.

Gil Miranda, 92 Morgan Street, remarked that he was in favor of the resolution due to Senate Bill 315 which is very weak on safeguarding the environment and the health of the population. As revealed in Section 1509.07, which regulates the obligation to ensure against damage caused by threat: "The owner of a horizontal well shall obtain insurance in an amount no less than \$1 million dollars for bodily injury and property damage coverage, to pay damages for injury to a person or property caused by the drilling in this state. In urbanized areas the amount is \$3 million dollars." He underlined that this is the part of the law that he focuses on because the part of liability gives an idea about the attitude of the world regarding the results of fracking. There is basically no language about the consequences for the environment except in the part that says: "Insurance policy should include a reasonable level of coverage available for an environmental endorsement. On the other hand SB 315 took away from municipalities, the rights that were confirmed by Article XVIII, paragraph 3 of the Ohio Constitution that

stipulated that municipalities shall have authority to exercise all the powers of local self-government and adopt and enforce within their limits regulations that are not in conflict with general laws. When the new law gives sole exclusive authority to regulate(to a division of oil and gas resources management) laws, clearly this is changing what was established in the Constitution and to his understanding a constitutional rule cannot be revoked by simple statute, in his opinion SB 315 is unconstitutional.

Judy Appleton, 108 Morgan Street said it was her understanding that fracking releases radon, other radioactive materials, neurotoxins, and carcinogens amongst other toxic substances.

Burgess remarked that there are other dangers for emissions in fracked wells besides simply what it does to the water in the ground. He then offered a motion to amend the resolution to insert between "Whereas the City of Oberlin recognizes that the disposal of fracking wastewater..." and "Whereas the Citizens of Oberlin may receive little economic benefit from fracking..." the following language in the preamble:

"Whereas methane is approximately 21 times more potent a greenhouse gas than carbon dioxide and fugitive emissions from fracked wells cause the carbon footprint of natural gas combustion to be greater than coal, thus accelerating global climate change" The motion was seconded by Mucciolo.

Roll Call:

5 Ayes

1 Nay (Rimbert)

Motion Carried

Broadwell remarked that it was not Council's intention to ask for a moratorium and then shelve this resolution, there will be more discussion going forward not only in the community and surrounding area but throughout the State.

Motion to suspend the rules requiring three readings and to elevate the resolution to an emergency for the reasons stated in Section 3 of the Resolution and shall take effect immediately upon passage was moved by Broadwell and seconded by Mucciolo.

Roll Call:

6 Ayes

(1st, Suspension of Rules/ Emergency)

0 Nays

Motion Carried

Mealy asked if the amendment to the ordinance was trying to say that fracking gas is going to cause more problems than natural gas and if that was based on the composition of the gas as it is released or on something else. Burgess remarked that it wasn't that the composition of the gas has changed it was because when a well is fracked it is released from the wells at extremely high pressure and it is not captured in the initial release of gas from the fracturing process, it is released into atmosphere. Whereas with a conventional well it is released with less pressure and it is much easier to handle.

Roll Call: (1st, Final)

6 Ayes

0 Nays

Motion Carried

2. ANY CONCERNS THAT ARE NOT ON THE AGENDA MAY BE BROUGHT TO THE ATTENTION OF COUNCIL AT THIS TIME.

Rimbert handed the gavel to the vice president and exited Council Chambers.

Tony Mealy, 328 South Professor Street asked what happened to the discussion with the public about the demolition of the Green Acres children home. Broadwell remarked that the Green Acres demolition was on the agenda and this was not the place to discuss it. Soucy asked the speaker to address his concerns later on the agenda when the item was before Council.

Broadwell stepped out of Council Chambers.

3. OLD BUSINESS:

4. NEW BUSINESS:

(A). ORDINANCE No. 12-47 AC CMS: An Ordinance to Approve the Form and Authorize the Execution of a Construction Agreement with American Transmission Systems, Inc. and American Municipal Power, Inc. and Declaring an Emergency. $(1^{st})(E)$

Meadows moved to have the ordinance read by number, title and substantive portions only, seconded by Burgess.

Rimbert returned to Council Chambers.

Roll Call:

5 Ayes

0 Nays

Motion Carried

The Clerk read as directed.

Broadwell returned to Council chambers at this time.

Motion for passage on first reading was moved by Broadwell, seconded by Burgess.

The City Manager provided an overview of the proposed ordinance and introduced OMLPS Director Steve Dupee. Dupee remarked that the purpose of this agreement is to define the terms and conditions associated with several utility system improvements that were identified by First Energy through a system impact review process that EDI was required to undertake last year. Per the agreement the utility is required to install a three breaker ring bus at the City switch station. In addition the City is required to reimburse First Energy for some direct costs related to: metering upgrades, communications upgrades, and protective relay coordination work completed at the switch station. Per the agreement, EDI will reimburse the City for these costs. EDI has provided the City with a \$255,000 deposit. Dupee respectfully requested emergency passage in order to get this agreement executed and get it back to First Energy in order to continue to support EDI's commercial operation of their generating facility.

Meadows said it looks as though this puts the City in position to capture the heat from the landfill. Dupee explained that the agreement will allow EDI to add 16 megawatts of landfill gas generation that is produced by the landfill gas but it didn't have anything to do with capturing waste heat off of those facilities. It is allowing them to add additional generation resources that will be interconnected to the City's distribution system and allow for that additional power to be wheeled across Oberlin's system onto the grid.

Motion to suspend the rules requiring three readings and to elevate the ordinance to an emergency "to execute a construction agreement in order to support landfill gas energy interconnection requirements and meet developer's generation commercial operation date" and shall take effect immediately upon passage was moved by Soucy and seconded by Broadwell.

Roll Call:

6 Aves

0 Nays

Motion Carried

(1st, Suspension of Rules/ Emergency)

Roll Call: (1st, Final)

6 Ayes

0 Nays

Motion Carried

(B). ORDINANCE No. 12-48 AC CMS: An Ordinance Accepting the Bid of Coleman Trucking, Inc., of Cleveland, Ohio, for the Green Acres Asbestos Removal Project and Declaring an Emergency. (1st)(E)

Soucy moved to have the ordinance read by number, title and substantive portions only, seconded by Burgess.

Roll Call:

6 Ayes

0 Nays

Motion Carried

The Clerk read as directed.

Motion for passage on first reading was moved by Broadwell, seconded by Soucy.

The City Manager recapped the former bid process that caused the initial bid for this project to be rejected. Since then staff has rebid the project separating the asbestos portion of the project which is before Council at this time. The next ordinance has to do with the building demolition. The combined two bids were now under the initial bid amount.

Broadwell confirmed that the bids received were lower than the bid received before. Baumann remarked that they were lower by \$12,000. Mucciolo asked why the combined bid was so much higher than expected. Baumann remarked that it would be more proper to look at it as the estimate was lower than it should have been rather than say that the bids were too high. But the primary reason is because this is not the meat and potatoes of the Public Works Department. They were more accustomed to building things underground. They have little experience with vertical construction and even less experience with taking down vertical construction. The City Engineer really relied on the RS Means Construction Cost Estimating Guide and it just didn't match well with the local costs.

Meadows asked where the asbestos would go once removed. Baumann remarked that it was his understanding that it could go into a regular landfill but between point A and being buried in the sanitary landfill it has to be handled in certain ways so that the asbestos material doesn't become airborne.

Tony Mealy, 328 South Professor Street asked when were all of these decisions made to demolish the property. There was very little asbestos found inside the property and the building is structurally sound. Rimbert remarked that they were dealing with the asbestos at this time questions concerning the demolition of the property would need to be addressed in the next ordinance. Mealy said the problem that he was having, had to do with the transparency of City government with regards to the decision to tear down Green Acres. He asked, when was the decision made and who made it.

Burgess remarked that they did have an open forum at the Depot that was well attended by the public. There were at least three City Council Members there including City staff. The consultant that the City had hired was there to offer their recommendation for how the property could be used and members of the public gave their recommendations as well. The majority of people that he heard from said they thought the property would be best used for residential development and a park. The presence of the building precludes the property from being used for residential development or a park-it would have to be cleared. He remarked that he supported tearing the property down.

Norenberg said that he had a couple of comments going back to last summer. As indicated in the respective minutes, there was the discussion on two different points on August 27th and September 6th which they talked about plans to acquire the building and plans to get proposals to demolish the building. At the September 6th meeting he talked about putting together an RFP for the demolition as was discussed by Council in the previous meeting. In September the Financial Budget Adjustment ordinance also contained a financial appropriation adjustment associated with the purchase of the Green Acres property to include the demolition and some of the

other costs associated with acquisition of the property. This has been talked about in at least two or three public meetings. He agreed that there wasn't a policy session where they debated on whether or not to demolish the building, but that was being done tonight. It was his opinion that they had been very open and transparent.

Broadwell remarked that he had toured the Green Acres building with the Council President and he found the building to be in deplorable condition. They discussed it after that tour and he vaguely recalled there being public comment after that visit. It was his opinion that there had been more than enough discussion on the topic.

Meadows stated that she knew that there had been a desire to repurpose the building for recreation or something else, but in discussing it with people who have done a thorough inspection of the building and looking at the footprint of the building, and how much work would have to be done to renovate the property, she had a better understanding for why Council agreed to tear down the building and start afresh.

Motion to suspend the rules requiring three readings and to elevate the ordinance to an emergency "to accept a bid within the time limitations provided by law" and shall take effect immediately upon passage was moved by Soucy and seconded by Meadows.

Roll Call:

6 Ayes

0 Nays

Motion Carried

(1st, Suspension of Rules/ Emergency)

6 Ayes

0 Nays

Motion Carried

Roll Call: (1st, Final)

(C). <u>ORDINANCE No. 12-49 AC CMS</u>: An Ordinance Accepting the Bid of Badger Construction Company, Inc. of Morgantown, West Virginia for the Green Acres Demolition Project and Declaring an Emergency.

(1st)(E)

Meadows moved to have the ordinance read by number, title and substantive portions only, seconded by Soucy.

Roll Call:

6 Ayes

0 Nays

Motion Carried

The Clerk read as directed.

Motion for passage on first reading was moved by Meadows, seconded by Broadwell.

Norenberg said this is the companion piece to the previous ordinance. He remarked that he would be happy to address any questions at this time.

Burgess stated that he would prefer to hire a contractor that is as close to Oberlin as possible. He asked the Law Director if the City could use geographic location as a valid reason for choosing the second lowest bid. Severs remarked that in this case the State law requirement is the lowest and best bid. However if the City had a local program that included preference of awarding contracts to contractors within a reasonable proximity to the City, then he believes that he would be able to legally defend it, but they didn't. In addition that requirement would also have to be a part of the bid process so it would be too late to make that request at this time.

Soucy remarked that they were happy when this land came available for the price that was offered. The focus of that Council was that they were interested in the purchase of the land not the building. The general agreement among Council at that time was that the land would be used for multiple purposes including residential, commercial and park. One reason it may have appeared that there wasn't a lengthy debate and discussion is because Council was generally unanimous over why they were making this move. At this time they didn't have the money to renovate the building and if they were able to renovate it they don't currently have a clear purpose

for the building or the ability to maintain the building. She will support this ordinance on emergency so that they can move ahead with the demolition.

Mucciolo asked how they would know if this company actually recycled the materials from the demolition. Baumann remarked that as part of the contract award they would be required to submit a recycling and demolition plan. That plan would include report forms by which the contractor would need to document the final resting place of each material. He couldn't say how accurate this information would be since he had little experience in this area.

Burgess stated that he noticed that both basketball courts were scheduled for demolition and wondered if it would be possible to preserve one of them. Baumann said they have the authority to non-perform certain portions of the work as they see fit. They couldn't non-perform such a significant portion of the work as to render the scope of the proposed contract invalid. He believed that the community needed to go through a process to determine what the park functions would be at this location. Staff's rational about taking the courts down was because it wasn't in good condition. However, if Council collectively said save a basketball court then staff would do that but that's not the recommendation. The recommendation is to have a clear site with as much flexibility as possible, with as little unknown costs down the road as possible. As a result they tried to remove all site features that they thought would not have long term future use.

Burgess remarked that as a Council he would like to come up with a plan for what is going to happen with that property. Norenberg remarked that the Planning Commission would be meeting on this issue this week. They will begin to take suggestions and formulate recommendations on the future use of the property. This recommendation will come to Council. If Council decides that the goal will be to have a neighborhood park at this location then staff will begin to look at that as part of the budget process for 2013, to see if it is possible. If they decide to move forward with the park then they would need to further discuss this option with neighbors in the area and talk about what their preferences would be. Rimbert asked how long it would take to demo the building. Baumann remarked that he couldn't say at this point.

Mealy argued that Council had not been transparent during this process. He expressed further disappointment with the process being used to make the decision. In response to Councilor Meadows remarks, about the foot print of the building, he noted that the building next door had been repurposed after sitting for twenty years and was put back to use, the same could be done with Green Acres. The structure for the Green Acres building is worth \$1.5 million dollars. When the cost to demolish the building was added you end up paying over \$30,000/acre and Council doesn't have a plan. He remarked that he went to the Open House at the depot, and unlike Burgess he was told by residents that they couldn't understand why the building was being torn down.

Meadows said one of the points made earlier in the discussion is that we don't have money right now to maintain another building. She also noted that the building renovations that were done next door was already too small for the people who were there and they really didn't want to repeat the same mistake of repurposing the Green Acres building and still not have adequate space. She felt the decision to start afresh was a good one. Furthermore she noted that if there was such great outrage about Council's decision, then there would be more people here addressing the issue and unless they showed up at the next meeting, it was her opinion, that quite possibly, people were not as outraged as he thought.

Motion to suspend the rules requiring three readings and to elevate the ordinance to an emergency "for the reasons stated in Section 3 of the ordinance" and shall take effect immediately upon passage was moved by Meadows and seconded by Broadwell.

Roll Call: 6 Ayes (1st, Suspension of Rules/ Emergency)

0 Nays

Motion Carried

Oberlin	City	Council
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Regular City Council Minutes

June 4, 2012

Roll Call: (1st, Final)

6 Ayes

0 Nays

Motion Carried

(D). ORDINANCE No. 12-50 AC CMS: An Ordinance Accepting Dedication of an Easement for a City Waterline West of Oberlin Road due to the Oberlin Road Bridge Replacement and Declaring an Emergency.

 $(1^{st})(E)$

Burgess moved to have the ordinance read by number, title and substantive portions only, seconded by Meadows.

Roll Call:

6 Ayes

0 Nays

Motion Carried

The Clerk read as directed.

Motion for passage on first reading was moved by Meadows, seconded by Broadwell.

Norenberg remarked that Council is familiar with this project to work with the Lorain County Engineer's Office to replace the Oberlin Road Bridge. This is a joint application and the project is being handled primarily by the Engineer's office. One of the things that is needed is to relocate the City water main that runs alongside the bridge to the west. This will provide the easement and the space for us to be prepared before the bridge project moves ahead later this summer.

Soucy exited Council Chambers.

Meadows asked if this needed to be passed on emergency. Baumann remarked that this is an Issue II Project the Lorain County Engineers will be the lead agency. The Lorain County Commissioners have already authorized a contract with an Excavating Company. Ken Carney, Lorain County Engineer will not sign that contract until after they get official notice from the Ohio Public Work's Commission. However in order to proceed with the project we need a place to put the existing water main and that will be one of the first step to get done assuming that Council approves the dedication of the easement. Once adopted by Council, then the City Manager will sign it and the information will be forwarded to the Law Director who will record it with the County Recorder's Office. He is asking that Council pass this on emergency to get the process started as soon as possible.

Motion to suspend the rules requiring three readings and to elevate the ordinance to an emergency "for the reasons stated in Section 3 of the ordinance" and shall take effect immediately upon passage was moved by Broadwell and seconded by Burgess.

Roll Call:

5 Ayes

0 Nays

Motion Carried

Roll Call:

(1st, Final)

5 Ayes

(1st, Suspension of Rules/ Emergency)

0 Nays

Motion Carried

(E). ORDINANCE No. 12-51 AC CMS: An Ordinance Authorizing an Amendment to the Contract with Quality Control Inspection, Inc. (QCI), of Bedford, Ohio to Provide for Additional Professional Construction Inspection Services for the Elm Street and Vine Street Improvements Project in the City of Oberlin and Declaring an Emergency.

(1st)(E)

Meadows moved to have the ordinance read by number, title and substantive portions only, seconded by Burgess.

Roll Call:

5 Ayes

0 Nays

Motion Carried

The Clerk read as directed.

Motion for passage on first reading was moved by Meadows, seconded by Broadwell.

Norenberg asked that Council approve the proposed ordinance to allow QCI to provide additional Professional Construction Inspection Services for the Elm Street and Vine Street Improvements Project in the City of Oberlin. The contract will allow staff the additional assistance needed to monitor the above stated project.

Motion to suspend the rules requiring three readings and to elevate Ordinance No. 12-51 to an emergency "for the reasons stated in Section 4 of the ordinance" and shall take effect immediately upon passage was moved by Broadwell and seconded by Burgess.

Roll Call:

5 Ayes

0 Nays

Motion Carried

(1st, Suspension of Rules/ Emergency)

Roll Call: (1st, Final)

5 Ayes

0 Nays

Motion Carried

5. OTHER NEW BUSINESS: None

6. COUNCIL COMMUNICATIONS:

- (A). Referrals
- (B). Advocacy
- (C). Correspondence
- (D). Reports

Elizabeth Meadows

- Intergenerational Award Resolution recognizing that Oberlin was named as one of five Intergenerational Cities.
- Attended the 2012 Oberlin High School Award Ceremony.

Scott Broadwell

- Reported on the Lorain County Landbank
 - Lorain County has a land bank made up of the County Treasurer, the mayor of Lorain, and the three County Commissioners.
 - o The LCB is in the process of raising matching money to raise funds for demolition of foreclosed and abandoned residential properties.
 - Next meeting is on June 19th.

Ronnie Rimbert

- Announced that the Park Street Bridge was open.
- Reviewed guidelines for City "Meadows" ordinance.

7. CITY MANAGER'S REPORT:

• Reiterated comments regarding the Park Street Bridge.

8. FINANCE DIRECTOR'S REPORT:

9. PUBLIC PARTICIPATION:

None

10. ADJOURNMENT:

Being that there was no further business to come before Council the meeting adjourned at 10:05p.m.

Attest:

BELINDA B. ANDERSON, CMC

CLERK OF COUNCIL

APPROVED: 07/02/2012

RONNIE J. RIMBERT PRESIDENT OF COUNCIL

POSTED: 07/03/2012



Implementing Source-Separated Recycling

Oberlin City Council June 4, 2012

presented by Jeff Baumann & Lori Sprosty

City provided curbside recycling to residents since 1994

- · Source-separated recycling program
- Free 5-gallon recycling buckets
- Weekly unlimited collection
 - aluminum and steel cans & lids
 - glass bottles and jars
 - plastics #1 and #2
 - mixed paper
 - corrugated cardboard





Rationale for source-separated recycling program

- · Income from re-sale of recycling materials offsets program costs
- Decreased cost of processing co-mingled materials - (we pay \$37/ton)
- Reduced contamination resulting in a higher percentage of materials actually being recycled. (78%-80% recovery in co-mingling recycling
- systems)
 Greater customer involvement in resource recovery and waste reduction leading to reductions in waste produced

2010 City of Oberlin Status Report 1993 City of Oberlin Resource Recovery Play

Rationale for source-separated recycling program

Income from re-sale of recycling materials offsets program costs

Although the program is designed for source separation the department has never enforced this requirement. And, as a result we continue to collect significant quantities of co-mingled recyclables.

 Greater customer involvement in resource recovery and waste reduction leading to reductions in waste produced



2010 City of Oberlin Status Report 1993 City of Oberlin Resource Recovery

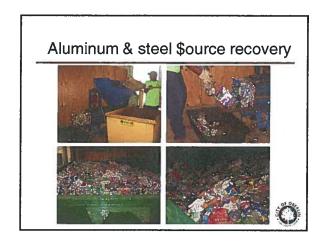
Co-mingled recycling recovery rate is only:



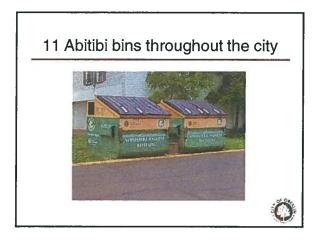
Aluminum & steel \$ource recovery

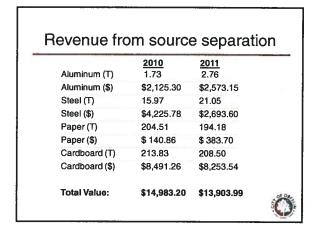












Day of week	% range participating	Estimated households	% range sorting	Estimated households
Tuesday	70%-80%	368 -420	50%-60%	197-236
Wednesday	65%-75%	431-394	55%-65%	202-239
Thursday	50%-60%	262-315	40%-50%	116-145
Friday	15%-25%	79-131	10%-20%	11-21



cost to process mixed recyclables was \$9,896.42.



Oberlin College co-mingled recycling

- In 2010, the City collected 115.05 tons of comingled recycling from Oberlin College for delivery to the Republic Recycling Transfer Station. In 2011, we collected 119.65 tons.
- Oberlin College pays their own tipping fees to process these recyclable materials.
- Oberlin College pays the City \$17,500/yr. to transfer these materials from campus to Republic.



Recycling program development

- · Recycling Coordinator Goals:
 - Increase participation and quantities recovered
 - Decrease solid waste disposal
 - Cost-effectively
- Numerous program areas:
 - Expand residential participation
 - Implement apartment collection
 - Improve institutional and commercial recycling
 - Expand range of materials
 - Improve organics diversion



Recommendation

Initial focus on improved and expanded residential collection

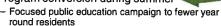
- · Works within existing structure
- As a preliminary step towards implementing mandatory recycling the RCRC supports the city's recommendation to require source separation of residential curbside recycling; this will be implemented accompanied by a comprehensive educational campaign
- 925.12 Refuse and Recycling Collection Rules
 The City Manager is authorized to promulgate and publish
 such rules as are necessary for the efficient and
 economical collection of refuse, recyclable materials and
 yard waste. (Ord. 94-2AC. Passed 2-22-94.)



Logistics

Public Education Campaign

Program conversion during summer



- Less confusion with OC co-mingled recycling
- Secondary education campaign targeting off-campus housing in the fall
- 2-week 'Grace Period' 7/10 7/20
- Non-compliance



Education campaign

- City recycling tag
- Utility bill flier (to go out w/July billing)
- Update website
- Update & create marketing materials
- News Tribune
- Cable Coop
- Data collection and direct marketing
- Suggestions???





