



**Work Session – 6:00 p.m. – Council Chambers**  
 Purpose: To Discuss the Future Plans for the Green Acres Site

**Minutes of the Regular City Council Meeting**  
 Held on Tuesday, September 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 September 4<sup>th</sup>, 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 7:04 p.m., by Presiding Officer Ronnie Rimbart. Roll Call was taken:

<b>Council Members:</b>	Present	Absent
Charles Peterson	<input type="checkbox"/>	<input type="checkbox"/>
Bryan Burgess	<input type="checkbox"/>	<input type="checkbox"/>
Sharon Soucy	<input type="checkbox"/>	<input type="checkbox"/>
Elizabeth Meadows	<input type="checkbox"/>	<input type="checkbox"/>
Scott Broadwell	<input type="checkbox"/>	<input type="checkbox"/>
Aaron Mucciolo	<input type="checkbox"/>	<input type="checkbox"/>
Ronnie Rimbart	<input type="checkbox"/>	<input type="checkbox"/>

**Appointees:**

Belinda Anderson, Clerk of Council	<input type="checkbox"/>	<input type="checkbox"/>
Eric Severs, Law Director	<input type="checkbox"/>	<input type="checkbox"/>
Eric Norenberg, City Manager	<input type="checkbox"/>	<input type="checkbox"/>
Sal Talarico, Finance Director	<input type="checkbox"/>	<input type="checkbox"/>

- (b) Approval of Minutes – Regular City Council Meeting – April 20, 2012.

Motion to approve the minutes of the August 20, 2012 minutes was moved by Burgess, seconded by Soucy.

Soucy asked that remarks made by Rimbart be entered into the record on page 3, regarding the Sustainable Reserve fund: where he discussed his interest in expanding the City’s Smart Program so that we would provide more substantive rebates for residents who were interested in buying energy efficient appliances.

Meadows remarked that the corrected draft looked like it addressed the concerns expressed by Ms. Soucy. Soucy remarked that the draft touched on the comments but felt that more should be included.

Rimbart noted that he would get with the Clerk to get this information added. It was further noted that the minutes were to be approved with this amendment.

**Roll Call:** 7 Ayes 0 Nays Motion Carried

(c) Proclamation in Memory of Paul Arnold.

A proclamation was read into the record by Vice President Soucy in memory of Paul Beaver Arnold.

**PROCLAMATION**  
IN MEMORY OF PAUL BEAVER ARNOLD

WHEREAS, Paul Beaver Arnold was born November 24, 1918, in T'aiyuanfu, Shansi, China, where his father was a YMCA general secretary; and

WHEREAS, Arnold completed his A.B. in art in 1940, and M.A. in studio art in 1941 at Oberlin College where he met his future wife, schoolmate Sarah Ann Clagett “Sally”, later earning his M.F.A. at the University of Minnesota in 1955; and

WHEREAS, Paul’s teaching career which began in 1941-1942 was interrupted for four years when he served in the U.S. Army where he was involved in intelligence work for the Office of Strategic Services (OSS) in China (for which he received the Bronze-Star in 1945), followed by a brief post-war stint in Canton, China, analyzing the escalating conflict between the Communists and Nationalists; and

WHEREAS, Arnold became an instructor in fine arts at Oberlin College when he returned home in 1946, where he remained throughout his career. He retired in 1985 as a Full Professor, claiming the longest continuous tenure of any current faculty member; and

WHEREAS, Paul was a strong supporter of the arts and deeply involved in a wide range of community development and civic improvement activities and organizations, serving as project director of Oberlin College Peace Corps Training Program; served the City of Oberlin on the Zoning Board of Appeals, Planning Commission, and City Council and was affiliated with countless other organizations too numerous to list including; the National Association of Schools of Art and Design, The College Art Association, Oberlin Shansi Memorial Association, Firelands Association for the Visual Arts (FAVA), and the Oberlin Heritage Center; and

WHEREAS, Arnold had many accomplishments in his lifetime. He was commissioned to design and create monuments in Oberlin to Martin Luther King Jr., John Friedrich Oberlin, and the Oberlin-Wellington Rescue. In 2011, he was honored by the Cleveland wing of the Commemorative Air Force as the Armed Forces World War II Veteran of the Year; and

WHEREAS, Arnold’s prints continue to inspire art enthusiasts, being held in 15 public collections, including the Cleveland Museum of Art, Baltimore Museum of Art, Allen Memorial Art Museum, Wadsworth Atheneum, and the Library of Congress; and

WHEREAS, Paul Beaver Arnold died on July 2nd, 2012, in his 93<sup>rd</sup> year.

NOW THEREFORE, I, Ronnie J. Rimbart, Mayor and President of Oberlin City Council, on behalf of the Oberlin City Council and the entire City of Oberlin, in recognition of Paul Arnold’s contributions to our community and its citizens, hereby express our deep appreciation for his service and extend to his family members, friends, and associates our sincere sympathy upon his passing.

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 September, 2012.

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Ronnie J. Rimbart Mayor/President of Council

(d) Proclamation in Memory of Sergeant Louis R. Torres.

President Rimbert remarked that the reading of the Proclamation in Memory of Sergeant Louis R. Torres has been postponed until the next meeting when his family could be present.

(e) Appointments to Boards and Commissions.

It was noted that there were no appointments to be made at this time.

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

Green Acres Open House

Burgess moved to have Council schedule an open house for Tuesday, October 30<sup>th</sup>, from 4:00 p.m. to 6:00 p.m. for the purpose of discussing future plans for the former Green Acres property. The motion was seconded by Mucciolo. All members of Council concurred.

Boyle asked how Council wanted this to be advertised. Law Director Severs remarked that if Council is required to attend the meeting for the purpose of discussing public business then this should be scheduled as a special meeting of Council or a work session. Burgess remarked that his intent is that this would be an open house much like the one done in April. Norenberg remarked that the previous open house was an informal meeting arranged by the Planning and Development Department which reviewed the final report discussed during tonight's work session. It was unlikely that any additional information would be ready by October so he was not sure how beneficial an open house would be at this time. Broadwell said they just finished a work session on this topic and he wasn't sure why another work session was needed so soon. If they wanted to have an informal meeting on this allowing the City Manager and his staff to be in charge of it then they could just direct the City Manager to do so, without the need for a motion. If a member of Council decided to attend the discussion then they could, otherwise, like the meeting in April they could opt not to come. Peterson asked if staff would mind hosting an open house. Law Director Severs reviewed the requirements outlined by the Open Meetings Act for setting meetings and work sessions directed by Council. He noted that if staff directed the meeting and Council answered questions as members of the audience then that would be different. Rimbert said they just had a meeting where they received a lot of great input and unless they expected a different crowd or additional information, he wasn't sure why an open house would be necessary. Mucciolo remarked that he could see the same risk of attracting the same people, but he could also see the potential for getting new people involved. He proposed that an open house be held in October and if the same crowd attended the meeting then Council could consider that in the future when scheduling meetings. Rimbert remarked that he didn't have a problem with the meeting but he hoped that more information would be added to the discussion. Meadows revisited the question posed by Peterson on whether or not staff would mind hosting another open house. Norenberg remarked that they would be happy to hold an open house for this purpose. Peterson asked if Council needed to put forth a motion directing staff to do so, or if the process could be handled informally. Norenberg remarked that there appeared to be consensus, he would get with the Planning Director and they will keep Council updated. Shirley R. Johnson, West College Street said that if they want to call this a meeting for Council to consider local opinion about what should be done with that property, it should be an official meeting. If there is a meeting of the majority of Council about public business it should be a special meeting or a work session. David Ashenurst, 260 Sumner Street remarked that there were a number of people who couldn't attend the April 10<sup>th</sup> open house who wanted to be there, so he was glad that there was such a great turn out. He also observed that there would be at least one more thing at the next open house and that would be a record of the meeting that they just had

where they had some people making substantial contributions on the alternatives for this site, in addition to the ones provided from the study. He felt an open house was a good thing to have and supported having the City Manager and the Planning Director host it. Geraldine Rhodes, 65 East College Street, said she attended the last open house and while it was good, she felt that a meeting would be much better because there really wasn't a great deal of discussion between the people that were in attendance. There seemed to be much more discussion at tonight's meeting and she felt that having another meeting would be much more beneficial. Tony Mealy, 328 South Professor Street, addressed issues of decorum. He remarked that this portion of the agenda was not for Council's concerns. It was meant for public comment. He remarked that Council could save its comments for Council Communications later in the agenda.

### AMP Solar Project

Burgess remarked that in their packets they received a memo from Steve Dupee regarding the AMP Solar Project and he would like to request that at the next regularly scheduled meeting of the Public Utilities Commission, that the PUC make a recommendation to Council on whether or not we should participate in this project. President Rimbert made note of the request. Norenberg remarked that this item sounded like a referral and if Council were to have a majority agreement that this item should go before the PUC then it should be discussed under Council referrals.

### **3. OLD BUSINESS:**

(A). ORDINANCE No. 12-56 AC CMS: An Ordinance Approving an Interconnection Agreement with Oberlin Spear Point Solar One, LLC and Oberlin College and Declaring an Emergency. (3<sup>rd</sup>)(E)

The Clerk read by number and title only.

A motion to table the ordinance until September 17<sup>th</sup>, 2012 was moved by Mucciolo, seconded by Soucy.

Burgess remarked that he would like to hear from the Electric Director.

The Law Director remarked that a motion to table an ordinance once it is seconded is not debatable. He pointed out that a memo explaining why this item should be tabled was provided for Council in the packet.

**Roll Call:** 6 Ayes

1 Nay  
(Burgess)

Motion Carried

(B). ORDINANCE No. 12-58 AC CMS: An Ordinance Approving a Development Construction Agreement with Triad Realty, LLC for the Construction of Certain Public Improvements related to the Oberlin Crossroads Commercial Development and Declaring an Emergency. (1<sup>st</sup>)(T)

The Clerk read by number and title only.

Motion to approve on first reading was moved by Mucciolo, seconded by Soucy.

Norenberg recapped the discussion from the previous meeting. He emphasized that the purpose of the proposed ordinance is to deal with the public improvements that were required based on the stipulations put in place by the Planning Commission. The Public Works Department has presented those public improvements and an agreement with the developer for Council approval.

Soucy asked to hear a brief overview from Planning and Development Director Gary Boyle and Planning Commission Chair Frank Carlson before proceeding.

Boyle remarked that the property in question was annexed to the City back in 2005 and is approximately 10 acres in area and is located at the southwest corner of US Routes 58 and 20. The City has undertaken a number of planning studies in this area including the development of a District Plan. The thought was that they needed a Highway Commercial District in this area and based on a District Plan that was adopted by Council it was ultimately rezoned from "C-2" to "C-3" District, as were the other properties in the immediate area. The Comprehensive Plan was amended in 2004 and 2006 to reflect the need for commercial development. At the time there was a desire to enter into an updated revenue sharing and annexation agreement that would benefit both the City and Pittsfield Township. The agreement included a Land Use Plan for the area and in turn the township would not object to future annexations.

Boyle reviewed several aspects of the Thoroughfare Plan showing the road system. It was noted that the intent of the road system was a desire to reduce accidents at the US Route 58/20 intersection. The goal was to reduce the number of access points to the State Highway System, through access management and to design a successful Thoroughfare and District Plan that reflected what the Comprehensive Plan and our development agreement with Pittsfield Township had outlined. A review of the developers proposed Subdivision Plan shows the need for a future collector street. The applicant has gone through two or three site plan submissions and as the US Army Corp of Engineers and EPA became involved unfortunately that available site continued to shrink. The applicant has been through various processes related to the shrinking site including the wetlands issue. A preliminary plat approval was granted by the Planning Commission on September 26, 2007, which expired under our Code after twelve months. The applicant re-filed a preliminary plat application which received Planning Commission approval on December 14<sup>th</sup>, 2011. Subsequently the applicant worked out final improvement plans and final plat approval through the Planning Commission on May 16<sup>th</sup>, 2012. The stage we are at now is the consideration of the approval of the development agreement. This agreement provides the City with assurance that improvements will be made per the plans approved by the Planning Commission and ultimately by City department. It will also ensure that when the City wants the collector street turned over to City ownership that the City can trigger that request at anytime. This agreement will establish the development standards (related to utilities) and require the developer to satisfy those standards before any improvements would be accepted by the City in the future.

Meadows asked what the point of controversy had been. Boyle remarked that as he understood it the abutting owner to the west thought he should be entitled to access to this future collector street. He expected the City to either force the developer to provide an easement or take it by eminent domain. The Planning Commission reviewed those scenarios and issued the opinion that this was a private property development and that would need to be negotiated among private parties. The commission also felt that the property to the west already had the ability to have access to US Route 20 and once this future collector street was constructed and available potentially the property owner will have access to that as well. The commissioners felt there was no impediment to the redevelopment of the property to the west. Again there has been no development plan submitted for it, we have no idea what the impact of traffic might be from it, because we don't know what kind of development might occur.

Mucciolo asked if all of the site plans illustrated a road that cuts across the property line that ends up on top of a pond. Boyle remarked that they have used the same future road alignment for all site plans. The pond in question is a man made pond which is a feature that could be removed; it is not a wetland or an impediment. He then deferred the discussion to the Public Works Director.

Public Works Director Jeff Baumann remarked that to fully answer that question they would have to look at the proposed development scenario for the property to the west. As mentioned this has not been received to date. Baumann noted that there was approximately 180 ft. of the proposed future right-of-way that is immediately contiguous with the parcel to the west and that provides a considerable range of options to access that property in addition to the potential future access along US Route 20. Mucciolo said his concern is one about access for the purposes of general development both to the west and to the south. His other concern is that this road will at some point, become a public street—one which he hopes will be as useful as possible. He asked how much of the

driveway (which will become a public street) is going to be built when this development happens. Boyle said it is his understanding that it will go right to the property line. Boyle added that based on the planning for this area, it is their desire that this road would extend to the south and eventually connect, then it would become a future street that opens up to this area. Mucciolo asked how Public Works felt about filling in the pond and building a street across it. Baumann concurred with comments from Mr. Boyle. He explained that it would depend on what the development proposal is for the site. The right-of-way may allow for access at another point or it may continue through the pond depending on what the development scenario is for this area and the area to the south of this parcel.

Rimbert reminded members of Council to stick to the three minute rule.

Broadwell stated that they were getting away from the ordinance at hand. At this time there isn't a site plan for the parcel to the west. Council needed to move past the "what if's" and focus on the plan on the table. Boyle concurred that at this time they hadn't received any site plans for the property to the west.

Frank Carlson, chair of the Planning Commission said this proposal has been before the commission for seven years. This configuration for the collector street has been part of that plan for most of the time. There was never a request made by the adjoining property owner prior to the Planning Commission's last meeting where the adjoining property owner specifically requested that the City cause the developer to create a collector street as well as grant to the City an easement for the benefit of the western property, it was never part of the plan. The principal concern of the Planning Commission is the fact that they have worked on this for seven years. They have considered it in many shapes and sizes. The commission's deliberations have been thorough and a conclusion has been made to approve the subdivision as shown on this chart. This subdivision doesn't contain an easement for the benefit of the western property. If that were the requirement that Council would now like to impose upon the developer, the concern that he would have is now that they are revisiting the Planning Commission issues in respect to this project, within the context of the sub-divider's agreement. He didn't think that it was proper at this juncture for the City to bring forth as a condition of a possible approval of the sub-divider's agreement aspects of this design that have already been approved by the Planning Commission, and in effect modify or veto what the Planning Commission had done. He stated that the Planning Commission was not perfect in everything that it did, but he asked that Council would at a minimum respect the process.

Burgess said that listening to Mr. Carlson made him feel as though Council's role at this juncture is to simply rubber stamp the process up until now. As stated at the last meeting the issue is not providing access to the western property owner. It is providing public access to the western property, it didn't matter who owns it. It is in the public's best interest for a public street to be accessible to all members of the public including the adjacent owner. That doesn't mean that physical access to the construction of a street – that dead ends to nowhere – needs to be constructed right now. The City should however, maintain future right-of-way access so that when the City becomes the owner of a public street, that anyone along the western property line would have access to that street, not just at 180ft. to the south. Pending traffic studies done at that time, they don't know where they want to tie in, and limiting that at this juncture lacked wisdom. The City should maintain right-of-way access from the western side of that street, from the street to the property.

Soucy addressed the issues related to the process followed by the Planning Commission. She remarked that the Planning Commission has a particular standing in relation to Council and there are some serious concerns about where Council is inserting itself within the legal process. There is a development agreement in front of Council on which developers have spent a great deal of time and effort. The developers have dealt with access management, they are in an area that matches the City's Strategic Plan and Master Plan for commercial development, they have dealt with these issues of ODOT, and the Army Corps of Engineers concerning the wetlands. She felt Council had overstepped its bounds, in relation to the Planning Commission, and should approve the agreement before it. Minds that are educated in this process have worked with it and it is an awkward situation to think that we should have to prepare land that doesn't have a development agreement entangled in it. Council should approve this and let the developers begin their work.

## Public Comment

Roger Ritley, of Charles M. Ritley Associates LLC, Property Economists, in Beachwood, Ohio said that he is one of the three owners of the Hendricks property located immediately to the South, abutting the Land Concepts parcel. He came to express his concerns about the necessity for an amendment to the proposed development agreement. Ritley explained that there were prospects in place to develop the seventy acres that is on the Hendricks property. The access point that is being proposed as part of the plat before Council, will be a part of this group's development because they anticipate being able to use and have traffic safely align itself for ingress/egress from the Hendricks' property in that area, as well as its frontage along US Route 58. If the Hendricks property doesn't have this access point at some future date, then when the construction is done and they would connect to it, then not only would the proposed plan be sported but the Hendricks plan would be adversely impacted as well. With respect to the access points for the Land Concepts parcel, when this alignment that is proposed is finally realized with a road, Land Concepts will have a very substantial piece of property with traffic light signal benefit that they would not otherwise have. He explained that his group would like to have protected left hand turns in and out of their property so that there is a way of having safe ingress/egress for the benefit of the community as well as to any merchants or residents who might come to use this property. Their concern is that there is only a small little triangular portion of the Land Concepts property that does provide Ritley's property with access. When the Triad property is developed these lots are to be sold individually. As he understands the development, there will be other interest here at some point in time. As a consequence if the road is not built out completely then they will be at a disadvantage because several properties will be alienated from the present ownership. He didn't believe that the agreement ties it down well enough. He wanted to get an understanding of how that process is going to take place, so that ultimately they will have a completed connection to the 70 acres which has a lot of economic potential.

Bob Chernett, with Chernett Wasserman LLC., of Beachwood, Ohio further expressed his concerns. He explained that the Land Concept Properties is up for sale. From what he had heard they have no motivation to finish the 180 ft. to take that connector street to the southern property line. If this is not done the Hendricks property will have no access to Route 20 which will stymie all commercial development.

Rimbert asked the developers why this was just being brought to Council's attention and hadn't been addressed with the Planning Commission. Ritley remarked that in the Oberlin community there is no notice given to any of the adjoining property owners with respect to any meetings that are going to be held. In all of the communities that he does business in, he couldn't recall one where he hasn't received notification when a new development was taking place. He remarked that they will be involved going forward but he had no knowledge whatsoever of this project taking place.

Boyle concurred with Ritley's remarks. He explained that the City Code didn't require that notification be given to anyone related to a lot split or a subdivision.

Chernett said he wanted to make it clear to Council that they were in support of this plan. However, what is not addressed is how the Land Concept section, the 180 ft. that is adjacent to the pond, is going to be developed. The property is for sale and whoever buys it has no incentive to develop that road. Land Concept has access to US Route 20 already, from its own property. If the road is not carried through to the Hendricks property this will land lock—at least on that border —70 acres and will stymie any future commercial development which he thinks the City wants.

Robert Brown, Canton Ohio, with Triad Realty – Deville Developments, said they have been working on this site for seven years. They have gone through wetland mitigation for two years with the Army Corps of Engineers, they have done stream mitigation, and have spent six figures in environmental clean-up removing underground storage tanks, and they have successfully plugged an orphan gas well that was on this site, a lot has been done. The south collector street has been in the same location from the day one of their site plan, when

they originally promoted a 30,000 sq. ft. shopping center with some out lots. The wetlands took out this idea so they went to a different out-lots concept. They have a user for the first, western-most, out lot who has been hanging on since January 1st.

Meadows asked if there was a simplified version of the map. Baumann remarked that there was not a simplified version of the map. This was the only one that showed the site plan.

Brown reviewed several features of the site plan with Council. He explained that back in April they had a work session with the City department heads and at that time they discussed the issue with the property owner to the west who wanted them to let him put a road through their property. They discussed the option of sharing the cost but the property owner later changed his mind. Right now this project is shovel ready as soon as he is done he has to call the developers because they are ready to go. This has been a long time coming and they are ready to get moving. He hoped Council was ready as well.

Peterson questioned whether or not the remainder of that 180 ft. would be built, because it appeared that these two gentlemen seemed to think that it will not be built and they won't have access to the collector street from their property.

Baumann explained that the development would have 180 ft. of future right-of-way contiguous with the property to the west to provide future access along the right-of-way. There would not be 180 ft. of street that needs to extend. He believed that what these gentlemen were saying is that the future collector road needs a revised alignment in order for them to access their property. However, Mr. Brown has stated, there are wetlands there and he has already entered into a conservation easement agreement with the Army Corp of Engineers and mitigated some of the wetlands that were on site by creating a 2.5:1 ratio of new wetlands elsewhere. Baumann added that the Hendricks landowner's would have a strong incentive to develop the strip of land in question if the property owner to the west decides not to do it. This is how the City has used development construction agreements to build public infrastructure.

Ritley said he disagreed with the idea that they would get a further imposition. They have a big street that is going to go through their property. They are going to have to align with the JVS facility across the street and they are going to have to create their access all the way through the property. This would be a tremendous expense to them. The question is, at what point in this process does the community ensure that they are going to get this connector and make certain that it will be built the way that it should be built. He didn't want to burden Triad, they had enough of a burden trying to get this done. He just wanted to get this agreement tweaked so that in the future it didn't come down to four different property owners in the future who say we don't know anything about this development agreement and we're not going to finish the road. He asked that Council seek legal advice and consult with Mr. Boyle on what would need to be done to make this small change.

Burgess asked the Law Director if the development agreement for the commission of the collector street would be transferable to the new lot owners. Severs said he thought the street was going to be put in according to the development agreement. Baumann remarked that he was correct. Per the development agreement the collector road will be built from the Walmart intersection to the property line. Burgess asked if it would be built this year. Baumann advised that all of the improvements would need to be constructed before an occupancy permit can be issued for an occupancy of any of those lots including the one in question.

Soucy called the question. Rimbart closed the debate. Mucciolo raised a point of order that calling the question was a motion requiring a second and a 2/3 majority vote. Severs concurred, but noted the chair could close debate at his discretion. Meadows offered a second to Soucy's motion. Severs again noted that the chair had closed debate and it could only be reopened with a non-debatable motion to extend debate.





City Manager Norenberg provided background as outlined in the attached memo.

Burgess asked why a request hadn't been made to have QCI oversee the project. Baumann advised that it will be on the next agenda.

Foregoing discussion a motion to suspend the rules requiring three readings and to elevate the ordinance to an emergency for the reason stated in Section 3 was moved by Broadwell and seconded by Mucciolo.

**Roll Call:** 6 Ayes 0 Nays Motion Carried  
(1<sup>st</sup>, Suspension of Rules/ Emergency)

**Roll Call:** 6 Ayes 0 Nays Motion Carried  
(1<sup>st</sup>, Final)

(B). ORDINANCE No. 12-65 AC CMS: An Ordinance Accepting the Bid of Crossroads Asphalt Recycling, Inc. of Columbia Station, Ohio, for the 2012 Pavement Crack Seal Program and Declaring an Emergency. (1<sup>st</sup>)(E)

Peterson 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 Broadwell, seconded by Peterson.

City Manager Norenberg remarked that the crack seal is a method used to extend the life of a pavement in a cost effective manner. This work is a budgeted expense and staff asks that it be approved on emergency.

Meadows re-entered Council Chambers at this time.

Foregoing discussion a motion to suspend the rules requiring three readings and to elevate the ordinance to an emergency in order to accept a bid within the time limitations provided by law was moved by Soucy seconded by Broadwell.

**Roll Call:** 7 Ayes 0 Nays Motion Carried  
(1<sup>st</sup>, Suspension of Rules/ Emergency)

**Roll Call:** 7 Ayes 0 Nays Motion Carried

(C). ORDINANCE No. 12-66 AC CMS: An Ordinance Authorizing the City Manager to Submit an Application to the District 9 Public Works Integrating Committee for Ohio Public Works Commission Funding for South Professor Street Improvement Project Phase I and Declaring an Emergency. (1<sup>st</sup>)(E)

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

Broadwell exited Council Chambers

**Roll Call:** 6 Ayes 0 Nays Motion Carried

The Clerk read as directed.

City Manager Norenberg introduced the ordinance. Following introductory remarks the discussion was deferred to the Public Works Director.

Public Works Director Jeff Baumann said this is the primary source of public funding that we use in order to subsidize our own Income Tax Capital Improvement Fund. The entire project cost estimate is about \$675,000. Assistance from the State would yield about \$263,000 in order to subsidize our own contribution. Baumann explained the criteria used in selecting the projects and provided an overview of the public design process.

Burgess said that if they are putting bike lanes down South Professor Street he would like to ensure that it doesn't preclude Sunday parking in front of the Methodist church. Baumann remarked that there were a number of issues like where they would have to consider how to manage competing uses for the space.

Rimbert asked had they discussed the underground utilities as well. Baumann remarked that they were preparing sanitary sewer improvements on South Professor Street, from Vine Street, down to Plum Creek or Morgan Street. Also in the departments 2013 Capital Budget they were going to include additional sanitary sewer replacement headed south at least to South Street.

Tony Mealy, 328 South Professor Street said it was interesting that they were getting around to South Professor Street. Over 30 years ago it was considered a first priority to replace the 6" sewer line that comes from Lincoln up to the Morgan Street and then the Vine Street intercept. When he moved down to the corner of South Professor and Lincoln Street 47 years ago, South Professor Street was one of those orange paved brick streets where they inserted a 3/4" asphalt over the streets and the streets have remained in pretty decent shape. He asked that the City be careful to put the new street in properly and avoid not to tearing up the good base, because he would hate to end up like some of the other streets in town that only last for about 15 years before they have to be redone.

Broadwell re-entered Council Chambers. Meadows exited Council Chambers.

Foregoing discussion a motion to suspend the rules requiring three readings and to elevate the ordinance to an emergency for the reason stated in Section 5 was moved by Burgess and seconded by Broadwell.

**Roll Call:** 6 Ayes 0 Nays Motion Carried  
(1<sup>st</sup>, Suspension of Rules/ Emergency)

**Roll Call:** 6 Ayes 0 Nays Motion Carried  
(1<sup>st</sup>, Final)

(D). ORDINANCE No. 12-67 AC CMS: An Ordinance Creating a Domestic Partnership Registry for the City of Oberlin, Ohio and Declaring an Emergency. (1<sup>st</sup>)(E)

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

**Roll Call:** 6 Ayes 0 Nays Motion Carried

The Clerk and Law Director read as directed.

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

City Manager Norenberg said this is a proposal that has been recommended by the City's Human Relations Commission. The chair of the Human Relations Commission, Marty Buck was here to say a few words in support of this proposal. He noted that the Clerk and the Law Director collaborated on developing this





Foregoing discussion a motion to suspend the rules requiring three readings and to elevate the resolution to an emergency in order to allow for the submission of the grant application by the date specified by the County was moved by Soucy and seconded by Mucciolo.

**Roll Call:** 6 Ayes 0 Nays Motion Carried  
(1<sup>st</sup>, Suspension of Rules/ Emergency)

Rimbert remarked that he would have liked to see education listed as one of the proposed expenses. He felt it was important to educate people on the benefits of recycling especially those who weren't currently participating.

Baumann remarked that there were two items on the new proposal that contained education components: the recycled-content grocery bags and the Oberlin High School's Sign for Sustainability projects. Lori Sprosty the City's Recycling Coordinator proposes to run various seminars on how to recycle.

**Roll Call:** 6 Ayes 0 Nays Motion Carried  
(1<sup>st</sup>, Final)

(F). RESOLUTION No. 12-12 CMS: A Resolution Supporting the City of Oberlin Becoming a Collaborative Partner with the Lead Applicant's (Lorain County Storm Water District) Application for a Local Government Innovation Fund Grant for Developing a Storm Water Utility Fee and Business Plan for the City of Oberlin and Declaring and Emergency. (1<sup>st</sup>)(E)

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

**Roll Call:** 6 Ayes 0 Nays Motion Carried

The Clerk read as directed.

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

City Manager Norenberg said this application was being filed for the above stated purpose. It would allow the City of Oberlin to become a collaborative partner with Lorain County Storm Water District for a Local Government Innovation Fund Grant. If approved participation in this program will help the City of Oberlin to expand and develop its Storm Water utility to join the Storm Water District in some capacity. A full MOU of what this will entail will be forthcoming.

Soucy said that she and other members of Council have had a strong interest in this for some time. It was noted that a huge concern about this program is will it be expeditious. They have wanted to do this in Oberlin for some time and are in favor of saving money through collaborative efforts but her hope was that this wouldn't delay things for years to come.

Norenberg remarked that his conversations with the County administration has hinged on the possibility of partnership being a way to expedite the process for the City of Oberlin, since much of the groundwork was already in place. The County has the technology, mapping, consultants, policies and procedures in place. The greatest risk of delay is waiting to find out if they are approved for the grant, which could take up to two months. Staff at this time believes that this is the most expeditious way possible to do the utility. If the application is denied then the City will move ahead and get this done on its own.

Peterson asked what will happen if collaborative efforts with the County and other projects like the "Safe Routes to School" didn't pan out. Norenberg remarked that Plan B would be to go forward and do a separate request for

qualifications and solicit and select a contractor to do this separately. Peterson said he just wanted to make sure that the City was committed to getting this done regardless of the manner in which this is accomplished.

Burgess said the expenditure for \$90,000 from the General fund that will be used to get this done, if the application doesn't come through is well worth it. He felt certain that the community incurred over \$90,000 in damage due to the flooding that took place last year, as a result of our storm water issues. He advised that the reason why the City hadn't established a utility at this point is because it had been waiting for the County to get its act together on the storm water utility. The County has managed to do it for the unincorporated areas but not for us. If the application didn't go through by January 1<sup>st</sup> then they must forge ahead.

Broadwell asked if funds were budgeted for the study to be done this year. Norenberg remarked that funds were budgeted but not \$90,000. Norenberg remarked that if the grant didn't come through, the County has agreed to front the money for the work to be done allowing the City a reasonable payment schedule to permit this to go forward either way.

Foregoing discussion a motion to suspend the rules requiring three readings and to elevate the ordinance to an emergency for the reason stated in Section 4 was moved by Burgess and seconded by Mucciolo.

**Roll Call:** 6 Ayes 0 Nays Motion Carried  
(1<sup>st</sup>, Suspension of Rules/ Emergency)

**Roll Call:** 6 Ayes 0 Nays Motion Carried  
(1<sup>st</sup>, Final)

**5. OTHER NEW BUSINESS:** None

**6. COUNCIL COMMUNICATIONS:**

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

Aaron Mucciolo

- Addressed correspondence received from Elizabeth Ramsey regarding a resolution or some other action about State encroachment on Home Rule. He would advocate for a position from this Council affirming and strengthening Home Rule as laid out in the constitution as encroached upon by a number of State House and Senate Bills as opposed to by constitutional amendments. He asked that this be addressed in agenda setting sessions going forward.
- Suggested that consideration be given to amending the Code so that some form of communication can be provided to adjacent landowners in issues of subdivision and other things in which they are currently not notified.

Rimbert asked if the Triad Development contract really needed to come to Council. Severs remarked that the ruling has been upheld that the approval of a development agreement is an administrative act not a legislative act. Administration has historically always brought development agreements to Council for their approval because it gets the information out to the public and in front of Council in case they haven't been able to make the Planning Commission meetings. Law Director Severs noted that this process could be changed in the future if Council desired.

Sharon Soucy

- Reminded Council Members that they will have a meeting at 6:00 p.m. on September 17<sup>th</sup>.

Ronnie Rimbart

- Wished Sharon Soucy, Eric Severs, and his wife a happy birthday.

#### **7. CITY MANAGER'S REPORT:**

Several updates were mentioned by the City Manager:

- Announced that Northeast Ohio Area Wide Coordinating Agency (NOACA) is holding a public meeting and work shop regarding bike ways and how to promote bicycling throughout northeast Ohio. The workshop will be held at the Oberlin Public Library, on Thursday, September 6<sup>th</sup> at 6:00 p.m.
- Meeting was held on Friday with POWER regarding the Oberlin rebate program.
- Brush Collection starts September 17<sup>th</sup>.
- Proposed several options for Budget Work Session. It was suggested that the dates be discussed in agenda session.
- County Shredding Day will be held on October 13<sup>th</sup> at the Recycling Collection Center, from 9:00 a.m. to 12:00 p.m.
- Economic and Housing Development Officer, Tita Reed will start a new job on October 1<sup>st</sup> at Oberlin College as the Community and Government Relations Assistant to the President. In the next few days the City will be updating the job description in order to begin recruiting for the EHD position.

#### **8. FINANCE DIRECTOR'S REPORT:**

No report

#### **9. PUBLIC PARTICIPATION:**

#### **10. ADJOURNMENT:**

Being that there was no further business to come before Council the meeting adjourned at 9:47 p.m.

**Attest:**

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BELINDA B. ANDERSON, CMC  
CLERK OF COUNCIL

APPROVED:09/17/2012

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SHARON F. SOUCY  
ACTING PRESIDENT OF COUNCIL

POSTED: 09/18/2012