



## **Lorain County Beautiful Awards Ceremony**

Elizabeth Meadows provided an update on the 2012 Lorain County Beautiful Awards Ceremony held at the Lorain County Community College. Following remarks Meadows presented the Green Building Award to Fire Chief Dennis Kirin for the work completed on the Oberlin Fire Department Building Project.

Chief Kirin thanked Council, administration, the Oberlin community and members of his personnel for all of their help with this project.

Norenberg identified 11 additional nominees that were recognized at the award ceremony as well:

- Green Building
  - Allen Memorial Art Museum
  - Frantz Green Home
  - George Jones Farm Straw Bale Learning Center
  - Kahn Hall, Oberlin College
- Renovation
  - Aladdin's Eatery
  - The Buckeye and the Frog Bed and Breakfast
  - Oberlin Underground Railroad Center-Gasholder Renovation project
  - Swerve Bike Shop
- Landscaping
  - National Association of College Stores
- Community Service
  - People' Garden at Oberlin Community Services
  - Zion Community Development Corporation Community Garden

Council commended all nominees for their well deserved recognition.

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

### **STORM UPDATES**

Council heard an update from the City Manager commending the efforts made by several City departments during last week's storm. He announced that both Public Works Director Jeff Baumann and City Engineer Randall Roberts were present to provide an overview of the observations made during the storm and to provide a recommendation on future projects.

Baumann provided a brief introduction. He noted that the flood issues that Oberlin had experienced last year due to torrential rains had been reviewed by staff and in a number of cases acted upon. As a result of those efforts numerous locations where they previously had flooding problems didn't flood during last week's storm. For example the College Park Manor parking lot had less standing water in comparison to the past and residents on Lincoln Street and Pyle-South Amherst who were used to having their basements flood benefited from the work of General Maintenance Division who cleaned out ditches and storm sewers.

Baumann stated that for the most part they did very well but noted that there were still a handful of places where they still had issues which included:

- Reserve Avenue--which had flooding issues on both ends of the development
- Union Street --between Woodland and Professor Street was closed for a period of time
- Artino Street-- high water signs were used to mark standing water issues on the street

Following remarks the discussion was deferred to the City Engineer who provided an overview of water drainage issues on Reserve Avenue and an explanation as to why the area continued to have issues with drainage. See attached presentation.

Broadwell asked if the 21" pipes that were installed last year helped? Roberts responded that the pipe installation didn't eliminate what was going on to the North of Reserve Location but it did help to alleviate it somewhat. Broadwell said it was his expectation that under normal situations the installation would take care of the flooding at the entrance but even in abnormal cases – like last week's storm – he thought that the new pipes would have provided better drainage to the North of the development. Roberts remarked that it still can and will except they still have one more field drive that is acting as a bottleneck allowing the flooding to continue. Broadwell asked if having the field drive done along with the drainage pipes to the South would have helped more? Roberts concurred.

Burgess asked what they had to do in order to install the culvert on the field drive. Roberts remarked that the area was in the right-of-way so the process would be similar to the one used to install the pipes to the south. Burgess asked if the project could be expedited this fall and completed by the spring. Roberts remarked that it would be contingent on the approval process which could take some time.

Soucy said that part of the issue seems to be the result of the large field to the South, which she believed was still part of Gott Farm. She asked if they were getting cooperation from Pittsfield Township or if they were on their own? Roberts explained that the City would be taking on the responsibility of getting it fixed.

Broadwell asked if installing a culvert and raising the street at the entrance of Reserve Avenue would also help. Roberts said this had been considered but noted that he would need to determine the costs. Currently they were experiencing about 10" to 12" of flooding near the entrance, so if they were to raise the road then traffic would only have to pass through 1" of water, which wasn't impossible but it would be quite an undertaking.

Meadows asked if ODOT approval for this project was necessary or if the City could take care of this issue? In other words, she asked, what the City could do on an immediate basis to get this resolved? Roberts stated that they would need permission from ODOT and the private property owner. Norenberg remarked that assuming that Council supports the plan of action that Mr. Roberts is outlining, tomorrow staff will consult with the Law Director to see what permissions need to be made. They will then make contact with the property owner to the North to obtain those permissions and then the City will go in and do the work. Meanwhile they will be working on the permit to ODOT which shouldn't be too difficult since this is a simple structure that shouldn't be too hard to design. It was noted that a great deal of time had gone by while waiting for the property owner to take action but that hadn't worked, it was now time for the City to take control.

Mucciolo said assuming that permission is granted, is the first option to look at the blockage and not run the tile, or do we think the line between the small basin and the blockage is faulty. Roberts said he believed that they have several blockages that need to be addressed, but they didn't know what condition the line is in. Mucciolo said it sounds like this is an expensive project and any plans involving the north bound tile work, will more than likely have to come back to Council for monetary approval. Norenberg remarked that the stretch that relates to the ODOT right-of-way could be done without coming back to Council and it could be done as soon as we get permission, weather and site conditions permitting. The other stretch will need permission from the property owner and liability issues will have to be reviewed, but once that is resolved they can identify unspent funds for this year but are realistically looking at prioritizing this project for next year. Weather permitting this will either be done in the winter or in the spring, but first they will need to finalize the draft plan from the engineer before they can move forward.

Tony Mealy, 328 S. Professor Street said the wooded area further south is all wetlands. The reason why this area is wetlands is because it holds a lot of water especially during rain. It is his conclusion that when they raised the grade on the old Ramsey- which is used as a bike path-it created a dam that is causing water to back up on yards to the west. This pushes that water up and now it has a little inlet to get in the subdivision's cul-de-sac that was put in the subdivision. During the storm he witnessed this water backing up and flooding the entrance. He also noticed that while this water was building up none of it was flowing through Gott ditch which is the direct access to the Black River. He noted that until the issue with

Gott ditch was resolved the flooding issues would continue. Furthermore he recalled that in the early 1950's engineers from "Brown & Associates" told them that any future development south of Hamilton Street should flow south to the Black River.

Kris Walz, 274 Reserve Avenue reviewed the history of the flooding issues plaguing residents of Reserve Avenue. She explained that she was one of many of her neighbors unable to go to work on Tuesday which resulted in a loss of income for her. This provided many inconveniences for her and others on Reserve. For instance, she had to cancel an appointment for her eight month old baby, her husband who is a mailman-after working all day long in the elements-had to park at the drive-thru liquor store and walk home, her neighbors came home in a humvee which was great for them, but that type of service was not available for everyone, and another neighbor was brought home via the Fire Department after undergoing radiation treatment. Walz expressed her frustration with the process and asked that Council provide some relief for residents by resolving this issue. Families had invested in their homes and neighborhoods and could not continue to live like this. She begged Council to prioritize this project and get it moved forward or the alternative was something that they didn't want to do, residents could take no more, they needed Council's help. Help to fix not only the flooding that is going on at the entrance of the development which is what most of tonight's discussion hinged on, but help for the flooding that continued to go on to the rear as well.

Michael LaVigne, Reserve Avenue said that the only way to fix this problem is to keep the water that comes from the two storm run-offs (that are on the west) from getting into the street. He explained that the drainage installed at this time is designed to do this but it is not connected which is creating a problem. In addition they also have an 18" pipe emptying into a 12" pipe, which even if connected would not be effective.

Broadwell asked what the benefits would be to sending the water north along the Ramsey. Roberts remarked that he evaluated this option as a possibility early on and found that there were many challenges to overcome, the biggest hurdle being the gas line installed by Buckeye Pipe Line. The gas line was located in a spot where he would need to put a ditch or culvert. If they decided to do this it would require further discussion with Buckeye Pipe Line to see if they could get that pipeline lowered. Roberts remarked that they also considered increasing the size of the detention basin but precautions would need to be taken to make sure that they weren't flooding Evans Ditch.

Rimbert remarked that last week's storm was an unusual occurrence. City administration and staff have been looking at this hard and long. Council understands the investment that people have placed in their homes and they want to make it right. He reaffirmed that Council and the administration along with City staff will continue to work towards resolving this to the best of their ability.

Burgess summarized the discussion relating to the Reserve Avenue. The action plan was to have administration move forward with haste on the ODOT solution with the culvert over the field drive on SR 58. A revised comprehensive plan would be drafted for the west end of Reserve and brought back to Council, so that it can make a decision on how to move forward.

Meadows said she thought that the legal consultation would need to be a part of this as well. Broadwell said he would also like to have more information on the possibility of sending the water north along the Ramsey. Roberts said he would need a survey first to see what this would entail.

Rimbert interjected that they could spend all night discussing the unknowns or they could allow professional staff to look into this further and report back to Council with a finalized plan to move forward.

Walz asked if Council was prepared to prioritize this project or not. Norenberg remarked that it would get their full attention and they will move as quickly as possible.

#### STATE INFRINGEMENT ON HOME RULE REGARDING HYDRAULIC FRACTURING

Rimbert outlined the procedure of debate that would be used to discuss concerns about subjects with more than one speaker. He remarked that for large groups he would hear three speakers, who he will permit to speak for three minutes, or longer (at his discretion). In addition he noted that just recently Council had received correspondence from State

Representative Dan Ramos but had not had time to review the information. Rimbart further noted Council's adoption of Resolution R12-09 which showed Council's desire to address fracking concerns early on. He advised that Council was still gathering information at this time to determine how to move forward. Following opening remarks he turned the floor over to deliberation.

Steve Hammond, 140 East College Street, David Sonner 107 Groveland Street, and Elizabeth Ramsey Oberlin resident, attended the meeting on behalf of a group called Communities for Safe and Sustainable Energy. Hammond explained that the group works to help the state and country develop alternatives to fossil fuels to help make this a better planet for our children and future generations. He reiterated comments from previous discussions outlining the dangers that hydraulic fracking represents for the sustainability of this world. Several risks associated with hydraulic fracturing were highlighted including: the dangers to the environment, lax regulations on the hydraulic fracking industry by Ohio EPA, non-disclosure permissions on chemicals injected into fracking wells, and so on. He explained that what has enabled this to happen is that the State of Ohio has taken Home Rule away from local governments to have the right to regulate hydraulic fracking in their communities. He appreciated the stance that City Council took on encouraging the State legislature to pass a moratorium on fracking, but he believed this issue of Home Rule becomes one that is even more important. As a result several communities in Ohio were working to bring resolutions encouraging the State of Ohio to return Home Rule back to various communities and they ask that Oberlin continue to do what it has historically done to stand with the rights of individuals and with the needs of people in the community. Prepared statements from Elizabeth Ramsey and David Sonner have been attached to the minutes.

Rimbert asked what the City's legal rights were when it came to regulating hydraulic fracturing. Law Director Severs remarked that there is also an issue with whether the Ohio Constitution has been violated with regards to Home Rule. There are several law suits that have already been filed contesting the ability of the Ohio legislature to pass the law they did, that it was in fact an infringement on the Home Rule rights of municipalities. He remarked that he was uncertain of the results of those cases but the City's remedy at this time would be to proceed through court or to have the legislature change the law. Peterson asked if Council could be informed as to how these suits are proceeding. Law Director Severs remarked that he would check into it.

### 3. OLD BUSINESS:

None

#### 4. NEW BUSINESS:

(A). ORDINANCE No. 12-74 AC CMS: An Ordinance Authorizing the City Manager to Enter into a Contract with Frank Weber, Registered Architect, for the Provision of Building Division Services and Declaring an Emergency. (1<sup>st</sup>)(E)

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

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

The Clerk read as directed.

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

Norenberg introduced the ordinance noting that a staff report was provided to Council prior to the meeting providing additional detail. (See attachment).

Burgess asked why they were hiring Mr. Weber as an individual and not acquiring the services of his firm in Elyria. Norenberg remarked that this contract is similar to the other contractors in the Building department. Severs added that from the City standpoint it is probably more beneficial to contract with the individual rather than its firm for liability reasons. From a legal perspective he didn't have an issue with it.

Burgess noted that he understood that Mr. Weber's would be considered the Back-up Plans Examiner, but asked that a more complete work history be provided (than what was provided here) if a primary plans examiner should be needed in the future.

David Ashenhurst, 260 Sumner Street suggested that since there is a reference in the attached contract to having a "State Certified Plans Examiner" a contract may have been written with the individual as opposed to a firm. If a certification is required to meet the Ohio Building Code then it would seem that it is the individual who would need to be certified not the use of the whole firm.

Motion to suspend the rules requiring three readings and to elevate the ordinance to an emergency in order to authorize a contract for Building Division services as soon as possible was moved by Soucy and seconded by Mucciolo.

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

<b>Roll Call:</b>	<b>7 Ayes</b>	<b>0 Nays</b>	<b>Motion Carried</b>
(1 <sup>st</sup> , Final)			

(B). ORDINANCE No. 12-75 AC CMS: An Ordinance Authorizing an Amendment to the Contract with A.J. Riley, Inc., of Norwalk, Ohio, for the Robin Park and Parkwood Improvements Project and Declaring an Emergency. (1<sup>st</sup>)(E)

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

<b>Roll Call:</b>	<b>7 Ayes</b>	<b>0 Nays</b>	<b>Motion Carried</b>
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The Clerk read as directed.

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

City Manager Norenberg introduced the ordinance and deferred the discussion over to City Engineer Randall Roberts. A presentation was then provided regarding the above stated improvement project. (A PowerPoint presentation is attached to the minutes).

Burgess asked when was the last time the street was paved? Roberts remarked that it was at least 15 years ago. Burgess asked how many years they would get out of this project? Roberts remarked that they would get another 15 years or more.

Broadwell asked if the street would have to be redone at this time if it had been done right when they first put it in, or is it just that the street was done so long ago that it is time for it to be replaced? Roberts remarked that if the streets would have been done properly when it was first built then they may have been able to get away with asphalt resurfacing.

Soucy asked if this project would affect any other capital improvement project that they had in the pipeline. Baumann remarked that there were several projects from last year that were under spent that would make up the necessary funds needed to get this project done without it being an impediment to other capital improvement projects.

Rimbert asked if core drilling was used to determine the cost of a project prior to the bids going out. Baumann explained that core drilling had been done in a few locations but unfortunately the information received is restricted by the size of the cut being observed. In many instances it is difficult to get an accurate picture of what you really need. Baumann remarked that this is the largest change order request that they have had to bring to Council in the 12 years that he has worked here. They were definitely looking to see what they could do to improve this process.

Norenberg remarked that on a positive note they had a lot of compliments about this project. It has really been a great team effort.

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 Burgess and seconded by Mucciolo.

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

<b>Roll Call:</b>	<b>7 Ayes</b>	<b>0 Nays</b>	<b>Motion Carried</b>
(1 <sup>st</sup> , Final)			

**5. OTHER NEW BUSINESS:** None

**6. COUNCIL COMMUNICATIONS:**

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

Mucciolo

- Asked that given the interest from citizens and other government bodies throughout the state, including the Ohio Municipal League, that Council prioritize the issue of State infringement on Home Rule on its agenda moving forward.

Broadwell

- Attended AMP Annual Conference with Steve Dupee. He provided an update on the Hydro Projects and Efficiency Smart program.
- Announced November 16, 2012 deadline for Boards and Commissions vacancies. All applications are to be submitted to the Clerk by 4:00 p.m. A list of vacancies was read as well.

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

City Manager Norenberg:

- Provided an updated on the former Green Acres Demolition project.

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

Finance Director Talarico:

- Quarterly Financial Report.
- Provided an update on the casino revenue from the State.
- Provided an update on HB 601 which proposes significant municipal income tax reforms. A list of changes were reviewed.
- Provided a general overview of the changes made by OPERS to its pension program.

Following the review a motion to hold a work session for 6:00 p.m. on December 17<sup>th</sup> in order to discuss Council pay and OPERS implication was moved by Soucy and seconded by Mucciolo. All members concurred.

Peterson reminded members of the audience to vote.

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

Mealy said that City Engineer Randall Roberts has done a good job. He hoped that the issues that workers came across with the Robin Park and Parkwood Improvements Project is not indicative of what is going on in his neighborhood and of what's been going on with the flooding within the Ramsey.

He also announced that the Gasholder building had received a certificate of excellence at the Beautification Award ceremony.

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

Being that there was no further business to come before Council the meeting adjourned at 9:41 p.m.

#### **Attest:**

\_\_\_\_\_  
BELINDA B. ANDERSON, CMC  
CLERK OF COUNCIL

\_\_\_\_\_  
RONNIE J. RIMBERT  
PRESIDENT OF COUNCIL

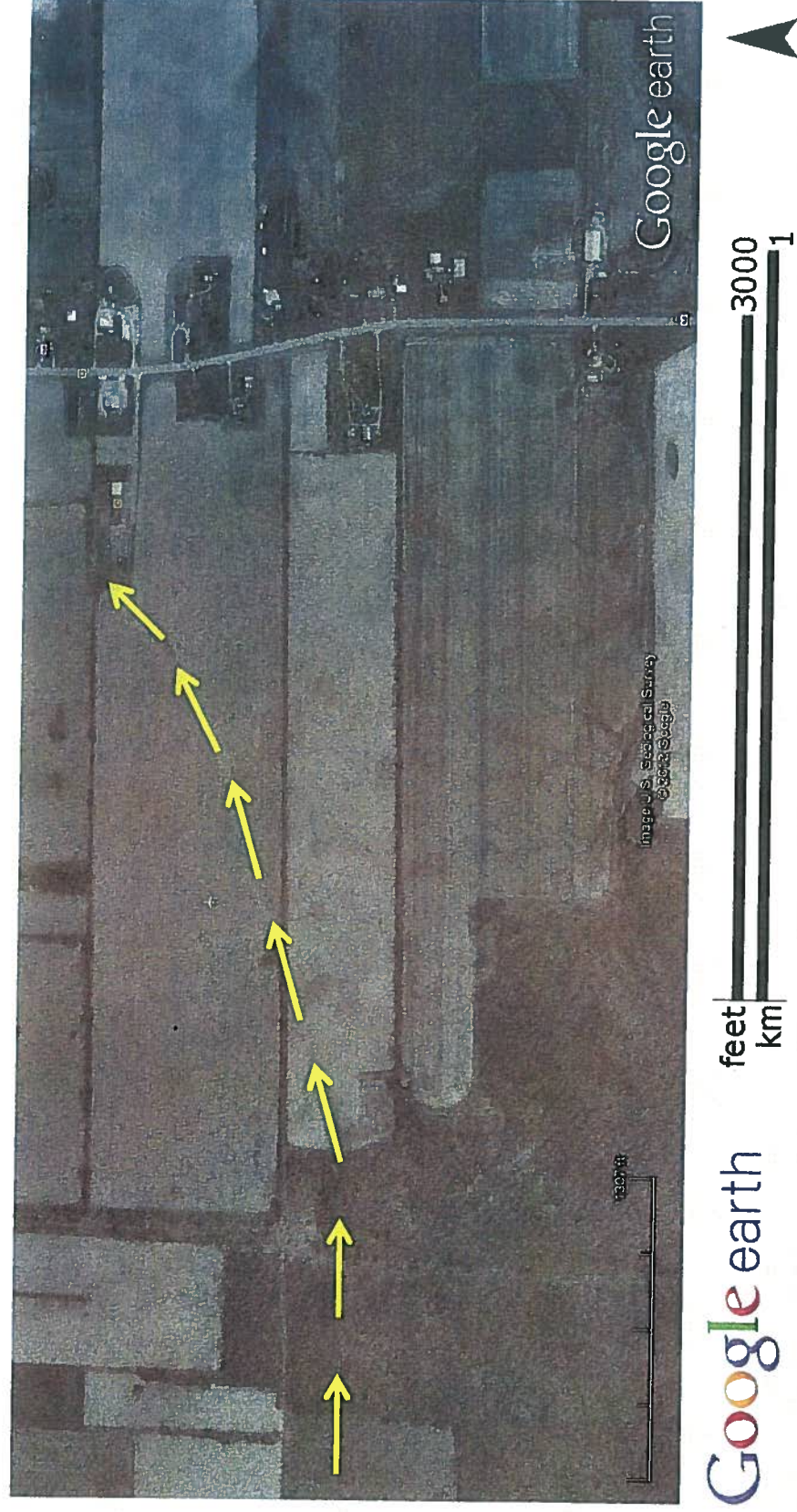
APPROVED: 11/19/2012

POSTED: 11/20/2012



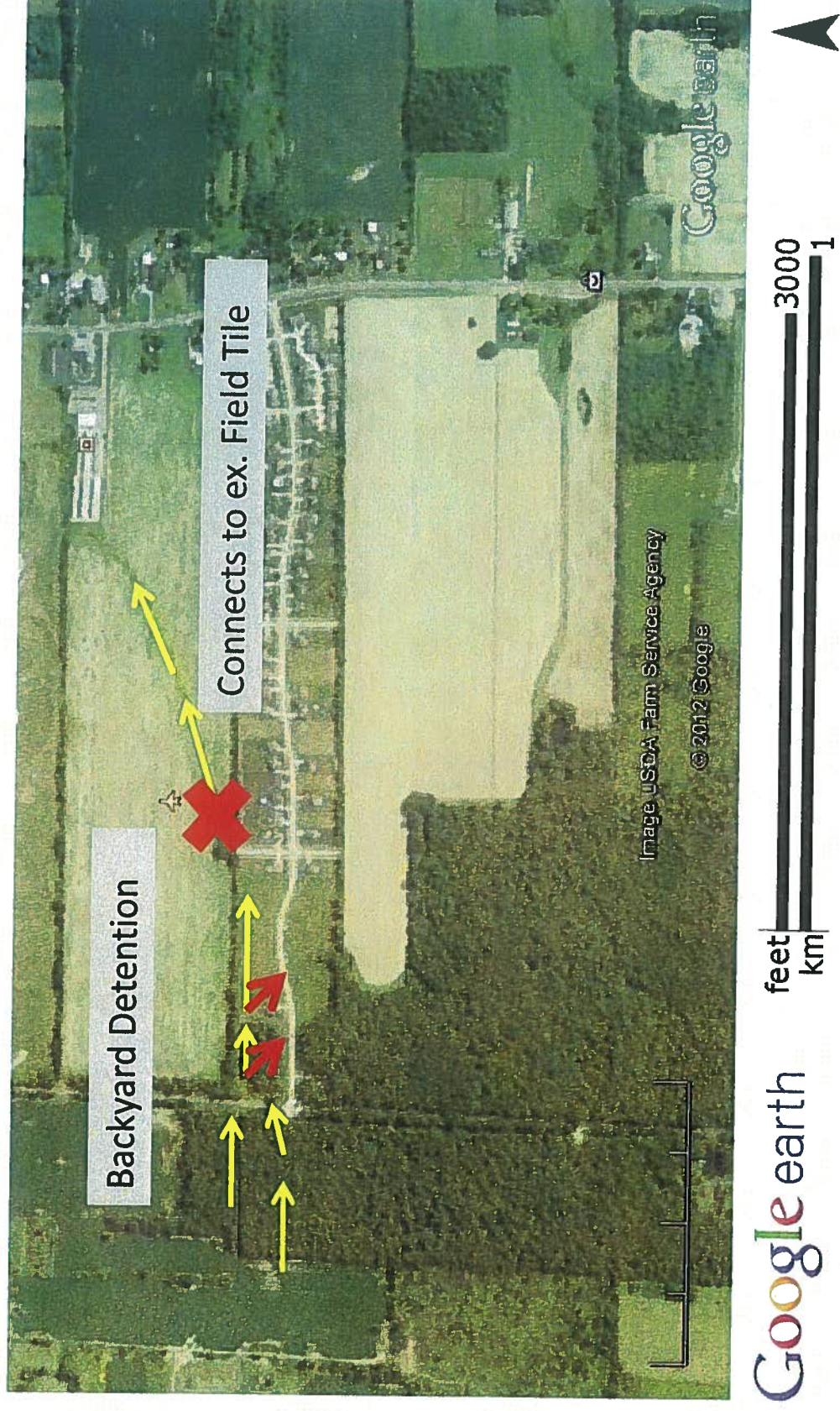
Reserve Avenue  
Oberlin, Ohio

# Reserve Ave. Subdivision Pre-development - 1994





# Reserve Ave. Subdivision Post-development - 2011



# Connection to Field Tile

Water level on July 7, 2011 after several days of dry weather

12" Outlet to Ward Farm



6" Overflow to  
subdivision  
storm sewer

18" Inlet from backyard detention system

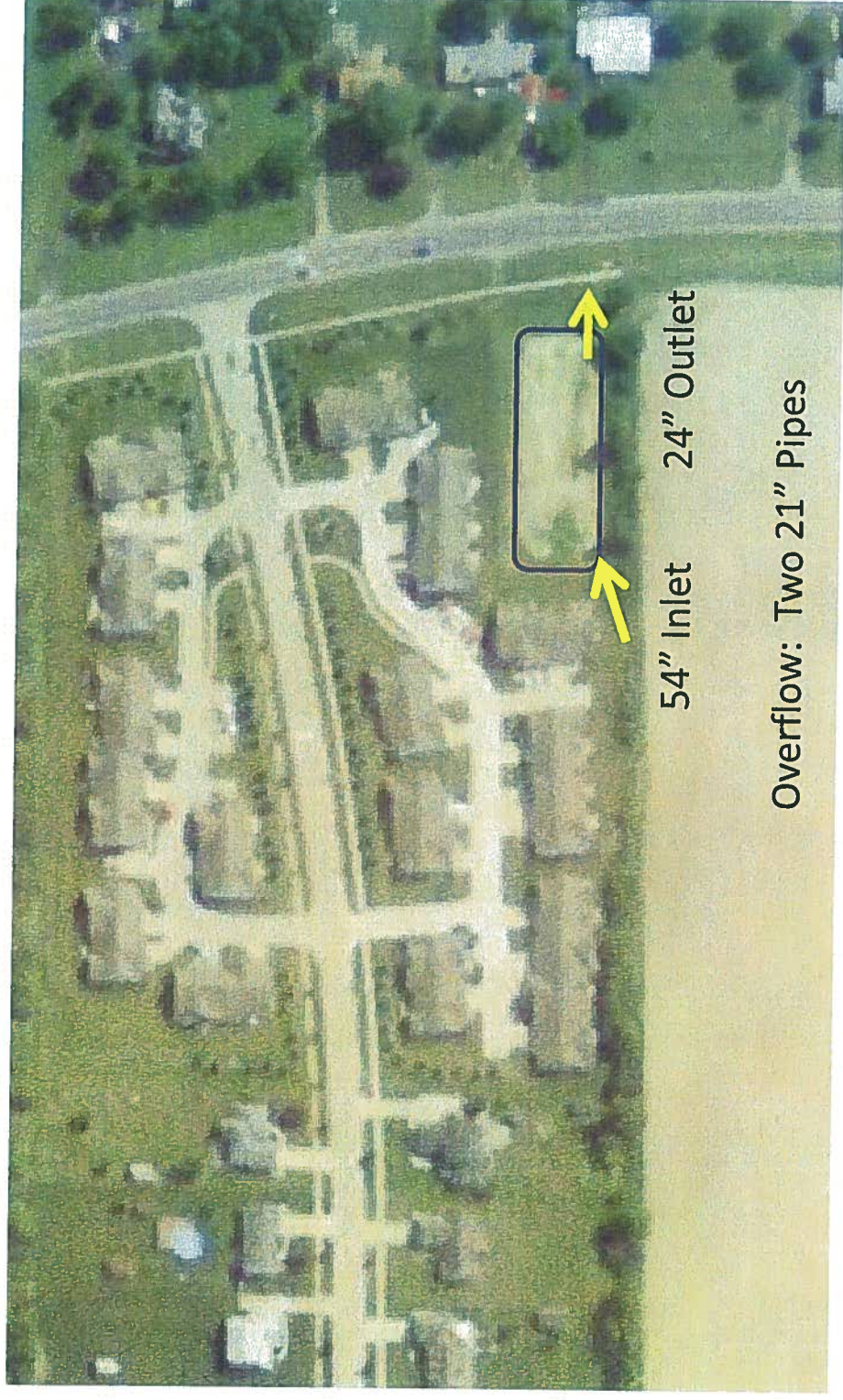


# Improvements

- Repair/Replace field tile across Ward farm
  - Connect CB to field tile (\$26,820)
  - Replace entire field tile (\$118,200)
- Remove earthen dam in backyard detention



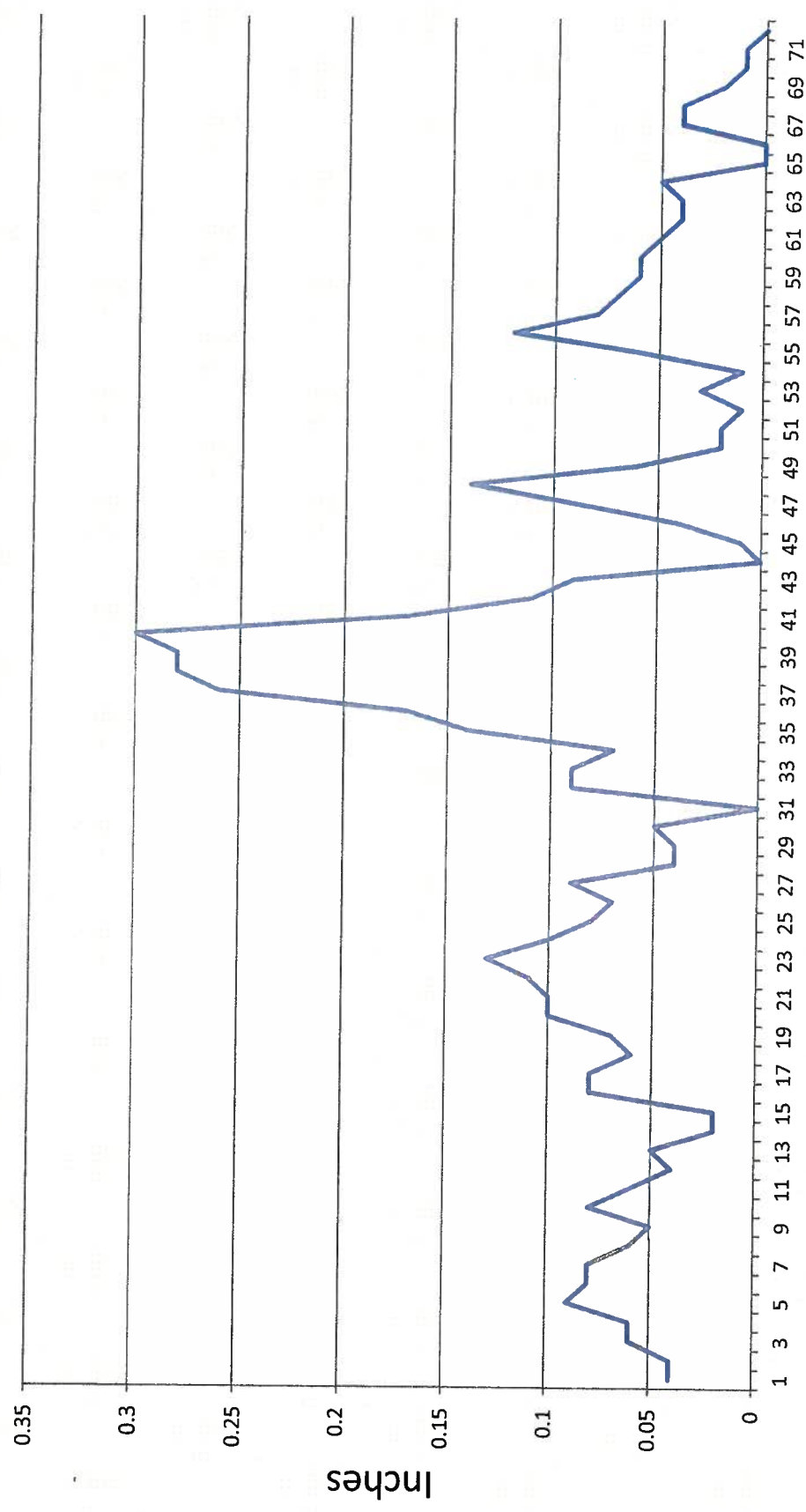
# Detention Basin



Overflow: Two 21" Pipes

Design: 10 YR Storm - 3.4" Rain in 24 Hours

# 5.26" of Rain in 72 Hour Equates to a 50 Year Storm



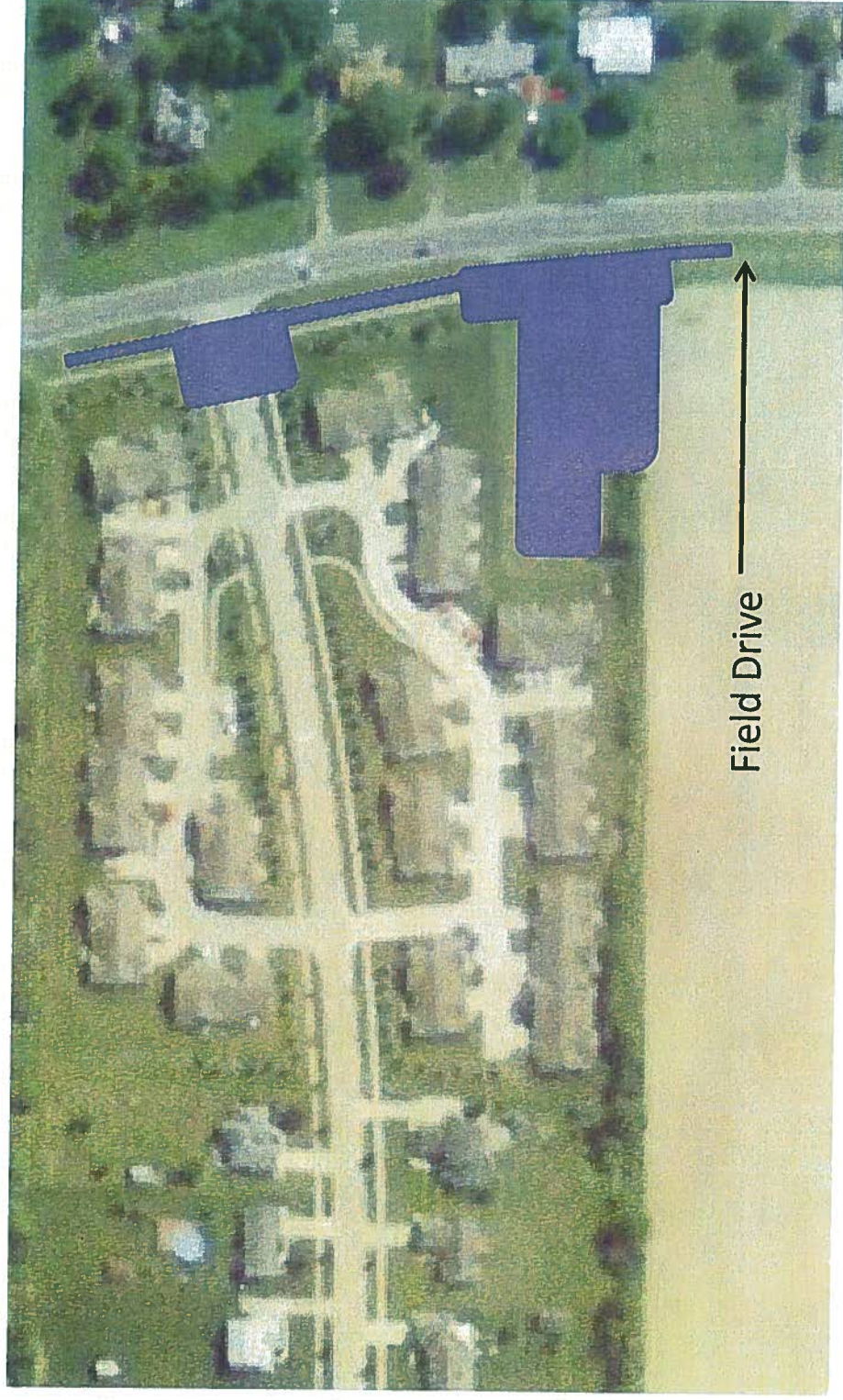
28-Oct 16:53

Hourly Rainfall

31-Oct 15:53



# Detention Basin Overflow





# RT 58 February 2011 Flooding



# 2011 RT 58 Drainage Improvements



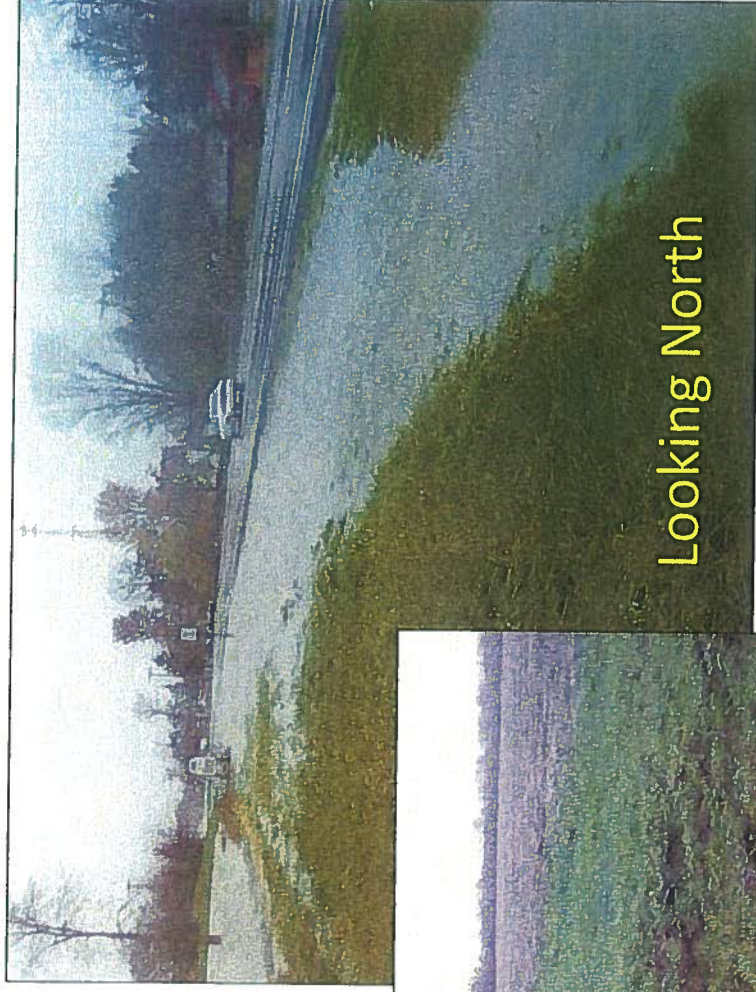
Existing Ditch and 21" pipe

Flow Splitting Chamber

New 24" Pipe and outfall



# Field Access Drive South of Reserve Ave



Looking North



Looking South  
after water resided

Install culvert at drive  
(\$1,700)



# Area Overview



Oberlin City Council, 5 November 2012

RE: Broadview Heights Report to City Council

A couple of weeks ago, I visited a city not very far away from Oberlin, Broadview Heights, in Cuyahoga County, to check into the fracking boom that is occurring there. I made this visit to try to understand what fracking activity IN and around Oberlin would mean to us.

Currently, in Broadview Heights there are 80 or so wells- 80 according to this list compiled up to July 2012.

These wells, please note, are located WITHIN city limits. They are located on city-owned property- I count six on this list; on golf course property, commercial property, church grounds, schoolyards, and in residential neighborhoods; old neighborhoods; and neighborhoods so new that houses are being built and some lots are empty. Wells are located in the backyard; located just beyond the treeline; down the street, up the street, next door. Occasionally, there is a fenced and screened enclosure inside of which are condensate tanks full of fracked gas.

I stood in a schoolyard 100 feet or so away from a well. I stood, as I soon discovered, DOWNWIND. I was bathed in a plume of methane, benzene, and a cocktail of other gases escaping from the well. Fifty or so feet behind me was the school building. I moved until I couldn't detect-smell-the chemicals. The building stayed put. The children and the teachers in the building stayed put, as well.

A little later, I stood in the backyard of a house. In the woods just beyond the property line-that is, what was left of the woods-were two wells. The house was vacant. The owners of this once 300 thousand plus dollar home had put up with two weeks of the 24-7 noise- BIG BIG BIG noise- but couldn't stand against the relentless flow of escaping gases from the completed wells. I was told that the house had been for sale for two years. And for much less than it's appraised value.

Of course, Broadview Heights and Oberlin are different places, unlike one another in many aspects. But, there is, ALAS, one characteristic that Oberlin shares with Broadview Heights, and with every other Ohio community: we have NO authority over the activities IN OUR COMMUNITIES of the oil and gas drilling corporations; only state government has regulatory and permitting authority. And it is abundantly clear that state government, as it is presently constituted, wants whatever, WHATEVER the oil and gas drilling industry wants. And unless what Oberlin wants, or what Broadview Heights wants, is precisely in compliant harmony with what the oil and gas drilling corporations want- TOUGH BEANS, folks!

They don't care. They don't care what we want or don't want. They get to do what they want. And the City of Oberlin, the people of Oberlin, have nothing to say about what happens.

And make no mistake, members of Council, it can happen here.

If one or several or a bunch of Oberlin property-owner choose to lease their properties for drilling, the drilling crews will arrive. GET OUT OF THE WAY!! They don't care. They don't have to care.

I speak to you this evening to ask you to show that YOU care. That you care what happens in Oberlin, to Oberlin. I ask you to show that you believe that it is your responsibility to care by demanding and striving for the return of local control.

Thank you. DES

RE: A couple of weeks ago, I visited a city not very far away from Oberlin, Broadview Heights, in Cuyahoga County, to check into the fracking boom that is occurring there. I made this visit to try to understand what fracking activity in and around Oberlin would mean to us.

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11/5/12

Elizabeth Ramsey  
page 1

Since the council meeting on Oct 1, our group, CSSE, has been in contact with Gayle Manning and Dan Ramos, [as Ron suggested at the time]. We have let them know that we support your call for a moratorium. The movement for a moratorium continues to build .... yet **in the meantime, we need to have other irons in the fire.** There is more injustice here than fracking. There has been a subversion of democracy by the Oil & Gas industry and their friends in our federal and state governments.

### **Federal Level**

At the federal level, in a stunning move back in 2005, the industry was granted exemptions from seven key pieces of environmental legislation: the *Clean Water Act*, the *Clean Air Act*, the *Safe Drinking Water Act*, the "Superfund" Act, the *Resource Conservation and Recovery Act* (regulates hazardous waste disposal), the *National Environmental Policy Act*, and the *Emergency Planning Community Right-to-Know Act*.

This grand exemption was given with the passage of the Energy Policy Act of 2005. This explains a lot, such as why this radically toxic process is allowed to continue.

### **State Level**

At the state level, the industry successfully lobbied, getting centralized state agencies put in place to manage drilling, and pushing for legislation to remove local control.

Ohio "fell" just like many other states with oil and gas underfoot. And thus we find ourselves in the mess that we're in. That is why the scene in Broadview Hts is so bad. The local people who would have said, "Of course not!" were not part of the decision making process.

Which brings us to the multi-community resolution on local control, currently in your in boxes....

### **Resolution Update**

To give you an update, the resolution has passed in **Medina Township**. The Chair of the Medina Twp Trustees, Mike Todd, has graciously offered to speak with any council member or trustee who has questions. You may contact him personally @ 330.722.2572.

**Cincinnati** is poised to pass the resolution. Mary Clare Rietz is a local leader in Cincinnati, also available for questions: [maryclare@ohiopeople.org](mailto:maryclare@ohiopeople.org), or we can relay any questions for you. [Local group to [csseoberlin@gmail.com](mailto:csseoberlin@gmail.com).] BTW they kept the body of the resolution as is and added their own introduction.

### **Importance of being a part of the movement**

Regardless of how successful this campaign is, or how symbolic it is, I believe it's important that the city of Oberlin be part of the movement. I hope you do as well. And as Steve H. mentioned, this is an opportunity to be more effective by joining with other local governments.

Likewise, it's important to stand up for what's right, and not be complicit in this subversion. Your zoning rights were taken away. Do you want to let that stand?

**Importance of this resolution for other than fracking**

Also important to consider: What is the next corporation, the next industry that will set up shop in Columbus? Speaking out against this now decreases the likelihood that the state legislature will pull the same thing next time around. And lawmakers will feel more pressure to respect the rights of local government.

**Possible next step on local control: a lawsuit**

A lawsuit is another possibility, and this is what's happening in PA.

Summary from mid-October: Today the PA supreme court heard arguments regarding the constitutionality of Act 13, the vehicle in which that state legislature and governor stripped local municipalities of their zoning rights with respect to the oil and gas industry. The commonwealth court already returned a decision siding with the original nine petitioners that the act is in part unconstitutional.

This is an interesting case and very relevant in that this action began with a letter writing campaign. Letter writing turned into nine petitioners, which grew to include 101 municipalities, non-profits, and local government units filing as friends of the court, or adopting resolutions, or filing letters of support for the legal challenge.

Even municipalities that like drilling, don't like having their authority overturned.

**Give copies of Flowback to Council, CM, LD**

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# REPORT

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Planning and Development Dept.

**To:** President and Members of City of Council

**Through:** Eric Norenberg, City Manager

**From:** Gary Boyle, Director of Planning and Development

**Subject:** Proposed Contract  
Plans Examiner Back-Up

**Date:** October 29, 2012

**Purpose and Recommendation:**

The purpose of this report is to provide information to City Council on commercial building plan review services, and to recommend that the City enter into a contract for such services with Frank Weber, Registered Architect.

**Background:**

The City of Oberlin has adopted the Ohio Building Code (OBC), and the City is recognized by the State Board of Building Standards as having a State-Certified Building Department. As a result, the City is authorized to administer the Ohio Building Code which Code is applicable to multiple-family residential (i.e. greater than 3 dwelling units), institutional, business and industrial buildings and uses. Chief Building Official Ron Schnurr, a State-Certified Building Official/Inspector, is under contract with the City to provide professional services related to the OBC. The City's most recent contract with Mr. Schnurr was authorized by Ordinance No. 12-04 AC CMS enacted on February 6, 2012, and was entered into on February 16, 2012. The City further has a contract with Steve Polinski, a State-Certified Inspector, for commercial building inspection services under the OBC. That Contract was authorized by Ordinance No. 12-05 AC CMS, and was executed on February 24, 2012. The City has also engaged the services of a "Plans Examiner" and back-up "Building Official" through a contract with Scott Mularoni authorized by Ordinance No. 12-06 AC CMS enacted on February 6, 2012, and entered into on February 24, 2012. Since the City's previous back-up "Plans Examiner," Donald Waggoner, has retired, the City needs to appoint a back-up "Plans Examiner" per the requirements of the State's Board of Building Standards.

**Discussion:**

Staff has determined that the use of contracts to provide State-Certified staffing of the Planning and Development Department's Building Division has been effective in providing for the review of building permit applications, the issuance of permits, the conducting of required inspections and the issuance of certificates of occupancy once construction is completed in an approved manner. Contract staff has also

maintained records and ensured that all required reports are filed in a timely manner with the State Board of Building Standards.

Staff is of the opinion that it would be advisable to have a contract with Frank Weber for his professional services as a "Plans Examiner." Such an approach would ensure that the services of a State-Certified Chief Building Official, Building Inspector and Master Plans Examiner, as well as alternatives for those positions, will remain available to the City in the future. A separate contract with a back-up "Plans Examiner" will also serve to provide the City with the staff qualifications to continue to be a State-Certified Building Department for the OBC.

A copy of the proposed contract with Mr. Weber is attached to this report for your information.

### **Fiscal Impact**

Through a contract for professional services, the City's expenses for a Plans Examiner are fixed through an agreed-to hourly rate, and the City is not subject to the costs associated with hiring a full-time staff person (i.e. salary and benefits). As a result, the provision of such duties by contract, is considered to be a cost-effective approach at this time. It is also noted that funding for such contract service has been provided for in the Building Division's budget for FY 2012.

### **Consultation**

The proposed contract has been discussed with the City Manager, Chief Building Official, Plans Examiner, Law Director and Finance Director.

### **Conclusion**

The City of Oberlin provides valuable service to businesses and residents by the operation of a Building Division in the Planning and Development Department. The City has contracted for professional staffing of this Division with State-Certified Building Officials. The costs associated with the administration and implementation of the Ohio Building Code are somewhat off-set by fees charged for permits.

The approval of a contract for continued administration and implementation of the Ohio Building Code and other locally-adopted codes by a State-Certified Master Plans Examiner is recommended by staff.

This request is hereby respectfully submitted for your consideration.

# Robin Park and Parkwood Pavement Improvements

2012

# Typical Pavement Condition Before Construction





# Typical Pavement Condition Before Construction





Existing pavement



Concrete with Asphalt Overlays

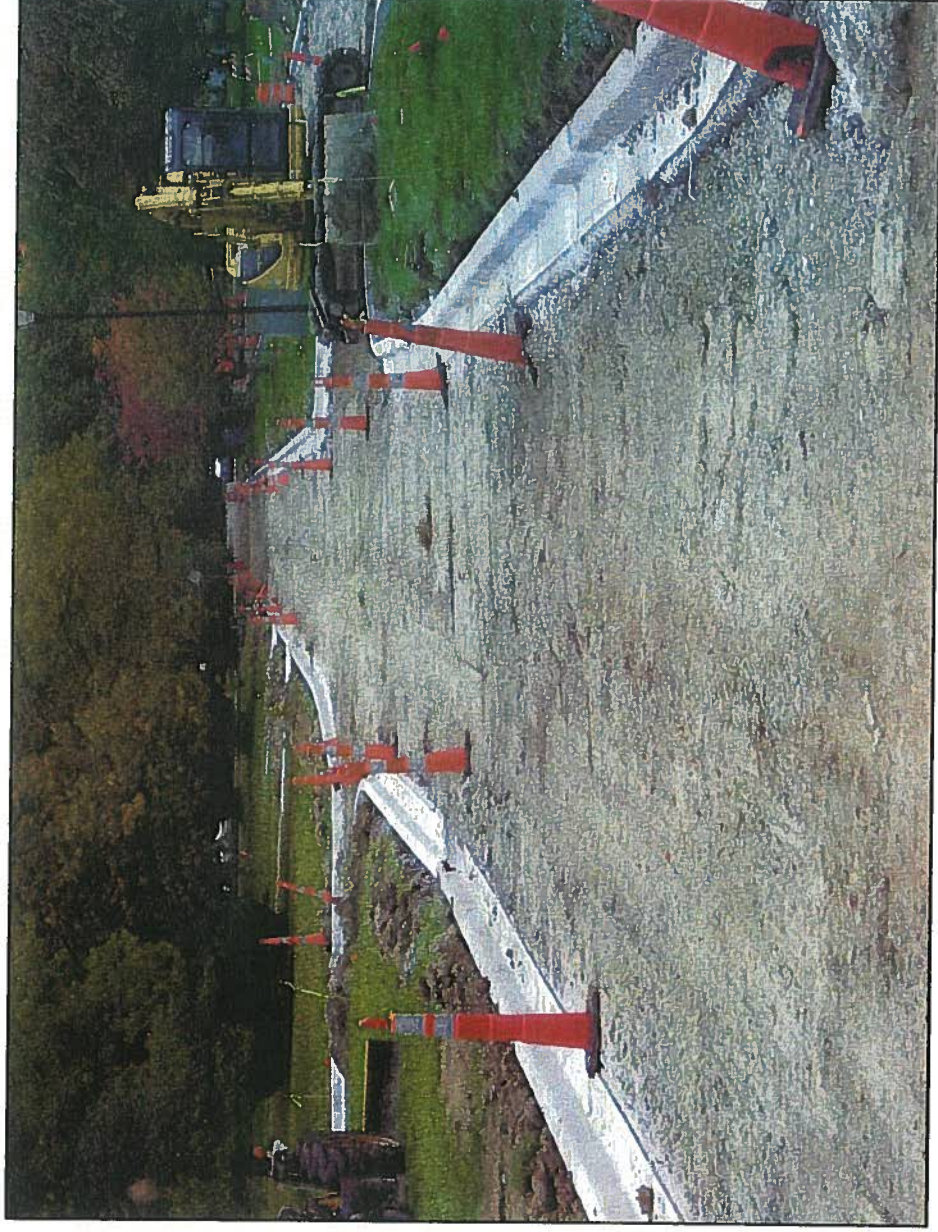


# Curb and Drive Apron Conditions



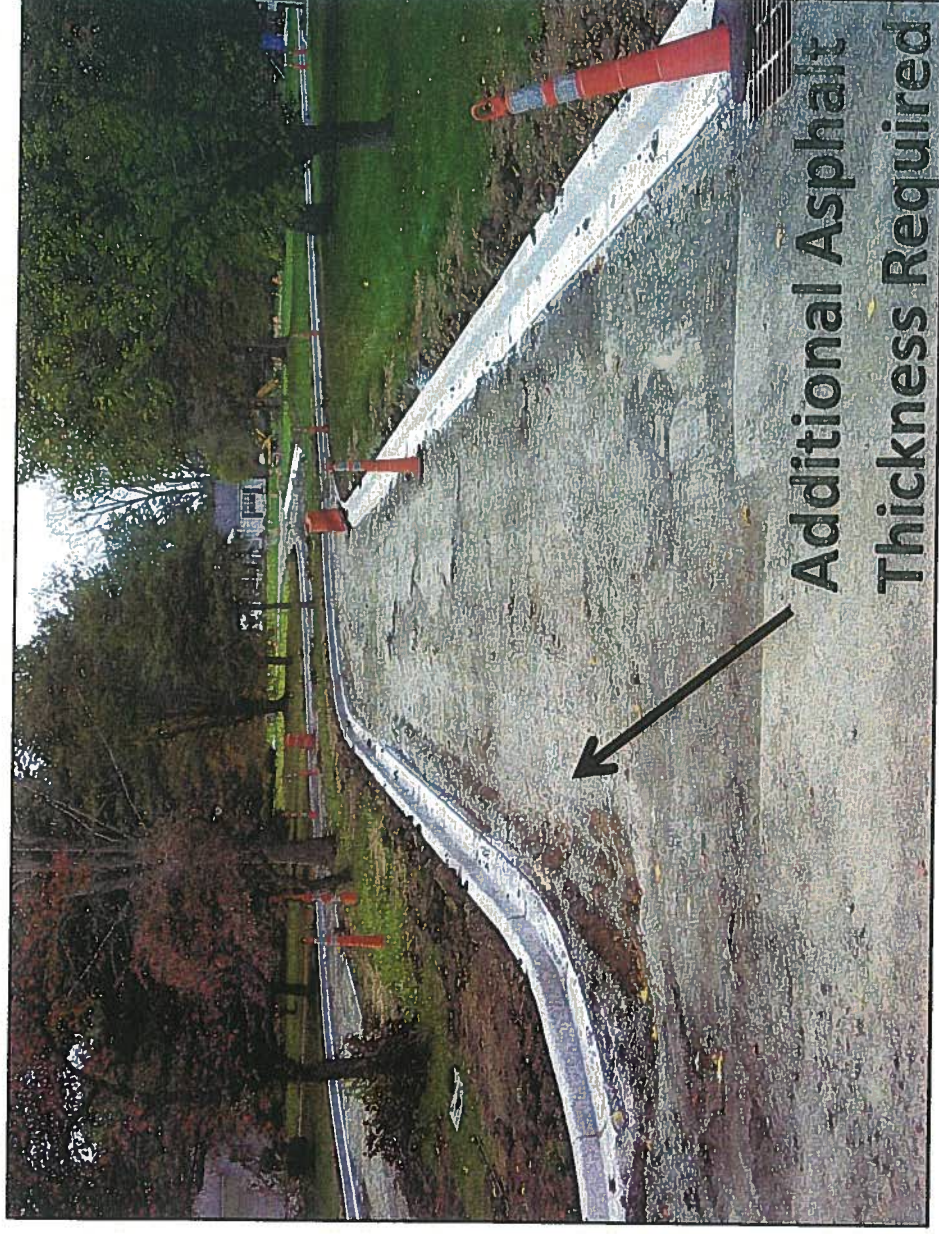


# New Curbs





# Partial Concrete Failure





# Deteriorated Concrete Pavement Full Depth Repair Required



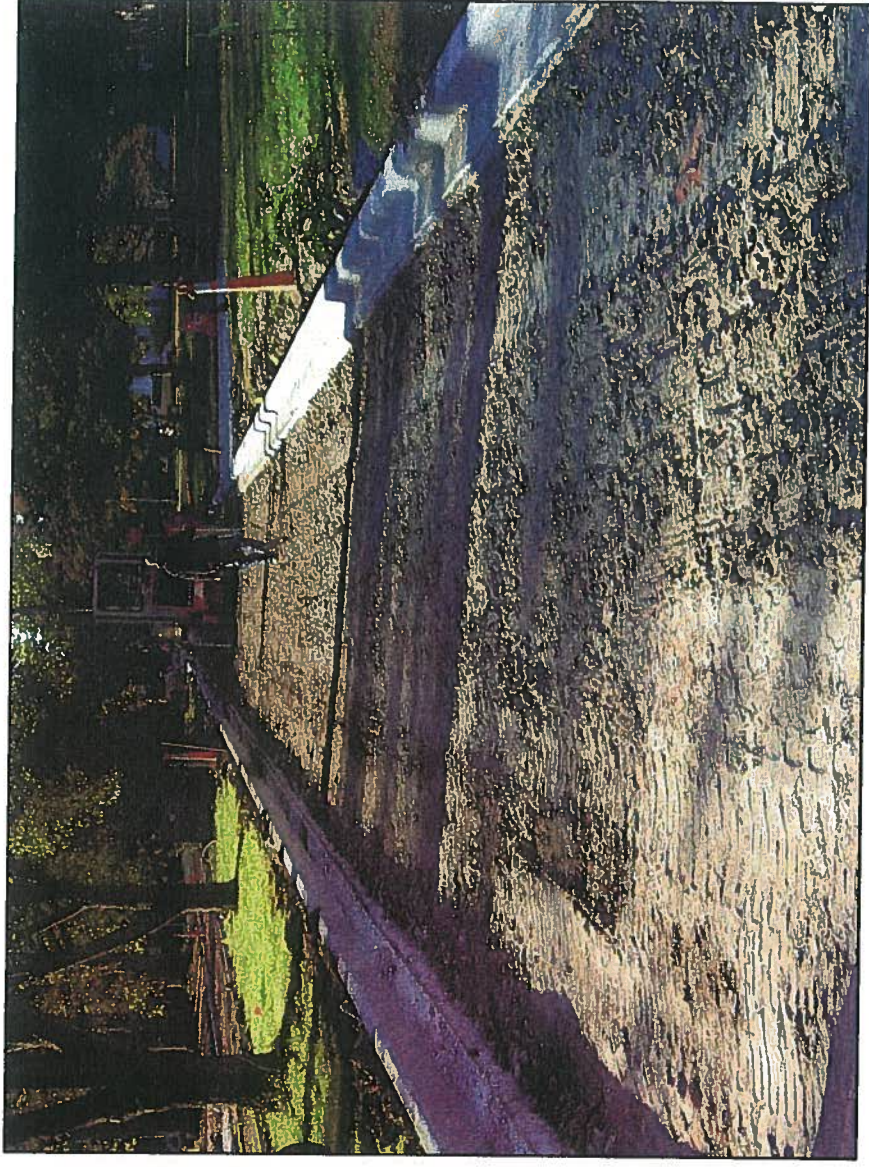
# Full Depth Repair



- 4" Base Asphalt  
(Not Shown)
- 6-8" Compacted Stone
- Geogrid
- Compacted Subgrade



# Base Preparation Curb-to-Curb and Spot Full Depth Repairs





# Final Product

