



Executive Session – 6:00 p.m. – Council Chambers

Purpose: Discuss the annual performance evaluation of the City Clerk

Minutes of the Regular City Council Meeting

Held on Monday, July 2, 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 July 2, 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 7:10 p.m., by Presiding Officer Ronnie Rimbart. Following a brief review of decorum to be used while addressing matters discussed during Council meetings, Roll Call was taken:

Council Members:	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"/>
Jeff Baumann, Acting City Manager	<input type="checkbox"/>	<input type="checkbox"/>

(b) Approval of Minutes – Regular City Council Meeting – June 4, 2012.

Motion to approve the minutes of the June 4, 2012 Regular City Council meeting as corrected was moved by Meadows, seconded by Burgess.

Burgess corrected the amendment made to the fracking resolution on pg.10 of the minutes by striking the word “than” and inserting the word “a”, to read as follows:

“Whereas methane is approximately 21 times more potent a greenhouse gas than carbon dioxide...”

Roll Call: 6 Ayes 0 Nays Motion Carried

(c) Approval of Minutes – Regular City Council Meeting – June 18, 2012.

Motion to approve the minutes of the June 18, 2012 work session as submitted was moved by Meadows, seconded by Soucy.

Roll Call: 6 Ayes 0 Nays Motion Carried

(d) Hear and discuss a motion to appoint Melissa Reed to fill an unexpired term on the Open Space and Visual Environment Commission.

Broadwell remarked that this was a non-contested vacancy on the Open Space and Visual Environment Commission. Following discussion with Clerk Anderson and a member of the OSVE commission, in conjunction with the review of the candidate’s application and qualifications, it was felt that Ms. Reed would prove to be an asset to the commission. He noted that a copy of the application was submitted to all members of Council for review and consideration.

Motion to appoint Melissa Reed to fill an unexpired term on the Open Space and Visual Environment Commission was moved by Broadwell, seconded by Meadows.

Burgess asked when the term would expire. Clerk Anderson remarked that the term would expire on December 31, 2013.

Roll Call: 6 Ayes 0 Nays Motion Carried

It was further noted that Ms. Reed was in the audience. President Rimbirt congratulated the applicant and thanked her for her desire to serve.

(e) Discuss and consider setting the date and time for a Special Meeting.

Baumann remarked that there were potentially two issues that should come before Council before the August 20th meeting. Those two items are the Interconnection Agreement between OMLPS and SPG Solar and/or Oberlin College and a proposed development agreement for Triad Realty for the improvements that would be located on the southwest corner of Rte. 58 and Rte. 20.

Motion to schedule a Special City Council Meeting on Monday, July 30th at 7:00 p.m., in Council Chambers, for the purpose of dealing with the Solar Interconnection Agreement and the site agreement with Triad Development was moved by Soucy, seconded by Broadwell.

Roll Call: 6 Ayes 0 Nays Motion Carried

Domestic Partnership Registry

Sharon Soucy remarked that there was a distinct interest in establishing a Domestic Partnership Registry for same-sex couples in town. She noted that most Council members had been polled and with their consent she would ask that the Law Director with Clerk Anderson’s help put together an ordinance that moves this forward.

Burgess noted that he was the Council liaison to the Human Relations Commission and this had been discussed in several meetings over the past year. After much research they presented Council with a copy of the ordinance from the City of Toledo, which established a Domestic Partnership Registry for that community. Using Toledo’s ordinance as a model, with some alterations, the Commission would like Council to consider establishing a similar registry in Oberlin. He hoped that this issue could be further addressed this fall after Council’s recess. President Rimbart restated the request to establish the registry. All members of Council being present consented to the request.

3. OLD BUSINESS:

None

4. NEW BUSINESS:

(A). ORDINANCE No. 12-54 AC CMS: An Ordinance Authorizing an Amendment to Increase the Allowable Quantities of Certain Price Unit Price Items in the Contract with R.W. Clark Company, Inc., of Cleveland, Ohio, for the Gasholder Building Renovation, Phase I Exterior Improvements, in the City of Oberlin and Declaring an Emergency. (1st)(E)

Broadwell 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 Burgess, seconded by Meadows.

Acting City Manager Baumann provided background information on the ordinance. He recalled that last fall the City approved a contract with R.W. Clark Company for the Phase I Exterior Restoration of the Gasholder Building to allow contractors to begin work on the roof as soon as possible. That work is nearing completion. Anyone who has seen the renovations to the Gasholder Building can readily see the dramatic change in comparison to how the building looked months ago. The contract is structured based on both the architectural work that Moody-Nolan has been performing and also on the ODOT requirements. On the ODOT side, the contract provides for a bid quantity for each unit and an estimated quantity of those units. In the case of Change Order #3, the amount of tuck-pointing was actually less than what was actually requested and the City received a \$5,375 credit for the work that was non-performed. However, the quantity of brick replacement more than doubled, the additional cost for that project was \$5,670. An additional amount of joint sealant was also installed to ensure the water tightness of the structure. The net additional cost of the unit price items in Change Order #3 is \$1,934. These were ODOT eligible expenses making the City’s actual cost \$386.80.

Burgess asked if the basement was unusable at this time due to the need to install a series of adjustable steel shoring towers to support the floor. Baumann noted that the question raised dealt with Change Order #4 which would be addressed in the next ordinance. He then remarked that the plan is for the steel shoring to be temporary. It has been understood by the architect that the basement would become part of the useful space and that the shoring is a temporary measure while the rest of the design goes forward. The current concrete floor

didn't appear to be designed by a structural engineer it was more likely built by a contractor with extensive knowledge of construction techniques. In having little knowledge in the technique used to construct the flooring they were left with two options:

- 1) Remove the flooring entirely which at this point will be quite costly, or
- 2) Provide some kind of permanent stabilization for the floor to ensure that people in the basement or standing on the first floor are not at risk.

The latter would end up looking like a series of steel I-beams across the space with some select posts. It wouldn't look like a permanent circle of shoring towers which is what is there now. He noted that the contractor had previously installed steel shoring under the concrete floor which could have been done due to some uncertainty about its load bearing capacity and having heavy equipment (i.e., a lift) parked inside that could add up to catastrophic failure. The shoring most likely was added as a precautionary measure. Burgess asked if it was still too soon to know if the basement would be usable. Baumann replied that it was.

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 Meadows.

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

Roll Call:	6 Ayes	0 Nays	Motion Carried
(1 st , Final)			

(B). ORDINANCE No. 12-55 AC CMS: An Ordinance Authorizing an Amendment to Include Additional Unforeseen Work to the Contract with R.W. Clark Company, Inc., of Cleveland, Ohio, for the Gasholder Building Renovation, Phase I Exterior Improvements, 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 Broadwell.

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 Meadows.

Baumann reiterated that the proposed ordinance had to do with the floor stabilization project previously discussed. He added that the reason why there were two change orders before Council is because this one had a different funding mechanism. ODOT has very stringent requirements about the procurement of materials. As a result they were not willing to include funding for a steel product that they couldn't certify was manufactured in the United States from a prequalified mill based on certain engineering characteristics. As a result the City will incur the entire expense for the shoring towers in the amount of \$7100.

Burgess remarked that he believed that the City had appropriated \$50,000 for this project a year ago. He asked if the \$7,100 would come out of the same line item. Baumann and Talarico remarked that they couldn't remember if the \$50,000 was part of the 2012 budget or not. Burgess remarked that he believed that it was part of the 2011 budget. Talarico remarked that if the funds weren't from 2012 then those funds could be used for this project. Burgess asked if an amendment to the proposed ordinance was necessary, to ensure that the \$7,100 comes out of the \$50,000 that had already been appropriated. Talarico remarked that he didn't think it made a difference

because it was a capital improvement. The funds could be drawn from the Gas Holder fund or the City's Income Tax Capital Improvement fund. Baumann remarked that they would make sure that the funds were allocated properly.

Broadwell recalled that the \$50,000 was money to release matching funds. Talarico remarked that Council had authorized the \$50,000 based on some kind of commensurate contribution. Burgess remarked that the amount was meant to kick off the fundraiser. Soucy remarked that it was her understanding that the \$50,000 was designated to use in the initial shoring up in the construction of the project. It was her assumption that the amount was long gone, but it seemed to her that this was the designation that they used for allocating the amount. Talarico believed that the motion permitted funding to be ongoing depending on the contributions received from the general public. Talarico remarked that he would place the information in the next folder but he believed that the Public Works Director needed this to be approved before the next meeting. Baumann remarked that there wasn't a rush to get this approved the work had already been done on good faith to ensure the protection of the contractor's work force.

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

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

Roll Call: 6 Ayes 0 Nays Motion Carried
(1st, Final)

5. OTHER NEW BUSINESS: None

6. COUNCIL COMMUNICATIONS:

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

Scott Broadwell

- Announced that the Oberlin Community Services was in dire need of food and/or monetary contributions right now due to an increase in their case load.

Sharon Soucy

- Congratulated City Clerk, Belinda Anderson and Councilor Aaron Mucciolo on their birthdays.
- Congratulated Councilor Scott Broadwell on the birth of his first grandson, Noah, born in Lafayette, Colorado.
- Wished everyone a Happy 4th of July.
- Commended the group of people who have repainted the old Masonic Lodge on the corner of Vine and Pleasant Street.

7. CITY MANAGER'S REPORT:

Several updates were mentioned by the Acting City Manager:

- Fireworks scheduled for July 4th at the Hamilton Recreation Complex.
 - A rain date of July 6th has been scheduled if the celebration is cancelled.
 - Hamilton Street will become one way westbound to facilitate traffic flow in and out.
 - The Recreation Complex parking lot will be open as well.
 - Hamilton Street will be closed during the fireworks
 - The concession stand will be opened by 7:00 p.m.
- Oberlin Project Update
 - NOACA Grant Application will soon be available to look at alternative transportations. Transportation sector will become the largest part of the City's carbon footprint so we are actively researching numerous ways to address this. In some ways it is a more difficult nut to crack than green energy partly because the technology is not as well developed as it is in the electric industry.
 - Grant will be available for up to \$75,000 on an 80/20 match.
 - Consultant is willing to assist with this at no cost.
 - Several potential projects were listed, mainly to extend bike or walking paths throughout the City.

Soucy made a request to have the City Manager put something in their August 20th packet when NOACA releases the grant applications.

8. FINANCE DIRECTOR'S REPORT:

Sal Talarico read a short memo into the record regarding a request to change the City office hours from 8:30 a.m. to 5:00 p.m. to 8:00 a.m. to 4:30 p.m. beginning August 6th.

Meadows and Broadwell noted support for the request. No objections to the schedule change were noted for the record.

9. PUBLIC PARTICIPATION:

10. ADJOURNMENT:

Being that there was no further business to come before Council the meeting adjourned at 8:16 p.m.

Attest:

BELINDA B. ANDERSON, CMC
CLERK OF COUNCIL

RONNIE J. RIMBERT
PRESIDENT OF COUNCIL

APPROVED: 08/20/2012

POSTED: 08/21/2012