

expressed his appreciation for receiving the proclamation which speaks to the City's history in its practice to stand behind the issues of equality, particularly with respect to housing.

Handy expressed her gratitude for the opportunity to serve as the new EDHO for the City. She felt that Oberlin was a great town with plenty of assets to help promote the City and bring future development to the area.

Proclamation — Friendship Day.

In preparation to read the Friendship Day Proclamation, Soucy remarked that the promotion of American National Friendship Day was a mutual effort that the City has worked on with the College for three years, which has spread here locally and abroad.

PROCLAMATION
AMERICAN NATIONAL FRIENDSHIP DAY
April 8, 2013

WHEREAS, friendship is a concept promoted by all religious, ethical and cultural traditions of the world; and

WHEREAS, friendship transcends ethnicity, gender, geographic boundaries, and political and religious affiliations; and

WHEREAS, the designation of a day in our calendar as the National Friendship Day is an effective way to transform an ideal humanitarian philosophy into a public ritual and thereby helping communal cohesion and solidarity; and

WHEREAS, the spirit of friendship exemplifies strength of character, sound human values, and human bonds that go beyond self-interest; and

WHEREAS, friendship can be a powerful foundation for international peacemaking; and

WHEREAS, the globalization of an American National Day of Friendship can change the image of the United States abroad and therefore can serve as a powerful leverage in our foreign affairs; and

WHEREAS, the City of Oberlin has a long tradition of promoting diversity, equality, fairness and friendship.

NOW, THEREFORE, I, Ronnie Rimbart, Mayor of the City of Oberlin, Ohio, on behalf of Oberlin City Council, do hereby proclaim Monday, April 8th, 2013 as

“AMERICAN NATIONAL FRIENDSHIP DAY”

in the City of Oberlin, and urge all citizens to celebrate American National Friendship Day and support efforts to foster friendship within the City as well as within the international community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oberlin, Ohio, to be affixed hereto this 1st day of April 2013.

Ronnie J. Rimbart
Mayor/ President of Council

Following the reading of the proclamation, City Manager Norenberg remarked that there will be an event on campus at the Cat and the Cream to celebrate Friendship day on April 8th, 2013 at 5:00 p.m. There will be a series of formal events in honor of the occasion and he will be reading the proclamation on behalf of the City of Oberlin.

(f) Appointment to boards and commissions.

A motion to suspend the rules requiring three readings and to elevate Ordinance No. 13-19 to an emergency for the reasons stated in Section 3 was moved by Peterson, seconded by Broadwell.

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

Roll Call: 7 Ayes 0 Nays Motion Carried
(1st, Final)

(B). ORDINANCE No. 13-20 AC CMS: An Ordinance Approving a Collective Bargaining Agreement Between the City of Oberlin, Ohio, and the Ohio Patrolmen's Benevolent Association (OPBA) for Oberlin Police Department Part-Time Dispatchers and Declaring an Emergency. (1st)(E)

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

Roll Call: 7 Ayes 0 Nays Motion Carried

The Clerk read as directed.

Motion to approve the ordinance on first reading was moved by Broadwell, seconded by Mucciolo.

Norenberg noted that this was the third of four collective bargaining agreements that City Council has had the opportunity to review this year. The proposed contract is with the part-time dispatchers who were gracious in accepting the wage freeze that other employees have been accepting through other union agreements. In addition, the proposed agreement makes adjustments in other areas to clarify overtime practices and calculations that are unique to the part-time dispatchers. A summary of the revisions made to the contract are attached to the minutes.

Forgoing discussion a motion to suspend the rules requiring three readings and to elevate Ordinance No. 13-20 to emergency for the reasons specified in Section 3 was moved by Soucy, seconded by Burgess.

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

Roll Call: 7 Ayes 0 Nays Motion Carried
(1st, Final)

(C). ORDINANCE No. 13-21 AC CMS: An Ordinance Approving a Collective Bargaining Agreement Between the City of Oberlin, Ohio, and the International Brotherhood of Electrical Workers (IBEW) and Declaring an Emergency. (1st)(E)

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

Roll Call: 7 Ayes 0 Nays Motion Carried

The Clerk read as directed.

Motion to approve the ordinance on first reading was moved by Burgess, seconded by Meadows.

Norenberg remarked that the IBEW represents employees in the Electric Department and Public Works including, Water, Wastewater, and the General Maintenance Division. A year ago, the IBEW members agreed

A motion to suspend the rules requiring three readings and to elevate Ordinance No. 13-23 to emergency for reasons stated in Section 3 was moved by Broadwell, seconded by Mucciolo.

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

Roll Call: 7 Ayes 0 Nays Motion Carried
(1st, Final)

(F). ORDINANCE No. 13-24 AC CMS: An Ordinance Authorizing an Amendment to the Contract with Quality Control Inspection, Inc. (QCI) of Bedford, Ohio, to Provide for Additional Professional Construction Inspection Services for the Main Street Sanitary Sewer Improvement Project in the City of Oberlin and Declaring an Emergency. (1st)(E)

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

Roll Call: 7 Ayes 0 Nays Motion Carried

The Clerk read as directed.

Motion to approve the ordinance on first reading was moved by Meadows, seconded by Peterson.

Norenberg provided brief remarks for the proposed ordinance. It was noted that this was a follow up ordinance, to Ordinance No. 13-18 AC CMS: an ordinance for the Main Street Sanitary Sewer Improvement Project that would cover two sections on Main Street. He expressed that this was the standard inspection service contract that usually follows this type of project. He then deferred all questions to Public Works Director Jeff Baumann.

Peterson asked if a recent study had been done to compare the costs between using a third party inspector vs. hiring a full time inspector. Baumann remarked that in this past he had reviewed this information, but not recently. He noted that when reviewing this information, he would need to take into consideration that the numbers for QCI usually come in 40% to 50% lower than the amount that is actually requested. He listed several additional challenges that would occur if the City were to hire a full-time inspector but offered a willingness to review the issue again and report back with updated numbers. Soucy asked if one of the problems for hiring someone to do this in-house is that the skills needed for different types of inspection jobs vary significantly, therefore by using QCI, we can pull in different individuals with a wide range of expertise. Baumann remarked that there are some occasions where expertise would be of value (e.g. environmental projects), but generally speaking there are employees on staff who have the expertise to do some of the inspections but not all.

Peterson remarked that it would still be a good idea to have the research information on hand. By consent of Council, the City Manager was directed to instruct staff to provide feedback at an unspecified date on what the comparables would be when considering the option of hiring a full time employee to handle the inspection service as opposed to a third party.

Tony Mealy, 328 South Professor Street asked if the inspectors were liable if mistakes were made when a project is being worked on. Baumann remarked that the contractor would be responsible unless the inspection firm could be shown to have been negligent in the performance of their duties.

A motion to suspend the rules requiring three readings and to elevate Ordinance No. 13-24 to emergency for reasons stated in Section 4 was moved by Burgess, seconded by Mucciolo.

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

Mucciolo said that it seemed like the entire purpose of this ordinance and the motion is for the Clerk to serve as the secretary of the Charter Review Committee, and this is fair and understandable. However, the ordinance as written is very broad which causes a couple of potential problems. One, without any additional legislation outlining the tasks that could be approved by motion, this puts everything back into a political realm, and that could cause problems for the Clerk in the future if this legislation stays open. Two, this would also side-step the underlying issues concerning job description and fair compensation for tasks completed. Mucciolo noted that he would like to offer either of two amendments; one would be to have this ordinance expire by February of next year when the committee has done its work, the other would be to say that the Clerk of Council should receive \$45/hour for acting as the secretary of the Charter Review Committee, a total amount not to exceed — some number as approved by motion of Council — for the 2013/2014 committee year. He reiterated that the proposed ordinance and motion seems too open-ended, and leaving it to Council to make motions, to offer money on this particular topic, or on other topics, seemed problematic to him, even though this isn't the purpose of the request. Right now, by passing this ordinance, we create a structure wherein at any time, for potentially anything that is not directly written within the job description of the Clerk, a motion could be made to approve \$45/hour for specific projects. By comparison, the Law Director has specifically outlined what tasks will be compensated extraordinary pay. This ordinance could allow a future Council to put thousands of dollars onto the budget, or even more problematically, set up a dynamic for the Clerk that says she is to keep doing work that is not necessarily in her job description without compensation. Furthermore, he raised concerns with the kind of precedent that passage of the ordinance would set and felt that either having it expire or delineating specifically what it's for, would prevent Council from ending up in an untenable situation and would allow them to start looking at what duties the Clerk should be doing and whether they are compensating that fairly on a broader basis as opposed to on a case by case basis.

Peterson asked if the amendments were not adopted would the ordinance be a deal breaker for him? Peterson expressed his concern that by not passing this ordinance tonight, the Clerk would have to serve as the Charter Review Committee Secretary at the next meeting with nothing in place to compensate her for her efforts. He asked if they could at least pass the ordinance and get together later to hash out these larger issues for future work? He didn't see this as being a bad thing to incorporate this responsibility into the Clerk's job description in the future for future Charter Commissions, ten years from now.

Rimbert asked the Clerk if this was a boiler plate that they used from the former Clerk of Council. Anderson noted that it wasn't a boiler plate, but they did refer to the ordinance used to provide the former City Clerk additional compensation for the work she did with the 2003 Charter Review Committee. Rimbert pointed out that since this has already been done, the precedent had already been set.

Meadows concurred with Rimbert in that the precedent had already been set. She further noted that the ordinance also stated that the Clerk of Council would be compensated the \$45/hour for additional projects that are approved by motion of City Council. Mucciolo asked what the additional compensation rate was for the former City Clerk. Clerk Anderson noted that the former City Clerk was compensated \$30/hour. Mucciolo asked if this were offered by ordinance and if it expire? Anderson noted that the 'additional compensation was approved by ordinance without an expiration date. In addition, through the former City Clerk's ordinance, projects were not required to come before Council on a case by case basis. It was the former Law Director and the finance director who added the stipulation that the additional project be approved by motion of City Council, to ensure that Council had oversight over the process. The Clerk noted her concurrence with this practice as well. Mucciolo remarked that to answer Mr. Peterson's question, not having his amendments approved was not a deal breaker. He would support this ordinance the way that it is written, but would be open to further discussion on the topic at a later date.

Soucy said that she didn't want to belabor this discussion but she didn't understand the use of the word "open-ended", when there is a provision that clearly says "...as approved by motion of Oberlin City Council". She questioned how any project that has to come before City Council could be considered open-ended. Though she



SUMMARY OF AGREEMENT
City of Oberlin & OPBA (Part-time Dispatchers)
2013 - 2014 Agreement

1. **Article 13 (Overtime Pay), Section 13.1** – Revised language to insure that there shall be no “pyramiding” of overtime or other premium pay for the same hours paid at the time and one-half rate.
Section 13.3 – Repositioned from Section 14.2.
2. **Article 14 (Premium Pay For 24-Hour Circumstances)** – Retitled Article from (Overtime/Double Back/24 Hour Notice) to (Premium Pay For 24-Hour Circumstances).
3. **Section 14.1** – Revised to insure that if employees work in excess of 8 hours in a 24 hour period, excluding shift change, they shall be compensated at the “premium” rate of 1 ½ times their regular hourly rate.
Section 14.2 – Relocated to Section 13.3.
Section 14.3 – Becomes Section 14.2.
4. **Article 17 (Personal Leave), Section 17.1** – Increased from 2 to 3 days under the same eligibility requirement based on an annual hours worked / proration basis.
5. **Article 18 (Compensation)** – Maintain the same schedule and hourly rates in effective from 1/1/12 through 12/31/14.
6. **Article 25 (Duration of Agreement)** – 2 years (effective 1/1/13 through 12/31/14).
7. **Letter of Understanding (Retroactive Pay Adjustments)** – modified to reflect new dates and 2 year duration.

SUMMARY OF AGREEMENT
City of Oberlin & IBEW
2013 - 2014 Agreement

1. **Article 4 (Dues Deduction)** – Delete “30 days” and insert “1440 hours of employment with the City.”
2. **Article 22 (Personal Leave/Holidays)** – Effective 1/1/13 increase personal days from 3 to 4.
3. **Article 27 (Medical/Hospitalization Insurance)** – Maintain the current PPO plan with employee contributions at \$154/month for family and \$118/month for single for the period January 1, 2013 through June 30, 2013. Effective July 1, 2013 through December 31, 2014, a revised PPO plan with higher co-pays and deductibles will be implemented and the monthly contribution will be reduced by 8.6% for the period July 1, 2013 through December 31, 2013 at \$141/month for family and \$108/month for single. The current annual percentage premium increases/decreases, including a 15% cap for employee contributions, will be maintained.
4. **Article 31 (Compensation)** – The current step progressions and wage rates will remain unchanged for the period January 1, 2013 through December 31, 2014.
5. **Article 32 (Longevity)** – Increase as follows:
 - 5-10 years from \$400 to \$500;
 - 11-15 years from \$500 to \$600;
 - 16-20 years from \$650 to \$800;
 - 21-25 years from \$800 to \$900;
 - 26 years or more from \$950 to \$1,100.
6. **Article 33 (Uniform/Work Related Clothing Allowance)** – Clothing allowance owed on November 1, 2012 will be increased from \$400 to \$500 and paid as soon as practical after Council approval. Effective for 2013 and 2014 the annual clothing allowance will be increased from \$500 to \$750. New employees will receive the clothing allowance upon successful completion of their probationary period. Clothing allowance payments will be considered wages and subject to tax withholding requirements.
7. **Article 34 (Temporary Assignments)** – Effective July 1, 2013 increase the hourly amount from \$1.25 to \$2.00.
8. **Article 39 (Duration)** – 2-year Agreement effective January 1, 2013 through December 31, 2014.

Revise dates in other parts of the Agreement as appropriate: Article 40 (Execution); Letter of Understanding – Attachment D (Pay adjustments); etc.