

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

None

3. OLD BUSINESS:

(A). ORDINANCE No. 13-22 AC CMS: An Ordinance Approving an Amendment to the City of Oberlin Employee Policy Manual Related to Personal Leave and Declaring an Emergency. (2nd)(E)

The Clerk read the ordinance by number and title only.

Motion to approve the ordinance on second reading was moved by Meadows, seconded by Broadwell.

A recap of the discussion pertaining to the above stated topic at the April 1st regular City Council meeting was provided by Eric Norenberg, Oberlin City Manager where he also addressed concerns raised by various members of Council related to the amount of personal days provided to department heads in comparison to FLSA –exempt employees and all other regular full-time employees. Comments were supported by a report which listed comparables with surrounding communities.

Broadwell thanked the City Manager for the report and questioned why some communities observed more holidays than others: Avon Lake had eight (8) holidays while other cities observed twelve (12). Norenberg remarked that he hadn't looked at the survey, but he would imagine that there were some communities who chose to observe more federal holidays than others, for instance, unlike the City, not all communities observed Columbus Day, Martin Luther King Jr. Day, or the day after Thanksgiving. It was further noted that the difference could also be attributed to floating holidays.

Burgess also thanked Mr. Norenberg for the report which he felt solidified his earlier concerns raised at the previous meeting, that the number of personal days provided to a department head should not be vastly more than other employees and that seven days was not a threshold that he was willing to cross. He didn't see an example of another community that offered seven (7) days, and a full week of personal leave above and beyond sick leave and vacation time seemed like a bit much to him.

A motion to amend Section 1 of the ordinance to strike seven (7) personal days for the department heads and insert six (6) personal days was moved by Burgess. The motion was seconded by Soucy.

Mucciolo expressed that, as noted in the last meeting, part of the trade off with benefits with personal days was presumably in salaries and direct monetary compensation. He pointed out that in comparison to other cities, Oberlin fell well below other communities in terms of the amount of longevity compensation provided. So in that regard none of our staff is being compensated at a level that is comparable to other cities. If we were going to compare numbers of free days (days that one does not have to show up for work) and if we left personal days for department heads at seven (7) as originally indicated in the ordinance, that puts us right at the top with North Ridgeville and with a one day difference with several other communities, which he didn't feel would be particularly harmful to the balance especially given the additional work that department heads are expected to do managing staff.

Norenberg reiterated the reasons stated at the previous meeting for having the differentiation of the personal days between the exempt employees and the non-bargaining department heads.

Broadwell remarked that he favored the additional personal day over offering compensatory time and would not support the amendment.

- Allow Zion CDC to charge a higher fee for the raised beds (up to \$35 from \$10), but establish a sliding scale so that “no applicant for a garden plot will be required to pay more than they are able to pay.”

Norenberg noted that the department heads have all looked at this and they don't have an alternative use to recommend for the park and are reasonably content with the relationship that they had last year.

Mucciolo asked if the 60 day termination provision would permit the applicants to come back before Council prior to when the decision to terminate the contract is made. Norenberg remarked that it would.

Soucy agreed with Mr. Norenberg that this was a much more successful year for the garden than what they had experienced in the past. However, she expressed her concern with the language provided in Section 2 of the agreement which she felt complicated the process even further. Instead she proposed that the City offer Zion CDC a two year contract that doubles the time and look at it again in two years. Burgess concurred. In addition, Burgess hoped that two years from now when the group comes back to renew the contract that they are talking about long term plans for the Legion Field lot and they are no longer considering alternative plans for the location, which he felt was perfectly suited for a community garden.

Broadwell asked why they decided to increase the cost of the raised beds from \$10 to \$35. David Sonner, President of Zion CDC, responded that the money will be used to help with the cost of operating the community garden. He reiterated earlier comments from the City Manager that no one would be turned away if they couldn't afford to pay.

Soucy suggested that if there were people who were willing to pay the difference to help with the operations cost then why not keep the cost the same, and then, if there are improvements that need to be made, ask the membership for additional compensation to help assist with those improvements. It just seemed like it would streamline the process a lot more. Sonner remarked that a lot of thought went into the proposed agreement and based on past experiences in working with the garden this is what they have decided to offer. However, they were open to suggestions and willing to do whatever was necessary to make the program work.

Peterson sought clarification on whether or not a subsidy would be offered to those individuals who were unable to cover the \$35. Sonner remarked that the cost would be based on what individuals could afford. If they could afford \$15 then that is what they will pay. It was noted that any shortfall from Zion CDC's projected goal, would be made up by local businesses, individuals, and groups that have agreed to support the endeavor.

Mucciolo said that he didn't see any value in amending this contract to the point of micro-managing the process. In addition, he addressed comments from Soucy, related to the expressed length of terms in the contract. It was his understanding that the language had been reworded to simplify the process in the future, where instead of drafting an ordinance Council would now be able to express its concurrence to extend the length of the contract by simply passing a motion. Norenberg remarked that he is beginning to feel comfortable with the way the agreement is written whereas in the past there has been a lot more haggling going on prior to the ordinance being presented to Council. This way a motion to renew the contract would be used to prevent staff from having to spend a considerable amount of time revising the ordinance. He remarked that this type of contract is comparable to the contract with the East College Street Project which approved a one (1) year automatically renewing agreement for ten (10) years. Peterson remarked that the garden was headed in a positive direction and therefore he was fine with the language in the contract as presented.

Law Director Clark addressed earlier remarks related to the fees increase for participation in the garden. He noted that flexibility had been built into the contract that would make certain that the fees would not exceed \$35 and would also permit Zion CDC to establish a sliding scale to ensure access is affordable to all residents. Rimbart asked if this sliding scale provision would require them to have Oberlin Community Services evaluate the applications since that has been the norm in the past? Clark remarked that his thought would be to determine if Council would want to insert that much more procedure into the process, since the program is headed in the right direction. However, according to the agreement, it sounds to him like Zion will establish on its own what

the sliding scale will be and if it works, then they would leave it as is, but if it didn't, then they could revisit it in the future.

Meadows said she would like to support Soucy's suggestion to double the contract for two years. She agreed that under the leadership of Ms. Wu the community garden has been handled in a much more professional manner that has resulted in a much more stable program. In keeping with that she felt that the contract should match that professionalism that Ms. Wu has brought to the program. In addition, Meadows felt that the payment terms should be more specific for those who are interested in participating in the program. Though the language offered more flexibility on behalf of Zion CDC, she found the language to be unclear. Sonner said the details of the contract were put together by the City Manager and the two law directors. As he said earlier they would like to leave the meeting with an agreement in place and they will make it work.

Motion to amend Section 2 of the agreement to insert a period after March 31, 2015, and to delete the following language:

"...after which the City Manager is authorized but not required to enter into up to three, one-year extensions of the Agreement upon substantially the same terms and conditions provided the City Council, by Motion, and the City Manager agree that Zion has been in compliance with the terms of this agreement during the prior year and that no higher and better use for Legion Field has been identified by the City."

Was moved by Soucy and seconded by Meadows.

Roll Call: 5 Ayes
(Amendment)

2 Nays
(Peterson, Mucciolo)

Motion Carried

Soucy moved to make a second amendment to Section 5 of the agreement to indicate that the fee would be no more than \$10 for any Oberlin resident. The motion was seconded by Broadwell with a stipulation to urge participants to contribute \$25 towards the cost of operating the program. A point of order was raised by Mucciolo seeking clarity of what they were voting on.

Soucy restated the motion to amend Section 5 of the agreement to insert the words: "...a ten dollar (\$10) fee" in the first sentence between the word charge and the word for; and to strike the entire second sentence which reads:

"The fee for gardening in a raised bed in the "Plots" section may be collected and used by Zion to offset the fixed costs of Zion in establishing and operating the community garden and shall not exceed thirty-five Dollars (\$35.00) for a resident of the City of Oberlin and Forty-five Dollars (\$45.00) for a non-resident of the City of Oberlin, however Zion may establish a sliding scale to ensure access to the raised beds affordable to all residents" The motion was seconded by Broadwell.

Burgess questioned what the levelized amount would be in order to cover the cost of operation for the year. Sonner remarked that the fees estimate round \$2500 which is the amount that it will take to operate this garden. He remarked that if the fees remain at \$10/raised bed, then Peter Crowley and his group would raise the remaining funds needed to make this garden a success. Peterson asked if the \$35/raised bed was the amount that was agreed upon by the current membership. Sonner remarked that he hadn't polled everyone, but the amount was proposed by a group of garden enthusiasts who stepped forward to spearhead this project. Broadwell said if they needed to sell the plots at \$35/plot just to break even then how much money did Zion CDC lose last year?

Peter Crowley, 134 West Lincoln Street said that there were a number of gardeners who made personal contributions to the garden to make it a success last year, but this year they realized that if they wanted to make the garden sustainable then they would have to put together a long term plan and project what the costs would be over time. The proposed fees represent the reinvestment in that garden over the next five (5) years. One box would cost about \$200 to replace today and each one has a life expectancy of about five (5) years. If you

purchase the lumber to replace those boxes, the capital would need to be there to do it. At this time they have budgeted to replace three (3) to four (4) boxes each year. If you pay \$35 for a box and it lasts five (5) years then you have paid to replace that box. He felt that if they tried to patch together the funds from different funding sources, then they would have a difficult time moving forward, thirty-five (\$35) was the number that they came up with because that is the amount that they need to make this garden grow and become the wonderful source of community pride that they were looking for.

Norenberg sought after clarification on whether the motion that was proposed was intended to remove the language that differentiates between the cost for residents at \$10 and non-residents at \$20.

Soucy said that she finds herself disturbed by this whole concept of a community garden getting to the point where people are paying \$35 for a plot. It seemed to her that the City has provided the land and the fees are minimal for water and mulch. The individuals pay for the seeds and they maintain their plot. Although she supported fundraising attempts to raise funds to sustain the project, she was disturbed that this is turning into a community garden where we are getting involved in the dollars. This is essentially a volunteer enterprise with the support of the City and she felt that ultimately the best way to generate revenue for the project is to get more people involved.

Rimbert asked why they needed the raised beds when the ground that they were working with is fertile. Crowley remarked that the raised beds were a given. When they came to the garden the initial plot that was opened up was so muddy that it was impossible to cultivate. So the solution was to purchase these boxes and set up a garden so that they could begin gardening that season. They were able to cultivate the garden last year because they started in July and they created a garden once the rainy season had passed. One of the reasons why they have kept the raised beds is because it is more accessible to handicapped individuals, but the question of whether to keep the beds or not is an evolving discussion.

Crowley added that this was a community garden for the public and for that matter in order to make it a success they must think about the business of maintaining it, which is what they have tried to do with this budget.

Angela Wu, Executive Director of Zion CDC reinforced the desire to have a \$35 dollar fee because of the need for maintenance. She explained that this was not simply for the maintenance of the actual boxes and the actual plots but for payment of people who can help us manage the garden. Wu continued to offer an explanation of some additional needs for the funding as well due to the implementation of a summer youth mentoring program that would be tied to the garden.

The Clerk restated the motion as directed by Council.

Norenberg noted that the motion as stated not only omits the wording that establishes separate fees for residents and non residents but also now creates two fees for the same area, whereas the proposed language had one fee for the open area and one fee for the raised plots.

Roll Call:	3 Ayes	4 Nays	Motion Failed
	(Soucy, Broadwell, Rimbert)	(Burgess, Meadows, Mucciolo, Peterson)	

A motion to suspend the rules requiring three readings and to elevate Ordinance No. 13-29 to an emergency for the reasons stated in Section 3 was moved by Mucciolo, seconded by Peterson.

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

Roll Call:	6 Ayes	1 Nay	Motion Carried
	(1 st , Final)	(Meadows)	

Rimbert remarked that he hoped that the City at some point would address the need to provide places for kids to play baseball and softball uninhibited. The kids have nowhere to go in the City to play baseball. Sonner agreed and expressed a desire to see the situation resolved through a collaborative effort from the City and local citizenry. Sonner then thanked the members of Council for approving the ordinance on emergency.

(A). ORDINANCE No. 13-26 AC CMS: An Ordinance Approving a Participation Agreement Between the City of Oberlin, Ohio, and the Ohio Department of Transportation for the Purchase of Sodium Chloride (Rock Salt) and Declaring an Emergency. (1st)(E)

Rimbert announced that Meadows left the meeting due to medical issues.

Soucy 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 read as directed.

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

Norenberg remarked that this was a routine item that occurs every year. The proposal had been outlined in a memo from Jeff Baumann, the Director of Public Works was also available to answer questions at this time.

Burgess expressed his approval for the ordinance and proposed a motion to suspend the rules requiring three readings and to elevate Ordinance No. 13-26 to an emergency for the reasons stated in Section 3. The motion was seconded by Peterson.

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

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

(B). ORDINANCE No. 13-27 AC CMS: An Ordinance Amending Chapter 925 of the Codified Ordinances of the City of Oberlin, Ohio Pertaining to Garbage and Rubbish Collection and the Administration of Fees for Collection and Delivery of Organic Material. (1st)

Peterson 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 to approve the ordinance on first reading was moved by Broadwell, seconded by Soucy.

Norenberg introduced the ordinance to members of Council. He noted that this ordinance had been proposed as a result of their previous agreement with Zion CDC which allowed the City to deliver mulch to Zion CDC at a rate that was under market value. Since this was being offered to Zion CDC other organizations have begun asking for the same service. In an attempt to recover the costs for mulch delivery to various locations, City staff decided to revise Section 925 of the City Code to include a fee that was more in line with costs to provide such a service. The results are the fees suggested in the ordinance. The discussion was then deferred to Public Works Director Jeff Baumann.

7. CITY MANAGER'S REPORT:

City Manger Norenberg provided the following updates.

- Provided an update on the status of the concession stand.
- Letter mentioning that they will have six (6) students graduating from the Oberlin High School who will be going into the armed forces. An event will be held to honor new recruits on May 7th at 6:15 p.m..
- Earth Day Celebration on April 22nd at the new recycling facility at the Republic Landfill Operation on Oberlin Road

8. FINANCE DIRECTOR'S REPORT:

City Manger Norenberg provided and update on the Fire Works Donations.

- Fireworks Donations are at three thousand dollars (\$3,000). Twenty –Five hundred dollars (\$2500) is still needed to host a 4th of July celebration.

9. PUBLIC PARTICIPATION:

David Ashenhurst endorsed Council's call for better signage during the SR58 construction project. He also hoped that they could place a No U-Turn sign in the downtown area, to make traffic safer for pedestrians.

Cindy Carreno, 409 South Pleasant Street in Oberlin voiced her concerns surrounding the impact that the new Ace Hardware store will have on the small business community, like the Watson Hardware store.

Angela Wu, expounded on comments made by Carreno and noted that it would be great to have an opportunity for the public to participate in some of the planning decisions that are made in particular in the Zion CDC planning area. She offered her assistance to the City and members of Council to make this happen. Wu also announced that an exhibition is on view at the Oberlin Public Library. The exhibit is for students who are a part of the Street Law High School Program who have mapped out their vision for Oberlin's future. Wu encouraged members of Council and the viewing audience to visit the location.

Rimbert noted that Planning Commission meetings are open to the public and is a perfect venue by which the public can become involved in the shaping of its local landscape.

10. ADJOURNMENT:

Being that there was no further business to come before Council at this time the meeting adjourned at 9:34:06 p.m.

Attest:

BELINDA B. ANDERSON, CMC
CLERK OF COUNCIL

RONNIE J. RIMBERT
PRESIDENT OF COUNCIL

APPROVED: 05/06/2013

POSTED: 05/07/2013