



Minutes of the Regular City Council Meeting

Held on Monday, February 18, 2014

7:00 p.m.

1. COUNCIL BUSINESS

- (a) Call Regular City Council Meeting to Order and Roll Call – 7:07 p.m.

A regular meeting of the Oberlin City Council was held on February 18, 2014 in the Council Chambers of the Oberlin City Hall, located at 85 S. Main Street Oberlin, Ohio. The meeting was called to order at 7:07 p.m., by Presiding Officer Scott Broadwell. Roll Call was taken as follow:

Council Members:	Present	Absent
Sharon Pearson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bryan Burgess	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sharon Soucy	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Elizabeth Meadows (7:11)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kristin Peterson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ronnie Rimbart	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Broadwell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Appointees:		
Belinda Anderson, Clerk of Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jon Clark, Law Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Eric Norenberg, City Manager	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sal Talarico, Finance Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- (b) Approval of Minutes – Regular City Council Meeting – January 21, 2014.

Peterson noted a correction on page 12 of the minutes regarding Resolution R14-01 CMS. She noted that the title should be corrected to reflect an additional 3/5% levy on income instead of an additional 3.5 % levy on income.

Soucy offered an amendment to her comments made at the top of page 9 of the minutes. The amendment would read as follows:

“Soucy said that she is concerned that many of the City employees have not received a raise in three (3) years. Council is aware that this cannot continue and this is a factor that is driving this need that she believes the public will understand. She has also come to understand that they cannot just drain the reserve funds as some have suggested, even though there is \$8 million dollars in the City’s reserve fund. The answer to that is that the reserve

fund is the engine that will bring the City back to health **once interest rates rise**. We have to be cautious of cutting ourselves off **at** the knees and eliminating that asset when times do improve.

Motion to approve the minutes of January 21, 2014 Regular City Council meeting as amended was moved by Pearson, seconded by Meadows.

Roll Call: 7 Ayes 0 Nays Motion Carried

- (c) Approval of Minutes – Regular City Council Meeting – February 3, 2014.

Motion to approve the minutes of February 3, 2014 Regular City Council meeting as submitted was moved by Burgess, seconded by Soucy.

Roll Call: 7 Ayes 0 Nays Motion Carried

- (d) Motion to refer a request to rezone property owned by Charles A. Startup located on 221 West College Street, to the Planning Commission for a report and recommendation.

City Manager Norenberg provided an outline of the process associated with responding to rezoning requests. According to City ordinance, the request is submitted to Council and then is referred to the Planning Commission for recommendation. If there is a recommendation for rezoning from the Planning Commission, then Council would be notified and according to City Code a public hearing would be scheduled and properly publicized.

Discussion ensued surrounding a request from Mr. Burgess to notify adjacent property owners who live within 200ft. of the property being rezoned. Norenberg remarked that he would see to it that adjacent property owners are properly notified.

Motion to refer a request to rezone property owned by Charles A. Startup located on 221 West College Street, to the Planning Commission for a report and recommendation was moved by Soucy, seconded by Mr. Burgess.

Roll Call: 7 Ayes 0 Nays Motion Carried

- (e) Motion to refer a request to rezone property owned by Donald L. Spencer and Kathryn L. Spencer located on 461 West Lorain Street, to the Planning Commission for a report and recommendation.

Foregoing Motion to refer a request to rezone property owned by Donald L. Spencer and Kathryn L. Spencer located on 461 West Lorain Street, to the Planning Commission for a report and recommendation was moved by Pearson, seconded by Peterson.

Roll Call: 7 Ayes 0 Nays Motion Carried

- (f) Discuss and Consider Authorizing the Law Director to Enter into an Agreement for Outside Legal Counsel Related to the Annexation of the Lorain County Joint Vocational School.

Law Director Jon Clark recalled that in 1971 the City and Lorain County Joint Vocational School (JVS) entered into an agreement where the City provided sewer service to the JVS facility. There was a provision in that agreement that said when the JVS property became contiguous to the City, it would execute an annexation petition. At the time of the agreement it was not contiguous so annexation was not possible. Since then it now appears that the property is contiguous, but the Board of Education is no longer interested in annexing into the City. The City has a duty to enforce the terms of the agreement and it appears that litigation may be necessary for that enforcement. For that reason permission is being requested to authorize him to execute legal services agreement with former Law Director Eric Severs and the law firm O'Toole, McLaughlin, Dooley and Pecora Co. L.P.A., (OMDP), at a cost not to exceed

\$50k. Clark further noted his affiliation with OMDP and explained that he would not receive any compensation through this agreement.

A motion authorizing the Law Director to enter into an agreement for the outside legal counsel of O'Toole, McLaughlin, Dooley and Pecora Co. L.P.A., and Eric R. Severs Co. L.P.A. related to the annexation of the Lorain County Joint Vocational School, in an amount not to exceed \$50,000 was moved by Soucy, seconded by Meadows.

Roll Call: 7 Ayes 0 Nays Motion Carried

(g) Hear and Discuss a Report from the Electric Director Regarding Wetland A.

Council heard an update from Oberlin Electric Director Steve Dupee regarding the above stated matter.

Background information was provided by City Manager Norenberg before deferring the discussion to Steve Dupee.

Mr. Dupee displayed an aerial picture of the wetland "A" boundary that was prepared by Chagrin Valley Engineering, the City's wetlands consultant. It was noted that a memo had been provided to Council describing the issues raised by Oberlin resident, John Whitman since 2006. Dupee further provided an overview of why the City built an electric distribution circuit along this Ramsey corridor, some of the interactions and activities that staff and administration has had related to Mr. Whitman request for a tile at wetland A, and what the City's position was in June 2012.

Dupee explained that in 2006, there was a lot of proposed economic development activity in the corridor of R58 and R20 with the prospect of Walmart locating in Oberlin. In addition, there were also a number of housing and retail developments in the corridor across from the Lorain County Joint Vocational School (JVS) and Pizza Hut. In order to get ahead of that potential development, OMLPS (Utility) developed a number of infrastructure improvement plans related to its electric capacity and redundancy to that area. Prior to 2006 we served that area with a single three faced circuit down R58. And with the expectation of the load increase from the Walmart store and potential future load increase, the Utility decided that it needed to add additional capacity and extend a new circuit to that area.

It was our opinion that the Ramsey corridor was the best solution for this type of project. It is an area that was already owned by the City and the corridor had an existing rail-bed. Staff felt that the rail-bed would provide a good base for access in order to maintain the circuit, since this corridor had previously been used for electric distribution. The City granted an easement to the Co-op in the 70's, to build an electric distribution circuit in this same corridor. As a result two distribution circuits exist at that site today.

With this project the Utility had a number of site plan and preliminary design plan objectives that we needed to complete including a boundary survey of the corridor, a wetland delineation to determine if there were presence of wetlands in the corridor, and if there were, insuring that our project didn't adversely impact or affect these wetlands. In addition, OMLPS had to develop design plans for the construction of the access drive. As part of our planning process, Utility staff walked this corridor in 2006. During this walk a man made trench was discovered across portion of the right-of-way with a black corrugated pipe. That pipe was located just on the northern property of Mr. Whitman's property. The City contacted Mr. Whitman. Mr. Whitman admitted that he had dug this trench and installed this pipe. He indicated that there was a small lake that existed year around n his Northern property line and during the spring with high rains, that lake would overflow. He was trying to address that overflow. They advised Mr. Whitman that they were building a project and asked him to remove the pipe and fill in the ditch. He complied with the request. At that time the project moved forward and was completed in 2008. Shortly after the project was completed Mr. Whitman approached the City expressing personal concerns that wetland A was growing in size. It was his opinion that the construction of the access road and the compaction of the rail-bed was not allowing water to reach under the bed and continue to Gott Ditch. Mr. Whitman also indicated that the cul-de-sac at Reserve Avenue was also creating back up and increasing the size of wetland A. Utility staff consulted with wetland engineer, and internally with the Public Works Director and ultimately disagreed with Mr. Whitman's assessment. But in our conversation with our wetland consultant, they indicated that there might be a pathway forward for potentially installing a culvert pipe. This information was shared with Mr. Whitman. Dupee further noted that the U.S. Army

Corps of Engineers (U.S. Corps) indicated that Mr. Whitman could potentially file a Nationwide 18 permit; which would authorize minor discharges from a wetland to an adjacent wetland. The Army Corp indicated that it would be necessary to review the secondary impact associated with a culvert tile on wetlands that this may discharge material into. This information was shared with Mr. Whitman, and communicated that they would support him in a permit application, but that it would be at his expense.

Mr. Whitman communicated that he would work with the Army Corp on his own. This has remained the City's position for a three year period.

In 2011, Mr. Whitman made a request to the City to provide him written confirmation that the City's electric distribution circuit didn't have an impact on wetlands within the corridor. Dupee remarked that they have received verbal confirmation from the Corp in 2008, but they had never received written confirmation from the Corp. OMLPS contacted the Corp seeking written confirmation and the Corp indicated to them that since so much time had passed since their original determination, they would need to go back out and reflag the wetland areas within the corridors and then the Army Corp would come out and review that area, and reaffirm their previous decision. In April of 2011, Paul Wetzel, a biologist for the Army Corp of Engineers came out and surveyed the site with our wetland consultant and ultimately reaffirmed that our project didn't have any impact on the jurisdictional waters of the wetlands. While Mr. Wetzel was here, we asked him what other options might be available to Mr. Whitman to help him get approval to install a culvert pipe on the property. Mr. Wetzel indicated that the EPA might require quality analysis of wetlands both within the corridor and outside of the corridor. In addition, he indicated that most likely a wetlands delineation study would have to be done outside of the corridor. The only wetlands that were initially delineated were those inside the corridor, because an external study of the corridor would require the permission of property owners in order to delineate wetlands. This information was shared with Mr. Whitman in the middle of 2011 and our position remains the same.

In late 2011, Mr. Whitman collaborated with residents who live on Reserve Avenue regarding a couple of flooding issues that they had been dealing with. One of those residents, Mr. Mike LaVigne had gone through a lot of hard work and effort to locate a 1917 map of this rail-bed. On that map, it indicated that as part of the original construction of that rail-bed, a tile existed at wetland A. It also showed five other tiles in this area. This information was shared with City Council and Council believed that staff should look into this further to see what could be done to assist Mr. Whitman with this request.

They reached out to Chagrin Valley Engineer Consultants again and asked them to do two things:

1. Get approval from property owners to delineate wetlands outside of the corridor.
2. Asked the consultants to reach out to the Ohio EPA and provide them with an overview, a purpose, and a scope of a potential project to locate a tile at wetland A.

Chagrin Valley shared information, with the EPA, that it had on past wetland delineations, topographical information and aerial views. They also showed proposed draft designs of a culvert pipe with a catch basin and adjustable inlet that would allow the water flow to decrease in wetland A by six inches. They also started the process of reaching out to property owners to see if they could get their approval to delineate wetlands outside of the corridor. Ultimately they were successful at getting approval from the property owner where wetland A is located, but the property owners to the east didn't provide approval. One property owner denied our request, the other property owner ignored our request altogether. In March of 2012, we received a preliminary response from the Ohio EPA of our request and the information we shared with them. In a letter we received from them, it was stated that the EPA had determined that the wetlands inside the corridors were a Category 3, meaning the highest quality wetlands garnering protection by the EPA. According to the EPA, placing fill in a Category 3 wetland would require a 401 Water Quality Certification Permit. The EPA further stated that obtaining a 401 Water Quality Certification Permit for a tile project would be extremely difficult, because a public need for the project must be demonstrated and the need must be shown to be societal/regional vs. individual/local. The Ohio Administrative Code provides some clarification on public need and what that means. This information was shared with Mr. Whitman. In addition, staff asked Chagrin Valley to walk the edge of wetland A to determine if it had grown in size and by how much. Based on their findings it was determined

that when compared to an aerial view of the area from 2006, the area really hadn't changed much since 2006. From staffs perspective they lacked the support and justification to the EPA to proceed with a 401 Water Quality Certification Permit. This information was shared with Mr. Whitman in June 2012 and that has been the Utility's position until this day.

Burgess asked if they knew what the pre-2006 boundary of wetland A was in the summer time. Dupee said he didn't know what season the 2006 aerial view was taken in, but he could find out and report back to Council. Burgess said the contention with this project is that if the rail-bed hadn't been compacted and it was allowed to drain as it had previously, then it would be dry in the summer time and it isn't now. So now it is retaining water year round. It didn't do that before. It would be interesting to compare July or August pictures.

Rimbert asked when the property overflowed. Dupee said usually in the spring time but the bottom line is that they just don't have enough information to say that they have a regional/societal need to install a culvert pipe across the right-of-way that will be essentially draining Category 3 wetlands in their opinions. Rimbert asked a series of questions for further clarification.

Meadows asked where this left Mr. Whitman. Dupee responded that right now, it doesn't leave us with an answer for him. Meadows said she would feel more comfortable if they could find a way to remedy this issue. She asked if anything could be done that would not require EPA approval or intervention. Dupee responded that a culvert pipe could not be installed in the wetland without a 401 Water Quality Certification Permit. Dupee said they talked about a second option that would require the construction of a trench that would go further south towards John's Pond. He believed that this would still require EPA approval, but he could reach out to them and check on this.

Soucy said that many members of Council have visited the location and have shown concern to Mr. Whitman's situation. She recalled visiting the location with Mr. Rimbert in the summer time and the wetland was there but not overflowing. She wants the residents to know that there has been extensive involvement from the Ohio EPA, Army Corp of Engineer's etc. Council hadn't been sitting on their hands on this over the years and she would hesitate to say how many hours Mr. Dupee and his staff have devoted to this one issue, it has been huge. It's not that they don't want to address Mr. Whitman's concern but they do have adjacent property owners, who don't want water on their property because of a remedy, and they have the EPA who wants the preservation of the wetland. It is not that they don't have concern, but they have tried any number of agencies to help with this issue, but they simply haven't been able to get approval.

Burgess asked if the EPA was on site when it was able to classify the area as a Category 3 Wetland. Dupee said they were not on site. They used information from Chagrin Valley Engineers, Aerial photographs, and they utilized the Ohio Rapid Assessment Method (ORAM). Burgess said he couldn't help but think that if someone from the EPA came on site, that they would recognize that that wetland was created by an artificial damn. He could understand them wanting to protect natural wetlands, which there are many in the area, but wetland A is clearly not a natural wetland. It was created. He personally would share in Mr. Whitman's frustration if it were his property being flooded. He asked if there had been any contact with Lorain – Medina Rural Electric (LMRE), to get surveying maps that they must have done when they put their line down the Ramsey. Dupee remarked that he has not had any contact with LMRE.

Burgess noted that the wetland had to be dry at some point otherwise LMRE wouldn't not have been able to get their trucks to the location to install the poles. It defies logic that this is a perennial wetland, which is why he would have to think that if the EPA came on site they might change their determination.

Meadows asked if it would cost anything to have the EPA visit the site. Dupee answered that it would not and he was willing to arrange for that to happen.

Broadwell asked if Mr. Whitman could pursue this matter with the EPA on his own. Dupee remarked that he could, but there were a number of other property owners that were involved in this issue. He believed that it would require a

collaborative effort by all property owners that would be impacted by proceeding with a 401 Water Quality Certification Permit.

Broadwell said as far as he can tell it would come down to Mr. Whitman's obtaining a 401 Water Quality Certification Permit, which would be difficult. He felt that Mr. Whitman was free to pursue this on his own, but he felt that the City was at a brick wall. They had spent thousands of dollars to help with this but there was simply nothing more that they could do.

John Whitman, 46802 R20 W said if wetland A never got any larger than what has been shown on the diagram then he would not be before Council. He laid out an area on the diagram that he felt more accurately reflected the size of wetland A. He further commented that there were Ohio Laws in place that would require certain property owners to comply with the issuance of a 401 Water Quality Certification Permit. He thanked Council for assisting him in the past by inserting a 36 inch tile in his driveway, but felt that wasn't big enough since it still overflowed during heavy rains.

Meadows asked how long he had been on his property. Whitman said he had been there for 33 years and he lived there for 27 years without having any problems. Meadows asked Mr. Whitman what he thought contributed to his flooding issues. Whitman explained that there use to be a swale that was about 15ft to 20 ft long on the property that was graded over and packed with dirt. Mr. Whitman explained that was not asking the wetland to be removed. He is just asking that it be brought down to the normal topography of the ground.

Tony Mealy, 328 South Professor Street, raised similar concerns as had Mr. Whitman. The earthen dam in the wetland A area is pushing water up and is discharging on Reserve Avenue which has caused thousands of dollars in damage to those residents. He alleged that this water is beginning to head down to Evans Ditch, which is now beginning to impact his neighborhood, which he has lived in since 1966. This damage extends even as far as Plum Creek on the east side of town. He said the City has an obligation to spend a little money and get the 401 permit. This involves a lot more property owners than Mr. Whitman and it has already caused quite a bit of damage.

Broadwell said that he disagreed with the notion that wetland A has much to do with Reserve Avenue, Pleasant Street and Evans Ditch, but it was time to move on.

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

Update on Public Works Complex Fire.

Baumann noted that there was a fire early Saturday morning at the Refuse Recycling Building. It was called in by a patrol officer who was refueling his vehicle and saw smoke coming out of the building. An all-call went out to the Fire Department personnel at 12:14 a.m. By the time fire fighters arrived at the complex the building was already engulfed in flames. Wellington Fire Department was called out to assist. There were about 19 fire fighters onsite. The fire was declared under control by 1:30 a.m. so once fire fighters were on site they were able to get a handle on it, but because the fires were inside of vehicles and the building was inaccessible they were unable to save very much. His best guess is that they will declare everything as a total loss (the building, trucks, personal property, etc.), but ultimately it will be up to the insurance company and staff. The cause of the fire is under investigation by our fire department and by an independent fire investigator.

GMD's recovery efforts

Baumann shared that while fire personnel was still on site Superintendent Dave Rucker was able to secure two rental trucks to pick up our commercial and residential refuse routes. Later he met with the insurance adjuster along with Finance Director Sal Talarico, and Mr. Rucker. The coverage fell under multiple categories. A scope of coverage for the items inventoried will be provided at a later date. The adjuster further indicated that he would try to get back with Mr. Talarico to let them know about the maintenance of operations piece. The extent to how quickly we move towards a mid-range plan to restore the full

scope of our operations is contingent on our rental coverage. Our short range plan is to make sure that we pick up the garbage and that has been taken care of with the rentals. Our mid-range plan is to restore certain elements of our recycling program and at what cost. Our long range plan is to restore all of our services. It would be expected to include conversion of our residential collection services to fully automated services we discussed in the context of the Zero Waste Plan at the end of December. He expressed gratitude for the Oberlin and Wellington Fire Fighter's timely response, Dave Rucker's willingness to help assist the fire fighters all night among other things, the City Manager for handling the media and Sal Talarico for working with the insurance company. It was noted that as they try to get operations back up and running a number of outside service providers have offered their assistance. Proposals will be considered once they have a better sense of what the insurance policy will cover.

Talarico added that the City lost all six vehicles ranging from 1998 – 2009 models. They are insured at a \$5,000 deductible for each vehicle. They will get a check for their actual cash value which means they will be depreciated. The City can expect to be out of pocket on the vehicles. However, the building is at replacement cost, it duplicates the building. It is insured at nearly \$900,000, but if it takes more to get the building in the same condition it was before, then our blanket coverage, will cover any excess. He further noted that there is plenty of coverage for the debris removal so the demolition and removal of what is left will be covered, in addition to removing the vehicles from the ground. There is also salvage value which the insurance company will deduct from it as well.

Baumann noted that Dave Rucker is putting together a list of the business personal property items to add to the claim. We are also working on a whole list of other things that the insurance adjuster has asked for, but that in a nutshell, is the coverage. If the rentals are covered, they will be covered under the extra expense provision. He expressed his hope that this will be the case and that the policy will also cover the hiring of an architect to handle the reconstruction of the building. The plans are not that old, the building is about six years, but administration and staff would be more reassured if the architect is involved right from the start.

Pearson said she was surprised to learn that there wasn't a system in place to detect the fire. She asked if that would be considered in the future. Baumann remarked that certainly in rebuilding they would look at installing a fire alarm system. When designing the building it wasn't a requirement of the Ohio Building Code, therefore no one really thought much about it.

Soucy said she is curious to know what role Council will play in making the sort of decisions that impact how they move forward. Do they go to a fully automated system and utilize the services of Waste Management or Republic and if so what role does Council play in that decision. She questioned if they needed to have a work session before the next City Council meeting when they have more definitive figures or if it were still too soon.

Norenberg responded that the role of City Council is to set policy and to authorize purchases over \$50,000 and so on. One of the things that will be coming up on Council's agenda in March is to hear and give a final approval on the Zero Waste Plan, which will factor into the decision that Jeff mentioned about going with the automated collection.

When we talked about the Zero Waste Plan before Mr. Rimbart asked staff to analyze the cost of contracting out vs. continuing to operate in house. Baumann had obtained some data from the County that will assist with this analysis, that information will be forthcoming. There are a few points along the way where staff will need to seek Council approval for purchases, but as the Finance Director stated, matters relating to this incident will continue to develop and Council will be kept apprised. As Mr. Baumann mentioned the early stage of what we need to do is try to restore temporary recycling service in addition to the garbage collection that we have underway now.

Soucy said that she felt that there were some major decisions that needed to be made on whether they are going to go to the automated system or not and she would like to have a work session at some point and to examine all of those options. It may be too early for now, but she would like to have one. She felt that if they waited they might let a great opportunity slip away. Norenberg said that he would bring information about this to agenda session and they can talk about the timing of that work session.

Rimbart said this is an unfortunate situation but it has happened and they need to take advantage of it. Everything needs to

be put on the table so they can do due diligence and make the most informed decision. Rimbart questioned why they had so many trucks in the first place and suggested that this be looked at as they move forward. Baumann provided a description of each truck that was lost in the fire. Rimbart asked if the fleet was in decent shape prior to the fire. Baumann said that the fleet is aging. They have budgeted in each of the last three years to replace both the residential refuse truck and the residential recycling truck with the understanding that they would be going to fully automated refuse collection. They are mindful of the request to do some cost analysis comparison, in fact one of the recommendations in the Zero Waste Plan is to prepare a business plan. A week ago he was about 95% complete with the financial analysis of comparing revenues and expenses through our residential and commercial collection services. To see where they are today is a snap shot based on our recent history, project those forward five years. A week ago, he knew what the budget was and he knew what the fleet looked like. He also had an idea of where they were going. That historic information of our revenue and expenses are all still valid, he just doesn't know what the depreciated value of our trucks will look like and he doesn't know what other resources they would have, or what their insurance will look like, there were more unknowns. He supported having a work session to further discuss some of these details once the unknowns were better formed. Rimbart said he was not opposed to holding a work session but his preference would be to wait until they have received all of the necessary information.

Burgess said the beauty about single stream recycling is that they don't need a multi-compartmental truck. He asked if they could use the open bed trucks that they have as part of their fleet. Baumann said there were a number of options that they can use but they need to look at what the personnel and financial impacts will be. Burgess asked if they went single stream would the recycling need to be compacted, Baumann said no. Burgess said they have been recycling for years and hoped that they could find a solution quickly so that they recycling can be restored.

Norenberg remarked that Mr. Baumann is pursuing this in a careful manner. This is only day four and they will keep working on this and hopefully they will have an answer shortly.

Broadwell said there will be more discussion and a lot still needs to be done before the issues can be resolved. It was further noted that recycling services have been temporarily suspended.

Peterson asked if there were bins close by where people could dump their recyclables. Baumann remarked that the only drop off location that he is aware of is the Lorain County Collection Center on South Abbe Road in Elyria. There are a couple of townships that have drop-off sites with limited hours of operation that may also be a possibility. Another possibility is that the City will set up its own drop-off site temporarily. He encouraged residents to use the Abitibi bins located throughout the City to recycle paper and card board products. Baumann also noted that they would be posting information about options on the City website and getting that information out. Norenberg added that several updates had been made to the website already and could be found under the alerts section. Additional information will be communicated via social media.

Dave Kidder, with Republic Services located on Butternut Ridge in New Russia Township, said that they have a local recycling center at their facility. They would like to work with the City of Oberlin to get them back to recycling on an interim basis.

Tony Mealy, 328 South Professor Street said the City should have been moving in the direction of running its recycling through Republic Management before now. Republic Management has offered to take on the City's recycling at their facility in the past and he wasn't certain why it would take a disaster for the City to finally decide on what to do. He felt that Council needed to have administration look at revamping its recycling efforts so that it more closely resembled recycling efforts in surrounding communities. Broadwell said this is being reviewed.

Norenberg reminded Council that the Zero Waste Plan does look at the City's recycling efforts and this has been on administrations radar for at least two years. An invitation to the next Resource Conservation and Recovery Commission meeting was extended to Mr. Mealy to hear more about the plan as well.

John Whitman, Oberlin resident

Attempted to continue remarks made about wetland A. Presiding officer Broadwell noted that he had already been given three minutes to speak on the wetland topic, and explained that this section was for items that do not appear on the agenda. Broadwell conceded to allowing him to speak again during public comments.

Community Citizenship Merit Badge (Oberlin Boys Scouts)

The Scout Master for the Boys Scouts noted that the boys were present to work on their Community Citizenship Merit Badge. Several members of Council came early to allow them the opportunity to have an interview and it was a great opportunity to do a little coaching and mentoring with them. He just wanted to take the time to thank Council.

3. OLD BUSINESS:

4. NEW BUSINESS:

(A). ORDINANCE No. 14-05 AC CMS: An Ordinance Accepting the Bid of ECO Tree Services, LLC, of Amherst, Ohio, for Forestry Services for the City of Oberlin, Ohio, and Declaring an Emergency. (1st)(E)

Burgess 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 to approve the ordinance on first reading was moved by Soucy, seconded by Pearson.

City Manager Norenberg remarked that this is a routine item that is offered every year for the removal of tree services. The discussion was deferred to the OMLPS Electric Director, Steve Dupee who highlighted the scope of the bid contract for the benefit of the new Council members. It was noted that the Electric Utility appropriated \$105,000 this year for tree work but they are only going to place \$90,000 for a not to exceed amount. The remaining \$15,000 would be used for urban forest renewal. This is done in collaboration with City's Buildings and Grounds Division.

Soucy asked where they were with the ash tree removal process. Dupee remarked that they felt like they were gaining ground on ash tree removals and he wanted to set aside funds specifically for purchasing and planting trees. Soucy asked how long it had been since they purchased and planted trees. Dupee said that they really never stopped, but the investment has been relatively small in comparison to previous years.

Burgess asked if they would be back up to allocating \$25,000 towards tree planting by 2015. Dupee remarked that he hoped so. It was noted that the Buildings and Grounds department had been greatly impacted by the budget reductions. Dupee stated that to the extent that B&G crews can support planting at that capacity and ensure that trees will have a happy start, certainly they would be willing to increase the budgeted amount.

Pearson asked if planting trees would be counted towards carbon sequestration and carbon emissions reduction. Dupee remarked that the City reports this information to Tree City USA. There are certain requirements in terms of types of trees and where trees are planted for carbon sequestration. He felt that it was still a good question because our wholesale power provider, AMP has talked about carbon sequestration projects by supporting a local curb lawn planting project for their municipal members. There is a significant process related to the carbon reduction counting of trees that are planted and a record keeping process associated with that process, but they can look into this to see how much effort it would take to get this in place.

A motion to suspend the rules requiring three readings and to elevate Ordinance No. 14-05 AC CMS to emergency for the reasons stated 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)

(B). ORDINANCE No. 14-06 AC CMS: An Ordinance Authorizing the City Manager to Enter Into A Contract with the Ohio Department of Transportation for the Resurfacing of State Route 58 and State Route 511 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 Rimbert.

Roll Call: 7 Ayes 0 Nays Motion Carried

The Clerk read as directed.

Motion to approve the ordinance on first reading was moved by Soucy, seconded by Pearson.

City Manager Norenberg recalled that this item had been previously discussed during the budget work session in November. Both SR58 and SR511 through Oberlin will be repaved this summer. This ordinance relates to the participation that the City will need to fund for its share of the work. Mr. Baumann's report outlines a lot of the detail of that project but he can answer any questions that Council might have about the project. It was noted that this was a similar agreement to what the City did a few years ago when it did the Park Street Bridge and had to advance money to the State for its share of the project ahead of the work, and then wait a year to get a refund for the money that wasn't spent.

Pearson said she was wondering how this project is being communicated to the business owners. Baumann remarked that there have been numerous communications put out to business owners over the last twelve months, where City Staff has emphasized that this project was coming. In addition, ODOT has been notified of key events that occur every year that they will need to avoid.

Peterson said that she had heard that this project was going to happen in May. Although they had requested that ODOT stay away from Commencement and Memorial Day weekend, it was her understanding that that was not necessarily going to be the case. Baumann remarked that ODOT has a start date of May 27th, on their electronic schedule which is the Tuesday after Memorial Day.

Tom Gellar asked if this was an opportunity to include bicycle paths in the redesign plans. Baumann responded that the goal is to route primary bike traffic down Professor or College Street not on the State Highway, due to the vehicle speeds, the truck traffic, and because of the backing movements in the Central Business District, they haven't considered significant accommodations for bicyclist as part of this project. There are a number of accommodations that will improve pedestrian safety and access including new accessible ramps at every intersection on both State highways, where those do not already exist. The plans also call for an installation of a bump out in front of Hall Auditorium and Tappan Square to both slow traffic and make pedestrians more readily visible to vehicles. Gellar said in as much as it is possible he would like for the City to talk with the people at the bike shop to see if there is an organization that might be able to advise us about such opportunities. Gellar noted that re-routing bicycle traffic the other way is great if you are going a distance, but if you live on Lorain Street or Main Street then it is not as convenient.

Rimbert said he would concur with remarks from Mr. Baumann. He is concerned about the younger pedestrians who would get on the bike paths. Gellar noted alternatives that could be used to protect those younger pedestrians. He said if they talk to a consultant who deals with these matters it might be possible to develop barriers that would make a bike lane safe for 8 or 9 year olds. He said he would look into it on his own, but he would encourage the City to look into this as well.

Broadwell noted that they would probably need to widen the streets and do additional curb work which he didn't feel would be feasible at this time.

A motion to suspend the rules requiring three readings and to elevate Ordinance No. 14-06 AC CMS to emergency for the reasons stated in Section 6 was moved by Burgess, seconded by Peterson.

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

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

5. OTHER NEW BUSINESS:

None

6. COUNCIL COMMUNICATIONS:

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

Burgess

- Voiced concerns with AMP's proposal to support fracking with the Gorsuch Property. Dupee remarked that he will look into this and will get back to Council. He has heard of other opportunities but not this one.
- Update on meeting from Audio and Visual Systems in Council Chambers from Mr. Burgess and Ms. Meadows. .

Rimbert

- Announced that he made this first meeting at the Central Lorain County Ambulance District Board and invited others to attend a meeting as well.

Meadows

- Announced that she has been appointed to the Lorain County Office on Aging will report on proceedings when applicable to the City of Oberlin.

Soucy

- Announced that Henry Wallace has been hospitalized. Wanted to let citizens know that he is at the Mercy Allen Medical Center.

7. CITY MANAGER'S REPORT:

City Manager Norenberg provided the following updates.

- Forum on heroine and narcotics has been set for Wednesday, March 12th, at 6:30 p.m. The venue will be at the Public Library.
- League of Women Voters has set a forum coming up on April 16th, to cover the three levies that will appear on the ballot in May. It will begin at 7:00 p.m.
- Drug Free Workplace Training
 - Designee needed for Council
 - Elizabeth Meadows volunteered to be the designee to attend training on Tuesday, March 11th.

8. FINANCE DIRECTOR'S REPORT:

- Property Tax Comparison memo.
- State added an issue to the ballot so we are now Issue 22 on the Primary ballot.

9. PUBLIC PARTICIPATION:

John Whitman, 46802 R20 West, revisited earlier remarks concerning wetland A.

Tony Mealy, 328 suggested that the City do a better job in coordinating its street projects with underground utility companies. He noted that those who lived in the south western portion of the City were disappointed to see Lincoln Street get torn up by Columbia Gas to install underground utilities after just having been repaved. Additional remarks were made concerning the impacts that new developments were having on older neighborhoods.

Aliza Weidenbaum suggested several alternatives to the city's recycling loss due to the fire at the Public Works Complex.

10. ADJOURNMENT:

Being that there was no further business to come before Council at this time the meeting adjourned at 9:27 p.m.

Attest:

BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL

APPROVED: 03/03/2014

H. SCOTT BROADWELL
PRESIDENT OF COUNCIL

POSTED: 03/04/2014