

(c) Discuss and consider recommendations for Community Organization funding.

Talarico noted that the Subcommittee met on February 10th to discuss applications for Community Organization Funding. The committee provided Council with a copy of the minutes which outlines their recommendation accordingly.

It was noted that the same tier system was used for 2014 as had been used in 2013.

[Clerk notes: Specifics related to the Tier system was referenced during the discussion, but has been incorporated into the minutes for the purpose of clarification. The following excerpt is taken from the February 10th COF subcommittee minutes].

Tier 1:

*Oberlin Early Childhood
Oberlin Community Services
Oberlin Weekday Meals
Neighborhood Alliance - Senior Center (and Tier 2)
Zion CDC
Oberlin Underground Railroad Society (and Tier 2)*

Tier 2:

*Neighborhood Alliance – Senior Center (and Tier 1)
Oberlin Underground Railroad Society (and Tier 1)*

Tier 3:

*Soccer Program
MAD Factory
Oberlin Youth Football
Baseball/Softball Federation
Juneteenth Oberlin*

Tier 4:

None

Talarico briefly outlined award guidelines authorized by the Community Funding Resolution and the 2014 Budget Ordinance. It was explained that while the Community Funding Resolution allowed Council to award up to 1.75% of the General Fund (\$145,726.), Council by ordinance has only authorized \$125,000 to be budgeted for 2014.

Talarico provided an overview of the proposed funding recommendations. It was noted that all awards had remained primarily the same as awards in 2013. The only differences being awards granted to Oberlin Weekday Meals which received an additional \$500, to help offset utility costs, and the Oberlin Underground Railroad Society, which upon request received \$800 less than it requested in 2013. Furthermore, Mr. Talarico reported that all Tier 3 groups were reduced by 5% in 2013, which is why the subcommittee chose not to reduce these organizations any further in 2014.

The subcommittee also recommends that funding for Zion CDC be determined once the additional application requirements have been received and an interim or permanent director is appointed to the organization.

Finally, the committee also issued a challenge to Oberlin Community Services, Oberlin Weekday Meals, and the Oberlin Underground Railroad Society to evaluate how they might work together in the future to better provide food to the needy. In addition, the subcommittee also challenged Oberlin Community Services, Oberlin Seniors and Zion CDC to evaluate how they can collaborate on the Affordable Care Act counseling/support over the next year.

Pearson noted the distinction between the Oberlin Underground Railroad Society (OURS) the group being awarded funding and the City's Underground Railroad Center Implementation Team (OURCIT) which hadn't requested any funding.

Mr. Whitman reviewed a topographical diagram (attached) depicting changes to wetland A from 1906-1942, 1942-2007, and 2008-2014. A copy of the diagram is attached to the minutes.

Following the presentation Mr. Whitman stated that he would be available at the next meeting to answer any questions.

Public Gratitude Expressed by Henry Wallace, 382 South Pleasant Street

Mr. Wallace thanked members of the community, City Hall, and Oberlin City Council for all of the concern that was shown towards him while he was in the hospital. He said he didn't realize until he had gotten down how many people in the community actually knew that he existed. He thought that they would rather not see him come around because of what his job entails, but he now realizes that that is not the case. He had people from all over the city sending him cards and flowers and/or visiting him at the hospital. He came to the meeting because he is aware that a lot of people in Oberlin watch the City Council meetings and he felt this would be the best way to express his gratitude. Remarks were met with applause.

Public Works Complex Update

Jeff Baumann provided Council with an update on the fire that took place at the Public Works Complex. Baumann remarked that he is aware that Council and many people in the community are curious about what is going on with the City's refuse and recycling programs. As mentioned at the last meeting, this incident falls into multiple areas under the City's insurance coverage. Baumann stated that in light of the information received by the insurance adjuster the building would be covered at replacement value. Staff plans to solicit quotes for the demo of the building in the next couple of weeks. The vehicles have some scrap metal values and at this time the insurance adjuster has sent out requests for quotes, to salvage out the lost vehicles. Staff hopes to have some numbers by the end of the week. The trucks are insured at their depreciated value. The amount is still unknown at this time. Staff has sought assistance from a couple of vendors to help them estimate how much the trucks are worth. Having the ball park figures will help staff/administration to negotiate the best possible deal with the insurance company. In addition, Dave Rucker has finished assembling quite a lengthy list of the various other items lost in the fire. That has been sent off to the adjuster and a response is pending. The Finance Director has determined that they have an equipment rental clause in our insurance policy.

Talarico remarked that the equipment rental clause allows for \$25,000/per policy period and can be used for the trucks. Baumann explained that each of the two trucks that they have are currently being rented at \$6000 per month, which means the \$25,000 will not last very long. Staff will continue to precede post haste with a quick resolution.

Furthermore Baumann remarked that his expense and revenue analysis was almost complete. He intends to meet with the Finance Director to lay out all of the numbers and project what that means for the City's future refuse and recovery program. Once the numbers are solidified then he will know how much money they have and he can project how much it will cost under various scenarios to become fully operational again and what that means for the rates. It was noted that better information would come before Council in the near future.

Burgess asked if there was a report on what had caused the fire. Fire Chief Kirin replied that there was not. Rimbart remarked that he hoped the insurance adjuster would look at the usage value as it determined what the depreciated value of the trucks would be. That same truck may last another 8 to 10 years. Talarico remarked that the insurance adjuster has requested the service records on the vehicles to make sure they were maintained. Baumann confirmed that that was one of the reasons why he approached Bell Equipment and Premiere truck Sales and Rentals for their assistance. He wanted to make sure that they had numbers that they could use to help fact check what the insurance company has proposed as a good settlement.

John Whitman asked if the recycling has still been discontinued. Baumann said they worked out an arrangement with Republic Services where there is a recycling drop off center out at their facility on Oberlin-Elyria road.

Rimbart asked if they thought about placing a dumpster in the library parking lot. Bauman said he would revisit this discussion with Republic Services for residential users.

Burgess asked Mr. Kirin to further explain what an ISO was? Kirin provided a detail explanation. Burgess asked if the ISO was meant to drive down the cost of insurance for business owners. Following a lengthy explanation of the rating process used by ISO, Kirin answered in the affirmative.

Soucy expressed her concern for struggling businesses who were being assessed a \$25 dollar fee to perform a self-inspection. She felt that with the savings they would achieve due to a reduction in administrative costs and in time being spent doing fire inspections, they were coming out ahead without needing to assess additional fees. Kirin said if they didn't have some of the people assisting them with the self-inspection on an annual basis then they would need to put fire fighters on the street to walk in and do it. Placing fire fighters on the street to do inspections would reduce the savings that the program could generate for administrative costs if some business owners failed to self report.

Soucy recalled Council's stance against assessing an accident fee as indicated in the attached Exhibit A. Kirin said that the accident fee has been incorporated into the current ordinance since the last revision. He remarked that the accident fee is assessed and is often covered by the insurance company. In cases where the insurance company doesn't cover the fee the individual is not held responsible for it.

Soucy asked if there was a differentiation between residents and non-residents when assessing the fees. Kirin noted that they would be assessed equally.

Law Director Clark noted that on page 5 of the attached exhibit, there appeared to be a fee associated with the 2nd false alarm. Kirin remarked that it was done in error and the fee should not be assessed until the 3rd false alarm takes place. He further suggested that the Description column be amended to change the second false alarm to "the third false alarm". In addition all subsequent rows should be reordered to reflect the change.

Soucy said she would appreciate it if Chief Kirin could provide Council with a red lined version of the exhibit for the next meeting so that they can better determine which fees are actually being amended. Kirin remarked that he would provide that information at the next meeting.

Motion to amend page 5 of Exhibit A to change the description column of the False Fire Alarm Chart, to renumber false fire alarm service fees from 2nd false fire alarm, 3rd false fire alarm, 4th false fire alarm, and 5th and above false fire alarm to 3rd false alarm 4th false fire alarm, 5th false fire alarm and 6th and above false alarm was moved by Soucy and seconded by Peterson.

Roll Call: 7 Ayes 0 Nays Motion Carried
(Amendment)

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

(B). ORDINANCE No. 14-06 AC CMS: An Ordinance Accepting the Bid of Fabrizi Trucking & Paving, Inc., of Valley City, Ohio, for the West Lorain Street Water Main Improvement Project and Declaring an Emergency. (1st)(E)

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

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 Pearson.

Members of Council heard a request from Public Works Director Jeff Baumann and City Engineer Randal Roberts to accept the bid offer of Fabrizi Trucking and Paving Inc., for the West Lorain Street Water Main Improvement project. Baumann noted that this was the largest water distribution project that they have prepared for bid since he has been the Public Works Director. Five bids were received for this project. Baumann explained noted that Eclipse had submitted the lowest bid proposal but based on firsthand experience and feedback from one other source, a decision was made to award the contract to Fabrizi Trucking and Paving, Inc.

Baumann remarked that Council received a fax from Eclipse's (the lowest bidder) attorney. One of the key requirements in determining who the best contractor would be for this bid is to know the contractor's previous experience with similarly scaled projects. Notwithstanding what Eclipse's Attorney sent in their memorandum, they did in fact submit twelve projects of various types and scales, but only one of those was a water line project and it was in the \$75k - \$150,000 range, not pushing \$600,000. Fabrizi in their statement of experience actually identified nearly a dozen projects in the last few years that are in this range and even higher. Based on this information it is the Public Work's Department's position, that Fabrizi is the best bidder and should be awarded the contract.

Pearson said she has always had an issue with the term "lowest and best" bid because the term "best", is always relative. She recalled that at one time or other a lot of these companies all had to have their first large project in order to get where they are. Considering that this is also a female owned business she would like to see diversity in our construction projects. She wondered if Eclipse had all of the proper documents required to be able to do the bid to protect the City if they were to have any problems. Baumann responded that as far as he knew Eclipse submitted the bid bond so it is his belief that they had all of the proper documents. However, they did not have the level of experience that Fabrizi had in constructing this type of project, which is the bottom line for the Public Works Department. We want someone who is qualified and experience.

Mr. Rimbart said this is the first time that he can recall the City not accepting the lowest bid on a project like this one in his 13 years. Baumann remarked that this had happened at least four (4) times during his tenure with the City where they didn't take the lowest bid but instead opted on the best bid. Rimbart commented that outside of this being a large project how complicated could it be to install a waterline. Baumann remarked that anytime that you are excavating in the public rights-of-way there are any number of potential complications. He further noted that another critical function of this job that makes Fabrizi better equipped to do this project in that it is adjacent to the State Highway, so traffic control is going to be a very important component. Traffic Control was not in his opinion Eclipses' strong suite when they were doing the sanitary sewer on South Professor Street. As he recalled Eclipse wasn't even keeping the department informed about what their plans were when they were going to close the bridge over Plum Creek on Professor Street. There is a level of coordination and communication with the City and with our customers that Eclipse lacks.

Rimbart asked if QCI would have oversight over the project. Baumann confirmed that they intended to have an inspection service on the job, but a different vendor is being considered. Rimbart said he doesn't understand why they wouldn't want to take the lowest bid. He agreed with Ms. Pearson's comments that everyone has to start some place and it seems like Eclipse has been around for quite a while. Baumann remarked that Eclipse was a spinoff of a much larger company, Mr. Excavator and they have been in business for about four (4) years. This doesn't speak to the people that they employ. He further noted that Eclipse still had an outstanding project with the City from 2 years ago, where they failed to properly back-fill the sanitary pipe on Elm Street where it goes into a manhole and it subsided alongside the school. The City visually identified the problem and directed them on how to fix it and worked to coordinate the timing of the project and Eclipse didn't do anything that the City asked them to do.

Rimbart said if that information had been included in the memo, then he would have better understood why staff decided not to use Eclipse. Baumann remarked that the intent in the memo was to demonstrate why Fabrizi was the better bidder not to expose Eclipse's weaknesses. Rimbart said that's fine and dandy, but he still would have liked to have understood that the reason why they chose Fabrizi is because there was a history with Eclipse where they didn't perform well. Rimbart said he is looking at a savings of \$40,000 by going with Eclipse that can go towards other street projects. In addition, QCI would be there and they are supposed to make sure that the project goes well.

Burgess asked the Law Director if the City would have any exposure to litigation over this complaint. Clark remarked that if Eclipse wanted to bring an action for injunction, they could claim damages for their lost profits, and expenses in preparing

the bid. The phrase "lowest and best" means that Council has allowed discretion in determining what the qualities are of the contractor. The courts will not disturb that exercise of discretion in the absence of arbitrary action or fraud. His view is based on his conversations with Jeff and the memo prepared by Jeff, in short, Clark noted that he felt that the potential for litigation was low.

Burgess said he didn't see anything arbitrary about the recommendation made by staff. He thinks they have justified their position and he is comfortable in the decision that they have made.

Meadows asked Mr. Baumann to comment on the implications of a vendor, failing to include a schedule in their bid package. Baumann said this project has to be completed in a timely manner due to the impending R58/R511 improvement project and also to stay ahead of ODOTS resurfacing of R511 later this year. As a result of those scheduling factors staff requested that each bidder provide a schedule with their bid. They don't normally do this, but it is done when timeliness is of the essence. In this case although Eclipse acknowledged that they received instructions to submit a preliminary schedule with their bid, they failed to do so. Meadows asked if this was part of his judgment to not select them, because they failed to send the schedule, and he was looking for something that gave him an idea of whether or not they could handle such a large project in a timely manner. Baumann answered in the affirmative adding that it was also due to their past experience with the company.

Soucy said everyone on Council wants to encourage working with disadvantage business enterprise and she felt reasonably assured that Mr. Baumann considers this when he looks at these contracts. She confessed that as a lay person it was very difficult for her to go against the judgment of the Public Works Director and their City Engineer. In addition, she appreciated City Engineer Randall Roberts, for citing experiences from the City of Lakewood, Westlake, Aurora and the City of Wadsworth particularly with regard to the timely completion of the job. She agreed with Mr. Rimbart's comments about the \$40,000 savings through Eclipse, however the concern is that if they don't have a top quality engineering and excavation firm, then they can rapidly eat up \$40,000, if mistakes were made. She remembered an incident where the City went with a cleaning company other than Mr. Horton's cleaning service, because it was the lowest bid. They got about half way into the year and realized that they had a problem on their hands and went back to Mr. Horton's cleaning service. She was sensitive to the reality that it was not always the lowest bid and she would support this with the assurance that Public Works continues to look for ways to offer opportunities for disadvantage businesses, even if it is for smaller projects. Baumann remarked that he could only offer that assurance if the ordinance provides for it, and currently it does not.

Peterson asked if the letter from Eclipse's attorney correctly states that Mr. Roberts had never contacted any of their references. Baumann remarked that the statement is partially erroneous; he made the call not Mr. Roberts. Baumann said he had only contacted one of the references that he knew personally, and was told that at least one of the projects that ranged from \$400,000 to \$800,000 was not comparable to the City's bid project. He said he only contacted the one reference but he also had firsthand experience with the contractor both as a sub-contractor for a College project and another one as a contractor for the City.

Rimbart said in all reality you never know what can happen once you start an excavation project, regardless of which contractor you go with. You hope everything goes well but you never know what you'll get. Baumann concurred and likened it to rehabbing an older home.

Pearson asked what the College's experience was like when they used Eclipse. Baumann said he couldn't speak for the College, but he recalled the City being called to provide support for the work Eclipse did when performing a Fire line installation at Bailey Hall. Though it was true that the contractor started off with a bad plan set through no fault of its own, according to the Water Division Eclipse had difficulty performing the work and they had to basically hand hold them through the entire installation which was a 150ft. water line.

Rimbart asked if they were going to use Quality Control Services (QCI). Baumann remarked that they were going to use inspection services, but the Water Division has made a preliminary recommendation that they consider another company with considerable water service inspection experience. A firm decision hasn't been made yet, but they will have inspection services. He was inclined to go with QCI, but that subject of who the inspection service will be is still an evolving discussion.

Rimbert said he questioned why they wouldn't go with QCI. Baumann said he likes to take his staff's opinion into consideration so that he can make a more informed decision. Both he and the City Engineer are in agreement that their preference at this time would be QCI, because of their depth of experience with the company.

Burgess asked if the inspection services through QCI would be under \$50,000. Baumann said the proposal from QCI is about \$32,000. Burgess said that under the new administrative rules under Ohio this wouldn't come back to Council for authorization. Baumann said it would come back before Council in the form of a budget adjustment or if Council would like to express its preference at this time they could feel free to do so.

Burgess said his preference would be to go with QCI due to their past experience with them. Soucy agreed. Bauman said the department was amendable to Council's preference. He was just providing a range of options in response to the question being asked.

Broadwell recalled using a different company other than QCI several years ago and it just wasn't the same. He expressed an interest in continuing their relationship with QCI along with the other Council members. Broadwell reminded Council that this was a time sensitive project that will take approximately 90 days to complete.

A motion to suspend the rules requiring three readings and to elevate Ordinance No. 14-08 AC CMS to emergency for the reasons stated in Section 6 was moved by Soucy, seconded by Burgess.

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

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

5. OTHER NEW BUSINESS: None

6. COUNCIL COMMUNICATIONS:

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

Pearson

- Announced that there will be a discussion regarding the Transit Levy Campaign at the Lorain County Administration Building at 11:00 a.m.

Burgess

- Alerted Council to a series of postings circulating on internet from concerned citizens regarding the Oasis Animal Shelter. He suggested that Council consider this as a point of discussion at its upcoming City Council retreat.

Soucy

- Thanked all departments, boards and commissions for their Annual Reports.
- Thanked all members of the Charter Review Committee for their hard work in reviewing the City Charter. Also thanked Jon Clark, Belinda Anderson, and Eugene Simon for their assistance.

Meadows

- Announced that Reverend James Lawson Jr. was speaking at several venues throughout Oberlin sharing his insights and experience in the "Civil Rights Movement".

Broadwell

- Provided an update on the OMEA conference that he attended with Electric Director Steve Dupee.
- Good to see Henry Wallace back!

7. CITY MANAGER'S REPORT:

Acting City Manager Wanda Davis provided the following update:

- Reminder that the Council retreat will be on Friday, March 14th and Saturday, March 15th in the Board room at Mercy Allen Medical Center.

8. FINANCE DIRECTOR'S REPORT:

- Noted a date correction on his Quarterly Financial Summary Report for 4th Quarter 2013.

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 the street 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 8:55 p.m.

Attest:

BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL

H. SCOTT BROADWELL
PRESIDENT OF COUNCIL

APPROVED: 03/17/2014

POSTED: 03/18/2014

3-3-14

To The Editor:

I feel compelled to respond to Mr. John Whitman's letter to the Editor in the Sunday, February 9, 2014 Chronicle Telegram regarding flooding that he experiences now since improvements were made to the Ramsey railroad bed by its owner, the City of Oberlin, approximately 5 years ago. Bravo to Mr. Whitman for identifying the current configuration of the railroad bed as a dam. This railroad bed, which was constructed more than 100 years ago, was never intended to serve as a dam anywhere.

The 5 acre lake now dammed by the Ramsey bed is at least a nuisance but it remains more than that. The newly installed electrical service wires on the west side owned by Lorain Medina Rural Electric as well as the City of Oberlin's newly installed lines on the east side are both at risk of being toppled by adjacent fully mature trees that don't normally grow in standing water.

The danger increases as these trees eventually die off from waterlogged roots coupled with possible adverse lean and/or excessive wind pressure. Therefore both sets of wires could be toppled needlessly simply because the City of Oberlin refuses to clean out their 100 year old (now plugged) pipe that worked up until about 5 years ago!

Equally asleep at the wheel on this issue is Lorain Medina Rural Electric who doesn't seem to mind that their newly installed service wires are at even higher risk of being toppled needlessly.

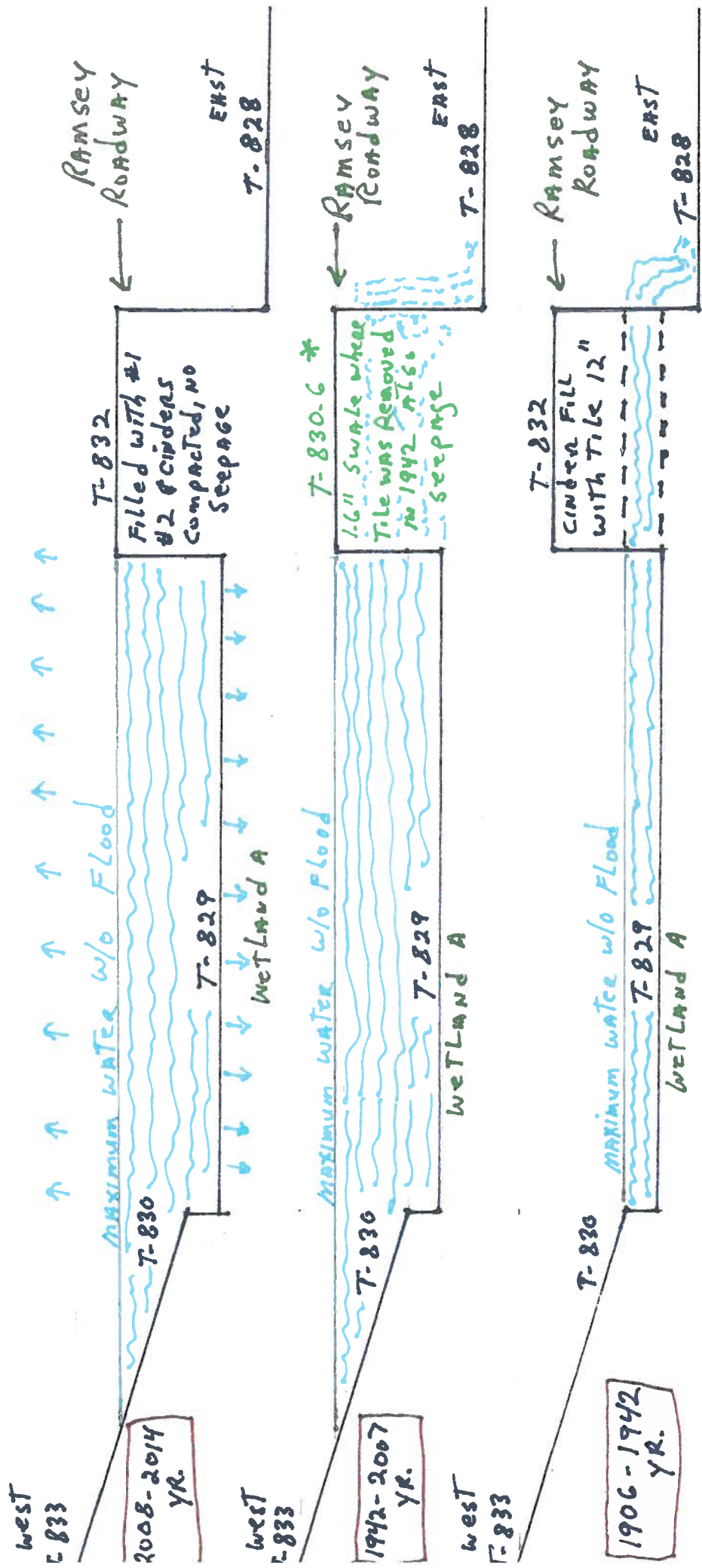
Thank you.

Bert Latran, Jr.
Pittsfield Township
46805 US 20
Oberlin, OH 44074
440-774-7625

W + E
S

Cross Section Wet A - S VIEWS
1906-1942
1942-2007
2008-2014

T-829 AT RESERVE AVE
T-831



RAMSEY ROADWAY
EAST
T-828

RAMSEY ROADWAY
EAST
T-828

RAMSEY ROADWAY
EAST
T-828

T-830-6 *
1.6" Swale where
Tile was Removed
in 1942. Also
seepage

T-832
Cinder Fill
with 12"

T- TOPOGRAPHY

T-831
T-831-6
South

TOPOGRAPHY NUMBERS, COURTESY OF
MAP SUPPLIED BY MARK R. STEWART,
LORAIN COUNTY AUDITOR