

David Sonner asked Mr. Chesler what his stake was in the Oberlin City Council proceedings being that he was not a resident. Mr. Chesler said that since he had the dirt from the conservatory in his back yard, he considered himself to be an ex officio resident.

Sonner said ex officio didn't cut it and going forward Chesler would need to demonstrate the relevance of his statements to Oberlinians. Sonner explained that he had been advised by the City Law Director that the president of Council had the authority to permit or not to permit someone to speak. Sonner said that as he has indicated on a number of occasions, Mr. Chesler had overextended the permission that this body, for decades, had given to people. Mr. Chesler asked that he be more specific. Sonner further explained that every time he spoke it was hardly relevant to the business before Council and he wondered what stake the Council had in his redundant commentary when he was not even a resident of Oberlin. Chesler advised Sonner to go to the Oberlin unmitigated chemical hazard website and check out his thread and let the public make their own decision about whether his comments were relevant.

Elizabeth Rumics, Hollywood Street said that she hoped that Council would be extremely careful about not letting impatience, even antagonism toward a particular speaker or topic rule out that person's ability to speak, she called it a small price to pay for democracy.

3. Old Business

(A) Ordinance No. 08-70 AC CMS. – An Ordinance Establishing Fees and Charges for Various Services, Permits and Licenses for the City of Oberlin, Ohio. (3rd)

The Clerk read by number and title only.

Motion for passage on third reading moved by Mr. Ashenhurst and seconded by Mr. Baumann.

City Manager Norenberg reiterated that this was the third reading modifying fees and charges for various services, permits and licenses for the City. Norenberg advised that the newly proposed fees fell within a fair and equitable range which more accurately reflected the cost of providing service. In closing, Norenberg advised that he recommended that Council adopt the new ordinance which would allow the fees to become effective on January 1st, 2009.

Broadwell advised that the Housing Renewal Commission would continue to review these fees with Mr. Polinski on an annual basis, to ensure that the City stayed on track with surrounding communities.

Being that there was no further discussion pertaining to the topic. The ordinance was unanimously adopted on third reading.

Roll Call:	7 Ayes	0 Nays	Motion Carried
(3 rd Reading)			

4. New Business

(A). Ordinance No. 08-80 AC CMS – An Ordinance Enacting Section 1501.27 of the Codified Ordinances of the City of Oberlin, Ohio, Establishing Filing Standards for Construction Plan Submission and Declaring an Emergency. (1st)(E)

Mr. Ashenhurst moved to have the ordinance be read by number, title and substantive portions only, seconded by Mr. Peterson.

Roll Call: 7 Ayes
The clerk read as directed.

0 Nays

Motion Carried

Motion for passage on first reading moved by Mr. Ashenhurst, seconded by Mr. Baumann.

Mr. Norenberg advised that the fire chief had before Council an ordinance requiring business and commercial property owners to submit building plans to the fire department in electronic format at the time of building plan application. Fire Chief Kirin advised that the new software program called Remote Access (RA) would be able to carry all occupancy information right into the field, available for emergency responders. Kirin explained that now firefighters would have immediate reference data at their fingertips, including: floor plans, utility location, fire protection systems, fire fighter hazards, and data on hazardous materials/operations.

Ms. Soucy made a motion to suspend the rules requiring three readings and elevated the ordinance to an emergency. The motion was seconded by Mr. Peterson.

Roll Call: 7 Ayes
(Emergency)

0 Nays

Motion Carried

Roll Call: 7 Ayes
(Final)

0 Nays

Motion Carried

(C). Ordinance No. 08-81 AC CMS – An Ordinance Authorizing an Amendment to the Contract with RMH Concrete and Foundations, Inc., of Collins, Ohio for the Orchard Street Improvement Project and Declaring an Emergency. **(1st)(E)**

Mr. Peterson moved that the ordinance be read by number, title and substantive portions only, seconded by Mr. Broadwell.

Roll Call: 7 Ayes

0 Nays

Motion Carried

The clerk read as directed.

Motion for passage on first reading moved by Mr. Peterson, seconded by Mr. Ashenhurst.

City Manager Norenberg advised that the ordinance before Council was for a change order for the construction being performed on Orchard Street, he asked Public Works Director, Jeff Baumann to provide Council with an overview of the project at this time.

Jeff Baumann, PWD advised Council that construction of the new sewer line presented several challenges. The first problem to be discovered was that Columbia Gas had several service lines at the exact elevation of the new storm sewer line. Construction of the storm sewer could not continue until Columbia Gas came out and re-located those service lines. The second problem to be encountered was the existence of eight connections (virtually every house on the west side of the street) to existing storm sewer line. Baumann explained that each of these connections needed to be removed from the old line and extended east to the new line in the street, a process that should have been foreseen but was unfortunately overlooked. The most difficult problem that they encountered had been that the new storm sewer was inches above the sanitary sewers, extending from the houses on the west side to the sanitary main, in the middle of the street. Baumann advised that without digging them up, there was really no way to pre-determine the depth of each of these laterals. Baumann advised that the problems encountered have landed them six weeks behind schedule and to ensure that they do not go over budget they were requesting a change order in the amount of \$33,162.97.

Mr. Peterson asked if Baumann was saying that each time they dig deeper they were flying blind. Baumann advised that in theory there was no way to determine what was going on beneath the surface without bringing in a specialty crew to selectively hydro-excavate Orchard Street. Mr. Peterson asked if the project would be completed in 4-6 weeks. Baumann advised that if they have perfect weather it could be done in as early as two weeks.

Ms. Soucy made a motion to suspend the rules requiring three readings and elevated the ordinance to an emergency. The motion was seconded by Mr. Ashenhurst.

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

Tony Mealy, 328 S. Professor Street advised that he was really disturbed that the sanitary sewer lines were not being fixed when repairing these streets. Mealy advised that the City Engineer was an expert in building sanitary sewers and should know better.

Baumann advised that they did run their video camera and determined that the sanitary sewers were in good shape. He added that currently the sanitary system has been paying out between 35%-40% of its budget in debt service so they haven't had a lot of leeway for capital projects. In hindsight, Baumann advised that the sewers should have been fixed along with the street.

Rimbert asked if a cost analysis was done on the sewers. Baumann advised that he would have to look at his records but he would guess that the cost would be between \$80K- \$115K. Rimbert advised that due to the age of the sanitary sewer it would have been a good idea to just go ahead and take care of it, otherwise, they might find themselves looking at doing this project again in 10 years which would defeat the purpose.

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

5. Other New Business:

None

6. Council Communications:

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

Ashenhurst

- Deadline for the boards, commissions, and committee applications will be November 7, 2008.
- A Symposium Sponsored by Oberlin College in Collaboration with the Oberlin-Wellington Rescue Coalition on Race and Resistance will be held on November 7, 2008 and November 8, 2008.
- Proposals for Bed Tax funds contributions or grants are due on November 14, 2008.
- Vote for the Levy.

Rimbert

- Noted that though the President of Council had the right to hear or not to hear public comments, Council still had the authority to override his decision by a supermajority (5/7ths) vote.

Soucy

Asked City Manager Norenberg when they would have a ground breaking date for the SCA projects. City Manger Norenberg advised that financing was locked in last week but he was not sure when the ground breaking date would be.

7. City Manager's Report:

- Reiterated that members selected to serve on the Nominating Committee would include: Scott Broadwell, David Sonner, and Ronnie Rimbart.
- Stated that 58 of the 175 trees had been planted to commemorate the College and City's anniversary.
- 911 Dispatch Service was now in place at the Oberlin Fire Department.
- Community Health Partner Healthcare Survey can be found on line at www.community/health/partners.com
- Amp-Ohio Environmental Stewardship 2007 Annual Report
 - Vermont Energy, Investment Corporation.
- Introduced Oberlin College Student Jules Brouillet who will be observing Council as part of a town-gown dialogue.

8. Finance Director's Report:

- Vote for the Levy

9. Public Participation

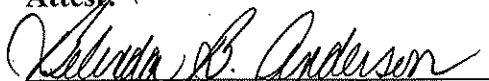
Shirley R. Johnson, West College Street said that she looked forward to reading Law Director Sever's memo about public speech. Ms. Johnson said that she was puzzled by Sonner's objections to Chesler's speech on the basis that it was the Chairs prerogative to pick and choose who may and may not speak. She said that Council may according to law, choose not to hear any public member, but in all fairness, if Council allowed public speech it should hear everyone, as long as they adhered to Council' established rules.

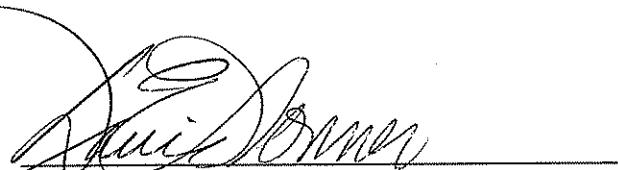
Tony Mealy, S. Professor Street advised that the rubble had gotten pretty bad with the jazz center project construction site over on Professor Street. Mealy asked that the City look into getting that situation cleaned up. City Manager Norenberg advised that those matters were currently being addressed.

Lizette Benzing, Orchard Street expressed concerns about the safety of the Orchard Street construction site. She said some pedestrians climb over or around barricades. She asked that someone from the City be put in charge of making that construction area safer.

10. Adjournment: Being that there was no further business to come before Council the meeting adjourned at 8:37:57 p.m.

Attest:


Belinda B. Anderson
Clerk of Council


David E. Sonner
President of Council

Approved: 11/17/2008

Posted: 11/18/2008

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