







### 3. Old Business

**(A). Ordinance No. 10 – 38 AC CMS** – An Ordinance Proposing to Amend the Charter of the City of Oberlin to Add Section XX “Taxation – Limitation on Rate of Taxation,” and Declaring an Emergency. (3<sup>rd</sup>)(E)

The Clerk read by number and title only.

Motion for passage on third reading moved by Peterson, seconded by Broadwell.

Talarico advised that he had no additional information to add at this time short of answering any questions that Council may have. He asked that the ordinance be approved on an emergency basis for timely filing.

Foregoing discussion a motion to elevate the ordinance to an emergency was moved by Soucy, seconded by Broadwell.

**Roll Call:** 7 Ayes 0 Nays Motion Carried  
(3<sup>rd</sup>, Emergency)

**Roll Call:** 7 Ayes 0 Nays Motion Carried  
(3<sup>rd</sup>, Final)

**(B). Resolution No. R10 – 07 CMS** – A Resolution Declaring that the Amount of Taxes that May be Raised within the Ten – Mill Limitation by Levies on the Current Tax Duplicate to be Insufficient to Provide an Adequate Amount for the Necessary Requirements of the City of Oberlin, and Declaring the Necessity to Levy a Tax in Excess of Such Rate for the Purpose of Providing Funds for the Collection and Disposal of Garbage or Refuse, and Declaring an Emergency. (2<sup>nd</sup>)(E)

The Clerk read by number and title only.

Motion for passage on second reading moved by Peterson, seconded by Burgess.

Talarico advised that he had no additional information to provide Council at this time. He further advised that they would need to have the ordinance passed on emergency to get it filed at the Board of Elections.

Foregoing discussion a motion to suspend the rules requiring three readings, and elevate the ordinance to an emergency was moved by Peterson, seconded by Meadows.

**Roll Call:** 7 Ayes 0 Nays Motion Carried  
(2<sup>nd</sup>, Emergency)

**Roll Call:** 7 Ayes 0 Nays Motion Carried  
(2<sup>nd</sup>, Final)

### 4. New Business

**(A). Ordinance No. 10 - 46 AC CMS** – An Ordinance Accepting the bid of Schultz Fluid Handling Equipment, Inc. of Cleveland, Ohio, for a Perforated Panel Traveling Belt Screen with Screenings Washer/Compactor for the City of Oberlin Water Environment Protection Facility and Declaring an Emergency. (1<sup>st</sup>)(E)

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

**Roll Call:** 7 Ayes 0 Nays Motion Carried

The Clerk read as directed.

Motion for passage on first reading moved by Burgess, seconded by Meadows.

City Manager Norenberg provided brief comments related to the ordinance. He asked that WEPF Superintendent Steve Hoffert and Public Works Director Jeff Baumann come forward to answer questions from Council and the public.

Sloane asked how many bids were received for the Peforated Panel Traveling Belt Screen. Norenberg said there were two bids. Since this was considered a specialty item, there were few outfits out there that offered this product.

Steve Hoffert explained that Schultz Fluid Handling Equipment Inc., met the bid specs. Their competitor, Parkson Corporation offered a lesser quality product. The Parkson model was a normal – duty model built to last for only seven years, while the model being offered by Schultz Fluid was built to last for 30 years. Over the life of the equipment, the Schultz model proved to be more valuable and more cost effective. In addition Schultz Fluid's Product can be found throughout the State of Ohio. He spoke with several satisfied customers who described the screen as being very low maintenance. Burgess commented that he was happy to hear that there were still products out there that were meant to last. Hoffert added that best of all the products were made right here in the country which had added impact on stimulating the economy.

Following a brief discussion a motion to suspend the rules requiring three readings, and elevate the ordinance to an emergency was moved by Peterson, seconded by Pilacky.

**Roll Call:** 7 Ayes 0 Nays Motion Carried  
(1<sup>st</sup>, Emergency)

**Roll Call:** 7 Ayes 0 Nays Motion Carried  
(1<sup>st</sup> Final)

**(B). Ordinance No. 10 – 47 AC CMS – An Ordinance Accepting the Bid of A.J. Riley, Inc. of Norwalk, Ohio for the Prospect Street Paving Improvement Project and Declaring an Emergency. (1<sup>st</sup>)(E)**

Meadows 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 for passage on first reading moved by Broadwell, seconded by Peterson.

Norenberg advised that earlier this year discussion ensued about the work that was planned for Prospect Street. He was pleased to announce that work was underway replacing the sanitary sewer line and that a resurface project would follow shortly thereafter. The project had been approved for Issue II Funding and steps had been taken to ensure timely completion due to the impact this project will have on Prospect School. The adoption of this ordinance would require the services of Quality Control Inspection, Inc., who will monitor the work of this contractor, which was the next item on the agenda to be discussed. Norenberg advised that Jeff Baumann was available to answer any questions at this time.

Charles Peterson asked when the project would start and how long it would last. He was concerned about the impact that this project could have on some of the summer recreation programs. Norenberg responded that staff from Recreation and the City Engineer's department have been working together to address the coordination issues for parents.

Baumann advised that the scope of work in front of the school would be minimal, for that block they were talking about a two – three hour period. They will probably have some coordination with summer programs that they will have to work through but they were focusing on completing the project before the school year started. The school district identified the school year as a much bigger challenge to work with because of the greater increase in traffic due to returning faculty. In closing Baumann noted once the ordinance was approved the construction would begin.

Soucy commented that she was happy to see that an incentive program had been designed and she would like to see this used more often with contractors.

Broadwell asked if the City had ever used an incentive program to move construction projects along. Baumann advised that it hadn't been used during his tenure but it may have been used in the past.

Norenberg advised that City staff has been looking into ways to improve productivity and this was one way that had been researched by City Engineer Randall Roberts. Staff hoped that it would prove to be successful given the history that they have had with construction delays due to poor weather and other unforeseen setbacks.

Following the discussion a motion to suspend the rules requiring three readings, and elevate the ordinance to an emergency was moved by Broadwell, seconded by Burgess.

**Roll Call:** 7 Ayes 0 Nays Motion Carried  
(1<sup>st</sup>, Emergency)

**Roll Call:** 7 Ayes 0 Nays Motion Carried  
(1<sup>st</sup> Final)

**(C). Ordinance No. 10 – 48 AC CMS – An Ordinance Authorizing an Amendment to the Contract with Quality Control Inspection, Inc. (QCI) of Bedford, Ohio, to Provide for Additional Professional Construction Inspection Services for the Prospect Street Paving Improvement Project in the City of Oberlin and Declaring an Emergency.** (1<sup>st</sup>)(E)

Meadows 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 for passage on first reading moved by Broadwell, seconded by Pilacky.

City Manager Norenberg advised that they would like to have this ordinance approved for the purpose of monitoring the Prospect Street Paving Improvement Project.

Foregoing discussion a motion to suspend the rules requiring three readings, and elevate the ordinance to an emergency was moved by Soucy, seconded by Broadwell.

**Roll Call:** 7 Ayes  
(1<sup>st</sup>, Emergency)

0 Nays

Motion Carried

**Roll Call:** 7 Ayes  
(1<sup>st</sup> Final)

0 Nays

Motion Carried

**(D). Ordinance No. 10 – 49 AC CMS** – An Ordinance to Approve and Adopt the Current Replacement Pages to the Codified Ordinances. (1<sup>st</sup>)(E)

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

**Roll Call:** 7 Ayes

0 Nays

Motion Carried

The Clerk read as directed.

Motion for passage on first reading moved by Soucy, seconded by Broadwell.

Clerk Anderson advised that the proposed legislation would update the City's codified ordinances, incorporating ordinances passed by Council from March of 2009 to February of 2010.

Law Director Severs added that this was considered a housekeeping item that would permit Council to do two things: One, it would permit Council to add to its bound book of City ordinances, any amendments to those ordinances and any new materials that were passed by Council. Two, it would bring the traffic and criminal code and City code provisions in line with any changes the State legislature made.

Ken Sloane advised that he had read some of the items listed in the updates and felt that they should be looked at further. He noted references in Section 301.04 under the Traffic Code that referred to a bicycle as a "play vehicle." He disagreed with the notion that a bicycle was just a play device and felt it necessary to review some of the other items to make sure that the language had been updated.

Severs advised that the particular language being referenced was actually defined by the State Legislature not the City.

David Ashenhurst, 260 Sumner Street said that he would like to point out that the grammar of the statement is to exclude from the definition of bicycle, a tricycle that is a plaything. It is not including in the definition of bicycle anything that is a plaything. He assumed that the clause applied to the exclusion not to the bicycles.

Severs concurred that that was an exclusion so that the child's playthings were excluded, not all bicycles.

Ashenhurst addressed concerns for inconsistencies he noticed with the proposed ordinance. He remarked that that Section 3 called for Section 1 to list the ordinances that were approved by Council Action, which this ordinance did not. He asked that a list be provided by the next reading if possible or at least prior to Council's adoption of the ordinance. The Clerk advised that a list of Ordinances would be provided which is why staff had only requested that Council pass the ordinance on first reading.

Role Call was taken as follows:

**Roll Call:** 7 Ayes  
(1<sup>st</sup>, Reading)

0 Nays

Motion Carried



have a date at this time. Burgess asked if it were possible to use one of the City trucks to carry water to the location.

Councilor Elizabeth Meadows.

- Commented on how informative the fliers for the Connector Transit were.
- Addressed letter from Lorain Morrison regarding a visually impaired person experiencing difficulty getting around fenced area outside of a downtown establishment. She hoped that the letter would encourage staff to draft policy that will establish provisions that will account for the visually impaired.
- Hanging Baskets on East College Street blocking the “Don’t Walk” signs.
- Asked if it were possible, to add an additional outlet at the South Pleasant Street Park, for vendors who set up for the summer basketball tournaments put on by the City.

Councilor Sharon Soucy

- Planning is working hard to come up with a fair and functioning policy for the outdoor cafés. More concrete information will be forthcoming.
- Last week attended the 2010 Team NEO (Northeast Ohio Economic Development) banquet along with Eric Norenberg and Charles Horton. Over 650 people were in attendance recognizing communities for different efforts in economic development, of which Oberlin was a recipient of the Business Attraction Award.

President Sloane

- Read a section of a congratulatory letter from Sherrod Brown about the work that AMP has done with the Meldahl Hydroelectric Project.

**(A). Referrals**

**(B). Advocacy**

**(C). Correspondence**

**(D). Reports**

**7. City Managers Report:** None

**8. Finance Director’s Report:**

- Emergency passage needed for the Bond Ordinance. Hoped that all members of Council will be in attendance for the August 16<sup>th</sup> meeting.
- Received an “Unqualified Audit” report which is favorable. He thanked everyone at the City for all their effort and hard work. Audit is available on the State Auditors website and will also be available on the City of Oberlin’s website.

**9. Public Participation:**

Shirley R. Johnson, West College Street appreciated Meadows comments about her observations about the sidewalk café development on College Street. She disagreed with Soucy’s interpretation of what happened at the Design Review and Planning Commission meetings. It was quite true that rules and regulations were developed about the matter, some of which might be important to look at, but the inclination of the planning commission was to have as few regulations as possible and there was a great deal of talk about how exciting it was to have

that wonderful life in the City. She felt that there was less concern than there ought to be about the walking conditions for the handicap and elderly citizens.

**10. Adjournment:** Being that there was no further business to come before Council the meeting adjourned at 9:35:32 p.m.

**Attest:**

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BELINDA B. ANDERSON, CMC  
CLERK OF COUNCIL

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KENNETH SLOANE  
PRESIDENT OF COUNCIL

Approved: 8/16/2010

Posted: 8/17/2010