

# CITY OF OBERLIN, OHIO

## ORDINANCE No. 14-63 AC CMS

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH MEMBERS OF THE LORAIN COUNTY BROWNFIELD COALITION AS REQUIRED BY US E.P.A. IN ORDER TO DRAW FUNDS FROM THE U.S. E.P.A. BROWNFIELD ASSESSMENT GRANT AWARDED TO LORAIN COUNTY AND DECLARING AN EMERGENCY

WHEREAS, the Lorain County Board of Commissioners created the Lorain County Brownfield Coalition (Coalition) along with the Cities of Avon Lake, Lorain, North Ridgeville, and Oberlin, and the Village of Wellington; and

WHEREAS, the Coalition submitted a request for funding to the United States Environmental Protection Agency for the purpose of conducting brownfield assessments of selected properties in Lorain County; and

WHEREAS, the Lorain County Administrator submitted a letter to the United States Environmental Protection Agency as required in the funding application packet stating that Lorain County would sign a Memorandum of Agreement (MOA) with all Coalition members if the Coalition was successful in obtaining funds.

WHEREAS, the United States Environmental Protection Agency did award funding in the amount of \$600,000 to the Coalition, officially sending the Lorain County Board of Commissioners a Cooperative Agreement on September 22<sup>nd</sup>, 2014, attached hereto

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. That the City Manager is hereby authorized to enter into the Memorandum of Understanding for the Brownfields Assessment Coalition in the form Attached hereto as Exhibit "A" that includes the County of Lorain, City of Avon Lake, City of Lorain, City of North Ridgeville, City of Oberlin, Village of Wellington.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Oberlin, or to provide for the usual daily operation of a municipal department, to wit: to enable the Brownfields Assessment Coalition to enter into contracts with the consultants so that the brownfield assessments can begin in Oberlin and in other partner communities", and shall take effect immediately upon passage.


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PASSED: 1<sup>st</sup> Reading: November 3, 2014 (E)

2<sup>nd</sup> Reading: \_\_\_\_\_

3<sup>rd</sup> Reading: \_\_\_\_\_

ATTEST:

  
\_\_\_\_\_  
BELINDA B. ANDERSON, MMC  
CLERK OF COUNCIL

  
\_\_\_\_\_  
H. SCOTT BROADWELL  
PRESIDENT OF COUNCIL

POSTED: 11/04/014

EFFECTIVE DATE: 11/03/2014

## **BROWNFIELDS ASSESSMENT COALITION**

### **MEMORANDUM OF AGREEMENT BETWEEN THE FOLLOWING PARTIES:**

**County of Lorain, City of Avon Lake, City of Lorain, City of North Ridgeville,  
City of Oberlin, Village of Wellington**

This Memorandum of Agreement documents the roles and responsibilities of the various parties involved in the Coalition with regard to EPA Cooperative Agreement Number: BF-00E01363-0

1. On September 22<sup>nd</sup>, 2014, EPA awarded the Cooperative Agreement to the Lead Coalition Member, County of Lorain. The grant period is October 1, 2014 through September 30, 2017. The County of Lorain is responsible to EPA for management of the cooperative agreement and compliance with terms and conditions of the award, and ensuring that all members of the coalition are in compliance with the terms and conditions.
2. The term of this Memorandum of Agreement shall run concurrently with the above mentioned grant period and will be coterminous with the grant. In the event that the Coalition attempts to secure additional funding for brownfield-related activities, a new Memorandum of Agreement will be completed.
3. It is the responsibility of the County of Lorain to provide timely information to the other Coalition Partners regarding the management of the cooperative agreement and any changes that may be made to the cooperative agreement over the period of performance.
4. The Coalition Partners are: County of Lorain, City of Avon Lake, City of Lorain, City of North Ridgeville, City of Oberlin, and Village of Wellington. The contact information is as follows:

#### **County of Lorain**

Lawrence Hall, Economic Development Specialist  
226 Middle Avenue, 5<sup>th</sup> Floor  
Elyria, OH 44035  
440.328.2335  
[lhall@loraincounty.us](mailto:lhall@loraincounty.us)

#### **City of Avon Lake**

Joe Reitz, Engineering Manager  
150 Avon Belden Road  
Avon Lake, OH 44012  
440.930.4144  
[jrreitz@avonlake.org](mailto:jrreitz@avonlake.org)

**City of Lorain**

Leon Mason, Director of Building, Housing and Planning  
200 West Erie Avenue, 5<sup>th</sup> Floor  
Lorain, OH 44052  
440.204.2020  
[Leon\\_Mason@cityoflorain.org](mailto:Leon_Mason@cityoflorain.org)

**City of North Ridgeville**

Jeff Armbruster, Safety-Service Director  
7307 Avon Belden Road  
North Ridgeville, OH 44039  
440.353.0812  
[jarmbruster@nridgeville.org](mailto:jarmbruster@nridgeville.org)

**City of Oberlin**

Carrie Handy, Housing and Economic Development Officer  
85 South Main Street  
Oberlin, OH 44074  
440.775.7257  
[chandy@cityofoberlin.com](mailto:chandy@cityofoberlin.com)

**Village of Wellington**

Steve Pyles, Village Manager  
98 Johns Street  
Wellington, OH 44090  
440.647.3827  
[srpyles@hotmail.com](mailto:srpyles@hotmail.com)

The Coalition recognizes that the above named individuals may change positions or places of employment over the course of the three-year grant period. In this event, the Coalition point of contact will be maintained with the job titles given above unless otherwise specified.

5. Activities funded through the cooperative agreement may include inventory preparation, site selection, criteria development, assessments, planning (including cleanup planning) relating to brownfield sites, and outreach materials and implementation, and other eligible activities. The County of Lorain may retain consultant(s) and contractors under 40 CFR 30.36 to undertake various activities funded through the cooperative agreement.
6. The County of Lorain will procure the consultant(s) in compliance with 40 CFR 31.36 requirements. The County of Lorain will issue the Request for Proposals or Request for Qualifications and will be the entity responsible for the receipt of the submitted proposals and selection and award of contracts. The County of Lorain will consult with the other coalition members in making selections of consultants and contractors and negotiating the terms of agreements.
7. The County of Lorain, in consultation with the Coalition Partners, will work to develop a site selection process based on agreed upon factors and will ensure that a minimum of five sites are

assessed over the life of the cooperative agreement. Selected sites will be submitted to EPA for prior approval to ensure eligibility. Coalition members do not need to submit a project application. Note: *All Coalition members are guaranteed at least one site assessment per member; however, a member may choose to waive this right if so desired for the benefit of the Coalition.*

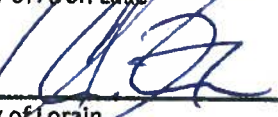
For the purpose of prioritizing sites for assessment:


- a. A quorum of the Coalition shall consist of four members eligible to vote, except that a lesser number shall have the power to adjourn a regular or special meeting in the absence of a quorum.
  - b. The Coalition shall act by majority vote of a quorum present.
  - c. One week notice will be given between the submission of a Project Application and the convening of the Coalition for voting purposes.
8. Upon designation of the specific sites, it will be the responsibility of the County of Lorain to work with the coalition member in whose geographic area the site is located to finalize the scope of work for the consultant or contractor. It will be the responsibility of this member to obtain all required permits, easements, and/or access agreements as may be necessary to undertake assessments at the selected site. If this member does not have the capacity to perform these activities the County of Lorain may assist in securing necessary site access agreements and permits.
9. The County of Lorain is responsible for ensuring that other activities as negotiated in the workplan, such as community outreach and involvement, are implemented in accordance with a schedule agreed upon by the County of Lorain and the coalition member in whose geographic area the site to be assessed is located.
10. Terms of this Agreement are subject to written amendment should a majority of the Coalition members agree to do so and provided that US EPA approves of the amendment.

Agreed:

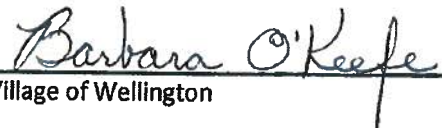
 12-10-14  
County Of Lorain Date

 11/26/14  
City of Avon Lake Date

 11/7/14  
City of Lorain Date

 Mayor 11/7/14  
City of North Ridgeville Date

 City Manager 11/7/14  
City of Oberlin Date

 Mayor 11-12-14  
Village of Wellington Date

APPROVED AS TO FORM

DATE 10-21-14

Dennis P. Will, Lorain County Prosecutor

By:   
Assistant County Prosecutor