Minutes of the Regular City Council Meeting
Held on Monday, January 17, 2012
7:30 p.m.

1. COUNCIL BUSINESS

(a) Call Regular City Council Meeting to Order and Roll Call – 7:30 p.m.

A regular meeting of the Oberlin City Council was held on January 17, 2012 in the Council Chambers of the Oberlin City Hall, located at 85 S. Main Street Oberlin, Ohio. The meeting was called to order at 7:38 p.m., by Presiding Officer Ronnie Rimbert. Roll call was taken as follow:

Council Members:	Present	Absent
Charles Peterson	☒	☐
Bryan Burgess	☒	☐
Sharon Soucy (excused)	☐	☒
Elizabeth Meadows	☒	☐
Scott Broadwell	☒	☐
Aaron Mucciolo	☒	☐
Ronnie Rimbert	☒	☐

Appointees:

Belinda Anderson, Clerk of Council	☒	☐
Eric Severs, Law Director	☒	☐
Eric Norenberg, City Manager	☒	☐
Sal Talarico, Finance Director	☒	☐

(b) Approval of Minutes – Regular City Council Meeting – December 5, 2011.

Motion to approve the minutes of the December 5, 2011 Regular City Council meeting as submitted was moved by Burgess, seconded by Meadows.

Roll Call: 5 Ayes 1 Nays (Mucciolo) Motion Carried

(c) Approval of Minutes – Regular City Council Meeting – December 19, 2011.

Motion to approve the minutes of the December 19, 2011 Regular City Council meeting as submitted was moved by Burgess, seconded by Broadwell.

Roll Call: 5 Ayes 1 Nays (Mucciolo) Motion Carried

(d) Proclamation – Martin Luther King Jr. Day.

A proclamation in observance of Martin Luther King Jr. Day was presented to the local NAACP Chapter. Council President Rimbert announced that the proclamation would be read by Elizabeth Meadows since he would be accepting the proclamation on behalf of the organization.

PROCLAMATION
Martin Luther King Jr. Day

WHEREAS, Dr. Martin Luther King, Jr., was born on January 15, 1929; and

WHEREAS, Dr. King had special personal and professional ties to Oberlin, and visited here on several occasions, and became an honorary alumnus of Oberlin College in 1965 when he was awarded the Doctor of Humane Letters degree; and

WHEREAS, he was assassinated and died on April 4, 1968; in the end, he gave his life for the cause of true justice in our land, and for his "dream" that all people of all colors and conditions could live in peace and in harmony, and could treat each other, and all others, with respect; and

WHEREAS, the City Council under the leadership of Bob Thomas observed a holiday in the City of Oberlin in association with Dr. King's birthday for the first time in 1971, and the United States Congress ultimately passed legislation to establish the third Monday in January as the Martin Luther King, Jr. Day federal holiday, and it was first observed in 1986; and

WHEREAS, we therefore pause every January to reflect on the life and work of our nation's greatest champion of civil rights and human dignity; whose powerful words, whether written on smudged fragments of newsprint smuggled out of a narrow jail cell in Birmingham, Alabama, or echoing eloquently from the steps of a great memorial in Washington, D.C., calmed fears and solidified resolve among people of good will of every race, class, gender, and circumstance; and

WHEREAS, the memory of Dr. Martin Luther King, Jr., is a continuing inspiration and ideal for many young people in Oberlin and all over the world; and

WHEREAS, each year Oberlinians gather together before a monument, to him, in a public park and civic space named for him, and read what he said, and rededicate themselves to his "dream" of a society transformed, a "person-oriented" rather than "thing-oriented" society, the good society realized in America such that Martin Luther King, Jr., would no longer truly take pride in remaining "maladjusted" to it; and

WHEREAS, it is now our generation's responsibility to honor the life and memory of Dr. King by answering his powerful calls to action and by continuing to fight for his legacy of equality for all.

NOW, THEREFORE, I, Ronnie Rimbert, Mayor of the City of Oberlin, Ohio, on behalf of Oberlin City Council, do hereby proclaim Monday, January 16th, 2012 as "Martin Luther King Jr. Day", and commend all persons who have joined in the community celebration and communal witness of this historic occasion in the City of Oberlin.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oberlin, Ohio, to be affixed hereto this 17th day of January 2012.

_____
Ronnie J. Rimbert
Mayor/President of Council

(e) Appointments to the City of Oberlin's boards, commissions, and committees.

Councilor Broadwell read the following slate of nominees to be appointed to the City's Resource Conservation and Recovery Commission (RCRC) and the Underground Railroad Center Implementation Team (URCIT).

Non – contested Boards and Commissions Vacancies

Board/Commission/Committee	Nominee	Term Ending
RCRC	Norman Bevan	12/31/14
URCIT	Ken Sloane	Unlimited

Following the reading of the slate Broadwell moved to approve the slate as submitted. The motion was seconded by Peterson.

A motion to divide the question so that the nominees could be voted on separately was moved by Mucciolo and seconded by Burgess.

The Law Director remarked that the correct way to make the motion would be to raise a point of order. The parliamentarian would then rule on whether the motion was appropriate or not. In this case the parliamentarian would have ruled that it was appropriate to vote on the nominee's separately. Law Director Severs noted that a point of order required no debate, only a vote.

Vote on the motion to separate the slate.

Roll Call: 2 Ayes (Mucciolo, Burgess) 4 Nays (Meadows, Broadwell, Peterson, Rimbert,) Motion Failed

Vote on the motion to approve the slate as presented.

Roll Call: 5 Ayes (Broadwell, Peterson, Burgess, Meadows, Rimbert) 1 Nays (Mucciolo) Motion Carried

(f) Reappointment of Scott Broadwell as the Oberlin City Council Representative to the Lorain County Community Action Agency.

The Clerk remarked that she had confirmed with the Lorain County Community Action Agency that Mr. Broadwell would not need to be reappointed since his term had not expired at this time.

(g) Appointment of Elizabeth Meadows to the Oberlin City Council Nominating Committee.

Motion to nominate Councilor Meadows to the Oberlin City Council Nominating Committee was moved by Peterson and seconded by Broadwell.

Roll Call: 6 Ayes 0 Nays Motion Carried

(h) Motion to dispense of the July 16, 2012 and August 6, 2012 Regular City Council Meetings.

Motion to dispense of the July 16, 2012 and August 6, 2012 Regular City Council Meetings was moved by Meadows and seconded by Broadwell.

Mucciolo confirmed that the meetings could be reinstated if needed. The Law Director concurred.

Roll Call: 6 Ayes 0 Nays Motion Carried

(i) Discuss and consider approving $1,500 from the City's Sustainable Reserve Program for energy audits and analysis of six downtown Oberlin businesses.

Motion to approve $1500 from the City's Sustainable Reserve Program for energy audits and analysis of six downtown businesses was moved by Mucciolo and seconded by Meadows.

Norenberg stated that included in Council's packet was a report outlining staff recommendations to approve a request for $1500 from the Sustainable Reserve Fund for the above stated purpose. If approved by Council this would be funded by the Sustainable Reserve Fund, the Oberlin Project, and Oberlin Main Street and Chamber. He remarked that staff members Doug McMillan, Energy Services and Sustainability Manager and Electric Director Steve Dupee were in attendance along with Oberlin College Student, Elizabeth Campbell, and Oberlin Main Street Director Scott Schell, to further discuss the matter. Attached to the report was the policy, regarding the Sustainable Reserve Program, which outlined the approval process for receiving sustainable reserve funds.

Introductory remarks were heard from Elizabeth Campbell a senior at Oberlin College majoring in Environmental Studies. She said this winter term project is a part of her capstone activity for her Environmental Studies major. It entails going to six downtown businesses and creating an energy efficiency audit. This data would be shipped to a business in Cleveland called Osborne Engineering who will compile the information into a report summary. These summaries will be reviewed to identify applicable financial incentives offered through the Efficiency Smart Program. An action plan would then be recommended for the businesses in order to promote savings and energy efficiency.

Scott Schell, Oberlin Main Street Department noted that Ms. Campbell was also the Main Street Organization's Bonner Center Student. He stated that when she first started talking about a winter term project, she was having some problems coming up with a winter term topic and he suggested that since she was becoming more familiar with the downtown area maybe they could do a case study project. The study could be used to focus on potential efficiency improvements that could be made to some of their larger businesses downtown. This information could be used as a promotional and educational tool to talk to other businesses downtown and used to help encourage more energy efficiency improvements. Schell commended Ms. Campbell for wanting to take on this undertaking and supported her efforts.

McMillan said he tried to get tenants/landowners in the downtown area to look at energy efficiency but has had little response. It has been one of his goals to see what they can do especially with the Efficiency Smart Program and this study will help. He further remarked that the total initiative cost would be $3,000. If approved, a purchase order will be cut by the City for the full amount. Of this amount, OMLPS will use $1500 from the Sustainable Reserve Program funds, the remaining balance would later be reimbursed to the City by Oberlin Main Street/Chamber and the Oberlin Project.

Broadwell asked who the sixth business would be since only five had been listed on the application form. Campbell remarked that they had approached Gibson but the owner declined. A request has been made to Simply Elegant Candle Shop, but a response is pending.

Broadwell asked how much was in the SRP fund at this time. Dupee remarked that there was about $268,000 in the fund and of that amount $25,000 had been budgeted for this year. The fund had accumulated a lot of revenue over the past two years as a result of landfill gas REC sales to our third party investor − owned utilities.

Rimbert asked Dupee to elaborate on how the fund had grown to $268,000 over the past two years. Dupee remarked that in 2010 Council approved the sale of Renewable Energy Credits from two of the City's landfill

gas projects: The EDI landfill gas project and the Erie County project located in Milan. He explained that the RECs were sold to First Energy to allow them to meet their state mandate alternative portfolio standard. The amount that they were sold for was significant, increasing the fund amount over a two year period by over $100,000.

Meadows asked if a motion needed to be made in support of the expenditure. Norenberg remarked that the expenditure would require council's authorization but because the amount was under $25,000 there wouldn't be a need for an ordinance. Council would only need to vote on the motion made earlier in the discussion.

Roll Call: 6 Ayes 0 Nays Motion Carried

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

President Rimbert took the time to acknowledge public officials who were in attendance. Public officials acknowledged included:

- William M. Grace, Mayor of the City of Elyria for the last twelve years and candidate for the Lorain County Commissioner.
- Forest Bullocks, retired president of the Elyria City Council, who was present to support Mayor Grace for commissioner.
- Richard Resendez, candidate for Lorain County Commissioner.

RESERVE SQUARE FLOODING

Kris Walz, 274 Reserve Avenue, expressed concerns surrounding a recent flooding incident that occurred earlier in the day. She remarked that the bulk of the flooding occurred at the west end of Reserve Avenue and it is already surprisingly a large amount of water. She said that she had recently sent two videos and several pictures of the incident to Council and is asking Council to take a few minutes to review the material. In closing she remarked that residents remained increasingly concerned at the amount of standing water that they are already seeing for it to only be mid – January.

Broadwell asked if the area in question was at the west end going from north to south where the curb was getting washed out. Walz concurred. She remarked that she had also included pictures of "Wetland A" which is on the Ramsey right−of−way and is filled to the brim as well. Broadwell said that he is familiar with the situation, having had this discussion last year. He hoped that they could get this issue resolved as well as the issue relating to the Whitman project. Walz remarked that it was their initiative to keep Council informed and to let them know where things stood on Reserve Avenue. It was just disappointing to see it as bad as it is already.

Broadwell said that on a positive note, it did appear that the retention pond that handles the overflow seemed to be working. Walz advised that it did appear to be working and the thing that they are waiting to see is if the retention pond will hold up during heavy rainfall.

Norenberg remarked that he did have a chance to view the video and pictures that Ms. Walz sent over earlier this evening and he has spoken with Jeff Baumann, the Public Works Director. Staff has been working with the property owner's tenant to the north of Reserve Avenue. The farm to the north has a drainage tile that should be carrying some of this water away from the area at the west end of Reserve Avenue. But because of a blocked drainage tile the water isn't being carried away as it should. This has been discussed with Council in the past. Jeff Baumann and the City Engineer Randall Roberts met in early December with the farmer in the area. The farmer is waiting for the ground to be solid enough to be able to get out there and do some actual work and repairs. Unfortunately it has been a soggy wet winter, so the ground hasn't been sturdy enough to be able to go

out and do that work. Staff continues to be in dialogue with this tenant farmer and continues to monitor the situation. In addition they have been monitoring the situation with Reserve Avenue and have been having good communication with Ms. Walz and her neighbors as well. Staff has looked at Reserve Avenue a couple of times as well and they continue to try to make progress on this matter.

Mucciolo asked if there were any updates on the Ramsey situation. Dupee responded that they have been working with Chagrin Valley Engineering as well as with the Ohio EPA to solicit action on the installation of a tile across the Ramsey right−of−way, adjacent to "Wetland A". Right now they have provided two main purposes for wanting to install a tile in that area: the first purpose is to protect the integrity of the driveway service and having access to the distribution circuit, and the second main purpose is because they have been presented with evidence that a tile existed in that location at one time and they think that a tile needs to be replaced. The EPA wants additional justification for why the City is looking to install a tile, to do that, we need the property owner to the east to grant the City the authority to go on his property and walk the channel leading from "Wetland A" to the east. As soon as they get that approval from the property owner Chagrin Valley will come out and examine the channel and determine whether or not it is starving for water. If they can show or prove to the EPA that it is, then they will have a better chance of getting a permit to install a tile in that area. Mucciolo asked if this permission had been requested from the landowners or not? Dupee remarked that he had not at this time but it would be done this week.

3. OLD BUSINESS:

4. NEW BUSINESS:

(A). ORDINANCE No. 12-01 AC CMS: An Ordinance Authorizing an Amendment to the Contract with R. W. Clark Company, Inc., of Cleveland, Ohio, for the Gasholder Building Renovation, Phase I Exterior Improvements, in the City of Oberlin and Declaring an Emergency. (1st)(E)

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

Roll Call: 6 Ayes 0 Nays Motion Carried

The Clerk read as directed.

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

The City Manager provided background on the ordinance. He stated that Public Works Director Jeff Baumann would introduce the ordinance and he would be followed by Darlene Colaso, ACM/ HRA who would provide Council with an update on the overall Underground Railroad Center Project.

Baumann noted that in the process of developing a bid package for this project, given the lateness of the season, they worked with Moody – Nolan and with ODOT to include an interim completion date of 60 days after the notice to proceed. The interim completion date was established specifically to get the roof work done as soon as possible. Generally on City projects a sequence of construction is not specified to the contractor, the project schedule is usually left up to the contractor. But in this case the interim completion date was established for the purpose of getting the roof done first. It became known very early on, even before the contract was signed, that the synthetic slate shingles couldn't be applied at temperatures below 45 degrees. Consequently, staff has been anticipating the formality of this change order, almost since the work began. Fortunately the contractor has had relatively warm weather this fall and winter and they have been able to get quite a bit of work done. The roof is now sealed in for the winter and water tight.

Broadwell asked if the only thing left to do on the roof was to install the shingles. Baumann concurred.

Rimbert asked if this ordinance needed to be approved on emergency. Baumann remarked that since the contractors were already beyond the interim completion date and since there weren't any cost implications he would prefer emergency passage.

Colaso, ACM/HRA provided an update on the Underground Railroad Center Project. She noted that the URCIT's organization sub − team has been very busy working on the planning that goes into the long term operations and programming. They have a Fundraising sub − team who has started the silent fund raising campaign which with City Council's, allowed them to rehabilitate and stabilize the exterior of the Gasholder Building. The planning sub-team has been working on both the exterior renovation plan and was now helping to give the entire team direction to the architect regarding upcoming site work and the eventual internal renovation. Colaso remarked that a year ago at this time they were planning a very special Martin Luther King Jr. Day celebration over at the gasholder site called "Prison, Power, Peace" the fund- raising had really just begun. A lot has been accomplished to come up with the $80,000 match to get them where they are now. Things that are going to be happening this spring will include: the installation of the synthetic slated shingles and construction crews will begin the task of rehabbing the 120 year brick work that makes up the gasholder structure façade. By the summer of 2012 the Gasholder building will hopefully look as good as new and beyond that the remainder of the progress of this project is contingent upon fund raising effort. She encouraged the community to get involved in this project. The commission meeting dates and times were currently the second Thursday of each month at 3:00 p.m. at City Hall. In addition, Colaso announced that this Friday night during half time at the Oberlin High School Varsity Basketball game there would be a presentation of Underground Railroad themed murals to the Underground Railroad Center Implementation Team. It was over a year ago that the City Manager had an idea of having a group of young artists create Murals for the Underground Railroad Center. It began with Lorna Kretchmar and has now carried on to her successor. They are estimating halftime to begin at about 8:15 p.m. and they encourage the public to attend.

Motion to suspend the rules requiring three readings and to elevate the ordinance to an emergency was moved by Mucciolo and seconded by Meadows.

President Rimbert asked that the purpose of the emergency be stated in the motion as well. Mucciolo asked if it were already written in the ordinance then why was there a need to state it in the motion.

The Law Director remarked that when a motion is passed on emergency the reason for passing it on emergency should be stated. Since this has already been written as an emergency, the most appropriate way to present the motion is to quote the emergency language provided in Section 3, of the ordinance. If Council decided to use its own language then the ordinance would need to be revised to reflect the reason.

Mucciolo restated the motion as follows:

Motion to suspend the rules requiring three readings and to elevate the ordinance to an emergency to allow for timely contract extension of a project under construction" and shall take effect immediately upon passage was moved by Mucciolo and seconded by Broadwell.

Roll Call: 6 Ayes 0 Nays Motion Carried
(1st, Suspension of Rules/ Emergency)

Roll Call: 6 Ayes 0 Nays Motion Carried
(1st, Final)

5. OTHER NEW BUSINESS: None

6. COUNCIL COMMUNICATIONS:

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

- Meadows remarked that she attended the Martin Luther King Jr. event held at Finney Chapel on Sunday, January 15, 2012 at 5 p.m. themed "The Language of the Unheard". She advised that the event was sponsored by Oberlin College and was very well coordinated. It was nice to see an event of that kind in Oberlin and it was well attended.

  Broadwell concurred with remarks from Meadows and added that he would like to see this type of event every year in honor of Martin Luther King Jr. He added that on Monday, January 16, 2012 he attended the "Rededication of the Dream" ceremony at the Martin Luther King Jr. Park, where he read the proclamation read earlier by Elizabeth Meadows in observance of Martin Luther King Jr. Day. He added that there was a lot of participation by young people at this event as could be seen in today's edition of the Chronicle Telegram.

  City Manager Norenberg concurred with comments from both Meadows and Broadwell. He stated that the planning committee for the event that was held on Sunday at Finney Chapel included people from a number of community churches, the school district, and other community organizations - it really was a community wide effort. It was the second year that they held this event on Sunday evening and it would only get better and grow. A lot of people were really enthusiastic about the event this year and had not realized that a similar event had been held last year. The hope was to continue to build on that momentum.

7. CITY MANAGER'S REPORT:

Several updates were mentioned by the City Manager, where he:

- Reminded Council about the retreat on February 4, 2012.
- Read a correspondence from the Lorain County Chamber of Commerce inviting Council members to a meeting on January 24th, at the Spitzer Center, regarding the feasibility of centralized waste water treatment and collection in the Northern part of the county.
- Provided an update on his Saturday morning meeting with residence at Concord Manor along with Linda Arbogast. He noted that he had received a question from a resident regarding the safety of water as a result of the gasoline leak in Wellington. Norenberg confirmed that the City water was safe to drink.
- Announced former Councilmember, Jim White's, memorial service will be held on March 10th, at 2:00 p.m., at First Church in Oberlin.
- Announced that he had attended the Local Government Innovation Fund Information Session this afternoon over at Tri- C (East) in Warrensville Heights. They explained the new LGIF that provides for loans as well as grants for local governments who are collaborating with other local entities.
- Remarked on an article on social media in the business section of the Cleveland Plain Dealer. A copy will be provided to Council members in Friday's packet.
- Reviewed highlights in City Manager's Report.

8. FINANCE DIRECTOR'S REPORT:

The Finance Director:

- Provided a follow up on question asked by Mrs. Meadows at the December 5th meeting relating to the interest rate for the City's CDBG loan program. The Finance Director noted that the interest rate was changed to prime minus 1%, which right now is 2.25%.
- Mentioned that the next Council meeting will have the renewal for the PEP insurance for 2012/2013 before Council for approval.

9. PUBLIC PARTICIPATION:

None

10. ADJOURNMENT:

Being that there was no further business to come before Council the meeting adjourned at 8:35p.m.

Attest:

_____	_____
BELINDA B. ANDERSON, CMC	RONNIE J. RIMBERT
CLERK OF COUNCIL	PRESIDENT OF COUNCIL
APPROVED: 02/06/2012	POSTED: 02/07/2012