

modifications should encompass new strategies and steps to get the City towards its goal of attaining 100% Reduction of Greenhouse Gas Emissions by 2050.

Broadwell asked if the procedure had been considered for appointing additional members to the committee. Norenberg remarked that the process would be to have a few of the boards and commissions nominate someone to the committee. Broadwell said if every group had a participant then they were looking at a committee of thirteen people. Norenberg answered that this would be a team effort but he didn't think that they would see a committee of thirteen people working on this document; otherwise it might be impossible to get this done by the end of the year. Norenberg noted that it was his desire to see subcommittees formed from this group that could stir the work of staff and give advice and assistance with updating the plan on an annual basis.

David Ashenhurst suggested that based on the comments made by the City Manger, Mr. McMillan's role is better defined as the point person on staff for this committee. Considering that the role of the committee is to help guide staff in updating the Climate Action Plan, a Plan that was essentially staffed by Mr. McMillan, it sounds like Mr. McMillan is chairing the effort to revise what he put together in the first place. It also sounds like Mr. McMillan would be in the odd position of directing staffing responsibilities through the City Manager. He knew that people have talked about the Underground Railroad Implementation Team being different than the other boards and committees (i.e., there isn't a residency requirement) but the staff of that team is the Assistant City Manager, she is not the chair of the team. The presence of a whole lot of people from boards and commissions where the City Manger is not eligible to serve on any of those bodies, he felt was because there was a separation between governance and staffing of efforts which is why this was put in the Charter. Ashenhurst offered his opinion that the structuring and role of this committee should be looked at more thoroughly before a chair was appointed to it, and when a chair was appointed to it a third level manager should be the one providing staff support not the person to chair it.

President Rimbert remarked that they would take those comments under advisement and revisit the statements at another time.

Motion to designate Doug McMillan to serve as the Chair of the Climate Action Committee was moved by Soucy seconded by Broadwell.

(g.) Discuss and consider a report from the Oberlin Police Department regarding purchase of budgeted vehicles for the Police Department for 2012.

The City Manager explained that during the City Council Budget Work Sessions held back in November 2011, the Police Chief advised Council of the department's need to replace two vehicles during 2012. The Ford Motor company has stopped production of the Crown Victoria which had been the main vehicle for the police fleet for many years. They were in need of looking at other options to use for the next two years while other vehicles for the police market were being developed. The Police Department has done review and has talked to area police agencies to find out which vehicles have been successful and which ones were not. Based on those discussions the Police Departments recommendation is to purchase two Chevy Tahoes. Norenberg recalled that during the budget work sessions Councilor Burgess raised the suggestion that they consider Toyota Highlander vehicles which were currently being used by the Aspen Police Department. As a result OPD has put together a memo reviewing some of the pros and cons of those two vehicles for Council's information. He then turned the discussion over to Police Chief Tom Miller.

Chief Miller remarked that based on his comparison report of the Tahoe and Highlander it was his recommendation that they purchase the Chevy Tahoe. In his memo to Council he had outlined the comparison in detail and based off of those results it was his belief that the Tahoe was the better fit for the department at this time.

Peterson remarked that based on the report provided by Chief Miller it would appear that the purchase of a hybrid vehicle at this time is cost prohibitive. He asked that staff remain cognizant of the City's sustainable goals and continue to consider the purchase of hybrids in the future when they become more affordable. Chief Miller remarked that he will continue to support the City's carbon emissions efforts and will reevaluate the future purchase of hybrid vehicles as market trends to create police vehicles that are more fuel-efficient continues to evolve. He advised that he would keep Council abreast of the trends as the need to purchase additional vehicles came forward.

Norenberg mentioned that they have three hybrids in the City fleet line at this time: one in the Electric department and two in the Police Department. He made note that they were currently looking at the opportunities to look at compress natural gas or some other lower carbon emitting fuel for vehicles in the future. They have a consortium of local government and other partners in the area that will be looking at a local Government Innovation Fund Grant request later on this year to see how the School District, City and other local fleets could save money and reduce carbon emissions by going to another fuel source. In theory one option they could consider for the proposed Tahoes is to convert them to compressed natural gas in the future. This would preserve some of the performance features of the factory Tahoe vehicle and yet accomplish some of the goals that they all have of reducing carbon emissions and saving money.

Soucy said she appreciated the fact that there was a vehicle available that was made in America. In addition it was great that they could get these vehicles locally at the State bid price. She noted that based on her research she learned that one of the problems with the hybrid systems is that the electrical systems has to be adapted and once those electrical systems were tampered with insurance companies will back off from insuring them. If they can get this American made, local, without the additional electrical work she felt that they were on the right track. Finally she expressed her support for the concern that Council had regularly expressed which was to keep their fleet as forward looking as they could.

Councilor Burgess thanked the police chief for the report. He followed his remarks with two questions:

1. How long did they keep police cars that were purchased for their fleet in service?
2. What were the other non- hybrid options available for purchase right now?

Chief Miller remarked that Ford is introducing a Ford Interceptor that comes in a sedan and SUV model but it is not quite ready for release at this time. The only other police rated vehicles right now is the Dodge Charger, and the Chevy Impala. Miller further noted that police cars usually remain in service for about six years.

City Manager Norenberg remarked that with the consent of Council staff would like to have this item on the agenda at the next meeting for Council's approval. All members of Council consented.

President Rimbart asked if the Tahoes were available at this time through State bids. Norenberg said they were.

(h) Discuss and consider selecting two Councilmembers to serve on the Community Organization Funding Subcommittee to evaluate funding requests and make a recommendation to Council.

President Rimbart outlined the procedure used in the past for selecting Council members to serve on the Community Organizations Funding Subcommittee.

Following a brief discussion a motion to have Charles Peterson continue and Bryan Burgess begin a term on the Community Organization Funding Subcommittee was moved by Soucy seconded by Broadwell.

Roll Call: 7 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.

Mark Chesler, 49226.5 State Route 511, read a prepared statement before Council accusing the City Clerk of deliberately distorting statements he read at the December 19, 2011 Regular City Council Meeting. He alleged that Council proposes to be an open and transparent body while imposing practices that prevent public statements from being incorporated verbatim into the minutes or attached to the minutes as a part of the official record. He provided the Clerk with a copy of his written statements.

Judy Wright, Zion CDC introduced Angela Wu as her replacement as Executive Director of Zion CDC. Wright thanked Council for its support over the last four years and advised that she had resigned to join her husband who had been relocated to Akron and for health reasons.

President Rimbart said he would like to thank Mrs. Wright for the work that she had done through the years.

Angela Wu, who was no stranger to many members of Council, remarked that she was looking forward to working with Council.

Margaret Christian, 244 East Lorain Street, said that included in Council's packet was information related to the Tuskegee Airmen. In the 15 years that she has been studying African Americans in Oberlin it becomes apparent that after you reach a certain era your history dies, so that you have to preserve your notables. She noted that for a small place like Oberlin, there were so many notables that were still unknown. While reviewing the military history of the WWII for the 656, whose records had fallen by the wayside, she discovered the families of several native Oberlin Tuskegee airmen. She had to put together a history through the papers, using obituaries, and other resources. She advised that it is the responsibility of the City to see that we have the notables available and updated for historians who are interested in the City's history. She thanked the families who preserved the history of Oberlin Tuskegee airmen William Williams and William Johnston. She noted an interesting fact that former Tuskegee airman Perry Young had taken aviation classes in Oberlin, Ohio before the Tuskegee Airmen were even formed. He was a graduate of Oberlin High School and he became the first African American to ever fly a commercial plane and was featured in the New York Times. She advised that notables could put Oberlin on the map. She had hoped that while Oberlin looked to its Strategic Plan that it would not only strive to be a sustainable and environmentally conscious community but that it would look to preserve its rich history by documenting its notables.

Martha Wilkins, 143 East College Street, former Tuskegee Airmen Bill Johnston's sister said that she was proud of her brother. He worked at the FAA and volunteered for anything that he could for the community. She was proud of his legacy as a Tuskegee Airman and the leadership that those men showed in dispelling the belief that black men were incapable of being leaders and incapable of learning how to fly.

Margaret Christian further remarked that her project was timely for the new movie that had recently been released depicting the experience of the men who were a part of the Tuskegee Airmen.

Meadows asked Mrs. Christian to give the names of the ladies who were with her to represent the family members of the Tuskegee Airmen.

Rosiland White- Lane thanked Mrs. Christian for delving into her family history as well as delving into the history of family members that may not have been known of their connection to the Tuskegee Airmen.

Wilkins said she owed a debt of gratitude to Mrs. Christian as well, for allowing her to give a speech about her brother a few years back at Juneteenth. She advised that they were still trying to keep the project alive and tell the history that they were so proud of.

Christian said that she hoped that Council would get back to her in the role that they were going to play in the monument to the Tuskegee Airmen. She had already written to the Oberlin Rotary Club and was waiting to hear their response. She advised that this monument is something that she would like to see done as a tribute to those men.

Burgess said he read the materials that Mrs. Christian had provided for them and he appreciated what she was trying to do. He remarked that it was suggested that the location for the monument be Wright Park. In his mind Wright Park is where they honor Oberlinians who have died in combat. Based on the information in the packet the men that she is suggesting that they memorialize in Wright Park, didn't die in the line of duty. While he believed it was worthwhile to commemorate them, he didn't think that Wright Park would be the best place for them to do it.

Christian remarked that the plaque that is placed in Wright Park came out of the Soldiers monument. The plaque contains the names of the soldiers who served in the Civil War not of the ones who died in battle; otherwise none of them would have been able to come back to Oberlin.

Rimbert thanked Christian for her presentation and advised that they would be looking into her request.

Rimbert advised that at this time he would like to move the Council Referrals up in the meeting.

Referral directing staff to prepare a Resolution to the Environmental Protection Agency Administrator Lisa P. Jackson in Support of Reducing Greenhouse Gas Pollution under the Clean Air Act.

Bryan Burgess remarked that he had received an email from Sarah Sawtelle, who worked as an intern for the Center for Biological Diversity. They were running a Clean Air Cities Campaign and they were circulating a resolution endorsing the Federal EPA's authority to regulate green house gases. The U.S. Supreme Court has ruled that the EPA has the responsibility and authority to regulate green house gas emissions, including carbon dioxide emissions. There was an effort two years ago by the U.S. Senator from Alaska to reclassify Carbon Dioxide not as a hazardous pollutant, providing that decertifying CO₂ as a hazardous pollutant would prevent the EPA from regulating carbon dioxide. Therefore the regulation has been circulated and signed off by a dozen other cities in the United States. The resolution asserts that we support the United States President's authority through the Environmental Protection Agency to regulate carbon dioxide as a greenhouse gas.

Meadows asked what the procedure would be to get the City to support this request.

Burgess remarked that Council would direct staff to prepare a resolution that would be reviewed by the Law Director to make sure that it was appropriate to pass. Mr. Norenberg would get feedback from a few of his department heads regarding any potential impacts to the City and it would come back to Council at the next Council meeting for approval.

Rimbert asked if the procedure as explained by Burgess was correct. The Law Director explained that administration just needed to have consensus that Council wanted the resolution on the next agenda. All members of Council consented.

Referral directing staff to prepare a Resolution regarding the undue political influence of corporations.

Gil Miranda, 92 Morgan Street spoke on behalf of the Community Peace Builders of Oberlin, concerning the above stated purpose. Miranda remarked that the Citizens United decision created an unequal playing field allowing unlimited corporate spending to influence elections. He remarked that not only did it jeopardize the First Amendment but it threatened the country's democracy. He felt that it must be reversed, which would

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

Norenberg remarked that this property had been on the market for quite some time. In 2008 there was an offer to purchase this property and at the time the City Council passed Ordinance No. 08-11 that declared this property surplus and authorized the OCIC to serve as the City’s agent. Ultimately the sale fell through due to the downturn in the economy. This fall they received an offer on the property and began to do due diligence. An appraisal of the property was done and Economic Development Officer Tita Reed has negotiated with the buyer. OCIC is supporting the sale of the property at the offer price of \$335,000, since the offer is above the properties appraised value which OCIC believes is a fair price. Their hope is that this will stimulate other commercial and retail development in that area. He advised that Tita Reed, the Economic Development Officer was available to answer questions.

Mucciolo asked what type of businesses the zoning would permit to be placed at that location. Norenberg remarked that the parcel was located in C-1 Zoning which would require development similar to what is seen downtown. The basis would mean that the property would be up closer to the street with parking to the rear or along the street.

Burgess asked if they were requesting a zoning change from its existing condition. Norenberg remarked that they have informed the buyer that there is no desire on the part of City staff or the legislative body to make a zoning change.

Reed remarked that they were not aware of any changes to the zone or whether or not they would be requesting any type of variances to the property. It is just not something that they have made clear at this time.

Law DirectorSevers remarked that this was not a sure thing. The buyers have a period of time in the agreement to do their due diligence and they can walk away after a certain day.

Burgess asked if the property line of that property would allow them to install the two large solar collectors later this spring. Norenberg remarked that when the property was purchased some years ago, it was subdivided into two parts. The west portion of the property is where GreenField Solar will install those solar collectors.

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

Roll Call:	7 Ayes	0 Nays	Motion Carried
(1 st , Suspension of Rules/ Emergency)			

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

(B). Ordinance No. 12-03 AC CMS: An Ordinance Authorizing the City Manager to Enter into an Agreement with the Oberlin Main Street-Chamber for Administrative Services Relating to the City of Oberlin Downtown Revitalization Grant Program, and Declaring an Emergency. (1st)(E)

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

Roll Call:	7 Ayes	0 Nays	Motion Carried
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The Clerk read as directed.

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

City Manager Norenberg introduced the ordinance and turned the discussion over to Planning and Development Director Gary Boyle. Boyle noted that they were fortunate in receiving the grant award for the FY 2011 CDBG Comprehensive Downtown Revitalization Program Grant. He had attended training with the State a couple of weeks ago and it seemed clear with the cutbacks at the federal level that this kind of funding through the Block Grant will be restricted or eliminated in the future. It will bring \$400,000 to the community and out of that \$60,000 can go to administration of this grant. The grant will provide financial assistance to assist building and property owners with grant funds to offset some of the expenses associated with building improvements and code updates. This grant will also assist the City with funding to offset expenses associated with infrastructure improvements. Staff has published a "Request for Proposals" seeking qualified persons or entities to assist the City with administration for this grant. Two "Statements of Qualifications" have been received and reviewed: one from Oberlin Main Street-Chamber and one from a professional planner. Ultimately staff decided to work with Oberlin Main Street-Chamber. The agreement would be for a wide-range of administrative services in an amount not to exceed \$45,000.00 during the grant period. Approval of the ordinance will enable staff to get moving as soon as possible in completing the environmental review, in turn allowing them to work directly with building and business owners to get projects underway.

Mucciolo asked how soon people would be able to see the effects of this grant. Boyle remarked that once the environmental review was completed people could expect to see the effects of this in the latter part of spring.

Soucy congratulated the efforts of the Planning and Development staff and offered a motion to suspend the rules requiring three readings and to elevate the ordinance to an emergency. The motion was seconded by Broadwell.

Roll Call: 7 Ayes 0 Nays Motion Carried
(1st, Suspension of Rules/ Emergency)

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

(C). Ordinance No. 12-04 AC CMS – An Ordinance Authorizing the City Manager to Enter Into a Contract with Schnurr and Associates, Inc., for the Provision of Building Division Services 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: 7 Ayes 0 Nays Motion Carried

The Clerk read as directed.

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

Norenberg introduced the ordinance and turned the discussion over to Boyle. Boyle explained that the City is recognized by the State Board of Building Standards as having a State-Certified Building Division. As a result, the City is authorized to administer the Ohio Building Code which is applicable to multiple-family residential, institutional, business and industrial buildings and uses. In order to maintain state certifications the department needs to have state certified employees under contract. Chief Building Official Ron Schnurr, a State-Certified Building Official/Inspector, is under contract with the City. Mr. Schnurr has been under contract with the City since 2000 his last contract was update in 2006. When former Code Administrator Marshall Whitehead retired

in 2008, Steve Polinsky was hired as the City's residential official. Mr. Schnurr's contract provides that he can and will engage in the services of a Plans Examiner who is an architect to review plans under the Ohio Building Codes, as well as engage the services of Building Inspectors in this case the Chief Building Inspector has engaged the services of Steve Polinsky to do commercial building inspections of mechanical, electrical, and plumbing systems. Staff suggests that it would be appropriate to expand the contract provisions for Mr. Polinsky to clearly identify that he will be working for the City as an independent contractor to deal with not just the Residential Code implementation and administration but also the Ohio Building Code as far as an inspector that would work directly for the City under contract with the City as opposed to under contract with Mr. Schnurr. The third contract would be for Scott Mularoni who has been the City's Plans Examiner and back up Building Official for some time and is recognized by the State as that under their contract with Ron Schnurr. Mr. Mularoni, is a Registered Architect and has graduated from the State Board of Building Standards Code Academy as a Certified Building Official, Inspector and Plans Examiner. This would provide the City with a contract for all of those services although they have no idea that Mr. Schnurr may be interested in retirement any time soon, this will position the City for continuity should that be the case. It is staff's feeling that it is more appropriate to have a separate contract directly with him. Funds have been budgeted for all three positions.

Burgess asked if the Planning Director had noticed that the hours of the contractual employees had been going down as a result of the decrease in development going on in Oberlin. Boyle remarked that it might have gone down compared to what it was a few years ago, but the Planning and Development Departments 2011 Annual Report showed that, though the level of building had gone down a little bit, it was still fairly significant last year.

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

Roll Call: 7 Ayes 0 Nays Motion Carried
(1st, Suspension of Rules/ Emergency)

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

(D). Ordinance No. 12-05 AC CMS – An Ordinance Authorizing the City Manager to Enter Into a Contract with Steve Polinsky for the Provision of Building Division Services 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: 7 Ayes 0 Nays Motion Carried

The Clerk read as directed.

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

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

Roll Call: 7 Ayes 0 Nays Motion Carried
(1st, Suspension of Rules/ Emergency)

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

(E). Ordinance No. 12-06 AC CMS – An Ordinance Authorizing the City Manager to Enter Into a Contract with Scott J. Mularoni Registered Architect, for the Provision of Building Division Services and Declaring an Emergency. (1st)(E)

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

Roll Call: 7 Ayes 0 Nays Motion Carried

The Clerk read as directed.

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

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

Roll Call: 7 Ayes 0 Nays Motion Carried
(1st, Suspension of Rules/ Emergency)

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

Norenberg remarked that he had been remiss in not mentioning earlier that Gary and the staff of the Planning and Development Division were the only ones of the successful cities to apply, that prepared the grant entirely in-house; all of the other awardees used outside consultants for the Downtown Revitalization Grants.

(F). Ordinance No. 12-07 AC CMS – An Ordinance to Approve the Form and Authorize the Execution of a Schedule for Professional Project Management, Engineering and Related Services with the Municipal Energy Services Agency (MESA) and Taking of Other Actions in Connection therewith, Regarding Landfill Gas Energy Development and Declaring an Emergency. (1st)(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 was moved by Broadwell, seconded by Soucy.

Norenberg provided an overview of the project and turned the discussion over to Electric Director Steve Dupee.

Dupee remarked that this ordinance would authorize an agreement between the City and Municipal Energy Services Agency (MESA), AMPS Member Services Agency for project management, engineering design, equipment procurement and construction procurement services required by OMLPS in connection with Energy Developments Inc. (EDI) Landfill Gas Generation Project. EDI owns and operates a 10.8 megawatt landfill gas facility at the Lorain Landfill in New Russia Township. That generation is interconnected to the City's distribution system. EDI is expanding their facility adding an additional 19.2 megawatts of landfill gas capacity with an initial 16.0 megawatts to be installed in 2012 and the remaining 3.2 megawatts to be installed in 2017. Staff has been engaged with EDI for a couple of years now since 2010 at identifying the upgrades and modifications necessary to be able to take advantage of this additional generation. In late 2011, EDI received a draft of their system impact study indicating that First Energy, the City's wholesale transmission service

Mucciolo asked if the \$6 million dollar liability limit was per incident. Talarico advised that the 6 million dollar liability was per occurrence. Mucciolo asked if this were enough insurance coverage for the City. Talarico advised that the typical insurance coverage is for \$1 million dollars but the City has been purchasing the additional \$5 million for years. He didn't believe that this was sufficient to cover any type of claim but he did believe that the property was well covered at the \$54 million because it was spread out throughout the City.

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

Roll Call: 7 Ayes 0 Nays Motion Carried
(1st, Suspension of Rules/ Emergency)

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

5. OTHER NEW BUSINESS: None

6. COUNCIL COMMUNICATIONS:

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

Mucciolo

- Special meeting for Resource Conversation and Recovery to further examine a possible recommendation to Council on the Lorain County Solid Waste Management District's Strategic plan.

7. CITY MANAGER'S REPORT:

City Manager

- Going on vacation starting Wednesday for a week.

8. FINANCE DIRECTOR'S REPORT:

Finance Director

- Quarterly Financial Report.
- Property tax comparison for 2012.
- Utility billing and shut off process.
- Thanked City Manager for coordinating a meeting with Representative Ramos and Senator Manning to express their concerns about the State's potential takeover of income tax collections.

9. PUBLIC PARTICIPATION:

Mark Chesler, 49226.5 State Route 511, asked if the value of the Clark Lumber property had gone down over the past fifteen years as much as indicated in Ordinance No. 12-02 AC CMS or was it partly because the City has decided to retain a part of the property. Norenberg remarked that it was a result of both reasons.

10. ADJOURNMENT:

Being that there was no further business to come before Council the meeting adjourned at 9:37 p.m.

Attest:

BELINDA B. ANDERSON, CMC
CLERK OF COUNCIL

RONNIE J. RIMBERT
PRESIDENT OF COUNCIL

APPROVED: 02/21/2012

POSTED: 02/22/2012