

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

Clerk Anderson identified vacancies for the Open Space and Visual Environment Commission and the Resource Conservation and Recovery Commission.

(d.) Hear and discuss a presentation by Human Relations Commission Chair, Martin Buck regarding a recommendation to prohibit discrimination in housing and employment with the City of Oberlin on the basis of gender identity or expression.

Members of Council heard a recommendation for the above stated purpose by Chair of the Human Relations Commission Martin Buck and Asher Kolieboi, (LGBTQ) Community Coordinator at the Oberlin College Multicultural Resource Center

Buck remarked that there were currently 13 communities in Ohio that protect against discrimination on the basis of gender identity and expression. Those communities also protect against housing and with the exception of one protect against discrimination of all employees in that City, with the obvious exemption of religious institutions. In the State of Ohio no one is protected against discrimination on the basis of sexual orientation and gender identity expression. A couple of years ago the Ohio House passed a bill that would protect against discrimination in housing and employment in the State of Ohio, on the basis of gender identity/expression and sexual orientation but that bill died in the Senate. So currently in the State of Ohio, with the exception of a few communities, you could be fired or denied housing on the basis of gender identity and expression. It was the commission's recommendation that Council would extend that protection in the Oberlin community. Buck then turned the discussion over to Mr. Kolieboi.

Kolieboi, reviewed several terms related to gender identity or /expression which included: Biological sex/assigned sex, gender, gender expression, gender identity, transgender, and sexual orientation. Kolieboi, noted that in a National Transgender Discrimination Survey, ninety – seven percent (97%) of transgender identified Americans who were interviewed reported mistreatment, harassment, or discrimination on the job because they were transgender and quite a few reported being denied housing and access to employer based insurance. Though it might be a small community that they are talking about, there is a great amount of oppression that happens in the transgender community. He hoped that Oberlin, with its rich history of welcoming such a diverse demographic, would pass a motion supporting the protection of these categories.

Peterson asked what the federal policy was in regards to identity and expression. Kolieboi advised that currently there weren't any federal laws that cover gender identity or expression. However, policy had been included in partner benefits when looking at federal employees, meaning that if you were a federal employee, you couldn't be fired or denied a job or any sort of benefits because of your gender identity or expression.

Mucciolo remarked that the City's Codified Ordinances seemed to have several definition sections throughout the text. He asked if it were possible to write a definition that would support the other amendments or changes that were included in the proposed ordinance. Kolieboi said that he didn't see why they couldn't. Mucciolo further noted that throughout the City Code sections it seemed that the words gender and sex were being used interchangeably, and asked that the Law Director review this if Council decided to move forward on any sort of legislation.

Peterson asked the City Manager if the City's employment policies protected its employees that fell under these categories. Norenberg remarked that Section 157.10 covered the City's Equal Employment policies. This section of the Code dealt with a number of different classes protected under the EEO policy which include: race, gender, religion, color, creed, age, sex, ancestry, marital status, disability, sexual orientation, national origin, political affiliation, and veteran status. This proposal would add gender identity or expression which was currently not covered.

Rimbert thanked the presenters for the information and remarked that Council would be in touch with commissioners as they moved to make a decision on the recommendation.

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

Mark Chesler, 49296 State Rte 511

Chesler read a prepared statement refuting the accuracy of his statements recorded in the March 19, 2012 and February 6, 2012 minutes. In addition, comments made at previous meetings were revisited.

Council President Rimbert interrupted the speaker and advised him that he would not allow him to degrade anyone with his comments. He advised that if he felt uncomfortable with what was being said then he was going to prevent him from continuing his comments.

Chesler continued with his comments and was interrupted a second time by the presiding officer who reinforced earlier remarks related to decorum. Chesler asked the Council president to pinpoint his concerns with his comments so that he could address them. Rimbert remarked that he wasn't going to engage in dialogue regarding this matter but would be opened to discussing this matter after the meeting. Chesler continued on the same course of action and was interrupted a third time by the Council President this time with the gavel. Rimbert then asked the speaker to be seated or risk being escorted out. At that time Auxiliary Officer Henry Wallace entered the Chambers to provide assistance. The speaker then returned to his seat.

College Parking Garage Collaboration

Burgess remarked that he attended a conference last week about local investments. The presenter spoke on how communities could leverage funds to complete projects (i.e., Tax Increment Financing). It occurred to him that with the building of the new hotel, they might be able to build a public parking structure that could be leased to Oberlin College and still provide public parking spaces. Two years ago when discussions began regarding the hotel project it seemed that using public funds for a private project would not be possible. However, if it were the City's parking garage, the City could take advantage of public parking spaces and some of those spaces could be leased back to the College. In speaking with the Finance Director he was told that as long as it provided a public purpose it was possible to do. The key to this concept - of additional parking for the downtown area - would be the College providing a piece of property to the City at low to no cost. If the College provided the land and the City builds the garage this match could be beneficial to both parties. Burgess noted that the City Manager was scheduled to meet with the College to talk about the development and construction of the hotel and he would encourage the City Manager to discuss this possibility of the City partnering in the building of a new parking garage. Council has talked about the idea of a new parking garage for years and he believed that

this was a key time when they could actually move towards solving the issue and helping the College at the same time. It was his hope that Council could discuss the possibility of doing this.

Rimbert suggested that before they get into a discussion about this he would rather allow administration to speak to the College and see if this is even a possibility.

Peterson stated that he supported the idea but he would like to start with more data and information so that they could have a more constructive conversation.

Norenberg remarked that the biggest concern that he had was the short and long term operational costs involved in owning and managing a parking garage. He had no idea what those numbers were right now but given the City's budget situation and the concerns they have about stabilizing the general fund, one of the things that he thinks would be of paramount priority would be to make sure that this doesn't have any adverse financial impact on the City's budget. He felt that there were a lot of unanswered questions that needed to be addressed before they could move forward.

Talarico stated that at some point the key representative of the College would need to explain to the City Manager what the project is. Then the City Manager will meet with him, the Law Director, and Bond Counsel to see if this was something that they could do, based on the specifications of the project.

Work Session on Council Rules and Procedures

Soucy remarked that going forward she would like to revisit the Council Rules, she will be proposing at the next meeting that they have a work session in the middle of June in order to clean up some of their retreat items and tackle different procedural issues (i.e., related to how items get on the agenda and how Council should be notified of absences).

3. OLD BUSINESS:

(A). RESOLUTION No. R12-08 CMS: A Resolution of the City of Oberlin Supporting the Creation of a Lorain County Land Reutilization Corporation for the County Treasurer's Office in Accordance with Ohio Revised Code Section 5722.02 and Declaring an Emergency. (2nd)(E)

The Clerk read by number and title only.

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

City Manager Norenberg recapped the discussion from the previous meeting. He remarked that since the initial discussion, the Planning Commission has submitted a memo stating its support for this resolution as well. It was noted that Gary Boyle was also present to answer questions related to this topic.

Broadwell voiced his support for the resolution. He stated that though the need isn't as great as some of the surrounding neighborhoods like Elyria and Lorain, this would give them the opportunity to get some properties cleared up by removing the liens and taxes from these properties, portraying them in a manner that will benefit the neighborhood and the City in general.

Boyle remarked that the land bank would function a great deal like how the City's own OCIC functions. There would be representatives from different cities and townships on the board. They have different funding streams available to them to enable the County to first establish a corporation and develop a plan to determine what their main objectives will be and then initiate that plan by using various avenues, they can: take donations, clear foreclosed properties of their titles, remediate environmental issues through their own funding and then they can make them available to cities or Community Development Corporations (CDCs'), seek grant funding opportunities, and appropriate monies from delinquent taxes and penalties to help pay for this program.

Boyle said the number of demolitions they have undertaken in the last few years has focused on properties that were truly a problem in neighborhoods. Their encouragement is that properties can be rehabilitated and made useful again. In cases where this is not possible, instead of appropriating funds to do the demolition work locally, theoretically the City can go to this land bank and have them do it. From staff's perspective there is a real financial benefit with participating in a County land bank.

Broadwell remarked that this was a win/win situation for everyone. Boyle concurred.

Mucciolo asked for the estimated cost associated with the City running its own land bank. Boyle remarked that when dealing with a City land bank, the City is taking title to these properties and has long term responsibility for them. He stated that there would be some staff resources involved in maintaining the properties but they had never explored the actual cost of running their own land bank. It was something that staff could investigate if Council desired.

Burgess noted that the City's decision to set up a County land bank did not preclude them from setting up a City land bank in the future. Boyle noted that under the Ohio Revised Code the County has the ability to finance the operation of a County Land Reutilization Corporation and land bank, so they don't see any downsides to using the County at this time.

Angela Wu, Director of Zion CDC remarked that she was very excited that Council has decided to review this ordinance because it is a win/win situation. She is a proponent of looking into a City land bank and doing so relatively quickly because she wasn't confident that a County land bank was something that they could see in the near future. She suspected that at this time it didn't look like Lorain County was prepared to pass land bank legislation to take on this responsibility from several resources. Allegedly others at the Western Reserve Land Conservancy have said that the local foundations were not confident enough in the concept of a County land bank to give the County money for it. One of the reasons why Jim Rokokis from the Thriving Communities Institute was pushing for land banks sooner rather later was because of the \$75 million dollars in demolition money that was being offered by the Attorney General's Office for demolition in any community that could get together a collaborative effort soon enough, using a land bank to acquire titled properties that need demolition help. This would allow some of the goals of the AG's office to be settled. She didn't think that Lorain County was going to be able to get a land bank situated in time for the deadline, which is June 1st. Wu felt that the City was in a better position to put together legislation to do this on its own, so it could perform some of the activities that it would like to perform, without relying on the County to get all of its resources together to pursue a County land bank.

Ronald Nabakowski , Lorain County Clerk of Common Pleas Court, 46885 Middle Ridge Road Amherst, Ohio remarked that since 2003 15,000 homes have been foreclosed on. The worst hit was Sheffield Lake, where one out of 30 homes had been foreclosed on over a four year span. He remarked that they visited blocks in Sheffield that have nine homes on them where almost half of the homes have foreclosed and others were boarded up. In cases like this one no one is going to buy a house on this block, however, the land bank program is an excellent tool to help deal with this kind of thing. He remarked that there is a lot of growth in the eastern part of this county but that growth is being offset by a whole lot of property values that have sunk as a result of failed real estate policies that resulted in foreclosures. He applauded City Council for considering this proposal and hoped that Council would vote to adopt the resolution. In addition he concurred with remarks from Wu in that it would be a good idea for the City to consider doing its own land bank.

Soucy said that it seemed that there was a lot of evidence that joining the County land bank would be a good thing to help support the needs of Elyria and Lorain. As previously noted Oberlin's participation in a County land bank would not preclude it from forming its own land bank down the road. Soucy remarked that she was in favor of this proposal and would like to see it passed on emergency, so that they can learn more about this program and hopefully in the future establish their own land bank.

Broadwell noted that there was a proven track record that County land banks increase property values and being that this is an election year he would suggest that they hold the County Commissioner's feet to the fire.

Peterson remarked that on paper this looks great, but he gets the sense that there is a great deal of hesitation here on the part of the County. He would like to support this but at the same time he didn't want to lose the opportunity to gain access to the \$75 million dollars on the local level. He would support this if they can attach to this the commitment to developing a local land bank in case the efforts at the County level fail.

Broadwell asked if they came up with the funding formula for the \$75 million dollars. Andrew Lending, 195 North Professor Street remarked that they hadn't created the specific guidelines as of yet. It was further noted that the grant funding for demolition projects would require matching funds for City land banks where the County already had an automatic funding mechanism in place.

Talarico remarked that there is an automatic funding mechanism in place for the County land bank and if the City were to have to come up with matching funds it would be pulled from its reserves; either capital reserves or general operating reserves.

Burgess remarked that the City was already doing maintenance on properties that have fallen into disrepair, so the City taking on that responsibility through a land bank wouldn't be any different than what they were currently doing.

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

Roll Call: 6 Ayes

(1st, Suspension of Rules/ Emergency)

1 Nays

(Peterson)

Motion Carried

Kessa Turnbull, a student intern for Zion CDC believed that establishing a City land bank in Oberlin would serve as bridge between the City and College. Oberlin has 20 percent of its population below the poverty line and a distressing proportion of foreclosed houses and vacant properties since the economic crash. A City land bank would give students an outlet to help our community. A land bank would give students an opportunity to brainstorm ideas to reutilize vacant properties and turn them into profitable structures while helping citizens

who are vulnerable to losing their homes gain access to funds for refurbishment. Turnbull noted that putting students in a position where they can really help their communities and create bonds with people that they meet is a win/win situation. Establishing the City land bank would enrich the lives of community members and students alike. Wu made additional remarks supporting a City land bank.

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

4. NEW BUSINESS:

(A). ORDINANCE No. 12-30 AC CMS: An Ordinance Authorizing the City Manager to Apply for and Accept Community Development Block Grant Formula Allocation Program Funding from the Lorain County Board of Commissioners for the Purpose of Installing Audible Alerts at Signalized Intersections in the Downtown Area and Declaring an Emergency. (1st)(E)

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

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.

City Manager Norenberg remarked that this topic was discussed during the public hearing held immediately before the meeting. He remarked that additional questions could be answered at this time if necessary.

Burgess asked if the push buttons on the downtown posts would be connected if this project were approved. Dupee advised that they would be.

Mucciolo asked if design plans for this project would go before the Design Review Subcommittee. Boyle remarked that the Planning Commission would review the design plans for this project, if it were funded.

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

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

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

(B). ORDINANCE No. 12-31 AC CMS: An Ordinance Approving an Agreement with the East College Street Condo Association to Manage a Community Garden at the East College Street Project Public Plaza and Declaring an Emergency. (1st)(E)

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

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.

Norenberg remarked that this proposed ordinance was a request to renew the agreement (with modifications) with the East College Street Condo Association. This proposal was a benefit to the City because it ensured that the garden would be managed in such a way that it was open to the general public. The modifications included two key changes: Automatic renewal (for up to 10 years) and promotion of the garden plot availability two times a year.

Norenberg remarked that the previous agreement already expired so passage on emergency would be appreciated.

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

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

Soucy

- Fireworks donations update. Soucy remarked that they were short their goal by \$2,000 and encouraged people to continue to support.

Burgess

- Provided an update on the Central Lorain County Ambulance District. The district is currently operating without a contract with the hospital. The board has decided to issue an ultimatum to Mercy Allen Hospital to either ratify the contract, or else they will open the contract up for bid.

Broadwell

- Announcement: Crop Walk will be held on April 29th.

Mucciolo

- Arbor Day Celebration is being rescheduled, a new date will be forthcoming.

7. CITY MANAGER'S REPORT:

Norenberg reported on the following items:

- Sunday is Earth Day celebration.
- Letter of Appreciation regarding the repairs that were made around the perimeter of the Morgan Street reservoir.
- Update on the Police Vehicle Decal. There was consensus among members of Council for option #2 for \$853.

8. FINANCE DIRECTOR'S REPORT: None

9. PUBLIC PARTICIPATION:

Being that there was no further business to come before Council the meeting adjourned at 9:04 p.m.

Attest:

BELINDA B. ANDERSON, CMC
CLERK OF COUNCIL

RONNIE J. RIMBERT
PRESIDENT OF COUNCIL

APPROVED: 06/04/2012

POSTED: 06/05/2012