



**Executive Session – 6:00 p.m. – Council Chambers**  
 Purpose: Annual Performance Evaluation of the Law Director

**Public Hearing – 6:45 p.m. – Council Chambers**  
 Purpose: Public comment regarding proposed changes to the Sign Code

**Minutes of the Regular City Council Meeting**

Held on Monday, September 17, 2012

7:00 p.m.

**1. COUNCIL BUSINESS**

- (a) Call Regular City Council Meeting to Order and Roll Call – 7:00 p.m.

A regular meeting of the Oberlin City Council was held on September 17<sup>th</sup>, 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 7:07 p.m., by Presiding Officer Sharon Soucy. Roll Call was taken:

<b>Council Members:</b>	Present	Absent
Charles Peterson	<input type="checkbox"/>	<input type="checkbox"/>
Bryan Burgess	<input type="checkbox"/>	<input type="checkbox"/>
Sharon Soucy	<input type="checkbox"/>	<input type="checkbox"/>
Elizabeth Meadows	<input type="checkbox"/>	<input type="checkbox"/>
Scott Broadwell	<input type="checkbox"/>	<input type="checkbox"/>
Aaron Mucciolo	<input type="checkbox"/>	<input type="checkbox"/>
Ronnie Rimbart	<input type="checkbox"/>	<input type="checkbox"/>
<b>Appointees:</b>		
Belinda Anderson, Clerk of Council	<input type="checkbox"/>	<input type="checkbox"/>
Eric Severs, Law Director	<input type="checkbox"/>	<input type="checkbox"/>
Eric Norenberg, City Manager	<input type="checkbox"/>	<input type="checkbox"/>
Sal Talarico, Finance Director	<input type="checkbox"/>	<input type="checkbox"/>

Soucy mentioned that the Council President would not be attending the meeting due to illness.

Shirley R. Johnson interrupted the meeting to inquire about the public hearing scheduled to begin at 6:45 p.m. Soucy noted that it had just adjourned. Johnson remarked that the public had been closed out of the meeting by the City Manager. Eric Norenberg, City Manager remarked that he had closed the door due to the noise in the hallway the public was never told they couldn't attend a public meeting. Soucy remarked that the meeting was

held and started about 5 minutes late so there was adequate time for public input. Soucy apologized for the inconvenience.

(b) Approval of Minutes – City Council Work Session – September 4, 2012.

Motion to approve the minutes of the September 4, 2012 minutes was moved by Burgess, seconded by Meadows.

Burgess remarked that he emailed the Council Clerk to ensure that the memo that he provided for Council would also be attached to the minutes. The Clerk confirmed that the memo had been attached as requested.

**Roll Call:**          6 Ayes    0 Nays    Motion Carried

(c) Approval of Minutes – Regular City Council Meeting – September 4, 2012.

Motion to approve the minutes of the Regular City Council Meeting of September 4, 2012 as amended was moved by Burgess, seconded by Meadows.

Corrections were noted on pages 9 and 11 by Broadwell and Burgess respectively:

- Page 9: Insert Sharon Soucy as the movant of the motion to elevate Ordinance No.12-58. In next sentence correct spelling of Broadwell's name.
- Page 11: change name of church from Baptist to Methodist.

**Roll Call:**          6 Ayes    0 Nays    Motion Carried

(d) Proclamation in Memory of Sergeant Louis R. Torres.

A proclamation was read by Elizabeth Meadows in memory of Sergeant Louis R. Torres. Meadows recalled fond memories of Sergeant Torres who she met six years ago while working as a substitute teacher in the Oberlin public schools. She remembered Torres as being a deep thinker with a desire to distinguish himself from his peers. She added that by serving his country, as he did, that goal had been achieved.

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**PROCLAMATION**  
IN MEMORY OF SERGEANT LOUIS R. TORRES

WHEREAS, Sergeant Louis R. Torres joined the United States Army on June 26, 2008 at the age of 18 and served as an Infantryman working his way up to team leader and squad leader while serving consecutive tours with the 3<sup>rd</sup> Brigade Combat Team, 2<sup>nd</sup> Infantry Division at Fort Lewis, Washington; and

WHEREAS, both tours were in support of *Operations Iraqi Freedom* and *Enduring Freedom*; and

WHEREAS, Sergeant Torres' many awards and decorations include the Purple Heart, Army Commendation Medal with 2 Oak Leaf Cluster, Meritorious Unit Commendation Medal, Army Good Conduct Medal, National Defense Service Medal, Afghan Campaign Medal, Iraq Campaign Medal, Global War on Terrorism Service Medal, Army Service Ribbon and Army Overseas Service Ribbon; and

WHEREAS, on August 22<sup>nd</sup>, in San Antonio, Texas, Sergeant Louis R. Torres, lost his battles with his wounds suffered when he encountered an enemy improvised explosive device, on August 6<sup>th</sup>, in Kandahar, Afghanistan; and

WHEREAS, many friends and fellow comrades alike offer their love and support to the family, cherishing the memory of our beloved son, our brother, our "Fallen Soldier" who paid the ultimate sacrifice for our freedom and liberty, though he is gone he will never be forgotten; and

NOW THEREFORE, BE IT RESOLVED that the Oberlin City Council proudly commends and honors Sergeant Louis R. Torres for his unwavering bravery and fearless dedication to peace and freedom in our world. We offer our deepest condolences to his parents Armanda Ellis and Albert Torres on the tragic loss of this exceptional young man and hope they find comfort in his legacy as a valiant soldier who gave his all.

Presented this 17th day of September 2012.  
*On behalf of the Oberlin City Council*

\_\_\_\_\_  
Ronnie J. Rimbart Mayor/President of Council

It was noted that copies of the proclamation would be given to his family who were unable to attend the meeting.

- (e) Hear and discuss a presentation by staff of Lorain Metropolitan Housing Authority regarding the status of the "Pagoda" Housing Renovation project.

Members of Council heard a report from John McMahon, the assistant Director with Lorain Metropolitan Housing Authority regarding the Litech Project which will involve the substantial renovations of the 52 pagoda units throughout Oberlin. The presentation covered the following facts:

- LMHA anticipates Construction will begin in mid-November.
- Project will take 1 year to complete all 52 units throughout the City.
- All families who are temporarily relocated are eligible to return to a renovated unit.
- 6 families will be temporarily relocated to LMHA public housing units in Lorain.
- 7 families will be temporarily relocated to other pagoda units in Oberlin.
- 3 families will be permanently displaced from those units.
  - 2 families have been notified that they will receive a Section 8 voucher. They will receive relocation assistance.
  - 1 family will be displaced because they are over income and will not be able to return to a renovated unit due to low income housing tax credit regulations.
- Restructured the relocation of families to ensure that families with school aged children will not be relocated out of the City of Oberlin. This does not apply to displaced families.
- Contracted with a moving company to help families move.
- LMHA will pay for the transfer of all utility services (i.e. cable, phone, etc.).
- LMHA hired a temporary part-time relocation and supportive service facilitator.
- Creating eleven ADA accessible units. Will continue to solicit low income disabled families to fill vacancies where they exist.



Baumann remarked that there is little doubt that the insurance company is going to cover 100% of the renovation of the structure. The issues with the insurance company driving the cost have to do with upgrades that are required by the current Building Code. Incidentally they do not intend to move the water distribution supplies back to that building. There is some possibility that they would use it for miscellaneous storage for both Buildings and Grounds and Recreation on a short term basis. In the longer term they didn't know at this time how the building will be used, which is why he has recommended that the space be redeveloped as a white box space. There are clearly spatial needs, whether or not they would be compatible with the neighborhood would be for future discussion. The Oberlin residents that he has talked to would hate to see a historic building in Oberlin go by the wayside.

Motion to reject bids for the Renovation of the Oberlin Historic Waterworks Building was moved by Meadows, seconded by Mucciolo.

**Roll Call:** 6 Ayes 0 Nay Motion Carried

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

Communities for Safe and Sustainable Energy

Council heard a request — from Oberlin resident Elizabeth Ramsey and member of Communities for Safe and Sustainable Energy (CSSE) — to appeal to the State government to return local control of oil and gas development to local governments.

Nicole Sweet, Langston Hall/Union Street endorsed remarks from Elizabeth Ramsey. She added that there is an overwhelming support from the student body at Oberlin College.

**3. OLD BUSINESS:**

(A). ORDINANCE No. 12-56 AC CMS: An Ordinance Approving an Interconnection Agreement with Oberlin Spear Point Solar One, LLC and Oberlin College and Declaring an Emergency. (3<sup>rd</sup>)(T)

The Clerk read by number and title only.

Norenberg remarked that the storm sewer easement issue that has come up during previous discussions had been resolved. At this time he asked that Electric Director Steve Dupee address the modification to the proposed agreement that has been made with the College.

Electric Director Steve Dupee requested that Council hear proposed amendments to the interconnection agreement before final passage of the ordinance.

1. Exhibit D: Avoided Cost Schedule

Dupee explained that the Interconnection Agreement included an Avoided Cost Schedule under Exhibit D. The purpose of the avoided cost schedule is to create a mechanism for crediting the College's monthly retail generations costs for solar electricity produced and delivered onto the OMLPS Electric Distribution System. Currently the monthly avoided cost credit is based on the City's retail generation charge. There are four components to the City's retail generation charge:

- 1) Cost to procure wholesale power through AMP.
- 2) Cost for transmitting that power to our inner tie.



Gasholder Building Renovation, Phase I Exterior Improvements, in the City of Oberlin and Declaring an Emergency. (2<sup>nd</sup>)(E)

The Clerk read as directed.

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

City Manager Norenberg deferred the discussion to Public Works Director Jeff Baumann. Baumann recapped previous discussions from past meetings. He explained that ODOT required the City to use its Forced Account process where you document your anticipated labor of materials equipment and related costs and use that for the basis of the change order. This information is then confirmed at the end of the change order (construction) and that becomes the amount that ODOT will accept. As indicated before the lightning rod was not installed per ODOT specification, therefore we have to go through this tedious documentation process. That has resulted in the proposed amendment in the amount of the change order. In order to get there staff suggests amending the final completion date also so that this change order can be completed before the final completion date.

Soucy asked if the suggested changes would need to be added to the ordinance. Baumann confirmed that they would need to be added as he described in his accompanying memo. The final "Whereas clause" would need to be amended to correct the amount and to change the final completion date and the amount would need to be amended in Section 1 of the ordinance as well.

Broadwell asked how much this would cost the City after ODOT has accepted the change order. Baumann confirmed that the City's match would amount to \$641.30. The City's original cost would have been \$850.

Broadwell moved to amend the final "whereas" clause to read: "...the cost of which is \$3,206.50..." and to "...extend the final completion date to September 30, 2012." In addition he moved to amend Section 1 of the ordinance to read: "to authorize the payment of an additional \$3,206.50 to the R.W. Clark Company..." The motion was seconded by Mucciolo.

**Roll Call:** 6 Ayes 0 Nays Motion Carried  
(Amended)

A motion to suspend the rules requiring three readings and to elevate the ordinance to an emergency for the reasons stated in Section 3 was moved by Broadwell seconded by Mucciolo.

**Roll Call:** 6 Ayes 0 Nays Motion Carried  
(3<sup>rd</sup>, Suspension of Rules/ Emergency)

**Roll Call:** 6 Ayes 0 Nays Motion Carried  
(3<sup>rd</sup> Final)

(C). ORDINANCE No. 12-67 AC CMS: An Ordinance Creating a Domestic Partnership Registry for the City of Oberlin, Ohio and Declaring an Emergency. (2<sup>nd</sup>)(E)

The Clerk read by number and title only.

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

City Manager Norenberg recapped the previous discussion. It was noted that Human Relations Commission members Marty Buck and Megan Schief were present as well.

Megan Schief, 95 East Vine Street expressed her support of this ordinance based on her own personal experience. As a lesbian in the 80's she was proud of her relationship with her partner but was not able to freely express herself based on the culture at that time. She felt that this was a good way for Oberlin to speak as a progressive community in supporting this ordinance because someday gays will have marriage equality. She thanked members of Council for keeping their promise to her and for considering this ordinance.

Burgess asked Ms. Schief to explain why a heterosexual couple should be covered by this ordinance? Schief remarked that there are situations where marriage would create a hardship on the family and though that couple may want to be recognized, marriage would not be in their best interest. Oberlin is an inclusive community and they wouldn't want anyone to feel excluded.

Burgess remarked that in his mind there are both benefits and responsibilities to marriage. This ordinance attempts to rectify the injustice against homosexual couples. It concerned him that in assigning the DPR to heterosexual couples, they were providing the benefits of marriage without the associated responsibilities.

Schief felt that it was important that this registry not be used to split various groups in the community.

Soucy said she shared some of Mr. Burgess' concerns simply because she felt that the history of the gay community had been such a struggle and it is the unavailability of legal channels for gay relationships that concerned her. It is a matter of choice how people choose to live if they are heterosexual. In her opinion it diluted Council's moral position to include heterosexual couples in this ordinance. She asked the Law Director whether there was some legal purpose based on law that it may be easier for this ordinance to stand if it's more inclusive. Severs remarked that there was.

Buck thanked Ms. Schief for her persistence in getting this before Council. He recalled when Ms. Schief first brought this before Council during candidate's night and asked the members of Council if they would support a registry like this and everyone on Council stood up. He was happy to see it supported by Council. In addition he felt that the City's position shouldn't be to discriminate against any couple, regardless of their choices. They should support the rights of those individuals freedom to decide how they will live.

Peterson expressed his support for the ordinance as written. It seemed to him that historically the great pieces of legislation that have expanded the rights of our citizens have been those that have taken specific circumstance of particular groups but have opened the door for other groups in the future. He agreed that it might not be the right way to go by trying to create a fair policy mechanism that still limits or restricts other groups.

Mucciolo said that he has struggled with the language used in this legislation as well. It seemed that this ordinance attempts to correct an inequality and perhaps tilts too far in a different direction with various possible impacts. In spite of its flaws the ordinance was important in taking a major step forward. He looked forward to the day that a future Council could discuss repealing this ordinance as it becomes no longer necessary in our state and in our community. In addition he would like to see this passed on emergency.

Burgess said that he would like to have this passed on third reading but not on emergency. He felt that they should allow the citizens an opportunity to respond, emergency passage would cause the ordinance to go into effect immediately. Broadwell remarked that he didn't see this as an emergency but supported passage on three readings.

Burgess remarked that his intention was to suspend the three readings rule not to address the issue again on third reading. In doing so this would allow the public thirty days to respond. Motion to suspend the rule requiring three readings was moved by Burgess and seconded by Broadwell.



Peterson asked what this meant. It was his understanding that they were going to allow the ordinance to go for another reading. Severs remarked that this is on second reading. If the motion passes by five votes then this will be second and final reading and it will go into effect in 30 days.

**Roll Call:** 5 Ayes (2<sup>nd</sup>, Suspension of Rules) 1 Nay (Mucciolo) Motion Carried

**Roll Call:** 6 Ayes (2<sup>nd</sup>, final, effective in 30 days) 0 Nays Motion Carried

**4. NEW BUSINESS:**

(A). ORDINANCE No. 12-68 AC CMS: An Ordinance Amending and Replacing Chapter 1351 of the Codified Ordinances of the City of Oberlin Relating to the Regulation of Signs, and Amending Section 1357.10(c)(12) of the Codified Ordinances of the City of Oberlin Related to Signs in Commercial Districts (Outside of the Central Business District). (1<sup>st</sup>)

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

**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 Peterson.

City Manager Norenberg noted that amendments included in the proposed ordinance were thoroughly discussed in a public hearing that was held prior to the Regular City Council meeting. Planning and Development staff was present to address additional questions if necessary.

Burgess remarked that he was pleased to see the revisions made to the business signage requirements. He believed the new regulations would be advantageous to those businesses that were currently under-represented in the City. Burgess asked if these changes would address sandwich boards as well. Boyle remarked that the Planning Commission discussed issues related to the sandwich boards at length and decided not to change the regulations related to signage in the street right-of-way. Burgess remarked that many businesses put sandwich boards out and he was uncomfortable passing legislation — relating to the regulation of signs — without this being addressed. Boyle remarked that the regulations have always been in place, regarding signage in the public right-of-way. The Planning Commission felt there was no reason to change that at this time. A decision to do that could result in multiple signs being placed throughout the downtown area or in other districts within the right-of-way which could create difficulties for people maneuvering downtown. From an enforcement point of view they are dealt with when they do create an impediment to pedestrian traffic. This is enforced through the community service officer.

Mucciolo asked if it were possible to have appeal cases go to the Zoning Board of Appeals as opposed to going straight to the courts. Law Director Severs said that there was no legal reason preventing the ZBA from hearing appeal cases regarding to sign code violations. Boyle remarked that if that were the case then they could add that to their duties under Chapter 1325. Law Director Severs remarked that the appeals should go to the Planning Commission or to the Zoning Board of Appeals and then go to the Common Pleas Court. Mucciolo outlined the appeals process noting that the new process would substitute Council with the Common Pleas Court. He remarked that his preference would be to see Council substituted by the Zoning Board of Appeals since that would allow the process to stay within the community. Boyle remarked that he didn't think that recommendation was unreasonable but they would need to modify both the proposed ordinance and Section

1325. Severs stated that if the proposed modifications were made it was important to note that the appeal could still go to the Common Pleas Court.

Burgess moved to amend section 1351.05: Sections 2. Construction Signs and 3. Subdivision Signs to insert language limiting the amount of time construction signs and subdivision signs can be placed in a construction project area for no more than 36 months. The motion was seconded by Mucciolo. Severs asked what will happen if the subdivision doesn't fill up after the 36months which is often the case. Soucy remarked that she would agree and though she understood the intent behind Mr. Burgess's amendment it was her opinion that they would have more control if they did it on a twelve month basis as has been the practice.

**Roll Call:** 2 Ayes  
(Burgess, Mucciolo) 4 Nays Motion Failed

**Roll Call:** 6 Ayes  
(1<sup>st</sup>, Reading) 0 Nays Motion Carried

(B). ORDINANCE No. 12-69 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 Robin Park and Parkwood Improvements 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 Burgess.

**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 Peterson.

City Manager Norenberg introduced the ordinance to Council. He explained that this is a standard contract used by Council for inspection services for various construction projects. Public Works Director Jeff Baumann was also present to address any questions.

Foregoing discussion a motion to suspend the rules requiring three readings and to elevate the ordinance to an emergency for the reasons stated in Section 4 was moved by Burgess and seconded by Mucciolo.

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

**Roll Call:** 6 Ayes  
(1<sup>st</sup>, Final) 0 Nays Motion Carried

(C). ORDINANCE No. 12-70 AC CMS: An Ordinance to Approve the Form and Authorize the Execution of a Construction Agreement with American Transmission Systems, Inc. and American Municipal Power, Inc. and Declaring an Emergency. (1<sup>st</sup>)(E)

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

**Roll Call:** 6 Ayes 0 Nays Motion Carried

The Clerk read as directed.

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

City Manager Norenberg deferred the discussion to Electric Director Steve Dupee. Dupee explained that this ordinance would authorize an agreement between First Energy AMP and the Utility and stipulate the terms and conditions associated with technical reviews that First Energy has had to perform related to the solar project. The size of this project triggered a review by First Energy. OSSO and the College have followed the requirements of those reviews and this agreement basically sets the reimbursement terms to First Energy for those services. Per the Construction Services Agreement, First Energy has estimated their direct costs associated with the technical reviews and project commissioning at \$10,000. AMP will submit payment for estimated direct costs on behalf of the City and the City will reimburse AMP from proceeds received by OSSO per the Interconnection Agreement. Burgess asked if they would be given a tour of the facility. Dupee remarked that a tour would be scheduled. Broadwell asked when they would be ready to start. Dupee remarked that they would be ready to start any day now. Mucciolo asked if any cost beyond the \$10,000 would be paid by the City to AMP but reimbursed to the City by OSSO. Dupee concurred.

Motion to suspend the rules requiring three readings and to elevate the ordinance to an emergency for the reason stated in Section 4 was moved by Peterson and seconded by Broadwell.

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

**Roll Call:** 6 Ayes 0 Nays Motion Carried  
(1<sup>st</sup>, Final)

**5. OTHER NEW BUSINESS:** None

Burgess noted that due to personal reasons he would need to step down as Council’s representative to the Central Lorain County Ambulance District. He would move that they appoint Aaron Mucciolo as the primary delegate from Oberlin to the Central Lorain County Ambulance District, seconded by Peterson.

The motion was restated by the presiding officer as follows:

Motion to accept the resignation of Bryan Burgess as the primary delegate to the Central Lorain County Ambulance and to appoint Aaron Mucciolo in his place was moved by Burgess, seconded by Peterson.

**Roll Call:** 6 Ayes 0 Nays Motion Carried

Motion to appoint Mr. Broadwell as the alternate delegate to the Central Lorain County Ambulance District was moved by Burgess and seconded by Peterson.

**Roll Call:** 6 Ayes 0 Nays Motion Carried

**6. COUNCIL COMMUNICATIONS:**

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

Sharon Soucy

- Congratulated Finance Director on Auditor of State Award.
- Attended tour of the Apollo Theater earlier this afternoon, other opportunities to visit the newly renovated site will be open to the public as well.

Aaron Mucciolo

- Happy holidays to those observing Rosh HaShana.

Scott Broadwell

- Announced that Vice President Soucy will be moderating a congressional debate at First Church, on September 25<sup>th</sup> at 7:00 p.m.

#### **7. CITY MANAGER'S REPORT:**

Several updates were mentioned by the City Manager:

- Received an invitation from the Lorain County Chapter of the American Red Cross.
- Received Quarterly Cleveland Plus Review produced by Team NEO.
- Announcement that Gayle Manning will be holding office hours in Oberlin at the Public Library from 10:00 a.m. to 11:00 a.m., on September 28, 2012.
- Announced that the latest Ohio Municipal League Publication, includes a whole section on the Municipal Legislative Policy.

#### **8. FINANCE DIRECTOR'S REPORT:**

- Referred Council to the Audit and Financial Statements enclosed in packets a week ago.

#### **9. PUBLIC PARTICIPATION:**

#### **10. ADJOURNMENT:**

Being that there was no further business to come before Council the meeting adjourned at 8:56 p.m.

**Attest:**

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BELINDA B. ANDERSON, CMC  
CLERK OF COUNCIL

\_\_\_\_\_  
RONNIE J. RIMBERT  
PRESIDENT OF COUNCIL

APPROVED: 10/01/2012

POSTED: 10/02/2012