



Work Session – 6:30 p.m. – Council Chambers
 Purpose: Discussion regarding changes to Ohio Public Employees Retirement System (OPERS) rules and implications for compensation of future City Council members.

Minutes of the Regular City Council Meeting

Held on Monday, December 17, 2012

7:00 p.m.

1. COUNCIL BUSINESS

- (a) Call Regular City Council Meeting to Order and Roll Call – 7:19 p.m.

A regular meeting of the Oberlin City Council was held on December 17th, 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 7:19 p.m., by Presiding Officer Ronnie Rimbert. Roll call was taken as follows:

Council Members:

Present Absent

Charles Peterson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bryan Burgess	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sharon Soucy	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Elizabeth Meadows	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Broadwell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Aaron Mucciolo	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ronnie Rimbert	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Appointees:

Belinda Anderson, Clerk of Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Eric Severs, Law Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Eric Norenberg, City Manager	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sal Talarico, Finance Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- (b) Approval of Minutes – Public Hearing – December 3, 2012.

Motion to approve the minutes of the December 3, 2012 Regular City Council Meeting as submitted was moved by Mucciolo, seconded by Burgess.

Roll Call: 7 Ayes 0 Nays Motion Carried

- (c) Motion to approve the proposed City Council Meeting Dates for 2013.

Motion to approve the proposed City Council meeting dates for 2013, was moved by Soucy, seconded by Meadows.

Roll Call: 7 Ayes 0 Nays Motion Carried

- (d) Discuss and consider scheduling a Work Session to review the draft update of the Climate Action Plan for 6 p.m. Tuesday, January 22, 2013.

Motion to approve a work session for the above stated purpose was moved by Soucy, seconded by Mucciolo.

Roll Call: 7 Ayes 0 Nays Motion Carried

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

Councilor Broadwell provided an overview of the selection process used by the Nominating Committee when preparing the slate of candidates before Council. He explained that 19 interviews had been held with applicants interested in filling vacancies on various boards, commissions, and committees. After a great deal of discussion consensus was reached and as a result the following slate is being proposed for Council's consideration:

**Nominating Committee Recommendations for 2013 City
Board, Commissions & Committees Appointments**

City Records Commission

Gerard "Gerry" Findlan	Expired Term
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Design Review

Jennifer Wilson	Expired Term
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Fire Code Appeal Board

Norman Bevan	Expired Term
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Fire Fighter's Dependents Board

Scott Broadwell	Expired Term
Charles Peterson	Expired Term

Historic Preservation Commission

James Young	Expired Term
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Human Relations Commission

Marty Buck	Expired Term
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Planning Commission

Tony Scott	Expired Term
Matt Adelman	Unexpired Term - ending in 2014

Public Utilities Commission

Kristin Braziunas	Expired Term
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Recreation Commission

Michael Gaines	Expired Term
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Resource Conservation & Recovery Committee

Heather Adelman	Expired Term
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Senior Citizens

Roger Cooper	Expired Term
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Underground Railroad Center Implementation Team

Sharon Pearson	Unlimited Term
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Zoning Board of Appeals

Stephen Campbell	Expired Term
Kurt Sarringhaus	Expired Term
Thomas Weber	Unexpired Term – ending in 2013

After reading the slate, Broadwell noted that the process for selecting members of the public for the City’s boards and commissions proved to be more difficult this year in comparison to years past, due to the amount of interest from the Oberlin community. He remarked that these were volunteer positions that assisted Council in an advisory role that over the years Council has found to be very helpful. Broadwell recognized that this was also the first year that term-limitations had applied and took time to thank those who were unable to be reappointed as a result. The list included: Mike Loflin, Civil Service Commission; Glen Turnbull, Housing Renewal Commission; Frank Carlson, Planning Commission; Bob Coan, PUC; and Linda Hicks, Zoning Board of Appeals. He also suggested that those applicants who weren’t selected or whose seats which were term-limited, consider serving on a different City board or commission. He then turned the discussion over to the remaining members of the Nominating committee.

Burgess reiterated comments made by Mr. Broadwell. He remarked that in years past Council has had difficulties in filling the board vacancies and this time around it was a pleasant surprise to see how many people were willing to turn out and put in an application to serve their community. He remarked that applications would remain on file for future consideration and should a vacancy occur in the future, applicants will be notified.

President Rimbart thanked the members of the Nominating Committee for all their hard work. Broadwell also thanked Clerk Anderson for her help in moving the process along.

Motion to accept the slate of candidates to fill the boards’ and commissions’ vacancies as recommended by the Nominating Committee, was moved by Broadwell and seconded by Peterson.

Roll Call: 7 Ayes 0 Nays Motion Carried

Broadwell noted that Council would also need to appoint a primary and alternate member to the Central Lorain County Ambulance District Board as well. He noted that he currently served on the board along with Mucciolo who served as the City’s primary representative.

Motion to reappoint Aaron Mucciolo (as the primary representative and Scott Broadwell (as the alternate representative) to the Ambulance District Board was moved by Peterson, seconded by Soucy.

Roll Call: 7 Ayes 0 Nays Motion Carried

(f) Discuss and consider use of the Sustainable Reserve Fund for an enhanced appliance rebate program.

City Manager Norenberg provided a brief explanation of the proposed request, noting that the request had been supported by the Public Utilities Commission. The discussion was then turned over to Doug McMillan, Energy Services and Sustainability Initiatives Manager for OMLPS, for further input.

McMillan commented on the “Efficiency Smart” energy efficiency program offered by the City’s wholesale power supplier, AMP. McMillan highlighted various aspects of the program and remarked that the efficiency program at this time was successful among the Utility’s commercial users; to date the projected numbers were exceeded by over 200%. However, an overview of the program revealed that though commercial users were taking advantage of the program, performance by residential users was lacking to say the least. This lead to the formation of a new partnership with POWER, who agreed to

hire an energy advocate to go out into the community and promote the program among the City's "residential" utility users. In an effort to ensure the success of this partnership an incentives program is being introduced by the OMLPS that offers greater savings to the City's residential users called the Super Rebate Program. This program would provide additional rebates to customers who purchase energy efficiency appliances according to the parameters set in the guidelines. Staff believes that this program will have great success with Utility customers and as a result requests that Council approve the use of \$5,000 out of the Sustainable Reserves Funds to help support an enhanced appliance rebate program.

Soucy said she read an article the other day that a lot of the new television sets were now the largest drawer of power in homes. She stated that there are energy smart televisions and she would like to see added to the list if possible.

McMillan explained that the Super Rebate Program would further incentivize the purchase of appliances approved by the Energy Smart program and unfortunately at this time, the Energy Smart program didn't approve rebates for the purchase of energy efficient televisions. He advised that he would check to see if this would be considered in the future.

Peterson asked if these rebates would be applied retroactively or just going forward. McMillan remarked that the hope is to apply these rebates retroactively, dating back to December 1st, but ultimately that would be up to Council. Peterson remarked that he would like to see this date back further than December 1st. McMillan remarked that initially he had hoped the program could date back as far as October 1st which would make it the last quarter of the year. Rimbart said if they can make the October 1st month work that would be fine.

Burgess asked if Council felt that the amount requested was enough. He explained that the \$5,000 would be enough to provide rebates for thirty-three (33) households who purchased refrigerators. He asked members of Council if they felt the amount should be higher. Rimbart remarked that he had been working on this program with Mr. McMillan for quite a while. The amount requested was to be used to pilot the program to see how successful it would be initially. He felt that if more money was needed then Council could be approached at a later date. Burgess explained that he didn't want anyone to be denied because the funds had been used. Rimbart remarked that he didn't see the \$5,000 as being a problem as long as the customer had a receipt. McMillan remarked that he worked closely with POWER so if additional funds were needed then he would be sure to bring the request before Council. Rimbart reiterated that he was comfortable with the \$5,000 but felt that if there was enough consent from Council to increase the amount to \$10,000, then he would support their decision.

Mucciolo questioned why the City would consider implementing a program that would result in additional costs to the City, when they had programs like Efficiency Smart and POWER who were working towards the same goal. He also wondered how staff would be able to attribute the success of this program to the implementation of the Super Rebate program when there are at least two other variables happening at the same time.

McMillan remarked that when speaking to customers, most residents expressed that receiving a \$50-\$100 rebate was not enough to make them go out and buy a new refrigerator. The triple rebate option was proposed as a way to entice disinterested customers to participate in the program. Mucciolo asked if a survey were being done that would help to determine which variables (Super Rebate, Efficiency Smart, or POWER) were having an impact on the program's success. McMillan remarked that Efficiency Smart tracked some of this information now, but they could do that with POWER also as part of the application process.

Broadwell said he didn't realize that this rebate would be used towards purchasing new energy smart appliances. It was his understanding that this program would add an additional \$50 on top of the rebate being offered through the Energy Smart program, for discarding second hand appliances. Broadwell said he would like to see an additional incentive for the Energy Smart program as well, one that would reward energy efficiency by getting rid of unnecessary second hand appliances such as freezers in garages. McMillan advised that this program was already offered through Energy Smart, but consideration could be made to see what other additional incentives could be offered for demand side management.

Discussion ensued about the all inclusive nature of the program, regardless of location or income level and the marketing strategy that would be used to promote it. It was noted that the program would be advertised through different media outlets throughout the City, including the Oberlin News Tribune, cable, and the semi-annual City newsletter.

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

None

3. OLD BUSINESS:

(A). ORDINANCE No. 12-79 AC CMS: An Ordinance to Appropriate Monies for Municipal Purposes for the Fiscal Year 2013 and Declaring an Emergency. (2nd)(E)

Motion for approval on second reading was moved by Mucciolo, seconded by Broadwell.

Mucciolo opened with remarks concerning his desire to see the amount budgeted for the concession stand reduced. Mucciolo's remarks were followed by a motion to amend the General Fund, fund number 111, Operating proposed budget, on Exhibit A, Ordinance No. 12-79 reducing it by \$5,000; changing the total operating from \$1,724,533 to 1,719,533 in order to reduce the proposed funding for the concession stand operations. The motion was seconded by Burgess.

City Manager Norenberg listed several alternative solutions to reduce the costs of running the concession stand. In closing he indicated his support for the proposed amendment.

Soucy said one thing that concerned her is that they are talking about \$5,000 which seemed to be a small amount. She was concerned that they have a new Director of Recreation coming in, Ian Yarber, who she thinks is making a real attempt to get a handle on this situation. It is her preference to leave the budget how it is and go to a reporting system where Council would hear updates on the efficacy of this.

A lengthy debate went on concerning the concession stand's inability to bring in a profit. It was noted that the concession stands were never taken on as a means to generate revenue but more or less to enhance the service provided at the Recreation Center.

Roll Call:	3 Ayes	4 Nays	Motion Failed
	(Broadwell, Mucciolo, Burgess)	(Peterson, Meadows, Soucy, Rimbart)	

Burgess noted that he would like to pose an amendment to the budget to ensure that the construction plans for the Green Acres site continued to move forward. He anticipates that prior to moving forward with any RFP process that they are going to need help establishing some guidelines for development. As a result he offered the following motion:

A motion to amend the Income Tax Capital Improvements Fund, fund number 112, Operating proposed budget, on Exhibit A of Ordinance No. 12-79, by increasing it \$50,000; changing the total Operating from \$84, 020 to \$134,020 in order to provide funding for professional planning services related to the Green Acres site. The motion was seconded by Mucciolo.

Norenberg remarked that previously they had mentioned the possibility of soliciting proposals and qualifications to work with the City. This afternoon he had met with Gary Boyle to review edits to an RFQ document that staff proposes to issue in the spring. Their next step is to run it past the Planning Commission and City Council before they put it on the street. Staffs plan was to bring in the professional input from developers so that they could identify what their goals were that came out of the work sessions with City Council and the two (2) public hearing that were earlier in the year, in the spring of 2012 and in October. It was staff's intention to try to get this project done without hiring a consultant but to bring out, through an RFQ process, developers who would like to work with the City to develop the site. Once they narrowed the list of candidates then they could request proposals from them. He said that if this process failed to result in a selection of a qualified developer, at that point they could look at developing some sort of selection process for a consultant, which is something that he would be willing to further discuss with Councilor Burgess. Furthermore he noted some hesitance with awarding \$50,000 to take on this project.

Broadwell felt that they should allow staff to do their work and see what happens. At this point he would not be able to support this until it was necessary.

Soucy replied that she was confused by Burgess' proposed amendment, it was her understanding that during tough budget times the goal is to cut back on soliciting advisers outside the City. She didn't understand why they would spend \$50,000 before they would put the RFQs out.

Rimbert said that this was the first he was hearing of the amendment and it should have come through the proper channels before they addressed this on the floor. He said that he wouldn't support it at this point.

Mucciolo asked if there were time tables for within 2013 for significant process for selling and redeveloping the property formerly known as Green Acres. Norenberg remarked that they didn't have a timeline mapped out for the whole year but staff hope is that within the first two months of 2013 they would take the step of sharing the draft RFQs with Council and the Planning Commission to get input.

Burgess said that it is pretty clear that Council doesn't quite know how to proceed and they were trusting in their staff to help, but in this case staff hasn't done this either and someone is going to have to add expertise to the process. He felt that at some point someone was going to have to pay for the study he was proposing and if the City were going to get what they wanted then they would need to be the ones to pay for it. He explained that in order to arrive at \$50,000 as an amount pay a consultant, he simply picked a number. He asked how much the City paid for the preliminary study that was done on the Green Acres property. Norenberg remarked that it cost the City \$1,500 to have that study completed.

David Sonner, 107 Groveland Street asked where the request for qualifications would go. Norenberg replied that he didn't have a complete list but Mark Majewski, the City's planning consultant, who did the preliminary study for the former Green Acres site has already been talking with several developers in the Greater Cleveland Area. The RFQ would also be posted on the website and published in the appropriate trade journals and publications.

Roll Call:	2 Ayes	5 Nays	Motion Failed
(Amendment)	(Mucciolo, Burgess)	(Broadwell, Peterson, Meadows, Soucy, Rimbert)	

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

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). RESOLUTION No. R12-13 CMS: A Resolution Requesting that Governor John R. Kasich and the Ohio State Laws that Attempt to Preempt Local Control over Oil and Natural Gas Extraction, and Begin an Open, Transparent Process of Discussion with the Citizens of Ohio Relative to the Actual Risks and Dangers Inherent in Horizontal Hydraulic Fracturing and Brine Injection Wells in the State of Ohio and Declaring an Emergency. (2nd)(E)

The Clerk read by number and title only.

Motion to approve the resolution on second reading was moved by Mucciolo seconded by Broadwell.

Norenberg remarked that there wasn't anything else to add at this point but noted that there was a memo in the packet regarding some proposed amendments.

Soucy explained that the following amendments were being proposed in her attempt to strengthen the language used in the resolution. A motion to amend the resolution with the following language was moved by Soucy, seconded by Burgess.

1. P.1. Remove the words permanent, unsustainably, the natural water cycle which may threaten the health of would now read "may require the removal of large quantities of water from streams and lakes; and may result in increased heavy tanker traffic, threatening toxic spills..." This is unclear as to what is being removed or changed.
2. P.2. Top line Remove the words "an inherently". Read instead "...that allow potentially disruptive and dangerous industry..."
3. Second line of Section 2: remove the words "complete dissatisfaction" and substitute with the word concerns.

Soucy remarked that she believed these changes provided strength and legitimacy to the legislation by avoiding overstatement.

Mucciolo remarked that the first two amendments made sense to him but the third amendment did not. He found it difficult to have anything but complete dissatisfaction with the current state of affairs of the laws that have allowed oil and gas drilling to potentially come into our backyard. He believed that by omitting the words "complete dissatisfaction", it did actually weaken the strength of this document.

Broadwell concurred with Soucy's remarks but noted that instead of substituting the words "complete dissatisfaction" with the word concerns he would instead like to strike the word complete from the phrase.

Peterson said he agreed with points one and two, but the third amendment he didn't agree with; it seemed to him that the prospect of the complete dissatisfaction is not just for the question of the particulars of fracking, but the complete and total subversion of Home Rule because of these issues, which he was completely dissatisfied with and hoped that Council would feel the same way. He remarked that he would support amendments 1 & 2 but he would not like to consider the third amendment.

Roll Call: (Amended)	7 Ayes	0 Nays	Motion Carried
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Burgess remarked that he had a few amendments of his own that he would like to put forth:

In Section 2, he would like to strike the language "any and all laws that attempt to" and replace that with "Senate Bill 315 which preempts..." Also in the last sentence of Section 2, he would propose that it read "...a public discussion with the citizens of Ohio relative to the risks and (strike the word actual and insert the word "potential")dangers posed by horizontal hydraulic fracturing and brine injection wells. In addition Burgess remarked that he would also like to change the title of the resolution to read as follows:

A Resolution Requesting that Governor John R. Kasich and the Ohio State Legislature Move Swiftly to Repeal **Senate Bill 315 which all State Laws that Attempt to** Preempts Local Control over Oil and Natural Gas Extraction, and Begin an Open, Transparent Process of Discussion with the Citizens of Ohio Relative to the ~~Actual~~ Risks and **Potential** Dangers ~~Inherent~~ posed by ~~in~~ Horizontal Hydraulic Fracturing and Brine Injection Wells in the State of Ohio and Declaring an Emergency. The motion was seconded by Soucy.

Roll Call: (Amended)	5 Ayes	2 Nays (Meadows, Peterson)	Motion Carried
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Discussion ensued concerning the proposed amendment. Members of the public felt that there was more than one bill that impacted fracking and Home Rule. It was suggested that the original language which referred to "any and all laws" would be safer to use. After lengthy discussion it was determined to keep the language as amended and bring the resolution back at the next meeting for further consideration.

Roll Call: (2 nd Reading)	7 Ayes	0 Nays	Motion Carried
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4. NEW BUSINESS:

Upon request of the City Manager and with Council's concurrence, Presiding Officer Rimbart moved Ordinance No. 12- 83 to the next item on the agenda.

(D). ORDINANCE No. 12-83 AC CMS: An Ordinance Authorizing the City Manager to Enter into a Memorandum of Understanding with the Lorain County Port Authority to Enable Use of Moving Ohio Forward Demolition Grant Funds for Demolition of Vacant, Abandoned, Nuisance, and Condemned Residential Properties within Oberlin and Declaring an Emergency. (1st)(E)

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

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

Motion to approve the ordinance on first reading was moved by Meadows, seconded by Broadwell.

Council heard opening remarks from the City Manager regarding the proposed memorandum of understanding. The discussion was then deferred to Patrick Metzger with the Lorain County Port Authority. Metzger provided an overview of the Land Reutilization Program. He noted that In July the Land Reutilization Corporation was formed by the County. The purpose of this board is to ensure that lands taken into the program are then slated for reutilization. One of the first steps in the land reutilization process is to apply for funds that were granted through Mortgage Foreclosure Crisis Funds. The State of Ohio received \$95 million dollars and Lorain County was awarded a little over \$2 million dollars, which The Port Authority matched with an additional \$1.2 million dollars, for a total of \$3.2 million dollars of demolition funds available countywide.

He remarked that several communities have agreed to participate and having Oberlin a part of the process would be great. These funds are available at no cost to the City, with the exception of the staff time that it would take to identify the properties that would need to be demolished.

Burgess remarked that per the agreement, sites for demolition would need to be mutually agreed upon. He asked the speaker to cite an example of a situation where there might be a difference of opinion. Metzger remarked that this clause is there primarily to address any procedural issues that may not have been carried out correctly. The goal is to not have any property issues or any law suits down the road due to non-compliance of local or state law. Burgess remarked that the City's nuisance process is pretty exhaustive so he was confident that it would meet the Port Authority's process. Burgess asked if the demolition contracts were awarded to local companies? Metzger remarked that if local means countywide then yes. Burgess asked if demolition contractors had to go through some prequalification process in order to receive notification of demolitions. Metzger remarked that originally on September 27, 2012 there was a contractor's forum held at the Transportation Center in Elyria, Ohio where they cast as wide of a net as possible to bring in contractors, in order to build a solid foundation of contractors who could be pre-qualified into this process early on. In addition, since these are bank settlement funds they were not necessarily driven by all of the typical rules you would find at the Federal or State level. He remarked that they had a number of people pre-qualified, but were still taking a few more.

Broadwell said there was a lot of misconceptions in the community about what the funds in this program could be used for, it was his understanding that the funds were specifically designated for demolition projects. Metzger explained that at this time the funds were designated for demolition projects but he anticipated that eventually funds would be used to rehabilitate homes as well.

Rimbert asked the City Manager how many houses were ready to go through the land reutilization process. Norenberg remarked that there were maybe two or three that might be identified in the next few months.

Aliza Weidenbaum, 99 S. Cedar street asked what the advantages would be for Oberlin to contract with the County Land Bank as opposed to taking care of the properties on its own Oberlin. She said if it were just a matter of speed then she didn't mind going slower.

Metzger explained that the average cost for a demolition project is \$20,000. If there is asbestos remediation needed or any other contaminants those are expenses that are covered under this program. City Manager Norenberg noted that the main advantage of this project is that when the demolition takes place, the funds that are used are not City dollars, they are the grant dollars under the settlement. The houses that have been taken down by the City over the past few years, the City has expended those funds and a lien has been placed on those properties and we don't recover those funds until the property sells and someone satisfies those liens, so it could be years before we recover those funds, this is a financial benefit to the City.

Burgess asked if the homes could be reclaimed by the Habitat for Humanity before being demolished? Metzger stated that the guidelines laid out by the Attorney General's office recommends that they take that course of action where possible, however, one of the challenges that they would have with that is that the additional costs would have to be absorbed by somebody. The other element is always liability and safety, they want to make sure that when someone is trying to salvage something of value, that they don't hurt themselves in the long run. Burgess stated that his experience has been that demolition costs are not \$20,000 but normally half of that in Oberlin, once the contractors have come in and removed things of value and credited the City for those other areas where they could make up some money. Burgess remarked that he was happy to see that recycling houses is looked on favorably.

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

Mucciolo said he would appreciate the chance for the proposed motion to go to a second reading for the possibility of adding in additional material so that the scope of the MOU is comprehensive to the City's wants or needs. Rimbert asked what more he would like to see in the MOU. Mucciolo noted that this was a very narrowly drawn MOU and there are additional benefits provided by land banks that are not covered here. Rimbert asked if the City was the one that designated a property condemned or if that was the Land Banks purview. Norenberg remarked that the City would be the one who would prepare the house for condemnation. Some of the things that Mr. Mucciolo described as "other benefits of moving a project through the Land Bank" may be beneficial in the future but he felt that the highest priority at this time is going through the process to expend these grant funds, while they are still available to the County and at some point in the future they can take advantage of some of the other tools, if they are available. Metzger agreed that this is a very specific agreement which allows a partnership specific to this one line of activity. He suggested that if the City wanted to have a broader scope of a relationship, then it could draft a second MOU which could be considered separately.

Roll Call: 5 Ayes (1st, Suspension of Rules/ Emergency) 2 Nays (Meadows, Mucciolo) Motion Carried

Burgess remarked that in light of the concerns raised by Mr. Mucciolo, he does look forward to a more broadly defined MOU in the future; this is just the first step.

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

(A). ORDINANCE No. 12-80 AC CMS: An Ordinance Amending Ordinance No. 11-77 AC CMS, the 2012 Annual Appropriation of Funds and Declaring an Emergency. (1st)(E)

Broadwell 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 to approve the ordinance on first reading was moved by Burgess, seconded by Peterson.

Council heard a request from Finance Director Sal Talarico to approve the proposed budget appropriations ordinance. Talarico reviewed an attached document which outlined several budget transfers and adjustments, highlighting budget adjustments being made to the Wastewater Fund # 702 and the Sanitary Sewer Fund #803 respectively.

Foregoing discussion a motion to suspend the rules requiring three readings and to elevate the ordinance to an emergency for the reason stated in Section 3 was moved by Mucciolo 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)

(B). ORDINANCE No. 12-81 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 South Professor and Morgan Streets Sanitary Sewer Improvement Project in the City of Oberlin and Declaring an Emergency. (1st)(E)

Peterson 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 to approve the ordinance on first reading was moved by Meadows seconded by Soucy.

City Manager Norenberg provided a brief introduction of the proposed request. He remarked that this was a housekeeping item that would allow for the inspection services of QCI to be used for the South Professor and Morgan Streets Sanitary Sewer Improvement Project.

Foregoing discussion a 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 Mucciolo.

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. 12-82 AC CMS: An Ordinance Authorizing the City Manager to Enter into a Memorandum of Understanding with the Lorain County Board of Commissioners (D.B.A. Lorain County Transit) to Provide for Transit – Related Service and Declaring an Emergency. (1st)(E)

Mucciolo 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 to approve the ordinance on first reading was moved by Meadows seconded by Soucy.

City Manager Norenberg provided an explanation of the above stated request. He stated that due to County budget cuts LCT eliminated its transportation services in Oberlin. After exploring options to keep a transportation service going, a local team of concerned citizens worked together to begin a dial-a-ride service that was later called The Connector Service. This service provides mobility for people who have difficulty getting around particularly during inclement weather. The City is fortunate to have so many for profit and non-profit organizations in the community that have been chipping in to help with the costs of running this service.

Foregoing discussion a motion to suspend the rules requiring three readings and to elevate the ordinance to an emergency for the reason stated in Section 3 was moved by Soucy and seconded by Peterson.

Roll Call: (1 st , Suspension of Rules/ Emergency)	7 Ayes	0 Nays	Motion Carried
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Roll Call: (1 st , Final)	7 Ayes	0 Nays	Motion Carried
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(E). ORDINANCE No. 12-84 AC CMS: An Ordinance Authorizing the City Manager to Enter into a Memorandum of Understanding with the Lorain County Storm Water Management District to Provide for Storm Water Utility Development Services and Declaring an Emergency. (1st)(E)

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

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

Motion to approve the ordinance on first reading was moved by Mucciolo seconded by Broadwell.

Norenberg remarked that Jeff Baumann has explored several options on the way to trying to contract for the development of this request. In July a conversation with County Administrator Jim Cordes led to a meeting that helped move this forward for the City. Following meetings with County officials an approach was laid out where the City would contract with the County Storm Water Management District to have the district, which has experience in this area, do the work for us, knowing that what they are setting up will serve our needs and be compatible in a variety of ways with what the County is doing, potentially laying the ground work (some years down the road) for many of the governments to all merge into one (1) Storm Water Management District. Staff sought out grant funding through a joint application for the Local Government Innovation Fund to help get grant dollars and pay for phases 1 and 2 of this work, which was declined by the State. Therefore Staff recommends that we pay for the first phase of the process through this first MOU.

Burgess said he was not prepared to vote on final reading tonight without the PUC having vetted this project. He would also like to hear from other township trustees to see how they feel about this program.

Baumann remarked that the important thing to keep in mind is that the County's team includes private sector consultants that will manage the process. It is the private consultant's expertise that the City is taking advantage of not the work of the County officials. Burgess asked why they wouldn't hire the consultants instead of the county. Baumann remarked that the process would take much longer if they tried to do this on their own. In addition if the City developed a structure for its storm water utility that meshes with a structure that the district has already established, that gives it more flexibility and potential to merge those services at some point in the future. Burgess asked if other cities in the County were considering this process. Baumann remarked that there were a number of communities, who have called the District but the District has proposed to

trial this with Oberlin first, because we are a relatively smaller community. Rimbart said it sounds like more homework needs to be done on this before it can be passed. He felt that Mr. Burgess had raised some good points and he would like to see this go to PUC first as well.

Roll Call: 7 Ayes

0 Nays

Motion Carried

6. COUNCIL COMMUNICATIONS:

(A). Referrals

(B). Advocacy

(C). Correspondence

(D). Reports

Council member Scott Broadwell made the following updates:

- Housing Renewal Commission still has two vacancies
- Civil Service Commission has one vacancy.
- The Council president appointed Jeff Baumann, Meredith Gadsby, and Audrey Kolb, to the Library Board of Trustees.
- Announced the passing of former PUC commission member-Floyd Ramp.

Aaron Mucciolo

- Asked if Council needed to send a referral to PUC regarding storm water discussion. Meadows agreed to contact the PUC members.
- Noted that the Council Rules subcommittee met for a very productive two hours. He asked that if anyone has suggestions that they forward those to him.

Bryan Burgess

- Asked that those members of Council who went to the National League of Cities Trip be given a 20 minute window in one of the meetings scheduled for January.

Sharon Soucy

- Updated Council on the Law Director search

7. CITY MANAGER'S REPORT:

City Manager Update

- Announced his vacation schedule.
- LMHA Pagoda Home Renovation Project Update.
- Northeast Ohio Mayors and Managers Association Update.
 - Legislative Reports
- Connie Ponder retired as Superintendant of the Recreation Department; position not being filled at this time.

8. FINANCE DIRECTOR'S REPORT:

Finance Director Talarico

- Wished everyone a happy holiday.

9. PUBLIC PARTICIPATION: None

10. ADJOURNMENT:

Being that there was no further business to come before Council the meeting adjourned at 9:54 p.m.

Attest:

BELINDA B. ANDERSON, CMC
CLERK OF COUNCIL

RONNIE J. RIMBERT
PRESIDENT OF COUNCIL

APPROVED: 01/22/2013

POSTED: 01/23/2013