



Minutes of the Regular City Council Meeting
 Held on Monday, January 22, 2013
 7:00 p.m.

1. COUNCIL BUSINESS

- (a) Call Regular City Council Meeting to Order and Roll Call – 7:13 p.m.

A regular meeting of the Oberlin City Council was held on January 22, 2013 in the Council Chambers of the Oberlin City Hall, located at 85 S. Main Street Oberlin, Ohio. The meeting was called to order at 7:13 p.m., by Presiding Officer Ronnie Rimbart. Roll Call was taken:

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 Rimbart	<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 – Regular City Council Meeting – December 17, 2012.

Motion to approve the minutes of the December 17, 2012 Regular City Council Meeting as submitted was moved by Broadwell, seconded by Burgess.

Roll Call: 7 Ayes 0 Nays Motion Carried

- (c) Approval of Minutes – Work Session – January 7, 2013.

Motion to approve the minutes of the January 7, 2013 Regular City Council Meeting as submitted was moved by Broadwell, seconded by Mucciolo.

Roll Call: 7 Ayes

0 Nays

Motion Carried

(d) Proclamation – In Memory of Shirley R. Johnson.

A moment of silence was observed prior to the reading of a proclamation in Memory of Shirley R. Johnson. The proclamation was read by Melissa Ballard, Connie Ponder, former City Council President Linda Lewis, and Law Director Eric Severs.

PROCLAMATION

In Memory of Shirley R. Johnson (1917-2013)

Whereas, Shirley R. Johnson was born on July 15, 1917, in Chicago, Illinois, the daughter of Charles A. and Agnes S. (Garrity) Reinwald; and

Whereas, after graduation from Flushing High School (1935) in Flushing, New York, and from Antioch College (1940) in Yellow Springs, Ohio, she married fellow Antioch College graduate Douglas Johnson in June 1940, right after their graduation; and

Whereas, seven years later the Johnson's moved to Oberlin, Ohio, so that Douglas could accept the position of co-manager of the Lorain Veterans Housing Association, a self-help housing project under the auspices of the American Friends Service Committee, and so that Shirley R. (a former teacher in Antioch College's Lab School) could establish a new home, start a family, and take in the artistic and cultural benefits of this small community; and

Whereas, Shirley R. accepted an invitation to attend an Oberlin School District Board Meeting in the late 1940's which led her to become an activist participant to open these formerly "closed" meetings to the public at large and to work with members of the press to ensure that School officials would initially follow an open process and, thereafter, the Sunshine Laws of the State of Ohio; and

Whereas, Shirley R. (she preferred to be addressed with her middle initial owing to the fact that there were several other Shirley Johnsons in the community) also took her deep seated intensity to advance transparency and fairness in matters relating to the execution of the public's business to the halls of Oberlin City Council, Oberlin Public Library, Oberlin School Board, and the Lorain County Commissioners, where she and her husband persistently acted as watchdogs on behalf of the residents of Oberlin, the School District, Library District, and Lorain County; and

Whereas, before, during and after her professional time as a special learning disabilities teacher in the Oberlin School District, between 1960 to 1994 (part-time and full-time educator) as well as raising a family, Shirley R. was a strong supporter of public schools and the public library in Oberlin; and

Whereas, as a civil libertarian Shirley R. devoted much of her life supporting individual rights under the first amendment, and she and husband Doug became deeply involved as founders of the Oberlin ACLU chapter (affiliate later called the North Central Ohio Chapter), and of the state organization, ACLU of Ohio; and ACLU of Ohio honored her for long-time service on behalf of civil liberties education; and

Whereas, Shirley R. received numerous state and local awards which recognized her for her commitment to public education, as well as to basic constitutional rights in fair housing, good government, open records and to the fairness benefit of collective bargaining; and

Whereas, Shirley R. was a diligent networker with others to guard and protect the rights of other citizens which led Oberlin College to bestow in 1995 the "Distinguished Community Service Award" on this remarkable and valued Oberlinian during the 162nd Commencement Exercises; and

Whereas, her energy and passionate belief in the hope and promise of democracy led Antioch College Alumni Association, Oberlin Education Association, and Lorain County Commissioners, only to mention a few, to recognize Shirley R. for her alertness to infringements of procedures and legal rights, and her sensitivity to civil rights; and

Whereas, Shirley R. proved that an ordinary citizen who appreciated the importance of an "informed citizenry" could make a difference in the work of public institutions in terms of accountability, fairness, and transparency; and

Whereas, Shirley R. Johnson died peacefully at her home in Oberlin on Friday, January 11, 2013, at the age of 95, following three months of declining health.

NOW, THEREFORE, I, Ronnie Rimbart, Mayor and President of Oberlin City Council, on behalf of the Council and the entire City of Oberlin, do hereby proclaim and convey the sympathy of all its citizens to her two surviving children, Eric C. Johnson (Jill Sola Johnson) and Emily A. Johnson, and to her granddaughter Sara Sola Mae Johnson, and to the many friends of Shirley R. Johnson from Oberlin and beyond who voluntarily labored with her to serve as champions for public and private rights, in the belief that the development of the informed and active individual citizen was primary and of benefit to all.

IN WITNESS WHEREOF, I have hereunto subscribed my hand and caused the Great Seal of the City of Oberlin, Ohio, to be affixed hereto, this 22nd day of January.

Ronnie J. Rimbart
 Mayor/President of Council

Following the reading of the proclamation remarks were heard from several members of the public regarding the impact that Shirley R. Johnson had on so many lives.

- (e) Motion to correct the numbering sequence of the 2012 Resolution Log by changing Resolution No. R12-13 CMS adopted by Oberlin City Council on January 7, 2013 to Resolution No. R12-14 CMS.

Motion to correct the numbering sequence of the 2012 Resolution log by changing Resolution No. R12-13 CMS adopted by Oberlin City Council on January 7, 2013 to Resolution No. R12-14 CMS was moved by Peterson, seconded by Meadows.

Clerk Anderson noted that in her review of the 2012 Resolution Logs she noticed that Resolution No. R12-13 CMS had been used twice. In speaking with Law Director Severs, she was advised to place the item on the agenda so that there would be a record of the change, minimizing any confusion in the future.

Roll Call: 7 Ayes 0 Nays Motion Carried

- (f) Appointment of Boards and Commissions.

Broadwell introduced recommendations for appointment to the Civil Service Commission and Housing Renewal Commission. It was noted that the proposed slate would conclude Council appointments for the year with the exception of the Charter Review Committee.

Following remarks Broadwell moved to appoint Leo Evans III, to the Civil Service Commission for an expired term, Norman Bevan to the Housing Renewal Commission for an expired term and Stephen Campbell to the Housing Renewal Commission for an unexpired term ending in 2013. The motion was seconded by Burgess.

Roll Call: 7 Ayes 0 Nays Motion Carried

- (g) Appointment of the 2013-2014 Charter Review Committee.

Council President Rimbart remarked that per the City Charter, a Charter Review Committee of eleven (11) members is formed for the purpose of reviewing the Charter for any corrections or changes that the citizenry may want. He noted that this year, the selection process was very difficult due to the caliber of candidates that applied for the committee. He felt that the slate that is being presented is a good representation section of the community and was relatively pleased with the proposed slate.

Soucy thanked Broadwell for contacting all of the members of City Council for their suggestions. She noted her appreciation to the Council members for their response as well as the response of the citizens who expressed an interest in serving on the Review Committee. She stated that there were seven people who were not selected through a very difficult process and those names will be kept on file in case openings come available.

Burgess proposed that Frank Carlson be removed from the list and Sharon Pearson be added. He explained that Sharon had been employed with the City of Oberlin for over 25 years and has served as secretary representing the City on almost every commission or committee, which he felt gave her an insight into the processes of the City as a former employee that none of the other applicants had.

Motion to insert Sharon Pearson onto the list in place of Frank Carlson was moved by Burgess and seconded by Peterson.

Rimbart remarked that in the past it has been necessary to have someone on the committee that has legal experience, and Frank has volunteered to be that person.

A point of order was raised by Burgess who asked that the presiding officer hand off his gavel if he intended on debating the motion. Rimbart declined to comment any further.

Mucciolo agreed that this was a strong slate but he wanted to discuss for consideration the noticeable gender imbalance among the proposed candidates and asked that Councilor Rimbart consider not serving on the committee and instead Council consider appointing Linda Slocum. He also remarked that having a lawyer serve on the committee would be advantageous but having a Law Director as staff support to the commission would serve the same goal and potentially a more efficient one.

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

Motion to replace the Council President with Linda Slocum to serve on the CRC was moved by Mucciolo and seconded by Peterson.

Rimbart asked the Law Director if they needed to have a Council Member on the review committee. Severs remarked that it was usually a good idea to have a Councilmember on the Charter Review Committee to ensure continuity, they would be there to provide input from Council's perspective. He added that the Charter provision provides that no more than two members can serve on the Charter Review Committee but there wasn't a legal reason why there has to be a member of Council on the Committee. Rimbart stated that essentially the liaison could serve the same purpose. Severs remarked that usually being a member created more of an incentive to show up to the meeting, since there were voting privileges.

Soucy remarked that she fully supported the Mr. Rimbart's serving on the Charter Review Committee. Broadwell remarked that he agreed with Soucy and was the one who suggested that the Council president serve on the committee as the Council's leader. He suggested that if the Council president decided not to serve, which he hoped he wouldn't, then that would be up to him, but he wouldn't support pulling him off.

Peterson asked David Ashenhurst, as a member of the previous committee, if they had any members of Council on the previous Charter Review Committee. Rimbart remarked that they did, he was on it, as was Jim White, and Law Director Severs, 10 years ago. Rimbart remarked that when this came up it was one solid year, one to two meetings a month and it took a lot of time, which required one's full commitment.

David Ashenhurst, 260 Sumner Street, said it was not the Council president on the last Charter Review Committee but he remembered that there were several other former Council members on the last Charter Review Committee, which he didn't know if in every case enhanced its operation. He submitted that especially with an entire crew with no one else who served on Council, he believed it could be somewhat intimidating to a committee to have the Council President on there as a member without seeing him as a representative of Council. He added that the Council President would also get a second chance at recommendations once they come before Council for approval. Ashenhurst further noted that if the Council President had done it before and because in the history of the Charter Review Committees, no one has ever served on two committees, he might not want to serve on the committee again and allow someone else a chance.

Law Director Severs remarked that the last comment was incorrect. He had served on two Charter Review Committees in the past.

Clerk Anderson noted that in her review of the minutes, the Council President hadn't served on the 2003-2004 Charter Review Committees so the idea that he not serve, for the reason suggested by Mr. Ashenhurst, would not apply. She remarked that Councilor Broadwell had a list of the former members which could be read into the record.

Council President Rimbart remarked that he didn't feel that that was relevant whether they had put him on the committee or not, he was on it. As a matter of fact there was a book that had all of the members in it and he was in that book. Clerk Anderson noted that she only pointed this detail out because it seemed to be part of the discussion.

Rimbart remarked that if Council felt that this process would work better if they just went with Council serving as a liaison instead of as a member of the committee then he didn't have a problem with going in that direction. Mucciolo mentioned that the purpose of his motion was to address the gender imbalance that he saw within the list and given that the president could serve as a liaison, and still have that connection with the committee, he felt that would be a satisfactory alternative. Rimbart noted that he would not serve as the liaison someone else would need to.

Broadwell stated that in terms of the gender imbalance seen on the proposed list, they did try to select a group that was representative of Oberlin's population. He didn't see the issue of gender imbalance (7/4) as a bad thing and it certainly wasn't something that they intended to do, but it was a difficult process, juggling names and trying to get people who wanted to volunteer. Broadwell explained that he had made more than one phone call to what he considered to be outstanding prospects that would have changed the dynamics of the group, but they declined.

Meadows said in looking over the names this really was a strong slate. She felt that there was value in having the President of Council serve on the Charter Review Committee, especially due to his historical knowledge of the City. She concluded that she was satisfied with the slate and satisfied with having Mr. Rimbart serve as a member on the Charter Review Committee.

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

Motion to approve the proposed slate for the 2013-2014 Charter Review Committee was moved by Soucy and seconded by Meadows. Soucy read the names of the Committee members in the record as follows:

- Marci Alegant
- Duane Anderson Sr.
- Frank Carlson
- Dick Dunn
- Eric Estes
- Mary Van Nortwich
- Patricia Knight
- A.G. Miller
- James Millette
- Nancy Yood
- Ron Rimbart

Roll Call: 7 Ayes 0 Nays Motion Carried

Council President Rimbart handed the gavel to the Vice President

- (h) Motion to authorize the expenditure of an additional \$10,000 to the law firm of Ice Miller LLP to assist the Law Director with the City's appeal presently pending before the Ohio Environmental Review Appeals Commission (ERAC) and relating to the proposed NPDES permit for the Wastewater Treatment Plant.

Law Director Severs recalled that approximately two years ago the City was faced with some stringent limitations that the Ohio EPA had placed on the Wastewater Treatment Plant for the new permit that was going to be issued. Because of the perceived cost of trying to comply with the EPA, Ice Miller LLP was hired to file an appeal on behalf of the City. Over the years, the legal process has moved slowly due to a number of reasons, but more recently, it has been determined that the cost in the long run for compliance would not be as great as the City initially thought. In speaking with the Public Works Director it was determined that an additional \$10,000 would be needed as Ice Miller LLP wraps up the appeals case.

Motion to authorize the expenditure of an additional \$10,000 to the law firm of Ice Miller LLP to assist the Law Director with the City’s appeal presently pending before the Ohio Environmental Review Appeals Commission (ERAC) and relating to the proposed NPDES permit for the Wastewater Treatment Plant was moved by Burgess and seconded by Broadwell.

Burgess asked how much they have already spent on this case. Severs remarked that in attorney fees they spent \$35,000 and for the study they spent about \$25,000. Burgess asked how much it would cost to comply. Baumann remarked that they didn’t know how much it would cost to comply with the EPA’s requirements but they were going to explore that over the coming months. Severs remarked that it appears that this will be resolved between the City and the EPA later this year without it going to a hearing but in the meantime, they still need Ice Miller’s assistance because their firm specializes in this area of the law. Mucciolo asked how much will the \$10,000 cover. Severs remarked that it should cover the rest of the attorney fees but he hoped that it wouldn’t take the full \$10,000 to get the appeal resolved.

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.

Soucy said it was necessary to schedule a February 4th Executive Session to follow the Regular City Council meeting to continue their work toward hiring a law director.

Motion to schedule an executive session for February 4th immediately following the regularly scheduled meeting in order to continue the work toward hiring a law director was moved by Peterson, seconded by Meadows.

Roll Call: 7 Ayes 0 Nays Motion Carried

Vice President Soucy asked member of Council and appointees to get evaluation forms to Clerk Anderson before the end of the month.

3. OLD BUSINESS:

(A). 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. (3rd)(E)

The Clerk read by number and title only.

Motion to approve the ordinance on third reading was moved by Burgess, seconded by Peterson.

Norenberg recapped the discussion from previous meetings and updated Council on recent actions taken by the PUC with regards to this item. It was noted that the proposed ordinance had been tabled by PUC until its next meeting which would mean that Council would need to wait until its second meeting in February in order to revisit this item.

Participation in the “Pool” would allow the City to take advantage of several PEP benefits including access to excellent service and competitive pricing. Talarico noted that liability premiums as well as Property and Boiler and Machinery premiums increased due to overall insurance market increases and due to the increased values of our buildings as a result of the fire station renovations and updated insurance valuations at other locations. The combined premium increased 37, 280 (15%), or \$15,740 (5%) after removing the effect of the 2012 credit. Talarico asked that Council pass the ordinance on emergency for reasons outlined in the emergency clause.

A motion to suspend the rules requiring three readings and to elevate the ordinance to an emergency in order to authorize the placement of certain insurance coverage for the City of Oberlin prior to its expiration date of February 15, 2013 was moved by Broadwell 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)

(B). ORDINANCE No. 13-03 AC CMS: An Ordinance Amending Sections 111.04 (a) and (b) of the Codified Ordinances of the City of Oberlin Relative to the Salary of the President and Members of Oberlin City Council 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.

Soucy stated that this is an ordinance that if passed will impact the salaries of the subsequent Council that will be elected in 2014, not the seated Council.

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

Talarico remarked that since the December 17, 2012 work session there was some discussion to introduce an option that would allow Council’s salary to be raised up to the OPERS minimum of \$600 in order to get 1 month of credit in the Ohio Public Employee Retirement System and then to maintain the differential up until this point for the President and Vice President salaries. Council will need to pass the ordinance (which endorses “Option 3B”) on emergency before the end of January. He noted that if Council didn’t act and the raises were not approved then the next opportunity for raises to be considered would be January 1, 2016.

Rimbert remarked that the one problem that he has had with the changes made by OPERS, is that if Council doesn’t approve the raises then you will have two members of Council, the President and Vice President, who will be entitled to receive 1 credit in OPERS where the rest of Council won’t have the same entitlement. This was unfair in his opinion and as a result he supported passing the ordinance.

Mucciolo said that he appreciated the history provided to Council regarding City Council raises in the past and changes made by OPERS, but in his opinion that was neither here nor there. He noted that his consideration of this has him coming back to the same point, which is that he didn’t see much value, if any, in approving a raise for City Council at this time. They were talking about \$450 a year for each member or less, depending on what option they approved. In addition he felt that an increase of this size would not provide any additional incentive to the pool of people who would run for office and while the increase was not significant, he couldn’t support it after having asked all City employees to take a pay freeze.

Broadwell said he didn't see a pay raise as being an incentive to getting other people to run for Council. What he was concerned about is the notice from OPERS that says "Effective January 1, 2014 the minimum monthly amount for 1 month of pension credit would be \$600." This is the minimum and if they can't meet the minimum standard of pay then how can they expect anyone to run for Council. This would be a total raise of \$3200 for Council in six years.

Burgess said the current process being used is not the way that he would like to do this. He believed that as the example that they saw from Wellington that it made a lot of sense for Council's pay to be adjusted automatically based on preset criteria. It's really straightforward and sometimes it's tied to the state minimums rising and sometimes it tied to the City employees getting a pay raise across the board which would apply to Council, but he felt that this hit or miss on whether Council should get a pay raise has got to stop.

Peterson remarked that he agreed. In the past when this issue had been brought up some Council's have failed to act on this in a way that is more consistent with the request of time. He agreed that at some point some Council would have to deal with this in a much more efficient way in the future.

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 Broadwell.

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

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

5. OTHER NEW BUSINESS: None

6. COUNCIL COMMUNICATIONS:

(A). Referrals

(B). Advocacy

(C). Correspondence

(D). Reports

- Burgess thanked Council and members of staff for keeping him and his family in their thoughts and prayers as his family began healing from the loss of his grandmother.
- Broadwell noted that he read the proclamation from the City at the MLK Jr. celebration yesterday at MLK Jr. Park he was also able to attend the celebration on Sunday night at Finney Chapel.
- Soucy read an appreciation award from the City of Oberlin Police Department recognizing Royal Gregory for 17 years of dedicated service to the school children of Oberlin providing student safety and enforcing the importance of safe street crossing in the minds of young students.
- Announced the City Managers 50th Birthday.

7. CITY MANAGER'S REPORT:

- Remarked on the Martin Luther King Jr. celebration on Sunday night at Finney Chapel.

- Announced that the man who was arrested for raping and kidnapping a young woman near Prospect School back in March of 2011 was found guilty of four charges. He commended the officers who were involved in leading the investigation.

8. FINANCE DIRECTOR'S REPORT: None

9. PUBLIC PARTICIPATION:

David Ashenurst, Sumner street made additional comments regarding the Charter Review Committee process and Council procedures as they related to the reading of ordinances.

10. ADJOURNMENT:

Being that there was no further business to come before Council the meeting adjourned at 8:47 p.m.

Attest:

BELINDA B. ANDERSON, CMC
CLERK OF COUNCIL

RONNIE J. RIMBERT
PRESIDENT OF COUNCIL

APPROVED:02/04/2013

POSTED: 02/05/2013