



Work Session - 6:00 p.m. – Council Chamber
 Purpose: to hear and discuss a report on the Gasholder/OURC Governance

Executive Session - 6:45 p.m. – Conference Room 1
 Purpose: to discuss pending and imminent litigation

Minutes of the Regular City Council Meeting
 Held on Monday, November 18, 2013
 7:00 p.m.

1. COUNCIL BUSINESS

- (a) Call Regular City Council Meeting to Order and Roll Call – 7:21 p.m.

A regular meeting of the Oberlin City Council was held on November 18, 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 7:21 p.m., by Presiding Officer Ronnie Rimbart. Roll Call was taken as follows:

Council Members:	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"/>

Appointees:

Belinda Anderson, Clerk of Council	<input type="checkbox"/>	<input type="checkbox"/>
Jon Clark, 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"/>

- (b) Approval of Minutes – Regular City Council Meeting – October 21, 2013.

Motion to approve the minutes of the above stated Regular City Council meeting as corrected was moved by Meadows and seconded by Burgess.

Burgess remarked that he had never been a fan of this project because he always felt that it was dangerous. Now that he hears that it is over budget, he feels that it is overpriced. He explained that with the pull back of the curbs and no addition of a turning lane, a car heading north on Main Street and wishing to turn west onto Lorain Street would head out towards the middle of the intersection and wait for oncoming traffic, while the traffic behind the motorist is going to get backed up and become impatient and will more than likely now begin passing that car on the right side, so they would have a defacto turning lane in the middle of the intersection. In addition, by widening the intersection the crosswalks are now longer and a child crossing the street to get to school is going to take about 50% longer to cross than it currently takes. He argued that this is not a project that he would like to rebid and he would like for Council to seriously consider letting it go.

Baumann remarked that the traffic movement that Councilman Burgess described is a scenario that represents exactly what cars are supposed to do. In the future the City could consider purchasing a number of the parking spaces in front of the Art Museum to facilitate vehicles wanting to pass on the right side of traffic flow. He would argue that the larger problem occurs when motorists don't move into the middle of the intersection and traffic gets backed up traveling northbound on Main Street as a result. He concurred with Burgess' remarks that it would take a longer time to cross to the other side of the intersection if the curbs were pulled back. He remarked that the schematic drawing is same version that they presented to Oberlin College and First Church dating back some eighteen (18) months ago and in order to minimize the crossing time, some of the crosswalks have been pulled back further away from where the radius flairs out. Baumann noted that TMS calculated the amount of time it would take to cross the existing crosswalks which he recalled estimated to be between nine (9) and twelve (12) seconds. TMS further estimated that the crossing time for the proposed realigned crosswalks for the intersection improvement project would be around twelve (12) to fifteen (15) seconds, which is about 20% to 40% increase in crossing time.

Meadows asked how many feet would be cut back from the existing curb to accomplish the project. Baumann remarked that the amount of pull back would vary for each of the four curbs at the intersection. He provided Council with several estimations but advised that he would really need to look at the actual numbers to provide a more accurate picture.

Soucy asked how much it would cost to complete this project. Baumann provided the following breakdown:

- \$464,000 – Estimate Cost of Project:
- \$250,000 – Utility Fund
- \$130,000 – Income Tax Capital Fund
- \$ 84,000 – Ohio Public Works Commission

Soucy suggested that they rebid the project, but if they were still unsuccessful with a second round then she would support Mr. Burgess's suggestion not to move forward with the project.

Baumann remarked that modifications have been made to the original scope of the project to reduce the overall cost. He anticipated that the actual cost would come in around \$450k. That new cost also includes a \$33,000 quantity adjustment factor which Staff may or may not choose to use.

Broadwell agreed that the project needed to be done but expressed concerns for going through a lengthy bid process that would eventually impact the States plans to repave SR511/SR58 in the summer of 2014.

Motion to reject all bids for the SR58/SR511 Intersection Improvement Project was moved by Broadwell seconded by Burgess.

Roll Call: 7 Ayes

0 Nays

Motion Carried

Mucciolo asked if any of these changes had been voted on during the first two readings of the ordinance. Burgess replied that no action had been taken. The amendments had only been discussed in the past.

Roll Call: 7 Ayes 0 Nays Motion Carried
(Amended)

Motion to elevate Resolution No. R13-11 to emergency for reasons specified in section five of the resolution was moved by Soucy, seconded by Burgess.

Roll Call: 7 Ayes 0 Nays Motion Carried
(Emergency)

Roll Call: 7 Ayes 0 Nays Motion Carried
(3rd, Final)

4. NEW BUSINESS:

(A). ORDINANCE No. 13-66 AC CMS: An Ordinance Repealing Sections 549.02 through 549.07, 549.10 and 549.12 of the Oberlin Codified Ordinances for the Reasons that Such Ordinances May be Preempted by State Law and They are not Required for Criminal Prosecutions and Declaring an Emergency. (1st)(3rd)

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

Roll Call: 7 Ayes 0 Nays Motion Carried

The Clerk read as directed.

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

Law Director Clark remarked that the proposed ordinance has been written to repeal several of the City's Codified Ordinances that criminalize certain conduct involving firearms. Chapter 549 of the Oberlin Codified Ordinances contains several sections that relate to the possession of firearms, unlike the ordinance relating to the possession of fire arms in City parks, each of the ordinances that are the subject of the ordinance under consideration corresponds to a particular section in Ohio Revised Code.

It is important that any City firearm ordinance keep up with its corresponding section in the Ohio Revised Code to assure that there is no conflict between the two to prevent a legal challenge that could be costly to the City.

Presently, section 9.68 of the Ohio Revised Code mandates the payment of cost and attorney fees by a municipality to a party that successfully challenges an ordinance as being in conflict with State law. Proposed HB203, if signed into law, would require that in addition to costs and attorney fees, a municipality that fails to amend or repeal a firearms ordinance that conflicts with State law, must pay to the challenging party \$100 for each day it maintains such an ordinance after the filing of suit.

The City historically has not prosecuted firearm violations under its codified ordinances largely due to the potential cost of housing a convicted person. Each of the firearm ordinances that are the subject of the proposed ordinances carries the possibility of a jail sentence if a person is convicted under that ordinance. In that event, the City would be responsible for the payment of the costs associated with the housing of the convicted person at the county jail. In addition, firearm violations are often accompanied by other more serious, felony charges that are prosecuted at the county level. For those reasons prosecutions are made under the Ohio Revised Code (ORC) and the cost of housing convicted persons is borne by the State. Because City prosecutions are made

under State law and not under City ordinances, the ordinances in question are unnecessary for criminal prosecutions. To continue to maintain them increases the risk that a conflict may develop between the City ordinances and the ORC. Further, a repeal of these ordinances means that Council will not be forced to adopt legislation in the future that may contain elements that you may find to be repugnant solely to maintaining parity with the State law. Both the Police Chief and Chief Prosecutor support this recommendation.

Burgess commented that we are trusting that the State of Ohio will make sound decisions on the regulation of firearms in Ohio in order to protect our citizens. While the State has a duty to protect Ohioans, Council has a duty to protect Oberlinians and what he hears the Law Director saying is that the repeal of these ordinances will in no way endanger the citizens of Oberlin because our Police department will continue to enforce State laws. Should the time come when the State laws no longer protect Oberlinians, he hoped that our Police department and that future City Council will see fit to put the interest of our residents over the States supposed interest in maintaining a society where guns are welcome everywhere that people are.

Meadows asked if they were able to elevate the ordinance to emergency at this point in the process or was that needed at the beginning of the discussion. Rimbart remarked that they could elevate the ordinance to emergency after they had discussed the item.

Hearing no additional remarks a motion to suspend the rules requiring three readings and to elevate Ordinance No. 13-66 to emergency for the reasons stated in Section 3 was moved by Mucciolo, seconded by Meadows.

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

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

5. OTHER NEW BUSINESS: None

6. COUNCIL COMMUNICATIONS:

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

Soucy

- Reported on trip that she took to Columbus along with Vice President of the LWVOA Mary Van Nortwick where they gave testimony before the House Policy Legislative Oversight Committee in opposition to HB203. Several other groups were there to testify against the HB as well including: Rosie Craig, with the Ohio League of Women Voters; Amy Pulles, Ohio Coalition Against Gun Violence; Julie Eichorn, Moms Demand Action; and John Gilchrest, Ohio Police Chiefs Association. She noted that State Representative Terry Johnson was the person who had sponsored HB203 and he could be reached at 614-466-2124 for those who wanted to speak in opposition to HB203.

Meadows

- Announced that she had a new granddaughter who weighed in at 8lbs 7oz.

Burgess

- Construction downtown is impacting the conditions of the sidewalk causing them to become uneven in some areas making them safety hazards. He noted seeing a few people trip downtown and wondered if

something could be done in front of the New Union Center. Norenberg remarked that some areas had been identified for heaving but he wasn't sure if the New Union Center was one of the locations. He noted that he would get with the Public Works Director and to see if they could get this resolved.

7. CITY MANAGER'S REPORT:

Norenberg updated Council on the following:

- Resource Conservation and Recovery Commission met with a consultant to develop a Zero Waste plan. They would like to present that to Council before the end of the year. They would like to propose a work session before the December 16th meeting at 5:45p.m. The work session would be followed by a short reception for outgoing Council members. In addition they will also make plans to plant the recently purchased peace pole before starting the Regular City Council Meeting.
- Storm damage brush will be collected. Should be out on the curb lawn Sunday night, December 1st.
- Would like to hear update from individuals who have signed up for Code Red.
- Reminder about the Budget Work Sessions scheduled for Wednesday, November 20th and Thursday, November 21st.
- Oberlin Connector negotiation is underway for 2014.

8. FINANCE DIRECTOR REPORT:

- Reported that the PUC recommendation was to approve the operations and maintenance and capital budgets for electric, water, and wastewater. The budgets reflect a water rate increase of 2% for 2014 and a wastewater rate increase of 1% for 2014.

9. PUBLIC PARTICIPATION:

None

10. ADJOURNMENT:

Being that there was no further business to come before Council the Regular City Council meeting adjourned at 8:18 p.m.

Attest:

BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL

RONNIE J. RIMBERT
PRESIDENT OF COUNCIL

APPROVED: 12/02/2013

POSTED: 12/03/2013