

Minutes of the Regular City Council Meeting

Held on Monday, January 21, 2014 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 January 21, 2014 in the Council Chambers of the Oberlin City Hall, located at 85 S. Main Street Oberlin, Ohio. The meeting was called to order at 7:00 p.m., by Presiding Officer Scott Broadwell. Roll Call was taken as follow:

Council Members:	Present	Absent
Sharon Pearson		
Bryan Burgess		
Sharon Soucy		
Elizabeth Meadows		
Kristin Peterson		
Ronnie Rimbert		
Scott Broadwell		
Appointees:		
Belinda Anderson, Clerk of Council		
Jon Clark, Law Director		
Eric Norenberg, City Manager		
Sal Talarico, Finance Director		

(b) Approval of Minutes – City Council Work Session – December 16, 2013.

Motion to approve the minutes of December 16 2013 Regular City Council meeting as submitted was moved by Burgess, seconded by Soucy.

Roll Call:	6 Ayes	0 Nays	Motion Carried

(c) Approval of Minutes – Regular City Council Meeting – December 16, 2013.

Motion to approve the minutes of December 16, 2013 Regular City Council meeting as submitted was moved by Burgess, seconded by Pearson.

Roll Call:	6 Ayes	0 Nays	Motion Carried

(d) Proclamation – In Memory of Hebert Clark Willis.

Presiding Officer Scott Broadwell presented a Proclamation to Pam Willis in memory of her father and former City Council member, Herbert Clark Willis.

PROCLAMATION

Herbert C. Willis

Whereas, Herbert Clark Willis was born May 24,1929, in Pittsburgh, Pennsylvania; and

Whereas, Herb worked as an Air Traffic Controller at Oberlin F.A.A. for many years up until his illness; and

Whereas, Herb was a member of Mt. Zion Baptist Church and a member of Masons Central Lodge #73; and

Whereas, He served the Oberlin Community faithfully as the Past President of the Oberlin Cable Coop and the Oberlin Senior Center; and .

Whereas, Herb was also a mentor at Langston Middle School, a Track and Field Official, and an Oberlin High School Track Coach for many years; and

Whereas, Herbert Willis was a member of Oberlin City Council from 1987 to 1991, and 1996-1999; and

Whereas, Mr. Willis passed away Saturday, January 11, 2014, at University Hospitals Elyria Medical Center, following several years of declining health;

Now Therefore, I, H. Scott Broadwell, Mayor and President of Oberlin City Council, on behalf of the Oberlin City Council and the entire City of Oberlin, do hereby proclaim and convey the sympathy of all its citizens to the family and the friends of Mr. Herbert C. Willis, and express our deep appreciation for his many years of dedicated service given to this community;

And further proclaim and convey our personal condolences upon the passing of a colleague, a friend, a Councilman, and a community leader of long standing and distinguished service in and to the City of Oberlin.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oberlin, Ohio, to be affixed hereto this 21st day of January, 2014.

H. Scott Broadwell MAYOR/PRESIDENT OF CITY COUNCIL

Mrs. Willis thanked Members of Council for recognizing her father's years of service on City Council and the work that he did for the City of Oberlin.

(e) Discuss and consider scheduling an Executive Session for 6 p.m., February 3, 2014 for the purpose of discussing pending or imminent litigation.

Members of Council heard a request from Law Director Jon Clark to schedule an Executive Session immediately preceding the February 3, 2014 Regular City Council meeting. He noted that there were three items that he wanted to discuss regarding pending or imminent litigation that should take no more than an hour to discuss.

Motion to schedule a meeting for 6 p.m., February 3, 2014 for the purpose of discussing pending or imminent litigation was moved by Pearson, seconded by Peterson.

Roll Call:6 Ayes0 NaysMotion Carried

(f) Discuss and consider scheduling the City Council Retreat for Friday, March 14, 2014 beginning at 5:30 p.m. and Saturday, March 15, 2014 beginning at 8:30 a.m.

City Manager Eric Norenberg remarked that he would like to know if the meeting dates work for the members of Council in order to schedule a Council retreat. It was noted that the hospital board room might not be available due to some minor renovations scheduled to take place. He suggested that a motion to approve the meeting date be adopted and in the meantime he would work on finding a venue. It was further noted that the facilitator would be scheduling an interview with each of the Council members, lasting no longer than 45 minutes to an hour.

Motion to schedule an Oberlin City Council Retreat for Friday, March 14, 2014 beginning at 5:30 p.m. and Saturday, March 15, 2014 beginning at 8:30 a.m., for the purpose of reviewing Council practices and setting Council goals was moved by Soucy and seconded by Burgess.

Roll Call:6 Ayes0 NaysMotion Carried

(g) Discuss and consider selecting two Council members to serve on the Bed Tax Screening Committee of the Oberlin Business Partnership.

City Manager Norenberg provided a brief overview of the guidelines associated with distributing Bed Tax funds to applicants who have applied for grant monies in order to market and promote the City of Oberlin. The purpose for appointing two members of Council to the Bed Tax Committee is to assist with the applicants screening process. It was noted that this year's practice would be similar to past grant cycles in that \$40,000 has been set aside: \$30,000 goes to the Oberlin Business Partnership for their marketing and promotional activities, and the other \$10,000 has been set aside to be used to help market and promote events, that various organizations in the community hold during the course of the year, to help attract more visitors to Oberlin.

Meadows entered Council chambers at this time.

Janet Haar, Director of Oberlin Business Partnership reported to Council that this year they were going to use a more objective approach during the selection process. In addition, a report has been compiled that shows the history of which programs have been granted funding in the past.

Motion to appoint Elizabeth Meadows and Bryan Burgess to serve on the Bed Tax Screening Committee of the Oberlin Business Partnership was moved by Peterson seconded by Pearson.

Roll Call: 7 Ayes 0 Nays

Motion Carried

(h) Appointments to boards, commissions, and committees.

Motion to appoint Bridgette Flynn to the Resource Conservation and Recovery Commission was moved by Pearson, seconded by Meadows.

Roll Call: 7 Ayes

0 Nays

Motion Carried

Broadwell thanked everyone throughout the City who served on boards and commissions. Personal recognition was granted to those board members who had been unable to return to the City Boards and Commissions due to term limitations. Those acknowledged included: Nancy Yood, David Gibson, Marilyn Fedelchek Harley, and Bob Coan.

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

City Manager Norenberg introduced Cindy Andrews as the new Executive Director for Oberlin Community Services. Ms. Andrews provided remarks thanking Oberlin City Council and to the Oberlin residents for their generous support of Oberlin Community Services which helps them to find ways to be more proactive in designing effective services as well as helping those in need.

Members of Council welcomed Ms. Andrews aboard. Broadwell remarked that the work that is done at Oberlin Community Service is boundless and is greatly appreciated by the residents of Oberlin and surrounding communities.

Sean Cain, 30 Groveland Street expressed his concerns for recent trends that he noticed in the City which makes it difficult for underprivileged middle aged men to find employment. There is an industrial park, construction, and new businesses coming to Oberlin, but no one is hiring. He remarked that with Oberlin's pledge to partake in the Clinton Climate Initiative he feels that Oberlin's efforts to become a green community may make the price of living unaffordable for Oberlin's underprivileged community in the long term. He fears that this may end the diversity that Oberlin prides itself on causing many disadvantaged families to seek housing and employment in other communities. Cain stated that he would like to see more involvement from the town in making sure that gainful employment opportunities are available to all residents. He would like to see young people be economically viable in their town and not become marginalized because of their inability to obtain a living wage in the Oberlin community forcing them to take root elsewhere, because they can't afford to live in Oberlin. As a resident he felt that he might have been coerced into signing a social contract, with people outside of the College that may not be in the best interest of people facing identical circumstance to his. He committed to attending more Planning Commission meetings and providing his personal input as they move forward.

Broadwell remarked that finding gainful employment for all residents is a desire shared by all members of Council. Ideally the employment rate for Oberlin would be 100%, unfortunately that is not the case. He urged Mr. Cain to use Oberlin Community Services as a resource to help him with his job search. In the meantime, Council would continue to try to find a solution to the unemployment issues that Oberlin continues to struggle with and do its best to get jobs in Oberlin.

Rimbert remarked that he agreed with comments from Mr. Cain. He said he has felt, for quite some time that Council is moving in a direction that can be a detriment to the community. Anytime something new is being done, like striving for carbon neutrality, the human factor has to be taken into account. A decision has to be made to determine if the goal is to draw people to Oberlin or to run people away. In recent years the cost of living in Oberlin has increased and more people are moving to surrounding communities because it is more affordable. People continue to talk about going "Green" and "carbon neutrality" but no one is taking into consideration the bottom line, which is what can we really afford, especially those who make up our disadvantaged population. He felt this needed to be an ongoing discussion and thanked Mr. Cain for bringing it to the forefront.

3. OLD BUSINESS:

(A). <u>ORDINANCE No. 14-01 AC CMS</u>: An Ordinance Accepting the Bid of A.J. Riley, Inc. of Norwalk, Ohio for the State Route 58 and State Route 511 Intersection Improvement Project and Declaring an Emergency. (2nd)(E)

The Clerk read by number and title only.

Motion to approve the ordinance on second reading was moved by Meadows, seconded by Soucy.

Roll Call: 7 Ayes

0 Nays

Motion Carried

City Manager Norenberg remarked that Council previously heard a presentation by Jeff Baumann, Public Works Director which led to discussion were questions were raised about the installation of a left turning lane at the R58/R511 intersection. Prior to tonight's meeting Council received an updated report from Mr. Baumann that reviews some of the information about the engineering study and attempts to address some of the concerns raised at the last meeting. As a part of that report Mr. Baumann has included some diagrams that would be helpful for tonight's discussion. Following opening remarks Mr. Norenberg then deferred the discussion over to Mr. Baumann.

Mr. Baumann remarked that he didn't have any additional information to add but was prepared to answer questions.

Meadows thanked Mr. Baumann for the diagram which answered many of the questions that she raised during the previous discussion.

Rimbert asked why they wouldn't have a directional arrow allowing for left turns at the R58/R511 intersection. Baumann remarked that questions dealing with the traffic signals should be directed to Steve Dupee, Director of Light and Power. He added that the project allows for a North Bound left turn lane. There is not enough road right-of-way with the pavement to allow for left turning lanes on the other three legs of the intersection, without substantially widening the intersection in every direction.

Rimbert inquired as to whether or not it would help if they allowed for a left turning lane heading Northbound at the intersection. Baumann agreed that it would be helpful as long as motorists were not held up behind the motorists who were turning to the left. Baumann said there doesn't necessarily need to be a separate arrow on the signal, but they need to have the ability for the vehicle to pass around to the side while the vehicle in front is turning left. Rimbert said he still wasn't clear on why it couldn't be done. Norenberg remarked that one of the initial reasons for replacing the traffic signal is because the current systems controls were out of date. He spoke to Steve Dupee who said that the green arrow was not part of the current budget but it was something that could be added in the future. Staff asked the traffic engineering firm, TMS to look at the most optimal way to improve traffic flow through the intersection and the number one suggestion is the turning radius improvements that they are recommending tonight. Norenberg cautioned that it was not to say that the left turn signal couldn't be added at a later date, it just wasn't something that was recommended by the engineer as something that would have a significant traffic flow benefit.

Burgess remarked that he would like to see it included in the project instead of waiting for the future. He understood that the engineering firm was looking at the most cost effective way to complete the project, but he felt that adding that left turning lane would make a big difference to the traffic flow downtown.

Meadows said that it was her understanding that it was discussed at the last meeting that the turning lane could be established after a study was done by ODOT. Baumann said a study by ODOT wouldn't be required. What he said is that this project the way that it is presented to Council tonight neither includes nor does it precludes the future installation of the left turn lane. The decision is still out there to be made by Council and the administration.

Meadows asked what the cost would be to include the left turn signal. Baumann remarked that the stripping would be approximately \$1000, but he would have to defer the question to Mr. Dupee to see what it would cost to add the left turn signal hardware. Mr. Dupee said he can get that information, but he was not prepared to answer that question at this time. He explained that based on the recommendation of the engineering firm, from a best practice perspective they would need to require additional right-of-way from the College and of course additional pavement width. He expressed additional concerns that by adding a left turn lane without doing additional right-of-way acquisition, they would be creating a more unsafe and greater hazard at that intersection.

Rimbert said he would support the plan as presented but he would still like to see some data and research that supports Mr. Dupee's comments. Dupee provided the following numbers from a 2011 traffic signal study done at the R58/R511

intersection. The study revealed that 89% of the traffic either goes straight heading North on Main or turns to the right. Rimbert remarked that if he had that information initially then that would have helped him in his decision-making process.

Broadwell reiterated previous concerns that if they put in a left turning lane would they have to remove five parking spaces; before they do this he would like for Planning Commission to look at this more closely.

Kevin Weidenbaum, 99 South Cedar Street remarked that this project assumes \$410,000 of the public's money, there is only about \$86,000 from other grant monies. His initial thought is that this money could be spent on much more necessary street improvements. The R58/R511 intersection functions well for the most part and he didn't see the need for the whole project. There are two parts to the project, one is all the signal improvements and the other is the corner radius improvements. Weidenbaum asked what the cost would be for just the traffic signal system improvements, which is all that the Safe Routes to School engineering study mentions is necessary. The other part of the project seems to have gotten piggy backed on that project. He is all for safety but guestioned how many accidents occur at this intersection and how many accidents were projected to be prevented if these changes were made. Also with the corner radius improvements it is more likely that drivers will attempt to scoot around a motorist who is turning left which in his humble opinion is very dangerous to opposing left turn drivers. He feels that this plan is making the intersection more dangerous. Furthermore, he pointed out that when children are going to and from school, there is generally a crossing guard at that intersection. With that corner radius enlarging, cars would have even more difficulty seeing pedestrians and bicyclist trying to cross at that intersection, which to him is also a danger. He goes through that intersection quite often and worries from time to time if a car will see him. In that regard he would like for the traffic engineers to consider what he calls a scramble system that is used in some cities. Where the pedestrians wait until all of the lights are red and then the pedestrians can cross diagonally as well as horizontally or vertically and there is never a time that the pedestrian is crossing when the cars are moving. It is safer to separate pedestrian movement from car movement. Finally, he addressed the ongoing discussion pertaining to the need for the City to raise more money, which causes him to wonder if they have projects of higher priority that need to be done for with \$410,000 than this one.

Broadwell said that he believed that cutting the back radius at the intersection was a valid project to pursue as well. He believed that the project would allow for trucks to turn more easily around the corner and will move traffic through the intersection more smoothly, resulting in less back up downtown during the two rush hours that we have in the morning and in the afternoon.

Ken Sloane, 41 Morgan Street stated that he has a tendency to agree with remarks from Mr. Weidenbaum. He said the signal changes make sense to him, because they seem to be more appropriate for developing better pedestrian safety which he feels should take precedence over traffic flow and improving how the R58/R511 intersection functions.

Rimbert said he liked Mr. Weidenbaum's suggestion of the scramble system as well and would like to see the administration look into this system if possible.

Soucy said one of the things that had come up a number of times is the cost of this project. She asked the Public Works Director to explain how the figures are broken down. Baumann reviewed the figures as outlined in an earlier memo.

Following his review, Baumann explained that in practice there wouldn't be an additional \$410,000 that could be used towards the aforementioned project, as indicated by Mr. Weidenbaum's comments. There would only be about \$165,000 from the City's Capital Improvement fund. Remarks were followed by an overview of the City's Enterprise Fund.

Soucy noted that it was important to realize that the funds being used towards this project are not just funds that can be used for a lot of different things.

Broadwell asked if using a scramble system at the intersection would throw off the timing of the lights. Norenberg said they looked at this project earlier this summer and reviewed the success that other Cities around the country have had in using the scramble system. Many cities such as Chicago, IL and Denver, Co have had a stop in all four directions for pedestrian crossing, whether it is straight across or diagonally, and have stopped using those systems because it actually creates greater traffic congestion. Norenberg remarked that he understood the concern for safety and the desire to move to a

scramble system, but the reality is that he doubted that this type of system would change the current practice of pedestrians and felt that they would still cross no matter what the traffic signal read.

He felt they tried to do their best in terms of analyzing the area. They started looking at this as a traffic signal replacement program, so that the signals could be updated with electronic control, and it would be possible to be synchronized for the fire trucks going through the intersection. One reason they decided to take a look at making additional improvements at this intersection, was because once they put the holes and the new traffic signal it was highly unlikely that they would make any changes to this intersection again at least for another 30-40 years. They felt that no one would want to revisit the project once it was done, due to the amount of the investment of installing the poles and the complexity of the project. They wanted to make sure that this was well analyzed and they brought Council the best possible recommendation that would serve their needs not just now but in the future. They have been through this with the property owners on all four corners, First Church and the College hade both dedicated that right of way necessary to make this happen. They have reviewed and approved the plans and they believe this has gone through a thorough process. He hears the concerns raised by Mr. Rimbert, but as Mr. Dupee has indicated, you have a significant number of those vehicles that are going straight. They can get a reanalysis of those numbers and let you know if it will make any improvements in terms of left turn movements. He reminded members of Council that the timing for getting this project completed was critical, because in May ODOT will be in Oberlin to pave R58/R511 in early May.

Soucy said she thinks that they may have lost sight in their discussion at the fact that there is a problem at this intersection. Staff didn't take on this project, on a whim, because they have plenty of money to spend. There have been a number of times when she has been coming from the North end of R58 to the South and traffic has been backed up to Maple Street and it takes three or four lights in order to move through that intersection. At this time they may not have the right solution, but she felt that they needed to remember that they do have a problem at this intersection that still needed to be addressed.

Rimbert said he has heard a lot of information. He felt that there was a lot of information that could have been divulged by the administration that could have helped him in his decision process. Now he feels caught in the cross fire and is unsure where he stands. He felt that the discussion has yielded some good information that should be given further consideration. This will be a tough decision.

Broadwell said he felt like he has been given enough information. He asked if they were at that critical point where this needs to be done tonight. Baumann said from the schedule that he sketched out for Council previously, it appears to him that the paving of R/R58 and R/511 will happen concurrently with the installation of the traffic signal system. The key is that they go ahead and improve this to get the radius improvements constructed and the drainage improvements and all of the underground conduits installed that OMLPS will need for the signalization system. Baumann remarked that this is really up to Council and he will follow Council's direction. Baumann remarked that the information that Mr. Rimbert is requesting is really in the form of traffic counts. Staff would have to have TMS Engineers examine certain specific questions related to those traffic counts and ask certain questions and have them interpret the information. It is not that we have withheld information as Council can see there are pages of information on staff from this project. It is really up to Council. We will do it on whatever schedule and do it as quickly as we can. We know for a fact that once the foundations are in, it will be about 20-24 weeks before the equipment will be delivered in Oberlin so that it can be installed so that is already pushing it into June.

Broadwell said he was more concerned about getting the curbs done. The traffic signal system can be installed at any time.

A motion to suspend the rules requiring three readings and to elevate Ordinance No. 14-01 to emergency for the purpose of moving forward the project was moved by Soucy, seconded by Meadows.

Roll Call:	5 Ayes	2 Nays	Motion Carried
(1 st , Suspension of F	Rules/ Emergency)	(Rimbert, Burgess)	
Roll Call: (1 st , Final)	6 Ayes	1 Nay (Burgess)	Motion Carried

4. NEW BUSINESS:

(A). <u>ORDINANCE No. 14-02 AC CMS</u>: An Ordinance Amending Ordinance No. 507 AC CMS, As Amended, to Provide for an Additional Three-Fifths of One Percent (3/5%) Levy on Income for a Period of (10) Years, for the Purpose of Providing Funds for Operating and Capital Improvement Expenses for the City of Oberlin, Providing for an Effective Date Thereof, and Providing that this Ordinance Shall be Effective Only if Approved by the Electors and Declaring an Emergency. (1st)(E)

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

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 Pearson.

Finance Director Talarico remarked that several discussions had been held on how to replace the lost State revenue. At the previous meeting two options were considered by Council; both included storm water utility which would save the General Fund about \$200,000. Option 1, would have an increase in recreation fees and an income tax increase from 1.9% to 2.3%. Option 2, would also have an increase in the income tax from 1.9% to 2.5%. Council was also provided a summary which included a five year projection of where the City would be if it chose either option. He reiterated the key difference between both options. He remarked that Option 2 replenishes the \$250,000 that they were currently using to balance the General Fund; this means that if they replenished the \$250,000 into the income tax capital improvement fund, then there will be an additional \$250,000 available for street, park, and cemetery improvements and equipment for the Fire, Police and GMD Departments.

The proposed ordinance amends the income tax section of the codified ordinances, but it doesn't take effect until the voters approve it. If the voters don't approve it then the ordinance is basically dead, because the ORC doesn't allow a change in the income tax without a vote of the people. The first Ordinance which is 14-02 changes the codified ordnances, the second piece of legislation is resolution R14-01, places the matter on the ballot in May. Both are presented to increase the City income tax from 1.9% to 2.5% and for a 10 year period. He and the City Manager felt that it would be best to use this option as opposed to fewer years or a lower rate because they wanted to replace the \$250,000 they were using out of the income tax capital improvement fund. They also wanted to have sufficient revenues to take us into the 5 year projection period without continuing to use the reserves. He noted that based on the projection there will be a need to use \$30,000 of the City's revenues during the last year in 2018. If this is approved then there shouldn't be a need to come back to the voters. In the instance that we are collecting more than we need we can go back to the voters to have the levy reduced. If not, in five years from now, one of our other levies will expire and we can choose not to renew that levy. There will be plenty of opportunities to change the rate in the next few years.

Rimbert asked Mr. Talarico if he felt that the voters would go for the proposed ordinance. Talarico remarked that Mr. Norenberg had been tracking how other communities are handling the budget cuts from the State, and this appears to be the norm.

Norenberg said the Chronicle Telegram mentioned, just this past week, that the City of Elyria and the City of Sheffield were considering an increase of their income taxes to make up for the short falls as well. Additional remarks were made concerning the importance of maintaining the quality of life in Oberlin which will require that the City find a way to offset the lost revenue. Norenberg stressed to members of Council that if they didn't fill that gap they will be making cuts that will impact the quality of maintenance as well as the quality of City service for their residents.

Following remarks Talarico reviewed the following handouts (attached):

- State Income Tax Based on Annual Ohio Taxable Income after Adjustments & Exemptions 2004-2013.
- Reduction in the States support to Oberlin

- o Local Government Fund
- o Estate Tax
- Chart Showing Oberlin City Income Tax has been 1.9% since 2004 (no increase in 10 years)
- State Income Tax & City Income Tax
 - Projecting State Tax Rates Stay the Same 2014 2016
 - Projecting an Increase in City Income Tax Rate to 2.5% in 2015

Soucy said that she is concerned that many of the City employees have not received a raise in three (3) years. Council is aware that this cannot continue and this is a factor that is driving this need that she believes the public will understand. She has also come to understand that they cannot just drain the reserve funds as some have suggested, even though there is \$8 million dollars in the City's reserve fund. The answer to that is that the reserve fund is the engine that will bring the City back to health once interest rates rise. We have to be cautious of cutting ourselves off at the knees and eliminating that asset when times do improve.

Pearson said that while we have focused on the fact that this income tax affects people who are higher wage earners and mostly live out of town, this will also impact the lower income people as well. One of her concerns is that the City of Oberlin is at 28 % poverty level. A lot of people are using OCS and they are bursting at the seams right now. She is concerned with going to a .6% interest right now. She is more interested in a lower impact on the City than having a higher impact. She believes that if they go to a .6% impact then they are passing the burden on to the income tax for the wage earners.

Rimbert commented that the city has always done a tremendous job with its employees. He has been sitting here for 12 years and he couldn't recall of ever laying anyone off. This is not the case in other communities. The papers show that Teletech and Ford have laid off large numbers of people. He reminded Council that when they are looking at this whole picture, part of that process is looking at the other communities surrounding Oberlin. He agreed with Ms. Pearson that the school system poverty level is at 40%.

Burgess stated that he knew that they left the last Council meeting without a decision being made by any means, but he left with the understanding that they would go with a lower rate for a longer period of time. The other side of the conversation was a higher rate for a shorter period of time. What they came into this evening, was a higher rate for a longer period of time, which wasn't the scenario that was discussed at all at the last meeting. He thinks the staff is looking at what will keep the City most assuredly in the black for the next five years. His concern is what will have the least impact to citizens today and the least impact to the City's fiscal situation in the future. He didn't think that anyone is suggesting that they spend the reserve down to nothing. The projections that they got from the finance director at the last meeting show that if they go with the .4% increase they will be in the black for two years into it and then they would start going into the reserves, to about the tune of \$300,000. Whereas, if they go with a .6% increase on year five they will be using \$30,000 of the reserves fund. That is \$30,000 out of \$8 million dollars. He felt that under the .4% increase scenario he didn't think that using 5% of their reserves is outrageous. It's reasonable and it is why the reserves are there. That is why at the last Council meeting he supported .4% for a longer period of time. It insures that they have some concrete planning moving forward. He felt the .income tax increase of .4% will have both; minimal impact on residents today and is more prudent for the future.

Broadwell said he was trying to push for a consensus at the last meeting and he felt like he was having trouble getting that, so he isn't sure where they were at when they left the last meeting. The finance director and City Manager said they went with the proposed option because they believed it was easier to come down from there as opposed to go through a debate on trying to bump it up.

Norenberg said on that option 1 was looked at, at the last meeting. It also included an assumption of raising \$100,000 a year from Recreation programs, which there seemed to be a consensus from everyone that that would be difficult to do. Especially since a lot of the lower income residents who have many of their kids in a recreation program. While there was potential to raise fees a little bit more modestly, it was his sense that Council didn't feel like raising \$100,000 from that source was unlikely. It also continues to use \$250,000 a year from the income tax capital improvement fund which is our main source of revenue to fund street improvements and capital equipment replacement. While as Mr. Burgess pointed out in 2015 there would funds coming back towards the reserve fund that year but in later years it would start tapping into reserves. In fact, they are tapping reserves by using the funds that way. Which meant that it is really a difference of

\$350,000 right off the bat if they are not going to raise \$100,000 from the Recreation program. He remarked that the two options proposed at the last meeting had different moving parts and he just wanted to make sure that it was something that everyone was clear on.

Members of Council revisited Option 1 as presented at the previous meeting.

Rimbert asked what the projection was for the end of 2013. Talarico remarked that if he was looking for specific revenue. Income tax was slightly higher than the year prior. The Estate tax was much higher than they anticipated at \$600,000, but they will no longer get those funds from the State. Talarico noted that there might be some residual estates that haven't closed yet, because they typically take a year to close, but essentially that revenue is gone.

Soucy said like Ms. Pearson they were all concerned about how this will impact a portion of our community. She asked Mr. Talarico to provide Council with the figures for a .4% increase and the .6% increase for an annual income of \$50,000. Talarico remarked that for someone making \$50,000 it would be an additional \$200 a year for the .4% and it would be an additional \$300 a year for the .6%. The difference for a person making \$50,000 between .4% and .6% is \$100 a year, which in 12 pays would be \$8 a pay check. Her point being that the difference between the two figures is pretty small on a monthly basis on a \$50,000 of course that amount would be less as that income went down. The difference increases as you make more money. Talarico remarked that that was a good point to elaborate on. The income tax is based on earnings. So if you are earning income you will be paying the tax and its percentage of that, so the lower the income the lower the dollar amount. There is no perfect scenario for any source of revenue for the City. They felt that his would be the least impactful, because as you all know the property taxes are paid regardless of what a property owner makes. If someone is on a fixed income they are going to pay the property tax increase no matter what. Where now, if someone is on a fixed income they won't be impacted at all, unless it is earned income.

Broadwell noted that 75% of the employees who work in Oberlin are from out of town. It would impact a smaller percentage of people who actually live within the City boundaries.

Rimbert asked what the timeline was to get this approved and on the ballot. Talarico remarked that the Board of Elections filing deadline is February 5th at 4:00 p.m., so if Council wanted to do a second reading it could. That would give administration a couple of days to get certification and get this hand delivered to the Board of Elections. He remarked that he and the fellow appointees; Law Direct Clark and Clerk Anderson would like the extra time, but that just means that a lot will have to happen between the 3rd and the 5th.

Meadows said that she knows that it is a hard issue and they are reluctant to take the action, but she felt that they should go ahead and vote on it. Because doing things in haste always leaves the possibility of making errors. Given the fact that State taxes have been decreasing, she didn't think that the impact would be quite so severe on our citizens. Even though there will be an increase locally. If the state is taking less money and we are trying to get more money locally then she felt that it evens out. She said that she has worked outside of Oberlin so she is impacted by the adoption of this ordinance. But she would much rather see an increase here in Oberlin to keep our quality of life stable and to keep our services as they have been. She supported putting the matter to a vote rather than table it and talk about it again in two weeks.

Rimbert said that he didn't have a problem voting on it. He was just trying to get clarification on whether or not they were looking at .4% or .6%. Broadwell remarked that it would be the ordinance that is before Council that they would be voting on.

A motion to suspend the rules requiring three readings and to elevate Ordinance No. 14-02 AC CMS to emergency for the reasons stated in Section 5, was moved by Meadows, seconded by Soucy.

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

Motion Carried

Motion to amend the ordinance to strike 3/5ths of a percent and insert 2/5ths of a percent was moved by Burgess and seconded by Pearson.

Soucy questioned whether or not they were following the correct procedure. The ordinance had been passed on emergency and now they are passing the emergency.

Clark remarked that there was a motion to waive the three reading requirement and to elevate the ordinance to an emergency that passed. Now there is a motion to amend the ordinance itself for the amount. Soucy asked if it were appropriate to follow this procedure before the final reading. Attorney Clark remarked that it was.

Roll Call:	3 Ayes	4 Nays	Motion Failed
(Amendment)	(Rimbert, Pearson, Burgess)	(Soucy, Meadows, Peterson, Broadwell)	
Roll Call:	4 Ayes	3 Nays	Motion Carried
(1 st , Final) (Soucy, I	Meadows, Peterson, Broadwell)	(Burgess, Rimbert, Pearson)	

Law Director Clark remarked that there has been a question raised on whether or not the Final Reading passed since it had passed by a 4/3 vote. The question was posed that since it had been raised to emergency did the ordinance then need to pass by a super-majority or 5/2 on final reading. Clark asked for some time to research the procedure since he was unclear of how to rule without checking into it. He asked if Council could adjourn to recess he might be able to find an answer shortly.

The presiding officer called a 10 minute recess.

Law Director Clark remarked that they did look at another instance where this same issue was presented to Council. Although there was nothing in the minutes to indicate what the law director's opinion was. He would give a provisional opinion today that it requires four (4) votes on the final passage. That the emergency itself was authorized by the correct number of votes and now they are simply authorizing an ordinance which under our charter only requires four (4) votes. He remarked that he intends to do some research on this issue and if it turns out that it is incorrect he will address it at the next Council meeting.

(B). <u>ORDINANCE No. 14-03 AC CMS</u>: An Ordinance Accepting the Renewal Proposal of the Public Entities Pool of Ohio through Wells Fargo Insurance Services USA, INC., for Various Liability and Excess Liability Insurance Coverage and Property and Boiler & Machinery Coverage for the City of Oberlin Declaring an Emergency. (1st)(E)

Burgess 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 Rimbert, seconded by Meadows.

Finance Director Talarico remarked that the City has been in the Public Entities Pool (PEP) since 1988 for various types of insurance coverage. The pool consists of over 450 government units within the State of Ohio and operates as a non-profit pool. They provide insurance to members for General Liability, Wrongful Acts, Law Enforcement Liability, Public Officials Liability, Automobile Liability, and since 2010 they provide insurance for Property and Boiler & Machinery coverage. Overall the premium for both decreased from last year when combined together and when we add in the coverage for a Cyber Breach, we are \$1100 over last year's premium. The Cyber Breach premium by itself cost \$4,000. This coverage would cover the expense of credit monitoring should any of the City's confidential data become compromised. Outside of the Cyber Breach coverage there isn't anything else in the policy that is changing all other coverage will remain the same.

In order to get this done by the renewal date of February 15th, 2014 he would like for this to be passed on emergency.

Foregoing discussion a motion to suspend the rules requiring three readings and to elevate Ordinance No. 14-03 to emergency for the reasons stated in Section 3, was moved by Burgess, seconded by Soucy.

(1st, Final)

(C). RESOLUTION No. R14-01 CMS: A Resolution Submitting to the Electors of the City of Oberlin, Ohio, at the Election on May 6, 2014, the Question of Providing for an Additional Three-Fifths of One Percent (3/5%) Levy on Income for Ten (10) Years and Declaring an Emergency. (1st)(E)

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

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 Peterson.

Talarico remarked that this is the second piece that he mentioned earlier that places the question to the electors on the ballot.

Meadows asked if this was needed on emergency as well. Burgess suggested that Resolution R14-01 CMS be passed on first reading, because he was not convinced that Ordinance 14-02 actually passed. It would be inappropriate to pass this one on emergency, when Ordinance 14-02 is still in guestion. Broadwell concurred.

Rimbert said he agreed, but if they do have the correct ruling then they were fine, and if they didn't then it wouldn't matter anyway. Clark answered in the affirmative.

A motion to suspend the rules requiring three readings and to elevate Resolution No. R14-01 CMS to emergency for the reasons stated in Section 5 was moved by Soucy, seconded by Meadows.

Roll Call: (1 st , Suspension of	6 Ayes Rules/ Emergency)	1 Nay (Burgess)	Motion Carried
Roll Call: (1 st , Final)	7Ayes	0 Nays	Motion Carried

(D). RESOLUTION No. R14-02 CMS: A Resolution Appointing Oberlin City Law Director Jon Clark as the Designee of the Members of Council for the Purposes of the Public Records Law and Declaring an Emergency. (1st)(E)

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

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 Burgess.

Law Director Jon Clark remarked that the Attorney General is required to provide certain education to elected officials on various topics having to do with Public Records Law. The legislation determined that members of Council didn't actually have to attend the training but could appoint a designee in its place, which is what they are doing if the proposed resolution is adopted. This training is mandatory under the Ohio Revised Code.

A motion to suspend the rules requiring three readings and to elevate Resolution No. R14-02 CMS to emergency for the reasons stated in Section 3 was moved by Meadows, seconded by Soucy.

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

5. OTHER NEW BUSINESS:

None

6. COUNCIL COMMUNICATIONS:

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

Members of Council shared several announcements and updates including:

Meadows

- Attended the Martin Luther King Jr. Performance at Finney Chapel on Sunday, January 19th, 2014 put on by Michael Fosberg.
 - Peterson said she was able to relate to the performance on a personal level and did buy a copy of the DVD which she would make available to anyone who was interested in borrowing it.
 - Broadwell provided a summary of the performance which is also used by various corporations for diversity training. He remarked on the possibility of having Mr. Fosberg come back to Oberlin to offer training to the City of Oberlin in the future.
- Joined the Sound Committee.
 - Need to resolve the sound system issues that they are having in Council chambers.
 - Believes they need to look at the acoustics in Council Chambers and look at having the current system supplemented with better equipment.

Broadwell

- Read the proclamation at the Martin Luther King Jr. Park Celebration. This is one of his favorite functions of the year.
- Attended NOACA meeting with Wanda Davis and Carrie Handy. Our application for the \$435,500 has been sent on to the planning and programming committee.
 - NOACA will be discussing the application again on February 14th.

Soucy

Attended a Naples City Council meeting and it was interesting to see how they accommodated the viewing
audience. They had two televisions screens at the meeting that had closed caption running across the bottom of
the screen. She was interested in seeing how this setup might be made available in Oberlin even if they used one
screen instead of two. She was amazed at the number of phone calls she received due to the viewing publics
inability to hear the Council meeting during the Swearing in Ceremony, the election of officers, and the tribute to
Eric Severs.

7. CITY MANAGER'S REPORT:

City Manager Norenberg provided the following updates.

- NOACA has changed their process so that they do more work in Committees. So the meeting that Mr. Broadwell spoke of was the first of three committee meetings. He remarked that they would have representation at those meetings to ensure that this keeps moving forward. He will attend the meeting scheduled for February 11th.
- Office of Criminal Justice Services website released a list of approved grants for Police agencies. The Oberlin City
 Police Department has applied for funding for body cameras for police officers, and that funding has been
 approved.

Broadwell announced that it was the City Manager' Birthday.

8. FINANCE DIRECTOR'S REPORT:

• Nothing.

9. PUBLIC PARTICIPATION:

Ellen Broadwell asked Council to consider lapel mics for some members when evaluating the sound system.

10. ADJOURNMENT:

Being that there was no further business to come before Council at this time the meeting adjourned at 9:30 p.m.

Attest:

BELINDA B. ANDERSON, MMC CLERK OF COUNCIL

APPROVED: 02/18/2014

H. SCOTT BROADWELL PRESIDENT OF COUNCIL

POSTED: 02/19/2014







