





## Slate for non-contested positions

<u>Board/Commission/Committee</u>	<u>Nominee</u>	<u>Term Ending</u>
City Records Commission	Edward Vermue	12/31/12
Historic Preservation	Elizabeth Tisher	12/31/12
MBE Advisory Committee	Michael Murray	12/31/12
Resource Conservation & Recovery	Henry Bent	12/31/12
Underground RR Implementation Team	Barb Bickel	Unlimited
	Jessie Reeder	Unlimited
Zoning Board of Appeals	Lynda Hcks	12/31/12
	Stephen Campbell	12/31/12
Fire Fighters Dependents Board	Scott Broadwell	12/31/12
	Charles Peterson	12/31/12

By Council consent it was agreed to hold off on making appointments to commissions with multiple applicants until all applications could be reviewed and interviews could be held in accordance with Resolution R08-07 CMS.

Sloane further noted that in compliance with the procedures as outlined in the previously mentioned Resolution, a third member should be appointed to the nominating committee before those interviews were held.

Motion to nominate Kate Pilacky to the nominating committee was moved by Peterson and seconded by Broadwell.

**Roll Call:** 7 Ayes 0 Nays Motion Carried  
Ashenhurst, former Council member stated that the former committee which consisted of Scott Broadwell and Charles Peterson had been appointed under the old Council and proper protocol would dictate that they be reappointed under the new Council.

Motion to reappoint Scott Broadwell and Charles Peterson to the Nominating Committee was moved by Burgess, seconded by Meadows.

**Roll Call:** 7 Ayes 0 Nays Motion Carried

**Roll Call:** 6 Ayes 1 Nay Motion Carried  
(Slate) (Peterson)

**(f.) Appointments of Council Liaisons for Boards, Commissions and Committees.**

Prior to the appointment of Council liaisons to the various boards, commissions and committees President Sloane referred to Article XII of Resolution No. R04-15 CMS: A Resolution Adopting Procedural Rules Relating to Meetings of Oberlin City Council which explained the role of Council liaisons. He read:

*“The role of the Council Liaison to a Commission, Board or Committee is to serve as an informational bridge between Council and that group. The Council member may participate in discussions, but he or she should make no attempt to control the discussion or subsequent votes. The Council member does not vote at the Commission, Board, or Committee meetings.”*

At that point he deferred to Councilor Soucy who worked with Council members to get this task accomplished.

Soucy provided an overview of the process used for appointing members to various commissions. The list was presented as follows:

#### Council Liaison

<u>Board/Commission/Committee</u>	<u>Council Liaison</u>
City Records Commission	Elizabeth Meadows
Ambulance District	Ken Sloane
Fire Code Appeal Board	Ken Sloane
Civil Service Commission	Sharon Soucy
Design Review Subcommittee	Sharon Soucy
Planning Commission	Sharon Soucy
Historic Preservation	Scott Broadwell
Housing Renewal	Scott Broadwell
Human Relations Commission	Charles Peterson
MBE Advisory Board	Charles Peterson
OCIC	Bryan Burgess
Open Space and Visual Environment	Kate Pilacky
Public Utilities Commission	Ken Sloane
Recreation Commission	Elizabeth Meadows
Resource Conservation & Recovery	Bryan Burgess
Underground RR Implementation Team	Ken Sloane
Zoning Board of Appeals	Kate Pilacky

Bryan Burgess advised that he had reservations about his appointment as liaison to OCIC. He explained that in October Governor Strickland signed a bill allowing for the financing of Solar Electric Systems using State monies. The local municipality would assign a fiscal agent to oversee the distribution of those funds. If OCIC were overseeing the distribution of these funds his participation with OCIC would be difficult, since as an electrical contractor he might be on the receiving end of getting some of those funds. He realized that as a liaison he wouldn't have any voting privileges but felt that due to the potential conflicts he wouldn't be able to effectively represent Council's position serving on that board.

Sloane said liaisons were prohibited from participating in discussions that would lead to a decision or urge members of the commission to vote one way, so there might not be a conflict. He asked the law director for his legal opinion.



Ken Sloane advised that this is where Council appointees give a presentation about what their function is in regards to City Council duties. It is a very important item, especially for new members of Council.

Motion to establish February 6, 2010 as the date for the 2010 City Council Orientation, beginning at 9:00 a.m. at the Allen Medical Center was moved by Meadows, seconded by Broadwell.

**Roll Call:** 7 Ayes 0 Nays Motion Carried

**(h.) Establish February 26 and 27, 2010 as the date for the 2010 City Council Retreat.**

Ken Sloane advised that this is a time where Council works together to resolve any potential areas of conflict and work on ideas for cooperation and problem solving. This will be moderated by Julie Novack, President of the Novak Consulting Group.

Motion to establish February 26, 2010 and February 27, 2010 as the date for the 2010 City Council Retreat, starting from 5:30 p.m. – 9:00 p.m. on Friday, the 26<sup>th</sup> and resuming at 8:30 a.m., on Saturday, the 27, by Broadwell and seconded by Meadows.

**Roll Call:** 7 Ayes 0 Nays Motion Carried

**(i.) Schedule an Executive Session on January 19, 2010 at 6:30 p.m. for the purpose of discussing pending or imminent litigation.**

Motion to schedule a meeting for the above stated purpose was moved by Soucy and seconded by Meadows.

**Roll Call:** 7 Ayes 0 Nays Motion Carried

**(j.) Discussion related to a Notice of Hearing from the Ohio Division Liquor Control for a new permit application from Albino Squirrel LLC dba The Slow Train Café, located at 55 East College Street.**

Severs advised that the previous Council objected to the Albino Squirrel Permit for two reasons: 1) the precinct was dry and therefore they couldn't obtain a liquor license. It was later determined that this was not the case and a license could be obtained. 2) This permit would be adjacent to a residential zone and was near a college dormitory. This was considered not to be a plausible reason for denying the issuance of a permit.

Severs further advised that if Council chose to pursue the matter he would need to have two witnesses that would be willing to appear at the hearing set for January 15, 2010.

Councilmember Burgess asked when a liquor license was issued did it allow any kind of alcohol to be sold at that location. Sever advised that it depended on the type of local option that had been approved by the voters in that precinct. The type of precinct that the proposed permit was approved for was for beer and wine, but not hard liquor.



Sean Cain, Oberlin resident brought in a 15 page report for Council to read, prior to its consideration to participate in the Clinton Climate change initiative. He said that it seems like a good thing but he felt that the whole global warming issue had been blown out of proportion. (The information was presented to the Clerk for distribution to Council.)

Sloane advised that any steps taken related to the City's participation in the Clinton Climate initiative would be publicized and open for public comment as it is being considered by Council.

Elizabeth Rumics, asked Council to make the following considerations:

- Add Reports from Council Liaison's to the agenda.
- Consider issuing a Clerk's Annual Report to the general public.
- Provide the public with a listing of correspondence received at the end of Council meetings.

Sloane advised that he would like to consider using e-mail as a tool of communication for getting information to the general public as well.

Kevin Weidenbaum, 99 South Cedar Street, proposed that Oberlin consider implementing a water conservation incentive plan that would offer homeowners: the financial incentive to conserve water and reduce utility bills to the large number of homeowners who use more than the minimum amount which is less than 300 cubic feet of water.

Finance Director Talarico advised that Mr. Weidenbaum has used this example in the past, but one of the hurdles that they have to get over is that regardless of how much water is used when the tap is turned on, the water still has to get there. That means that everything that goes into making sure that that water is clean and available the customer's tap has to be done and it has to be paid for; whether one uses one glass of water or several hundred feet of water. He further advised that if they dispensed with the minimums then they would need to address some sort of charge for having the water tested, the Plant to produce the water, and the distribution of water to homes. He advised that this would be a concern that the Public Utilities Commission could look into.

Sloane advised that the Finance Director's point was well taken, but he had received several inquiries about why members of the public were not rewarded for the conservation of water and then of course charged less for the accompaniment of sewage.

### 3. Old Business

(A). **Ordinance No. 09-95 AC CMS** – An Ordinance Authorizing the City Manager to Enter into a Contract with The Edge Group, Inc., of Columbus, Ohio for Professional Planning Services for the Preparation of a Parks and Recreation Strategic Plan and Declaring an Emergency. (2<sup>nd</sup>)(E)

The Clerk read by number and title only.

Motion for passage on second reading moved by Soucy and seconded by Broadwell.

City Manager Norenberg provided a recap of Council actions and discussions leading up to this point. He remarked that Staff didn't feel that it could take on specific components related to facilitating workshops

without the assistance of the consultants, but they felt that they could ensure that adequate communication and recruitment of participants was done.

Soucy said that she would like Council and the consultants to receive a copy of the previous recreation study that was completed in 1990.

Pilacky asked where the public input component would be in the project. Norenberg advised that this information had been outlined in the basic scope of services on page 2 and 3 of 8. A Planning Advisory Committee would serve as a steering team to help guide the process and be the primary interface with the consultant.

Burgess asked if the City was considering the usage of recreational facilities that belonged to New Russia and Pittsfield Township, since their planning efforts were being reviewed in the study. Norenberg said the study that was completed 20 years ago noted these other facilities and it was important to update that information. In addition many of those facilities were available and utilized by the Oberlin public.

Broadwell stated that a \$3,000 Public Open House/Work Shop seemed rather expensive. He asked the City Manager to expand on what those services would entail. The City Manager advised that the Public Open House/Workshop would be held to present preliminary concepts and draft recommendations in order to solicit additional input on preferences and priorities for improvements. This is anticipated to happen over the course of 2-3 days.

Peterson asked if the reimbursable expenses noted under the terms and conditions of the scope of services had been figured in the final cost. Public Works Director, Jeff Baumann advised that the proposed contract amount is a not-to-exceed amount, so any reimbursable expenses would be included in that amount. Sloane advised that he would like an opportunity to read the study from 1990, and to further review the information presented from The Edge Group.

**Roll Call:** 7 Ayes 0 Nays Motion Carried  
(2<sup>nd</sup> Reading)

#### 4. New Business

**(A). Ordinance No. 10 – 01 AC CMS** – An Ordinance Authorizing an Extension of the Agreement with Worldcolor (Formerly Quebecor World), for Interruptible Electric Service and Declaring an Emergency. (1<sup>st</sup>)(E)

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

**Roll Call:** 7 Ayes 0 Nays Motion Carried

The clerk read as directed.

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

Steve Dupee, OMLPS Director advised that in May of 1999, OMLPS entered into an interruptible electric service agreement with the utility's single largest electric customer, Worldcolor. This agreement would

permit Worldcolor to interrupt electric service in situations where the City is experiencing peak demand for electricity, transmission congestion, substantial peaking power costs, etc. In addition if the interruption couldn't be accomplished then Worldcolor could buy supplemental power at the actual cost incurred by AMP during the period of non-interruption.

Significant changes in the electric industry have occurred since this interruptible service agreement was executed almost 10 years ago. The establishment of Regional Transmission Organizations (RTOs)-which are responsible for dispatching and scheduling power across the grid - were not in existence at the time the interruptible service agreement was drafted. Regional Transmission Organizations can call for interruption as well with customers who have entered into these interruptible agreements. Our RTO is MISO, and they are in the process of establishing non-performance penalties related to customers who can't interrupt at the time that they are asked to. Additional time is needed to determine what the impacts would be to Worldcolor as a result of these non-performance penalties. They were supposed to be completed and established in 2009 so they extended this agreement up to a one – year period. Staff would like to extend it up to another one year term ending in 2010. This agreement provides value both to the City and to Worldcolor and credits are shared as a result. Last year the credit to Worldcolor was valued at \$135,000 and the credits to the City was valued at \$129,000.

Burgess advised that from a procedural standpoint he would like to pass this request on first reading, to allow an opportunity for the Public Utilities Commission to review the information and offer a recommendation. Dupee advised that there was little change with this ordinance to the one approved in 2009 last year and since PUC approved it before he didn't see the need in bringing it before the commission. He advised that at the commissions meeting scheduled for January 5, 2010, PUC will be able to provide Council with a recommendation.

**Roll Call:** 7 Ayes 0 Nays Motion Carried  
(1<sup>st</sup> Reading)

**(B). Ordinance No. 10 - 02 AC CMS** – An Ordinance Approving an Agreement with the Ohio Department of Development Relating to Administration of the City of Oberlin's Housing Revolving Loan Fund Program and Declaring an Emergency. **(1<sup>st</sup>)(E)**

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

**Roll Call:** 7 Ayes 0 Nays Motion Carried

The Clerk read as directed.

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

City Manager Norenberg advised that routinely the Ohio Department of Development (ODOD) required that communities administering CDBG/HOME RLF programs - such as Oberlin's Housing Revolving Loan Fund- to enter into an agreement with that department as a condition precedent to the continued operation of that RLF Fund. Norenberg noted that this was a housekeeping item that just needed Council's approval. He asked that the ordinance be passed on emergency in order to get this agreement back into place, since the previous agreement had already expired.

Peterson made a motion to suspend the rules requiring three readings and elevated the ordinance to an emergency. The motion was seconded by Soucy.

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

**Roll Call:** 7 Ayes 0 Nays Motion Carried  
(final)

**(C). Resolution No. R09-09 CMS** – A Resolution Authorizing Scott Broadwell to be the Delegate to Represent the City of Oberlin as a Member of the Board of Directors of the Ohio Municipal Electric Association. **(1<sup>st</sup>)(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 for passage on first reading moved by Soucy and seconded by Meadows.

Norenberg advised that the OMEA general membership adopted amendments to OMEA's constitution increasing the OMEA board membership from 12 seats to 16 seats. During the AMP/OMEA/OPPEI Annual Conference held in early December, Oberlin was elected to one of these seats. A resolution must be passed authorizing one representative to the Board. He advised that a meeting is coming up in January and representation is needed at that time.

Peterson asked if there was a great deal of work involved with serving on the Commission. Dupee advised that there was a lot of information to retain dealing with State and Federal issues that affect municipalities. The board helps to set policy for the municipalities that belong to the municipality.

Peterson asked if Dupee felt that the person serving on the board should be someone who is ready to hit the ground running. Dupee advised that this is a board that is filled with mayors and elected officials of diverse backgrounds. He felt that it was more about a motivation and a dedication to the issues at hand rather than having some past experience in municipal electric or municipal business in general. Dupee added that the most important thing about this position is the representative's ability to establish long lasting relationships with our legislative leaders and their ability to articulate the City's points in a very concise and easy manner and the ability to forge alliances with political leaders in the community.

Soucy asked Broadwell to share a little bit of the meeting that was held in December. Broadwell advised that they had a meeting where little business was conducted. It was more for the purpose of networking. He was able to meet the executive director and other staff members of the association. Out of the 16 members on the board approximately 9 were in attendance. He advised that a quick overview of upcoming discussions about cap and trade legislation on the federal level was provided and they had discussion related to the state budget which has since been passed.

Peterson moved to amend the ordinance to have Bryan Burgess represent the City in place of Scott Broadwell due to his experience in the energy field. Kate Pilacky seconded the motion adding that she felt that both members of Council were qualified to represent the City but she felt Burgess had the experience needed to be the most productive.

Broadwell advised that he had attended the meeting and he had no doubts that any member of Council could represent the City. Peterson added that he believes that in terms of political ability to serve on this board he had no doubts that any member of Council would serve well. But in saying that, there was also a technical aspect to this position that would be beneficial to have as well.

Burgess advised that energy issues have been his life’s passion and it is what he does on a daily basis. During the AMP GS Station, he communicated with Sue Morano multiple times. Marcy Kaptur’s office has been very active in advocating and procuring renewable energy for the Toledo area and had been informed that what this City has done up to this point it is looked at very favorably by her office. Burgess explained that he had been one of the founding members of Green Energy Ohio and he really felt that he had his finger on the pulse of municipal energy issues in Ohio. While technical expertise may not be a requirement to this position, he felt that he could handle both the technical and the political side to this position.

Meadows asked for clarification of the motion that was being voted on at this time.

The clerk advised that the motion on the floor was to strike Scott Broadwell from the Resolution and to insert Bryan Burgess as Oberlin’s representative to serve on the OMEA board.

<b>Roll Call:</b>	3 Ayes	4 Nays	Motion Failed
(Amended)	(Burgess, Peterson, Pilacky)	(Broadwell, Meadows, Soucy, Sloane)	

A motion to suspend the rule requiring three readings and to elevate the ordinance to an emergency was moved by Soucy and seconded by Meadows, in order to make Scott Broadwell available in an official capacity at the earliest possible time.

<b>Roll Call:</b>	7 Ayes	0 Nays	Motion Carried
(Emergency)			

<b>Roll Call:</b>	5 Ayes	2 Nays	Motion Carried
(final)	(Soucy, Peterson, Broadwell, Meadows, Sloane)	(Burgess, Pilacky)	

**5. Other New Business:**

None

**6. Council Communications:**

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

Black & Veatch Report

Burgess asked for an update on the Black and Veatch Study. Eric Norenberg advised that they intend to schedule a joint work session with PUC to discuss the modified report in early February. Once they determined the date it will be placed on the agenda at the January 19, 2010 meeting. Burgess asked if this were a work session of the draft or of the final report.

Norenberg advised that a final draft would be received two weeks in advance of the work session. So that both groups would have a chance to give a final review, ask questions, and then provide input to the consultant. Black and Veatch would then submit the final product based on the information provided at the work session.

Beauty Salon Application

Meadows commented that she understood that the City was trying to get more businesses to come into Oberlin and because of the parking issue they were going to get some unusual requests about where businesses can be placed. She felt it was important that the City become more creative in working with new businesses in Oberlin and be aware of the fact that parking will certainly impact where people would like to place their businesses.

Soucy advised that she would like to shed a little light on the issue related to Meadows comments. This was a minority business and it was proposed that it be placed in the industrial park in a building that was owned by Charles Horton. Since the plan did not fit into the City's long range plan, the request was declined. Soucy agreed with Meadows that they needed to do all they could to accommodate businesses even if it occasionally violates some of the past practices that they have had.

Severs advised that Council would be revisiting this decision in the future: the Planning Commission makes a request, but a public hearing will come before Council and Council will have a chance to vote it up or down.

Pilacky asked if Council kept track of where commercial vacancies were located throughout the City.

Norenberg advised that it was not the responsibility of Council but the responsibility of Tita Reed, the Economic Development Officer. He advised that they collaborate with various organizations around the community as well (i.e. Main Street Oberlin/Chamber, Team Lorain County, and the Lorain County Growth Partnership).

Report – Planning Commission

Burgess asked Soucy if funds have been budgeted to replace a bridge at the Reservoir Arboretum. Soucy advised that this was an application for site plan approval on behalf of Oberlin College, so City funds had not been budgeted.

**7. City Managers Report:**1/05/2010 LCT meeting at 2PM

To discuss alternative transportation issues for the City of Oberlin.

Clinton Climate Positive Program

Norenberg advised that he would attempt to get a copy of the Memorandum of Understanding for the Clinton Climate Positive Program by the next agenda.

**8. Finance Director's Report:**

Finance Director Talarico advised that insurance legislation would be appearing on the upcoming Council agenda.

**9. Public Participation:**Community Organization Meeting

David Ashenhurst, 260 Sumner Street, asked when the Community Organization discussion was going to start.

Talarico said the process would start in January after it has been determined that no Conflict of interests existed with members of Council. In February the subcommittee will meet to make a recommendation to Council.

Update: RFPS for Alternative Energy

David Ashenhurst asked what the status for the RFPS for alternative energy was –given, or not given- the status of the Black and Veatch Report.

Norenberg advised that status of the responses to the RFP's were being evaluated at this time. If any of those proposals were worthy of pursuing, then the City would look to respond on them before the 60 day timeline had expired.

**10. Adjournment:** Being that there was no further business to come before Council the meeting adjourned at 10:17:55 p.m.

**Attest:**

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Belinda B. Anderson, CMC  
Clerk of Council

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Kenneth Sloane  
President of Council

Approved: 02/01/2010

Posted: 02/02/2010

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