



Minutes of the Regular City Council Meeting
Held on Monday, April 5, 2010
7:30 P.M.

1. Council Business

(a.) Call Regular City Council Meeting to Order and Roll Call – 7:30 p.m.

A regular meeting of the Oberlin City Council was held on April 5, 2010, in the Council Chambers of the Oberlin City Hall, located at 85 S. Main Street Oberlin, Ohio. The meeting was called to order at 7:22 p.m., by presiding officer Kenneth Sloane.

Roll call was taken as follow:

Members Present: Charles Peterson, Bryan Burgess, Sharon Soucy, Elizabeth Meadows, Kate Pilacky, Kenneth Sloane

Members Absent: Scott Broadwell (Excused)

Others Present: Belinda Anderson, Clerk of Council; Eric Severs, Law Director; Sal Talarico, Finance Director; Eric Norenberg, City Manager

(b.) Approval of Minutes – Regular City Council Meeting – March 1, 2010

Motion to approve the March 1, 2010 minutes of the Regular City Council Meeting as amended was moved by Peterson, seconded by Soucy.

Shirley R. Johnson, Oberlin resident, asked that the discussion on page 6 - related to the recognition of the late William Johnson - also indicate that an exhibit of historical materials was displayed in his honor at the Main Street/Chamber of Commerce's street – level window in Oberlin.

Roll Call: 6 Ayes 0 Nays Motion Carried

(c.) Approval of Minutes – City Council/ARCADIS Work Session – March 15, 2010

Motion to approve the March 15, 2010 minutes of the City Council Work Session as submitted was moved by Peterson and seconded by Burgess.

PROCLAMATION

WHEREAS, on January 13, 1961, the Council of the City of Oberlin was presented with a “Statement of Belief” which had been circulated throughout the community and signed by more than 550 residents of the City of Oberlin, and which read in part:

“Believing that we are not being true to our religious and democratic heritage if residence in any neighborhood is restricted to certain racial and ethnic groups on purely arbitrary grounds, we the undersigned declare our intention to practice the principle of equality with respect to housing, and we declare our desire to see people given the right to acquire residence without prejudice as to their race, religion, or national origin.” and

WHEREAS, on November 20, 1961, City Council passed Ordinance 235 AC, the third Fair Housing law enacted in this nation; and which on March 10, 1965, with the decision handed down in *Porter v. Oberlin*, became the first Fair Housing law in the United States to survive legal challenge in a state supreme court; and

WHEREAS, City Council has continually committed itself to equal access to housing and mortgage borrowing opportunities, regardless of race, color, religion, national origin, familial status, handicap status, gender, or sexual preference or orientation, through the passage over the years of Ordinances 67-491,73-927, 88-70, and 91-31, together today comprising Chapter 1185 of the Oberlin Codified Ordinances; and

WHEREAS, April has come to be designated Fair Housing Month by the President of these United States and by the Department of Housing and Urban Development, in part to commemorate the enactment, at long last, of the first federal Fair Housing Act, on April 11, 1968, in the wake of the shocking assassination of Dr. Martin Luther King, Jr.;

NOW, THEREFORE, I, Kenneth Sloane, Mayor of the City of Oberlin, Ohio, on behalf of the Council of the City of Oberlin, proclaim the month of April 2010 as:

FAIR HOUSING MONTH

and encourage the citizens of Oberlin to reacquaint themselves with their human rights that are protected by law from arbitrary or prejudicial consideration, and join with the Human Relations Commission in reaffirming our City’s commitment to equal treatment in housing, public accommodation, and other matters, regardless of circumstances of origin, age, status, or orientation;

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 5th day of April 2010.

Kenneth Sloane
Mayor/President of Council

Shirley R. Johnson, West College Street reminded the listening audience that Oberlin took pride in many of the things that it’s done to uphold Fair Housing Practices. In remembering this accomplishment she reminded others that there were still a few people alive in this community who worked long and hard making the Fair Housing Act (FHA) a reality. In addition, she urged fellow Oberlinians to not only brag about the many achievements that they had made in this area but to continue to live up to them as well.

(g.) Proclamation – CROP Hunger Walk Day

President Sloane read a proclamation in observance of CROP Hunger Walk Day.

PROCLAMATION
CROP Hunger Walk Day

WHEREAS, at the end of World War II many people wanted to share our country's abundance with European war victims; and Church World Service and CROP's first purpose was to gather wheat and other crops from U.S. farms for shipment to Europe; and

WHEREAS, today, locally-organized, Church World Service-sponsored CROP Hunger Walks are an important part of community life for more than 2,000 towns and cities in the United States, bringing together people of different faiths, diverse cultures, and all age groups; and

WHEREAS, in the last 15 years alone, CROP Hunger Walks have raised over \$200 million to bring help and hope to people in need around the world and in the U.S.; and

WHEREAS, each year CROP Hunger Walks help more than 3,200 local food pantries, food banks, and meal sites in the U.S. provide food to neighbors in need, including our own Hot Meals Program and Oberlin Community Services in Oberlin.

WHEREAS, each year CROP Hunger Walks will be held on April 25th to help our community become aware of and concerned about hunger and its causes; and

WHEREAS, the CROP Hunger Walk will raise funds to help stop hunger both locally and globally;

NOW, THEREFORE, I, Kenneth Sloane, Mayor of the City of Oberlin, Ohio, on behalf of the Oberlin City Council do hereby proclaim April 25th as CROP Hunger WALK DAY in Oberlin, Ohio and do urge the citizens of Oberlin to support this CROP Hunger Walk.

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 5th day of April 2010.

Kenneth Sloane
Mayor/President of Council

Norenberg commented that if there was an interest in sponsoring participants in the Crop Walk this year, one could contact Oberlin's local churches, Rotary Club and local school district.

(h.) Discuss and consider scheduling a Work Session for 6:30 p.m. on April 19, 2010 to hear a presentation from Oberlin Electric Director Steve Dupee and staff from American Municipal Power (AMP) regarding the planned Efficiency Smart Program.

Motion to schedule a work session for 6:30 p.m. on April 19, 2010 for the above stated purpose was moved by Peterson, seconded by Meadows.

Roll Call: 6 Ayes

0 Nay

Motion Carried

(i.) Discuss and consider affirming the 2010-11 City Council Goals developed during the recent City Council retreat and recommended strategies for accomplishing those goals.

Norenberg advised that one of the final actions that Council took during its retreat in February was to establish nine goals for its term. Since then, staff has reviewed these goals, made recommended edits and added strategies for accomplishing set objectives. It is recommended that Council approve this “work plan” to accomplish the 2010-11 goals.

Soucy expressed discomfort with accepting points one and two which addressed existing parking issues in Oberlin. She recalled that Council agreed that parking would be a major challenge for the City and they all wanted the issue of parking addressed but she didn’t remember there being a consensus that the Planning Commission should be directed or encouraged to accept the Verizon lot. There had been a fair amount of discussion that a number of Council members wanted to pursue a parking garage, so she found that specific conclusion not something that she recalled agreeing to as a body. She recommended that Council commit to working with the College concerning parking but she would not recommend committing to goals as specific as points one and two.

Pilacky advised that she would like to see some language about a green parking garage added to the goals.

Burgess advised that he would not like to see a parking garage at all which was indicative of how much disagreement went on in that meeting.

Peterson stated that it was clear that Council was not of one mind concerning the first two goals. He further suggested that Council consider a work session in order to expand the discussion.

Meadows recalled having a protracted discussion about the parking garage and though it was true that Council didn’t see eye to eye on all details, she recalled there being some sentiment around the table that this was something that needed to be pursued in order to make sure that there was adequate parking in the future, especially with bringing new businesses downtown.

Sloane concurred with Burgess. He recalled mentioning the possibility of a parking garage in the future, but he felt that there were other things that could be done to address issues of parking at this time. He also agreed with Mr. Peterson in that a work session was in order.

Norenberg reviewed the process for selecting the nine goals from a pool of thirty. He added that though there had been some discussion related to a parking garage it did not make the final cut and the result of that discussion was the selection of the nine goals presented to Council at this time. He advised that if Council wanted to hold a meeting about this that would be fine as well.

Soucy suggested that instead of having a work session, Council select a few members to rework these goals with Mr. Norenberg at a later date.

Peterson said that it seemed like the opinions of Council relating to the issue of parking were miles apart. He encouraged Council to choose members that represented different polls of opinion to attend the meeting with the City Manager. He further explained that he had suggested the work session for the purpose of discussing the parking issue but wondered if they should just strike goals 1 and 2 from the list and approve the remaining seven goals as written in the meantime.

Elizabeth Rumics, Hollywood Street expressed interest in knowing what had been the original wording for the first goal. Norenberg advised that it hadn't changed, it read:

“Council will encourage the Planning Commission to accept the plan to use the Verizon parking lot rather than angled parking suggested on West College, with the stipulation that the plan will be reevaluated by the Council if either drops out of the lease.”

Rumics advised that when she looked at the adopted version of the guidelines for the Council Retreat she didn't recall it reading this way.

Shirley R. Johnson, West College Street, agreed with Soucy about reworking goals one and two and added Goal No.5 to the revision list. She argued that Goal No.5 gave the impression that it had already been decided that the North side of West College Street and North side of East College Street were the locations to install the new sidewalk. Johnson suggested that a more general statement be put there to allow for greater flexibility in case the site for the sidewalk installation should change. In addition she felt that the language in Goal No. 6, dealing with “encouraging employees to live in Oberlin” should be stricken from the list. She felt it was very important not to place pressure on potential employees with the City with relation to where they should live. Norenberg concurred with Johnson and stated that the language had been changed from “*encouraged*” to “*...promote Oberlin as a great place to live*”. This was a goal that staff had agreed was important to strive for, they wanted everyone to know that Oberlin was a great place to live it was not intended to add pressure to potential candidates.

Vice President Soucy questioned whether it was necessary to formally adopt goals that Council had put together at a retreat. She considered these to be guidelines that were a work in progress and suggested that Council move on at this point.

Meadows agreed that the goals were a work in progress but felt that they should still stand because Council worked very hard at coming up with those goals. She thought that Council was pretty united in stating that these were things that were very important to them. She didn't see a need to remove any of the goals. She remarked that if Council wanted to change the list then it should be addressed in a work session and they should reach an agreement as a whole.

Peterson advised that he would be amicable to Soucy's suggestion and would withdraw his suggestion to extract goals one and two from the list.

Pilacky asked Norenberg if it would be helpful for staff to receive direction from Council on this topic. Norenberg advised that he viewed this as a way of helping Council accomplish its goals. It was not to get direction from Council.

David Ashenhurst 260 Sumner Street asked Council if its decision not to vote meant that Council had considered but then decided not to affirm the goals. It was his opinion that if Council didn't affirm the goals at least in a general way, then the goals had not been owned by Council.

Norenberg commented that Council accepted the report from the facilitator of the Council Retreat at its March 1, 2010 meeting. Council's acceptance of that report confirmed both the results of that retreat and the objectives that were a part of that meeting. This was just a list of potential strategies to help Council to accomplish those targets. Sloane added that the goals were not written in stone but they were goals that were discussed at the retreat.

Pilacky felt that it was a matter of wordsmithing and she didn't want to wordsmith by committee. She suggested that they revisit this information and address it again at the next Council meeting. President Sloane agreed to the proposal and suggested that Council get with the City Manager in the interim to suggest possible edits.

(j.) Discuss and consider a motion to amend the 2010 community organization funding for the Oberlin Youth Soccer Association.

Talarico reviewed a memo related to the Oberlin Youth Soccer Association's request for additional funds. He said that Steve Thompson, Vice President of the Oberlin Youth Soccer Association (OYSA) had requested that City Council increase the OYSA contract award for 2010. Talarico advised that Thompson had indicated in a previous discussion that if City Council could not fund OYSA's full request of \$5,000 an additional \$1,000 (total of \$3,500) would go a long way in meeting the organizations need for 2010. He further advised that Mr. Thompson was available to answer any questions for Council at this time.

A motion authorizing an amendment to the 2010 contract with the Oberlin Youth Soccer Association, increasing the amount to a total of \$3,500, and authorizing the City Manager to enter into such contract was moved by Soucy, seconded by Meadows.

Mr. Peterson recused himself from the discussion.

Roll Call: 5 Ayes

0 Nay

Motion Carried

Mr. Peterson returned to Council Chambers at this time.

2. Any concerns that are not on the agenda may be brought to the attention of Council at this time.

No parking signs on Fairway Drive

Linda Matus, 90 Fairway Drive provided Council with an account of her first experience with five "No Parking" signs having been placed throughout Fairway Drive. She felt this was absurd and as a result

of growing concerns throughout the neighborhood she along with her husband, and several neighbors talked with Council members and the City Manager and encouraged the signs to be removed. A compromise was made where the signs were reduced down to three signs, which she remarked as still being an absurdity. A petition was circulated and signed by 17 members, representing every home on the street, which read as follows:

“Dear Mr. Sloan and Council Members,

The following residents and property owners of Fairway Drive hereby petition the City of Oberlin to remove the five recently installed “No Parking” signs as soon as possible, since they are not at all necessary or required by any applicable code, ordinance or governing law.

Our short street is wide, safe and quiet. Parking has never been a problem or an issue in the past fifty-six years. The signs impact our small street visually, and the parking restrictions prevent easy access by visitors to our homes.

We have tried to get this matter settled in other ways, but have been unsuccessful. Therefore we are appealing to the City Council to overturn this decision.

We hope that fairness and common sense will prevail, and that you will grant our petition.”

Matus advised that originally she had intended to ignore the signs and park on the street anyways but that reaction would have been a less noble approach. When she found out that this was going to be applied to every street in Oberlin it then became a matter of principle. Matus announced that several Oberlin City residents from Fairway Drive and surrounding neighborhoods were prepared to comment on the subject at this time.

Lynn Swanson a resident of Fairway Drive for 22 years said she actually had one of the “No Parking” signs removed from in front of her house which was good for the aesthetics of the street. However, the issue of No Parking on Fairway Drive was a big concern to its residents. She explained that there was no parking on Morgan Street which was adjacent to Fairway and with the restrictions the total available parking had been reduced to nine parking spaces, which created a hardship for homeowners especially when entertaining guests. She advised that based on the restrictions cited in a letter from Fire Chief Dennis Kirin, many residents would be affected by the enforcement of Section 503 of the International Fire Code which would restrict parking on one side to meet twenty (20) foot fire apparatus requirements. If this requirement were enforced then those streets that were not wide enough to accommodate the 20 ft fire apparatus requirement, would have parking restricted on both sides of the street, this would affect streets like Elm, Oak, and Pyle. In looking at other Cities in the Lorain and Cuyahoga County area Swanson noticed that there weren’t any parking restrictions on streets comparable to Fairway Drive. A review of the Ohio Fire Code Section 502 revealed that a fire apparatus access road is considered to be the same as a fire lane as defined:

“ a road or other passage way developed to allow the passage of fire apparatus. A fire lane is not necessarily intended for vehicular traffic other than fire apparatus. A fire lane shall not be interpreted to mean in a residential, and or public street.”

Swanson's interpretation was that the Ohio Fire Code didn't show that Fairway Drive was considered to be a fire access street or lane which caused her to question whether it needed to meet that 20 ft fire apparatus requirement. In addition she questioned how so many other Cities could just ignore that requirement if indeed it were a requirement of the Ohio Fire Code.

Olga Markoff- Belaff, a resident of 155 Fairway Drive since 1987, objected to the parking restrictions because it was so sudden without any notification or consultation. She explained that new restrictions would cause residents to lose more than half of their parking allotment, resulting in a more congested area on one segment of the street, where parking is permitted. It also results in an unfair burden to neighbors who lived at the end of the street around the circle where parking was prohibited.

President Sloane asked that members of the public addressing the Fairway Parking issue try not to repeat comments that others have made. He also noted that there would be a three minute limit to each speaker.

David Orr, a resident of 114 Fairway Drive for ten years, concurred with all comments previously stated. He felt that the signage was unnecessary to say the least. The street was 26 feet wide, where the average car was 5 ft wide. He explained that even if there were two cars parked on either side of the street you would still have ample margin for a fire truck to get through. He appreciated Chief Kirin's concern about fire safety, where that is an issue in the community, but it has not been an issue on Fairway Drive. He joined petitioners in asking Council that the signs be removed and that the Fire Department consider providing consultation to residents on streets where fire safety is an issue. He noted that residents of Fairway Drive were unanimous in their opposition to the signage being imposed on the street, a feat that not happened since 1941.

Cynthia Verda, a 30 year resident on North Pleasant Street voiced concerns for the whole City of Oberlin as it related to the signage issue. She asked what the number of fires had been that could not be fought due to the lack of "No Parking" signs.

Paul Matus, resident of 90 Fairway Drive, said that he could address the issue of the International Fire Code which is superseded by the Ohio Fire Code. He consulted with the Pat Wambo and Denny McCann of the State Fire Marshall Code Enforcement Department, who said they were seeing a lot of overreaching interpretations of rules that don't really apply. He advised that Oberlin continued to increase its signage while failing to maintain the signs that it currently had. Furthermore, he was concerned with the inconsistent application of the signage as well as the inconsistency in the interpretation of the code. He noted that section 103.6.1 of the International Code stated:

" Fire apparatus access roads 20ft to 26ft shall be posted on both sides of the street as a fire lane."

Matus explained that this would be applied to Elm Street and others streets throughout Oberlin.

Matus further indicated that he did a survey to see how Oberlin compared to its neighboring communities in terms of signage. In Amherst 26.6 miles was surveyed, every single sign was counted and the total number of signs was 340. The number of no parking signs was 92. The majority of the signs were "Don't Litter", "Keep Our City Beautiful", and "Children at Play" signs. The average number of signs per mile was 12.9.

Matus conducted a similar survey for Oberlin over a 24.4 miles stretch, the total number of signs in the City of Oberlin was 1,106. The average number of signs per mile is 45.1. The total number of signs on Morgan Street is 52 signs, 45 of which were no parking signs. He reiterated that the City had so many signs that it couldn't even keep up the maintenance on them.

Sloane stated that the number of signs in Oberlin did not address the fire issue. Matus advised that if the no parking signs were being applied for Fire Safety purposes then they were addressing a fire issue. He argued that the fire issue was an excuse being used to perpetuate the need for the signs but it was not a good enough excuse.

David Ashenhurst 260 Sumner street, brought to Council's attention that this was not an item of debate on Council's agenda, this was a section for Public comment about issues that were not on the agenda and the public was limited to a three minute series of remarks a piece. Ashenhurst further commented that this section of the agenda was not debate on an issue, where you had to make sure that the order of people speaking was pro and con. This is an open comment session the only restriction is that the item being brought to Council's attention not be on the agenda.

President Sloane advised that he didn't agree with that statement. Ashenhurst advised that he realized that the Presiding Officer could disagree with him but this was not a debate. It was a public comment section. He noted that he had been at several Council meetings where the necessity for give and take had not been present and where there have been comments from the Council during a three minute public comment session about any subject not on the agenda.

Robert Longsworth resident of 55 Glenhurst Drive read a prepared statement related to the parking issue in Oberlin written by Daniel Merrill a resident of Fairway Drive. He read:

"It's clear that Oberlin has far more 'No Parking' signs than do our surrounding communities. Whether these are justified involves two different types of questions:

- 1. The Policy question: Where should parking be prohibited in Oberlin, and what are the justifications for prohibiting it where prohibited.*
- 2. The Sign problem: Where parking is prohibited, how many signs are needed to show this, and where should they be placed.*

While both of these issues are important, my main concern is with the first question, the Policy Question. When asked about it, several of us have been told that these 'No Parking' decisions have been made by the Fire Chief. When pressed further, the Fire Chief has said that these parking prohibitions have been mandated by the International Fire Code. Several of us have examined parts of the International Fire Code that appear to apply to these issues, and have been puzzled by how the Fire Chief can interpret that Code the way he has.

We, therefore, would like the City Council to ask the Fire Chief to do two things:

- A. Specify exactly what sections of the International Fire Code he is referring to; and,*
- B. Explain the basis for the way in which he interprets these sections as he does."*

more energy efficient vehicles, the Police Department is phasing in a 2010 Ford Fusion Hybrid vehicle to be used as a support car for the School Resource Officer. Norenberg remarked that it was staff's recommendation that Council adopt the proposed ordinance authorizing staff to purchase the new vehicle.

Motion to suspend the rules requiring three readings and elevate the ordinance to an emergency was moved by Soucy, seconded by Meadows.

Roll Call: 5 Ayes 0 Nays Motion Carried
(1st, Emergency)

Roll Call: 5 Ayes 0 Nays Motion Carried
(Final)

(B). Ordinance No. 10 - 22 AC CMS – An Ordinance Authorizing the City Manager to Enter into a Contract with Warwick Communications, Inc., of Cleveland, Ohio for Communications Work for the Oberlin Fire Station Improvement Project and Declaring an Emergency. (1st)(E)

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

Roll Call: 5 Ayes 0 Nays Motion Carried

The clerk read as directed.

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

Norenberg provided an account of the proposed ordinance. He remarked that the item before Council is one that existed outside of the normal scope of work being done at the Fire Station Renovation project. This item dealt with the telecommunications wiring and components that were necessary in order to get the phone system in place. He advised that staff supports the work being done and would recommend that Council approve the request.

Meadows asked what the termination of phone/data connection service would entail. Fire Chief Kirin advised that the phone data connection service were access ports all around the building used for hooking up phones and computers.

Motion to suspend the rules requiring three readings and elevate the ordinance to an emergency was moved by Burgess, seconded by Pilacky.

Roll Call: 5 Ayes 0 Nays Motion Carried
(1st, Emergency)

Roll Call: 5 Ayes 0 Nays Motion Carried
(Final)

Motion to suspend the rules requiring three readings was moved by Soucy, seconded by Peterson.

Roll Call: 6 Ayes 0 Nays Motion Carried
(1st, Emergency)

Roll Call: 6 Ayes 0 Nays Motion Carried
(Final)

Motion to elevate the ordinance to an emergency was moved by Soucy, seconded by Peterson.

Roll Call: 6 Ayes 0 Nays Motion Carried
(1st, Emergency)

Mr. Mealy, Oberlin resident said that he thought money had been set aside to address the cost of building the new fire station. At the proposed 6% interest rate the project would cost the City an additional \$2,800,000. Mealy also asked if the City would be going to nontraditional bonding sources to help pay for the building project.

Finance Director Talarico said that the City did have money set aside but not \$4 million dollars. The City spent \$300,000 for the original engineering architectural design which had been paid for out of the Income Tax Capital Improvement fund, which the City would receive reimbursement for those cost. Furthermore, he explained that the interest rate was typical for what is in a note or bond ordinance, the City has never exceeded that rate. Last year's note sold for less than one percent (1%). The market had not moved up much so he assumed the note would be about the same. Finally, Talarico advised that the bond would be sold through OMAC (the Ohio Municipal Advisory Council). Once OMAC had the bond then just about every investment firm that had an appetite for this kind of investment product will know about it, whoever has the best rate on pricing day will win that award.

Roll Call: 6 Ayes 0 Nays Motion Carried
(Final)

(D). Ordinance No. 10 - 24 AC CMS – An Ordinance Amending Section 927.00 of the Codified Ordinances of the City of Oberlin, Ohio, Pertaining to City Parks and Recreation Areas to Update the List of Parks 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: 6 Ayes 0 Nays Motion Carried

The Clerk read as directed.

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

Norenberg provided an overview of the proposed ordinance. He advised that the purpose of the ordinance was to add the Hamilton Recreation Center and the John Pease Memorial Trail to the list of parks listed in Chapter 927 of the Codified ordinances. In addition, staff proposed moving Spring

Norenberg reviewed the proposed ordinance with Council. He remarked that last year staff began reviewing the procedures and guidelines for use of the Hamilton Recreation Complex, the manual was written with a smoking ban for the bleachers, dugouts and playing fields. The motivation that staff and the recreation commission had in supporting this ban was out of a desire that City parks be healthy and safe places for all persons to congregate. Smokeless tobacco was added as well because the use of both forms of tobacco resulted in litter that detracted from the beauty of City parks and increased maintenance cost. Norenberg confirmed that the ordinance had been talked about at the Open Space Commission Meetings and the Recreation Commission voted to support the ban. He asked that Council pass the ordinance on first reading to allow an opportunity for the public to provide input.

Peterson asked if there had been any complaints from residents about smoking at City parks. Norenberg advised that for the most part it hadn't been an issue but the idea was to make sure that City parks remained a healthy place.

Pilacky asked if there were any other parks besides Hamilton Street where there was an unusual amount of litter to clean up. Norenberg advised that the amount of litter to clean up was not unusual they just have a lot of activity at the Hamilton Recreation Complex. There have been litter incidents on Spring Street but again nothing out of the ordinary. He insisted that this was not a litter issue but more of a health issue. His intent was to ensure that everyone could enjoy Oberlin's parks without feeling like they were excluded because they didn't want to be around second hand smoke.

Pilacky asked where one would be permitted to take a smoke break at the Spring Street Park. Norenberg advised that the pavilion and the play area would be designated as nonsmoking areas where the rest of the park would be open.

Peterson asked what the parameter would be for areas of the park where smoking was permitted. Norenberg advised that those answers would be looked into but they would try to be consistent with State requirements. He advised that signs would be posted notifying the public of smoking ban.

Soucy advised that she was concerned that the ordinance didn't address some of the questions that had been raised with regards to where one could smoke. Furthermore, related to earlier discussions surrounding Fairway Drive, she really didn't want to see Oberlin parks overrun with signs. She was happy to see that this was going to go three readings because she felt that an amendment would be appropriate that would help Council to understand where smoking might be allowed.

Jaqui Willis, Chair of the Recreation Commission advised that the smoking parameter would be different for every park. Willis advised that there needed to be a solution where everyone could come to the parks and not feel excluded.

Peterson advised that there was a part of him that felt like the ordinance was over regulating, he felt that based on what had been said so far this was an issue that could be dealt with by using common courtesy.

Motion to pass the ordinance on first reading was moved by Peterson, seconded by Soucy.

Roll Call: 5 Ayes
(1st, Reading)

1 Nay
(Pilacky)

Motion Carried

(F). Ordinance No. 10 - 26 AC CMS – An Ordinance Accepting Permanent Improvements for the Kendal At Oberlin Planned Development 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: 6 Ayes

0 Nays

Motion Carried

The clerk read as directed.

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

Norenberg deferred the discussion to Public Works Director Jeff Baumann.

Baumann advised that when Kendal and Oberlin signed its original agreement in 1992, it was their mutual intent that the water main serving the development-and that portion of the sanitary sewer main after it leaves the development-would become public improvements, and Kendal would provide the City with easements so that they could adequately operate and maintain these facilities, that included Hills Ditch, Kendal's storm water outlet. Baumann explained that this never happened for unknown reasons. However, during the construction of Kendal's Phase I expansion it became necessary to relocate a water main serving the development. This was not discovered until the construction of Phase I improvements was well underway, in part because the required easement(s) had never been filed and, as was subsequently discovered, the improvements had never been dedicated to and accepted by the City. Baumann explained that he had been working with Kendal's CEO Barbara Thomas, Kendal's CFO Ann O'Malley, Kendal's Facility Director Bob Brown and the City's Law Director Eric Severs since then to rectify the situation. In the construction of the Phase II/Phase III expansion the City and Kendal entered into a further development agreement with the intent that sections of the water main constructed to serve Phase II and Phase III would also become public improvements. This provided the opportunity to re-visit the original agreement and to prepare the necessary easement documents for review, approval and ultimately get this open file closed.

Motion to suspend the rules requiring three readings and elevate the ordinance to an emergency was moved by Peterson, seconded by Pilacky.

Roll Call: 6 Ayes
(1st, Emergency)

0 Nays

Motion Carried

Roll Call: 6 Ayes
(Final)

0 Nays

Motion Carried

(G). Resolution No. R10 – 03 CMS – A Resolution Declaring Prescribing the Annual Compensation to be Received by the Clerk of the Oberlin Municipal Court as Required by Section 1901.31(C) (1) of the Ohio Revised Cod and Declaring an Emergency. (1st)(E)

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

7. City Managers Report:

Brush Pickup - Norenberg

City Manager Norenberg advised the viewing public that brush pick up will start in a week. Collection will continue through Pride Day weekend.

8. Finance Director's Report:

General Fund and Refuse Levy – Point of Clarification

Talarico asked if Council's direction from the work session discussion was for him to pursue the general fund and refuse levy as a replacement levy in November and to pursue a charter amendment for the police and fire levies. Council concurred.

Reminder – May Primary – Fire Pension Levy on Ballot

Talarico advised that the Fire Pension Levy would appear on the May Primary ballot. He asked that Council spread the word.

9. Public Participation:

Shirley R, Johnson, commented on the report from the April 2, 2010 Planning Commission meeting. She advised that recent deliberations between the City and College imply that no progress had been made with regards to the parking situation at the Phyllis Litoff Building. She hoped that the public would continue to receive reports in the meantime until this issue could be resolved. Soucy provided a brief update.

10. Adjournment: Being that there was no further business to come before Council the meeting adjourned at 10:23:00 p.m.

Attest:

BELINDA B. ANDERSON, CMC
CLERK OF COUNCIL

KENNETH SLOANE
PRESIDENT OF COUNCIL

Approved: 04/19/2010

Posted: 4/20/2010