Minutes of the Regular City Council Meeting
Held on Monday, April 19, 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 19, 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 7:42 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; Eric Norenberg, City Manager

Others Absent: Sal Talarico, Finance Director (Excused)

(b.) Approval of Minutes − Work Session – April 5, 2010

Motion to approve the April 5th, 2010 minutes of the Oberlin City Work Session as submitted was moved by Soucy, seconded by Peterson.

Roll Call: 6 Ayes 0 Nays Motion Carried

(c.) Approval of Minutes − Regular City Council Meeting – April 5, 2010

Motion to approve the April 5th, 2010 minutes of the Regular City Council Meeting as amended was moved by Meadows, seconded by Pilacky.

Roll Call: 6 Ayes 0 Nays Motion Carried

Soucy asked that a notation be added to the minutes on page 19, under item 9 indicating that she provided a brief update on the Phyllis Litoff parking issue.

Roll Call: 6 Ayes 0 Nays Motion Carried

(d.) Proclamation – Arbor Day

President Sloane read a proclamation in observance of Arbor Day which was presented to Carol Spiros, Chair of the Open Space Commission

P R O C L A M A T I O N

Arbor Day 2010

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and Arbor Day was first observed with the planting of more than a million trees throughout Nebraska, and is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, release life-giving oxygen, and provide habitat for wildlife; and trees are a renewable resource, giving us paper, furniture, wood for our homes, and myriad other products; and trees in our community increase residential property values, enhance the economic vitality of business areas, beautify our City, and wherever they are planted are a source of joy and spiritual renewal; and

WHEREAS, the planting of trees helps counteract global warming, because atmospheric carbon dioxide is the leading contributor to global warming, and as trees grow they remove carbon dioxide from the atmosphere, storing the carbon and releasing oxygen; and a single tree can remove more than a ton of carbon dioxide over its lifetime; and

WHEREAS, according to the United States Forest Service, 50 million strategically placed shade trees could eliminate the need for seven 100-megawatt power plants; and trees around homes and in cities slow winter winds, reducing the need for winter heating; and

WHEREAS, Oberlin was recently honored nationally for the eleventh time as a Tree City USA by the Arbor Day Foundation, in recognition of its commitment to community forestry;

WHEREAS, the City of Oberlin's Open Space and Visual Environment Commission, along with Kate Pilacky, Girl Scout Troop #477, Boy Scout Troop #460, Oberlin College Environmental Studies 101 Students, with the support of Watson's Hardware, Locke's Green Side Up, East Oberlin Nursery, Community Growers, and the City of Oberlin, have planned and undertaken appropriate exercises to commemorate the occasion;

NOW, THEREFORE, I, Kenneth Sloane, Mayor and President of the Council of the City of Oberlin, Ohio, do hereby proclaim May 1, 2010, to be ARBOR DAY in the City of Oberlin, and I urge all citizens to continue supporting efforts to protect our urban forestry program, and to pass on as a legacy to future generations our deep appreciation, every day, of the abundant excellence of trees.

IN WITNESS WHEREOF, I have hereunto subscribed my hand and caused the Great Seal of the City of Oberlin, Ohio, to be affixed hereto, this 19th day of April, 2010.

_____
Kenneth Sloane
Mayor/President of Council

Spiros thanked Council for the proclamation and invited everyone to the upcoming Arbor Day festivities.

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

Tony Mealy, South Professor Street suggested that Council participate in the Efficiency Smart Power Program. He felt that it was right in line with the Clinton Positive Development Program Council had agreed to participate in at its February 1, 2010 meeting.

3. Old Business

(A). 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. (2nd)(E)

The Clerk read by number and title only.

Motion to table the ordinance to the next meeting pending a recommendation from the Open Space Commission was moved by Peterson and seconded by Meadows.

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

(B). Ordinance No. 10 - 25 AC CMS – An Ordinance Amending Chapter 927 of the Codified Ordinances of the City of Oberlin, Ohio, Pertaining to City Parks and Recreation Areas to Add Section 927.29 Banning Smoking and the Use of Smokeless Tobacco in Certain Designated Areas of City Parks and Declaring an Emergency. (2nd)(E)

The Clerk read by number and title only.

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

Norenberg advised that there hadn't been any changes to the proposed ordinance since the previous Regular City Council meeting. He asked that council pass the ordinance on second reading in order to allow the public additional time for response.

Soucy remarked that she would like to see this discussion continue at the next meeting. She hoped that the Recreation Commission and Staff could report on where the designated smoking areas might be located at the City parks.

Elizabeth Rumics, Hollywood Street asked Council how the proposed ordinance would be enforced.

City Manager Norenberg stated that the ordinance is written to empower a variety of City staff and individuals such as umpires and soccer officials, to be proactive and request individuals to extinguish there cigarettes. If a situation becomes hostile, then the authorities are to be called to de-escalate the incident.

Tony Mealy, South Professor Street felt that the ordinance wasn't clearly explained and should be rewritten to reflect that smoking would not occur where the public congregates. He felt that signs should be posted and an adequate fine should apply. It was not the citizens responsibility to police the public.

Sloane felt that most smokers were aware that there were problems associated with their habit and would more than likely respect the space of nonsmokers.

Jules Brouillet, 217 West Lorain Street said that he endorsed this ordinance and urged Council to pass it on second and third reading. He advised that last year while working in the DC public schools system he reviewed a model amendment to a policy banning all smoking on the DC public school campus. Through his research, he found that local ordinances passed by municipal government were the most effective at restricting smoking. In conjunction with the passage of this ordinance he would ask that Council work to provide Oberlin's youth alternatives to smoking.

Burgess asked if they still had a police officer dedicated to the D.A.R.E program. Norenberg advised that they had a school resource officer that worked with the school district on issues related to drugs and alcohol among other issues. Currently the SRF was working with the schools to put together a program that would create deterrence for students that were smoking before and after school on property adjacent to the school's campus.

Roll Call: 4 Ayes 2 Nays Motion Carried
(2nd Reading) (Meadows,Soucy,Sloane,Burgess) (Peterson,Pilacky)

4. New Business

(A). Ordinance No. 10 - 27 AC CMS – An Ordinance Authorizing an Amendment to the Contract with Kelly Brothers Construction, Inc. of Elyria, Ohio, for the City of Oberlin South Main Street Water Line Improvement Project 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 Pilacky, seconded by Soucy.

Norenberg introduced the ordinance. He advised that the request was for a change order in the amount of $35,000 that will compensate the contractor for the additional work needed to address a problem that was revealed once the construction project was underway.

Foregoing discussion a motion to suspend the rules requiring three readings and elevate the ordinance to an emergency was moved by Meadows, seconded by Burgess.

Roll Call: 6 Ayes 0 Nays Motion Carried

(1st, Emergency)

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

(B). Resolution No. R10 – 04 CMS – A Resolution Authorizing the City Manager to Apply for and Accept Community Development Block Grant Formula Allocation Program Funding from the Lorain County Board of Commissioners for the Purpose of Installing a Pedestrian Path through Park Street Park and Declaring an Emergency. (1st)(E)

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

Roll Call: 6 Ayes 0 Nays Motion Carried

The Clerk read as directed.

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

City Manager Norenberg provided a brief synopsis of the CDBG allocation funding process. Norenberg further explained that the funds would permit the City to install a pedestrian path that would connect between South Park Street and South Pleasant Street.

Pilacky asked if Baumann could talk about the differences between Option A and Option B. Baumann advised that Option A: follows the line of the creek, includes the retaining wall on the Southside of the hill, is the more expensive option and would cost $23,000. Option B goes around that hill to the North end and would cost approximately $17,505.

Peterson asked if both Options: A & B would fall within the grant proposal amount. Baumann advised that that was correct. Peterson asked if these funds were budgeted in case funding fell through. Baumann advised that it had been.

Soucy advised that this path will serve to connect many areas of the Southeast quadrant and will serve to enhance the quality of life in this particular area. She was pleased to see that the funding had finally come through for this project.

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

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

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

5. Other New Business:

6. Council Communications:

COUNCILOR BURGESS REPORT

Conference in Columbus – Bryan Burgess

Burgess advised that he would be attending a conference on materials and energy, on April 20th, 2010, in Columbus.

VICE PRESIDENT SOUCY'S REPORT

Blue Bird Houses

Soucy thanked Mike Ives for the work that he had done in conjunction with the Black River Audubon Society, and Marty Ackermann. Ives helped to install 15 new bluebird houses around the outskirts of the local cemetery.

Soucy Attended AAG meeting.

African American Geneology Group – many members of this group were appreciative of Mr. Ives efforts to help them document and restore some of the stones that are in the cemetery.

Jazz Litoff Parking Situation

There will be a Planning Commission meeting on April 21st at 5:00 p.m., further discussion will take place related to the parking situation.

PRESIDENT SLOANE's REPORT

More Energy Efficient Meetings on the way.

Ken Sloane advised that VEIC was one of many meetings that will be held by Council in order to fulfill Oberlin's energy needs.

NOACA Approval

Second phase of the Underground Railroad Center project was approved.

URCIT (Underground Railroad Center Implementation Team) Vacancies

Sloane regretfully announced that Margaret Christian resigned from the Underground Railroad Center Implementation Team leaving two vacancies with the commission. He further noted that
Anthony "Tony" Mealy has applied to fill one of those vacancies. He asked that a motion go forward to appoint Mr. Mealy to the implementation team.

Motion to add an item to the agenda to appoint Anthony Mealy to the Underground Railroad Implementation Team was moved by Burgess, seconded by Meadows.

Roll Call: 6 Ayes 0 Nays Motion Carried

Motion to appoint Anthony Mealy to the URCIT was moved by Burgess, seconded by Meadows.

Roll Call: 6 Ayes 0 Nays Motion Carried

URCIT Organized three new Subcommittees.

Sloane advised that the URCIT had organized three new subcommittees to get the project underway they include: Organizational, Planning, and Funding.

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

7. City Managers Report:

The City Manager touched on the following items

- Candidate Debate for Ohio's 56th District
  - 4 individuals running
  - 7:00 -9:00 p.m. April 26th at Mt. Zion Baptist Church.
- Jazz Center – Open house will kick off on April 30th.
  - Shuttle bus will be available.
- Bonner Center – Spring Day of Service
  - Plum Creek Clean up.
- Work Session – Green Arts District / Oberlin Project
  - May 7th, too many conflicts new date will be forthcoming.
- Moody's Rating – Rated Aa3, MIG-1

8. Finance Director's Report: None

9. Public Participation:

Shirley R, Johnson advised that having the April 1st Planning Commission minutes handy for everyone to read was a step forward in transparency in government. However, she was startled and shocked with the degrees of animosity, hostility, and arrogance shown on all sides. She advised that she would like to see a report on this matter from the projects inception. So that in the future such disastrous results wouldn't occur on the same level again.

Soucy advised that the information requested was on file at City Hall and available to the public. In addition Soucy questioned the characterization of that meeting as being hostile. She advised that strong feelings were expressed but for the most part many good things were said to move forward.

Johnson said that there was a difference of interpretation in terms of what occurred at the April 1, 2010 minutes. Johnson further stated that she doubted that the planning commission minutes would be a true reflection of what occurred at those proceedings.

Ken Sloane advised that this has been a contentious situation and revisiting it won't change anything. Johnson advised that she will read all of those minutes but she doubts that those minutes will show what she has suggested should be shown.

Bob Coan, 256 Kendal Drive concurred with comments made by Ms. Johnson. He advised that the attitudes that were taken were unnecessary. Coan advised that as a member of two commissions himself, it was his understanding that they reported to the Council and the Council was able to overrule the commission or able to ask the commission to reconsider its decision. But he didn't think that the commission's decision was law.

Elizabeth Rumics, Hollywood Street asked if there was an update on bus service in town. Norenberg advised that a travel committee had been working on this and the latest thoughts were to contact the County and see if they could have a connector service in place under the auspices of LCT. More information will be forthcoming.

Sigrid Boe, Colony Drive recalled Fairway Drive discussion -related to no parking signs-from the previous meeting. She advised that it would be a good idea to revisit the "visioning project" started by Fran Baumann years ago. When members in the community walked around town and took pictures things that they liked and disliked in the community. She remembered a number of those pictures were old rusted signs. Boe advised that this project never moved forward and now would be a good time.

Sloane commented that he didn't recall all of the criticism that the program received but he did remember that several homes were highlighted in an unfavorable manner and as a result the project never took off.

Peterson advised that Dr. Matus who was the spokesperson for the residents on Fairway drive has quite a collection of pictures that he has taken across the City that has been made available to Council. He advised that maybe the City Clerk could make those available to you. The Clerk advised that she had not received those pictures. Peterson advised that a member of Council could then provide her with a copy of the images.

Meadows advised that it had been recorded in the minutes that Council had requested that the pictures and any other materials be given to the Clerk. Instead he delivered it to the Council members. Meadows suggested that Council do nothing at this time and just wait for the Clerk to receive the materials. This would ensure that the documents would become a record. Peterson advised that he would provide the Clerk with a copy of his packet that way it could be made available to the public.

10. Adjournment: Being that there was no further business to come before Council the meeting adjourned at 8:56:59 p.m.

Attest:

BELINDA B. ANDERSON, CMC CLERK OF COUNCIL	KENNETH SLOANE PRESIDENT OF COUNCIL
Approved: 05/03/2010	Posted: 05/04/2010