



**PROCLAMATION**

**WHEREAS**, Dr. Martin Luther King, Jr., was born on January 15, 1929; and

**WHEREAS**, Dr. King had special personal and professional ties to Oberlin, and visited here on several occasions, and became an honorary alumnus of Oberlin College in 1965 when he was awarded the Doctor of Humane Letters degree; and

**WHEREAS**, he was assassinated and died on April 4, 1968; in the end, he gave his life for the cause of true justice in our land, and for his "dream" that all people of all colors and conditions could live in peace and in harmony, and could treat each other, and all others, with respect and

**WHEREAS**, the City Council under the leadership of Bob Thomas observed a holiday in the City of Oberlin in association with Dr. King's birthday for the first time in 1971, and the United States Congress ultimately passed legislation to establish the third Monday in January as the Martin Luther King, Jr. Day federal holiday, and it was first observed in 1986; and

**WHEREAS**, we therefore pause every January to reflect on the life and work of our nation's greatest champion of civil rights and human dignity; whose powerful words, whether written on smudged fragments of newsprint smuggled out of a narrow jail cell in Birmingham, Alabama, or echoing eloquently from the steps of a great memorial in Washington, D.C., calmed fears and solidified resolve among people of good will of every race, and class, and gender, and circumstance; and

**WHEREAS**, the memory of Dr. Martin Luther King, Jr., is a continuing inspiration and ideal for many young people in Oberlin and all over the world; and

**WHEREAS**, each year Oberlinians gather together in front a monument to him, in a public park and civic space named for him, and read what he said, and rededicate themselves to his "dream" of a society transformed, a "person-oriented" rather than "thing-oriented" society, the good society realized in America such that Martin Luther King, Jr., would no longer truly take pride in remaining "maladjusted" to it; and

**WHEREAS**, with the nomination, and the election, and the inauguration this day of Barack Hussein Obama as the forty-fourth President of these United States, Dr. Martin Luther King's dream may not yet have been entirely fulfilled, but his hope and vision have been advanced by a mighty measure; that if not yet all God's children, at least this one man has been importantly, and profoundly, and democratically judged, not by the color of his skin, but by the content of his character;

**NOW, THEREFORE**, I, David E. Sonner, Mayor of the City of Oberlin, Ohio, on behalf of Oberlin City Council, do recognize that the observance this year of Martin Luther King's eightieth birthday is the most appropriate there has ever been and perhaps there can ever be, and commend all persons who have joined in the community celebration and communal witness of this historic occasion in 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 20th day of January 2009.

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David E. Sonner  
Mayor/President of Council

**(d.) Hear and discuss a presentation by RP Hughes regarding the final Design plans of the Oberlin Fire Station Renovation and Expansion.**

Members of Council heard a presentation from Fire Chief Kirin and Rich Pontius, of RP Hughes Architects, Inc., regarding the final design plans of the Oberlin Fire Station Renovation and Expansion project. (Site Plans & Details are on File at the City Clerk's Office).

Following the presentation, Ms. Soucy asked if recycled steel could be used for this project. Mr. Pontius advised that steel had a 20 – 25% recycle rate and would be used in the project. Ms. Soucy then asked if the LEED standard would be met if a higher than 25% recycle content was used. Mr. Pontius advised that the recyclable steel's content, was based on cost not rate. In other words the cost for using recyclables would have to be 20% of the entire project cost.

Mr. Ashenhurst asked what the standard to achieve Gold Certification was. Mr. Pontius said he believed 40- 50 points would qualify a project for Gold certification and this one would provide 46 points. He advised that the challenge of LEED is that half of the points are submitted prior to construction (during the design phase) and the other half of the points are submitted during the construction phase. Those credits would rely on the contractor doing documentation relating to use of material and cost. He advised that they wouldn't know how many points towards Gold Certification were actually achieved until close to the end of the project. Mr. Ashenhurst said he noticed on the LEED Credit Summary Report, that the project would receive a point for rainwater capturing for non-potable use and water consumption by 30% under Water Efficiency and under Innovation & Design Process. He asked if it were possible to get credit under two different LEED requirement categories for using the same process.

Mr. Pontius advised that the Innovation and Design and Process category were things where you demonstrate that you've gone over and above, what the requirements were for certain credits. Based on the design of the building, there were so many things that non-potable water could be used for, such as urinals, water closets, and truck fills. In normal buildings you don't have a lot of non-potable water uses. Due to the type of building that we are building we have an excessive amount of non-potable water uses for the rain water collection, which is why we are pursuing that one and the same thing applies to the water consumption.

President Sonner asked if the water collection system was a cistern base unit. Mr. Pontius advised that it was a tank under ground that captures water and once the water gets too low, the domestic water supply would kick on.

Mr. Mealy asked what the total estimated cost for the project was to date. Mr. Pontius advised that he couldn't answer that question at this time it would be based on the final details. Chief Kirin advised that they knew their ball park and their ball park hadn't changed. Mr. Mealy asked if they had estimated whether the utility costs would decrease based on the nature of this project. Chief Kirin advised that they hadn't estimated the cost but he would have to say that utility costs would increase due to the fact that they are going from a 7200sq.ft building to a 19,000sq.ft building.

**(e.) Schedule a Work Session to hear and discuss a report from RP Hughes regarding the City of Oberlin's Master Facilities Plan.**

Mr. Ashenhurst made a motion to have a special meeting for the purpose of adjourning to executive session for the purpose of discussing the annual review of the City Manager at 6:00 p.m. and to schedule a work session to hear and discuss a report from RP Hughes regarding the City of Oberlin's Master Facilities Plan at 6:30 p.m. The motion was seconded by Mr. Baumann.

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

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

None

**3. Old Business**

**(A). Resolution No. R08-14 CMS** – A Resolution Regarding the Consideration of Federal Immigration Status in the City of Oberlin. **(3rd)**

The Clerk read by number and title only.

Motion for passage on third reading moved by Mr. Peterson and seconded by Mr. Broadwell.

Acting City Manager Gary Boyle provided a recap of the resolution as discussed at prior meetings on December 15, 2008 and January 5, 2009. He advised that at this time staff had no additional information.

Council heard statements from Mayor Bob Meilander, from the village of Kipton. Mayor Meilander advised that they solicited about four hundred signatures from the residents of the City of Oberlin, who felt that this was an issue for the people to vote on, not Council. He advised that the petition said Give the Residents A Choice on Resolution R08-14 CMS. Let the People of Oberlin Vote on this in May. He added that the Chamber of Commerce received several phone calls from surrounding communities saying that if such a resolution were passed they would no longer shop in Oberlin.

President Sonner asked Law Director Severs how they could get this item on the May ballot for the people to vote on it. Attorney Severs said they would need to pass legislation putting this on the ballot at the May election. President Sonner asked what the deadline for getting this item on the ballot would be. Attorney Severs advised that it would be hard to get it on the ballot for May, but it would be possible with a Special Meeting.

Mr. Ashenhurst asked if this were passed on third reading wouldn't it be available for a referendum. Mr. Severs advised that as long as Council does not pass this on emergency, then the citizen's have 30 – days to follow the procedure laid out by state law, to circulate and file a referendum petition with the City. Assuming that it is in correct form, the City would then have a duty to certify it to the Board of Elections and in that regard; it would get on the ballot.

President Sonner asked Mayor Meilander to leave a copy of the petition with the Clerk. He advised that at this time Council will listen to further comments pertaining to this matter and then will decide how to proceed.

Steven Volk, 27 King Street, said that he wanted to clear up some confusion about the resolution, by answering the following questions?

1. What does this resolution do?

The resolution stipulates that the City of Oberlin shall not deny City service based on immigration status. In the interest of protecting and serving a diverse community, it shall be the general practice of the City of Oberlin not to inquire about the immigration status of crime victims, witnesses, or others who call or approach City staff seeking assistance.

2. Is this a change in Oberlin's practice? No.

3. If no, then why is this necessary?

We did not initiate this matter; the issue was left on our doorstep when ICE agents conducted two raids on a City business. Because these raids created uncertainty and fear, because it has been considered the best practice of community policing advocates, to assure town residents that they can report crimes, or their own victimization without fear of deportation, and because it speaks to who we are as a town. Those who brought the resolution to the City Council felt that it was not just appropriate, but necessary.

4. Why should Oberlin act at all? Isn't it better to wait for Federal Government before we act?

The question of what to do to solve the immigration crisis in this country is a very complex one. But there is one point that every serious, realistic, and informed policy maker understands, there is literally no way to deport 12 million people from this Country. Because that is the case, and until some reasonable immigration reform emerges from Washington, it is encumbered upon us to make accommodations that can best protect the safety of all the City's residents, that can best support the rights of all residents, citizens and undocumented workers alike, and that can show that we cannot be ruled by the fear and bigotry of a few.

5. Will it allow undocumented residence to commit crime with impunity in Oberlin? No.

6. Will it make Oberlin an immigrant magnet? It will not.

Volk further commented that his grandfather came to the United States from Lithuania in 1905, he came for the same reasons that the vast majority of immigrants have come here; to escape persecution and to create a better life for his family. He was one of millions who spoken in the words of Barack Obama today, packed up their few worldly possessions and traveled across oceans in search of a new life, making our country what it is today. He was not always welcomed but he persevered. As we think of how we treat the strangers in our mist today, let us think of what our new president said a few short hours ago. The time has come to reinforce our endearing spirit, to choose our better history, to carry forward that precious gift, that noble idea passed on from generation to generation, the God-given promise that all are equal, all are free, and all deserve a chance to pursue their full measure of happiness.

John Music, Painesville, Ohio reiterated statements made at previous meetings. He asked that Council not pass this resolution and leave it to the voters to express their opinion on this matter.

Tony Mealy, Oberlin resident said he hoped that Council would reconsider the direction that they were going in with this resolution. He advised that he didn't understand why Council would be voting on an

ordinance like this when there wasn't an overwhelming demand from the Citizen's in support of this resolution.

Lisa Ryba, Oberlin resident agreed with Mayor Meilander, she said let the citizen's vote on this, this should not be dictated by the minority. She advised that she has always humbled herself and if she didn't know the answer to something, then she would go to a professional and ask for their opinion. In this case it would be the police, so if the police chief has stated that he didn't think this was a good idea then we should listen to him. She said that she thought that this was a bad idea.

David Ashenhurst advised that nothing in this resolution restricted the ability of immigration and customs enforcement officers to do their job. So whatever he thought about ICE folks in town, it hadn't been addressed by this resolution and wasn't intended to be. Mr. Ashenhurst, explained that he had read various sources pertaining to this matter and had seen a couple of places where Council's due diligence on this matter had been questioned, for instance where they were getting their information and where they were getting their policy recommendation. The sources for population and economic- impact data and analysis provided to city Council included the:

- American Sociological Association
- Public Policy Institute of California
- Udall Center for Studies in Public Policy at the University of Arizona
- American Journal of Public Health
- Kaiser Commission on Medicaid and the Uninsured
- Congressional Budget Office
- American Bar Association, Section on Taxation
- Department of Homeland Security, Office of Immigrant Statistics
- Executive Office of the President, Council of Economic Advisors

Source for policy recommendations included the:

- Major Cities Chiefs
- Pew Hispanic Center
- National Immigration Forum
- Congressional Research Service
- Immigration Policy Center of the American Immigration Law Foundation
- Immigrant Rights Project of the American Civil Liberties Union
- American Civil Rights Union
- Center for Immigration Studies
- Federation for American Immigration Reform

Mr. Rimbart said that he would hate to see the downtown area negatively impacted by the decision made by Council. He advised that if Mayor Meilander and his team were able to get four hundred signatures on a petition, then maybe they should consider taking this to the voters.

Mr. Baumann advised that he appreciated Mr. Meilander's suggestion that perhaps this should be put to a vote of the people and it can be, but he didn't think that Council should avoid its responsibility in making the decision at this time. He said if Mr. Rimbart and Mr. Meilander were right, and most of the people of Oberlin objected to Council's decision, then there was a process in place where the Citizen's could

overturn Council's decision. In addition, by next November they could throw the rascals out, if that's what they chose to do.

Mr. Sonner said that he agreed with Mr. Baumann, it was for Council to decide. He said this was representative government not professional government. He advised that they listened to the professionals as they listened to citizens, but Council was given the responsibility to make the decision themselves. Sonner stated that if Council's decision provoked a citizen reaction, so that it were to go on the ballot, then that is the way that the system is supposed to work. He explained that in this system the citizens could exert themselves as free self-governing citizens and seek to countermand Council's decision.

Mr. Mealy, Oberlin resident, asked Mr. Baumann if he felt that ICE did something wrong (when they raided the local stores) and if this were his representation of him as a citizen of this community. Mr. Baumann said that he didn't think that ICE did anything wrong, he thinks they were doing their job. But he did feel that this Country had a Federal Immigration Law that was broken and it wasn't the City's job to enforce it, or to fix it.

Mr. Broadwell said that he would like to see this make it to the November Ballot, but at this time he was ready to move on and take a vote.

Ms. Soucy said that she agreed with Mr. Broadwell, it was time to move forward. She confessed that she had not seen a groundswell of anger or disagreement with this resolution and she had received at least six phone calls urging her to pass this resolution. They have had three lengthy meetings and as far as she could ascertain they have only had two people speak against it. She said as a representative she would have to ask herself, where were all these people in Oberlin who want this to come to a vote, and if this petition is valid, and if it can be put on the ballot, then she didn't think that Council's vote tonight could preclude that from taking place. Like Mr. Broadwell, she felt that they should assume the responsibility of a vote and leave it up to the citizens to react, if they would like to put it to a vote.

Mr. Peterson said that he had concerns with the way that undocumented workers are being pegged as peoples of color. He advised that the focus of populations of color that are here as undocumented immigrants, give those who support more generous or lenient ways to deal with this issue pause, when they hear people on the other side of the issue state their claims. He advised that undocumented workers were not just from South America, Caribbean, and Africa; but they come from Europe as well.

**Roll Call:** 6 Ayes

1 Nays  
(Rimbert)

Motion Carried  
(Effective in 30 days)

**(B). Ordinance No. 08-86 AC CMS** – An Ordinance Amending Chapter 131 of the Codified Ordinances of the City of Oberlin, Ohio to Clarify the Duties and Responsibilities of the Public Utilities Commission with Respect to Renewable Generation and Energy Efficiency/Conversation. (3<sup>rd</sup>)

*Broadwell exited chambers at this time.*

The Clerk read by number and title only.

Motion for passage on third reading moved by Mr. Baumann and seconded by Ms. Soucy.





Mr. Ashenhurst said he believed his question was about all funds not just the general funds, so that Council would be able to eventually understand where all of the revenues of the City came from.

Mr. Talarico apologized for the misunderstanding and advised Councilor Ashenhurst that more detail would be forthcoming at the end of first quarter, in the 2008 final recap. In addition, he suggested that Mr. Ashenhurst refer to the revenue tab in the budget booklet, which lists every type of revenue for every fund. He further explained that the summary for 2008 would have charts by fund. It would have the general fund as well as the other major funds which would include, water, sewer, electric, and refuse funds. He advised that in the meantime he could provide him with a copy of last years report to see if that was the information that he was looking for, and if not then they could talk about making some changes.

Mr. Severs advised that the amendment had been made because the Board of Elections felt that they couldn't use the word renewal, they have to use the word continuation.

Mr. Baumann made a motion to suspend the rules requiring three readings and elevate the ordinance to an emergency. The motion was seconded by Ms. Soucy.

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

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

**(G). Resolution No. R09 - 01 CMS** – A Resolution Submitting to the Electors of the City of Oberlin, Ohio at the Election on May 5, 2009, the Question of Providing for the Renewal of a One-Fifth of One Percent (1/5%) levy on Income for Five Years and Declaring an Emergency. (2<sup>nd</sup>)(E)

The Clerk read by number and title only.

Motion to pass the resolution on second reading moved by Mr. Baumann and seconded by Ms. Soucy.

Law Director Severs advised that this resolution needed to be amended as well, likewise changing all references to the Renewal of a One-Fifth of One Percent Levy to the Continuation of a one-fifth of one percent levy.

Motion to amend the resolution as stated by the law director was moved by Mr. Ashenhurst and seconded by Ms. Soucy.

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

Mr. Ashenhurst made a motion to suspend the rules requiring three readings and elevate the ordinance to an emergency. The motion was seconded by Mr. Baumann.

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

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

#### 4. New Business

(A). Ordinance No. 09 - 05 AC CMS – An Ordinance Amending the City of Oberlin Position Classification Plan and Declaring an Emergency. (1<sup>st</sup>)(E)

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

The clerk read as directed.

Motion for passage on first reading moved by Mr. Broadwell, seconded by Mr. Baumann.

Assistant City Manager, Darlene Colaso advised that the purpose of the ordinance was to amend the City of Oberlin's Classification plan which would do the following:

- Add a Building and Grounds superintendent position.
- Revise the organizational structure for the police department, resulting in:
  - The elimination of the Captain's position
  - The elimination of one of the Sergeant's positions, and
  - The creation of two new Lieutenant's positions.
- Create a new Service Maintenance Worker position in the GMD.

Mr. Rimbart asked Ms. Colaso to explain the last page of the exhibit accompanying the ordinance, where it indicates there were no current positions in pay grades (1 & 4). She said they were authorized positions that had not been filled at this time. Rimbart asked if that meant there were 5 authorized positions that were still vacant. Mr. Talarico advised that the 1 and 4 actually referred to pay grades only, not vacancies. Pay grades 1 and 4 are available pay grades, but there were no positions authorized in those pay grades. He advised that the city went through the PAM (Position Appraisal Method) Analysis years ago and according to those results there were no positions that the City had available at this time that would fall into those pay grades.

Mr. Ashenhurst said he hoped they would have more discussion pertaining to the modification on the police lieutenant's position and on the Building and Grounds Superintendent's position. He then asked if the new service maintenance worker position was brand new, or if it was just the number of authorized positions that was new. Ms. Colaso advised that it was just the number of authorized positions; it went from 9 to 10.

Mr. Rimbart said he saw that the code administrator's position was still on the classification plan, he asked why hadn't it been removed since the former code administrator had retired. Boyle advised the code administrator's position had not been eliminated from the classification plan as of yet, it had only been renamed. He advised that it was the City's position to keep the position on the plan in case they should decide to reinstate it. That way it wouldn't be necessary to go through the job description and pay grade process again. Mr. Rimbart asked if the position were reinstated, would it need to come before Council again in the future. Boyle advised only for budgeting purposes.

Mr. Ashenhurst said this is a position that was created as a result of an ordinance and was still in the Codified Ordinances with some very particular responsibilities that had to be undertaken. Mr. Ashenhurst

asked Law Director Severs, if Council would need to prepare legislation to distribute those duties. Law Director Severs advised that he believed the City Manager was reviewing the Code Administrator's position and he expects that amendments to the Codified Ordinances will be forthcoming. He advised that the term code administrator appeared throughout the code, and though those duties have been reassigned to other people in the administration, ultimately they will need to make a permanent decision as to whether or not the Code Administrator's position will need to be eliminated, the code would need to be updated to reflect the omission. Mr. Ashenhurst asked if they changed the code would they remove the position from the classification plan as well. Mr. Severs said that would be up to the City Manager.

Public Works Director, Jeff Baumann, advised that he would like to provide an overview of the two amendments that the public works department was bringing to the classification plan. He advised that he would like to begin with the Building and Grounds Superintendant position first. He advised that when the General Maintenance Division was originally structured in the mid 1990's, the Parks and Cemetery Crew Chief was assigned to report to the General Maintenance Division Superintendent, for a variety of reasons including workload (and the diversity of the work load that turned out to be an unworkable long-term organizational structure within the department). Because they needed a chain of authority reporting structure in the department, Parks/Cemetery Division was assigned to report directly to the Public Works Director. Baumann pointed out that this was the only division within Public Works where a union member reported directly to the Public Works Director. He advised that the responsibility and the role of the Parks/Cemetery Division had grown considerably, with the addition of only one full time staff (assigned to the day to day operations and maintenance of the recreation complex) in that time frame. Baumann advised that the recreation complex itself has been a continual work in progress and all of the large scale improvements have been managed and administered either by the City Engineer or by him and not through the Parks/Cemetery Division, since they didn't have the staffing available.

He advised that in addition to the numerous improvements going on; they have added a couple of new playgrounds, they have regular reporting and maintenance that is required for new insurance recommendations, they have also picked up some new city properties at the former Clark Lumber Yard, the Gasholder site, a couple of retention basins at subdivisions. Also in the same time frame on the building side the municipal court has had a substantial addition, the installation of the elevator at 69 S. Main Street, and then they also had to take into consideration the Master Facilities Plan, all of which were expected to create continued additional responsibilities for the division. Because they also provide logistical support, both to the recreation division and for community events, those responsibilities have grown as the level of programming and public events have increased as well. All of this combined with the organizational issue has made it difficult for the crew chief to continue to function as a working foreman. He advised that he still needed a crew chief but he will also need someone in a management position to oversee the broader range of responsibilities for that division within public works.

Mr. Peterson said considering the expanded range of responsibilities of building and grounds do you see the addition of full time crew members as well or are there part – time people who were able to maintain the division's responsibilities. Baumann advised that the Parks/Cemetery staff is augmented by seasonal staff. He advised that he didn't see the addition of a full time position in the short – term but in the 5- 10 year horizon it may be possible. Peterson asked how many full time staffers would fall under the purview of the superintendent. Baumann advised that there would be four.

Mr. Rimbart, said that he would like to speak with the City Manager pertaining to the recreational study before he approves this on emergency.



Acting City Manager, Gary Boyle noted that as indicated in the staff report from Chief Kirin, grant funding (from the Department of Homeland Security) will cover the vast majority of the cost of this equipment. He advised that the equipment was being purchased to offer the City of Oberlin's fire fighters additional protection against diesel exhaust emission contamination. He further advised that Chief Kirin was present to answer any questions.

Mr. Rimbart asked how this grant tied into the Department of Homeland Security. Chief Kirin advised that the initial overseer of the grant was the United States Fire Administration, they were taken under the wing of FEMA and FEMA was absorbed by Homeland Security when it was created in 2001.

Mr. Baumann asked if this equipment would fit in the new fire department. Chief Kirin advised that this was a vehicle component, not a building component, which mounts on to the apparatus underneath as part of the exhaust system.

Mr. Ashenurst asked if this equipment was like a filter and would it need to be replaced. Chief Kirin advised that the equipment did have a filter system which was a recyclable plastic canister that would need to be replaced.

Mr. Ashenurst made a motion to suspend the rules requiring three readings and elevate the ordinance to an emergency. The motion was seconded by Ms. Soucy.

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

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

**(C). Ordinance No. 09 - 07 AC CMS** – An Ordinance Authorizing an Extension of an Agreement with Quebecor World for Interruptible Electric Service and Declaring an Emergency. (1<sup>st</sup>)(E)

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

The clerk read as directed.

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

OMLPS Director, Steve Dupee, said in May of 1999, OMLPS entered into an Interruptible Electric Service Agreement with the Quebecor World, this agreement is much like the agreement that we have with the FAA whereby the City issues a credit on Quebecor's retail electric rate and in exchange they allow the City to interrupt their electric rate from time to time (i.e., during periods of high demand on a hot summer day). This agreement expired in December of 2008 and the City has been working with Quebecor, as well as with AMP-Ohio staff, to draft a new arrangement for Quebecor. This agreement is essentially done but there is one outstanding issue that they would like to see resolved, before they extend or continue a long term arrangement with Quebecor. He explained that the establishment of Regional Transmission Organizations (RTOs), which are responsible for dispatching, planning and oversight of the transmission grid in several areas of the country, were not in existence at the time the interruptible service agreement was drafted. Any new interruptible service agreement offered by AMP- Ohio will be impacted



was the last stage where Council would need to vote on whether it wished to accept this annexation into the City.

Severs advised that this could not be passed on emergency but Council could suspend the rules requiring three readings.

Ms. Soucy made a motion to suspend the rules requiring three readings. The motion was seconded by Mr. Baumann.

**Roll Call:** 6 Ayes 0 Nays Motion Carried  
(Suspended) (Peterson not present for vote)

Mr. Ashenesturst said he assumed that the reference to section 1329.06 of the Codified Ordinance referred to the Pittsfield Township agreement. Mr. Severs advised that that was correct. Mr. Ashenesturst said that he recalled that for some of the petitions that go before the commissioners, there is a process certifying that the City will provide them with utility service. He asked if that process was not necessary for this annexation, since we had the Pittsfield Agreement in place. Severs advised that this is an Expedited Type 1 annexation proceeding where you have an annexation agreement with the township so you do not have to pass the ordinance which relates to utilities and things of that nature.

Mr. Baumann asked the Law Director if he had any idea why the property owner requested to to be annexed into the City. Mr. Severs advised that he had no personal knowledge but his assumption would be that they desire to sell the lot.

*Peterson re-enteed Council Chambers at this time*

Mr. Boyle advised that through the annexation process this property owner could benefit from City utility services which would make the property more marketable.

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

**(E). Ordinance No. 09 - 09 AC CMS** – An Ordinance Accepting the Renewal Proposal of the Public Entities Pool of Ohio Through Wells Fargo of Ohio, Inc., for Legal Liability for Third Party Claims, Law Enforcement Liability, Wrongful Acts Liability, Automobile Liability, Automobile Physical Damage, and Excess Liability Insurance Coverage for the City of Oberlin and Declaring an Emergency. (1<sup>st</sup>)(E)

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

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

The clerk read as directed.

Motion for passage on first reading moved by Mr. Ashenesturst, seconded by Mr. Rimbart

Mr. Talarico said the City has been in the Public Entities Pool (PEP) since 1988 for various types of insurance coverage, including Legal Liability for Third Party Claims, Law Enforcement Liability,

Wrongful Acts, and Automobile Liability. The pool consists of many government units within the State and operates as a non-profit pool. The (PEP) pool has continued to offer excellent service and competitive pricing. The type of coverage, liability limits and deductibles are noted in the ordinance read by the Clerk. Last year our premium was \$132, 325 our new discounted premium is \$135, 705. The premium has been through the pool discount distribution process and therefore includes credits related to the performance of the pool. That constitutes a 2.6% increase over last year.

Mr. Rimbart asked, what do they mean by wrongful acts? Talarico advised that if any city employee does something wrong that is part of their normal work duties, this coverage would respond to a claim.

Ms. Soucy made a motion to suspend the rules requiring three readings and elevate the ordinance to an emergency. The motion was seconded by Mr. Ashenhurst.

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

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

**(F). Ordinance No. 09 -10 AC CMS** – An Ordinance Accepting the Renewal Proposal of Ohio Insurance Casualty Insurance Company of Indianapolis, Indiana, for Property Insurance Coverage for the City of Oberlin and Declaring an Emergency. (1<sup>st</sup>)(E)

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

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

The clerk read as directed.

Motion for passage on first reading moved by Ms. Soucy, seconded by Mr. Baumann.

Mr. Talarico advised that the property coverage was actually a decrease from last year by \$265 and covered mainly our buildings and contents, as well as a \$20 million coverage for earthquakes (with the exception of water towers) and flood coverage for \$1 million dollars. He asked that Council pass this ordinance on emergency in order to get this policy into effect.

Ms. Soucy made a motion to suspend the rules requiring three readings and elevate the ordinance to an emergency. The motion was seconded by Mr. Baumann.

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

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

**(G). Ordinance No. 09 - 11 AC CMS** – An Ordinance Accepting the Renewal Proposal of Travelers Insurance of Hartford, Connecticut, for Boiler and Machinery Insurance Coverage for the City of Oberlin

and Declaring an Emergency.

(1<sup>st</sup>)(E)

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

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

The clerk read as directed.

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

Mr. Talarico advised that this boiler machinery policy is priced at \$58, 586 which is an increase of \$1,689 dollars (3% over last year). This policy mainly insures the City's electric generators.

Mr. Baumann made a motion to suspend the rules requiring three readings and elevate the ordinance to an emergency. The motion was seconded by Mr. Broadwell.

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

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

**(H). Ordinance No. 09 -12 AC CMS** – An Ordinance Amending Sections 111.04 (a) and (b) of the Codified Ordinances of the City of Oberlin, Relative to the Salary of the President and Members of Oberlin City Council and Declaring an Emergency. (1<sup>st</sup>)(E)

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

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

The clerk read as directed.

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

Soucy's opposition to the ordinance

I would like to apologize to my colleagues for not being present when this was discussed in a public session, but I want to go on record as vigorously opposing this ordinance, for a number of reasons. I think that City Council positions should be regarded primarily as a matter of public service not as a part-time job (and I think that's a very significant distinction). I think it's a privilege to those of us who serve to be in this position. The real professionals who run our city, we have been through a number of evaluations for, have received pay raises in the neighborhood of 4%, the pay raises here are way out of proportion to those increases. I don't see how we can ask for pay raises, at 8.5% for Council members (which is twice what we gave our professionals) and 12.5% for our Chair.

We have many commissioners who serve this City for many hours over the course of a month and we pay them nothing, because they are public servants and we are public servants. Mr. Norenberg's statistics reveal that we are in a very reasonable position for the pay that we receive. There are many citizens in our County at this point who are facing some very dire circumstances: they are facing a loss of jobs, a loss of homes, and huge medical bills. For us to propose a raise of this magnitude at this time, I think frankly is graceless. We had a levy very generously accepted by our citizenry and we have another levy that we are asking them to support. To me this is totally the wrong time for us to give this image to the citizens of Oberlin. Finally, I think that we've had a number of references to the glory of Martin Luther King Jr. Day and our Inauguration and certainly seeing our new president painting walls in a neighborhood house and talking about public service and public sacrifice, is a model that I would like to emulate. Frankly, I am a bit amazed that we make \$6,750., and to me that is more than ample remuneration. Again I repeat that I believe this is a position of public service not a part time job and that it is a privilege for us to serve and this is the wrong time, to request a pay raise.

#### Petersons Comments

I too apologize for missing the work session last week. I would say that I agree and disagree with Ms. Soucy. I disagree that this is part time work and I don't think that's a bad thing. I think that people should be remunerated for the time and effort. Certainly for those of us, who work full – time jobs, time is given and taken away from one's regular job. From my experience every single Council member has deserved the pay that they have received, because I think that we have all worked very hard. This is my disagreement. My agreement is the suggested increase that I see, it seems a little outsized, especially given the state of the economy. I regret not making the work session because I wanted to suggest that Council pay being attached to it with every new term a 2.5% increase (cost of living increase). I think that we should think about ways for which it can be a very gradual, year to year increase.

He advised that since he wasn't here for the work session, he would like to ask the question now, how did we come up with the proposed numbers for Council's increase?

Mr. Ashenhurst said it was done with a look at what other Council's and trustees in the area were getting. It was also done with a schedule of raises that this Council had gotten for the last year. In fact the number for the members is \$39 higher (for the year) than what was suggested would be gotten by a 6% raise over 2 years ago, which is (3%) percent a year not (4%) percent. So, it doesn't compare to the 4% raise that we were doing elsewhere because we did another 4% the year before. He advised that these were not raises that were done on an annual basis.

Ms. Soucy advised that he was basing that on the assumption that Council would get a raise every year and that was not an automatic assumption.

Mr. Ashenhurst said that it was not an automatic assumption, but he was just saying that they were not just sitting there gracelessly taking a hugely different amount than others in our work force. We were taken one basically comparable received to the one received by our union members, and far less than our management and appointees. Because they were getting raises every year and we were getting raises every, two, four, or six years. So, on a cumulative basis it is not that high.

Mr. Ashenhurst offered his appreciation for Mr. Obama's painting walls, but he knew that he was also getting his presidential salary and was not asking that he be paid his presidential salary for painting the walls. Ashenhurst advised that it had been discussed at the work session that they all put in more hours on Council than they did on boards of commissions. In terms of reading a packet every week, and coming to

meetings. He said that they had an interesting comment made by Doug Johnson, who served on Council in the 60's, who said that Council members received \$10 per meeting which equated to \$220 per year, but at that time the general fund for the City was \$250,000., and with our budget at \$7 million dollars now, Council was not receiving a comparable percentage in terms of the budget to that amount. Again if we are talking about a cost of living increase, especially if they were only taking these adjustments every two, four, or six years in stead of an adjustment every year.

Mr. Rimbart said at the work session the numbers started out at \$15,000 for the Chair, \$12,000 for the Vice Chair and \$10,000 for the remaining Council members. He advised that fortunately everyone had enough good sense not to agree to those terms. He advised that he agreed with Soucy's comments, he is a public servant; he didn't come on Council for pay raises and things of that nature. He said that based on the information that City Manager Norenberg put together, it is clear that Council is fairly compensated, when being compared to surrounding communities. He advised that sometimes leaders have to take a hit and now was the time for Council to take theirs.

Mr. Broadwell advised that he has rethought this too; he would like to make an amendment to increase the current rate of pay to a 2.5% increase.

Ms. Soucy advised that she appreciated the concept of the compromise, because to her that made considerably more sense, but she thinks that they have to ask themselves if \$200 a year, was really a balance for their demonstrating that they were 'on board', with what our Citizens were dealing with and what our new world was hoping to achieve in terms of sacrifice and our commitment to public service. She said that she would like Council to look at it as a demonstration of their leadership to the people that they serve and then consider reevaluating the pay increase next year.

Mr. Baumann advised that when he worked out the numbers of the proposed ordinance, the numbers show members of council suggested increase as being 6% not 8.5%. He advised that this amount would equate to 3% percent increase every year, over a two year period. He further advised that he personally has income that satisfies his needs without Council pay, but he wasn't sure that that was the case for everyone who might consider running for Council or who might consider running for Council. He advised that it seemed to him that they should provide an adequate amount of remuneration, but it was just a matter of determining what that amount might be.

Mr. Sonner said that in ten months there would be an election for Council. Those of us who care about local self-government, always hope that there will be enough people to come forth and partake of the privilege of participating in self - government. But as has been discussed in every previous Council debate on his matter, the privilege of serving on Council has been available to those who were already privileged. Next summer when decisions are made whether to run for Council, people will not run because they can't afford it. They can't afford to take the time away from the rest of their lives (family, jobs, responsibilities etc.). He advised that he had watched Council over the years for decades and by and large those who come forward and those who serve on Council are those who are either wealthy, or comfortable, or are not encumbered by family obstacles and he thinks that that restricts without having some measure of adequate compensation that we are losing the value of people who could come forward and could be valuable servants. What are we talking about here, it sounds as if there is being a raid made on the public coffers. The figures in the proposal in front of us would cost this City \$325.00 a month.

Ms. Soucy advised that she would respectfully challenge the idea that those who have served on Council have been made up of the comfortable and the wealthy. Soucy also advised that there were people who

asked her to run for Council when she was fully employed and her answer to them was no, for lack of time. She said there is a fundamental problem for young professionals who have young families and to her an extra thousand dollars is not the motivating factor for them, they simply don't have the time. It is something of a miracle to her how Mr. Peterson manages this, but he manages it very well. She advised that she didn't think that remuneration should be a primary motivating factor for someone choosing to run for City Council and she would suggest that in the past they have had excellent Council representation when people were only being paid five dollars a meeting. She closed by saying that she didn't think that the additional money leads to drawing more people in and if it did then she didn't think that was the reason people should choose to run.

Mr. Rimbart said he had to agree with Ms. Soucy one hundred percent. When he started on council ten years ago he had four children in the house. But he had a situation where he could manage the time to be at the meetings and it wasn't about money, it was about time management. He said if one could manage your time then that was crucial to being on Council. He further stated that two years ago they had fifteen people running for Council and it was never about the money.

Tony Mealy, 328 South Professor Street advised Council that many of their constituents were losing their jobs, friends at Kendal probably have lost portions of their retirements, and Oberlin College had lost about 30% of their endowment. He recalled that Council had received over a 10% increase over what the previous Council had been paid. Not to mention a 6.5% increase was more than Council had given to their employees and the proposal for the President's position was a whopping 12.5% increase. He further stated that he agreed with Ms. Soucy as well, this wasn't about how much of a salary Council would get paid for work done, this was community service. He said that many members, while running in the November elections said that they were doing it for community service. Mealy suggested that Council keep it that way and vote down the ordinance.

Shirley R. Johnson, West College Street referred Council to the last set of minutes where many members of Council mentioned that they would like to have public input. She advised that the only public input that they have had is Mr. and Mrs. Johnson and Mr. Mealy. She advised that there were no minutes and nothing in the newspaper about the discussion, so she didn't think that there was much public input. She advised that if Council was going to change from one of public service to adequate compensation, then Council would need what they don't have now, an adequate real study of what the situation is in Oberlin. Whether Mr. Sonner is correct and people aren't running because they can't afford to run for City Council, or whether City Council is going to be a paid job and therefore you run on that basis, and we'll vote for you on that basis, and the community will want to have some means of Council being evaluated and accounted for, besides being voted for. She advised that the President of Council's position is a two year term, and it has taken the President of Council six months to learn how to be the Chairman. She advised that she didn't want to make comments on Council's inadequacy, but she questioned whether or not some members were entitled to a raise based on their performance.

President Sonner thanked Ms. Johnson for her comments and stated that he didn't think that his learning to be Chairman was over with, and he expected her to be one of his hall monitors.

John Whitman, 46802 Rte 20 West, said under this general pay provision he would like to see what the percentages of the increase would be instead of having to figure it out without a calculator. He said that the President makes more than the other people on Council, and the Vice President makes more than everyone else. He advised that when there is a raise then there should be a raise across the board. He

advised that a 12.5% raise in this day and age was ridiculous. He advised that he was in management at Nordson, for a long time and if he got a 2% raise then the people under him got a 2% raise as well.

Mr. Ashenhurst said that he had two comments to make. He advised that they didn't have the minutes as of yet because they just had the meeting a week ago. He advised that the Clerk was present at that work session and those minutes would be forthcoming. He further advised that they had a schedule of previous Council pays going back to what was voted on in 1989 and effective in 1990. They did for thirteen years increase everybody's salary by the same dollar amount, so that as a result the difference between the members, the Vice President, and President got smaller by a percentage. He advised that they recognized that the President of Council had a great deal more time and responsibility in the game and they were planning to eventually go back to a percentage across the board but they have been ramping up the percentage on the President and to a lesser extent on the Vice President because it was realized that it hadn't been done in the past so that the President was actually getting a smaller increase than everyone else across the board, in terms of percentage increase. Ashenhurst advised that for members they have considered three different components:

1. What should the members be paid?
2. What should the Presidents be?
3. What should the vice president's be, being something more than a member but not keeping him in the middle of the members and the president's but actually closer to the members, because they don't have anywhere near the workload as the president.

Mr. Whitman said that he had one comment to that, lower everybody's salary by 12% and keep the President's where it was and everyone would be happy.

Ms. Soucy said under the old pay scale she made an error, she advised that the difference between the President and an average councilmember was 8.5%, with this new proposal the difference is 15%, which was a pretty big difference. She advised that they could talk a lot about how much money here and how much money there, but to her the critical issue right now is where they were in history and it's not what the City's budget was, it's what's going on in the County, and how Council wants to appear as it moves into a new era of dedicated public service and spend the taxpayer's money, that has been given to its City wisely.

Doug Johnson asked wasn't it possible that there were people who ran for Council because they have some thoughts about how the City is run and they want to influence that particular aspect of our lives. President Sonner advised that he had never given it any thought.

Mr. Baumann moved to table the ordinance indefinitely. The motion was seconded by Ms. Soucy.

**Roll Call:** 5 Ayes

(Tabled Indefinitely)

2 Nays

(Ashenhurst, Sonner)

Motion Carried

**5. Other New Business:** None

**6. Council Communications:**

County Commissioners Meeting

Councilor Ashenhurst reminded the public that tomorrow night would be the one evening session being held by the County Commissioner's as they consider how to pay for County operations, through a number of different sales tax increase proposals. The meeting would be held at the County Administration Building at 6:00 p.m.

City Manager Evaluation Form

Mr. Baumann advised that he still needed Council to turn in the evaluation forms for the City manager.

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

**7. City Managers Report:**

Acting City Manager advised that he had nothing further to add to the City Managers Update..

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

Nothing

**9. Public Participation:** None

**10. Adjournment:** Being that there was no further business to come before Council the meeting adjourned at 11:16:03 p.m.

**Attest:**



Belinda B. Anderson  
Clerk of Council



David E. Sonner  
President of Council

**Approved: 2/17/2009**

**Posted: 2/18/2009**

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