

The clerk read by number and title only.

Motion for passage on third reading was moved by Mr. Ashenhurst, seconded by Mr. Rimbart.

Mr. Norenberg advised that this was the third reading of the Chamber of Commerce ordinance. He provided Council with a brief summary of previous discussions that had taken place and advised that Chuck Annable, a member of the Bed tax subcommittee was available to answer any remaining questions.

Chuck Annable, advised that he had been asked to bring information on requests that didn't receive bed tax dollars for their organization. They included:

- Hollywood Street Centennial Organizing Committee - \$1500
- FAVA – Family Fun Nights - \$500
- Main Street – Down Town Trick or Treat - \$500
- Main Street – Public Radio Underwriting - \$1950
- Main Street – Website - \$1500
- Main Street – Promotion of Oberlin “Shop Local” campaign - \$3,950
- Main Street – Downtown Map - \$800
- Main Street – Oberlin Brochure - \$2,500

These requests were denied because the applications were too narrowly focused and/or the proposed goal did not center on promoting Oberlin;

The Criteria required funds must be used on advertising and promotional activities that would bring people to Oberlin.

Mr. Annable advised that this was the first time that he and Maggie Starks had served on the subcommittee, Doug Lawton was the only veteran in the group. He admitted that it seemed counterproductive for Chamber of Commerce to - in essence - allocate funds to itself, but that is what had been done in the past. He advised that the Bed Tax Subcommittee would be opened to hearing amendments to the list if Council felt the need to do so.

Mr. Ashenhurst asked if Mr. Annabele had brought copies of applications that had been denied. Mr. Annabele advised that he didn't bring that information. Mr. Ashenhurst said that he had asked to see a sample of those applications because he was trying to determine if the criteria used to determine funding of a project, was understood. Mr. Annabele advised that he wasn't sure that it was clear.

Mr. Ashenhurst asked why the Main Street website was not approved funding when the Chamber of Commerce's website had been. He advised that both sites work to lure people into the City of Oberlin. He further advised that though he wasn't interested in amending the list at this time, he did feel the need to mandate a review of the process in the future. President Sonner advised that he was not inclined to amend the recommendations at this time, but he would support further review of the project over the course of the coming year.

Following the discussion Mr. Ashenhurst made a motion to elevate the ordinance to an emergency in order to provide the Oberlin Area Chamber of Commerce with the necessary funds, to fulfill its annual

programming obligations ... and shall take effect immediately upon passage. The motion was seconded by Mr. Baumann.

Roll Call: 5 Ayes 1 Nays Motion Carried
(Emergency) (Peterson)

Roll Call: 5 Ayes 1 Nays Motion Carried
(Final) (Peterson)

(A). Ordinance No. 09 - 21 AC CMS – An Ordinance Authorizing an Investment Policy for the City of Oberlin and Declaring an Emergency. **(2nd)(E)**

The clerk read the ordinance by number and title only.

Motion for passage on second reading moved by Mr. Ashenhurst and seconded by Mr. Peterson.

Roll Call: 6 Ayes 0 Nays Motion Carried

Mr. Talarico advised that he didn't receive any further request for information, with the exception of David Ashenhurst's request for CDARS on the Lorain County Ambulance District. He advised that he would be glad to entertain any other questions at this time.

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

Roll Call: 6 Ayes 0 Nays Motion Carried
(Emergency) (Peterson)

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

(D). Ordinance No. 09 - 22 AC CMS – An Ordinance Amending Section 181.02 (a) and (b) of the Codified Ordinances of he City of Oberlin which Provides for a Municipal Income Tax to Eliminate Tax on Stock Options and Declaring an Emergency. **(2nd)(E)**

The clerk read by number and title only.

Motion for passage on second reading moved by Mr. Ashenhurst and seconded by Mr. Baumann.

Mr. Talarico advised that he hadn't received any additional information regarding this ordinance either, but was prepared to answer questions at this time.

Vice President Baumann advised that this was one of three issues that OCIC had recommended that Council approve, as a means of recruiting businesses to the community.

Mr. Rimbart advised that he had further discussion with Mr. Talarico who outlined some of the safeguards the city had in place and as a result he was comfortable with approving this ordinance.

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

Roll Call: 5 Ayes 1 Nays Motion Carried
(Emergency) (Ashenhurst)

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

(E). Ordinance No. 09 - 23 AC CMS – An Ordinance Establishing an Economic Development Business Incentive Program for the City of Oberlin and Approving Guidelines Relating Thereto and Declaring an Emergency. **(2nd)(E)**

The clerk read by number and title only.

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

Mr. Norenberg provided a recap of the previous discussion. He advised that they have had an opportunity to meet with several Council members who had questions regarding the program and believed that all questions had been answered. He stated that if there were any further concerns both he and Mr. Talarico would be able to answer them at this time. Mr. Norenberg added that administration had an opportunity to meet with one of the firms that is interested in potentially moving to Oberlin. The firm had good news to report to the City, concerning the favorable interest they were hearing from investors and potential customers. He hoped that firm would be ready to make an announcement about moving to Oberlin in the next couple of weeks.

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

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

Mr. Ashenhurst mentioned that he was one of the Council members who sat in on the discussion with the city manager. He felt that it was important for the public to know that though the ordinance allowed for the city manager to approve the incentive programs, he would not do so without first consulting both the law director and the finance director. In addition, the “availability of funds” clause would also be something that would come before Council in the budget cycle.

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

4. New Business

(A). Ordinance No. 09 - 24 AC CMS – An Ordinance Accepting the Bid of A.J. Riley Inc., of Norwalk, Ohio, for Paving and Drainage Improvements at the City of Oberlin Recreation Complex Parking Lot and Declaring an Emergency. **(1st)(E)**

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

Roll Call: 6 Ayes 0 Nays Motion Carried

The clerk read as directed.

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

Mr. Norenberg advised that this was one of the first major projects that would be funded under Issue 28 - which was approved by the voters last fall. It will provide for drainage and pavement improvements for the Hamilton Complex. He advised that they had 12-14 bids on this project and the result was the acceptance of an offer that came in significantly lower than expected.

Mr. Rimbert asked if there was a reason why they hadn't received a list of all the bids that were submitted for the project. Public Works Director, Jeff Baumann advised that he should have received that information, but he would be more than happy to provide him that information at a later date.

Mr. Peterson asked how long it would take to get this project completed. Mr. Baumann advised that with weather permitting, it should take anywhere from 5-10 weeks.

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

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

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

(B). Ordinance No. 09 - 25 AC CMS – An Ordinance Authorizing the City Manager to Enter into a Contract with the Neighborhood House Association of Lorain County, Inc. and Declaring an Emergency. (1st)(E)

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

Mr. Broadwell recused himself from the discussion at this time, due to a conflict of interest

Roll Call: 5 Ayes 0 Nays Motion Carried

The clerk read as directed.

Motion for passage on first reading moved by Mr. Peterson and seconded by Mr. Ashenurst.

Mr. Talarico reiterated that this was the Community Funding Subcommittee's recommendation, that Council approve both this ordinance, and the one for Oberlin Community Services. He advised that these were before Council because they were over \$25,000.

Mr. Ashenhurst made a motion to amend Section 1: of the ordinance to insert the words "...of Oberlin Seniors" between the word purpose- &- the word and. The ordinance would now read: "...said monies only to be used for operating purposes of Oberlin Seniors and to provide ..." The motion was seconded by Mr. Peterson

Mr. Ashenhurst explained that he wanted to make sure that the funds were used to assist Oberlin Seniors.

Mr. Peterson asked the law director if it would be necessary to make such a motion or if they could just leave the ordinance as is. Law Director Severs advised that he didn't know how the money was used, so he couldn't answer that question.

Ruth Kreiner, Director of the Oberlin Senior Center, advised that the Center was a part of Neighborhood House Association, which is a non-profit organization. Kreiner explained that all the funds allocated, go directly to the Oberlin Senior Center. She advised that they have lost funding over the course of this year and are in need of these funds. She advised that in 2008, the total of socialization programming for seniors was 9,390, which is a 62% increase from 2007. This means they are providing more programs and doing more for the seniors in the area. She added that they lost some of their funding, through United Way, and the Halleck Foundation closed after years of support. She added that while the need for help, support, and socialization continued to increase, funding sources continued to go down.

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

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

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

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

Mr. Broadwell returned to Chambers

(C). Ordinance No. 09-26 AC CMS – An Ordinance Authorizing the City Manager to Enter into a Contract with Oberlin Community Services Council and Declaring an Emergency. (1st)(E)

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

Mr. Baumann recused himself from the discussion at this time due to a conflict of interest

Roll Call: 5 Ayes 0 Nays Motion Carried

The clerk read as directed.

Motion for passage on first reading moved by Mr. Broadwell and seconded by Mr. Ashenhurst.

Mr. Norenberg advised that this would be the second of two contracts that rise above the \$25,000 threshold and is before Council for consideration.

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

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

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

(D). Ordinance No. 09 - 27 AC CMS – An Ordinance Amending Ordinance No.08-90 AC CMS, the 2009 Annual Appropriation Ordinance, to Provide for the Appropriation of Funds and Declaring an Emergency. (1st)(E)

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

Roll Call: 6 Ayes 0 Nays Motion Carried

The clerk read as directed.

Motion for passage on first reading moved by Mr. Baumann and seconded by Mr. Ashenhurst.

Mr. Talarico advised Council that this was the budget adjustment, that reconciles the 2009 budget based on year end balances. He advised that the budget adjustments include the following:

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Budget Amendment Detail - Ord. # 09 - 27 AC CMS

Budget Transfers

From	Amount	To	Description
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Budget Adjustments

Amount	To	Description
175.98	703.8104.57030	Refuse Administrative charge adjustment to General fund
(5,000.00)	703.8104.56010	Refuse capital expense reduction
(105,000.00)	701.8103.57095	Water reserve fund transfer adjustment
(3,917.26)	701.8103.57030	Water Administrative charge adjustment to General fund
(90,000.00)	702.8103.57010	Sewer reserve fund transfer adjustment
901.13	702.8103.57030	Sewer Administrative charge adjustment to General fund
(29,194.71)	704.8103.57030	Electric Administrative charge adjustment to General fund
11,000.00	111.1101.52020	Police - uniforms for new officer
29,500.00	111.4101.53038	Community Organization Grants
100,000.00	111.4101.54035	Contract with OCIC for a business improvement program
2,000.00	111.1102.52023	Additional fire prevention/education funds due to donation.
(20,000.00)	705.8107.54052	Utility Deposit refunds
85,622.10	705.8107.57026	Utility Deposit transfer to Unclaimed fund
141,303.21	304.9105.57100	CHIP - 2008 advance repayment
66,993.11	316.9102.57100	DTR - 2008 advance repayment
(157.79)	621.4103.57100	Sidewalk Improvement - 2008 advance repayment
161,802.20	624.4107.57100	Gasholder - 2008 advance repayment
14,873.09	651.4103.57100	OPWC Grant - 2008 advance repayment
145,365.86	651.4103.56015	N.Pleasant/Walnut OPWC payments carryover from 2008
52,566.46	651.4103.56016	Orchard St OPWC payments carryover from 2008
129,216.02	112.4103.57103	Balance of 2009 City Portion for N. Pleasant & Orchard St projects
(200.00)	628.3103.54052	Reduce OBBS fee payments
(600.00)	305.1101.55040	Reduce DARE expense
(1,000.00)	414.5101.54052	Reduce street deposit payments
9,000.00	111.1101.57014	Increase transfer to police pension fund
3,000.00	111.1102.57014	Increase transfer to fire pension fund
330,071.38	Payroll	Additional 27th payroll - see attached
<u>1,028,320.78</u>		Net Budgetary Change - all funds

similar to the façade loan program, but will be funded by the City. This program would also be crafted to apply anywhere in the City not just the downtown area.

Norenberg noted that the monies and the purpose in the façade loan program came from a different source and were specific to the façade improvements and would stay in the downtown area. The business improvement loan program is designed to apply anywhere in the city, and is designed to help building improvements, tied to job creation and retention, this was viewed as a strategy to bring jobs into Oberlin.

Mr. Baumann said the proposed ordinance was drafted as opposed to revising the Façade loan program ordinance due to the difficulty in identifying all of the private donors used to fund the downtown organizations.

Mr. Mealy advised that he served as a secretary on OCIC, and remembers that they couldn't utilize city funds for the facade funds. He asked how much funds were sitting in the OCIC account and what was left in the facade account at this time. He further advised that he didn't object to this program, but was curious to know what the law director's opinion was on this matter.

Law Director Severs advised that when he originally drafted the facade ordinance in 1986, he had ruled that City funds should not be used for a facade program. Since then times have changed and the programs are different. This is a building improvement that is keyed to creating and preserving jobs, it is not a façade program. He advised that as time has shown and litigation has shown, a program like the one being proposed today was valid and legal, pursuant to the Ohio Constitution. He advised that 23 years later these programs were now rather common, they just need to have guidelines in place that keys them to the economic growth and the preservation of jobs.

Mr. Mealy, Oberlin resident asked how the program was envisioned to work. He asked if the business had to own the building or the property. Mr. Norenberg advised that the program had been designed to address the needs of both business owners (who are tenants) and property owners.

Damon Greyhouse, Oberlin resident asked what if you have a situation where both the building tenant and the property owner asked for funding for the same building. He asked if they would both qualify for up to \$25,000 each. Mr. Norenberg advised that OCIC would look at the nature of the proposal and would make a determination at that time.

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

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

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

(F). Resolution No. 09-02 CMS – A Resolution Petitioning the Board of Commissioners of Lorain County, Ohio, to Extend the Current Boundary of Oberlin Township to Include Real Property Recently Annexed to the City of Oberlin so that the Boundary of Said Township Conforms to and is Identical with the Corporate Limits of the Municipality and Declaring an Emergency. (1st)(E)

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

Roll Call: 6 Ayes 0 Nays Motion Carried

The clerk read as directed.

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

Law Director Severs reiterated that the main purpose of this ordinance was to avoid voter confusion and taxation issues that would result, if conformity of boundary proceedings were not completed in a timely fashion.

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

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

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

5. Other New Business:

None

6. Council Communications:

The National Association of Negro Business and Professional Women 25th Annual Founders Day Breakfast:

President Sonner read two excerpts from the Proclamation he read at the above stated event.

WHEREAS, the Oberlin Negro Business and Professional Women's Club, Inc., is leading the way in our community, and exemplifies the spirit of progressive thought and service to others which characterizes Oberlin; and

WHEREAS, the City is pleased and honored this day to see its former police chief, Robert K. "BJ" Jones, receive the Frederick Douglass Award, and its former Human Relations Commission member and lifelong community leader and historian, Phyllis Yarber-Hogan, receive the Sojourner Truth Award;

Arbor Day Celebration

President Sonner remarked that Tree City Oberlin is reminded by the Arbor Day foundation, that Arbor Day is approaching. He announced that he hoped to commemorate that occasion on the Roadside Park on April 24th.

Recognition of the Recipients of the United States Advisory Council on Historic Preservation New America Steward Designation.

