

securing grant monies, staff is asking City Council to approve a motion to leverage \$15,000 from the Sustainable Reserve Funds (SRF) to use towards the match grant funds portion of the refrigerator program. The refrigerator replacement rebate (R3) program is one of three proposed projects in addition to the solar panel array at the fire station and the Greenfield Solar StarGen Concentrator System collaboration project to be used at the Waste Water Treatment. The R3 program recipients would receive a new energy efficient refrigerator in exchange for scrapping their older, inefficient refrigerator. The program would fund the replacement of approximately 80 inefficient refrigerators for low income residents in Oberlin.

Ashenhurst stated that he would rather see the enterprise funds used for this purpose rather than use the limited dollars from the Sustainable Reserve Funds.

Soucy a proponent of the program said that she had been interested in this type of energy efficient rebate program for some time. She advised that it was great to be able to realize some concrete steps towards sustainability and felt that the R3 program would serve as a model for future sustainable programs.

McMillan advised that he was very happy with the concept of the program in that it would be assisting low income residents. Earlier calculations revealed that the replacement of the inefficient refrigerators would be the equivalent of purchasing energy for nine (9) cents.

Soucy asked if any thought had been given to formulating a partnership with the Lorain County Metropolitan Housing Authorities. Norenberg advised that the program had been designed with that in mind. Allocated funding will be used to retrofit LMHA properties with energy efficient appliances, new windows, installation, and some units will even be reconfigured. In addition to programs for low – income residents OMLPS was in the process of enhancing the program to enable replacement of refrigerators in rental units as well.

President Sonner asked what the savings would be if the program were to be implemented. McMillan advised that 51,600 KWH/Year would be saved, which is the equivalent of eliminating 5.7 homes in the City of Oberlin.

Motion to commit \$15,000 from the Sustainable Reserve Fund to match an Energy Efficiency and Conservation Block Grant request was moved by Baumann and seconded by Peterson.

Norenberg advised that with Council's approval it could be documented in the application that Council has supported the leveraging of these funds, which will result in scoring higher points on the project proposal.

Tony Mealy, 328 S. Professor Street supported the proposed project but felt it should focus on low-income residents who couldn't afford new appliances not on landlords who were doing well enough on energy tax credits without the City's assistance.

Roll Call: 6 Ayes

0 Nay

Motion Carried

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

Council heard concerns from Fran Baumann with regards to the need to install upright pedestrian crossing signs at mid-street intersections. She noted three incidents which nearly resulted in tragic accidents.

Sonner endorsed the concerns of resident Baumann. He recalled a recent pedestrian/motor vehicle incident that occurred on the corner of Main/East Vine Street, where a young lady was hit by a truck. Not long ago he had asked for flop sticks to be placed in the middle of the crosswalks where pedestrians had the right of way, but to no avail.

Shirley R. Johnson, Oberlin resident advised that the block of West Lorain Street from N. Professors to Woodland was a more serious issue than the one occurring downtown. She alleged that college students crossing from the Science Center to Wilder Hall have gotten to the point where they don't care and they just cross anywhere.

Soucy asked if the police department had been working on a program that dealt with slowing or diverting the flow of trucks through town. Norenberg advised that he didn't have a current update on that specific information, however, the Police Department partners with the County Engineer's Office and the Lorain County Sheriff's Department to periodically bring the county on scale to Oberlin and do truck enforcement. He hadn't heard from Chief Miller to see how that was going but with the County's budget issues he didn't think the Sheriff's office would be able to come out as frequently as it would like. He proposed that he would get in contact with the necessary parties and brief Council with an update as soon as possible.

Vice President Baumann advised that it had been more than a year ago, when he had returned from New York State and had seen the flop sticks that President Sonner had referred to and suggested that perhaps Oberlin could have them installed. He advised that it was necessary for administration to respond to these requests and to date he had heard nothing.

Norenberg advised that he and Chief Miller had discussed and evaluated the challenges that they have with installing the flop sticks. It was determined that even though the sticks were easy to install and maintain additional problems were created for plowing snow and things of that nature. The assumption had been that purchasing something that can easily be run over by trucks might not be a viable option. In addition they have also been concerned with the costs associated with increased maintenance/staff time needed for installing and removing the signs. As a result they have looked at alternative options, like portable signs.

He advised that they haven't been insensitive to the concerns raised by citizens about the crosswalks. Last year they installed new crosswalk signs and this summer they created new markings on the pavement to attract attention to the crosswalks. The idea has been to start with an incremental approach to improving pedestrian safety, without necessarily creating more maintenance requirements and costs.

Baumann advised that maybe the City could station a police officer at the crosswalks during the day where there would be the most usage, like when college students were switching classes. He suggested that drivers in violation of the state and city statutes be cited.

Norenberg advised that through the Safe Routes to School Program and with the assistance of Ohio Department of Transportation (ODOT) they might have a greater influence on getting those speed limits – mandated by state law- reduced where there is a lot of pedestrian activity for both public and college students. In the meantime, as a pilot to the Safe Route to School Program the City has funded having crossing guards at the corner of Main and Lorain Street which is the busiest of Oberlin's State Route

intersections. Going forward he advised that he would check with Police Chief Miller to get an accurate account of the number of citations that have been issued for violating pedestrian safety in the crosswalk.

Fran Baumann advised that her concerns were for crosswalks that were between intersections not at main intersections. She felt that drivers were no longer paying attention to the crosswalk signs along the tree-line and as a result just blew right through without any care for the safety of pedestrians.

Ashenhurst said there were other alternatives to the flop sticks that required minimal maintenance, like the concrete flower pots that sit in the middle of the street with sticks that hold signs saying this is a pedestrian crosswalk. Ashenhurst advised that state law wasn't being observed; he recalled seeing Fran Baumann almost get hit when crossing from the old City hall building to the post office. In addition he had witnessed drivers making u-turns at that same location and had seen people parking backwards in the angled parking spaces. It appeared that people didn't have a clear indication of what the traffic laws were through that downtown stretch. It was not a question of changing signs but of educating people. He had hoped that they could have a little brochure that said if you haven't driven in Ohio/Oberlin this is what you would want to know. He emphasized that this was Ohio State law and it needed to be enforced.

Tony Mealy 328 S. Professor Street suggested that Council consider getting the same LED school zone markers that the schools just purchased to indicate a reduction in speed limit from 35mph to 25mph, along West Lorain Street. He agreed that education would be helpful but felt these units could be helpful along with the addition of speed bumps.

Charles Peterson asked if the City would have to talk to ODOT in order to reduce the speed limit along West Lorain Street, being that it was a state road. He further suggested that the City seek input from ODOT on how to best proceed.

Norenberg responded that they had looked into ways to improve pedestrian safety but because it was a state route, the only way to reduce the speed limit was in a corporate business district. That is why the area that is defined on Main Street is 25 miles per hour because it is defined as a central business district which was not the case for the college campuses. This is where the Safe Routes to School Program comes into play. The program can be used to assist in addressing the speed limits for schools impacted by state routes.

Mr. Baumann asked if a day school qualified for school zone treatment and why didn't the college qualify as a school zone. Norenberg advised that he wasn't sure what the guidelines were but he would have Doug McMillan look into it and get back with Council.

Henry Wallace, auxiliary police captain advised that he and the auxiliary staff did work to enforce pedestrian safety laws in the downtown area since that was in their jurisdiction. They continued to receive complaints about the u-turns in front of the post office and people backing into parking spaces, but unfortunately they had no authority to enforce moving violations. In addition, for cars backing into parking spaces the most they would be able to do is to issue a verbal warning since the violation was above a minor misdemeanor. He further advised that they were confronted every day by people with the crosswalk problem as well as the bicycles on sidewalk issues. Efforts have been made to better identify crosswalk zones as well as no bicycles on the sidewalk zone but it seems that in spite of the efforts violations continue to increase. Recently he introduced a Zero Tolerance Program with the auxiliary officers where they will have officers citing those in violation of the no bicycles on the sidewalk zone.

Baumann moved to have the ordinance before Council on third reading, the motion was seconded by Peterson.

Norenberg advised that since Council's last meeting, the school board had a meeting where they declined to participate in the study, due to budget constraints. City staff has had preliminary discussions with regards to this matter and request that Council table this matter until it can get additional information from the Edge Group with regards to cost.

Ashenhurst moved to table the ordinance until the next City Council Meeting, the motion was seconded by Baumann.

Roll Call: 6 Ayes 0 Nay Motion Carried

4. New Business

(A). ORDINANCE NO. 09 – 84 CMS – AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MAIN STREET OBERLIN, INC., TO PROVIDE PROMOTIONAL ACTIVITIES TO THE CITY OF OBERLIN. (1ST)(E)

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

Roll Call: 6 Ayes 0 Nay Motion Carried

The Clerk read as directed.

Broadwell moved to have the ordinance before Council on first reading, the motion was seconded by Soucy.

Norenberg advised that last year when bed tax dollars were being considered by Council there were some concerns about improving the process used by the Oberlin Area Chamber of Commerce - for distributing bed tax dollars - and asked that staff take a look at it with the Oberlin Area Chamber of Commerce and Main Street. Soon after, conversations began that would ultimately lead to the pending merger of the OACC and MSO. Over the past few months committees working on various aspects of the merger considered the role the new organization could play in administering the bed tax funds for the City. In October, representatives of the OACC and MSO concluded that the process could be simpler for 2010 as the merged organization now would be responsible for coordinating the promotion of events and production of publicity materials that accounted for an average of approximately 75 percent of the annual bed tax allocations. The remaining 25 percent of the bed tax funds would be allocated to other organizations selected through an application process similar to the one used in the past. He advised that Jennifer McCoy the President of the Oberlin Area Chamber of Commerce Board of Directors and also Greg Tisher the Executive Director from Main Street Oberlin were available to answer questions at this time.

Soucy asked how was the decision on the remaining 25 percent (\$10,000) of the allocations reached in the past. McCoy advised that in the past OACC would handle the selection process and it would later come to Council for approval. This year they wanted to modify the process allowing members of Council to sit on the evaluation committee.

City Manager Norenberg noted that in addition to having Council Members participate in the evaluation process, the City would also make itself available to offer assistance to help promote the program and make sure that organizations in the area were aware of the opportunity to apply for some of these dollars.

Ashenhurst said that he hoped this would be passed on first reading and not on emergency to allow for additional discussion.

Norenberg said being that this is a new process he was certainly open to additional discussions. The only problem would be the need for the newly merged organization to have this information as soon as possible in order to carry out its promotional duties as it relates to bed tax dollars. Ashenhurst noted that in the past the decision had been made in February so timing really shouldn't be an issue of concern.

Peterson concurred with Councilor Ashenhurst in that he to, would like to have further discussions with regards to criteria and levels of transparency. Though he appreciated the nod of having two Council members on board, he still preferred a similar process to the one they had before, which had the Finance Director involved in the decision making process. Peterson recalled that the criticism had to do with the Chamber of Commerce being able to have the majority of the funds and now with the merger it seemed like this had not changed. Peterson felt the proposed ordinance might serve to keep new organizations from acquiring funds while continuing to leave organizations up for renewal with scraps.

Ashenhurst asked where the merger stood at this point. McCoy advised that based on the last general board meeting the decision was made that as of the end of December the monies kept in the OACC fund would be donated to Main Street Oberlin's 501(c)(3). She advised that the board was still working on some legal and organizational details of the merger including a name for the organization. The goal was to have this finalized at the first of the year.

Roll Call: 6 Ayes 0 Nay Motion Carried
(1st Passage)

With Council's Consent Resolution No. 09-09 CMS was moved to the next item on the agenda.

(D).RESOLUTION NO. 09 – 09 CMS: A RESOLUTION AUTHORIZING SCOTT BROADWELL TO BE THE DELEGATE TO REPRESENT THE CITY OF OBERLIN AS A MEMBER OF THE BOARD OF DIRECTORS OF THE OHIO MUNICIPAL ELECTRIC ASSOCIATION. (1ST)(E)

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

Scott Broadwell recused himself from the discussion at this time.

Roll Call: 5 Ayes 0 Nay Motion Carried

The Clerk read as directed.

Ashenhurst moved to have the ordinance before Council on first reading, the motion was seconded by Peterson.

Steve Dupee, OMLPS Director provided Council with supporting background. He advised that the Ohio Municipal Electric Association was formed in 1962, and was the legislative liaison that served to protect the independence and constitutional rights of eighty-one (81) Ohio municipal electric systems. The OMEA staff performs five (5) primary functions including:

1. Monitor legislation – OMEA staff review, on average, more than 500 bills each year for their potential to affect member electric systems.
2. Advocate – OMEA staff community officials meet with their legislators, key legislative aides and state agency officials, relating the organization's position on important issues affecting municipal electric systems.
3. Build Coalitions – OMEA participates in coalition on legislative issues and works to create awareness of public power issues with various interest groups and allies.
4. Information Resource - OMEA staff and counsel regularly provide information to members and other interested parties on key legislative issues.
5. Organize member activities – OMEA develops and organizes programs to keep members engaged in the legislative process.

The OMEA Board meets four times a year. There are 16 members on the board which are elected to four year terms; twelve of those seats are elected officials from member communities, while four municipal electric systems representatives who may be - but are not required to be - elected officials of the communities they serve. The City of Oberlin will hold an elected seat for the next four years, and this is the first time that this has been the case since former City Council President Calvin Waite served as a board member.

Ashenhurst advised that he had expressed an interest in serving on the board and wondered if there had been any other parties interested in serving. Steve Dupee advised that he had certainly wanted someone to serve on behalf of Oberlin but as far as other members of Council, there had been no other inquiries to his knowledge. Ashenhurst advised that the original communication didn't specify any specific names but did speak to having someone at the December 10, 2009 meeting. He mentioned this because when he had approached the City Manager prior to the elections taken place, he had expressed an interest in having someone else be the representative, who at that time was not a member of City Council.

Ashenhurst further advised that he would be happy to support Broadwell as a temporary appointee for the December 10, 2009 meeting but his preference would be to have Councilmember elect, Bryan Burgess, go forward as the official representative. He advised that he would even be happy to defer the decision to the next Council, but he would not support elevating the resolution before Council at this time to an emergency.

President Sonner said that he noticed that the delegate could in turn delegate his attendance to someone else, so that Oberlin would be represented by someone but not necessarily by the person in the resolution.

Norenberg concurred with statements from Sonner and further explained that the individual would need to be an elected official.

He further advised Steve Dupee had spoken with someone from the OMEA board and was told that it was not necessary to have someone appointed for the December 10th meeting since no official business would be transacted. Therefore Council could decide not to move forward with this resolution and ask someone to informally represent the City without adopting the resolution. Peterson advised that he would be in support of proceeding with Norenberg's suggestion to appoint an informal representative. Ashenhurst asked if Peterson would be willing to appoint Mr. Burgess as that person. Peterson asked if it were even possible to appoint a non-councilmember as an unofficial member. Dupee said the unofficial member would have to be on Council as well.

Baumann suggested that they elect someone who would not be serving another term on Council, which would mean that the new Council would have to appoint someone else in January. Peterson advised that since this was an opportunity for social networking it would be better to appoint a councilmember who would be continuing another term.

Soucy advised that she would support the notion of having Broadwell there for the December 10th meeting and then making the decision whether to have him continue or to have him replaced with Burgess at a later date. It was her sense that the decision should be left to the incoming Council.

Sonner asked if language could be added to the resolution that would indicate a term expiration date of December 31, 2009 for Mr. Broadwell.

Mr. Peterson advised that two options were provided by staff which indicated that Council might:

1. Act on this resolution and select a Councilmember to represent Oberlin at the December 10 meeting/event in an official capacity.
2. Table the resolution and agree on a Councilmember to represent Oberlin at the December 10 meeting/event in an unofficial capacity.

He indicated that if Council were to choose option two then that would eliminate the need to further amend the resolution.

Ashenhurst moved to table Resolution 09-09 CMS until the first meeting in January 2010. The motion was seconded by Mr. Baumann.

Roll Call:	4 Ayes	1 Nay	Motion Carried
(table)	(Peterson, Sonner, Ashenhurst, Baumann)	(Soucy)	

Baumann moved that Council nominate Scott Broadwell to represent Oberlin at the December 10, 2009 meeting in an unofficial capacity, the motion was seconded by Mr. Ashenhurst.

Mealy, Oberlin resident felt that it was rather odd that Mr. Ashenhurst would object to a sworn elected official serving on the OMEA Board. Number one, Mr. Burgess was not a sworn elected official and would not become one until the first meeting in January, and on the first of January Mr. Ashenhurst would have left office. He felt that it was out of line and beyond comprehension as to why Mr. Ashenhurst felt he should be telling the next Council how to operate.

Mr. Ashenhurst indicated that he was happy to request that Mr. Burgess be appointed to the OMEA board. He felt that he had exercised a certain amount of forbearance in not taking the opportunity to vote on an issue that should be decided by the incoming Council.

Roll Call: 5 Ayes 0 Nay Motion Carried

(B). ORDINANCE NO. 09 – 85 AC CMS: AN ORDINANCE ACCEPTING THE BID OF JUDCO, INC. OF ELYRIA, OHIO FOR A STELLAR 84-10 FLEX 36 HEAVY DUTY HOOKLIFT AND DUMP BODY PACKAGE INCLUDING SNOW PLOW FOR THE CITY OF OBERLIN PUBLIC WORKS DEPARTMENT AND DECLARING AN EMERGENCY. (1ST)(E)

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

Roll Call: 6 Ayes 0 Nay Motion Carried

The Clerk read as directed.

Broadwell moved to have the ordinance before Council on first reading, the motion was seconded by Ashenhurst.

City Manager Norenberg advised that earlier this year, City Council authorized the purchase of a 2009 Ford F550 truck chassis from Valley Ford under state purchase contract. The proposed ordinance would allow the public works department to outfit this new truck with hooklift equipment including a dump body and snow plow. He advised that Jeff Baumann was present to answer any questions for Council at this time.

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

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

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

(C). ORDINANCE NO. 09 – 86 AC CMS: AN ORDINANCE ACCEPTING THE BID OF 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)

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

Roll Call: 6 Ayes 0 Nay Motion Carried

The Clerk read as directed.

Broadwell moved to have the ordinance before Council on first reading, the motion was seconded by Ashenhurst.

City Manager Norenberg said that South Main Street from Morgan Street to Hamilton has been served by a historic 6" water main that is at least 100 years old. Construction of improvements to surrounding water lines on S. Pleasant, S. Professor, E. and W. Hamilton and cross streets, Lincoln Edison, and Locust Street appear to have created a low flow zone along South Main, causing water to travel more easily around this area than through it. Longer detention times in the old cast iron pipe have led to rusty water problems for residents along this corridor, especially in the southernmost section. This ordinance would allow the City to get those affected areas back to normal.

Soucy asked if Public Works Director, Jeff Baumann had ever used the services of Kelly Brothers Construction, Inc before. Baumann advised that they had not but City Engineer, Randall Roberts had checked the company's references all of which came back satisfactory and as a result didn't find any reason not to accept the bid.

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

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

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

5. Other New Business: None

6. Council Communications:

(A). Referrals

(B). Advocacy

(C). Correspondence

(D). Reports

PUC BUDGET RECOMMENDATIONS FROM VICE PRESIDENT JACK BAUMANN

Baumann advised that on November 9, 2009, the members of the Public Utilities Commission met to discuss the 2010 Capital and Operation/Maintenance budgets for the Electric, Wastewater, and Water Departments. The PUC also discussed the Youngstown Energy project proposal.

The following motions were made and approved after review and discussion:

- Motion passed 5-0. In order to adopt a 3% rate increase for the 2010 Water Department's capital and operations/maintenance budget proposal.
- Motion passed 5-0. In order to adopt a 1% rate increase for the 2010 Wastewater Department's capital and operations/maintenance budget proposal.
- Motion passed 5-0. By recommendation of the PUC, to have the Electric Director send a list of questions, developed reviewed and discussed by PUC and City staff, to Mr. Carl Avers at Youngstown Energy.

REMARKS FROM COUNCILOR DAVID ASHENHURST

- Congratulated the winners in Tuesdays November 3rd Elections in the Elyria Chronicle Telegram.
- Hoped the tour of City facilities would be completed prior to the 2010 swearing in ceremony.
- Request Budget Work Sessions be added to the Meeting List.

7. City Managers Report:REPORT FROM ERIC NOREMBERG

- Reminded Council of the upcoming Budget Work Sessions.
- Community Video Showcase: Free advertising – supported promotional video for communities across the United States and Canada will be offered with a company under an agreement with the National League of Cities.
- Request for proposals – Base load Resources Update, results will be forthcoming.

8. Finance Director's Report:REPORT FROM SAL TALARICO

- Budget Work Session Booklets were completed.
- Revenue Projections are down.
 - Income tax is flat; no increase is foreseen at all.
 - Property Taxes have been reduced.
 - State share taxes (mainly the local government funds) have been frozen and reduced.
 - Next year will experience a substantial loss on the interest income.
 - Will collect \$700k this year
 - Next year this amount will be cut in half.

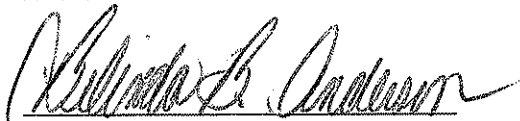
9. Public Participation:

Bryan Burgess, Oberlin resident said at the last meeting City Council authorized the City Manager to bid on three separate pieces of property through a county auction process, he asked how that process went.

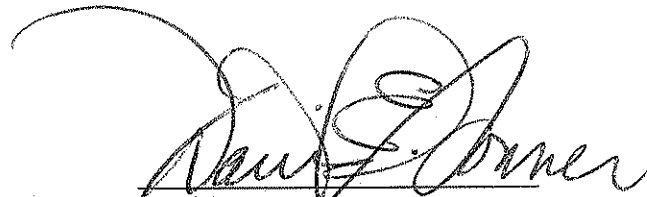
The City Manager advised that all three properties were purchased through the City at approximately six thousand dollars.

10. Adjournment: Being that there was no further business to come before Council the meeting adjourned at 10:08p.m.

Attest:



Belinda B. Anderson
Clerk of Council



David E. Sommer
President of Council

Approved: 12/07/2009

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Posted: 12/08/2009