



**Work Session- 6:45 p.m. – Council Chambers**  
**Regarding Personnel – Evaluation of the City Clerk**

**Minutes of the Regular City Council Meeting**  
Held on Monday, June 21, 2010  
7:30 P.M.

**1. Council Business**

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

A regular meeting of the Oberlin City Council was held on June 21, 2010, in the Council Chambers of the Oberlin City Hall, located at 85 S. Main Street Oberlin, Ohio. The meeting was called to order at 7:40p.m., by Vice President Sharon Soucy.

Roll call was taken as follow:

**Members Present:** Charles Peterson, Bryan Burgess, Sharon Soucy, Scott Broadwell, Elizabeth Meadows, Kate Pilacky.

**Members Absent:** Kenneth Sloane.

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

**(b.) Approval of Minutes – Regular City Council Meeting – None**

**(c.) Discuss and consider authorizing the City Manager to Execute a memorandum of understanding with Lorain County for a three-month local “Oberlin Connector” transit service pilot program.**

City Manager Norenberg announced a 90 day pilot program that will provide transit service, in lieu of the LCT “Oberlin Connector” service and the “Route 21” transit service, for local residents. The proposed “Oberlin Connector” transit service would operate Monday and Thursday from 9:00 a.m. to 3:00 p.m., and would provide transportation for disadvantaged residents in the community who rely on public transportation. The fare would be the same as it was through LCT and revenues would be used to offset the cost of running the program. The City’s cost of the program is anticipated to be approximately \$3280. Norenberg noted that the success of the program could warrant an extension in the future, which could potentially lead to further collaborative efforts with Oberlin College to provide transportation for its student’s who will be returning to campus in the fall.

Councilor Elizabeth Meadows asked if a scheduled bus route fell on a holiday would that route then be rescheduled for another day during the week. Norenberg advised that during the 90-day period the only holiday

that would affect the program is Labor Day, in that case, per the contract the bus route would operate on Tuesday instead of Monday.

Councilor Scott Broadwell asked if New Russia Township and Pittsfield Township were being considered in the program as well. Norenberg advised that at this time they were not. However, once staff received the data from the pilot program, if they noticed that there was a need for this service then they would contact the townships and ask for their support.

Councilor Bryan Burgess asked if the buses would be accessible by wheelchair. Norenberg advised that this had been a requirement from the beginning. The "Connector" was one of the newer buses that the county had purchased and it was equipped to handle special needs passengers.

Councilor Charles Peterson commended everyone involved for getting this effort in place further commenting that he looked forward to receiving the data from the trial period that could be used to encourage this program to continue.

Councilor Kate Pilacky commented that she also hoped that this program would be a great success. Furthermore she questioned if a list of designated drop off locations had been prepared for those using the service. Norenberg advised that this would act much like a dial- in service where the customers would determine the destination.

Vice President Soucy stated that she didn't feel that this would require a vote from Council but it was quite clear that a consensus has been reached.

**(d.) Hear and discuss a proposed change to the approved site for the Community Garden at Legion Field.**

Norenberg stated that late last week gardeners with the Zion Community Development Garden encountered problems with mud and challenges with the raise beds. He advised that members of Zion CDC had requested that the beds be installed just north of where they were originally intended. The newly proposed site plan will enable them to start with the raise beds in the new location and then permit them to expand south, if they needed to, in the event that the program was a success. Since the site plan was approved by Council a few weeks ago, he felt that it was necessary to bring this before Council. If there is consensus then they will proceed with the proposed amendments.

Foregoing discussion, the newly proposed amendments were accepted by the consent of Council.

**(e.) Discuss and consider authorizing the City Manager to submit a letter of support for an Economic Development Transfer ("TRES") of a liquor license for Java zone.**

Norenberg provided background related to the above stated request. He explained that in cases where there were communities, like Oberlin, that didn't have as many liquor licenses as they can accommodate and cities that have an overabundance of liquor license, the State has established a transfer process - known as a TRES- for when the business engaged is doing it for an economic benefit to the community. A TRES was a method that could be used to transfer a liquor license from one community to the next provided that an economic benefit could be proven. The process would require the City Manager to sign a letter outlining the economic development benefits created by the applicant if the license were transferred. Once the application is approved by the State, Council would then be given an opportunity to have a hearing regarding the transfer of the liquor license.

Councilor Peterson approved of the economic growth that the request would bring to the City and wished the applicant luck.

David Ashenhurst, 260 Sumner Street asked why an establishment would follow the TREX process as opposed to requesting a new liquor license. Sami Ahwal, owner of Java Zone for the last fifteen years, advised that this process had been used because the Oberlin area is maxed out on liquor licenses. He advised that his obtaining this license would help to put him on equal footing as his competitors in the surrounding community. The approval of the license would allow him to move forward with his renovation project which would not only enhance his business operation but would also benefit the City. Ashenhurst asked if there were a way for Council to increase the number of liquor licenses without following the process being requested at this time. Norenberg explained that this was the process that was outlined by the State Division of Liquor Control.

Councilor Meadows asked if the (TREX) economic development transfer were a vehicle created by the state to allow this process to take place. Norenberg advised that this was created by legislative authority and the details of the program can be found on the website. As indicated earlier the process was designed for economic growth and will work to attract more visitors to eat and dine in downtown Oberlin. Councilor Pilacky added that with vacant space at the East College Street location being designated for a restaurant, more than likely, this would not be the last time that Council would need to address the need to approve a TREX request.

Being that there was no further discussion, Council consented to the above stated request.

Elizabeth Rumics, Hollywood Street raised questions related to the point of order. She commented that Council Business items c, d, and e indicated that Council was authorizing the City Manager to do something. She questioned why it was being done by consent as opposed to by roll call vote as is the usual practice.

Soucy remarked that per the direction of the law director these items didn't require a vote.

Law Director Severs advised that the City Manager had the authority to approve any of the previously discussed requests on his own. It was his suggestion that the City Manager at least run these items by Council to get their support.

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

### **3. Old Business**

**(A). Ordinance No. 10 - 36 AC CMS** – An Ordinance Amending Section 351.99 of the Codified Ordinances of the City of Oberlin, Ohio, Relating to Penalties for Certain Parking Violations within the City and Declaring an Emergency. (2<sup>nd</sup>)(E)

The Clerk read by number and title only.

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

Norenberg gave a brief overview of the discussion held at the previous meeting. He advised that staff had worked to resolve any issue raised at the previous meeting related to the diverse parking needs of various downtown merchants.

Councilor Burgess asked how it was possible to permit a longer parking period for customers of the salon than for other merchants.

Norenberg explained that it was possible to do so only in the off street parking which was private property. He advised that they facilitated a conversation between the business owners and the owners of the off street parking,

which resulted in the distribution of passes by the owners of the off street parking property to merchants which allowed for extended parking periods (beyond the 2 hours).

Councilor Peterson asked how the City got involved in facilitating this discussion between the owners of private parking and the downtown merchants. Norenberg advised that the City was there to help to facilitate a solution to the downtown parking dilemma for those merchants who needed longer than two hour parking. The City will not be responsible for enforcing the arrangement.

Councilor Broadwell stated that he was surprised by the reaction of many concerned citizens who felt it was about time that the fees were increased.

Ashenhurst questioned if the off street parking had posed a resolution to the merchants whose business hours went past the 2 a.m. – 6 a.m. no parking restriction downtown as well.

Chief Miller advised that that was not one of the issues that had been explored but he was willing to address that issue as well.

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

**Roll Call:** 6 Ayes 0 Nays Motion Carried  
(2<sup>nd</sup>, Emergency)

**Roll Call:** 6 Ayes 0 Nays Motion Carried  
(2<sup>nd</sup>, Final)

**(B). Ordinance No. 10 – 38 AC CMS – An Ordinance Proposing to Amend the Charter of the City of Oberlin to Add Section XX “Taxation – Limitation on Rate of Taxation,” and Declaring an Emergency. (2<sup>nd</sup>)(E)**

The Clerk read by number and title only.

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

Talarico advised that this was the second reading of an amendment that would include police and fire pensions in the charter. At the last meeting a protracted discussion was held to review the materials. At this time he had no additional information but was ready to address questions from Council and the public.

Severs interjected that if there were not any additional questions then he would like to see the ordinance go at least one more reading, to remain in compliance with the Ohio State Constitution that says that the election is to be held no less than 60 days and no more than 120 days from the date that Council acts on the proposed ordinance.

Peterson commented that in the past there have been questions about the proper ways to add amendments to the charter. Some have talked about Council’s ability to do it and others have talked about the Charter Review committee’s ability to do it. He was happy to have the opportunity to do this to show that both methods were equally valid. He hoped that Council could keep this in mind when considering serious issues, that it deems should be brought before the electorate.

Foregoing additional discussion roll call was taken as follow.

**Roll Call:** 6 Ayes 0 Nays Motion Carried  
(2<sup>nd</sup> Reading)



**(B). Ordinance No. 10 – 40 AC CMS** – An Ordinance Authorizing an Amendment to the Contract with Resource International, Inc., of Columbus, Ohio, for Construction Materials Testing and Inspection Services for the City of Oberlin Fire Station Improvement Project and Declaring an Emergency. (1<sup>st</sup>)(E)

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

**Roll Call:** 6 Ayes 0 Nays Motion Carried

The Clerk read as directed.

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

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

**Roll Call:** 6 Ayes 0 Nays Motion Carried  
(1<sup>st</sup>, Emergency)

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

**(C). Ordinance No. 10 – 41 AC CMS** – An Ordinance Authorizing a Fifth Amendment to the Contract with R.P. Hughes Architects, Inc., of Columbus, Ohio, for Professional Design Services for the Oberlin Fire Station Improvement Project and Declaring an Emergency. (1<sup>st</sup>)(E)

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

**Roll Call:** 6 Ayes 0 Nays Motion Carried

The Clerk read as directed.

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

Following a brief discussion a motion to suspend the rules requiring three readings, and elevate the ordinance to an emergency was moved by Broadwell, seconded by Peterson.

**Roll Call:** 6 Ayes 0 Nays Motion Carried  
(1<sup>st</sup>, Emergency)

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

**(D). Ordinance No. 10 – 42 AC CMS** – An Ordinance Authorizing an Amendment to the Energy Attributes Purchase Agreement and Declaring an Emergency. (1<sup>st</sup>)(E)

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

Burgess exited Council Chambers at this time.

**Roll Call:** 5 Ayes 0 Nays Motion Carried



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

Norenberg provided brief review of benefits of QCI's Inspection Services. Norenberg advised that this was an item familiar to Council and would serve to amend the existing contract that is currently in place. He further advised that if there were any additional questions related to the specific project then Public Works Director, Jeff Baumann was available to provide feedback.

Burgess asked how the project was overseen by QCI, did they use one full time staff person or was it overseen by a team.

Baumann explained that QCI, was considered the eyes and ears of the City in the field, but they did not oversee the project. He further explained that QCI had no authority to change or modify the methods of the contract while on site. That responsibility belonged to him, the City Engineer, and or a designated supervisor. QCI places a single inspector in the field on any given project and that person will "typically" follow that project from start to finish. That inspector is supervised by QCI's Client Officer, Courtney Norris, who is also a professional engineer. During the course of more complex problems that may arise, Norris in addition to other Senior Staff at QCI may get involved in problem solving.

Burgess asked if a report was submitted at the end of the project. Baumann advised that a daily log was kept and forwarded to the City Engineer.

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

**Roll Call:** 6 Ayes 0 Nays Motion Carried  
(1<sup>st</sup>, Emergency)

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

**(F). Ordinance No. 10 – 44 AC CMS – An Ordinance Determining that the Real Property Owned by the City of Oberlin, Ohio and Located at 205 Morgan Street to be Surplus and not Necessary or Needed for any Current Municipal Purpose and Authorizing the City Manager to Enter into an Agreement for the Rental of Same and Declaring an Emergency.** (1<sup>st</sup>)(E)

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

**Roll Call:** 6 Ayes 0 Nays Motion Carried

The Clerk read as directed.

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

City Manager Norenberg explained that during the 2009 – 2010 academic year, the City leased the 205 Morgan Street home - also known as "the City Manager's House." College staff having knowledge that the lease was drawing to a close, have spread the word to faculty looking for temporary housing. Ultimately, Keren Rubenstein, visiting professor from Australia, expressed interest in renting the Morgan Street property for at least one year. He explained that Council action would be required to declare the property surplus for any other municipal use and to authorize the lease.

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

**Roll Call:** 6 Ayes 0 Nays Motion Carried  
(1<sup>st</sup>, Emergency)

**Roll Call:** 6 Ayes 0 Nays Motion Carried  
(1<sup>st</sup>, Final)

**(G). Ordinance No. 10 – 45 AC CMS – An Ordinance Adopting A Tax Budget for the City of Oberlin, Ohio, for the Fiscal Year Beginning January 1, 2011, and Declaring an Emergency.** (1<sup>st</sup>)(E)

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

**Roll Call:** 6 Ayes 0 Nays Motion Carried

The Clerk read as directed.

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

Finance Director Sal Talarico advised that the tax budget was the first phase of the 2011 Budget process. It is a statutory requirement that the City file a tax budget. The tax budget is used by the Budget Commission to perform their duties, which includes determining the allocation of local government shared funds for each municipality, township, and village within a county. Once they finish their work on establishing local government funds, they will then determine the tax rates. In October Council will review a tax rate resolution which is also required, once approved by Council those rates will be applied to the properties in Oberlin and then tax bills go out. Talarico pointed out that the estimates for 2011 were preliminary and more than likely would change.

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

**Roll Call:** 6 Ayes 0 Nays Motion Carried  
(1<sup>st</sup>, Emergency)

**Roll Call:** 6 Ayes 0 Nays Motion Carried  
(1<sup>st</sup>, Final)

**(H). Resolution No. R10 – 06 CMS – A Resolution Declaring that the Amount of Taxes that May be Raised within the Ten – Mill Limitation by Levies on the Current Tax Duplicate to be Insufficient to Provide an Adequate Amount for the Necessary Requirements of the City of Oberlin, and Declaring the Necessity to Levy a Tax in Excess of Such Rate for the Purpose of Providing Funds for the Current Expenses of the City, and Declaring an Emergency.** (1<sup>st</sup>)(E)

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

**Roll Call:** 6 Ayes 0 Nays Motion Carried





Shirley R. Johnson, West College Street commented on the success of the Juneteenth program as well. She attended the Children's book signing at the library on Friday, June 18, 2010 and the Dobbins Memorial Service at First Church on Sunday.

David Ashenhurst, Oberlin resident/member of the Juneteenth committee announced the passing of Richard Lawson, the President of the Oberlin African- American Genealogy History Group. In addition, On behalf of the Juneteenth Committee, he thanked Council for all of its support throughout the years.

**10. Adjournment:** Being that there was no further business to come before Council the meeting adjourned at 9:41:00 p.m.

**Attest:**

\_\_\_\_\_  
BELINDA B. ANDERSON, CMC  
CLERK OF COUNCIL

\_\_\_\_\_  
KENNETH SLOANE  
PRESIDENT OF COUNCIL

Approved: 8/16/2010

Posted: 8/17/2010