



## Minutes of the Regular City Council Meeting

Held on Monday, November 1, 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 November 1, 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 7:32 p.m., by President Kenneth Sloane. Roll call was taken as follow:

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

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

#### (b.) Approval of Minutes – Regular City Council Meeting – October 4, 2010

Motion to approve the minutes as corrected, was moved by Soucy and seconded by Burgess.

The following corrections were noted:

- Burgess; page 3, last paragraph the correct acronym is NPR (National Public Radio) not “NPL”.
- Meadows; page 10, para.3, typo change “no” to not.
- Shirley R. Johnson, resident; page 11, para.3, said her remark was that “the chair and tables at Gibson’s were now larger in size than they had been”, she was not speaking about Agave as indicated in the minutes.

**Roll Call:** 7 Ayes

0 Nays

Motion Carried

#### (c.) Approval of Minutes – Regular City Council Meeting – October 18, 2010

Motion to approve the minutes as corrected, was moved by Broadwell and seconded by Meadows.

Burgess made several corrections as follows:

- Page 8, para. 2, following the bullet points, 1<sup>st</sup> sentence, would like to strike the word this and insert the words “... the City’s energy portfolio”.

- Page 10, during the solar array discussion, he would like to insert a bullet point adding that Myers advised that it would be possible to use the REC sell proceeds to purchase cheaper RECs.
- Page 11, para. 5, Dupee advised that they may post a large solar array at the Gorsuch facility not that they would.

**Roll Call:** 7 Ayes

0 Nays

Motion Carried

**(d.) Hear a Recommendation from the City Manager to hold all unbudgeted City Council requests with fiscal impact until the City Council Budget Work Sessions on November 22 and 23<sup>rd</sup>.**

Norenberg advised that he would like to see Council hold off on making any further requests for funding until after the budget work sessions have taken place, so that Council can have a full picture of the City's financial position. Norenberg further advised that any concerns that Council would like to see addressed during the budget session could be expressed to him or the Finance Director in the interim. In addition, 2011 budget worksheets would be ready for Council's perusal the week before the work sessions.

**(e.) Discuss and consider scheduling a Joint Work Session with the Resource Conservation and Recovery Commission.**

Motion to have a work session for the above stated purpose at 6:45p.m., on November 15, 2010 was moved by Soucy and seconded by Broadwell.

**Roll Call:** 7 Ayes

0 Nays

Motion Carried

**(f.) Hear and discuss a presentation regarding the Oberlin Project.**

Norenberg advised that there were a number of individuals present to discuss the Oberlin Project. Included in Council's packets was a prospectus which laid out the plan and vision of the Project. Norenberg provided a PowerPoint display of what had become popularly known as the "Orr" chart, where he explained that the yellow squares represented a number of committees and citizens of Oberlin and key stakeholders in Northeast Ohio who have a stake in helping the Oberlin project succeed. Several of those people were there to speak on what their team had been doing and how that will fit into the overall goal of the project. He noted that at the end of the presentations questions from Council and the Public will be answered.

David Orr, professor and chair of the Environmental Studies Program at Oberlin College, co-chair for the Core Planning Group began the discussion with an overview of the project. He advised that this was a long term collaborative venture between the City, College, schools, local businesses, churches, and civic organizations. There is a question of how they can effectively pull their efforts together to accomplish a common goal. The Oberlin project is dead center in the Rust Belt, located between cities like Detroit, Toledo, and Youngstown. The project is seen as an effort to begin to harness the leadership potential that exists in the City to build a prosperous and sustainable economy for everyone, to obtain and attract financing and technical resources that will help to create jobs and businesses. This is an educational venture involving Lorain County Joint Vocational School, Lorain County Community College, Oberlin College, and the Oberlin public schools: to equip the young people in the community for jobs and emerging economy of the 21<sup>st</sup> century that is radically different from the industrial economy of the 40's, 50's and 60's. The desire is that students will want to stay in this area because they can prosper here with good careers and jobs.

There are four broad goals that will make this happen.

- Goal one: Develop a Green Arts District, that will be developed as an economic driver: not just an island owned by the College but as an asset for the community economy.
- Goal two: To work with the Clinton Climate Initiative: Oberlin was one of eighteen projects worldwide selected by the CCI to move towards climate neutrality. Two weeks ago Council approved participation in the Waste Management Program, which is a great plan that the Oberlin project can build on and move the economy here to a clean energy economy and College as well and in the process create jobs, generate business, and reduce carbon emissions.
- Goal three: To do this as an educational project: This is four different consortiums (mentioned earlier) of the community coming together to prepare young people in the community for jobs in the 21<sup>st</sup> century economy.
- Goal four: This is a collaboration of College and City organizations coming together to energize and marshal the considerable creativity ingenuity, vision and leadership of the Oberlin community.

Orr advised that the details were still being worked out. This was a long term process of coming together in hopes of beginning a community wide dialogue willing to engage anyone that would like to be engaged in the process, to do what will inevitably have to be done in coming years to build a prosperous community.

Cindy Franz, co-chair of the Energy Policy Committee along with Steve Dupee, advised that their task was to create a carbon neutral energy system for Oberlin. In order to reach its goal of becoming carbon positive the EPC has been working on four main areas which include:

- Energy Supply: including the coal plant that heats the Oberlin College Campus,
- Energy efficiency,
- Transportation and
- Carbon offsets/carbon sinks opportunities.

Within these four areas they aspire to set aggressive goals to assess and coordinate existing efforts that are happening among the City staff, different departments on campus, and community groups. The hope to figure out where the gaps are and to leverage resources from outside entities, accomplishing more than they could on their own. They surmise to have representatives from all of the major stakeholders in the community at the table discussing energy issues from a big picture comprehensive perspective. The goal here is that they can tackle tough issues together, hearing from all of the major constituencies involved, building consensus together, and developing something that will leave everyone better off. At this point a coordinator hasn't been put in place to make sure that all of the different groups are in sync but one thing that is really exciting about the Oberlin Project is the ability to start dialogues so that people can talk across institutional lines, making sure that they are really coordinating and cooperating with each other. Franz further noted that the types of dialogues that have occurred so far would not have happened without the Oberlin Project to bring them together.

Geoff Andrews, superintendent of Oberlin city schools, and co-chair of the education committee along with Cathy Pugh, the assistant superintendent of JVS affirmed that the Oberlin Project was not only something that could transform the community but in fact the region and perhaps the nation. The committee's role was to endeavor to embed and manage the educational component. They were joining four institutions that have had traditionally district missions: Lorain County Joint Vocational School, Lorain County Community College, Oberlin College, and the Oberlin School District. Together these four institutions have identified three goals which are listed as follows:

1. They intend to embed the concept of sustainability throughout the curriculum of the four different educational organizations.
2. They intend a closer integration between the physical facilities and the operations with the educational program of each institution.

This helps to break down the barriers between vocational and liberal education. For example, the Oberlin School District is in a search process for identifying architects to consider and envision a new school campus; consolidating students who currently attend four inefficient buildings into one and perhaps integrating the schools more closely with other institutions.(i.e., a recreation center or a rehab center, the public library an LCCC Fab Lab, wrap around services from birth through adulthood and other possible partnerships. It is a major opportunity to engage students with designers, architects, engineers and others in the act of creating a sustainable school powered by sunlight and shape the surrounding landscape as an ecological laboratory.

3. They intend to aim for a greatly enhanced level of public understanding about global trends such as climate destabilization and why and how this will affect individuals and communities in Lorain County and Oberlin.
4. They intend to use the partnership to raise general public awareness of issues and local solutions that help move the community towards sustainable economic development and carbon neutrality. Among individuals they intend to develop knowledge and skills to promote sustainable citizenship, social responsibility, and environmental stewardship. This includes leadership development among younger citizens to ultimately raise the level of discourse here in the community. Andrews admitted that the aspirations of the education committee was a bold one; joined together this consortium of educational institutions its uniqueness perhaps existed in the scope of the project and the integration of the parts including economic development, renewable energy, agriculture, forestry, policy and public engagement. Education is essential to the long term success of the Oberlin project and to the creation of a civic commons in which a knowledgeable citizenry is really the bedrock of a thriving, durable, resilient, prosperous and ecologically solvent society.

Eric Norenberg noted that Adrian Sands who was unable to attend the meeting would be heading up the Community Advisory Council. This group worked to establish a network in the community that can be both a resource as well as a sounding board for the Oberlin Project and ensure that the communication spoken of by the previous speakers is happening on a number of different levels. It is clear that not everyone will be able to access a website for this project, and not everybody will be able to catch up on this by reading it in the newspaper, so there will need to be a number of different networks and opportunities to engage in the project so that the entire community feels that they are part of it and feel that they can partake in the benefits that the project has to offer.. Norenberg restated earlier comments that this was a process and many of the groups like the advisory group are just now getting off the ground. He and David Orr welcomed people to volunteer and express their interests to them if they would like to serve on this particular group.

Andy McDowell from the Western Reserve Land Conservancy (WRLC) advised that his group represented the Green Belt Planning committee- their core work focusing on land protection. Their expertise will come into the project to create a 20,000 acre Greenbelt around the City of Oberlin. Their mission is to preserve the rural and scenic beauty of the Western Reserve region. Today they have preserved over 23,000 acres across the 14 counties that they work in. Their goal is to take a 200,000 acre study area that is comprised mostly of Lorain County, but also some of the adjacent counties and identify the 20,000 acres in that 200,000 acre grid that is the most important lands to preserve as far as agriculture, forestry, timber production, also natural areas, and high ecologically important areas. All those lands can of course be worked to use as bio-fuel, sustainable timber harvest, carbon sequestration and to fulfill other forms of renewable energy needs. They work mainly with

private land owners as well as with public and private entities to accomplish their goals. Once they get the 200,000 acres done and planned – which will take about the first year of the project - they will implement it through working with private land owners on a voluntary basis. Most of those lands will remain privately owned with a handful being owned by government entities, park districts or even other institutional members that are associated with the project. By the end of the one year planning period they will begin implementing the plan which they anticipate will take about ten years.

Sandra Hodge, who represented the Green Arts District (GAD)/Oberlin Inn, provided a brief overview of the Green Arts District proposal and an update on the Oberlin Inn renovation project. The GAD was a 13 area block in the center of town that would be viewed as an economic driver for the community. In collaboration with the City their long term goal would be to enhance the City economy. Currently what is on the block is a lot of renovation for the Allen Arts Museum. This project is designed around infrastructure in creating HVAC systems and other new means of creating a structure leading towards LEED certification. The second project to be worked on is the Oberlin Inn. The desire is either to build a new Oberlin Inn or to create an adaptive reuse of the Oberlin Inn. They have been talking to several developers over the last 6-7 months in trying to gain from them an understanding of what they would recreate if the Inn is rebuilt and if they look at reuse of its current structure and add on to that adaptive use, what would that be. They talked to hotel developers from Cleveland to North Carolina, to Connecticut and at the current process their Board of Trustees were making visits to some of those areas, so that they can begin to discuss and vet where they were and what the decision might be in moving forward. The last area in planning is to begin analyzing what the program will be for the Green Arts District. When they first talked among their constituents everything that they offered they wanted in the GAD. But where they were vetting at this time is that they know that they would like to have art, music, some of the sciences and blend sustainability for the economic driver of that community as well as many businesses. Right now they have to determine what will fit in a 13-area block. They are engaging former consultant's BNIM Design Team, to come back and begin helping them to look at what programming can be incorporated in the Green Arts District and how would that benefit the community. They will be doing a lot of community engagement because they have learned overtime that they cannot move forward in anything unless they engage others in the process.

Rebecca Bagley, CEO of NorTech and co-chair of the Economic Development committee along with Brian Frederick the President of Lorain County Community Foundation, explained that NorTech is an economic development organization that covers 21 counties in Northeast Ohio. One of the necessities of all of these committees is that they all work together and figure out how to have an active dialogue not only with the community but amongst the committees as well. Particularly the Economic Development Committee's role is to make sure that they understand what each of the committees is doing and make sure that they are infusing economic development in every aspect of the project. Whether it's the Green Arts district or whether it's the Green Belt, or other aspects of energy: they need to make sure that jobs are created: not only for students who are graduating, but for the current community as well. The idea scenario will be to have to recruit talent as a result of an overabundance of jobs. A couple of strategies that will be used as they look at economic development throughout the project is making sure that they are aligning to the existing infrastructure, so that they are utilizing the City's, the county's and the region's mechanisms, and state incentives for economic development that will be used to attract businesses. They will also focus on retention and growth, looking at companies that they do have throughout the country and focus on growing them. Furthermore they will also concentrate on metrics. One of the keys to getting the attention both regionally and nationally is making sure that they are driving towards very understandable and common metrics, in their case around jobs and capital attraction. Finally they will be making sure that they are employing creative economic tools and employing best practices to be able to grow the economy faster and smarter. Bagley along with members of her team saw this as an exciting opportunity to be able to devote time and effort to this Project and they looked forward to engaging more with Council as they moved ahead.

At the close of the discussion questions were answered.

Broadwell asked if Orr could talk more about the funding process. Orr said if the build out was 10 years, then as you go around the circle (Orr -Chart) each aspect of the project would be funded differently: it could be through new market tax, state funding or investment funds as was the case with the Oberlin College Allen Art Museum Renovation project.

Peterson asked if the project would unfold sequentially or if certain aspects of the project would happen organically - at its own pace. Orr responded that the process was unfinished and they were inventing it as they went, so much of the process would be organic because it had not been done before. A lot of the invention process would be through dialogue with the City and other collaborative efforts mentioned earlier.

Soucy asked if recreation had been considered as a larger element of the Oberlin Project. Orr advised that it hadn't been discussed at this time, but it was a great thing to add. He further commented that this type of dialogue was needed in order to make the project a success.

Meadows asked if it were possible to project the number and types of jobs that would be created by this project at this time. Bagley advised that her committee has met once and they have created a path to figure out –over the course of 6 to 8 months- as the project develops what are the pieces and parts that can create jobs and then how do they project out those jobs. The first step is to figure out what are the elements that they think can drive jobs, what are the types of jobs that can be created, what can the Oberlin community actually meet, and what talent development (educational committee) would need to be met. Then they would come up with a formula that says based on the different aspects they would project out jobs and other elements of metrics and figure out how to lay those things out. Experience had taught her that this was one of the toughest things to do, to actually come up with a number and stick to it. She advised that this information was in the early stages and would be forthcoming.

Meadows asked once the jobs began to materialize if it were a goal to first recruit locally. Bagley said engaging the citizens locally in jobs around this project would be their first priority.

Pilacky asked how the Oberlin Project would affect the average person in Oberlin. Orr stated that as the project unfolds what people will see are more jobs opportunities, a more prosperous downtown, and he hoped that they will see their kids staying in Oberlin.

Sloane said that he would like to see the transportation issue addressed. As an avid bike rider he has had great difficulty getting off Morgan Street across Rte 58, he sees this as a safety issue. He saw energy planning as a part of this as well, were people would be encouraged to ride bikes instead of driving their vehicle. Orr responded that the point raised was a great one but it is one that is difficult to address. What they can do is to encourage bike ridership, car pooling, mass transit where they can. Like recreation it is a wonderful thing to consider but at this point it is not a specific part of the Oberlin project.

Soucy asked the presenters what they would like to see Council and the City staff do over the next 6 months? Orr advised that the Project will be a collaborative venture. They hoped for a close working relationship with the City, City staff at OMLPS and other civic organizations in the City.

Tony Mealy, 328 S. Professor Street expressed some cautionary concerns about the project. He advised that he was in support of the program but planning and zoning needed to be involved in this process as well as citizen input from surrounding communities such as New Russia Township, Carlisle, Wellington and Pittsfield Township. He recalled the Oberlin Land-use plan of 1965 which aggravated and antagonized neighbors outside of town to the extent that they basically divorced from the City and Russia Township became New Russia Township.

Norenberg said that he identified the same concern many months ago and they currently have a representative from New Russia Township on the Economic Development Committee. The goal is a stronger economy not just for the City of Oberlin but for the Southern Lorain County region. They want this to be viewed as a partnership for the neighboring communities, the City of Oberlin and all of Lorain County. A presentation addressing this Project with the New Russia Township Trustees had been scheduled for November 17<sup>th</sup>.

**(g.) Celebrate recently announced awards presented to Oberlin Municipal Light and Power System and Lorain County Beautiful Awards presented to four local projects.**

Council heard a report from Eric Norenberg and Steve Dupee Oberlin Electric Director, related to the above stated purpose.

Oberlin projects awarded the Lorain County Beautiful Awards included:

- Project Building Budget over \$3 Million – East College Street Project, Oberlin - Winner
- Green Building – Bertram & Judith Kohl Building, Oberlin – Winner
- Trail, Magic, Home of Carl and Mary McDaniel, Oberlin – Winner
- Renovation – LorMet Community Federal Credit Union, Oberlin - Winner

Other projects were nominated as well including:

- Green Building - Lorain County JVS Farmhouse, Oberlin
- Renovation - Presti's of Oberlin
- Community Service - Morgan Street Bridge Railing Project at Oberlin Heritage Center, Oberlin
- Community Service - Zion Community Development Garden, Oberlin.

Norenberg advised that he was proud of all of the winners and nominees for their recognition.

Steve Dupee, Electric Director reported on several recognition awards received at the Annual American Municipal Power Conference held during the week of October 25<sup>th</sup>. Those rewards included:

- A Safety Award – The utility received a safety award for zero- loss time accidents resulting from on-the- job injury for the Generation Division for the year and safety commendation for less than 1% time lost due to an on-the-job injury for the Distribution/Technical Services Division.
- System Improvement Award - The utility received this award in recognition of deploying a new Supervisory Control and Data Acquisition (SCADA) system for the purpose of providing remote monitoring and control of various electrical devices (e.g. breakers, relays, switches) throughout the OMLPS utility distribution system. In addition, the utility was recognized for the purchase and installation of decorative, full – cut off post – top street light fixtures around the perimeter of the new Sustainable Community Associates retail/ residential development. The new fixtures reduce light pollution and sky glow by preventing light from escaping unnecessarily, in particular, for residences adjacent to development site.
- Public Power Promotion Award-The utility received this award in recognition of its involvement in the Community/Power Public Power Day recognition event held last October for the grand re-opening of the renovated Apollo Theater.

**(h.) View on-line video tours of Oberlin.**

Norenberg demonstrated the online video tours of the City of Oberlin.

## **2. ANY CONCERNS THAT ARE NOT ON THE AGENDA MAY BE BROUGHT TO THE ATTENTION OF COUNCIL AT THIS TIME**

Burgess commented that a number of residents had approached him with billing concerns surrounding estimated bills coming from the utility that resulted in inflated make-up bills when the meter was actually read. He proposed that actual meter readings be performed on a monthly basis by the City, if possible. If it is apparent that it is difficult because of a meter malfunction or the placement of the meter doesn't permit reading, then he hoped that the City would work out a solution with the homeowner, so that they could remedy the problem and avoid any estimated meter readings in the future.

Talarico advised that it was the City's goal to get an accurate reading every month. He advised that if there isn't a read that comes through the meter readers or through the automatic reading system through OMLPS, then it gets estimated. The computer system looked at prior history of past months to determine an average billing for the current month. They don't estimate it the computer system does, by using a formula already built in the system. He advised that he would be surprised if the read came out higher but in cases where the resident uses a water meter that is in a well especially during the winter season the margin of error could increase. He advised that this is the first time that he had heard of any issues and welcomed further discussion of the matter moving forward.

Floyd Ramp, Oberlin resident provided a brief history of the City's involvement of the United Nations. He advised that in observance of Oberlin's commitment to international disputes a dinner was being held at First Church on Saturday, November 6<sup>th</sup>, at 5:00 p.m.

Meadows asked the City Manager to address two resident concerns:

- Why there was a difference in the speed limits on West Hamilton and Pyle Road.

Norenberg advised that Pyle road was outside of the City limit so he wouldn't be able to answer that question.

- A resident who resides on Reserve Square received a notice of the Snow Band. He wanted to know if it were possible to park on a little stub street down on reserve.

Norenberg advised that the band was related to snow plowing and that was an area where the snow plow drivers may need to turn around or push the snow out of the way. He advised that it was important to have equal enforcement of the snow band policy throughout the City because they really needed to make the job easier for their snow plow drivers.

## **3. OLD BUSINESS**

**(A). Ordinance No. 10 – 71 AC CMS – An Ordinance Adopting Regulations Related to the Operation of Sidewalk Cafes, Business Uses on Downtown Sidewalks, and Outdoor Dining Facilities.** (2<sup>nd</sup>)

The Clerk read by number and title only.

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

City Manager Norenberg read in-part a recommendation from the Oberlin Planning Commission that said:

“...after further consideration of comments and concerns raised by City Council at a recent meeting, the commission determined that the regulations previously recommended for approval are appropriate to regulate sidewalk cafes, business uses on downtown sidewalks and outdoor or patio dining on private property.”

The City Manager explained that the message from the Oberlin Planning Director is that they would be happy to take more requests from Council if there were a consensus of things that needed to be addressed. He further explained that there is a consensus from the Planning Commission that the concerns raised by Council were adequately addressed within the regulations.

Soucy said that it was the sense of the Planning Commission that they could take forever getting every single piece of this ordinance buttoned down and there is not enough of a consensus on a number of the concerns raised. A lot of time has been spent on this ordinance by the commission and it was her recommendation that they pass the ordinance with the understanding that they were going to be experiencing these sidewalk cafes for some time. Many of the issues that came up were corrected by the ordinances and the Ordinance itself can be adapted as needed.

Peterson commented that he understood the Planning Commission's desire to pass this after spending so much time on it. But it was his sense that it would be easier to revise certain issues prior to adopting the ordinance. There were still issues that had yet to be resolved including: signage, second story sandwich boards and the restrictions on sound and noise levels.

Norenberg responded that the Planning Commission was working on the sign code right now, so rather than address the signage in this ordinance it would be better to put this off until Council received those revisions. He noted that there was currently a prohibition in the code related to amplified music, since loud music can be disruptive to neighboring businesses.

Peterson asked if it would be possible to amend the ordinance to say “Prohibition against sounds not resulting in services provided.” This will permit a teacher to use amplified sounds while providing music lessons. In addition Peterson asked if it would be possible to request a variance once the legislation went into effect.

Norenberg advised that the noise code dealing with amplification didn't relate to music lessons being provided on the second floor. It related to the sidewalk cafes in the public right-of-way only.

Meadows asked if the commission's intent was that the sidewalk cafes would be right outside of the business establishments. Norenberg advised that that was correct, the sense is that the language “... adjacent to or in front of the building”, means against the building. That is different from the set of guidelines for business activity on downtown sidewalks, which had a different purpose where goods were being displayed, for example sidewalk sales. He further explained that restaurant type stores like Agave have to be against the store since it is part of their approved premise for liquor service.

Meadows asked how this would impact Gibsons which sold food and beverages as well. Norenberg advised that Gibsons current operation would not fall under the restaurant/cafe guidelines. They would fall into the business activity category since they were a retail store. They would still pay an applications fee but they would not have to have their seating adjacent to the store. The guideline language reads as follows: “A commercial establishment with a principal purpose of which is the sale and serving of food and beverages for consumption within the establishment or in an area contiguous thereto.”

Meadows concluded that the problem had not been resolved. She recalled a previous incident where a resident was seen having difficulty navigating through the sidewalk when some of the businesses had tables right outside of their establishments and others businesses didn't, it was like an obstacle course for her. Meadows said that procedurally the process was different but in practice the issue has not been addressed.

Sloane advised that he didn't have an issue with tables being next to the curb, he felt that there was ample space for people to maneuver around. He advised that the world wasn't perfect and sometimes tables got moved around, but they had to be open to providing more avenues for downtown merchants to make the City more vibrant. He asked Soucy if the issue of accessibility was discussed when the tables, next to the curb, had been mentioned at the commission meeting.

Soucy advised that there wasn't universal agreement about this: there were many people who were very enthusiastic about the tables and chairs downtown, in particular, the tables at Gibsons. The only agreement everyone shared is that there should be a certain number of feet of clearance and there had been considerable study by Planning walking through that area and the general acknowledgement is that there is more than ample room to move between the tables at Gibsons and continue pass the tables at Agave. She advised that not everyone agrees on that but she didn't feel that they were going to arrive at total agreement on this issue. There were enthusiastic supporters of all of the tables in front of Gibsons and there are some folks who are not enthusiastic about this whole shift to the downtown area. But the control is that there must be a minimum number of feet available for pedestrian passage and that is in the regulation and the Planning Commission is comfortable with; the distances and the number of feet that is available. She emphasized that there are variances, appeals, licenses and flexibility every year that can be addressed as they move forward, but there really was not universal agreement that the tables in Gibsons should be a certain way.

Peterson shared similar concerns as Meadows and felt that the table issue needed to be addressed. He believed that universal agreement was not necessary when it came to drafting legislation but consensus and consistency were of great importance. Peterson commented that if the original concern was the possibility of an obstacle course being created by these new outdoor cafés then it seemed to him that the tables outside of Gibsons which were not permanent could very easily be adjacent to the building in order to provide for safer passage.

Meadows advised that there are already tables outside of Gibsons and at the sidewalk. She further noted that the current table arrangement makes it difficult for people to gain access to the sidewalk from the street when parking their car. She ended by saying that she felt it was Council's responsibility to respond to citizens when they bring up an issue that involves safety and she didn't think that those issues had been addressed.

Norenberg advised that the guidelines indicate that:

"...any materials or goods should be placed so as not to present a site hazard to vehicular traffic or present a hazard to pedestrians prior to commencing operation for any outdoor business activity they must submit their insurance and no activity shall operate in such a way as to create any obstruction to pedestrian movement on the sidewalk."

He advised that the commission had done a good job in outlining these regulations, he felt that if the management got the permit then the City would stipulate what the expected behavior would be and if they had any infractions it was his opinion that they needed to trust that the ordinance would give them the tools they needed to regulate any infractions that may occur.

Burgess agreed with Ms. Meadows and was unwilling to codify an obstacle course. He advised that he would like to follow the recommendation of the City Manager and recognize that the code pertaining to signage is already on the books and seems to be unnecessary in this piece of legislation. He advised that he would feel comfortable withdrawing all references to signage regarding this piece of legislation. He is also sensitive to Lorenzo's and their outdoor café and disappointed that this as currently written prevents them from playing music in their outdoor café.



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

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

Attorney Severs advised that the ordinance would come back to Council at the next meeting with the amendments. Council would have another opportunity to review the ordinance at that time.

**(B). Ordinance No. 10 – 72 AC CMS – An Ordinance to Approve the Form and Authorize the Execution of a Solar Energy Schedule with American Municipal Power, Inc. and Taking other Actions in Connection therewith Regarding Solar Electric Generation.** (2<sup>nd</sup>)

The Clerk read by number and title only.

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

Burgess recused himself from the discussion.

Norenberg reminded Council that included in their packets was the PUC's recommendation, to have Council authorize the execution of a solar purchase power schedule with American Municipal Power, Inc. for up to 1,000 kw of capacity. Further the commission recommends that the City indicate their desire to be a host site for the solar generation.

Dupee added that AMP had moved back the date for approval of these arrangements to December and about 48 megawatts would be going out through the approval process amongst the AMP membership.

**Roll Call:** 6 Ayes 0 Nays Motion Carried  
(second reading)

Burgess returned to Council Chambers.

#### 4. New Business

**(A). Ordinance No. 10 – 78 AC CMS – An Ordinance Authorizing the City of Oberlin, Ohio, to Participate in the Buckeye Ohio Risk Management Association (BORMA) for the Furnishing and Administration of Oberlin Employee Healthcare Benefits 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 Soucy.

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

The Clerk read as directed.

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

Finance Director Talarico provided background information on the proposed ordinance as outlined in a memo dated October 28, 2010 (on file at the Clerk's office).

Burgess asked if the City's membership in the Consortium increased overtime and if the City's influence on the decisions made would be growing smaller in the future. Talarico advised that overall the number of public entity has increased but not by much.

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

**Roll Call:** 7 Ayes 0 Nays Motion Carried  
(1<sup>st</sup>, Suspension of Rules/ Emergency)

**Roll Call:** 7 Ayes 0 Nays Motion Carried  
(1<sup>st</sup>, Final)

**5. Other New Business:** None

**6. Council Communications:**

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

**7. City Manager's Report:**

Quick Reminders

- Snow ban is in effect from 2a.m. to 6 a.m., No overnight parking on public streets.
- Leaf collection.
- Sign up for potential times to meet with Strategic Planning Consultants
- United Nations Dinner is from 5:00 p.m. to 7:30 p.m., Saturday at First Church.

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

- Encouraged everyone to vote.

**9. Public Participation:** None

**10. Adjournment:** Being that there was no further business to come before Council the meeting adjourned at 9:50 p.m.

**Attest:**

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BELINDA B. ANDERSON, CMC  
CLERK OF COUNCIL

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KENNETH SLOANE  
PRESIDENT OF COUNCIL

Approved: 11/15/2010

Posted: 11/16/2010