

Roll Call: 7 Ayes

0 Nays

Motion Carried

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

Moratorium on all Capital Improvements in Excess of \$50,000.

Motion to have Council impose a moratorium on all capital improvement projects in excess of \$50,000 pending budgetary review at the January 18, 2011 meeting was moved by Burgess and seconded by Pilacky.

Soucy advised that though she was in favor of trimming the budget she wasn't prepared to vote on this motion given that this was the first that she had heard of it. She asked to hear feedback from the City Manager before giving the motion further consideration.

Burgess advised that he would like to clarify his reasons for putting forth such a motion prior to staff input. He explained that the discussions held on the 2011 budget at the previous meeting prompted him to meet with Finance Director Talarico and City Manager Norenberg. He learned that it was imperative that a budget be passed, according to State Law, prior to the end of this year. The budget in front of Council this evening would require the City to tap into over \$700,000 from the reserved funds, which made him uncomfortable. He further explained that since it didn't appear feasible for Council to trim items out of the budget at this time, he needed to rest assure knowing that the City wouldn't commit itself to any large expenditures between now and the next opportunity that Council had to review the budget.

Sloane advised that this cleared some things up for him, but he would like to hear staff's perspective on the request. Norenberg advised that this was the first that he had heard of the request and wanted to clarify that Burgess's intent was that Council would not approve any capital improvement in value of \$50,000 or more following the potential approval of this motion. Not to say that things that had already been approved by Council and under contract would not proceed. Burgess confirmed that it was not his intention to impede pre-authorized contracts.

Norenberg remarked with that being the case the only project that would be subjected to the moratorium is the storm sewer project on Park Street which would be discussed later in the meeting. This project as explained in the staff memo was a prerequisite for the Park Street Bridge Replacement project that is scheduled for later in 2011. He advised that the City Engineer was there and could probably answer as to whether delaying the approval of the Park Street project for six weeks would be a problem.

Randal Roberts, City Engineer advised that it was staff's intent to award this project using 2010 funds. They wanted this project to be completed prior to the bridge construction scheduled to start sometime in July. Currently the schedule allowed enough time for the contractor to make a decision of whether he wanted to work in cold weather or wait for spring. From a construction standpoint, it was his opinion that they could award this project in late January. However, when they advertised this they fully expected to award this in 2010. The request for bids reflected a Notice Proceed expected date of January 2011. He is aware that the contractor is anxious to get started and has already submitted his submittals with hopes of starting in the first week of January. Bids were good for 60 days according to the Law Director and they opened those bids on December 7, 2010. So they could delay this from a construction point of view, but there is expectation from the contractor that it would start sooner.

Peterson asked if the contractor would walk away if the proposed motion to impose a moratorium were supported by Council. Roberts advised that he didn't think that the contractor would walk away but couldn't be

sure if the contractor would claim financial impact or not. It was his thought that as long as they stayed within that 60 day deadline they should be fine.

Norenberg noted that the bids were favorable due to the fact that there is less work at this time of the year for this type of job, further delay could impact the cost of doing the project. Also, it was important to note that the funds for this project would come out of the capital improvement fund not the general fund which is the one that is out of line at this time.

Broadwell asked if losing this contractor would mean they would have to re-bid the project and risk losing the savings they have gained. Pilacky responded that they were only talking about one week.

Talarico explained that nothing else, with the exception of the South Park Street contract, was scheduled to come before Council prior to the January 18th meeting. He asked if that would satisfy Burgess's concerns.

Burgess responded that his intention was to ensure that they not move ahead with any large projects budgeted from the 2011 budget. This project was 2010.

Sloane remarked that this motion is a mute point since ordinances over \$25,000 come before Council for approval. He explained that they could make that decision on a case by case basis.

Soucy said it seemed to her that Mr. Burgess was expressing a concern that they all shared but the much more germane issue would be what they do on the 18th when they go through the budget with a fine tooth comb and find out what can be eliminated. She advised that this may be a symbolic demonstration but it was insignificant. She further stated that she was a little uncomfortable being faced with this motion with no background. She felt a little uneducated about leaping into a limitation like this prior to doing the big budget study that will take place on the 18th. Especially given that the motion would only impact one project and would create some inconvenience there. Though she respected and shared Mr. Burgess's concerns she felt this was not the way to go about it and would not support the motion.

Burgess stated that going through a budget with a fine tooth comb was typically something that was done prior to passing it on emergency. He was concerned that each of them had reservations with this budget and yet they were comfortable with moving forward and accepting it knowing full well that they had no intention on following it, knowing that they would be trimming it back on January 18th.

Meadows asked if Mr. Burgess would be averse to offering the motion with the exception of the Park Street project.

Ashenurst, former Council member said that though he respects and agrees with Councilor Burgess's concerns, he just wanted to offer clarification that there was nothing imperative about voting on the 2011 budget tonight. He advised that they could adopt a three month continuation.

Talarico reiterated the importance of having a budget approved on emergency by City Council before December 31, 2010. He explained that whether that takes the form of a permanent appropriation or a temporary appropriation a budget had to be approved.

Broadwell called the question.

Roll Call: 3 Ayes
(Peterson, Burgess, Pilacky)

4 Nays
(Soucy, Meadows, Broadwell, Sloane)

Motion Failed

3. OLD BUSINESS

(A). Ordinance No. 10 – 80 AC CMS – An Ordinance Amending the City of Oberlin Position Classification Plan to Account for the Position of Assistant Water Superintendent and Declaring an Emergency. (3rd)(E)

The Clerk read by number and title only.

Motion for passage on third reading moved by Soucy seconded by Broadwell.

Norenberg recapped the discussion related to this ordinance on the previous two readings. He advised that this would approve a position for the Assistant Water Superintendent and unless Council had additional questions at this time they hoped the ordinance could be approved on emergency.

Foregoing discussion a motion to elevate the ordinance to an emergency was moved by Soucy, seconded by Broadwell.

Roll Call:	3 Ayes	4 Nays	Motion Failed
(Emergency)	(Soucy, Broadwell, Sloane)	(Peterson, Burgess, Meadows, Pilacky)	

Roll Call:	3 Ayes	4 Nays	Motion Failed
(3 rd , Final)	(Soucy, Broadwell, Sloane)	(Peterson, Burgess, Meadows, Pilacky)	

Soucy asked the City Manager to explain what the failure of this ordinance would mean at this time. Norenberg explained that it would mean that they do not have the authorization to create this position.

(B). Ordinance No. 10 – 85 AC CMS – An Ordinance Approving Amendments to the City of Oberlin Employee Policy Manual and Declaring an Emergency. (2nd)(E)

The Clerk read by number and title only.

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

Norenberg recapped previous discussion pertaining to the proposed amendments to the Employee Policy Manual.

Soucy asked for a follow up on the Bankable Sick leave option discussed at the previous meeting. Norenberg advised that there were two ways to do this: one would allow employees to donate vacation time to a person who has run out of sick time. The other option is one where employees can donate vacation time to a pool and that pool could be used for various employees who run out of sick time. Norenberg advised that it would take some time to draft up such a policy and it more than likely would not be ready before this ordinance was passed but staff would continue working on the policy to get it in place.

Roll Call:	7 Ayes	0 Nays	Motion Carried
(2 nd , Reading)			

(C). Ordinance No. 10 – 86 AC CMS – An Ordinance to Appropriate Monies for Municipal Purposes for the Fiscal Year 2011 and Declaring an Emergency. (2nd)(E)

The Clerk read by number and title only.

Motion for passage on second reading moved by Soucy seconded by Peterson.

Talarico advised that they wanted to pursue the budget changes in a structured and thoughtful manner he and the City Manager had already discussed many options related to trimming the budget and enhancing revenues. They have been working on options for the past year. They would like to ask Council and residents for suggestions as well. They intend to discuss these options at the January Work Session. They also expect the process to take several months which will likely be an ongoing process. As they consider short-term, mid-range and long-range initiatives to maintain financial stability, they would like to start the process according to the timeline set forth in the memorandum provided to Council.

Soucy said she would just like to echo Mr. Talarico's sentiments that they go about this in a very structured and thoughtful manner. She noted that they have maintained or added to their reserve funds since 1992 and had two very stable employers in the City. While Oberlin didn't want to be an ostrich with its head in the sand, they were not necessarily parallel to other communities whose predicaments were not as favorable. She felt that everyone had a stake in examining the budget and in attacking it in a way that was beneficial to the City.

Peterson said that he agreed that the approach should be structured and thoughtful, but in these economic times he was reluctant to rely upon Oberlin College and the FAA as the foundation for their economic health. Maybe this was the approach 40 years ago, but he had seen institutions that have taken downturns overnight. He hoped that Council didn't fall into the habit of not being able to step back and critically reassess what was before it. He agreed that he liked the timeline that was presented by appointees Norenberg and Talarico and he looked forward to the work session that had been scheduled for the 18th.

Broadwell concurred with comments from Soucy and Peterson. He thanked City Department Heads for all of the hard work that had been done in putting this budget together and asked for input from the community.

Motion to withdraw the Street Paving Project on Artino St./Stearns Street

Burgess advised that one of the ideas that came back from the National League of Cities Conference was a way to husband the reserve funds as best that they can. A limit on the amount of money that can be withdrawn from the reserves in any given year is a strategy used by many cities for their reserve. He talked to Mr. Talarico about this a bit and he hoped that they could discuss an ordinance that dictates how the reserves can be utilized in the future.

Motion to amend the 2011 budget as presented and withdraw the street paving project from the industrial park was moved by Burgess and seconded by Peterson.

Soucy advised that though she didn't object with this item coming out of the budget she was concerned with this procedure. She advised that this was the kind of thing that they wanted to do on the 18th. She advised that she wasn't prepared to look at individual amendments to the budget tonight and this was not the approach that she would prefer to take.

Peterson interjected that he didn't feel that it was inappropriate to look at individual items. After all it was done at the last Council meeting where funds were encumbered from the 2010 budget to be used in 2011. He would like to at least have a conversation about this and maybe change it later if need be.

Broadwell said that he liked the outline that had been laid out by Mr. Talarico and Mr. Norenberg. He agreed that they could amend items on the floor at this time but it was not his preference to do it this way. His preference was to hold off until the work session that had been scheduled for January 18, 2011.

Peterson said that it seemed to him that if they know that there is going to be further discussion about this item then they should take advantage of the next two or three weeks with doing additional research. It was his

opinion that taking it out didn't make a difference if they knew that there was the potential to put it back in over the next few weeks and based on that revelation, Burgess's comments were not inappropriate or unreasonable.

Talarico advised that if Council were to entertain the proposed motion he would like to provide language that would make it specific to the Artino/Stearn Street Capital Improvement Project. He proposed that the language would state the following:

A motion to reduce the capital budget within fund 112 which is the City's capital improvement fund by \$310,724 which was budgeted for the Artino/ Stearn Street improvement Project.

Law Director Severs advised that the motion on the floor would need to be withdrawn with the consent of the second in order to consider the new language.

Soucy felt that it might be a far better approach to talk to some of the business owners on that street and see what sort of compromise would be acceptable to them. There might be parts of that street that they could repair that would not throw the whole project out. Soucy asked Talarico to clarify whether or not he was advocating for the motion. Talarico advised that he was not advocating one way or the other he was just giving Council the correct mechanism to vote on the motion. Norenberg added that this is actually one of the items on the table to talk about at the 2011 work session. In addition Public Works will be reviewing other capital projects to see if there were things that they could freeze to achieve short term savings.

Sloane remarked that the motion before Council at this time was premature given that they had agreed to discuss different options of reducing the budget at the January 18th work session.

Burgess advised that he would like to withdraw his motion and offer a new one. Peterson seconded the motion.

A motion to reduce the capital budget within fund 112 which is the City's Capital Improvement Fund by \$310,724 which was budgeted for the Artino/Stearn Street improvement was moved by Burgess seconded by Peterson.

Peterson encouraged Council members to view this motion as an attempt to rebuild this project from the ground up. If there were concerns about ways in which monies could be saved or some type of discussion to be had with business leaders on Artino Street and if this were already a potential project that could be edited by the administration, then stripping this from the budget could be viewed a good moment.

Roll Call:	3 Ayes	4 Nays	Motion Failed
(Amendment)	(Pilacky, Burgess, Peterson)	(Soucy, Meadows, Broadwell, Sloane)	

Burgess advised that he would not be able to support this budget without reducing it. He asked if someone from Council could figure out how to get that done before the ordinance was passed. Soucy advised that she didn't understand Burgess's concerns for the process that Council had committed to put in place between now and the 18th of January. She advised that she needed the assistance of the City experts and wasn't comfortable making premature decisions that she felt in the long term could prove to be counterproductive. She advised that at this moment she was not comfortable going about this in a piece meal manner.

Motion to reduce \$300,000 from the 2011 budget with no specific project in mind was moved by Pilacky, seconded by Burgess.

Broadwell reiterated earlier concerns, that this should be discussed at the upcoming work session, he advised that they were just spinning their wheels.

Ashenhurst, 260 Sumner Street asked if he were correct to assume that the Smith Street Pillars and the Fireworks for 2010 appeared on the Exhibit A but didn't appear on the memorandum. Talarico advised that those two items were of an amount that wasn't necessary for a budget adjustment to come to Council.

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 Burgess.

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

Roll Call: 7 Ayes 0 Nays Motion Carried
(1st, Final)

(B). Ordinance No. 10 – 89 AC CMS – An Ordinance Approving an Extension of the Agreement for Hazardous Materials and Technical Rescue Response in Lorain County and Declaring an Emergency.
(1st)(E)

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

Roll Call: 7 Ayes 0 Nays Motion Carried

The Clerk read as directed.

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

Pilacky exited Council Chambers at this time.

Norenberg advised that one of the collaborative efforts that cities in Lorain County have is the Hazardous Materials and Technical Rescue Response Mutual Aid program. This is something that ensures that the City's Fire department didn't have to be fully staffed for technical rescue or hazardous materials rescue response. They can call on fire fighters from across the County who were trained experts in these areas. They pay a fee into this collaborative effort and are currently ending a three year contract. That contract is still under negotiation so in the meantime all participants have decided to sign an extension of the current agreement while the revised agreement is still being negotiated.

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

Roll Call: 6 Ayes 0 Nays Motion Carried
(1st, Suspension of Rules/ Emergency)

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

(C). Ordinance No. 10 – 90 AC CMS – An Ordinance Accepting the Bid of Elite Excavating Company of Ohio Inc. of Mansfield, Ohio, for the Park Street Storm Sewer Improvement Project and Declaring an Emergency.
(1st)(E)

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

Norenberg advised that this venture was a prerequisite for the Park Street Bridge Replacement Project. The pipeline that is currently in the area is undersize. Upsizing the size of the existing storm sewers will nearly double their capacity.

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 Meadows.

Roll Call: 6 Ayes 0 Nays Motion Carried
(1st, Suspension of Rules/ Emergency)

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

(D). Ordinance No. 10 – 91 AC CMS – An Ordinance Authorizing the City Manager to Enter Into a Memorandum of Understanding with the Lorain County Board of Commissioners (D.B.A. Lorain County Transit) to Provide for Transit-Related Services, and Declaring an Emergency. (1st)(E)

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

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.

Norenberg provided an overview of the proposed ordinance. He advised that over a year ago, the County faced some budget challenges and scaled back on the Lorain County Transit Services that were provided to the City of Oberlin. One of the services cut was the LCT Connector Services. This left many Oberlin residents without a means of transportation. In an effort to meet the needs of Oberlin residents, the City of Oberlin contracted with Lorain County Transit to establish the Oberlin Connector Services. This service has been very successful increasing from 118 trips in July to 184 trips in November. He advised that they continue to receive positive feedback about the program and feel that it is valuable to residents who need to maintain their level of independence. (Norenberg played an audio tape of residents who appreciated the bus service being provided through the City.)

Meadows commended Norenberg for sticking with this project and for his creativity in getting additional monies from donors to keep the service going.

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

Roll Call: 6 Ayes 0 Nays Motion Carried
(1st, Suspension of Rules/ Emergency)

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

(E). Ordinance No. 10 – 92 AC CMS – An Ordinance Dedicating Permanent Public Improvements Constructed as Part of the East College Street Project, Including the Street Known as Eric Nord Way, and Declaring an Emergency. (1st)(E)

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

Roll Call: 6 Ayes 0 Nays Motion Carried

The Clerk read as directed.

Motion for passage on first reading moved by Soucy seconded by Meadows.

City Manager Norenberg provided a brief overview of the project.

Burgess advised that he noticed that one of the planting areas had been taken over by the residents as a gardening area. He asked if that planting area was under the City's ownership now or was it still the property of SCA. Norenberg confirmed that the garden was in the public plaza area.

Burgess said that he was concerned that if the garden became a public space then anyone in the community could do as they wish with a spot that seemed to him -by rights- to be for the use of the people of that building. Norenberg asked what he meant by "rights".

Burgess advised that if he were a resident of that building then he would expect that a section of that garden would be set aside for him. He asked why this area was considered part of the public space and not being kept as a private space for the residents. Norenberg advised that this was the way that the project was designed by the developers. Since part of that area had been paid for by the TIF that area was constructed by public tax dollars which prevented it from being turned over to private ownership.

Elizabeth Rumics, Hollywood Street asked how the name was selected for the Street Sign. Norenberg advised it was the choice of the developers.

Roll Call: 6 Ayes 0 Nays Motion Carried
(1st Reading)

5. Other New Business:

None

6. Council Communications:

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

- Soucy – Thanked OMLPS for putting up the Christmas lights. She hoped that next year Oberlin College could contribute more.

- Contributions to the Underground Railroad Project are underway. She advised that all contributions were tax deductible.

National League of Cities Congress of Cities & Exposition

Bryan Burgess – Presented a summary report highlighting topics discussed at the National League of Cities Congress of Cities and Exposition Conference. Key areas of discussion included the following topics: (Summary report attached)

- Volunteering “Hands On National”
- NLC Service Line Warranty Program
- Emergency Alerts “Nixle”
- Expanding Services

Meadows advised that she was very impressed by the way that Denver, Colorado showcased its artists. She hoped that Oberlin would be open to showcasing its artists in a similar fashion down the road. Broadwell further remarked that for every million dollar used on a capital project 1% was used for art work.

7. City Manager’s Report:

Norenberg announced the following:

- The Oberlin High School Seniors were doing a shoveling fund raiser. Residents interested in benefiting from these services should call 440- 879-8509.
- Next two Fridays City offices will be closed in observance of Christmas and New Years day.
- Met with Char Davis of PSI, the Public Engagement part of the City Strategic Plan will be starting soon.

8. Finance Director’s Report:

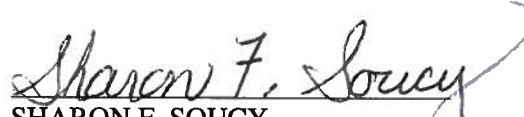
- Talarico made additional remarks to Soucy’s comments on tax deductible status for donors to the URCIT Project. Talarico stated that the City was a tax exempt organization –subjected to Section 170 C (1) Title 26 of the U.S. Code.

9. Public Participation: None

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

Attest:


BELINDA B. ANDERSON, CMC
CLERK OF COUNCIL


SHARON F. SOUCY
ACTING PRESIDENT OF COUNCIL

Approved: 01/03/2011

Posted: 01/04/2011



TO: Council President Sloane
City Council Members

FROM: Bryan Burgess, Council Member

SUBJECT: National League of Cities
Congress of Cities & Exposition



Summary

Council Members Broadwell, Burgess, and Meadows attended the National League of Cities – Congress of Cities & Exposition from November 30th through December 4th 2010. The featured speakers, discussion sessions, and exhibition vendors covered a wide variety of topics related to municipal governance and operations. The opportunity to network with officials from other communities across the country was especially beneficial. Though not specifically stated, the main theme of the conference was how cities are coping in the midst of the Great Recession. Regardless of size, all cities are wrestling with declining revenues, increasing costs, and the difficult choices of how to decrease expenses with the least amount of inconvenience to residents. We brought back a number of programs and ideas that will prove beneficial to Oberlin residents.

Volunteering

Coordination of citizen volunteers was vital to the emergency response and reconstruction of Memphis, TN after the devastating 2010 floods. The non-profit Hands on National served as the central dispatch during the flooding and was able to assist residents when the City was unable to respond due to the scale of the crisis and/or the legal liability of servicing private property with non-city employees. Hands on National assists cities nationwide with coordination of citizen volunteers for all manner of community service projects. The City signs a memorandum of understanding (MOU) with Hands on National. Hands on National then registers volunteers and maintains the necessary insurance coverage for the service activities. Should the city management need volunteers for any particular project, Hands on National can be contacted and registered volunteers can be dispatched. Projects can also be initiated by citizens and Hands on National will coordinate the work with City management.

NLC Service Line Warranty Program

The National League of Cities has partnered with Utility Service Partners, Inc. (USP) to offer a service line warranty program. The Service Line Warranty Program is an affordable home protection solution for our residents to help them deal with the financial burden of unanticipated water line and sewer line repair and

replacement costs that are not the city's responsibility to repair. By endorsing the NLC Service Line Warranty Program, the city generates extra revenue and stimulates the local economy using local contractors to complete the repairs. USP pays for the repairs, customers are provided with a 24/7 customer service repair hotline, and USP is responsible for all aspects of the program including marketing, billing, customer service, and performing all repairs.

Emergency Alerts

In the small cities forum we met representatives from a numbers of cities that utilize a message alert service called Nixle. Nixle is used to distribute information to residents for all manner events from canceled softball games to water boil advisories. Residents can visit the website Nixle.com to register for alerts and can specify the type of alerts they would like to receive from the city (events, sports, emergencies, etc). Alerts are available via cell phone text messaging, email, or on the website. The Nixle service is free of charge.

Expanding Services

While some cities are reducing services due to the recession, others are choosing to expand and offer their services to other communities. One city expanded their garbage collection and now performs pickup for neighboring cities. Another city expanded their finance department and now performs billing services for neighboring cities. Provision of city services to non-residents have allowed the cities to increase revenues without raising utility rates or taxes on its residents.