



Minutes of the Regular City Council Meeting
 Held on Monday, May 15, 2017
 7:00 p.m.

1. COUNCIL BUSINESS

(a) Call Regular City Council Meeting to Order and Roll Call – 7:00 p.m.

A regular meeting of the Oberlin City Council was held on May 15, 2017 in the Council Chambers of the Oberlin City Hall, located at 85 S. Main Street Oberlin, Ohio. The meeting was called to order at 7:02 p.m., by Presiding Officer Ronnie Rimbert. Roll Call was taken as follows:

Council Members:	Present	Absent
Sharon Pearson	<input type="checkbox"/>	<input type="checkbox"/>
Bryan Burgess	<input type="checkbox"/>	<input type="checkbox"/>
Linda Slocum	<input type="checkbox"/>	<input type="checkbox"/>
Sharon F. Soucy	<input type="checkbox"/>	<input type="checkbox"/>
Scott Broadwell	<input type="checkbox"/>	<input type="checkbox"/>
Kelley Singleton	<input type="checkbox"/>	<input type="checkbox"/>
Ronnie Rimbert	<input type="checkbox"/>	<input type="checkbox"/>

Appointees:

Robert Hillard, City Manager	<input type="checkbox"/>	<input type="checkbox"/>
Belinda Anderson, Clerk of Council	<input type="checkbox"/>	<input type="checkbox"/>
Jon Clark, Law Director Absent	<input type="checkbox"/>	<input type="checkbox"/>
Sal Talarico, Finance Director	<input type="checkbox"/>	<input type="checkbox"/>
Frank Carlson, Acting Law Director	<input type="checkbox"/>	<input type="checkbox"/>

(b) Approval of Minutes – Regular City Council Meeting – May 1, 2017.

Motion to approve the above stated minutes as submitted was moved by Broadwell, seconded by Burgess.

Roll Call: 7 Ayes 0 Nays Motion Carried

(c) Presentation of the Healthy Community Award by the Lorain County Health District to the City of Oberlin.

Members of Council heard a presentation from Ian Yarber, the City's Recreation Superintendent. He provided an overview of Oberlin's involvement in the Live Healthy Lorain County Initiative, which led to its being recognized for the Healthy Community award by the Lorain County Health District. Yarber noted that the recognition came in four of five major areas which include: Chronic Disease, Active Living, Healthy Eating and General Community. Members of Council also heard from Katherine Bray, Health Education Specialist for the Lorain County General Health District as well as Cindy Andrews, Executive Director of Oberlin Community Services, who both expounded on the benefits of participating in the program, as well as the honor associated with receiving the Healthy Community Award.

- (d) Hear a presentation on the Tuskegee Airmen of Oberlin and present the new City of Oberlin Tuskegee Airmen Memorial by Margaret Christian, Shirley Williams and Martha Wilkins.

Sharon Soucy remarked that they have Adenike Sharpley and Oberlin historians and Tuskegee airmen enthusiasts; Margaret Christian, Shirley Williams and Marth Wilkins who were relentless in bringing the Tuskegee Airmen Memorial to fruition. She remarked that these women were present to speak on the inspiration they received while fulfilling this endeavor. Sharpley reviewed a proposed itinerary outlining plans to reveal the plaque and to recognize several Tuskegee Airmen who were a part of the Oberlin community. Margaret Christian, an Oberlin Historian credited the late William L. Williams, former Tuskegee Airman, for inspiring her to get this done. She thanked Richard William's (brother of William Williams) wife, Shirley Williams and Martha Wilkins (sister to the late William Johnston Jr., former Tuskegee Airman) for their unyielding support. She noted that everything she asked them to do they did it without hesitation. Their efforts have left a legacy for these heroes and their families that can be found in the heart of Oberlin where they are now registered. Williams thanked Council for making this possible and Ms. Christian for her perseverance and dedication in seeing this through to completion. She confirmed that this memorial has fulfilled her late husband's wishes to see his brother and fellow Tuskegee Airmen recognized for their accomplishments. She expounded on the history which went back to the date that these young men received their initial call to step up and serve their country, recalling to memory how these young men spent their free time on the Huntington Farm prior to departing for war. Williams repeated her heartfelt appreciation for the dedication shown by Ms. Christian to honor the Tuskegee Airmen of Oberlin with this memorial.

- (e) Hear and discuss a presentation regarding the implementation of an official recognition of Indigenous Peoples Day.

Members of Council heard a presentation from Jean Simon “Morning Dove”, of the Local Committee for American Indigenous People, pertaining to Indigenous Peoples’ Day. Simon remarked that three states and several cities had passed a resolution recognizing Indigenous Peoples’ Day and she hoped that Oberlin would be the first City to do so in Ohio. Highlights of the presentation included:

- Introduction of fellow American Indigenous Peoples committee members: Cinthia”Cindi” Byron-Dixon, Joella Byron-Dickson, and Rev. Mary Hammond.
- A brief overview of the Nation’s History as it pertains to the truth surrounding the treatment of Indigenous People in the United States.
 - Simon alluded to evidence of broken treaties and disingenuous promises, noting the most recent controversy with Dakota Access Pipeline being built on the Sioux Nation’s ancestral grounds in Standing Rock, North Dakota.
- Simon went on to talk about the characterization of Christopher Columbus that resulted in his being stripped of many of his accolades.
- Thanked those who contributed to providing the background information that was submitted to members of Council. This included the Human Relations Commission for their support as well as the Oberlin Heritage Center who will help them to celebrate Indigenous Peoples’ Day at a future date.
- Simon also reviewed several of the materials submitted to Council prior to the meeting, including a fact sheet about Indigenous People’s Day that outlines the effort nationally.

The discussion was then turned over to fellow committee member Joella Byron-Dickson, who read a report from her Senior Project which examined the mental/emotional effects of celebrating Columbus Day for Indigenous youth. The report highlighted four major contributors that have been known to influence suicidal thoughts and actions in youths of Indigenous decent, which include:

1. Mental illness:
 - a. Mental Illness plays a role in almost 90 percent of suicides, and such conditions are often treatable.
2. Substance Abuse:
 - a. Native Americans are more likely to die of alcohol-related causes.
 - b. Annual heroin and oxycontin use is about two to three time higher than the national averages for American Indian students. Also, American Indian youth are initiating alcohol and drug use earlier than their non-native counterparts.

3. Domestic Abuse:
 - a. As a group, American Indian students also have the highest rate of intimate partner violence in the U.S.
 - b. Indigenous children are at double risk for abuse and neglect.
4. Historical and intergenerational trauma: Most American Indians, whether they're aware of it or not are suffering from historical intergenerational trauma.
 - a. Their great-grandparents' own pain and suffering can still be impacting them today via epigenetics, in which trauma experienced earlier generations can influence the structure of our genes, making them more likely to "switch on" negative responses to stress and trauma: and via the actual lessons handed down as a result of institutional trauma such as Indian schools, alcoholism and sexual abuse. {Clerk Note: The remarks were not submitted with citation for the purpose of verifying accuracy}.

At the conclusion of the presentation, members of Council debated how to proceed with recognizing Indigenous People Day in the City of Oberlin. Ray English, Co-Chair of the Human Relations Commission, reiterated the Human Relations Commission's unanimous support for the celebration of Indigenous Peoples' Day. Burgess questioned City Council's authority to substitute Indigenous People's Day in place of Columbus Day since Columbus Day is a recognized Federal holiday. He sought further clarification as to what impacts this would have on local business practices and government entities that recognize the holiday as well as the impacts such a change would have on employee contracts and union negotiations. Frank Carlson, acting Law Director, remarked that he felt it could be done, but Council would need to recognize that there is a limitation to the effect of its proclamation. He felt that Council could certainly make a different reference to the holiday when it came to employee contracts, but they would not have the authority to change what the Federal Government or State government does in respect to whatever proclamation and contracts that they may have. The City could do this and it would have certain practical and legal effect, but it would not abolish everything that is going on outside of the City as it relates to Columbus Day. Burgess remarked, since Oberlin would be the first City in Ohio to do this, he wanted to make sure that it was done correctly as an example to other communities. Carlson remarked that he would run this by Mr. Clark to get his opinion. Rimbart said they had a conversation at the last agenda setting session related to this topic. It was stated that the City did not close its doors on Veterans Day so we were considering closing the offices on Veterans Day instead of Columbus Day and that will eliminate Columbus Day for our employees. This is not something that we can just say we want to do. We have to go through all of the checks and balances and the City Law Director is working on this to make sure this can be done. We are not sitting on our hands. We have fast tracked this and are looking at

alternatives. When Mr. Clark gets back we will have something put together in the near future. We can guarantee that.

Three Eagle Cloud thanked members of Council for all that they are doing and provided additional background as to why the Indigenous Peoples Committee has sought recognition of Indigenous Peoples Day in place of honoring Columbus Day. Following remarks Rimbert remarked that he is not aware of any celebrations taking place in recognition of Columbus Day in Oberlin, but maybe they will start celebrating Indigenous Peoples Day and start a new trend throughout the community. He said we have a Big Parade and we can have an indigenous parade as well.

- (f) Hear and discuss a presentation by the Human Relations Commission recommending revisions to the City of Oberlin's Nondiscrimination Ordinances.

Members of Council heard a presentation by Ray English, Co-Chair of the Human Relations Commission concerning the above stated topic. Opening remarks were made defining the term discrimination and describing different degrees of discrimination as they may occur in different settings. English identified the goals of the HRC as being to:

- Make nondiscrimination ordinances clear, consistent, and comprehensive.
- Make procedures for handling complaints clear and consistent
- Resolve complaints informally whenever possible
- Increase community awareness of ordinances and procedures

English noted the following information:

- Preliminary review of ordinances and resolutions were completed as follows:
 - A detailed analysis of Oberlin ordinances was conducted by Equality Ohio
 - Reviewed ordinances and procedures at selected Ohio Cities
 - Met with the Law Director to discuss potential legal implications
 - Conversated with business owners, local ministers, and members of Oberlin's LGBTQ community to address potential impacts and comfort levels with proposed changes
- Results of review found that current City legislation:
 - Used language and terminology that was out-of- date
 - Protected LGBTQ groups inconsistently
 - Did not use most recently revised state legislation on a consistent basis
 - Offered no protection in areas where Oberlin could provide protections
 - Main substantive change to local ordinance was in need:
 - To add protections for sexual orientation and gender identity in the areas of public accommodations, private employment, and discriminatory intimidation
 - No such protections in Ohio law and few protections in Federal law

- 18 Ohio cities have comprehensive nondiscrimination protections

English remarked that the Commission recommends that City Council establish a process for revising the City's nondiscrimination ordinances and procedures that would:

1. Update non-discrimination sections of the code to make language more consistent and in accord with currently accepted terminology.
2. Revise the protected categories in existing relevant code sections so that they are consistent and comprehensive.
3. Extend non-discrimination protections for all categories to the areas of public accommodations and private employment.
4. Establish appropriate misdemeanor levels for non-discrimination protections that apply only to Oberlin's ordinances, but not to State law.
5. Provide consistent procedures that designate the Human Relations Commission as the suggested first step for attempted resolution of discrimination complaints prior to any legal course of action.

Process moving forward (if Council agrees with recommendations):

- Human Relations Commission happy to work with the Law Director in developing draft ordinance and procedural revisions for Council consideration
- Revisions can be kept relatively simple by relying on work of other cities
- The HRC seeks further direction from Council on how to proceed

Overall the following main points were made by Council:

- Concurrence that language should be cleaned up.
- Viewed this as an opportunity to add some teeth to EEO requirements for contracted work in the City
- Saw potential for collaborative effort with the School Board to address anti-bullying policies proposed in the Equality Ohio document submitted to Council.
- Hesitation from several members of Council, concerning liability issues that could arise as a result of developing procedures that would designate the Human Resources Commission as the first step for resolving discrimination complaints.
 - Need for Specialized Training
 - Concerned about the ability to maintain confidentiality in mediation since this is a Public Body which is subject to the Ohio Sunshine Law.

- The Human Relations Commission lacks staff support. The proposed changes would require additional oversight.
- List of changes is comprehensive and will need to be further evaluated to more fully understand the unintended consequences that can occur as a result of implementing some of the changes being proposed. (i.e., Landlord – tenant relationships and downtown merchant hiring practices)
- Rosalind Watson, Human Resources Administrator has training in conflict resolution and should be a part of this process.

English noted that concerns raised by Council relating to the HRC's role as a mediation body have been thoroughly vetted including how to deal with the Ohio Sunshine Laws. The commission looks forward to discussing how this might be addressed at a later date.

Public Remarks:

Judy Riggle, 87 Kendal Drive remarked that the lack of a clear policy can impact one's ability to receive grant monies.

Steve Hammond, 140 East College Street, remarked that the Human Relations Commission staffing concerns should be addressed if the issues that the HRC deals with are really a priority. He hoped that Council didn't get too caught up in the details, to the point of complacency.

Jane Miller, 71 Glenhurst Drive asked that the language used in the nondiscrimination laws not only expand to include LGBTQ issues but that it also include physical and mental health issues and service dogs. The word disability is currently being used in the proposal, but it needs to be more clearly defined to include physical and mental health issues. Also missing from this proposal is language regarding discrimination against social and economic differences and protections for reprisal or retaliation against prior civil acts activity. She added that she would also be happy to have the attorneys that she works with at the Federal Housing Authority of Ohio take a look at this and to provide their guidance. It was noted that they have helped Oberlin College to educate the community about non-discriminative practices in the past.

Rimbert responded to remarks that this has been a long time coming. He replied that Oberlin has been such a giving community that as far as he can recall the issues raised have not been an issue in the past. This is complicated and it will take time to work through the legal implications of what is being proposed. Miller remarked that she understood, but she felt that it was important to be proactive especially when it came to

educating the public. Rimbart remarked that Council is working on this and will sort through the information and will seek guidance from the Law Director. Debate on this issue will be held at a future date.

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

None

3. OLD BUSINESS:

(A). ORDINANCE No. 17-23 AC CMS: An Ordinance Amending Section 797 of the Oberlin Codified Ordinances Regulating the Operation of Mobile Food Vehicles Within the Municipal Limits of the City of Oberlin and Declaring an Emergency (3rd)(E)

The Clerk read as directed.

Motion for passage on third reading was moved by Burgess, seconded by Soucy.

Members of Council considered Ordinance No. 17-23 AC CMS Amending Section 797 of the Oberlin Codified Ordinances Regulating the Operation of Mobile Food Vehicles within the Municipal Limits

Hillard recapped the discussion from the previous meeting outlining the amendments that had been made on May 1st. Following a brief discussion to ensure that all amendments being made did not place any unnecessary burdens on City staff, Clerk Anderson noted that there was an amendment to the ordinance by the Law Director in Section 797.13: Penalty. The proposed amendment would change section 501.02 to 501.99 as noted in the document. It was noted that all of amendments read by the City Manager had been approved by motion with the exception of this one.

Motion to amend the Penalty section of the Oberlin Codified ordinances to include the appropriate reference to section 501.99 was moved by Slocum and seconded by Broadwell

Roll Call: 7 Ayes 0 Nay Motion Carried
(Amended)

Motion to elevate ordinance no. 17- 23 AC CMS to emergency was moved by Singleton and seconded by Soucy.

Roll Call: 7 Ayes 0 Nay Motion Carried
(Emergency)

Roll Call: 7 Ayes 0 Nay Motion Carried
(Final)

4. NEW BUSINESS:

(A). ORDINANCE No. 17-25 AC CMS: An Ordinance Authorizing an Increase in Compensation for the City Law Director, and Amending Ordinance No. 13-13 AC CMS, as Amended, Appointing the Law Director, for the City of Oberlin, Ohio, and Declaring an Emergency (1st)(E)

The Clerk read by number, title, and substantive portions. Motion for passage on first reading was moved by Burgess, seconded by Pearson.

Members of Council considered Ordinance No. 17-25 AC CMS Authorizing an Increase in Compensation for the City Law Director, and Amending Ordinance No. 13-13 AC CMS, as Amended, Appointing the Law Director, for the City of Oberlin, Ohio.

Mr. Rimbart remarked that Council had an outstanding evaluation for the Law Director and it was unanimous that this raise go forward because he has been doing an outstanding job. Burgess noted that part of the Law Director's contract has always included an offer for the provision of health insurance, but Mr. Clark has never used that provision until now. That is why you see that change over past renewals to his contract.

Motion to suspend the rules requiring three readings and to elevate Ordinance No. 17-25 to emergency for the reasons specified in Section 5 was moved by Soucy and seconded by Broadwell.

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

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

5. OTHER NEW BUSINESS:

The City Manager asked that after the public participation portion of the agenda that a motion to adjourn into executive session to consider the purchase of property for public purposes in accordance with Section 121.22 (G)(2) of the Ohio Revised Code and to invite the City Manager and the Finance Director be made. The motion was moved as stated by the City Manager by Burgess and was seconded by Soucy.

Roll Call: 7 Ayes 0 Nay Motion Carried

6. COUNCIL COMMUNICATIONS:**A). Referrals****(B). Advocacy****(C). Correspondence****(D). Reports****Pearson**

- Youth Opportunity Fair for 16-24 year old who are looking for a job at Elyria High School from 2:30 p.m. to 5:00 p.m.
- Green Energy Ohio Tour Scheduled for Saturday June 17th has been postponed until late September.

Soucy

- Reported on Third grade Annual Field Trip to City Hall.

7. CITY MANAGER'S REPORT:

- Announced several events taking place throughout the City in the Month of May including:
 - Employee Pride Day
 - Oberlin College Illumination Night
 - Oberlin College Commencement

8. FINANCE DIRECTOR'S REPORT:

- Reported on upcoming legislation that will come before Council before Summer Break.
- Provided an update on the petition process for the rezoning of Property on Route 58 and regarding REC expenditures.

9. PUBLIC PARTICIPATION:


- Ashenhurst remarked that, while it is true that the City has until August to certify the petitions, once the Board of Elections approves them, the City can then file its certifications at any time. He hoped that they didn't wait until mid-summer before getting those back, partly because the Board of Elections will start putting information about the November election on to the County website by Father's Day. Talarico remarked that he would continue to take his lead from the Law Director.


10. ADJOURNMENT:

{**Clerk Note:** A second motion to adjourn into executive session was offered here but it was not recorded because the action was redundant and unnecessary. In addition the second motion did not include the purpose of the executive session. Council adjourned at 8:39 p.m.}

Motion to reconvene into the Regular City Council meeting was moved by Broadwell and seconded by Pearson. Being that there was no further business to come before Council, the meeting adjourned at 9:05 p.m.

Attest:


BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL


RONNIE J. RIMBERT
PRESIDENT OF COUNCIL

APPROVED: 06/05/2017

POSTED: 06/06/2017