



Minutes of the Regular City Council Meeting
Held on Monday, May 7, 2012
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 7, 2012 in the Council Chambers of the Oberlin City Hall, located at 85 S. Main Street Oberlin, Ohio. The meeting was called to order at 7:09 p.m., by Presiding officer Ronnie Rimbart.

Roll Call:

| Council Members: | Present | Absent |
|---------------------------|-------------------------------------|-------------------------------------|
| Charles Peterson (tardy) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Bryan Burgess(excused) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Sharon Soucy | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Elizabeth Meadows (tardy) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Scott Broadwell | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Aaron Mucciolo | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Ronnie Rimbart | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Appointees:

| | | |
|------------------------------------|-------------------------------------|--------------------------|
| Belinda Anderson, Clerk of Council | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Eric Severs, Law Director | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Eric Norenberg, City Manager | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sal Talarico, Finance Director | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

(b.) Approval of Minutes – Regular City Council – none.

(c.) Proclamation – Arbor Day.

PROCLAMATION**Arbor Day 2012**

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and Arbor Day was first observed with the planting of more than a million trees throughout Nebraska, and is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, release life-giving oxygen, and provide habitat for wildlife; and trees are a renewable resource, giving us paper, furniture, wood for our homes, and myriad other products; and trees in our community increase residential property values, enhance the economic vitality of business areas, beautify our City, and wherever they are planted are a source of joy and spiritual renewal; and

WHEREAS, the planting of trees helps counteract global warming, because atmospheric carbon dioxide is the leading contributor to global warming, and as trees grow they remove carbon dioxide from the atmosphere, storing the carbon and releasing oxygen; and a single tree can remove more than a ton of carbon dioxide over its lifetime; and

WHEREAS, according to the United States Forest Service, 50 million strategically placed shade trees could eliminate the need for seven 100-megawatt power plants; and trees around homes and in cities slow winter winds, reducing the need for winter heating; and

WHEREAS, Oberlin was recently honored nationally for the thirteenth time as a Tree City USA by the Arbor Day Foundation, in recognition of its commitment to community forestry;

WHEREAS, the City of Oberlin's Open Space and Visual Environment Commission, along with various individuals, organizations in our community, and the City of Oberlin, have planned and undertaken appropriate exercises to commemorate the occasion;

NOW, THEREFORE, I, Ronnie Rimbart, Mayor and President of the Council of the City of Oberlin, Ohio, do hereby proclaim April 27, 2012, to be ARBOR DAY in the City of Oberlin, and I urge all citizens to continue supporting efforts to protect our urban forestry program, and to pass on as a legacy to future generations our deep appreciation, every day, of the abundant excellence of trees.

IN WITNESS WHEREOF, I have hereunto subscribed my hand and caused the Great Seal of the City of Oberlin, Ohio, to be affixed hereto, this 16th day of April, 2012.

Ronnie J. Rimbart
Mayor/President of Council

Meadows entered Council Chambers.

A proclamation recognizing Arbor Day was read by Sharon Soucy and presented to Oberlin resident, Tony Mealy. Mealy remarked that the year 1872 was not only the year that the first Arbor Day was observed but it was also the year that the City established the first Ashline Water Treatment Plant (WTP) in the United States and their source of water was located on the 151 acres out at the Kipton forest. The City eventually sold it to the Lorain Metropolitan Parks (LMP) and over the years LMP has created one of the first tree farms in the State of

Ohio and most of the curb lawn trees that were sold from the City of Cleveland all the way to the City of Toledo were sold out of that farm. Still today the 151 acres is the oldest strand of planted hardwoods in the United States.

Peterson entered Council Chambers.

(d.) Proclamation – Electrical Safety Month.

A proclamation recognizing Electrical Safety Month was read by Councilor Broadwell and presented to OMLPS, ESSI Manager Doug McMillan. McMillan noted that 500 activity workbooks were delivered to Prospect and Eastwood in recognition of Electrical Safety Month.

**PROCLAMATION
ELECTRICAL SAFETY MONTH**

WHEREAS, hundreds of people die and thousands are injured each year in the United States as a result of electrically-related incidents; and

WHEREAS, there are, on average, 450 civilian deaths related to electrical home structure fires each year; and

WHEREAS, property damage resulting from home fires caused by electrical failure or malfunction amounts to more than \$1.5 billion annually; and

WHEREAS, more than seven people are electrocuted each week in the United States; and

WHEREAS, following basic electrical safety precautions can help prevent thousands of people from being injured or killed each year; and

WHEREAS, citizens are encouraged to inspect their homes and workplaces for possible electrical hazards; and

WHEREAS, citizens are advised to protect their homes and families with the latest safety technology, such as ground fault circuit interrupters, arc fault circuit interrupters, and tamper resistant receptacles; and

WHEREAS, citizens are urged to install, test, and properly maintain an adequate number of smoke alarms; and

WHEREAS, the Electrical Safety Foundation International (ESFI) is dedicated exclusively to promoting electrical safety in the home, school, and workplace through education, awareness, and advocacy.

NOW, THEREFORE, I, Ronnie Rimbart, Mayor and President of City Council of the City of Oberlin, Ohio, do hereby proclaim May as Electrical Safety Month. This month observes the importance of establishing and practicing good electrical safety habits in the home, school, and workplace to reduce the number of electrically-related fires, injuries, and deaths.

I call upon the people of Oberlin, Ohio to celebrate electrical safety during the month of May and to follow good electrical safety practices throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of May 2012.

Ronnie J. Rimbart
Mayor/President of Council

Meadows asked what was meant by avoided cost calculation?

Oberlin City Electric Director, Steve Dupee remarked that the avoided cost calculation would deal with the fact that this project would be directly interconnected to our electric distribution system. They would be taking this solar output onto their system and therefore avoiding wholesale power purchases on behalf of the College. This would be a replacement for this solar output. So they need to come up with an arrangement providing a credit back to the College for the cost that they were going to avoid, procuring power on their behalf. The concept is that the avoided cost calculation would be the value of our retail generation charge (only the generation power supply commodity) less the cost to operate and maintain our power plant and that is the amount that would be credited back to the College. The power plant has benefits for all in the community- whether they have behind the meter generation or generation that you own (or not) that the value of the plant immures to everyone and everyone should share in the cost of it. Lamppa added that the College will continue to purchase electricity from OMLPS and the College will also be paying the developer for the electricity. For example, the College would be buying power twice and then they would be credited back a portion of it, from the City, for that whole sale power cost. So they buy it twice and are credited back once.

Soucy questioned whether it was fair to say that this will ultimately represent 10% to 13% of the College's power needs. Lamppa remarked that the total production would be equivalent to about 12% of what the College uses on an annual basis. Soucy then explained the process as she understood it. She said in the summer the City has to purchase power from the market because that is our peak time. Traditionally we have bought that power on the market, which is probably coal generated power. So in a sense this is a boom to us, because now during those peak times, instead of purchasing the coal generated power from the market we can purchase the excess that will be produced by the College. Dupee concurred and noted that participation in the program would also increase the City's green portfolio.

Broadwell asked how many megawatts would the City gain by participating in the project. Dupee remarked that this project would be for 2 MW, which will represent about 3 percent of the City's power supply needs.

Rimbert asked if this had been to PUC. Dupee remarked that PUC had seen a presentation for informational purposes only. They had also received additional detail related to the impacts to our average cost and what our average cost looked like in comparison to other municipalities around us, this packet would also include information about the avoided costs schedule, and details about how this would fit into our portfolio. Dupee further noted that a formal proposal would be submitted, to the PUC, along with the interconnection agreement and that agreement will also include the avoided cost terms and conditions. The interconnection agreement is the only way in which the College can take this power supply and move it to their facility, since they do not have the distribution infrastructure to move this generation directly on their own. Rimbert asked when Council would see this interconnection agreement. Dupee remarked that he hoped that he would be able to get the interconnection agreement to PUC during a special meeting in June and would have it for Council at the first meeting in July.

Following a brief discussion related to the project specifications (dealing with designated project site and size) and questions related to public input, Rimbert asked if the solar panels would heat up in the winter time. Lamppa remarked that they would have a weather station out there that will monitor the weather and if there is a call for snow overnight then the solar panels will be tilted towards the East in the morning at a 45 degree angle.

Motion to suspend the rules requiring three readings and to elevate the ordinance to an emergency was moved by Mucciolo and 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)

(B). ORDINANCE No. 12-33 AC CMS: An Ordinance Authorizing an Amendment to the Contract with Moody-Nolan, Inc. of Columbus, Ohio, for Professional Architectural Services Regarding the Project to Restore the Historic Gasholder Building in the City of Oberlin and Declaring an Emergency. (1st)(E)

Meadows moved to have the ordinance read by number, title and substantive portions only. The motion was seconded by Soucy.

Roll Call: 6 Ayes 0 Nays Motion Carried

The Clerk read as directed.

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

Norenberg turned the discussion over to the Public Works Director Jeff Baumann. Baumann remarked that in 2005, following a qualification-based selection process, the City entered into a contract with Moody-Nolan Architects to do design improvements to the Gasholder Building. The initial contract included programming, schematic design, a preliminary cost estimate, graphic presentation materials and the environmental review. Funding for this project would come from the \$200,000 congressional earmark secured for the City by the Congressional Representatives Brown and Kaptur. The reason the phase one contract was structured like this is because it was federal funds, they require the review and approval of the environmental document before they could go into detail design and design development. They found out later that year that the Federal Highway Administration (FHWA) was going to recall that earmark if they didn't move quickly to encumber the remaining funds. With ODOT's assistance, they were able to complete the environmental review. At the same time they were negotiating a contract with Moody – Nolan that would get them to that \$200,000 funding level that they had available, and they did, this contract amendment approved by Council in 2006 would encumber the remaining funds in the congressional earmark. However, this contract amendment would only provide for professional design services through the final completions of the construction documents, it did not include bidding, construction administration or exhibit design. In the last year or so, it had become apparent that in order to keep this project moving forward, it would be beneficial to spread it out into three phases: the exterior restoration, the site development, and then the interior renovations of the space. This contract amendment was structured to reflect that phasing approach and in order to proceed with Phase I, we have requested that Moody – Nolan assist us with bidding in fact Moody held the plan set, the specifications, the documents that needed to be merged with bidding documents for the City and for ODOT. Realizing that this could not be done without Moody's assistance, we proceeded in good faith. Since that decision was made Moody-Nolan has continued to provide construction administration services. This contract amendment is intended to reflect the scope of the

work that Moody-Nolan has contracted to provide to the City. This is different from the original scope that Council approved back in 2005, which is why it was before Council tonight. The scope would get us all the way through Phase I and II, and through the schematic designs of Phase III. This would leave about two –thirds (2/3rds) of the work of Phase III, to be accomplished either through a future amendment to this architectural services contract or with another architect as Vice President Soucy suggested.

Soucy asked if this in a sense is reducing our original commitment to Moody–Nolan. Baumann remarked that it changes the scope. We don’t get quite as far through the project, but we get more detail in the first two phases than we had otherwise contracted for. Broadwell asked if this would mean that the contract would run out before it was fully finished. Baumann remarked that this was going to be the case even when they did the original contract with Moody – Nolan in 2006.

Being that there were no additional comments from Council or the public a motion to suspend the rules requiring three readings and to elevate the ordinance to an emergency was moved by Peterson and 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)

(C). ORDINANCE No. 12-34 AC CMS: An Ordinance Authorizing the City Manager to enter into a contract with the Ohio Department of Transportation for the Resurfacing of State Route 58 in the City of Oberlin, Ohio, and Declaring an Emergency. (1st)(E)

Soucy moved to have the ordinance read by number, title and substantive portions only. The motion was seconded by Meadows.

Roll Call: 6 Ayes 0 Nays Motion Carried

The Clerk read as directed.

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

Norenberg remarked that back in November they discussed this project as part of the budget process so money was appropriated for the City’s share in the resurfacing project of State Route 58. A few weeks ago Council approved some preliminary legislation related to this project and this is the final contract. It was noted that if Council had additional question for the Public Works Director he was there to answer any questions.

Mucciolo asked if staff was confident that the State had set aside the necessary monies for this project. Mr. Baumann responded that they were confident, and depending on what the bids came in under he didn’t anticipate that there would be any additional costs incurred by the City. Mucciolo asked what the approximate total cost for the City would be beyond its liability. Baumann remarked that it was an 80/20 cost share; so if the

City's contribution were \$8,000 then ODOT's cost would be \$32,000, so the total cost would be around \$40,000.

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

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

(D). ORDINANCE No. 12-35 AC CMS: An Ordinance Amending Sections 1185.01, 1185.02, 157.01 and 157.10, of the Codified Ordinances of the City of Oberlin, Ohio, to Prevent Discrimination of Persons on the Basis of Gender Identity or Expression in Housing and Employment with the City of Oberlin and Declaring an Emergency. (1st)(E)

Meadows moved to have the ordinance read by number, title and substantive portions only. The motion was seconded by Soucy.

Roll Call: 6 Ayes 0 Nays Motion Carried

The Clerk read as directed.

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

Norenberg stated that at the last City Council meeting Council had a presentation regarding a proposal from the Human Relations Commission for the above stated purpose. A draft of the ordinance was presented to Council showing the two sections of the Codified Ordinances related to Fair Housing, and related to the Equal Employment provisions in our City's Code book. Following the discussion at the meeting Council seemed interested to have the ordinance prepared, and put on the agenda, for consideration but there was also some concern about definitions. At the time the draft ordinance didn't have definitions so he took a stab at trying to define gender identity and gender expression based on the information shared at the last meeting and a few websites that he found in definitions of other cities who have incorporated these protections in their ordinances. Those definitions were in the draft ordinance before Council tonight. It has been reviewed by the Law Director and Marty Buck, Chair of the Human Relations Commission, and he is available to answer any questions from Council. Furthermore Norenberg suggested that Council allow this to go two or more readings to allow the public to weigh in on it at a subsequent meeting.

Peterson asked which cities were used as resources for the definitions incorporated into the ordinance. Norenberg remarked that he couldn't recall the City's that he used, it was a hybrid of several City's mentioned at the previous meeting. Buck remarked that he didn't know where these definitions came from either, but he knew that Asher Kolieboi, (LGBTQ) Community Coordinator at the Oberlin College, approved what the City Manager proposed, so he could answer that question better than anyone. He further noted that the City of

Cleveland, Toledo, Cincinnati, Athens, Oxford, Yellow Springs, and Columbus all have similar protections in their City.

Mucciolo remarked that the same definition is offered in two separate sections but in Section 157.01 a lot of things that were stated elsewhere within the chapter were not as defined as they were in Section 1185. He asked if there were any particular reason to put definitions in multiple places throughout the Codified Ordinances or could this process be simplified so that things are defined once and carried throughout the ordinance. Severs remarked that there were different sections of the Code that covered different matters: One had to do with housing discrimination and the other had to do with contracting opportunities of the City. Mucciolo said Section 157.10 noted sexual orientation as it did within the fair housing practices section. This was not defined in Section 157.01 but it was defined in Section 1185. He questioned if the inconsistencies in the language would pose a problem moving forward? Law Director Severs remarked that he would have to look at the whole chapter to answer that question. Peterson asked Mucciolo if he would like to amend the ordinance for more consistency. Mucciolo remarked that there was a great deal of clean up that needed to be done to the overall Code, so if this can be cleaned up later then he was alright with the ordinance as is.

Peterson noted that he understood the request of the City Manager to allow this to go another reading, but he was open to passing the ordinance on emergency at this time as well. Soucy remarked that given that this was something that they would like the community to participate in more than they have, and given the question raised by Mucciolo, she would suggest that they pass it on first reading.

Mealy said he suspected that someone spent a lot of time coming up with these definitions but they seem to be rather confusing and repetitive. He remarked that the amendment to the ordinance should only use the word "gender".

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

(E). ORDINANCE No. 12-36 AC CMS: An Ordinance Approving an Agreement with Zion Community Development Corporation to Manage a Community Garden at Legion Field Park and Declaring an Emergency.
(1st)(E)

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

Roll Call: 6 Ayes 0 Nays Motion Carried

The Clerk read as directed.

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

Norenberg provided an overview of the proposed ordinance. Several changes to the agreement were noted as follows:

- The areas to be gardened have been better defined.

- Non-permanent structures may be erected in accordance with procedures negotiated by the Zion CDC Executive Director and the City Manager.
- Nuisance situations and timeframes to cure have been spelled out.
- The free port-a-potty has been eliminated.

They also tried to address a few other things that have been spoken about in the past. They have provided for an outline in the process if they want to do pathways. They have outlined a little bit better the procedure to come forward to seek permission for those pathways. They have agreed to restore any final ruts and damage to the property from last year's delivery and retrieval of the wood that was piled out there for a few weeks. They have also tried to negotiate the agreement for this year in a way that has a good balance between the needs of Zion CDC and the needs of the City. Norenberg noted that Angela Wu and Peter Crowley were there to speak on the contract as well.

Broadwell asked what kind of non-permanent structures would be erected on the site. Peter Crowley, Lincoln Street, said that he had been a gardener in the Zion CDC garden for the past three years. Crowley remarked that Angela Wu had asked members of the garden to help her plan out the year and seek what direction the garden was intending to go. They have found a group of people who were committed to the garden as both a neighborhood and educational project to help introduce people to the benefits of gardening. Crowley noted that Cleveland grew over a million dollars worth of produce through their community garden. That is something that they can think of in terms of a future goal for Oberlin. In the meantime they are starting out humbly and as far as looking at temporary structures, it would be more along the lines of outdoor furniture for people to sit on when they needed to rest. They plan to have some educational events where they would bring in skilled gardeners to work with the plot holders and to invite as many of the residents and particularly young people who might be interested in learning about the benefits of gardening.

Meadows asked if they were recommending that Zion CDC only pay for a portion of the water as indicated in the memo. Norenberg remarked that the intent was to have them pay for the water like they did last year. Meadows stated that she didn't see why they were providing water for Zion CDC, if they weren't providing water for any other community garden in the City. Norenberg remarked that this had been part of the argument over the past couple of years that staff and the PUC had about the feeling that they shouldn't be providing water. At the garden at the end of Spring Street they did work with them to establish the initial water connection and helped to defray some of the costs for the initial installation for that water tap, but they have not been paying any of the cost of that water. The other community gardens are either in neighborhoods or on private or other public property and there is no additional water subsidy for those gardens either.

Angela Wu, Executive Director of Zion CDC said that she was there to commend the City Manager and staff for allowing CDC to negotiate a contract that they were all happy with. There were many players involved in the process and she thought that they were successfully able to harness their energy together to get everybody on board with an agreement that worked in everyone's favor. Wu then commented on the issues concerning the water. She explained that she had asked a bit about the water history on the site and she had been told that there was so little water used on the site that it really wasn't much more than \$50 to supplement the water, which has been great for their organization. She believed that the amount that the City had set actually made sense given the amount of water usage that they have used in the past. Meadows asked Wu to explain why the City should extend this service to Zion CDC and not to other community gardens in the City. Wu remarked that this garden

was unique in the sense that it was on City property, and among all of the community gardens in our community this is the only one where they go through this process of contracting with the City and basically partnering to make sure that provisions on site are respectful of the community’s needs and desires. Since this was a City park the City had greater ownership interest in it and for that reason she felt that people might better understand why there are some differences in the way that the City negotiated this contract. In addition, Wu remarked that this wasn’t initially on her radar and she was a bit skeptical when she first started working on this project. So she solicited a garden interest meeting and 26 individuals showed up to the meeting. All of them were still actively participating and eleven of them volunteered to take leadership to provide greater oversight, maintenance, and management. A lot of progress had been made to date in facilitating relationships with the neighbors and in particular a couple of the neighbors who had been adverse to the community garden in the past, were communicating and planning with them and she looked forward to developing those relationships in the future. In addition they had done some fund raising as well, recently receiving several different grants from the Giving Women of Oberlin and Scotts Miracle Grow which meant that they would have extra money for hiring people who could help them maintain the space.

Meadows asked if the 26 people who owned the plots were Oberlin College students or residents. Wu remarked that most were residents and there were four college students who had committed to being here for the summer, so she didn’t anticipate there being an issue with maintaining the property for students or for those who were traveling during the summer.

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

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

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

(F). ORDINANCE No. 12-37 AC CMS: An Ordinance Extending the Temporary Moratorium on the Establishment of Sweepstake Terminal Cafes or the Placement of Computerized Sweepstake Devices in the City of Oberlin and Declaring an Emergency. (1st)(E)

Soucy moved to have the ordinance read by number, title and substantive portions only. The motion was seconded by Meadows.

Roll Call: 6 Ayes 0 Nays Motion Carried

The Clerk read as directed.

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

Norenberg provided background remarks on the proposed ordinance before Council. Meadows asked the Law Director if he felt that the legislature was dragging its feet because they wanted to see how things were going to turn out with the Cleveland casino deal. Severs remarked that he couldn’t say that it was directly related to that

but he did think that the bill had a good chance to pass in the next month or two, partially due to the opening of the Cleveland casino. In addition he sensed that the bill needed to pass to address some unanswered questions for the gambling industry. Severs remarked that regardless of the reason for the delay, it was his opinion that if nothing happened by the end of this last extension, from a legal perspective, Council really did need to do something. Council would either have to let the moratorium expire or it would have to enact its own regulations. Meadows questioned if anyone from staff had heard how other municipalities that have Sweepstakes Cafes in their communities were doing? The Law Director remarked that he knew that they were collecting a lot of money but he would have to defer that question to the City Manager. Norenberg remarked that last year when they were initially considering legislation they had heard mostly positive feedback. The negative feedback had been fairly limited to parking issues. Severs remarked that currently questions were still unanswered concerning whether or not these were legal and if Sweepstakes Cafes were considered gambling. He noted that the City of Cleveland had taken the position that they were considered illegal gambling. The problem is that the Ohio Attorney General has not issued an opinion at this time and has taken the position that this was something that the State Legislature needed to deal with; which is why a lot of communities have not tried to fight it but instead have decided to regulate it on their own and charge a lot of money to obtain a license. Oberlin was sort of in the middle where it has a moratorium so that no one can open one up, but it hasn't taken the position necessary that Sweepstake Cafes are illegal.

Rimbert asked when the City would start its process if the State hadn't done something before the next moratorium runs out. Law Director Severs remarked that they would start their process before the next moratorium expired.

Mucciolo remarked that given the Law Director's concerns he would like to move to amend the ordinance striking the words from Section 1: Unless further extended by City Council. The motion was seconded by Peterson.

Severs stated that if the State Legislature came up with regulations for Cafe Casino's, it would still be possible that Council could extend the moratorium for a few weeks so he wouldn't necessarily amend the ordinance striking this language, either way it was his impression that this would be resolved before the moratorium expired.

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|-------------------|------------|--|---------------|
| Roll Call: | 1 Ayes | 5 Nays | Motion Failed |
| (Amendment) | (Mucciolo) | (Soucy, Meadows, Broadwell, Peterson, Rimbert) | |

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

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

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

5. OTHER NEW BUSINESS: None

6. COUNCIL COMMUNICATIONS:

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

Broadwell

- Announced that the City had met and exceeded the ten thousand dollars needed to put on the firework's celebration. The amount received to date was \$11,388.36.
- Commented on the Big Parade celebration that was put on over the weekend.

Soucy

- Thanked residents for their support with raising money for the fireworks festivities. They had well over one hundred individuals who contributed to the occasion. She noted that additional contributions would be used towards next year's fireworks celebration.
- Park Street Bridge is a thing of beauty.
- Welcomed Ralph Potts as the Director of Main Street and commended Scott Schell for a job well done.

Meadows

- Reminded the community that Oberlin Community Services had free Summer Pool and Gym Pass at Splash Zone for children who qualified.

Mucciolo

- Announced Arbor Day celebration to take place on Elm Street, this Friday, May 11th at 1:00 p.m.
- Letter from George Abram about the Minority Business Enterprise. He asked if there was further action that needed to be taken by Council. Norenberg remarked that his information appeared in the packet again because he wanted to know if Council wanted staff to draft the legislation to repeal that portion of the Codified Ordinance that provided for the MBE program and has since been ruled unconstitutional by the Supreme Court.

Rimbert

- Tuskegee Airmen Monument in Wright Park Discussion.

President Rimbert addressed a previous request made by Oberlin Historian, Margaret Christian concerning Councils involvement in raising a monument for the Tuskegee Airmen in Wright Park.

Norenberg stated that they could do an Ohio Historical Marker commemorating the airmen. The cost would be around \$2200 - \$2500 and if they were going to do an actual historical marker then there was a process that needed to be followed. He added that this type of memorial was already in place for the Tuskegee Airmen in Columbus, but he felt that Pat Murphy, at the Oberlin Heritage Center would be someone good to talk to - about whether our historical connection to the Tuskegee Airmen would make a good subsequent application for the marker in Columbus that was unique to Oberlin. If Council was interested in spending up to \$2500 then this could be referred to the Historic Preservation Commission as well as to the Ohio Historical Society.

Meadows said she thinks that they can confer with the Oberlin Historical Society and the Historical Preservation Commission but they should include Mrs. Christian in the discussion as well. She also sensed that before they proceeded to the State level a discussion with Mrs. Christian about her expectation should be arranged. It was her understanding that Mrs. Christian wanted to see this done on the local level.

Broadwell asked if Council wanted to get this on the agenda for the Historic Preservation Commission meeting scheduled for next Tuesday.

Soucy said she felt a strong commitment to this and believed that it was something that the City needed to be a part of. It could be a private/public partnership but she would like to see it be a little more unique than the standard historic marker. She noted that there were a lot of talented designers, architects and artists in this town. Council could set up a subcommittee and get a lot of people involved in this, beyond the Oberlin Historical Society that would include; the NAACP, local churches and relatives of the Tuskegee Airmen, who were still living in town. She had talked about the whole concept of Public Art with Councilor Meadows in the past and this was a way to move into that direction. She suggested that they get in touch with Mrs. Christian to see what membership might be represented on that subcommittee. She didn't think that there was any huge rush, but she felt that it should be unique to Oberlin and something that they were all proud of. She felt that the City should participate in the neighborhood of \$2500 and perhaps supplement it with some private money as well.

Shirley R. Johnson asked if Council was aware of the fact that there was a national committee as a result of the movie, "Red Tails" who were getting together to do something to commemorate the Tuskegee Airmen. She felt that if the City was going to do something locally, whoever was involved in arranging this should be aware of what the national committee was doing as well.

Rimbert said this is a historic occasion and he would like for Council to seize this opportunity. There are thousands of people who visited Oberlin and they should know what this City is about.

Tony Mealy, 328 South Professor Street mentioned that Oberlin Boys and Girls Club would be closing down their location this summer and busing the kids over to their Middle Avenue location in Elyria.

7. CITY MANAGER'S REPORT:

Norenberg reported on the following items:

- Hearing no objection from Council, the City Manager announced that MBE legislation would be coming forward in the next few weeks.
- Lorain County Police Memorial will be held on Friday morning at 11:00 a.m.

8. FINANCE DIRECTOR'S REPORT:

Talarico reported on the following items:

- Quarterly Bank and Investment Summary Report.
- Paperless Utility Bills.

9. PUBLIC PARTICIPATION:

Being that there was no further business to come before Council the meeting adjourned at 9:30 p.m.

Attest:



BELINDA B. ANDERSON, CMC
CLERK OF COUNCIL



RONNIE J. KIMBERT
PRESIDENT OF COUNCIL

APPROVED: 06/18/2012

POSTED: 06/19/2012

Proposed Solar PV Project

Oberlin College
May 2012

Overview

- 2.26 MW ground mounted array with single axis trackers – east to west
- Would cover approximately 11 acres
- On Oberlin College property in New Russia Township – NW corner of campus
- Would be connected to OMLPS 12 kV grid at Professor Street
- Est. annual production 2.8 - 3.1mm kWh/yr

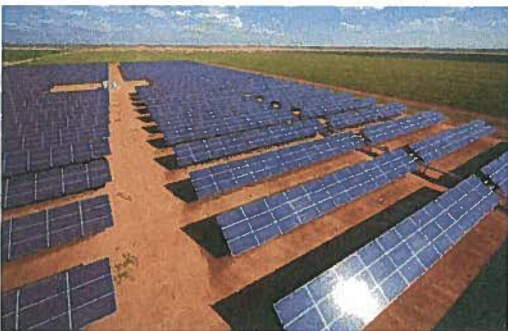
Site Location



PV System Components

- Approx. 7722 panels
- Arranged in north/south rows
- Each row 3 panels wide
- Rows track east to west each day
- 4 inverters
- 2 transformers
- Accompanying switchgear
- Approx. 1/2 mile of underground cable connecting to OMLPS grid

Ground-Mount System



SPG Solar Ground Mount Installation



- Fixed Tilt or SPG Solar SunSeeker Tracker®
- With over 45 megawatts installed nationwide, the proprietary high-performing single-axis tracker delivers more energy and requires minimal maintenance.
- 20% more power generated than fixed-tilt
- Streamline design uses less land, posts, concrete, steel, cabling & wiring
- Pre-assembled and no field welding required, reducing labor costs
- Reliable and built to last with few moving parts and corrosion-resistant steel

Project Participants

- Oberlin College – Owns the land - currently leased for farming (corn/soybeans) - will purchase electricity generated from system
- Spear Point Energy – Aspen, CO - Project Developer
- Oberlin Spear Point Solar One, LLC (OSSO) – LLC created by Spear Point – Plans, builds, owns and operates PV System – Leases site from Oberlin College
- SPG Solar – Novato, CA - Designs, constructs and warrants PV System for OSSO

Why OSSO?

- OSSO, LLC as a taxable entity was created to own and operate PV system
- OSSO then eligible to receive ARRA 1603 “cash grant” award cost for renewable energy development
- “Cash Grant” provided in lieu of tax credits for up to 30% of total eligible project costs
- Value of grant for this project is approx. \$2.1 million – makes project cost effective
- Oberlin College as a non-profit, is not eligible for this program – Needs to work with OSSO

Project Contracts

- OSSO retains SPG to design, construct, operate and warranty project – OSSO owns system
- OSSO leases project site from Oberlin College
- OSSO sells electricity to OC through a 25-year PPA
- OSSO and College has Interconnect Agreement with OMLPS
- OC negotiates an avoided cost agreement with OMLPS
- OC obtains Zoning CUP from New Russia Township for the site

Work to-date

- Zoning CUP received by OC from NRT for site use
- FAA determination of “no impact” received by OC
- Soil borings taken at site and in area for access road improvement – OSSO and OC
- Impacted property legal description and boundary survey is in progress – OC contracted
- OC has made a prepayment for a portion of the electricity purchase and OSSO has “safe harbored” the project with regard to the ARRA 1603 grant

Work to-date

- OSSO has contracted with SPG for system design
- OC and OSSO negotiation of PPA and Site Lease
- Interconnection review by FE has been applied for
- OC, SPG, and OMLPS have had discussions regarding design requirements for the physical interconnection between the PV System and the OMLPS grid
- Interconnection Agreement Draft – 95% complete
- Conversations are continuing between OC and OMLPS regarding possible project collaboration, and avoided cost arrangement.
- Negotiating for purchase of SRECs

Possibilities

- There is an opportunity for the City of Oberlin (through OMLPS) to participate
- A portion of the electricity could be sold to the City by OSSO – the College would be OK with this
- This electricity would come with equivalent RECs (from wind) to assure it’s reduction of carbon – would add to the City’s green portfolio of electricity
- Quantity and price/kWh have yet to be determined