



Minutes of the Regular City Council Meeting
Held on Monday, May 21, 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 21, 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	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bryan Burgess	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sharon Soucy	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Elizabeth Meadows	<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 – April 2, 2012.

It was moved by Meadows seconded by Soucy that the minutes of the April 2, 2012 Regular City Council meeting be approved as submitted.

Roll Call: 7 Ayes

0 Nays

Motion Carried

(c.) Approval of Minutes – Public Hearing – April 16, 2012

It was moved by Meadows seconded by Soucy that the minutes of the April 16, 2012 Public Hearing be approved as submitted.

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

Anti – Fracking Meetings

Sally McMullen, 91-A East College Street announced that there would be an anti-fracking demonstration in Columbus, Ohio on June 17th and an informational meeting about fracking will be held on May 31, 2012 at 6 p.m., at the Litchfield Assembly of God in Litchfield, Ohio 44523.

League of Women Voters Oberlin Area (LWVOA)

Linda Slocum, President of the League of Women Voters Oberlin Area (LWVOA), read a statement on behalf of the League into the record:

Inasmuch as the issue of hydraulic fracturing will be on tonight's agenda or discussed at the meeting to come, the League of Women Voters of the Oberlin Area wishes to enter a statement into the record. We believe this is an issue of growing concern and urgency for the residents of the Oberlin Area.

As a national, state, and local organization, the League studies issues, arrives at member consensus, and then takes action as needed on these positions. The stewardship of our natural resources and, in particular, water quality, has been central to the League concerns for many decades. Adequate and impartial scientific data are not yet analyzed regarding the safety and environmental impact of fracking. It is for this reason that we support a moratorium on natural gas and oil drilling through the process of hydraulic fracturing.

Many of our local members are becoming informed on the issues surrounding the drilling of wells in our immediate area, most recently Kipton. There are huge concerns for the amount of fresh water needed for the process-water which will never be returned to the ecosystem, but will remain in the earth or return to our soil and water systems as a toxic product. This has enormous implications for our local rivers and the Great Lakes.

The number of trucks hauling the 1 – 8 million gallons of water that are needed to frack a well (and each well can be fracked multiple times) will surely take a toll on our infrastructure.

Recently evidence has come to light that significant levels of methane gas are released into the atmosphere as a result of fracking. As a community that has signed onto the Clinton Initiative of Climate Neutrality, Oberlin bears the responsibility of making sure it is living up to the spirit of that agreement.

The LWVOA urges City Council members to become informed about hydraulic fracturing, to lend their voices to a moratorium on new drilling pending further scientific studies, and to continue to seek alternative forms of energy that might have less of an impact on the environment. We urge you also to explore ways that Oberlin might assert constitutionally granted municipal powers of self-enforcement regarding this issue.

Thank you for receiving our concerns

Carl McDaniel, 495 East College Street

Mr. McDaniels concurred with remarks read by the President of the LWVOA. He said the dice rolled badly for our children and grandchildren when we moved in to begin hydraulic fracturing. He wrote a book called *Paradise for Sale: A Parable of Nature*. It is about a Pacific island called Nauru, a small island with the richest phosphate in the world. The people there mined out their whole island. In the 1980's they were per capita the richest group of people in the world. They are now destitute and 80% of their island is totally devastated.

He stated that hydraulic fracturing was the same situation as DDT, a toxic chemical which was banned from usage in the United States except when there is no other alternative. He remarked that our children would blame us for allowing fracking to happen and it should not go forward until we have the science that says it can be done without endangering the air, water, and the health of human beings and the environment. He hoped that Council would become knowledgeable of fracking and move forward as the League of Women Voters has suggested, and stand firmly against doing anything until we understand that it can be done safely.

3. OLD BUSINESS:

(A). 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. (2nd)(E)

The Clerk read by number and title only.

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

Norenberg recapped the discussion held at the previous meeting concerning the above stated topic. He noted that that there were two members for the Human Relations Commission present to answer questions, if there were any, otherwise Council could choose to pass the ordinance on second reading or elevate the ordinance to an emergency.

Mucciolo remarked that for consistency sake and per the Law Director's recommendation he would like to offer the following amendment:

Motion to amend the attachment to Ordinance 12-35 AC CMS, to add to section 157.01 under a new subsection I, the following: "Sexual Orientation means having an orientation for or being identified as having an orientation for heterosexuality, bisexuality or homosexuality." The motion was seconded by Peterson.

Severs remarked that the motion would add the definition of sexual orientation to the EEOC Section where it did not appear. The proposed language is the same definition that appears in the Fair Housing Section of the Code, adding the language would make the code consistent.

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

Martin Buck remarked that society had a tendency to label people according to what it feels was the norm, but when it comes to gender identity or expression, one should be able to decide for oneself which gender they would like to belong to. No one knows why that person may feel the way they do - it could be a number of reasons, but whatever the case may be, they should not be discriminated against just because they identify or express themselves with a gender that society doesn't think they should.

Motion to suspend the rules requiring three readings and to elevate the ordinance to an emergency was moved by Peterson and seconded by Broadwell.

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

[illegible]

Peterson commented that as a Council Member they do a lot of things, but it is moments like this, where you can expand the rights and protections for citizens, that are priceless. He then thanked the members of the commission for bringing this ordinance before Council.

4. NEW BUSINESS:

(A). ORDINANCE No. 12-38 AC CMS: An Ordinance Approving a Collective Bargaining Agreement Between the City of Oberlin, Ohio, and the OPBA for Oberlin Police Department Patrol Officers 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: 7 Ayes 0 Nays Motion Carried

The Clerk read as directed.

Meadows exited Council Chambers

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

City Manager Norenberg said that this particular ordinance and the two behind it were the culmination of several months of contract negotiations with the OPBA and the IBEW. Negotiations and conversations began late last summer and early fall, but due to the uncertainty of Senate Bill 5, things were put on hold for much of the fall and picked back up after the elections. Council will recall during budget hearing discussions that we have been focusing on bringing our general fund budget into balance and that was something that staff and the administration had focused on while negotiating contracts for the three collective bargaining agreements (police, sergeants, and IBEW) before Council. These agreements would stabilize wages for 2012 keeping our medical coverage the same as it is, but would also keep wages frozen. It was noted that all Collective Bargaining Agreements had a Summary of Agreement which outlined all changes for the upcoming year. Norenberg further noted that the City's Labor Relations Consultant Joe Lencewicz and staff members Darlene Colaso, and Steve Dupee were all present to answer questions.

Burgess moved to amend the title of the ordinance to read as follows:

“An Ordinance Approving a Collective Bargaining Agreement between the City of Oberlin, Ohio, and the Ohio Patrolmen’s Benevolent Association (OPBA) for Oberlin Police Department Patrol Officers and Declaring an Emergency.” The motion was seconded by Soucy.

Roll Call: 6 Ayes 0 Nays Motion Carried

Meadows returned to Council Chambers

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

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

Roll Call: (1 st , Final)	7 Ayes	0 Nays	Motion Carried
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Mucciolo asked if they needed to amend the ordinance to address the typo in Section 2 of the ordinance as well, striking out the word “an” and inserting the word “and” between Council and of. Severs remarked that it was a typo and the Clerk would make the correction. A motion to amend the ordinance would not be necessary.

(B). ORDINANCE No. 12-39 AC CMS: An Ordinance Approving a Collective Bargaining Agreement Between the City of Oberlin, Ohio, and the OPBA for Oberlin Police Department Sergeants and Declaring an Emergency. (1st)(E)

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

Roll Call: 7 Ayes 0 Nays Motion Carried

Severs remarked that the same typo occurred in this ordinance in section 2 as well as the following ordinance and again a motion to amend the ordinance would not be necessary.

Burgess moved to amend the title of the ordinance to read as follows:

“An Ordinance Approving a Collective Bargaining Agreement between the City of Oberlin, Ohio, and the Ohio Patrolmen’s Benevolent Association (OPBA) for Oberlin Police Department Sergeants and Declaring an Emergency.” The motion was seconded by Soucy.

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

The Clerk read as directed.

Norenberg remarked that he didn’t have anything further to add to the discussion.

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

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

(C). ORDINANCE No. 12-40 AC CMS: An Ordinance Approving a Collective Bargaining Agreement Between the City of Oberlin, Ohio, and the International Brotherhood of Electrical Workers (IBEW) and Declaring an Emergency. (1st)(E)

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

Roll Call:	7 Ayes	0 Nays	Motion Carried
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The Clerk read as directed.

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

Norenberg remarked that there were minor differences between this ordinance and the attached agreement. This is a one year extension of the current contract for IBEW employees rather than a three year contract with a wage reopener as we saw with the other two collective bargaining issues. Staff will be re-engaging the union later this summer to begin negotiations for the 2013 agreement.

Burgess asked if they would have a clearer picture of the City’s budgetary situation as those negotiations continued later this summer. Norenberg said that he hoped so. One of the things that delayed the negotiations was the Senate Bill 5 issue. Hopefully they won’t have that to contend with a ballot issue this year. He would like to have those conversations start earlier and conclude earlier so that Council would receive a contract that is approved as close to the end of the current agreement or the beginning of the new one, as opposed to a few

months later. They will be starting negotiations at the end of August or early September and they will be working on that simultaneously.

Soucy expressed her appreciation to Joe Lencewicz and the other members of the negotiating team for making this a smooth and fair process. She also expressed her admiration to the City's patrol officers, sergeants, and the electrical workers, for their generosity and their participation in arriving at this type of agreement. She hoped that in the next few years, the situation in the City would be such that we can support their efforts in a more generous fashion.

Norenberg advised that he would pass Soucy's comments on to the employees at the upcoming employee recognition event. He further noted that the IBEW represents not just the electric department employees, but those in Public Works, including Water, Waste Water, and General Maintenance Division departments, it was considered the largest single bargaining unit.

Lencewicz thanked the members of Council for the opportunity to say hello. He remarked that for him this was the most different negotiations that they have had at the City of Oberlin, in terms of the economic conditions that the City is in, and the manner in which the administration approached this. They had strategy sessions long before negotiations commenced. A goodly amount of work was done, by Mr. Norenberg, Mr. Talarico, Mrs. Colaso and the department heads, because the administration developed a power point presentation and shared it with the employees of the City, to help them understand the City's economic state. As a result of that, it put into perspective exactly what was happening and what the City was faced with. Up to this point, the City had been extremely generous, even in times when other nearby communities were experiencing economic difficulties, this City wasn't and this City never cried wolf and said we to want to participate like everyone else prior to these negotiations. No, the City continued to give increases that they could afford. When this administration made the presentation and said this is the economic state of the union, people believed it, because it was true. This was a real team effort and he was pleased to be able to have the working relationship with the administration, to make this happen.

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

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

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

(D). ORDINANCE No. 12-41 AC CMS: An Ordinance Approving the Form and Authorizing the Execution of Blue Creek Wind Energy Schedule with American Municipal Power, Inc. and Taking of Other Actions in Connection Therewith Regarding Wind Generated Energy Purchases 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: 7 Ayes	0 Nays	Motion Carried
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The Clerk read as directed.

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

Following introductory remarks from the City Manager, Council heard a presentation from Oberlin Electric Director, Steve Dupee and Jay Meyers, the Marketing Representative from AMP concerning the Blue Creek Wind Farm Project. (The Power Point Presentation is attached)

Burgess said that he was encouraged to hear that there were other AMP communities that were interested in this project. He remembered the last time they signed up for an AMP renewable energy solar project, and they couldn't get enough subscribers. It was good to hear that they were not alone in looking for renewable energy. Burgess noted that only getting half the RECs in the first four years was a little troubling to him. He remarked that Council would be interested in purchasing additional RECs from communities who were willing to sell. Otherwise, it would mean that they are purchasing about 1200 MWH of renewable energy and 1200 MWH from coal. Meyers remarked that they haven't worked that part out yet, but there will be RECs available.

Soucy asked if all of the transmission was in place for this project. Meyers remarked that this is located in Northwestern Ohio and historically there has been some congestion during the summer months, but it will be the same as any other asset delivery at that delivery point. Soucy said that she has always been an advocate of buying from companies like this one, that are located in areas where there is clearly wind and purchase from that rather than scatter individual wind mills around the county.

Meadows asked how many wind mills were involved in this project. Meyers remarked that there were 152 wind turbines at 2MW each, which is how they get to a total of 304 MW. Meadows asked what area this was in. Meyers said he wasn't sure of the exact location but he knew that it was in NW Ohio.

Broadwell said this was a good looking project and, like Burgess, he was happy to see other communities taking advantage of this program as well.

Dupee wrapped up the presentation with a few comments. He remarked that they were recommending up to 1 MW, which will provide them with a little over 3000 MWH on an annual basis, at 34.7% capacity factor. When comparing this project with the Bowling Green Wind Project, that capacity is at about 23%. This is a pretty good project in terms of availability and as Mr. Meyers pointed out, it was almost a baseload resource for us. It was noted that this project would be approximately 2.7% of our total energy requirements in 2016. He reiterated that AMP had recommended a cap of about 2.5%. But AMP had also indicated that for members load forecast they are forecasting pretty conservatively at .2% pre-recession. The City was growing at about 1% per year. If they excluded the closing of World Color they would have grown by 3% per year which means that there has been significant growth in the community and he was hopeful that this trend would continue. He pointed out that PUC had heard this same presentation and unanimously recommended participation in the project. Also in 2013 this would be considered the lowest cost resource in the City's power portfolio and it is expected that over a ten year period it will be the second lowest cost resource. It was noted that staff respectfully requests passage on emergency in order to meet the deadline date of June 1st.

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

(E). ORDINANCE No. 12-42 AC CMS: An Ordinance Approving a Memorandum of Understanding with American Municipal Power, Inc. and American Transmission Systems, Inc. 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: 7 Ayes 0 Nays Motion Carried

The Clerk read as directed.

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

Following introductory remarks from the City Manager, Council heard a presentation from Oberlin Electric Director, Steve Dupee.

Dupee remarked that in March, Council approved an amendment to an Interconnection Agreement that it had with EDI, that allowed them to interconnect landfill gas generation to the City's sub-transmission system. This amendment would allow EDI to expand their site and interconnect up to an additional 19.2 MW to the City's system. The agreement would also require the Utility to make several improvements to protect EDI's project at EDI's cost. One of the required improvements by First Energy, our wholesale transmission provider, is the installation of a three breaker ring bus at the City's switch station. Simply stated a three breaker ring bus is a system configuration that will allow First Energy to continue to maintain interconnection of two separate transmission circuits at the City's switch station in case a breaker should fail or be removed for maintenance. The City will recall that it hired MESA Engineering Services (AMPS Engineering firm) to be the project overseer of the three breaker ring bus project. The project is a half- million dollar improvement at the switch station and will be completed in the first quarter of 2013. The proposed Memorandum of Understanding (MOU) is necessary because First Energy initially took the position that they were not going to allow EDI to operate their station until the three breaker ring bus project was completed. Staff felt that in working with EDI, they could come to a compromise solution with First Energy to operate much sooner than expected. The MOU is a compromise of the terms and conditions associated with allowing EDI to operate until it can have the three breaker ring bus project in place in the first quarter. The MOU basically defines the terms and conditions of that compromise. The City agrees to manage the net export of capacity across the City's intertie. In addition, this MOU requires the City to agree to operational directives from First Energy if the City were to breach that 20MW limitation. Finally, it would also indicate that the City would be liable for any damages associated with a breach of the MOU. The Utility is very confident that it can manage the net export of generation across intertie

(First Energy is requiring that we limit that to 20MW) until the three breaker ring bus project is complete. Staff believes that it can do that because it will not have a net export greater than 20MW unless it is operating its own power plant. It will not happen by virtue of having EDI's new generation and current generation on line. Dupee referenced scenario three from his memo, related to when this might occur. Dupee explained that this scenario indicates that they would have a net export of 1.65MW greater than what they would be allowed by First Energy under this MOU and it would only be if the plant would be operating a total of 17MW. It assumes that the City load at the time is 20MW.

At the end of the day the benefits of this agreement are numerous. They are listed as follows:

- The interconnection of these new facilities will create an opportunity for the City to have a larger wheeling fee and operations and maintenance fee associated with these new assets which will cover the Utilities fixed cost. Allowing EDI to generate sooner will provide additional value to the utility somewhere between \$25,000 and \$40,000 for 2012.
- EDI has a large investment in this generation.
- It will allow the AMP membership to take advantage of this power supply sooner rather than later and offset fossil fuel purchases associated with their power portfolios.
- It is a good compromise between all parties to allow this generation to commence as quickly as possible.

Dupee noted that there was a second ordinance coming up, that was a companion ordinance. This is an agreement between the City and Bio Energy (EDI) which requires EDI to follow all operational directives from the Utility to control the level of generation from their plant.

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 Soucy and seconded by Peterson.

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

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

(F). ORDINANCE No. 12-43 AC CMS: An Ordinance Approving a Memorandum of Understanding with Bio Energy (Ohio II), LLC 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 Burgess.

Roll Call: 7 Ayes	0 Nays	Motion Carried
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The Clerk read as directed.

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

Following introductory remarks from the City Manager, Council heard a presentation from Oberlin Electric Director, Steve Dupee.

Dupee remarked that this was a reciprocating arrangement with Bio Energy. He reiterated that the only times at which the City would have a net export greater than 20 MW would be when we are operating our plant. Typically this is known a day ahead of time. He noted that if Staff received a call to operate the plant then they would call EDI to advise that they may need to back down their generation to a level that can ensure that the plant doesn't surpass the 20 MW net export approved by First Energy. This MOU is our commitment to work with EDI, to manage generation levels and to allow them to operate their generation until the three breaker ring bus is complete.

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 Meadows and seconded by Broadwell.

Roll Call: 7 Ayes
(1st, Suspension of Rules/ Emergency)

0 Nays

Motion Carried

Roll Call: 7 Ayes
(1st, Final)

0 Nays

Motion Carried

(G). ORDINANCE No. 12-44 AC CMS: An Ordinance Accepting the Bid of Eclipse Company, LLC. of Warrensville Heights, Ohio for the Elm Street and Vine Street Improvements Project and Declaring an Emergency. (1st)(E)

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

Roll Call: 7 Ayes

0 Nays

Motion Carried

The Clerk read as directed.

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

City Manager Norenberg noted that the Public Works Department (PWD) had submitted bids for the above-mentioned pavement project. The project meets budget guidelines for FY 2012. Technical or operational questions related to this can be directed to the Public Works Director.

Meadows asked if they had worked with this company in the past. Jeff Baumann, Public Works Director remarked that this was a fairly new company but they had worked with them as a subcontractor for a College project. In addition the principal of the company use to work for Mr. Excavator, a company that the City had worked with a great deal in the past.

Soucy asked if there was any incentive built into this project. Baumann remarked that there wasn't and they didn't consider doing it this time around. Soucy asked the Public Works Director if he felt that the contractors

would be able to finish the area that would impact Prospect School in a timely fashion. Baumann remarked that he would know better after the preconstruction meeting but at this point he didn't have an answer. Soucy asked if it was too late to build an incentive into the project. Bauman replied that it was too late, but they could certainly encourage the contractors to get this done quickly.

Peterson said the Recreation Department would have a program going on at Prospect School during this time and he is concerned about the amount of traffic that will need to get in and out of that space. Baumann remarked that most of the traffic for the summer program occurs on the North side of the school, which shouldn't be a problem. He added that he would certainly let the Recreation staff know about the project ahead of time.

Burgess referenced a memo drafted by the Public Works Director and asked how the storm lines were doing since only the sanitary lines had been mentioned in the memo. Baumann stated that he didn't anticipate any issues with the storm lines on either street.

Rimbert asked why they only received two bids. Baumann remarked that the City Engineer's opinion is that they only received the two bids because they missed that window of opportunity where contractors are looking for bids and now that there is more work in the industry the bid may not have been as appealing as others. A second theory is that aggregating the sanitary sewer work with the paving work may have discouraged some of the smaller contractors.

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

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

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

(H). ORDINANCE No. 12-45 AC CMS: An Ordinance Approving a Participation Agreement Between the City of Oberlin, Ohio, and the Ohio Department of Transportation for the Purchase of Sodium Chloride (Rock Salt) 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:	7 Ayes	0 Nays	Motion Carried
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The Clerk read as directed.

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

City Manager Norenberg remarked that the approval of the proposed ordinance would allow the City to participate in the Ohio Department of Transportation's contract for Sodium Chloride (rock salt). This is a

collaborative purchase that allows the City to get a good price on bulk salt every year. Questions related to the purchase should be directed to the Public Works Director.

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

Roll Call: 7 Ayes (1 st , Suspension of Rules/ Emergency)	0 Nays	Motion Carried
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Roll Call: 7 Ayes (1 st , Final)	0 Nays	Motion Carried
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(I). ORDINANCE No. 12-46 AC CMS: An Ordinance Repealing Chapter 158 of the Codified Ordinances of the City of Oberlin, Ohio to Eliminate the Suspended Minority Business Enterprise Program that is Conflict with Court Rulings 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: 7 Ayes	0 Nays	Motion Carried
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The Clerk read as directed.

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

Norenberg recapped the discussion held at the previous meeting and commented on the Supreme Court's ruling against this type of a set aside program. Norenberg noted the difficulty in trying to create an alternative program to replace the MBE that the members of the committee have had to endure. Accordingly there are efforts underway as they have tried to create small business support programs that provide support for small programs but also encourage small business purchasing by the City and other anchorage institutions in town. At this time the members of the MBE are recommending that Council disband the committee and the best way to do that was to repeal the whole ordinance that was in conflict with the court rulings.

Mucciolo said if the court rulings were several years ago and if the consultants work was several years ago as well, he couldn't see passing this ordinance on emergency but he would be in favor of putting forth a motion to suspend the rule for three readings.

Motion to suspend the rules requiring three readings was moved by Mucciolo and seconded by Burgess.

Soucy asked Mucciolo to explain his reason again for not supporting emergency passage. Mucciolo remarked that the reason for passing the ordinance didn't meet the requirements outlined in the City Charter for emergency passage. He felt that they can cut the numbers of discussion by suspending the rule for three readings but he would not support passing the ordinance on emergency at this time.

Law Director Severs remarked that if Council gives a legitimate reason for emergency passage then it couldn't be questioned. The only reason to pass this on emergency would be because it has been suspended and they want to get it off the books, which is sufficient.

Meadows said that she would like to see this go more than one reading and wouldn't be in favor of suspending the rules for three readings and would like to give the public more time to comment on the matter.

Rimbert asked for clarification of the procedure, it was his understanding that they were trying to get this off the books. Severs remarked that this had been suspended for twelve years. The Sixth Circuit Court of Appeals has said that if they were going to have a race based program, then you must have (something other than anecdotal evidence) actual evidence of discrimination that you can prove to the Court that will mandate a compelling government interest, to discriminate on the basis of race. That was not the case in the City and in order to get that information we would have to do a study, keep our bidding documents, and have them categorized and so forth. So we had to suspend the program because it wasn't defensible in court and the MBE committee and consultant came to the conclusion that it would be too costly and difficult to defend in Oberlin, so they suggested, based on the size of the town, that it would be more logical to have a Small Business Program rather than an Minority Business Enterprise Program.

Broadwell said he considered this to be housekeeping and it was time to get it off the books. This was something very simple that was taking up way too much time.

Soucy said she understood Mucciolo's concerns, but she felt that often times when ordinances come to Council the decision to place it on emergency is based on the fundamental functioning of the City. She said if you look at the ordinances that were dealt with in tonight's meeting they didn't put the issue of sexual orientation on emergency because they wanted there to be a fair amount of discussion. The other items on the agenda, were labor contracts, a wind turbine ordinance and a Salt contract, so the idea that Council is passive about the use of emergency is not true, they use it in order to facilitate the functioning of the City, but whenever there is an opportunity to encourage public discussion, it was her opinion that everyone on Council was very interested in encouraging public discussion and hesitant to raise things to an emergency, if we can involve the public more. Her personal take is that this is a legal issue. It doesn't make sense to keep it on the books, but it isn't something that public discussion would be applicable for. She would support this on emergency for that reason.

Mucciolo replied that Council did pass the gender identity legislation on emergency; there is a difference between suspending the rule requiring three readings an ordinance and elevating it to emergency and Council typically combines both motions. He agreed that Council will give things full discussion, sometimes it will go two or three readings and then it will go on emergency, but he didn't think that this rose to the level of emergency. Given how much time this discussion was taking, he felt that they should leave the discussion on procedure for another week.

Severs explained that emergency passage of an ordinance cuts off the right of referendum – if you pass something without emergency then a citizen has thirty days to file a referendum petition to put that issue on the ballot to have it voted on. If you pass an ordinance on emergency it goes into effect immediately and there is no right of referendum. In this case, Mr. Broadwell is correct, it is a housekeeping matter because this ordinance is not even effective right now because Council has passed a moratorium. All Council was doing is clearing off the

books. If this were placed on the ballot and it was passed, all this would do is keep it on the books, but there would still be a moratorium in effect.

Roll Call: 2 Ayes(1st, Suspension) (Burgess, Mucciolo)**5 Nays**

(Soucy, Meadows, Broadwell, Peterson, Rimbart)

Motion Failed

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 Broadwell and seconded by Soucy.

Roll Call: 5 Ayes(1st, Suspension of Rules/ Emergency)**2 Nays**

(Meadows, Mucciolo)

Motion Carried

Mealy asked if there is something in place to replace the MBE ordinance. Norenberg remarked that there wasn't an ordinance in place. Mealy stated that he was on Council when they passed this ordinance and they felt that it was needed in this community and he still did. He also advised that he agreed with comments from Mucciolo related to emergency passage when it came to City ordinances. Emergency passage not only eliminated the three readings but it also reduced the public discussion. He agreed that this really didn't rise to a level of emergency but in fact just meant that Council didn't want to discuss the issue anymore.

Rimbart responded that Council had already voted on this matter and the decision was made to take this off the books, other things have come before Council in the past and they have had lengthy discussion but they didn't see the need for additional discussion in this case.

Roll Call: 5 Ayes(1st, Final)**1 Nays**

(Meadows)

Motion Carried

5. OTHER NEW BUSINESS: None

6. COUNCIL COMMUNICATIONS:

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

Mucciolo reported on the following:

- First Energy Policy Committee meeting of The Oberlin Project.
 - Upcoming presentation from Power and The Oberlin Project on how Council Members can be involved with energy efficiency initiatives in the City.
- Reported he attended a meeting at the Oberlin Public Library regarding fracking and asked Council to support a Resolution to call for a moratorium on fracking.

Burgess reported on:

- Pittsfield Township is considering a Resolution imposing a moratorium on internet cafés.

Soucy Remarks:

- Thanked Eve Sandberg and her students for the Boards and Commissions report that was conducted for the City. Report highlighted the continued need for training to take place for City Boards and Commissions.

Broadwell Reported on:

- The Lorain County Police Memorial, held on Friday morning at 11:00 a.m.

7. CITY MANAGER'S REPORT:

Norenberg reported on the following items:

- Kudos to Lieutenant Scalli for doing a fine job organizing the Lorain County Police Memorial.
- Extended the purchase agreement for the Clark Lumber Yard for another month.
- Announced that he would be leaving town for a family wedding on next Friday.

8. FINANCE DIRECTOR'S REPORT: None

9. PUBLIC PARTICIPATION:

Being that there was no further business to come before Council the meeting adjourned at 9:11 p.m.

Attest:



BELINDA B. ANDERSON, CMC
CLERK OF COUNCIL



RONNIE J. RIMBERT
PRESIDENT OF COUNCIL

APPROVED: 06/18/2012

POSTED: 06/19/2012



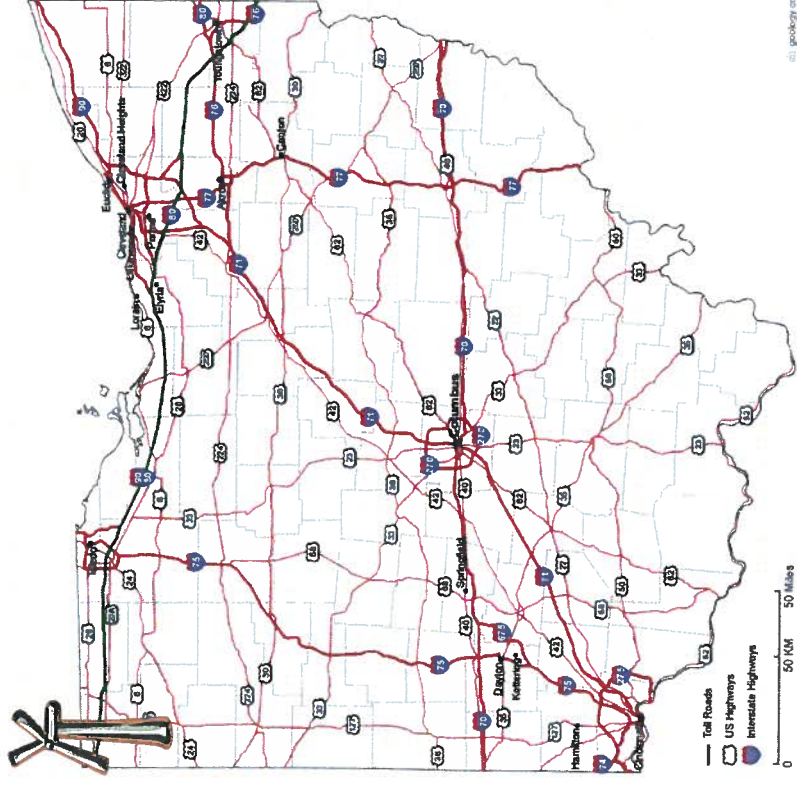
Blue Creek Wind Farm PPA

Oberlin, OH

May 1, 2012

IBERDROLA WIND PROJECT

- Blue Creek Wind Farm
 - 304 MW wind project in Van Wert/Paulding Counties in Northwest Ohio
 - Projected Capacity Factor = 34.7%
 - Gamesa G90 2.0 MW turbines
 - PJM Interconnection
- Iberdrola has completed 44 wind farms totaling 3,300 MW



IBERDROLA PPA PROVISIONS

- AMP entered into a PPA with Blue Creek Wind Farm LLC (Iberdrola) on April 13, 2012
 - Up-to 54 MW available to AMP
 - Contingent upon minimum subscription of 30 MW
 - Includes energy, installed capacity and RECs
 - 100% of Energy produced
 - Installed Capacity (RPM) value is approximately 13% of contract (i.e. 6.5 MW of RPM for 50 MW subscription)
 - 100% of RECS in all years other than 2013-2017; 50% of RECs in 2013-2017

IBERDROLA PPA TERM

- Contract term to be for 10 years in length, regardless of the start date
- Power supply starts the later of Commercial Operation Date (COD) or July 1, 2012
- Commercial Operation of the Blue Creek Wind Farm expected in April 2012
- PPA was approved by Iberdrola Board on April 10, 2012

RENEWABLE ENERGY CREDITS

- AMP Members retain RECs as follows:
 - 100% of RECs for 2012
 - 50% of RECs for 2013 – 2017
 - 100% of RECs for 2018 – 2022
- Each Participating Member will decide whether to retain or monetize their pro-rata share of RECs



American Municipal Power

WIND PRICING

Start Date*	End Date*	Price (\$/MWh)
Delivery Start Date	December 31, 2013	\$35.00
January 1, 2014	December 31, 2014	\$37.00
January 1, 2015	December 31, 2015	\$39.00
January 1, 2016	December 31, 2016	\$41.00
January 1, 2017	December 31, 2017	\$43.00
January 1, 2018	December 31, 2018	\$46.00
January 1, 2019	December 31, 2019	\$49.00
January 1, 2020	December 31, 2020	\$52.00
January 1, 2021	December 31, 2021	\$56.00
January 1, 2022	December 31, 2022	\$61.43
Average Contract Price (simple average)		\$45.94



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WIND PRICING

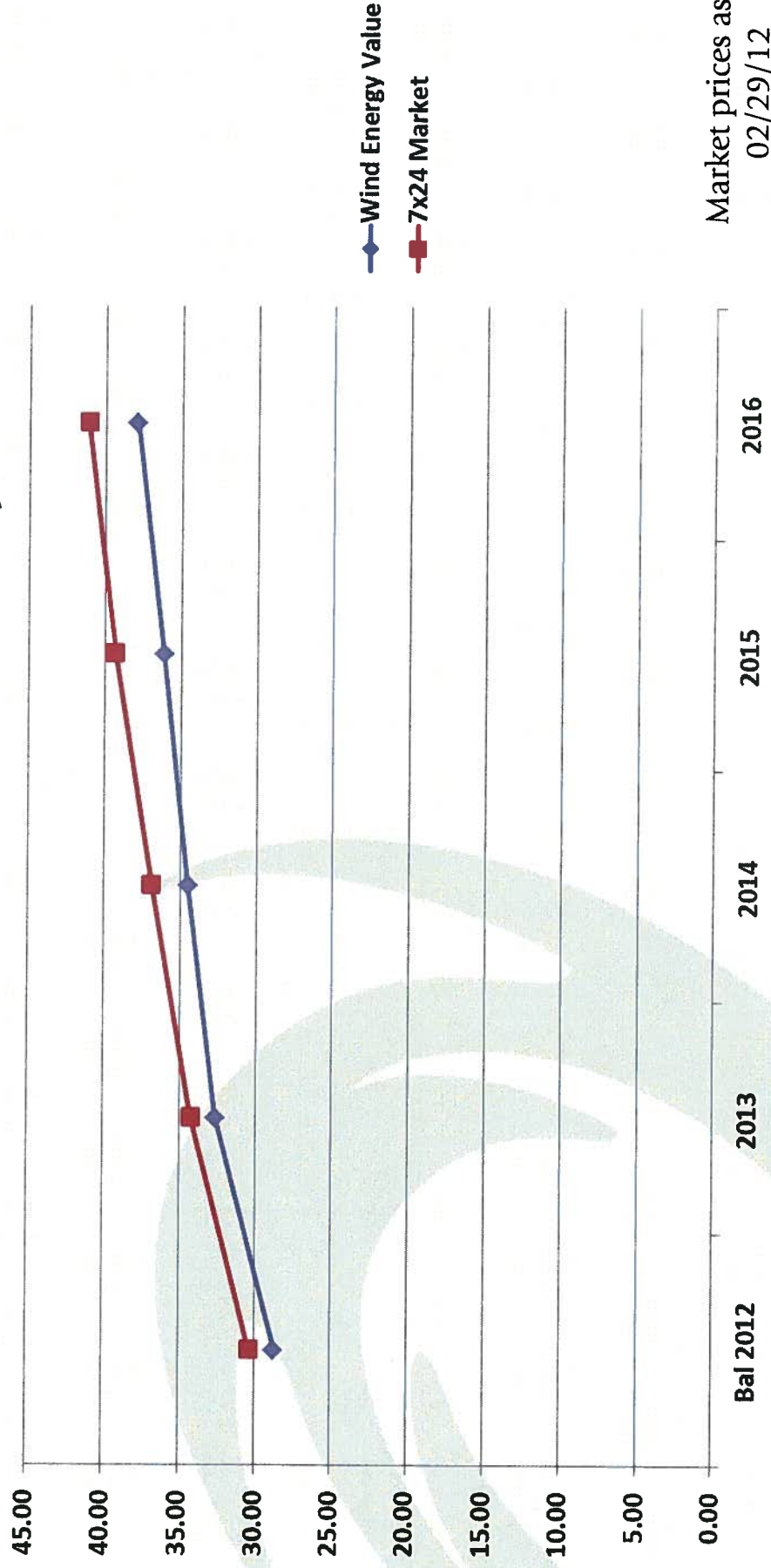
- Take and pay agreement - only pay for energy that is generated*
 - Fixed price for energy plus
 - any PJM ancillary services attributed to wind generation
 - net costs from the real time power market accounting for the difference between the actual output and the day ahead scheduled output
- * in the event that real time LMPs are less than zero, units will be shut down to avoid receiving negative rate for wind output. AMP and member would pay Iberdrola for the amount of energy that would have been produced during that period

REC AND CAPACITY BENEFITS

	Wind PPA Rate (\$/MWh)	Estimated REC Value	Estimated Capacity Value (13%) in \$/MWh	New Price After RPM & RECs
Jul-Dec 2012	\$ 35.00	\$ 6.00	\$ 0.21	\$ 28.79
2013	\$ 35.00	\$ 4.00	\$ 0.27	\$ 30.73
2014	\$ 37.00	\$ 2.00	\$ 1.28	\$ 33.72
2015	\$ 39.00	\$ 1.00	\$ 2.03	\$ 35.97
2016	\$ 41.00	\$ 1.00	\$ 2.22	\$ 37.78
2017	\$ 43.00	\$ 1.00	\$ 2.32	\$ 39.68
2018	\$ 46.00	\$ 1.00	\$ 2.32	\$ 42.68
2019	\$ 49.00	\$ 1.00	\$ 2.32	\$ 45.68
2020	\$ 52.00	\$ 1.00	\$ 2.32	\$ 48.68
2021	\$ 56.00	\$ 1.00	\$ 2.32	\$ 52.68
2022	\$ 61.43	\$ 1.00	\$ 2.32	\$ 58.11

***DATES ANTICIPATED BASED ON EXPECTED
COMMERCIAL OPERATIONAL DATE OF FACILITY**

MARKET COMPARISON (2012 – 2016)



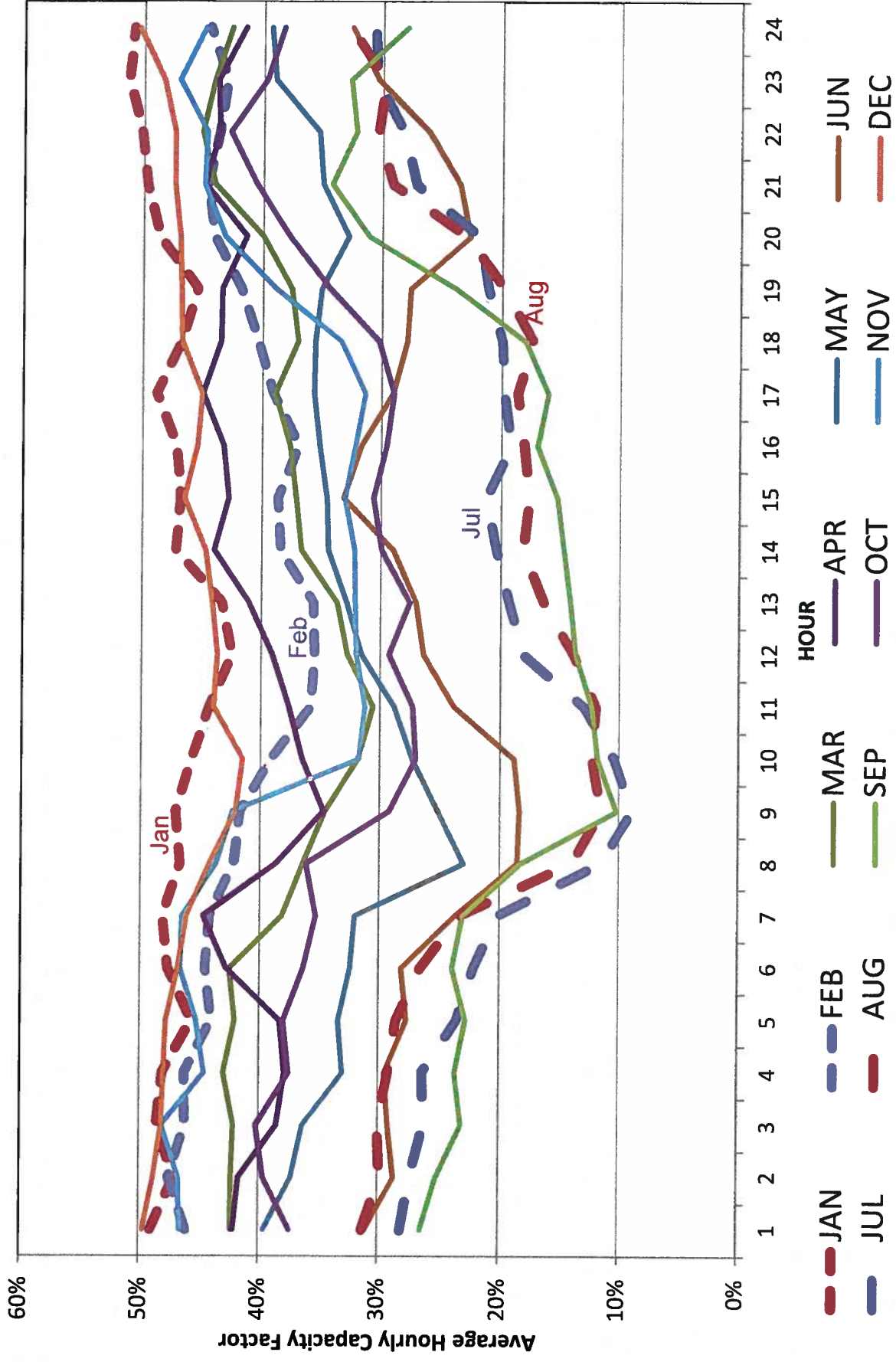
WIND PPA BENEFITS

- Take and pay agreement at fixed \$/MWh per year
- No Construction risk, or Operations & Maintenance risk
 - Iberdrola is responsible for construction/financing of the facility
 - Iberdrola is responsible for maintaining the future operation of the turbines
- Further diversifies your power supply portfolio
- No Fuel Cost risk
- No Emissions Cost risk

WIND RESOURCE

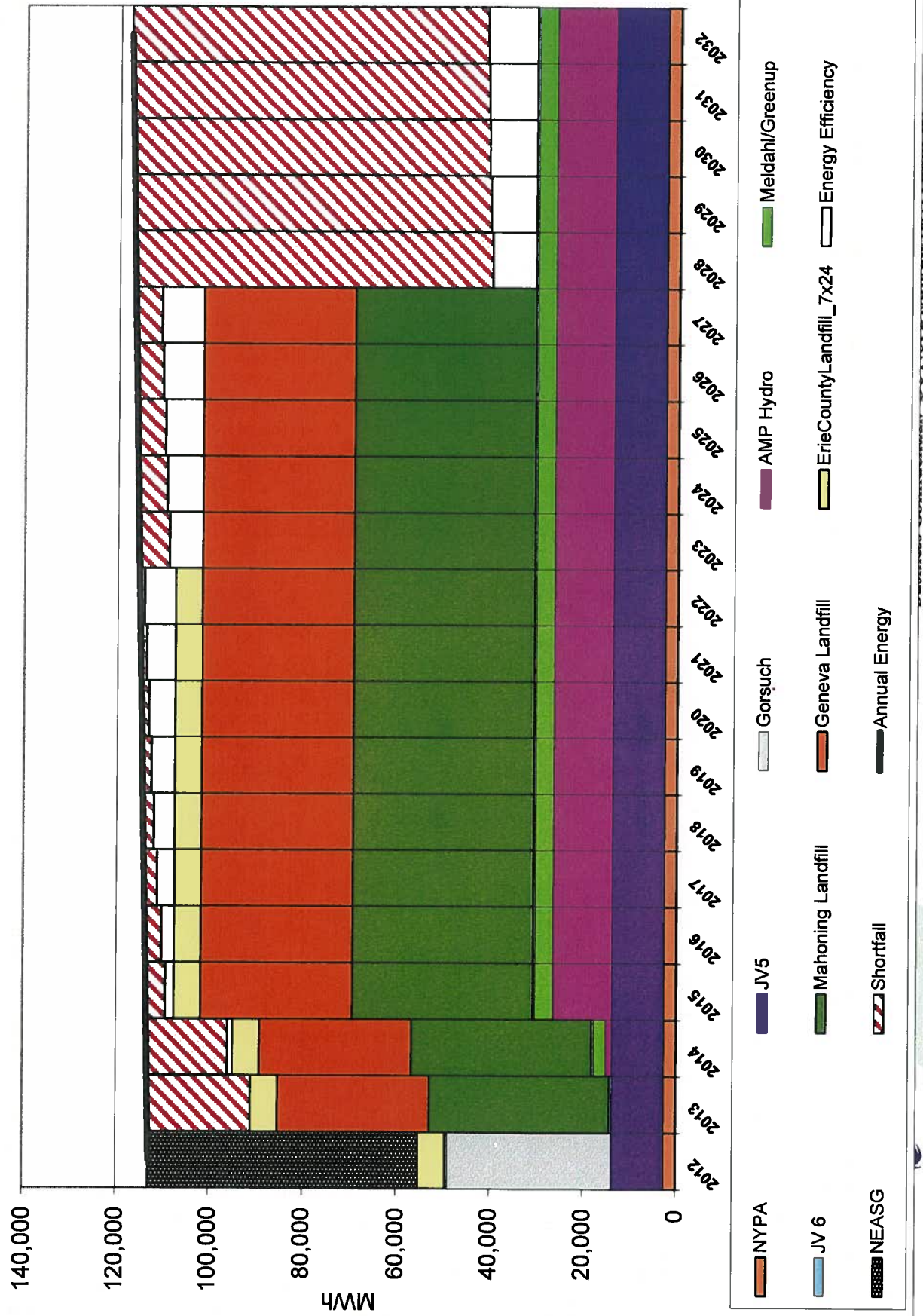
- AMP kW amount recommendation for Member based on maximum 2.5% energy from wind resource in 2016, adjusted based on latest SAIC (formerly RW Beck) Long Term Power Supply Plan
- Each 1 MW from wind project will generate approximately 3,040 MWh per year
 - *(1 MW x 8,760 hours x 34.7% capacity factor)*
- A member with 121,000 MWh of annual load would have a recommendation of 1 MW from wind project
 - *(121,000 x 2.5% = 3,025 MWh from wind)*

IBERDROLA Blue Creek Wind Farm Expected Hourly Output



AMP RECOMMENDATION

- The City of Oberlin's recommended Ordinance/Resolution up-to amount = 1,000 kW



NEAR-TERM NEXT STEPS

- March 8, 2012 – Subscription packets sent to members
 - Including sample Ordinance/Resolution & Power Schedule
- March 8 – June 1, 2012 – Subscription Period
- June 1, 2012 – Deadline for final executed power schedules from participating members
- July 1, 2012 – Power Supply expected to begin