

City of Bay Village

Council Minutes, Special Meeting
Council Chambers 8:10 p.m.
Vice President of Council Dwight Clark, presiding

November 14, 2016

Present: Clark, Henderson, Lieske, Mace, Tadych, Vincent, Mayor Ebert

Excused: President of Council Koomar

Also Present: Finance Director Mahoney, Police Chief Spaetzel, Community Services Director Selig, Recreation Director Enovitch, Operations Manager Landers.

AUDIENCE

The following audience members signed in this evening: Jerrie Barnett, Jeff Gallatin.

Vice President of Council Clark called the meeting to order at 8:10 p.m. with roll call and the Pledge of Allegiance led by Tom Henderson, Councilman, Ward 4.

ANNOUNCEMENTS

Mayor Ebert stated that he was communicating today with First Energy Solutions in regard to the NOPEC electricity aggregation. Mr. Ebert read the following statement:

“Our community, Bay Village, is a member of the Northeast Ohio Public Energy Council (NOPEC). We have selected First Energy Solutions to provide electric generation service to all participants at a savings of six percent off utility generation rate for residents, and four percent for small businesses. After negotiations between the groups failed, First Energy Solutions provided notice to NOPEC that they will be ending their contract with them. As a result, effective with your January or February meter read date, First Energy Solutions will no longer be your electric generation supplier and you will return to utility’s standard offer unless you choose a supplier. It is important to note you will not experience any interruption of service. Participants in the electric aggregation program will be receiving a letter in the mail notifying them of this change. Questions may be referred to First Energy Solutions, Care Line- 1-888-254-9227.”

Mr. Ebert stated that he is arranging for a representative to come to the Council meeting on Monday, November 21 to address this with a further explanation. Mr. Ebert stated that basically residents are to do nothing unless they want to go with another supplier.

Mr. Tadych stated that the other supplier, when you go outside the aggregation program, is First Energy Solutions. He stated that he had them as a supplier before the aggregation program, and he still has them. You can deal with these things yourself.

Mr. Henderson stated that NOPEC is not the City of Bay Village aggregator for electricity. He

asked how this NOPEC action affects Bay Village.

Mr. Ebert stated that the City of Bay Village has an agreement with First Energy Solutions to get the 6 percent and 4 percent discounts for residential and commercial customers, respectively. Mr. Clark noted that this was approved in 2010. It is a nine-year agreement with First Energy Solutions to be our aggregator, with an opt out choice at the end of every three years. This is a change of what we originally agreed to, so we are looking for clarification. The question is, if they are dropped there, do we see an increase in our rates as opposed to the six percent we are enjoying?

Mr. Ebert stated that is the question. From the City's standpoint, will residents and businesses see an increase in their rates? Mr. Clark noted that to spend the time to look at Apples to Apples on the website would be mind-numbing for most people, including himself.

Mr. Henderson asked Mr. Ebert if the recommendation now is that the public does not need to take any action. Mr. Ebert agreed. Once the contract with First Energy Solutions ends you will begin receiving generation from a local electric utility – First Energy Solutions.

Mr. Vincent asked if the residents would still receive the discounted rate. Mr. Ebert stated that you may not get that six percent discount. Mr. Vincent commented further that he just does not understand how NOPEC is involved. How does their leaving First Energy Solutions matter to the City of Bay Village aggregation contract? Mr. Clark noted that we had two separate bids when we out for our electricity aggregation. We had bids from First Energy Solutions and NOPEC. They were bidding against each other back then. That is the confusing factor. We went with First Energy Solutions. The difference was primarily the fact that we received a one-time aggregation grant of \$180,000 that First Energy Solutions supplied us with that we didn't get from NOPEC.

Mr. Vincent stated that he does not understand how negotiations between NOPEC and First Energy Solutions have any bearing on the City of Bay Village aggregation program with First Energy Solutions.

Mr. Tadych stated that the concern he thinks the City should have is that NOPEC, who is bowing away from First Energy Solutions of their own initiative, is our gas aggregation contractor and maybe we might find out there is some hindrance coming to us using NOPEC's gas supplier.

Mr. Clark stated that when NOPEC was selling to us the gas aggregation program, this may have already been in the process with First Energy Solutions and they did not let us know. Mr. Tadych stated that it was strange also when NOPEC was here, we commented about receiving a letter about electricity from NOPEC and we told them we weren't receiving NOPEC's aggregation, we were receiving it from First Energy Solutions only.

Mr. Clark suggested that Mayor Ebert may be better served to advance the questions of Council to the person who will speak next Monday at the Council meeting. Mr. Clark tasked Mr. Vincent and Mr. Henderson to send those questions in advance to Mayor Ebert.

AUDIENCE

There were no comments from the audience this evening

Mr. Clark called for a reading of the Minutes of the Regular Meeting of Council held November 7, 2016. Mr. Tadych **MOVED** to dispense with the reading and accept the minutes of the Regular Meeting of Council held November 7, 2016 as prepared and distributed. Motion passed 6-0.

Mr. Tadych introduced and read, by title only, **Ordinance 16-81** authorizing the Mayor to enter into a one-year contract with the Jefferson Group to provide administrative services for the City's Health and Hospitalization Plan, and declaring an emergency.

Mr. Clark announced that **Ordinance 16-81** is placed on First Reading.

Mr. Henderson introduced and read **Resolution 16-82** amending the Rocky River Wastewater Treatment Plant Operating Agreement for the Flow and Strength Study for its operation and allocation of costs, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Resolution No. 16-82.

Roll Call on Suspension of Charter Rules:

Yeas –Clark, Henderson, Lieske, Mace, Tadych, Vincent
Nays – None.

Roll Call on Suspension of Council Rules:

Yeas – Clark, Henderson, Lieske, Mace, Tadych, Vincent
Nays – None.

Roll Call on Use of the Emergency Clause:

Yeas- Clark, Henderson, Lieske, Mace, Tadych, Vincent
Nays -None

Roll Call on Adoption:

Yeas– Clark, Henderson, Lieske, Mace, Tadych, Vincent
Nays–None.

Mr. Clark announced adoption of Resolution No. 16-82, an emergency measure, by a vote of 6-0.

An Ordinance authorizing the Mayor to enter into an agreement with Bailey Communications for network support, and declaring an emergency has been removed from the agenda this evening.

In compliance with Section 121.22 of the Ohio Revised Code, Mr. Tadych **MOVED** to convene to Executive Session regarding Leases: Bike Co-op and SafeBuilt, Inc.; Contracts: CT Consultants; and Cahoon Park Trustees Litigation.

Roll Call Vote: Yeas- Clark, Henderson, Lieske, Mace, Tadych, Vincent. Nays – None. Motion passed 6-0.

Special Meeting of Council
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Also present in Executive Session were Interim Mayor Ebert and Finance Director Mahoney.

Council reconvened in an open meeting at 8:44 p.m. Present were: Clark, Henderson, Lieske, Mace, Tadych, Vincent.

There being no further business to discuss, the meeting adjourned at 8:45 p.m.

Dwight Clark, Vice President of Council

Joan Kemper, Clerk of Council