

Circleville City Council convened in City Council Chambers Tuesday, January 18, 2022, at 7:00 pm. Roll call, members present: President Pro Tem Sheri Theis; Tom Duvall, At Large; Michelle Blanton, At Large; Katie Logan Hedges, At Large; Caryn Koch-Esterline, Second Ward and Linda Chancey, Clerk. ABSENT: (3) Council President Barry Keller; Jeff Hallinin, First Ward; Todd Brady, Third Ward.

President Pro Tem Theis called the meeting to order at 7:00 pm. The Pledge of Allegiance was recited by Council, and invocation was given by all. Theis stated that the January 4, 2021, Council Mtg Minutes are approved as recorded.

### **REPORT FROM COUNCIL MEMBERS**

Hedges announced a Safety Mtg January 25<sup>th</sup> at 5:00 pm.

Theis announced a Special Council mtg January 25<sup>th</sup> at 5:50 pm for the purpose of one ordinance.

Theis announced a Service Cmte mtg January 25<sup>th</sup> at 6:00 pm.

Theis announced a Strategic Planning mtg. January 25<sup>th</sup> at 7:00 pm

Theis announced a Committee of Whole mtg February 1<sup>st</sup>, at 6:00 pm. for the purpose to hear City's Zoning Consultant Holly Mattei revisions to the City zoning codes.

### **REPORTS FROM CITY OFFICIALS**

Treasurer Doddie Radcliff reported that her office submitted the Treasurer's 2021 Annual Report to council.

### **COMMUNICATIONS**

City Treasurer Doddie Radcliff submitted her office's 2021 Annual Report to Council members.

Two applications were submitted for appointments to the Board of Zoning Appeals, Dan Daily and Ken Greene. Blanton motioned to accept the correspondences and place them on file. Duvall seconded.

Motion carried

### **PUBLIC PARTICIPATION**

Patricia Hamilton, 615 Garden Parkway voiced concerns about the ordinance for electric aggregation that is being placed on the May 2022 Primary Ballot. Hamilton asked what the benefits of the electric aggregation are, and will it affect other townships or counties? Why do the citizens have to opt out option ... why can't it be the choice of the citizens? Give people the choice to opt-in instead of opt-out. If you do not allow citizens to opt-in this is not freedom of choice. How is this third party going to be accountable if they do not save the citizens money, is it written in the ordinance, there might be higher rates?

### **NO LEGISLATION FOR THIRD, SECOND OR FIRST READING**

### **UNDER NEW BUSINESS**

Esterline motioned to appoint Dan Daily to the Board of Zoning Appeals. Blanton seconded. Motion carried. Duvall motioned to appoint Ken Greene to the Board of Zoning Appeals. Esterline seconded. Motion carried. Josh Ford, VC BZA noted that this will bring the board to five members, but the BZA Board need two more alternate people.

This stated that ordinance #12-79-2021 "**Ordinance To Submit To The Electors Of The City Of Circleville The Question As To Whether Or Not To Adopt A Wholesale Electricity**

**Purchase/Renewable Energy Program** that was passed 12/21/2021 Council Meeting needs to be rescinded, because the County Board Of Elections informed City Council that the Secretary Of State Office rejected this ordinance because it lacked sufficient detail about the program, therefore this needs to be rescinded.

**An Ordinance To Submit To The Electors Of The City Of Circleville The Question As To Whether Or Not To Adopt A Wholesale Electricity Purchase/Renewable Energy Program And Declaring An Emergency.** Esterline motioned to rescind this ordinance. Duvall seconded. Roll call. (5 Yeas- 0 Nays) motion is approved to rescind ordinance #12-79-2021.

This motioned to bring to the floor an amended new ordinance for electric/gas aggregation. Seconded by Duvall. All Yeas.

**“An Ordinance To Submit To The Electors Of The City Of Circleville The Question Of Whether Or Not To Effect An Opt-Out Electric Aggregation Program Pursuant To Section 4928.20 Of The Ohio Revised Code, Directing The County Board Of Elections To Submit A Ballot Questions To The Electors And Declaring An Emergency.”** Hedges motioned to hold for a second reading and seconded by Blanton. Roll call. (5 Yeas – 0 Nays). Ordinance will be held until 1/25/2021 for a second reading.

This explained the amended ordinance specifies that this is an opt-out program for electric consumers located within the City and gives the voters the question whether to authorize the City of Circleville to enter into an agreement to aggregated electric/gas if approved by the voters on the May 3<sup>rd</sup> elections. Council shall develop a plan, operate, and govern the electric aggregate program, but before adopting this program at least two public hearings must be held. It further specifies that consumers must be informed to the rate charges and to the terms for the conditions of the enrollment as well as their opportunity to opt-out.

Frank Merrill, 8102 Trimmer Road, Attorney for NOPEC for election aggregation. Merrill stated that the person who spoke about this ordinance with questions are good questions to be asked after council places it on the ballot election. Before Council now is to asked residents of Circleville if council should consider electric aggregation. This is for the investor-owned utility and the City of Circleville and not surrounding townships.

Hedges stated those are all good points and some of those questions Council does need to ask, but one of her points were what is the reasoning for the opt-out? Merrill explained that the opt-out provision, it is my understanding, is for the suppliers they would not be interested in opt-in program because it would not generate enough response or activity to make it worth their while. You would not get any participation, no one would want too opt-in. This is a large volume discount for people.

Esterline asked, is it not true that at this point and time the citizens on their own could go out and get a third agency to get their gas and electric? Merrill stated that is correct. Esterline asked, why would we need the City to do it for us? Merrill stated because the City through its collective buying power can negotiate a better rate. Esterline asked, is that in your fine print that you would be giving the citizens a better rate than we can find on our own? Merrill stated that it's not in the fine print because there is no proposal for the City with respect to better rates. If successful in the May elections, City council would choose who provides electricity as the aggregator. They would have to demonstrate that to you in fine print because if they didn't, I would think you would decline that opportunity. It's volume buying.

Hedges stated if this passes it will give the residents a voice instead of seven voices up here.

Blandon noted you are making a good case when people go to the ballot to vote for or against it that's part of the democratic process.

Duvall stated that the details says that I can opt-out every three years, but I can opt-out of AEP every six, twelvemonths or whenever if I go with another supplier. I need clarity on that statement. Merrill stated that's part of the ordinance language, the program the City would approve. The program could have different terms of when they can opt-out or whether there are fees to opt-out.

Duvall asked about the language in the ordinance and if the voters can opt-out if they want... we are voting on an ordinance that Council may accept or not accept. If council is not sure we like it, how can Council go to voters without details. I am not comfortable with this.

Esterline asked about the opt-out fees? Merrill stated I do not know them, but you can ask that after the voter approves this. This noted that the information does say that the citizens will know about the fees.

Hamilton questioned, are you going to vote to place this on the ballot, but you are not sure if this company is a good company? If you do not know enough about this company, then how do I know to whether or not to vote for it? As a voter, I need to be able to make a decision based on facts not opinion?

Blanton stated there will be a campaign with townhall meetings to ask questions about the company.

Glenn Easterday, 100 Hillcrest Drive voiced concerns about other electric companies opt-out programs, but if you opt-out the fees are expensive to do it. This company has class action lawsuits against it.

Blanton motioned to excuse Todd Brady from tonight's Council meeting. Hedges seconded. Motion carried. Hedges motioned to excuse Jeff Hallinin from tonight's Council meeting. Esterline seconded. Motion carried.

Duvall motioned to adjourn the meeting at 7:52 p.m. Esterline seconded. Motion carried.

Respectfully submitted by

Linda Chancey, Council Clerk