

**Cuyahoga Falls City Council
Minutes of the Public Affairs Committee**

February 20, 2018

Members: Mike Brillhart, Chair
Drew Reilly
Vic Pallotta

Mr. Brillhart called the meeting to order at 6:46 p.m. All members were present.

The minutes of the January 16, 2018 and February 5, 2018 Public Affairs Committee meetings were approved as written.

Legislation Discussed:

Temp. Ord. A-12

Temp. Ord. A-13

Temp. Ord. A-14

Discussion:

Temp. Ord. A-12

An ordinance amending the Traffic Control File by providing for installation of various traffic control devices, and declaring an emergency.

Police Chief Davis stated that the Traffic Committee had five recommendations to City Council. The first is a request to prohibit parking on the northbound, odd-address side of Second Street between Oakwood Drive and Northland Street. That street is now open for two-way traffic and the lanes were not created wide enough for parking without somebody having to go in the center. The second request is to prohibit parking on both sides of Old Mill Drive, excluding the designated parking cutouts. It's a narrow street in a new development, and they've created areas for people to park. The third request is to prohibit left-turn movements into and out of the State Road entrance to 2929-2931-2933 State Road (Piada, Dental Works and Mattress Firm). There is a safety concern about people being able to get in and out. When that area was developed, it was the plan that they wouldn't be able to make turns. The fourth request is to prohibit left-turn movements into and out of the western Graham Road entrance to 125 Graham Road (Menards). Back when Giant Eagle was open, left turns were not allowed with the first drive. It will be aligned with the other drive. The fifth request is to remove the 15-minute parking restriction and signs on Orrville Avenue and add no parking on school days from 8:00 to 5:00 p.m. on the south side of the street. This is after discussions with Lincoln School. They have had problems in the morning with people taking the full 15 minutes to drop off their children for school, causing backups and more traffic problems. By putting the no-parking sign, people will be able to momentarily park for disembarking passengers and hopefully be able to keep the traffic moving better.

Mr. Brillhart pointed out that there was a slight typo on Line 34, where it says, "Request to prohibit left turn." Mrs. Pyke asked if drivers pull up and sit in their cars with their engines running are they considered to be parked. Chief Davis stated that if they're not in the process of receiving

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passengers or products and/or dropping off passengers and/or products, then they are parked. This has been an issue at all schools with people picking up their children and taking them to school. There are more problems in the morning. The hope is they will follow the rules. If it becomes a problem, enforcement will be stepped up. The important thing is to try to make it so people can pick children up and drop children off without causing more traffic problems in the area. Because the sign said parking for 15 minutes, drivers would take the full 15 minutes and sit there longer than needed. Mrs. Pyke asked if enforcing that would change anything. Chief Davis stated that drivers tend to be quicker at a no-parking area than if it were to allow 15-minute parking.

Mickey Loftus, Boy Scout Troop 155, Northminster Church, asked if they don't want people to use it for school days, why don't they say only on Saturday. Chief Davis stated that the new signs will state on school days only. They are looking to clarify that, so people can park there on the weekends without a problem. Mrs. Pyke asked if the ordinance need to be amended to indicate that there is parking on Saturdays, instead of just saying no school days. Chief Davis stated that the sign indicates that it is in effect only on school days. There are other signs in city with the same terminology.

Mr. Reilly moved to bring out Temp. Ord. A-12 with a favorable recommendation, second by Mr. Pallotta. Motion passed (3-0).

Temp. Ord. A-13

An ordinance amending various sections of the Codified Ordinances to conform to State law, approving the 2017 replacement pages to the Codified Ordinances of the City of Cuyahoga Falls, and declaring an emergency.

Mr. Russell Balthis, Law Director, stated that this ordinance is one that is brought every year. It's to update to the codified ordinances to reflect any changes made at the State level. The only change this year is, in the past, everyone was given the actual pages. If Council members still have the green book they were given when elected to Council, these are the pages that were inserted to update it. They would be happy to provide them to any member of Council who would like copies. They are on the website, which is automatically updated. Mr. Balthis stated that if anyone on Council keeps the book, he would encourage them to update the pages, so they have an accurate copy of the codified ordinances.

Mr. Reilly requested a green book. Mr. Balthis stated that they take a little while to order, but he would be happy to order one for him.

Mr. Pallotta moved to bring out Temp. Ord. A-13 with a favorable recommendation, second by Mr. Reilly. Motion passed (3-0).

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Temp. Ord. A-14

An ordinance enacting Section 933.124 of Title Five, Part Nine of the Codified Ordinances, relating to Distributed Generation Service of retail electric customers of the City's Electric Department, making certain findings in connection therewith, and declaring an emergency.

Mr. Michael Dougherty, Electric Superintendent, stated that this ordinance basically will give people credit for installing power-owner systems. Should they have that behind their meter generation and they generate more than they're using in that moment in time, then power would move onto the City's power system. Without this ordinance, they do not get any credit for putting power on the City's system. Credit will be in wholesale prices.

Mr. Brillhart stated that if a resident's bill is \$50, they would pay that retail. If they have the solar device and generate something, the City would add that back on the wholesale part. The resident would still have to pay the \$7.75 a month even if they go over the amount. Mr. Dougherty stated that the resident's consumption is capped. The credit will be a separate line item on the bill. That consumption is at retail rates, so a resident would have to put a lot more onto the system than they used to take that all the way down to get as much credit as they paid for your power. It is possible for that to happen, but most people typically wouldn't be offsetting all their power usage.

Mr. Reilly asked how many solar panels are located throughout the city. Mr. Dougherty stated that the City currently has two customers that have solar panels, one on Anderson Drive and the other on Zorn Drive, where there also is a windmill. The customer on Anderson has occasionally put power on the system. At Zorn Drive, they have not. There is somebody else looking, right now, at putting solar panels on their house. Mr. Reilly asked if Mr. Dougherty foresees this ordinance influencing more people to move toward solar or wind power. Mr. Dougherty stated that he thinks it will help incentivize people if they understand if they get credit, that brings down the payback period for installing the solar panels. Also, the cost for solar panels is going down, so the combination of that will incentivize people.

Mr. Brillhart stated that they appreciate that electric rates are lower in Cuyahoga Falls. He asked if Mr. Dougherty was aware of the length of the payback. Mr. Dougherty stated that there is a lot that weighs into the equation of what a resident's payback period is. It depends on what type of panels are installed on the house. They come with different efficiencies. It also depends how many are installed. He would imagine a payback period somewhere in the range of six to eight years would be reasonable. Mr. Brillhart stated that more people could be encouraged to do this if they're going to live in their house for a few years. Mrs. Pyke asked if the City has housing restrictions on putting solar panels on a home. Mr. Fred Guerra, Planning Director, stated that the City does not have any specific requirements for solar panels. If a resident was going to put a solar panel on the roof of their house, they would still have to obtain a zoning certificate from the City, to make sure that it's being done properly, and obtain a building permit from the County. If the solar panels are installed in in the backyard, it would have to meet all accessory structure setbacks. Mrs. Pyke asked if they see this as mainly affecting businesses. Mr. Dougherty stated that the one on Zorn is a business and the one on Anderson is a resident. The residents that are

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looking at installing panels are on Timber Brook Drive. Mrs. Pyke asked if there are strict restrictions on windmills. Mr. Guerra stated that the City has an ordinance for wind turbines. They're only allowed in E-1, which are employment zones, and M-1, manufacturing zones. At the other end of the spectrum is the Natural Park Zone, NP-1, and RR. There must be a lot of acres for a wind turbine. The only thing the City requires for solar panels is, as with any other structure, they must come through the zoning certificate process. Mrs. Pyke asked how the City would deny a permit. Mr. Guerra stated that if it was in a backyard right along the property line or if it was in the front yard, because the City does not allow accessory structures in the front yard. If it would be on a roof, the City would have to make sure they're built appropriately.

Mrs. Pyke asked what the price was for a meter. Mr. Dougherty stated that the meters in use right now should work for this. If there's any changes needed and, if, for some reason, something different or out of the ordinary must be done, then the City would provide them at the customer's expense. Most people will be able to use the meter that they already have if they put the generation connected to their system behind their meter. There are four registers in the meter. It reads kilowatt hours in and reads, on a separate register, kilowatt hours out. They would read both those registers and subtract this month's reading from last month's reading, and that would give them how much was used, and, on the other register, how much was put on the system. Mrs. Pyke asked if there was a major power outage and somebody had an emergency generator and used enough power that month, could they take that off. Mr. Dougherty stated that if they have an emergency generator, they cannot operate that parallel from the system, so they would not put that on the system. They would have to turn off their main to hook up their emergency generator.

Mickey Loftus, Boy Scout Troop 155, Northminster Church, stated that, in some studies, they say people can sell the energy they generate from the solar panels to the area. Mr. Brillhart stated that this is what this ordinance is doing. Mickey Loftus asked if the City allows the circular-type panels that reflect and that hold things in focus. Mr. Dougherty stated that if they follow all the applicable safety codes and building laws, they would be allowed. Mickey Loftus asked if they would be allowed to have a hydrogen backup generator that uses hydrogen molecules and binds them together to create electricity. Mr. Dougherty stated that that is not one of the approved generation sources on the ordinance.

Mayor Walters stated that the City has been working on this ordinance for a little bit of time. Mr. Ricks and Ms. Geers are in the audience. The City has spoken to other power communities that have similar ordinances, so this ordinance is modeled after them. It sounds like their payback is favorable. Cuyahoga Falls want to be a green community and it sounds like these residents have a good project coming soon. Ms. Sharon Geers, 3043 Timber Brook Drive, stated that as soon as they built their home, they investigated solar. It was expensive. The cost of panels has come down. They went to Energy Sage, who hooked them up with Yellow Light. They had a meeting here in this room to give more information. They went to the meeting, and Yellow Light presented how they do it. They make it very easy. They pull the permits, work with the city and do all that. They're the ones that informed them that the City of Cuyahoga Falls has no net metering, while all the other communities have it. They said this is a big negative, and they would not get their

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payback very soon. They still wanted to pursue clean energy. That's when they went to the Mayor and asked where this is in the city. The way it works is, initially, their electric will come from the panel. After it comes from the panel, they will have a battery backup, because, at the time, they said no net metering, so they thought they would save all the electric generated and then use it. At night, they will go off the battery. The third draw will be from the City. Right now, that's how their system is going to be set up. It's not in place, but all the materials are here. As soon as the weather breaks, they're going to install 18 south-facing panels. Mr. Timothy Ricks, of the same address, stated that, in six and a half years, it would pay for itself. That is just the panels and does not include the cost of the battery backup, because, under the tax code, that cannot be written off. The clean energy is strictly the solar panels.

Mr. Reilly moved to bring out Temp. Ord. A-14 with a favorable recommendation, second by Mr. Pallotta. Motion passed (3-0).

Ms. Nichols-Rhodes stated that she would like to take a moment to welcome Boy Scout Troop 155, from Northminister Church. Council is very happy they are here. They're earning a merit badge for being here. They were considering two pieces of legislation, the solar and the traffic. Afterwards, they're going to talk to the chair of the committee, so they can ask more questions.

Mr. Brillhart asked Mr. Balthis if he would like to give Council an update on the Lockard case. Mr. Balthis stated that, two weeks ago, Mrs. Lowry Lockard came to Council and expressed some concerns about the CDBG. He would like to thank Councilman Tim Gorbach and Councilman Russ Iona for joining him to meet with Mrs. Lockard to investigate the situation. He visited the home three times. He is happy to report that they have alleviated some of the concerns and found agreement on a few issues. They have few more issues that they are working on, and he will notify Council when everything is resolved.

Mr. Balthis stated that he would like make Council aware of Ohio Sunshine Law training that is coming up. Ohio Revised Code does require that all elected officials attend Sunshine Line training. This talks about public records and open meetings laws. The Law Department can go in their place, but he would strongly recommend they go. This training is going to be held on Wednesday, March 7th, 2018, from 9 a.m. to 12:15 p.m., at the Tallmadge City Hall. They are asking that they RSVP before March 1st. They'll be more training opportunities throughout the year. Mr. Gorbach asked if that training is a yearly requirement for Council. Mr. Balthis stated that it is a per-term requirement, so, for some members of Council, it is every two years and, for other members, every four years.

Mayor Walters stated that he would like to make a comment regarding last week's meeting. He was incredibly proud to serve this community as the Ward 6 councilman, and proud to serve Cuyahoga Falls as Mayor now. He was both surprised and disheartened that Ward 6 constituents and so many of his neighbors had to come to City Council had to express concern about their councilman, his councilman's inappropriate and unacceptable behavior on social media. Sadly, this was not the first time this has happened. He was more surprised that Mr. Miller was

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interrupting, shouting at and being disrespectful to individuals who took time out of their busy lives to come speak to their elected officials. Mayor Walters stated that Councilman Miller also made false statements at that meeting that were in the Falls New Press this past weekend. To state that the former Assistant Parks Superintendent made over \$400,000 and did not show up for work is blatantly inaccurate. Mr. Miller wants to make failed attempts to excuse his inappropriate behavior on social media by blaming this Administration, and it is inexcusable. The lack of personal responsibility that has been taken for his actions is shocking. Moving forward, he would urge Councilman Miller to conduct himself in a more accurate, honest and respectful manner. Mr. Miller stated that, for the public's knowledge, he is meeting this evening, after Council, with residents who spoke at the meeting.

The meeting adjourned at 7:13 p.m.