

The Chair asked if participating customers would need to have their own generating capacity in order to participate in the program. Mr. Dougherty stated that on-site generation is one way to be able to participate, but customers also have the option of simply shutting down their operations in order to reduce power demand.

The Chair recognized Mrs. Klinger, who asked if participating customers would require special meters from Comverge. Mr. Dougherty stated if the customer does not have a compatible meter, it will be provided and the cost will be deducted from the demand response contract revenues. Mrs. Klinger stated that it appears the cost of meter upgrades would be deducted from the contract revenue before the revenue split is made. Mr. Dougherty acknowledged that this may be the case. Mrs. Klinger asked if the City's smart meters in use now are capable of handling demand response customers. Mr. Dougherty stated that they are not. Mrs. Klinger asked if the contract renews year-to-year, requiring the City to take affirmative action to cancel. Mr. Dougherty acknowledged that it does.

The Chair recognized Mrs. Pyke, who asked if any other AMP communities had adopted the demand response program now proposed by AMP. Mr. Dougherty stated that this is a new program and that he expects other communities to sign on. Mrs. Pyke asked where Comverge buys its capacity amount. Mr. Dougherty stated that Comverge bought its capacity in the capacity market. Comverge does not generate electric power. Mrs. Pyke asked whether AMP bids demand response capacity in competition with Comverge. Mr. Dougherty stated that AMP does bid in the capacity markets on behalf of its member communities. Mrs. Pyke asked if Cuyahoga Falls is the first AMP community to consider adopting this program. Mr. Dougherty stated he does not know if this is the case. Mrs. Pyke asked Mr. Dougherty to

determine which other AMP communities have considered this program and what the results were.

There was no opponent testimony.

The Chair recognized a member of the public, Karen Nelsch (no address given), who asked what the demand response program was. Mr. Dougherty explained the program.

Motion by Mr. Weinhardt to release Temp. Ord. A-7 with a favorable recommendation. Seconded by Mr. DeRemer. Motion adopted by acclamation.

Temp. Ord. A-8

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

Proponent testimony was offered by Police Chief Jack Davis. This ordinance adopts the recommendations of the traffic committee to prohibit all parking on all public streets in the Manchester Falls subdivision, to prohibit parking on the odd side of Bath Heights Drive between Bath Road and the driveway at 3271 Bath Heights Drive, and to prohibit parking on the even side of Bath Heights Drive from Bath Road to a point 45 feet west of 3280 Bath Heights Drive.

The Chair noted that residents who came to the traffic committee meeting were in favor of the parking prohibitions.

There was no opponent testimony. There was no public comment.

Motion by Mr. Weinhardt to release Temp. Ord. A-8 with a favorable recommendation. Seconded by Mr. DeRemer. Motion adopted by acclamation.

Temp. Ord. A-9

An ordinance amending Part Three, Title Seven, Chapter 351 to enact Section 351.20 and to authorize the Industrial and Community Development Department to enforce Section 351.20, and declaring an emergency.

Proponent testimony was offered by Senior Planner Nick Sugar. Mr. Sugar stated that this ordinance would make front yard parking a ticketable offense. Front yard parking is currently prohibited by the Zoning Code. The department averages 3 to 5 complaints per week. This ordinance would add front yard parking to the parking section of the Codified Ordinances and would permit the police and community development departments to issue parking tickets to violators. The ordinance defines "front yard" and prohibits motor vehicle parking in the front yard.

The Chair asked if the prohibition would include motorcycles. Mr. Sugar stated it would. The Chair asked if Reserve Officers working as Parking Enforcement Officers would be issuing tickets. Chief Davis responded, stating that they would be authorized to issue tickets. The Chair asked if there would be any exceptions for residents who do not have driveways or are disabled. Mr. Sugar stated that he has not encountered these situations, but such exceptions could be considered.

The Chair recognized Mr. Weinhardt, who asked where someone without a driveway would put their car during a snow parking ban. Ms. Sheridan responded, stating that a person in such a situation should call the City for help.

The Chair recognized Mrs. Pyke, who asked if the ordinance will prohibit "widening" driveways into front yards by spreading stones in order to create a parking area in the front yard. Mr. Sugar stated that this practice is already prohibited by the Zoning Code. Mrs. Pyke asked Mr. Balthis if a hardship exception could be created for residents whose driveways are too steep to be used during winter weather. Mr. Balthis stated that hardship exceptions could be created.

The Chair recognized Mr. Colavecchio, who asked what the fine would be for first and second violations

of the ordinance. Mr. Sugar stated that the fine for violation of the Zoning Code prohibition of front yard parking is \$50. Chief Davis stated the fine for a parking ticket as the ordinance proposes is \$10 for first and all subsequent offenses, the same as for all other parking tickets.

The Chair recognized Mr. James, who asked what kind of enforcement authority there is to prevent doing business in auto repair in residential areas. Mr. Sugar stated that the City is required to establish that a home occupation is being carried on at the location.

The Chair recognized Mrs. Pyke, who asked the Mayor if he would consider this a nuisance violation. The Mayor stated that he considers parking to be a zoning issue. This ordinance simply allows more people to enforce it. Zoning is complaint-driven, and this ordinance simply enhances the City's ability to deal with common complaints. Mrs. Pyke asked if the Mayor would consider front yard parking for inclusion in an ordinance directed at nuisances. The Mayor stated he would probably not include parking in such an ordinance because it is not an act. It is a zoning issue.

The Chair recognized Mrs. Snyder, who asked how many repeat offenders there were in 2013. Mr. Sugar stated there were approximately 30-40 repeat offenders in 2013. Mrs. Snyder asked if front yard parking would remain a zoning code violation if this ordinance was passed. Mr. Sugar stated that it would. Mrs. Snyder asked if any other communities have enacted ordinances to authorize parking tickets as a means of enforcing the prohibition on front yard parking. Mr. Sugar stated that this ordinance is heavily modeled on a similar ordinance passed in Akron in 2013.

The Chair recognized Mrs. Klinger, who asked for information concerning the extent of fines imposed by Akron for front yard parking tickets. Mr. Sugar stated

that a ticket in Akron costs about \$50 and increases after a certain number of repeat offenses.

The Chair recognized Chief Davis, who stated that the ordinance would simply enforcement process because currently the Police may respond to calls of illegally parked cars, but cannot act when the violation is only a zoning violation and not a parking violation. Being able to ticket the car permits the responding officer to act, and eliminates time-consuming referrals to the Community Development Dept.

There was no opponent testimony. There was no public comment.

Motion by Mr. Weinhardt to hold Temp. Ord. A-9 for further review. Seconded by Mr. DeRemer. Motion adopted by acclamation.

Temp. Ord. A-10

An ordinance authorizing the Director of Public Service to issue an encroachment permit to Albrecht, Inc. for the purpose of constructing and operating a parking lot in a portion of North Haven Boulevard abutting the property at 2137-2141 State Road (Parcel No. 02-14827), and declaring an emergency.

Proponent testimony was offered by Planning Director Fred Guerra. Mr. Guerra stated the right-of-way on North Haven Blvd. is 100 feet wide and this ordinance will permit the use of that right-of-way for parking and will improve it by providing landscaping of what is now a gravel lot. During Planning review of the rebuild of the Acme supermarket across the street, Acme was permitted to rely on the parking spaces associated with this encroachment permit in order to achieve the total number of code-required parking spaces for the supermarket.

The Chair recognized Mr. Weinhardt, who asked if the landscaping would obstruct the drivers view of the intersection. Mr. Guerra stated that the City would look at this issue.

The Chair recognized Mr. Mader, who asked if the use of the right-of-way for private purposes would be properly documented so as to avoid similar issues where the lack of documentation has caused problems. Mr. Guerra stated that the permit would be properly documented.

The Chair recognized Mrs. Pyke, who asked how many spaces are currently in the parking lot. Mr. Guerra stated there are approximately 30 spaces in the lot, including spaces already in the public right-of-way. Mrs. Pyke asked, inasmuch as the permit will be granted without any compensation to the City for the use of its property, whether the billboards on the property could be removed. Mr. Guerra stated that the City is in discussions with Acme and Clear Channel concerning the billboards.

The Chair recognized Mrs. Snyder, who asked if there are any other arrangements like this in the City. Mr. Guerra stated that there are encroachment permits for signs, but could not recall any for parking lots. Mrs. Snyder stated that parking lots are worth a lot of money and the City is receiving no compensation for the permit, which amounts to a substantial gift. Mr. Guerra stated that Acme has agreed to improve the parking lot, including the portion in the public right-of-way.

The Chair recognized Jim Nilson, CEO of Albrecht, Inc. He stated the company is requesting this permit in order to meet the zoning requirement for required parking spaces.

The Chair recognized Mr. Mader, who noted that the existing condition is a gravel lot and the project will significantly improve the appearance of the area.

There was no opponent testimony. There was no public comment.

Motion by Mr. Weinhardt to release Temp. Ord. A-10 with a favorable recommendation. Seconded by Mr. DeRemer. Motion adopted by acclamation.

Temp. Res. A-11

A resolution authorizing the Park and Recreation Board to apply for and accept a grant from the Ohio Department of Natural Resources, and declaring an emergency.

Proponent testimony was offered by Park & Recreation Superintendent Ed Stewart. This grant is to support construction of an access point for kayaks and canoes on the Cuyahoga River at Riverfront Parkway. The City will request \$113,000. The proposed project includes an accessible path from the parking lot to the river.

The Chair asked if the \$113,000 will pay for the parking lot and the path. Mr. Stewart stated that there already is a parking lot at the site, but it is not accessible. The Chair asked about the extent of signage planned for river rafters. Mr. Stewart stated that based upon a recent study, there are three optimal access points to the river: Water Works Park, Riverfront Park, and this site. The Chair asked if this location will be the last point for rafters to exit before hitting class 4 and 5 rapids. Mr. Stewart stated that this point is well before the rapids.

The Chair recognized Mrs. Pyke, who asked the canoeing distance between Riverfront Parkway and Portage Trail, and whether it is appropriate to have access points so close together. Mr. Stewart stated that he did not know the distance, but the study suggests this is an appropriate point for access.

The Chair recognized Mr. Weinhardt, who asked if there are plans to install signs to warning signs for rafters. Mr. Stewart stated there is a committee tasked with designing and choosing locations for such signage.

The Chair recognized Mrs. Klinger, who asked if the grant will pay for construction drawings for the project. Mr. Stewart stated that engineering fees and construction drawings will need to be paid for from the City's budget. Mrs. Klinger asked if there was an estimate for the engineering costs for the project. Mr. Stewart stated those costs would be \$15,000 to \$20,000.

There was no opponent testimony. There was no public comment.

Motion by Mr. Weinhardt to release Temp. Ord. A-10 with a favorable recommendation. Seconded by Mr. DeRemer. Motion adopted by acclamation.

Non-Agenda Items

None.

Adjournment

Without objection, Chairman Pallotta adjourned the meeting at 7:58 p.m.



Victor Pallotta, Chair



Paul A. Janis, Clerk of Council