

Cuyahoga Falls City Council
Minutes of the Public & Industrial Improvements Committee

June 7, 2021

Members: Mary Nichols Rhodes
Frank Stams
Jeff Iula

Ms. Nichols-Rhodes called the meeting to order at 6:50 p.m. All members were present.

The minutes of the April 19, 2021, and May 3, 2021, Public Improvements Committee were approved as written.

Legislation Discussed:

Temp. Ord. B-37

Temp. Ord. B-38

Temp. Ord. B-39

Temp. Ord. B-40

Discussion:

Temp. Ord. B-37

An ordinance authorizing the Mayor to enter into a License Agreement, without competitive bidding, with AMP Transmission, LLC for the AMPT 69 kV Conversion Project, and declaring an emergency.

Mr. Michael Dougherty, Electric Superintendent, presented Temporary Ordinance B-37 to Council. The City of Cuyahoga Falls, Ohio (City) is a political subdivision organized and existing pursuant to the laws of the state of Ohio which owns and operates an electric utility system for the sale of electric power and associated energy for the benefit of its citizens and taxpayers. AMP Transmission, LLC (AMPT) is a nonprofit transmission owner and affiliate of American Municipal Power, Inc. (AMP), that owns and operates transmission facilities in PJM Interconnection, L.L.C. (PJM). The City's distribution system is interconnected to and operates in parallel with American Transmission Systems, Incorporated's (ATSI) transmission system. ATSI has determined that in order for ATSI to resolve outage risks associated with ATSI's 138 kV double circuit line feeding Valley substation that could result in a loss of the City's 23 kV network and approximately 80 MWs, ATSI proposed a solution to bring a 138 kV delivery to the City's Substation #5 (Sub #5). To avoid new North American Electric Reliability Corporation (NERC) obligations associated with ownership of 138 kV transmission facilities, the City sold its bulk electric system facilities to ATSI in 2018. The City desires and AMPT agrees that AMPT will undertake the engineering, construction, ownership and operation of a new 138/69/23 kV transformer and 138 kV breaker at the Service Complex area by Sub #5; a new 69 kV transmission path between the Service Complex and Valley Substation; a new 138/69/23 kV transformer and 138 kV breaker (if needed) at the Valley Substation; and possibly convert existing substations to take 69 kV delivery (collectively referred to as the AMPT 69kV Conversion Project. In order to determine whether the above-proposed AMPT 69 kV Conversion Project is feasible, AMPT needs

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to undertake a detailed assessment of three possible routes for a 69 kV transmission line east to west through the City. The Parties wish to definitively agree on the respective rights and obligations of each Party relating to the AMPT 69 kV Conversion Project by entering into a License Agreement, Lease Agreement and other related agreements, as necessary.

The Mayor will be authorized to execute the License Agreement for the AMP Transmission, LLC (AMPT) 69 kV Conversion Project and is further authorized to execute and deliver any and all documents necessary to complete the AMPT 69 kV Conversion Project. The Mayor, Director of Public Service, Director of Finance, Director of Law and any other public officials, individually or collectively as may be appropriate, are authorized to prepare and execute such other documents and do all other things as necessary or incidental to carrying out the intent and/or requirements of the License Agreement and/or the AMPT 69 kV Conversion Project. Competitive bidding is not required on the City's license of AMPT to undertake the engineering, replacement work, ownership and operation of the AMPT 69 kV Conversion 64 Project.

Mr. Stams asked if the relationship between the substation and transmission lines is in an effort to provide more reliable energy to the area. Mr. Dougherty state that it is an effort to make the City's power more reliable. With the exception of Ward 8, most of the city is fed off of the Valley Substation. With the 138 kV substation, it would be fed from both ends of the system, so if they lost one end, they are still being fed from the other end. Mr. Stams asked if that was because there is no need for it in Ward 8, or is it not part of the coverage. Mr. Dougherty stated that the City has two 138 Kv substations and the second one is the Theiss Substation. There are two feeders that come out of the Theiss Substation that feed most of the electric in Ward 8. Mr. Stams asked if there is an estimate of the cost of the project. Mr. Dougherty stated that if AMPT does the project, they will be paying 100 percent of the cost. If AMPT gets involved, they would buy and own and maintain the 138 kV breaker transformer and line all the way from the Valley Substation. Mr. Stams asked what the cost of the project would be if the City had to pay for it. Mr. Dougherty stated that the additional cost to the City would be approximately one to two million dollars

Ms. Nichols-Rhodes asked if the City took that on, do they not also take on a lot of financial liability, as well, and if that was the reason the City sold it off. Mr. Dougherty stated that the reason the City sold it off was to get rid of the negotiating requirements which was a big liability because of the strict code of how to maintain everything. The rules are open to interpretation, and if those rules are not interpreted correctly, the City ends up getting cited and paying a fine. The rules are better handled by an organization that does that as their main job, whereas the Electric Department views their main job as serving the residents of Cuyahoga Falls.

Mr. Iula moved to bring out Temp. Ord. B-37 with a favorable recommendation, second by Mr. Stams. Motion passed (3-0).

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Temp. Ord. B-38

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, with a firm or firms, for concrete pavement repairs to various streets, and declaring an emergency.

Mr. Tony Demasi, City Engineer, presented Temporary Ordinance B-38 to Council. The Director of Public Service will be authorized to enter into a contract or contracts, according to law, with a firm or firms, for concrete pavement repairs to various streets. The Director of Finance will be authorized and directed to make payment for same from the Capital Projects Fund, Line Item Capital Outlay.

Mr. Demasi stated that this is the City's annual project to repair concrete streets in the city. This project will start probably sometime in July and be complete by the end of September. If there is any money left over, they will look at doing some spot repairs on some other concrete areas in the city.

Mr. Stams moved to bring out Temp. Ord. B-38 with a favorable recommendation, second by Mr. Iula. Motion passed (3-0).

Temp. Ord. B-39

An ordinance authorizing the Director of Public Service to enter into a Cooperative Agreement with the City of Akron, Ohio, to share the cost of engineering and construction for the resurfacing of portions of Riverview Road, Akron-Peninsula Road, Smith Road and Portage Trail, and declaring an emergency.

Mr. Tony Demasi presented Temporary Ordinance B-39 to Council. It is necessary to have a cooperation agreement between the cities of Cuyahoga Falls and Akron to make application for Akron Metropolitan Area Transportation Study Federal Surface Transportation Block Grant Funds for the resurfacing of portions of Riverview Road, Akron-Peninsula Road, Smith Road and Portage Trail. It is necessary to share the cost of the resurfacing of portions of Riverview Road, Akron-Peninsula Road, Smith Road and Portage Trail between the City of Cuyahoga Falls and the City of Akron. The Director of Public Service will be authorized to enter into a cooperative agreement with the City of Akron to share the cost of engineering and construction for the resurfacing of 27 portions of Riverview Road, Akron-Peninsula Road, Smith Road and Portage Trail. The Director of Finance be and hereby is authorized to make payment for same from the Capital Projects Fund, Line Item Capital Outlay.

Mr. Iula moved to bring out Temp. Ord. B-39 with a favorable recommendation, second by Mr. Stams. Motion passed (3-0).

Temp. Ord. B-40

An ordinance authorizing the Director of Public Service to apply for Federal Surface Transportation Block Grant funds programmed by the Akron Metropolitan Area Transportation

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Study for the resurfacing of Broad Boulevard, between State Road and 2nd Street, and declaring an emergency.

Mr. Tony Demasi presented Temporary Ordinance B-40 to Council. The City Engineer has identified the need for and proposes the resurfacing of Broad Boulevard between State Road and 2nd Street. The Akron Metropolitan Area Transportation Study is conducting a competitive grant process under which Federal Surface Transportation Block Grant Funds may be made available to partially support construction costs for City sponsored projects.

The Director of Public Service will be to apply for and accept financial assistance in the form of a grant from the U.S. Department of Transportation, through the Akron Metropolitan Area Transportation Study (AMATS), for the purpose of supporting construction costs related to the Project, as follows: Broad Boulevard Resurfacing. Council's authorization is granted with the following understandings: The City will bear one hundred percent (100%) of the cost of preliminary engineering; the City will bear one hundred percent (100%) of the total cost of those features requested by the City which are not eligible for Federal participation; the Federal share will assume eighty percent (80%) of the construction cost of the improvement not to exceed \$800,000; the City will be responsible for the local share; the City of Cuyahoga Falls is in receipt of and acknowledges the applicability of the AMATS "Funding Policy Guidelines" to this funding request; the Director of Finance will be authorized and directed to make payment for same from the Capital Projects Fund, Line Item Capital Outlay.

Mr. Demasi stated that, last month, an application was made to AMATS by Cuyahoga Falls for the resurfacing of Broad Boulevard from Second Street to State Road. This funding was made available again through AMATS in a special round of funding. This pot of money was for projects that would be available and ready for resurfacing in 2022. The City has committed to AMATS and to ODOT that it can have this project designed and under construction next year. It was another way for AMATS to spend down excess balances that they have in their allocation. AMATS has already scored the project and it received the highest score. Design will be completed by the end of this year. They will bid the project probably in February of next year, begin work in the spring and be complete approximately by summer of 2022. The cost submitted for this project is about \$1.1 million, with \$800,000 coming from AMATS and the balance, \$426,000, coming from Cuyahoga Falls.

Mr. Stams moved to bring out Temp. Ord. B-40 with a favorable recommendation, second by Mr. Iula. Motion passed (3-0).

The meeting adjourned at 7:09 p.m.