

**CITY OF INDEPENDENCE
COUNCIL WORKSHOP MINUTES
APRIL 17, 2023, AT 3:00 P.M.
COUNCIL CAUCUS ROOM & VIA ZOOM**

Mayor Gregory P. Kurtz called the Council Workshop to order at 3:06 p.m. Present were Council Members John DiGeronimo, Tom Narduzzi, Anthony Togliatti, Jim Trakas, Dale Veverka, and Chris Walchanowicz. Also in attendance were Finance Director Vern Blaze, City Planner Annie Lynch, Fire Chief Steve Rega, Service Director Ron McKinley, Procurement Coordinator Dennis Zdolshek, Engineering Office Coordinator Amy Stacy, Engineer Matt Hartzell, Engineering Coordinator Jim Riley, Communications Director Alla Lora, and Deputy Clerk of Council Amanda Sharrer. Vice Mayor Dave Grendel was not in attendance.

Mayor Kurtz said the first order of business is a tour of the Service Garage. Service Director McKinley is going to lead us through this tour of the existing facility, and then we can go over to the Council Caucus Room to finish the meeting.

Service Director McKinley gave an overview of the Service Department and proceeded with the tour.

The Council Workshop resumed at 3:37 p.m.

Mayor Kurtz said thank you, Ron, for facilitating the tour. It was good. So, everyone can digest that information, what they observed. I think we need to determine what function requirements with respect to the stakeholders and everyone involved, and determine a program of requirements and operations and make sure that whatever we come up with, it is consistent with something that will be good for the next 30 or 40 years and also review the integrity of the existing facility, what portions could be better used, as well as what portions could be repurposed. So, we do that. I think at some point we will probably bring in somebody that specializes in developing the functional requirements of the program of requirements. It will be assessed, like the State they assess the size of the rooms. They assess the need. They assess the long-term planning objectives, and at the end of the day, they are able to come up with a program that comes back to the stakeholders. Everybody comes together and determines if it meets the criteria that is outlined by the people who are actually going to use the facilities. Then at the same time we can review the cost, do a cost analysis. At the same time, we will continue to look at existing facilities and see what can be done to repurpose. We will examine all possibilities, so there is no wrong answer at this point, it's more of be open-minded to explore different possibilities.

So, we will put that together, and then we will call a Public Buildings & Lands or a Strategic Planning, or some other vehicle to make sure we get as inclusive as possible with Members of Council. If in the meantime, if after the tour you have thoughts that you would like to share, I encourage you to submit this to Debi or Ron. We will reach out and ask anyone if they have any thoughts that are glaring, something that's glaring or a question that needs to be answered for

you to do a better analysis. Then we will disseminate all of that information and keep this process moving forward.

Councilperson Walchanowicz asked do you want me to see if we can get the analysis that GPD did on that? I know that Anthony wasn't on, and John wasn't on. They may not have seen the analysis.

Mayor Kurtz said sure. Dennis, could you make sure that we get the analysis out. Send it out electronically to everyone. That way they will have a baseline of understanding.

Councilperson Trakas said, and all the other (inaudible) that are down on Brecksville Road, that was over there too, so you can see.

Mayor Kurtz said it's to have a better understanding, and better explain why this became a priority in our overall analysis of our facilities. That's really what we are doing. I think the Strategic Planning session, we have 50 things to look at; but we kind of like focused on two or two and half of these, if you include the library. So, those are the issues that we are going to stay focused on in order to at least advance the narrative on those issues as defined by City Council. So, we will do that.

Councilperson Veverka said we asked Chief Butler to provide a list as related to the Police Station. Is it appropriate to ask Ron to have a prioritized list of things so that when we are evaluating, we will have a better idea of the specific needs?

Service Director McKinley replied absolutely.

Mayor Kurtz said I think that will coincide with our functional requirements analysis. It will help, and then everyone can weigh in on that.

Councilperson Togliatti asked in regard to the GPD study, were there deficiencies that were identified, the water infiltration on the southern wall, and what else?

Mayor Kurtz said I don't recall those specifics. We will make sure you get a copy of it so that you can review it, and it will help you with some of the concerns or issues. It will answer some of those questions.

Let's move on to the discussion of public/private partnership. How do you want to proceed Jim? Do you want to talk about it wholistically?

Several people began speaking at once.

Mayor Kurtz introduced Amy Stacy and Matt Hartzell from the Engineering Department.

Mr. Hartzell said to give a brief update of the public/private partnership, we will touch on the background, some examples, a brief summary, the processes, some of the challenges we are facing and then maybe the next steps of the program.

Mr. Hartzell said so, the ordinance, which was passed in August of 2021, which is up there on the screen. We just want to point out one thing in that ordinance which was Section 5. We looked at this in Section 5 that was the City's share. If it exceeded the Mayor's spending authority of \$15,000, or anything that might require an assessment, it would go to Council. Anything below that would be determined basically administratively. So, that's how we have been running it so far to date.

Councilperson Togliatti said Section 5 doesn't outline spending. It says each individual public/private partnership shall be sent forth by the City Administration for consideration by City Council and be agreed to by majority consent of City Council at a regular meeting of Council. There's no way that reads there would be any spending.

Mayor Kurtz said it's not the way we interpreted it. It's not the way Council has utilized it. We do make sure that we follow the purchase parameters, and Council reviews every one of these projects.

Councilperson Togliatti said we have only reviewed one.

Mayor Kurtz said a major one, well before you were on. We did the Aster one.

Ms. Stacy said I think the intent was to streamline the process, and not to jam up your Council agendas with these.

Councilperson Togliatti asked, and how many of these have we actually completed? I know Jim gave us an example of two or three; but those were just examples for their statistics.

Mayor Kurtz said we will go through them.

Mr. Hartzell said so, the smaller ones weren't going to bombard (inaudible).

Councilperson Trakas said each project was supposed to be reviewed. That was the discussion at the time.

Mr. Hartzell said the purpose was assisting City residents with stormwater management, creek maintenance and sewer maintenance. I believe a lot of them were probably looked at as a neighborhood project; but what we are finding is a lot of residents that are coming forward are single one-off situations in backyards and whatnot. So, that has kind of changed it up from what the main purpose of the ordinance was, looking at some of the alternative bids in the creek maintenance contract that you probably see.

Ms. Stacy said this is a good example right here.

Mr. Hartzell that was the Highland/Midland rear yard drainage system. So, that would be one that would be for eight or nine properties.

Ms. Stacy said I believe that's nine properties.

Mr. Hartzell said so, you have nine properties. That brings up some other discussion on, and we will get back to that later.

Ms. Stacy said I believe it was asked about specific projects that we received so far. So, we are going to go into that a little bit. This is just a brief summary, and I will give you a little bit more detail. So far to date, seven projects are completed. One of those projects is the assessment that we just mentioned. That was the \$15,811 assessment project. The other six were just reimbursements. There are six projects that are currently active, which means that they have completed an application, or their project has been reviewed and considered eligible at this point.

Then we have an additional ten that are, we kind of consider them inquiries right now because we are still visiting the site, doing a review and trying to determine next steps. Just for reference, TPC, total project cost versus City share. We might be mentioning that within some of those numbers.

Councilperson DiGeronimo asked what's to date was \$26,000?

Ms. Stacy said yes, the number you are referencing, seven completed projects for a total of \$26,830. So, that does include that \$15,811 assessment. So, out of these seven, this first one is the only assessment. These other six are reimbursements. These are the six active projects that are currently in progress. Some of these are what we consider pretty close, we have an agreement, and we are just waiting for the agreement to be signed.

Councilperson DiGeronimo asked, and that reimbursement is 33% of the total cost of the project?

Ms. Stacy said a maximum of 33%.

Councilperson DiGeronimo said we don't know the cost.

Ms. Stacy said so far that's what we have been saying, but we do have some thoughts.

Councilperson Walchanowicz asked are you able to blow that up so we can see some of the streets?

Councilperson Trakas said some of the usual suspects there.

Councilperson Walchanowicz said so, I may be jumping the gun here, but I know that there was a big group of folks from Pebble Creek last year. Is that one of the projects that is being looked at?

Several people began speaking at once.

Mr. Riley said the one Zemba property wasn't part of that. You are down at the other end of the street, but they did come in. I don't know what the status is of that. I think that would be where everyone would have to agree to participate, which is one of the issues too. When Amy gets to it, one thing I would like to mention to Council, the Homeowners Association up there on Hawthorne Trace, I think, do you remember whoever was on when they had that tree ordinance. I think Council should amend the ordinance and pass that any new houses, it has to be five or ten years before we go do anything because in my opinion, any water issues should fall on Pulte, not on the City. That might be something you guys want to consider.

Ms. Stacy said we do have some challenges.

Mayor Kurtz said we will talk about that.

Several people began speaking at once again.

Ms. Stacy said this just shows a little bit of the evolution of the process. So, in the very, very beginning we had the ordinance, and we were still working to create a process. So, we did have one to two of these that came to us, they were already doing the construction, and they wanted reimbursement; and we did the review. O2 was when we were actually able to meet with the resident to consult about their issue and do a review and give them advice and feedback.

Mayor Kurtz said Amy makes a good point. A lot of these emerged from the fact that Council passed legislation. There was discussion, and the people saw that, and they were reading different publications; and they would come to the City expecting some type of support, resolution or information. A lot of these emanated from Council passing legislation, and people thinking they were at least exposed to the opportunity to understand their issue. So, a lot of these inquiries had to be analyzed by the Engineering Department, organized and then analyzed by the Engineering Department before we could even think about a strategy to resolve a problem. So, that takes a lot of time and effort; and I think that's one of the points that Matt was talking about earlier.

Ms. Stacy said now, we are on scenario three, which is our current and preferred scenario, and we are becoming more organized and structured in this. I will show a pre-screening application form that we have developed, and we actually developed that form. We actually used the Sewer District; they have a stormwater management program; and we used that as a starting point for our form. It allows us to, it's an opportunity for the resident to share their issue and all the information they have and for us to be able to review that, meet them on site, following that with a little bit more information than we previously had.

Councilperson DiGeronimo asked how does a resident get this form?

Ms. Stacy said so it usually starts, a lot of these come in as a phone call. I have a drainage issue in my yard. Sometimes they might ask about the program. A neighbor told them, or they read it maybe in one of our magazines, and so that's when we let them know that this pre-screening application exists, and then we usually send it via email, or they can come pick it up or we can mail it. Then they complete it and return it to us.

Councilperson Trakas said we talked about having a tab on the website where they can go.

Ms. Stacy said we talked about that too. We don't have it up on the website yet, we kind of wanted to have these meetings first to gather your feedback, but that is what we would like to do.

Mayor Kurtz said it all started because we had discussions about Midland, and what do we do when we have a variety of stakeholders, and how do we circle the wagons so to speak and engage a group. Once we passed legislation, people started with word of mouth, and inquiries to publications, and that's why this process it's all evolving. That's why we thought it was important to come back to Council, and see how we can make it better, how we can fund it, how we can do all of these things on a more permanent basis. So, that's where we are at.

Ms. Stacy said with this process, we have actually developed this agreement, and this is part of scenario three that we looked at before that would require ideally the resident would pay the City 50% of their share prior to construction. We, the Engineering team, would assist with the bidding process or they might have their own contractor; but either way, we would have feedback, and we would be able to give our expertise on the work. Following the construction, they would pay the remaining 50%, and then this agreement also releases the City from future claims and future maintenance on the property.

Councilperson Trakas asked then, the 50% is due when the project is completed?

Ms. Stacy said within 30 days.

Mayor Kurtz said we have a summary of the projects we have done already. So, you will see the numbers aren't significant.

Ms. Stacy said right.

Mayor Kurtz said the solutions are significant. What we have learned is significant. How to memorialize it, and how we are able to have permanent information so that down the road, if they signed a release, then we know that we have done what we are supposed to do, and we are not responsible to go back and do something more.

Ms. Stacy said that while the projects have not been significant so far, we do anticipate some pretty expensive projects coming our way in the future. So, we just want to be prepared for that.

Mayor Kurtz said, and we document every call, from the calls to the next stage of the application, to the next stage of engagement. There are a series of steps along the way. We need

to know the parameters Council wants us to work within now that we have a little bit of experience and exposure to the real-world application of this program. People are very happy. They have the ability to communicate an issue. We have a vehicle that could organize the different issues, and they would be in a position to advance that if they choose to invest in their property. So, we are able to document them so that we don't have an issue with exposure in the future. That is how it has worked, but if you want to continue on.

Councilperson DiGeronimo said I'm not following the 50%. So, are our residents paying 100% of the cost to the City?

Ms. Stacy said no. So, it would be 50% of their two-thirds. It is a little confusing. So, the City would cover up to one-third. They would cover two-thirds, and so then they would need to provide to us 50% of that two-thirds.

Mayor Kurtz said so, on a \$3,000 issue, we pay \$1,000, and they owe us \$2,000. They put \$1,000 when they start, and then they pay the other \$1,000 when it is completed.

Councilperson Trakas said I can see where we can run into difficulties if we are going to be putting it on their taxes.

Mayor Kurtz said that's where we need to get some direction from Council.

Councilperson Trakas said because if they can't afford two-thirds.

Mayor Kurtz said we aren't going to do anything in excess of our limitation. We are also not going to do anything; we can't do anything that needs to be assessed. That all has to be a Council matter.

Councilperson Walchanowicz asked so far, our residents haven't had the option of assessment?

Mayor Kurtz said the numbers have been too small. No one has really asked.

Mr. Hartzell said I have talked to a few, and most of them would rather just pay.

Councilperson Walchanowicz asked how did that one on Pleasant Valley work?

Mr. Hartzell said that was an assessment. That was the first and only.

Mayor Kurtz said it was over \$60,000 if I recall. That was an assessed situation. Council authorized and approved it, and it's on their taxes.

Councilperson Narduzzi asked, and the contractors are picked by us?

Mayor Kurtz said our maintenance contracts, or if they have someone. By the way, correct me if I am wrong.

Mr. Hartzell said so, I just completed one the other day, last week which was, we had an alternate bid item to replace some sewers in an easement. As part of doing the work, this property owner wanted to add some yard drains in the backyard that was actually catching water from Pleasant Valley properties. So, that part, we went through, drew up plans and whatnot, and the contractor that the City had, the creek maintenance contractor, performed that work, the extra work outside of the easement with all the agreements in place.

The gentleman paid 50%. What we did find is the neighboring property also wanted to install drains; however, they felt that the price was a little high, what the contractor had quoted. I do see that as another challenge we might face in that the City bids these out. The contract has to, they are bidding it at prevailing wage. So, whereas if you just had a landscaper maybe come in and quote that work, it may be cheaper, and some may find it that way. That's just another challenge we have to work through.

Mayor Kurtz said we are not obligated to use the bid process that is in place. We have been authorized to. If we have a \$3,000 item, and there is a landscaper or contractor that bids the price for \$2,000, we can use that. We have that discretion to do that as long as the homeowner or the property owner agrees to it. Oftentimes, they have someone that they are familiar with. As long as they meet the standards of the City to improve a property, improve a drain water issue that affects others, like the Pleasant Valley situation, it's not just fix up my yard. It usually has something to do with a greater situation that is going to have a larger impact, or it's within our right-of-way, or in our easement. There are a lot of different extenuating circumstances that play into a decision that we have to go through the process at least.

Mr. Riley said real quick, the one Zemba property. He picked the landscaper, and the good thing about that, with this release it's all on him. It was his guy who did the work.

Councilperson Narduzzi said all I am saying is as long as they sign off on what was done, they can't come back to the City.

Mr. Riley said Sal gave us a receipt, and we owed \$2,000 on the \$9,000. On the other one, the Sedlock property, we paid nothing, the City. The two homeowners split it, and that was Down To Earth. Then the other one, Babe Chuppa, was already getting the work done, and the neighbor decided to participate; so, we paid Down To Earth, they paid Down to Earth, with all releases. So, now there if there is a problem a year, five years, it's no longer on the City. They can call their contractor back.

Councilperson Narduzzi said it sounds good on single-family things, but if it's a multiple housing thing like we did on Midland, I would say the City is picking the contractor. I can see bad things happening.

Mayor Kurtz said on the Midland situation where we had eight or nine homes, a larger project, absolutely. We will go through our channels. If one of them doesn't, the people around this table,

and we are all part of the process, and Matt says I'm not signing, then we aren't doing the project.

Mr. Hartzell said that's one of the challenges we have listed here; when these projects are put out to bid, it's assuming everyone buys in. What happens if you have one property owner that doesn't?

Mayor Kurtz said usually we have a discussion with them, and it's the good neighbor policy. Matt, would you want to be with all of your neighbors and not contribute, especially when there's something that's going to be good for the whole area. Remember, the genesis to this was because of that specific situation, and they are all over the City too. These are not confined to one area.

Councilperson Veverka said two questions. Let's say I had some work done with an agreement on my property, and then I turn around within a short period of time and have a rental property; and I want to go through that. Is there some limitation on an individual on how often they can get this program? That is the first question.

A related question is, do these need to be residents? What about an LLC?

Mayor Kurtz asked well, how do you want us to handle it?

Councilperson Veverka said that's what I'm asking if there are specific parameters?

Mayor Kurtz said help us define the parameters.

Councilperson Togliatti asked have we set a budget to the final parameters for these funds to fund this? Where are they coming from?

Finance Director Blaze said in the last appropriation amendment that was voted on last week, we did put some money into the 420 and 430 funds to at least have improvement project funds. Seeing that Section 5 that was talked about earlier, our office must have been interpreting this incorrectly, we can't pay any of these until you guys approve them. I am going to have to have legislation on the May agenda to have you approve the ones that were paid out.

Councilperson Walchanowicz asked you don't think it's wise to have our own fund for this? I know you don't like tons of funds.

Mayor Kurtz said the 420 fund is appropriate.

Councilperson Togliatti said Council should set a budget for this program. There should be some sort of prioritization of the projects. I see someone had water in their front yard, and I think water in the front yard would be very low priority compared to some of the other issues throughout the City. Is it first come first serve? How will we select these?

Mayor Kurtz said people are coming to us, and it's all a new program. It's not as though we don't have a lot of, we don't have a lot of experience. We have a lot of expertise, but we are learning. We are trying to come up with, we are trying to make it reasonable for our residents, but we will shut it down. We will shut it down and wait until Council takes action and gives us the authority to move forward.

Finance Director Blaze said you do have, Council wrote it in there if you want a different, in Section 2 it says the Mayor shall establish a program. Now if you want Council to help establish the program, you passed this legislation on August 10, 2021. The Mayor established a program.

Councilperson Trakas said I think we should put a budget together on it, so you are not all of a sudden having shortfalls.

Several people began speaking at once again.

Councilperson Togliatti said it would be a line item.

Councilperson Walchanowicz said we can put money into it, this way you know.

Mayor Kurtz said just tell us how far we can go. We have done what the ordinance said, we created a program. We can outline, and we can outline some of the challenges, and that's where we are at right now because if you want to keep going on that because these are the challenges.

Maggie Osysko said I put in a new line item under the 430 fund for any monies that residents paid us. There is a separate line item under the 430 fund for that. Most of it is the 430 because it's more drainage. We aren't necessarily fixing roads or anything like that, so that's why I put it under the 430 fund.

Mayor Kurtz said help the Administration, help this team of people who have done a great job of taking the ordinance, framing the ordinance and making it user-friendly for the residents that come to us with questions. Now we need to know how far you want us to go. As far as I'm concerned, if you want to put a number on it. We already know that there are certain caps built into the system. One is that we can't spend over \$15,000 if I wanted to. Any assessment Council has to approve it. So, these are limiting factors already exposed.

Councilperson Veverka said a while back in Utilities Jim, I think I sent you a list that provided prioritization of different projects. In other words, is the water by your foundation? Is the water near your house? Is the water in the backyard, and I can't mow the grass for an extra week. This would enable Engineering to evaluate the situation to determine what level of prioritization is based on what the problem is. If it's out in the middle of my back 40, and my yard is 500 feet deep, it's natural. It's going to be a nice place for the water to settle in, even though it's my yard.

Councilperson Trakas said we talked about that with the Engineer at the time.

Councilperson Veverka said right.

Mayor Kurtz said what we don't want to continue doing, and we established the program. We know it works. What we don't want to be able to do is continue spending Engineering time and effort to go through all of these things if there's not the volition, the desire by Council to get some of these things done or give us some latitude to get them done. Time is money, and every time we have to have Engineers or support staff go through this process, we need to know how you want us to handle it. If Council wants to be involved for every \$1,000 issue, or every \$15,000, just give us parameters. We have now done what the ordinance told us to do. We go out and put together a program, and now we are here going through this program to help us become more efficient.

Councilperson Veverka said did I not hear you say that at the early stage in this process is the Engineering staff takes a look at this situation, isn't that an appropriate time to do this prioritization that we talked about in Utilities?

Councilperson Trakas said I would think at that time you could establish parameters and prioritize which projects would make sense that you would want to green light first, some yellow light projects, and the ones that don't make sense, I don't know if you have told people about things that don't make sense.

Mayor Kurtz said I think that the Engineer and the Engineering team have done a really nice job of performing that assessment as people have brought their issues to the City, and we document it all. So, there have been a few of them that requested things way beyond our scope. So, we prioritize based on not their expectation, but our capacity to manage these things on a timely basis. What I don't want to be doing is having these items here for perpetuity. Some of them, obviously if it's beyond our capacity.

Councilperson Trakas said if you could make project problems go away, this is a good societal result.

Mayor Kurtz said I think the program, the way you outlined it, the way you approved it, as long as you give us the authority to take care of these little things, give us the authority to keep going forward now that we have put it together, now it works. We have to tweak the ordinance, and we can move forward with that. If you want to know every time we do something, then I am not sure that you are really realistic from the Administration's end because there's got to be something, what about \$1,000?

Councilperson Trakas said a reporting process that if you approve these things under \$15,000, there's a report issued as to what the project was, what it entailed, just like you did right there. I think the intent was to just make sure that we knew that these things were going forward and for the right reasons. That they were going to be in the public purpose. We debated about this one first, well should there be multiple properties; and we said that's the most desirable because sometime individual properties have these issues. While it's not directly affecting somebody that we know of right now, it could well be. We didn't say there was a prohibition against individual properties, we just said the priority would be multiple properties first, right?

Mayor Kurtz said if you put a limit, if you cap the amount of money we are going to spend, that's one safeguard. We need some latitude to keep moving forward because if we don't have some latitude, then they will be calling back every week, every month, and it's like we are trying to run an organization. People have high expectations, and we temper them with reality oftentimes because we just can't solve every water issue in this City.

Councilperson Trakas said well, we saw the projects that were done, and know those were shocking. They were all in neighborhoods where there were issues. You solved a problem, so that's a positive result.

Mayor Kurtz said and really this time we have does a very nice job of communicating with the residents and receiving information, communicating with them, not promising that we realistically don't see as something that we replicate everywhere. If we can't do it for everybody, we can't do it for anybody, but there are so many requests that, just like every street is not going to be done every year. Every sewer is not going to be fixed every year. Sometimes issues take a month to plan, and sometimes they take six months, a year. Facilities take years to plan. They are good for decades, so it's a fluid process. Council, this legislation created parameters, and we know the system works. We know that this works.

Councilperson Trakas said so, you want some further parameters.

Mayor Kurtz said we want to clean up the ordinance, and I think it's fair that we put some money, capital money; and when we create the funds so that we have a summary every year to give to Council as to everything we did. I think those are fair, but to expect us to come back to Council every time we are going to do a \$1,000 or \$2,000 project, that's not realistic.

Councilperson Trakas said I think when that was put into the legislation, it wasn't envisioned it would be this large.

Mayor Kurtz said if you have a neighbor dispute, if you have situations where you can resolve them, and they are paying. How often do you ever get people to pay in our City for anything really.

Several people began speaking at once again.

Councilperson Narduzzi said that's how we used to solve these problems. We would go in there and fix it.

Mayor Kurtz said I think it's a much more sophisticated way.

Councilperson Veverka said, or it was put on the list, and the list just kept growing.

Councilperson Trakas said, and the list is still there.

Councilperson Togliatti said so, I was on Council when this was approved, and I just read through it here quickly; and I am really questioning if we are following the true intent of the way it was written.

Ms. Stacy said that was where I was going next.

Councilperson Togliatti said well, let me just read through this. So, the second Whereas says the City has resources and tools available to it that can marshal resources on behalf of the community that residents cannot marshal on their own due to purchasing power, expertise, engineering, architectural, sewer and other public purpose.

The fourth Whereas says from time to time needed projects that affect property and/or neighboring property bear a cost that is not affordable by a homeowner who may have the inability to pay all the upfront costs of a project.

So, when I read those two things, and I see these \$3,000 projects that people are hiring their own landscapers for, and they live in \$600,000 or \$700,000 homes, does that really meet the intent of this piece of legislation?

Councilperson Narduzzi said but that landscaper is not doing the engineering, and all that stuff. He's going to dig a trench, throw some stuff in there and hope to God it works. We are giving it some more detailed work.

Mayor Kurtz said we are protecting the City long-term by this process.

Councilperson Togliatti asked can we stop with helping some of these projects with the engineering, and let them take on the whole financial burden, the \$3,000 or \$5,000 or \$7,000?

Mayor Kurtz said if we stop with our expertise, then people will just do what they want to do, and then we will have a situation that I built up the mulch on my property, so the water goes over to your property. With the Engineer there, then we will put them all on notice that hey you know what, we documented it, you came in and you changed the grade, and we were here. We have some substance to have a discussion instead of through the neighborhoods, one builds up, another one builds up, and before you know it, the last man standing has a problem. Then they come to the City and expect us to solve it. So, I guess the practical application is what's really important here, and we have discovered, and many of you have been exposed to these things. Dale said, get on the list. Well, the list never goes anywhere. Now it goes somewhere, and so that's what we are trying to do.

Councilperson Trakas said to your point, this is what we are exactly trying to prevent was people just doing their own thing and not having engineering, and not having any type of a thought process outside of get it off my property.

Councilperson Togliatti said right, but if they are going to do infrastructure work and put in sewers and drains, they have to pull permits, it has to be inspected. They have to do it by code.

So, we can assist with the engineering, but if they are financially capable of paying for it, why are we subsidizing them?

Mayor Kurtz said it all sounds good.

Councilperson Narduzzi said that's not how it works. That's the reality of it.

Councilperson Togliatti said it sounded like with one project, they were already doing it, and then we participated 33%.

Mayor Kurtz said you can drill down in any specific situation, but the bottom line is if we don't get involved with our Engineering and our people, then people just do that, and the next neighbor comes by, and they do it. We get the call when the people on Sycamore Court that now have six houses that have built up their backyards because we don't go out and police every situation. People are working on their houses. It's just not what we do.

Councilperson Trakas said unless something happens.

Mayor Kurtz said what we try to do is resolve the issues, give information, educate people. Some people think water goes uphill. So, at least by our group going out there, explaining it to them. Matt goes out. There is a situation on Stone Road right now. They want the City to take care of this whole drain water problem.

Councilperson Veverka said, and that yard is a swamp to begin with.

Mayor Kurtz said we use our education, our expertise and our knowledge to educate them, but they don't want to hear it necessarily.

Councilperson Trakas said the other thing, when we first proposed the ordinance, there was the value of your home. We would go to properties where the value of the home was like \$250,000 or less, and we put like a sliding scale, and that was removed after some debate. We thought that these water problems don't necessarily, they don't affect wealthy homes as well as smaller homes differently. They affect them pretty much the same. So, that had been discussed and removed at the time.

Councilperson Walchanowicz said I see under challenges stream banks stabilization projects. Did the folks from Braewood who were in a year and a half ago where that creek behind their houses was washed away footage of their property because it comes through like a river.

Councilperson Trakas said they couldn't agree on all getting together, so none of them are doing it, and it is still getting washed away. That bridge is going to be washed out pretty soon because not all five or six of them can agree, they wouldn't do it.

Mayor Kurtz said the same thing with the Kingscote. Same thing with any of those major streams, and one calls and says I want you to do this. Well, we can't put gabions on your

property and not the next one. Everyone would come in, and we would sort it out; and if we could solve a global issue by a strategy such as this ordinance great. I think that's where we rely on the Engineer to go out and determine if this is realistic.

We have a guy with a lot that's going to build a house, and hey fix my creek. It's not realistic. Look at, if you come in for your permit, we will assess your engineering drawings to determine if they are realistic, and if the gabions you want to put in, the location, that is what our Engineering group does. To suggest that we are going to put that as part of this program, it's not realistic.

So, what we are trying to say is that I think it has evolved. It is mature enough now to look back at the table saying here's some of the issues. If you want to lock in, modify the ordinance, that's fine within a certain parameter. That would be fine, and we will move forward from there.

Councilperson Trakas asked do you want to go through what these issues are?

Ms. Stacy said sure. The challenges side is in here twice. This one is mostly just to focus on the neighborhood projects. I know from listening to Minutes from when this ordinance was created, it seemed like that was a priority. So, again, an example of that is that Highland/Midland project. So, that project would be a \$61,000 project. That is what it was bid out at.

Councilperson Trakas asked so, that was for every one of those?

Mayor Kurtz said the center circle, yes.

Councilperson Veverka said divided by nine.

Ms. Stacy said so, divided by nine, so the City would contribute a total of \$20,420. Each of the nine houses would contribute \$4,500 roughly. So, the City would pay roughly \$2,300 per house.

Mayor Kurtz said these are opportunities that we are not going to solve on a global basis without this ordinance and without a buy in from all the residents.

Mr. Hartzell said the question on that would be again is if someone didn't buy in, or if some people wanted to pay upfront and some wanted to be assessed, could that be done? Little things like that.

Mayor Kurtz said the City would be flexible on that. If somebody was in a hardship situation.

Councilperson Trakas said you have the authority.

Mayor Kurtz said it would all be documented.

Councilperson Trakas said well, if one person doesn't want to do, that's the only thing. That's now how this is written. So, we force them?

Mayor Kurtz said if it's just one. We have been fortunate, most of the things that we have done, try to diffuse neighbor disputes, diffuse situations that, we try to bring everybody to the table; and most of the time we have been successful in having them pay. So, I think the fact that we are engaged.

Several people began speaking at once again.

Mayor Kurtz said but the fact that you allow the Engineering group to at least assess, you are protecting us too. If there is a drain water issue, we all know where they are at, but we are able to monitor them and take that information and track it, I think we are better off as a community and we safeguard ourselves from potential liability down the road. It's a good program. Amy, do you want to continue?

Ms. Stacy said yes, I am near the end here. Just getting back to those challenges. I think eligibility is something. A lot of these are issues that people have come to our office to inquire about, HOA participation, pond erosions, stream bank stabilization as we talked about, slope stability, projects affecting one property versus those neighborhood properties, vacant lot. If we have had someone come to us before they had started building, should there be any type of parameter, like you need to live in your home for so long. There needs to be a home. We have heard from residents asking these questions and wanting to participate in the program in these situations. Rental properties.

Mr. Riley said that lot on Stone Road, which has been a swamp like Dale said forever, I think these people if they find out about this, they are going to try to get the City to do something for them then. The City shouldn't touch that. It was wet down there forever.

Mayor Kurtz said we have a responsibility to guide them to what they can do, but there is no obligation for us to do it. In other words, if they try to do something on the wetlands, that's going to create a bigger issue for them.

Councilperson Veverka said, and that's already started to take place.

Mayor Kurtz said that's why we put them on notice.

Councilperson Walchanowicz said I have a question about rental properties too.

Councilperson Trakas asked if the owner comes to us of the property, shouldn't they be treated just like anybody else?

Mayor Kurtz said it depends on the situation.

Councilperson Narduzzi said I would say no.

Councilperson Walchanowicz said if you were a resident, and you had a rental in the City; what if you lived in the City and you had a rental?

Councilperson Narduzzi said the rental property is a business. I mean it's a money-making proposition for that person.

Councilperson Veverka said well, that's true because that's what I had to do on my property. I had to put a drain and system in when I put the addition on the garage on Brookside.

Mayor Kurtz said the City outlined what parameters.

Councilperson Veverka said they said this is what you need to do, and I did it.

Mayor Kurtz said well, use our expertise, that's fine because it's good for the neighbors then. If you would have just done something and just put it in without the Engineer suggesting, then a neighbor gets flooded, it creates chaos for the Administration to have to deal with all of these things. By doing exactly what you did, it's good for you, it's good for the neighbors, it's good for everybody. We need some parameters. Just like Amy said.

Ms. Stacy said then, determining the share of the City. This is a little bit next steps, and I will try to do these next slides quickly; but some examples we were thinking. We did have one application recently sent to us. They had the application completed. They had an estimate. They had photos. They had a lot of information on the front end that didn't require a lot of our resources. So, we thought that would be a good example of covering the full one-third; but maybe if you have a property that we have to build in a lot of time and resources, should they still get that same percentage? We are just thoughtful. We are trying to think through some of the ways to determine.

Mayor Kurtz said it's up to one-third.

Ms. Stacy said up to one-third. Another example could be the assessment. I think that was less than a third. I don't know the exact percentage, it would be like 20%; but if it's an assessment, it's a higher cost, we should have that taken into consideration. At some point, some sort of scale or some way to determine. One property might have a third, and another property might have less than that.

Councilperson Walchanowicz said if the Engineering Department is putting in hours on end on one project, a third, we shouldn't be paying a third. I guess we have to take into consideration what we are paying.

Ms. Stacy said we do have some people inquiring, they have water in their yard. They have no idea why; so, we have to go out there and start from scratch.

Mayor Kurtz said we have more work than we have capacity.

Ms. Stacy said we have to determine a plan. We have to create a plan for them sometimes. We are really doing a lot of work.

Councilperson Trakas said you are doing things that people can't do on their own.

Ms. Stacy said right. I guess it's just a question of determining if that should affect the City's share that goes with budget consideration too.

Mr. Hartzell said like the slope stability landslide, erosion projects and things like that. So far, the cost of what we have been doing, I think the average was like \$5,000. It might be on one of the slides. Without having parameters set, issues of slope stability and whatnot, we all probably know are going to be not \$5,000, but \$50,000 or \$100,000 plus. So, with a budget one project like that could erase that budget for the year, whatever it might be. It's something to note.

Also, if you did do something for the slope stability and whatnot, and you were to assess it, 15 or 30 years, I would just say that Mother Nature, no matter how good it's engineered, sometimes will win. If that fails before the 30 years or whatever it is, wouldn't you want it redone? So, things like that you might consider.

Councilperson Trakas said I think those are exactly the things that we kind of had this for too. Things that people aren't going to do on their own. I guess let them go and look what happens. Then you have problems in multiple areas. If you bring them to Council, can we go over our budget? We go over our budget all the time, every year. If it's something that is worthy, then we should consider it. Or we say no, and we do it next year or two years from now or whatever. I mean that is part of your five-year plan, let's plan these things out so that these are problems; and if we are going to solve these problems over time, I think it's important.

Councilperson Togliatti said, and speaking of slope stability, has anybody here at the table seen the pictures of the Tabbaa property on lower Brookside Road?

Mayor Kurtz said I think everybody has seen the house there.

Councilperson Trakas said I was there on Friday.

Mayor Kurtz said we basically told the Engineering group that's Brookside. So, we are basically, they need to come with a process. They can have their Engineer tell us how they will stabilize that before they do anything with the house. I don't know if they got in over their head, what the circumstances were; but we are going to just monitor the situation. He has to come in and tell us how he's going to resolve that slippery slope so to speak, and the impact on the neighbors.

Councilperson Togliatti asked, and did they do some demolition work in the back that caused this slide?

Mr. Riley said they took a retaining wall down between the properties, the patio partially out.

Matt and Don are making them do what Geotech said.

Mr. Hartzell said they got a proposal for a Geotech report. So, right now he's supposed to be in the process of getting some soil borings, and then we will get the report and see what the step is.

Several people began speaking at once again.

Mr. Hartzell said it was a retaining wall, a walkout into the hillside, and the retaining wall was in danger of collapsing. There were renters there, and they had some small children, and then he must have pushed it over. I can't say for sure.

Mayor Kurtz said he's in the process of having to come back with some type of geotechnical engineering study to convince the City that his solution is appropriate for that area.

Councilperson Togliatti asked, and did he get a variance to the steep slope residential process?

Mayor Kurtz said he doesn't have any permits from the City.

Mr. Riley said he wants to do an addition, but everything is on hold because of what is going on there on the other side.

Councilperson Trakas said I would think we would say no to that.

Several people began speaking at once again.

Councilperson Walchanowicz asked is he building the house on Kingscote?

Several people began speaking at once again.

Councilperson Walchanowicz said he's building a house next to Dominic Gangale.

Several people began speaking at once again.

Mayor Kurtz said but to answer that question. The City hasn't given him any approvals. He is now because of the circumstances; he has to give us information so that we can then review it and confirm that his report meets the minimum criteria to make sure that he stabilizes the ground.

Councilperson Togliatti asked now are the neighboring properties compromised at all because of this?

Mayor Kurtz said I talked to Sue three years, two years ago, a year ago, and last week; and she is very concerned as she should be in terms of her property; but the entire area is weak. Her property, that property, it's very weak, and it has instability in terms of soil. It has excessive moisture. When I looked at her property three years ago, her deck was slowly moving, it was

unstable. So, she's got to take steps to fix her own property, but now this situation on the neighboring property creates more of an awareness.

Councilperson Trakas said there's probably a dozen houses on that side of the road with very similar problems. In fact, you have issues on both sides.

Mayor Kurtz said both sides. We have it with the people on Bramley. We can only do so much, but identifying the situation is our first priority, and safety is our first priority. In this case, that homeowner has to present something to the City that makes some sense. So, that's where we are at.

Mr. Riley said, and those are houses that are 50, 60, 70 years old. That's why I am telling you this, that new section, there's a lot of creeks that run through that property that we are getting calls already. So, I wish you would pass something that over ten years or over fifteen years because the homeowners are already calling me.

Councilperson Trakas said a couple of those houses on Brookside were moved from Rockside when we changed Rockside Road to a commercial district.

Mayor Kurtz said people have found ways to build on all these properties over the decades. Matt and Amy, what else do you have?

Ms. Stacy said so, we already kind of talked about budget consideration, and we just think that tightening up the process and getting some clarity about eligibility will help us with our resources too in our office.

Finance Director Blaze said when you go to the next slide, and if Council is not amenable to rental properties, it does say that the Highland/Midland project, nine properties, did Engineering look and see if these were all owner-occupied or would they go by landowners, and then when we do it, if one or two are tenants, are we going to contribute to their properties then?

Mayor Kurtz said well, that's all for Council to digest because we bring it to your attention. We framed it up. We have something, I think this ordinance, the framework is good. We are here because the Administration is saying hey here's what we have discovered during this process, and so we need your help now to guide us. How do you want us to go forward? Taking no action won't work because then we have to tell people that we aren't in a position to move forward. Or, if you want to rescind the orders, you are not comfortable with it, that's your prerogative. We just need you to take steps to give us some direction.

Councilperson Togliatti asked so, the 33% financial participation plan, if you read the ordinance, it says it is suggested that not more than 33% of the overall direct cost of the project may be borne by the City. So, it is not limited at 33%, it is merely suggested.

Councilperson Trakas said I think what it meant was that the engineering costs and that type of thing, that those would not be part of the 33%. That's may not be how it reads, but that's what the intent was.

Mayor Kurtz said if someone doesn't like the ordinance or they don't want to support the ordinance, then now is your chance to help us, give us direction because ultimately you have to vote on it, but it's our obligation to bring it to your attention to help facilitate this. You have seen that there's a request, a number of requests. The Engineering group is out trying to at least explain to residents what we are dealing with, and so far, it's been well received. I don't think anyone has abused the situation at this point. So, the parameters we established are reasonable. We just need to know, obviously we need to clarify a few things and change a few things. We can add language in terms of funding and where the money is going to go to support, to reimburse. We haven't had any problem with people reimbursing at this point. So, the 50% down, and 50% upon completion, it's been interactive and simple.

Councilperson Walchanowicz said I think it's a helpful ordinance, but I think there's definitely a Utilities meeting that needs to be had. With all these challenges that we didn't know about going into it, there's a lot of things that need to be addressed at this point moving forward.

Councilperson Trakas said and we want to put together some thoughts based on this conversation and others as to what an amendment to this could look like, and then maybe we go through it and take it apart and see what works.

Councilperson Walchanowicz said on the engineering aspect, I would like to see a dollar figure. I am just throwing this out there, but say there's \$500 worth of engineering work done, that automatically comes off of our one-third that we would pay.

Councilperson Narduzzi said before it gets added to the cost.

Councilperson Walchanowicz said right.

Mayor Kurtz said, or we can add an engineering line item to try to account for every hour we are spending on something because there so many overlapping.

Councilperson Narduzzi said it could be a percentage of the total cost from the contractor.

Councilperson Togliatti said but that's what professional, for-profit engineering firms do. They account for every cost, and it gets passed off. That's how you run an engineering firm, so I think ours should be able to do that.

Several people began speaking at once again.

Mayor Kurtz said we don't count every call that we receive. So, you are going to find some commonsense balance to all of this; but we need direction, and I would say if the Chairman of the Utilities Committee wants to take a stab at tweaking the ordinance, that's fine. We appreciate

it because we are sitting here fielding all of these calls, and we would like to have some direction to be able to expedite some of these. If they are green, we can look forward. If they are yellow, we have to review, and if they are red, they are not going to get out of the gate. So, we don't want to give people false hope that we are able to do something when in fact it's not reasonable. We are not going to put gabions on a vacant lot that people are going to build their house on. It's unreasonable.

Councilperson Trakas said okay.

Mayor Kurtz said but if you could do that, we would appreciate it.

There are a couple things we need to change anyway, small items, we aren't going to be running back and forth every time.

Councilperson Narduzzi said anything over \$50,000 full cost comes to Council to review. Anything else, it's the Mayor.

Councilperson Trakas said understood. That does make sense.

Mayor Kurtz said but it works. To your credit for the idea, the concept and the communication I think, we have done a really nice job communicating with the residents, a lot of residents. A lot of them just don't understand what their options are, and so it's become a very popular method of communicating with residents and not promising something we can't deliver on.

Councilperson Trakas said at one time we had 120 to 140 of these projects. So, we can expect people to be asking these types of questions. These are not City responsibilities, but they just go because they can't afford them, or they don't know what to do. I don't know who I would hire as an architectural firm, engineering, it's not my job.

Councilperson Narduzzi said, and there's always going to be the person who tries to buck the system. You just have to watch out for them.

Councilperson Trakas said you can't just take out a permit, and then violate your own permit, and then ask for money.

Mayor Kurtz said it's fascinating.

Councilperson Narduzzi asked so, what was the number? We did a couple of these in 2021?

Ms. Stacy said yes.

Councilperson DiGeronimo said none in 2021. We really haven't advertised, but it's spreading by word of mouth.

Several people began speaking at once again.

Mayor Kurtz said everybody wants us to come out right now.

Councilperson DiGeronimo asked so, is it manageable the way we have it? Has this program created more calls to the Engineering Department? Or if someone is calling for water, we would have gotten those calls anyway?

Mayor Kurtz said in the past they would have called the Service Department, and Service would engage Engineering or some hybrid of that discussion because the Service Department is going to go out and solve the problem. They will clean out a ditch, fix a manhole cover, fix this, do this. Engineering will critique that and take that one step further and critique that and apply engineering principles to it to see what's reasonable with what they are trying to accomplish. At the end of the day, it's solving residents' problems or at least answering their questions. We don't solve most of the problems, we just answer a lot of their questions. At least they understand that we addressed the issue for them. So, it's been very well received, the program.

So, you could have something maybe for the next meeting? If not, we will just hold off.

Councilperson Trakas said this is the time of the year.

Mayor Kurtz said, and it takes time to solve the issues. It's not like a cookie cutter where we just have the answer tomorrow.

Councilperson Trakas said we are talking about the money, right?

Mayor Kurtz said yes. So, we would appreciate it if you could get something together.

Councilperson Trakas said I will make some proposals.

Mayor Kurtz said we could put it on the agenda for next month.

Anything else Amy?

Ms. Stacy said I think we basically covered it. All this bottom line is here, this just talks about that we would really like to prioritize these projects. So far, it's just been these small projects, but if we covered all of these small projects, it's \$115,000. So, some of these other projects that are on the challenging side could really affect that number if we start doing them.

Councilperson Trakas said first, we have to get a budget, and then we have to have a budget to work with, and then anything you would have to bring. Like I said, put together a plan so that these are the satisfactions. So, you treat this like any other project, right?

Ms. Stacy said I think that would work. Then there's the next steps.

Several people began speaking at once again.

Mayor Kurtz asked any other questions on the public/private partnership update? There were none.

We have direction. If you need support, let me know.

Councilperson Trakas said I will have a draft for you, and you can see if you think it's fair.

Mayor Kurtz said we will do it, and then we will make sure that we keep moving. Thank you. Okay, next steps with aggregation.

Thank you, Amy. Nice job, Matt. Thank you very much for the comprehensive information.

Several people began speaking at once again.

Mayor Kurtz said before we just adjourn, we would like to update the next steps with aggregation. Alla, we can share your research, and where we are at.

Communications Director Lora said I think it's been confusing because the ordinance was, I think what the City thought it was to give NOPEC advance notice that we would like to not renew, but they would be invited to bid as we move forward.

When that February ordinance passed though, NOPEC took that as oh you are leaving, so we are not going to contact your residents. So, Greg O'Brien in his dealings with the attorneys for NOPEC, they said no you have to rescind that in March. So, that is why it was rescinded in March so that our residents would be contacted after they were certified. NOPEC never lost their certification. They just had a gap until the PUCO said yes, okay. They kind of put them on hold for three months because of what they did.

So, now everyone, and I know Community Services, Emily and Jen have been getting a lot of phone calls and letters, and so what has happened is NOPEC has said to all the residents, okay if you don't do anything, you are automatically going back to NOPEC. They guaranteed a six-month rate of 6.42 cents from June until December.

First Energy, if someone chooses to opt out, they will automatically stay with First Energy, which has already published that their rates will be 10.42 cents per kwh. So, obviously it's a better rate.

Residents don't have to stay with NOPEC. If they want to go on Apples-To-Apples, they just want to change or something, they can still do that. That is completely up to them but the \$6.42 cents right now with a guarantee of six months is a pretty good rate.

If they choose to opt out and stay with First Energy and go shopping, then there is extra work on the residents. They actually have to then call First Energy and say oh wait, I have found this on Apples-To-Apples, and there are a few extra steps on this.

So, I think most of the people from my conversations with Emily and Jen are choosing the option of, okay great, I don't have to do anything. I am rolling back; I am getting the \$6.42 cents.

Here's the other variable, once they roll back in June, they only have to stay with NOPEC and the standard rate, that \$6.42 cents, for one month. If they want to get out, if they want to switch to one of the other tiers, plans that they have, they can do that; but the \$6.42 cents seems to be the best rate.

As far as for the City, going back to the ordinance, so now we are back to where we were pre-February 14th Council meeting. From everything, I talked to a number of cities, a number of sustainability people, and also a couple of the brokers, and the City was already in the position, we had already passed legislation in 2000 to be an aggregator. However, we did not at that time, what we did was, we put on the ballot, and it passed by a majority. It was easy-peasy. The next step would have been to go to the PUCO and apply for certification. I don't know the whole backstory since I was not here, but it appears to me that we did not do that because we decided we were going to go with NOPEC. They had certification, so we were just going to hitch our wagon to their certification. So, NOPEC came in, they took care of everything, and that's fine.

So, if we want to explore looking for another aggregator, or being our own aggregator, it's relatively simple. We have to, we went to the voters, we did that. We would have to find a certified electricity broker who would represent the City, and then they would take care of making sure that we filed everything with the PUCO; so that we were certified. The application is pretty routine, and it's every two years. I think it's like a \$200 fee for that; but they would also write the RFPs to make sure the language was exactly what we want it to be. No fees, no early penalties. It's such a complicated, I think from when NOPEC started to what it is now, I have talked to Broadview Heights. I have talked to Shaker Heights. Shaker Heights has been doing their own natural gas for about 17 years; but they also have their attorney, his specialty is environmental law. So, at this point it seems, if we want to take the next step to be aggregators, I would think that we would like to bring somebody in, or maybe two different brokers in to kind of explain, here's how it's going to work because everyone I have talked to said when it started, NOPEC in 2000 was one thing. It has kind of evolved over time, and there are many more people in the market now, and so we need to get updated on how that process works.

So, the legislation, what happened now is we are still in NOPEC. We never got out of it. We are in it through next June. So, we have time on that. We thought we were giving them advanced notice when we passed the legislation in February, and they took it a different way.

So, I would say from my conversation that we want in. I can't answer all the questions. I think I have kind of done a lot of the research, is to have some brokers come in. TPI had contacted the City, and I made a call out to them. They are a wholesale broker. They represent the Browns. They represent the Catholic Diocese. They do non-profits, they do a lot of different groups. They could come in, and in my initial conversations with them, their attorneys are specialists. They know this is how the language should be to protect the City. This is what you should do because they were also negotiators. This is not leaving Greg O'Brien out of this, but this then gives it all

to a broker. Everything is transparent, what their fees are, how to tabulate it. I don't have any of those specifics, but they could say this is how it's going to work. It's every two years for electricity. It's every three years for gas. They do both, but I think you have to have, there are no brokers that do both gas and electricity.

Procurement Coordinator Zdolshek said Greg O'Brien had said that he wouldn't be able to handle it, and he would reach out to someone in his firm that specifically does aggregation and that.

Mayor Kurtz asked they would be our aggregator?

Communications Director Lora said we would work with them. We would get our certification just because that needs to be done, dot the "i" and cross the "t" and have that done; but then we work with TPI or if there are some others that do this. Everyone has a different thing. Everyone has a different kind of specialty. I think in my conversation with TPI, and it was just to try to get some background information, the custom wholesalers, they are cutting out a whole level of costs. So, that could be a guaranteed savings for the City, but it's a process that we have to start because we have to then, if we chose to go with them, or if we choose to go with another broker; whoever the broker is, they should be responsible because it is a specialty as Greg O'Brien told us to make sure we go to the PUCO. We do all the paperwork for that. We get our City certification, and then they would work with the City to say what it is you want. No fees, it's an opt out. You don't get penalized if you want to go in. You don't get penalized if you want to get out, and they know all the little nooks and crannies that their other clients have presented or had questions about.

Mayor Kurtz asked so, would they come out to a meeting?

Communications Director Lora said yes.

Mayor Kurtz asked Jim, do you have anybody else? Let's learn first.

Communications Director Lora said I would at least like to talk to two different brokers. I liked the presentation that they had sent, and I liked how candid they were about how we take care of it. You tell us what you want. It's not a one size fits all. The fact that they do non-profits, the Diocese, sports, Sherwin Williams. They do a lot of big companies.

Councilperson Trakas said there are a lot of people out there doing this type of thing, and there are more than there were in 2000. With NOPEC you also have, the size helps them in negotiating very good deals. Let's talk to all of them and see what we want.

Communications Director Lora said, and everyone, even other communities that aren't with NOPEC now, like Shaker Heights, they still invite them to bid because the game has changed. I don't know if you should call it a game, but the whole metabolism has changed.

Procurement Coordinator Zdolshek said typically to Jim's point about the size of NOPEC, they had a pool of 20,000 versus NOPECs pool of 500,000.

Councilperson Narduzzi said (inaudible) costs that these little guys don't have. They are advertising on TV for the Super Bowl. So, they are spending some money. The little guys aren't spending money.

Councilperson Trakas said they have like 200 and some odd communities.

Mayor Kurtz said let's get TPI and NOPEC, invite them for a Utilities Committee meeting. Several people began speaking at once again.

Mayor Kurtz said two things, thank you Alla for taking your arms around this thing and organizing it so that we have an understanding with NOPEC, but we are also protecting our residents so that we can make good decisions or at least options for our residents and business community. So, if you could follow up on that and coordinate a meeting with Utilities, and then keep the ball in the air at least. We don't have a time structure today.

Communications Director Lora said because the contract runs until June of next year, and we have to give them six months' notice; so, we have until the end of the year.

Councilperson Trakas said this is when they are going out, so this is a good opportunity.

Communications Director Lora said after the six-month rate of \$6.42 cents, then we will know what it will change to.

Councilperson Veverka said I thought it was the end of December.

Communications Director Lora said the end of December is the \$6.42 cents which expires. So, by then we would have to know what their rate is in January, and in January it's going to go to a monthly variable as opposed to it used to be on a quarterly variable unless someone changes to one of the other tiers.

Councilperson Trakas said one other thing that might make some sense. Obviously, the Mayor's call on Friday night, and you run through some of this; but we might want to send a special postcard or something out to the community just so the people understand the difference. It is a confusing thing, but you can't put it in a newsletter, but have a special hey you need to read this type of thing. It's important.

Mayor Kurtz said at that meeting, we can do something like that.

Communications Director Lora said what we have coming up, which kind of lines up with everybody if they are rolling back in June. So, we put it in the Swiftreach. We put it in the Admin. It will be in the May Post again, but tomorrow NOPEC is actually doing these virtual meetings; so, Emily at the Community Center, she sent a blast out to everybody saying you can

come and watch it in the Pin Oak Room. It will just be a presentation. We will record it. We will put it on the website. It's the NOPEC presentation, but we will do that.

Then we have in June, Emily and her team has put together a PUCO meeting on June 14th that is open to anybody, and this is basically, they are going to come in, not pro or anti NOPEC, they are just saying here's how you read your bill. Everybody gets a bill from First Energy because they are the default supplier. Even after June I will still be with First Energy or Dominion for gas.

The other thing that I just want to acknowledge is that all the communities that I talked to have been incredibly generous in sharing their experience. Seven Hills, Broadview Heights, Shaker Heights, and I am sure there are a couple of others that I have forgotten about, everyone has a little bit different experience. Shaker Heights will start in June, they decided they wanted to go with an all-green electricity provider. They went that route. That was their own. They decided it's time to do that because in a few years it's going to catch up with us. Everybody has been really generous in telling what their residents go through, the kind of questions they have been getting.

Mayor Kurtz said thank you. Now let's put your arms around it in communicating it to the public. Coordinate with Jim for a Utilities Committee meeting. We will get a couple of people in that can educate us.

Councilperson Togliatti asked, and aside from Shaker Heights, are there other communities that do their own aggregation?

Communications Director Lora said Shaker Heights does. They have been doing their gas for about 16 or 17 years, and they said 98% opted to stay in. Now they are starting their own electricity, but it's going to be, they wanted to go completely green. So, that's what their move is in June. It will be effective in June. They postponed it.

Several people began speaking at once again.

Mayor Kurtz said it's going to cost more money.

Communications Director Lora said the majority of the communities I talked to, they said what their residents want is predictability, they just want to know, and some will choose a 12-month fixed rate, or 24-month fixed rate. Some of it is luck and timing. When they went to market for their gas, I think they were at a \$4.07 rate. When they bought it, it just happened to be really low, so their residents really benefited. It's the timing of when you go out to market.

Councilperson Veverka said Alla, you just mentioned Shaker Heights. I didn't hear you mention any others.

Communications Director Lora said Broadview Heights had stepped out shortly, but the Finance Director I talked to, he was going to call me back. He was there the whole time they have been NOPEC.

There is another, Fremont, which is outside of Toledo, and they are using Buckeye Energy which I think is around here. It's near Hudson. So, more of these communities are starting to do that. It's really something that I think we need to talk to these aggregators and figure out because I do think all the communities have said it's just change. When NOPEC was originally set up, it was set up a specific way, and now you can apply for a NOPEC grant; but a lot of cities don't have people to write grants. So that money is kind of left on the table. So, they are saying why don't you just give that as a refund to the residents? Again, it depends on any specific city.

Several people began speaking at once again.

Communications Director Lora said if anyone has any other names, please let me know.

Mayor Kurtz said well, you have all the work cut out for you Jim. Thanks for agreeing to tackle them and advance them.

Is there anything else?

Moved by Veverka, seconded by Narduzzi, to adjourn the Council Workshop of April 17, 2023, meeting. Voice Vote: 6 yes/0 no; motion carried.

There being no further business, the Council Workshop of April 17, 2023, was adjourned at 5:12 p.m.