

MINUTES OF THE PUBLIC WORKS COMMITTEE
July 16, 2018
East Conference Room

Present: Councilmembers Rader, Anderson & Bullock

Also Present: Councilmember George, Public Works Director Beno, Law Director Butler, Shawn Aiken of CT Consultants, two members of the public

Call to Order: 6:00 p.m.

ORDINANCE NO. 34-18 – Enacting Chapter 906, Use of Public Ways for Small Cell Wireless Facilities and Wireless Support Structures, of the Codified Ordinances of the City of Lakewood in order to regulate small cell wireless facilities in the right-of-way.

Director Butler distributed a substitute version of Ordinance 34-18 which corrects minor typos. The administration is requesting passage tonight on second reading. Director Butler explained that HB 478 passed by the legislature gives cell companies greater access to the public right of way than they have had in the past. Ordinance 34-18 sets up a process to be followed by the telecommunications companies regarding applications, fee reviews, timing, insurance, and indemnification. HB 478 also requires cities to allow installation of small cell towers on their infrastructure. The bill requires cities to maintain uniform regulations so that the industry doesn't have to deal with a patchwork of regulations.

Greater local control will be contained within the design guidelines. The administration will provide a full set of draft design guidelines to Council, Planning Commission, and ABR in September. Starting August 1st the City will use a set of model administrative guidelines.

Director Butler clarified that the current ordinance does not address design guidelines, but rather the application and review process, as contained in ORC. This Ordinance will complement and supplement the existing comprehensive public right of way chapter of LCO, Chapter 904.

In response to a question by Mr. Rader, Director Butler explained the legislative history of the negotiations between municipalities and telecommunication companies on this topic, going back to 2016. Director Butler acknowledged that HB 478 does impose on municipalities but that matters of health, safety, and welfare generally trump home rule considerations.

Director Beno answered questions about pending applications. Currently there are no applications pending. A year and a half ago there were several. He explained the current process through which telecommunication companies negotiate with the City to locate the correct spots for their equipment.

It was mentioned that the new Section of ORC requires telecommunication companies to remove obsolete equipment.

The administration discussed the difference between private City-owned park land and the public right of way. In order for a telecommunications company to install equipment in a City park or parking lot, they would have to obtain an easement. Ordinance 34-18 exclusively deals with the right of way,

A motion was made and seconded to recommend the substitute version of Ordinance 34-18 for approval.

Director Butler clarified that municipalities are permitted to adopt these requirements but not mandated to. It is in the City's best interest to do so.

After additional brief discussion, all members voted in favor of recommending adoption.

RESOLUTION 9010-18 - Authorizing the amendment to the design-build agreement for the wastewater treatment plant digesters between the City of Lakewood and Kokosing Industrial in order to set a fixed price for the project.

Director Beno remarked that this is the third time the administration has brought this project before Council. The first time was to approve the project as design/build; the second time was to approve \$1.3 million to clean out one digester and to complete a portion of the work to obtain a cost estimate. Director Beno explained the design/build model and how it differs from the more typical design-bid-build. Design/build projects don't need to wait for the design work to be completed in order to begin work and therefore move quicker. During the first part of this project, the project was amended to replace only one digester instead of two. Director Beno discussed the difference between a fixed price and a guaranteed maximum price for projects of this nature. This project has a fixed price.

John Hill, a resident and environmental engineer asked questions about the cost of the project.

Director Beno addressed the questions. He stated that the estimate used in the 2018 capital plan was \$7.7 million. The only increase that was not planned for was cleaning the original digesters because it was difficult to accurately estimate the amount of sludge to be disposed of. The City expected to spend \$600,000 cleaning two tanks but ended up spending \$500,000 on only one.

Director Beno further remarked on design costs and the scope of the project. He stated that the largest part of the project – cleaning out the digesters – was going to have to happen anyway. While spending this money it made sense to invest an additional \$1.3 million to install the generator portion of the project.

Mr. Shawn Aiken discussed the role of CT Consultants on the project.

Director Beno explained that it is common for plants to be run with one digester and that Lakewood has been doing so during this project. Replacing the second digester would have resulted in a large cost overrun.

Councilmember Rader asked to see original estimates and budgets of the project before making a recommendation for adoption.

A motion was made and seconded to refer Substitute Resolution 9010-18 back to Council without a recommendation.

It was clarified that the substitute version of the Resolution contains the updated attached exhibit containing the cost break down.

All members voted in favor. Motion passed.

Public Works Committee adjourned at 7:06 p.m.