

COUNCIL CHAMBER

City of Berea, Ohio

RESOLUTION No. 2019-70

By Nick Haschka

Sponsored By Mayor Cyril M. Kleem

Councilman Bill DeVito

Councilman Nick Haschka

A RESOLUTION Councilwoman Cheryl A. Banaszak

TO ENACT A MORATORIUM ON THE IMPOSITION OF ALL BUILDING AND/OR ZONING FEES ASSOCIATED WITH THE INSTALLATION OF SOLAR PANELS, AND DECLARING AN EMERGENCY.

WHEREAS, there is wide acceptance of the premise that the public good is served by governmental support of clean, sustainable and energy efficient programs; and

WHEREAS, concerns about global warming, greenhouse gas emission reductions and energy dependence have spurred debate about how local governments should balance economic development, environmental responsibility and their associated costs to local governments; and

WHEREAS, as early as 1992, Congress mandated that each electric utility employ integrated resource planning to evaluate the full range of alternative energy sources; and

WHEREAS, many state and local governments have also enacted legislation supporting the exploration and implementation of sound energy policies; and

WHEREAS, the City of Berea already has demonstrated its commitment to sustainable, renewable and energy-efficiency through various programs and policies including, but not limited to, the following:

Participation in a NOPEC grant program since 2016, by installing cost-effective and energy efficient LED lighting at the Berea Recreation Center, Service Garage, Fire Station and parking lot, with additional City buildings scheduled to be completed in the near future; and

Being a Charter Member of the Advanced Energy District, which provides financial assistance for commercial projects within the City that include green infrastructure; and

Enacting employment policies that discourage, and in most cases, prohibit idling in City vehicles; and

Installation of an energy-efficient HVAC system at the Fire Station along with the installation of additional insulation and replacement of all doors and windows, and an energy-efficient boiler system; and

Installation of LED street lighting; and

Upgrades at the Water Plant to variable frequency drive motors to reduce energy and to provide better equalized pressure in the distribution system; and

Adoption of Zoning Code Chapter 308, Sustainable Facility Standards, which was one of the first Zoning Codes in Cuyahoga County to adopt provisions specifically addressing issues related to energy sources that are sustainable, renewable and efficient; and

Providing specialized training to the Chief Building Official in order to better educate and promote clean, sustainable, alternative and energy-efficient options for residents and businesses when constructing or upgrading a building; and

WHEREAS, the City continues to explore new ways to reduce its own carbon footprint; and

WHEREAS, while the City continually investigates the option of using solar energy in its public facilities, it has not yet found it to be a cost-efficient solution; but acknowledges that for many Berea residents and businesses, solar energy may provide a viable source of clean, sustainable and efficient energy; and

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Sponsored By Mayor Klein Council Members DeVito
Haschka Banaszak

WHEREAS, there are currently financial incentives offered through NOPEC and other government agencies and coalitions for solar energy that are readily available for commercial projects, however, the Administration also recognizes that there may be programs, such as the PACE program, and other financial incentives that could be offered to better assist Berea residents in utilizing solar energy; and

WHEREAS, responsible public policy dictates that the City review the building and zoning fee schedule as it relates to alternative energy sources, specifically solar energy, to ensure that such fees do not serve as a disincentive to become more energy efficient; and

WHEREAS, this Council has determined it to be in the best interest of the community health, safety and welfare to take time to undertake a review of all alternative energy sources, especially as it applies to residents, and to study those programs that might provide financial assistance to residents and what action, if any, the City can take to better incentivize the conversion to, or the use of, solar energy.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Berea, State of Ohio:

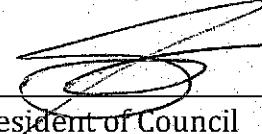
SECTION 1. That Council hereby establishes a moratorium on the imposition of any building and/or zoning permit fees associated with the installation of solar panels, providing however, that permits shall still be obtained in accordance with all other provisions of the Code(s), through December 31, 2019 from the effective date of this Resolution, in order to allow the City's Administration and Council time to review ways in which to promote energy efficiency, by participation in various programs and/or through the use of building and/or zoning policies and fees.

SECTION 2. That the moratorium shall be in effect through December 31, 2019 from the effective date of this Resolution or until changes are enacted to amend the Codified Ordinances of the City of Berea to address these issues or until Council approves legislation explicitly revoking this moratorium, whichever occurs first.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

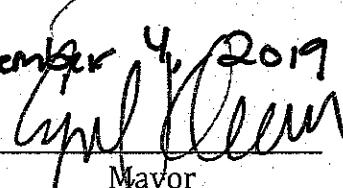
SECTION 4. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, or providing for the usual daily operation of a municipal department, and for the further reason that it is immediately necessary to review programs and fee schedules to encourage the use of solar energy. Therefore, provided this Resolution receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: September 3, 2019


President of Council

ATTEST: John E.
Clerk of Council

APPROVED:

September 4, 2019

Mayor

Approved as to Form:

Beth A.
Director of Law