

**Cuyahoga Falls City Council
Minutes of the Public Affairs Committee**

April 17, 2017

Members: Vic Pallotta, Chair
Adam Miller
Jerry James

Mr. Pallotta called the meeting to order at 6:44 p.m. All members were present.

The minutes from the February 21, 2017 and April 3, 2017 Public Affairs Committee meetings were approved as written.

Legislation Discussed:

Temp. Res. B-30

Temp. Ord. B-31

Temp. Ord. B-32

Discussion:

Temp. Res. B-30

A resolution expressing support for Ohio House Bill 123 which will close an existing loophole and cap the annual interest rate for payday loan lenders, and urging the Ohio Legislature and Governor Kasich to support the same, and declaring an emergency.

Mr. Pallotta introduced Mr. Jeff Wilhite, a Summit County councilman and Director of Family Promise of Akron. He keeps families from becoming homeless and helps homeless families get back on their feet. He's been working with Council on this resolution for a few years.

Mr. Wilhite thanked Mayor Walters and the members of Council for the opportunity to be there and share how important this resolution is to a lot of families in the community. About 80 percent of the families that come to Family Promise have situational homelessness. Oftentimes, what happens to these families is they find themselves in a position of trying to make ends meet, just like everyone does with their families in their daily lives. Unfortunately, what will happen is they'll be in a situation where the payday lender is an immediate fix for something that's a pressing issue for their family. It could be housing, food, a medical issue; what have you. They would go conventional routes if they could, but it's a family emergency or a dire straight that makes them go for these payday loans. These loans excessive in their interest rate. Family Promise had a young lady who was in the program who had an automobile. She used that as collateral in a payday loan scenario. Although they were excessive, she made the payments on time. That vehicle was not only their home, but it was also an asset to help her get through life with her two children. The situation became very dire for her. An issue happened at work. The loan payment had to be made by 5:00 that night. She missed that, but, the next morning, as soon as they opened, she was there to pay that loan. That wasn't good enough. The loan went back to square one. She went from a 300-plus-percent interest rate up to 500-plus-percent interest rate and had to start the process all over again. She came to their case manager in tears because they were going to

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repossess the car. Mr. Wilhite stated that he will freely admit they hid the car so she didn't lose that opportunity to continue to go to work to earn the money to pay the loan and do everything right. They were able to not only get them to allow her to keep her vehicle, but they also let her out of her loan, because she had one more payment to make, which was the one that she was late on by less than 12 hours. That is one person out of tens of thousands across the state that fall into that situation. Homelessness is not the wino under the bridge. It is the person standing next to others in the grocery line or at the gas station. They fall into a situation where they need a little bit of extra assistance. That's where programs like Family Promise come into play. Mr. Wilhite stated that he wanted to commend this Council and this Administration and, certainly, Mr. Pallotta for his leadership in the payday loan initiative. This is the first time in the history of this issue in the state there has been a strong partisan opportunity with this bill in Columbus. It's not a Republican issue. It's not a Democrat issue. It's not an Independent issue. It's a family issue. Cuyahoga Falls City Council is doing a wonderful thing by supporting this piece of legislation tonight.

Mr. Pallotta stated that Mr. Wilhite initiated sponsoring this same resolution to Summit County Council, and it passed unanimously. Tonight, Councilman Russell Neal is passing the same resolution at Akron City Council. They will be well represented in Summit County if they are able to pass this next week. One out of every 10 adults in Ohio is in this payday lending trap, either with auto title lending or in a cycle of payday lenders. If they get into payday lenders, it's usually eight cycles before they can wash out of there. They put up their check as collateral, and then they find they need diapers and formula for their children and they get behind and sign up for their next paycheck. It is a vicious cycle. There's one Pew Research Center analyst that recently told the Columbus Dispatch that the Koehler-Ashford Legislation with the State of Ohio is an estimated \$75 million. That is \$75 million that the payday lenders aren't going to get. That \$75 million can be pumped back in the economy either in goods or services. Mr. Pallotta stated that he would like to applaud Representatives Ashford and Koehler for sponsoring this bill, and he is going to throw his support behind them against the assault and the usury that's prevailing in Ohio. Ohio is the number one state in the union for payday lending. In 2010, Mrs. Klinger initiated zoning restrictions on payday lenders. She was one of the first in Ohio to do so. Only five payday lenders are allowed in Cuyahoga Falls. It is the foresight of the City to look ahead to see what it can do for residents and jump out in front of this.

Mr. Iona stated that he is very impressed with the legislation Mr. Pallotta put together and he hopes it will pass unanimously. It is something that's been needed for a long time. Mrs. Pyke stated that she would like to echo what Mr. Iona just said and thank Mr. Pallotta for the passion he has for this. It is an issue that needs to be brought before everyone to let them know how critical this is and that this legislation needs to pass. Mr. Pallotta stated that, back in 2014, Council passed a resolution to the governor and to the attorney general to do just what they're trying to do today, bring out consumer legislation and close the loopholes. In July, the Ohio Supreme Court gave a win to the payday lenders in a similar case. They must get behind this with a bigger voice.

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Ms. Nichols-Rhodes stated that she, too, wants to commend Mr. Pallotta. She attended some of those meetings a few years ago. The thing is that people don't know that this affects a lot of people; not just the homeless. She asked Mr. Pallotta to explain what these interest rates are, because there was a law passed a few years ago to stop it, but the payday lenders found ways around it and went under mortgage lending so they could exceed the cap that was put on them. Mr. Pallotta stated that these interest rates run anywhere from 300 percent to 600 percent. He took the title to his truck to a Loan Max and told them he needed \$1,000. They told him there are 50-percent loan fees. The interest rate was 300 percent and the loan had to be paid off in 60 days. That's what people are running into. They go there. They're desperate. This is real life for some people. These lending companies use the small mortgage act. This legislation is going to close some of those loopholes, but, unfortunately, not all the loopholes. There is some concern from different entities in the country and Ohio about just that. Policy Matters Ohio had some concerns that it's only going to bring the interest rates down. Mr. Pallotta stated that he is not sure how all that is going to pan out, but it's better than what they have now and is a step in the right direction.

Mr. James moved to bring out Temp. Res. B-30 with a favorable recommendation, second by Mr. Miller. Motion passed (3-0).

Temp. Ord. B-31

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

Mr. Miller moved to substitute Temp. Ord. B-31 with Temp. Ord. B-31 (Sub. Dated 4-17-17); second by Mr. James. Motion Passed (3-0).

Temp. Ord. B-31 (Sub. Dated 4-17-17)

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

Police Chief Davis stated that they ended up with eight items that came out of the Traffic Control Committee. They want to prohibit parking on the odd side of Viewpoint Avenue. It's a narrow street. This will allow better traffic flow while allowing for parking for the residents. They want to prohibit parking on the north side of Tudor Street, from 1933 to 1941 Tudor Street. They want to remove the "No Turn on Red" sign on Broad Boulevard at Newberry Street to help alleviate some of the traffic problems with the Schwebel plant being gone and it not being necessary. The changes to Hidden Lakes Development is to clean up the signs that exist but are not currently in the Traffic Control File. They need to change Hidden Hollow Court from Hidden Valley Court, a name that's currently in the traffic file. They need to put a stop sign at Hidden Hollow Court at Hidden Lakes Drive; a two-way stop intersection at Lake Forest Drive at Hidden Lakes Lane; a stop sign at Lake Forest Drive at Little Brook Drive; a stop sign on Lake Forest Drive at Lakeview Drive; a three-way stop intersection and stop sign at Hidden Lakes Lane and Lake View Drive; a stop sign at the farthest east end of Lake View Drive at Hidden Lakes Lane; a stop sign at Parkview Court at Hidden Hollow Court; a stop sign at Hidden Lakes Lane at State Road and put a

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25-mile-per-hour speed limit sign posted on State Road at Hidden Lakes Lane for the entire Hidden Lakes Development. Those signs are already there; this ordinance just put them in the file. Number 5 is no parking on French Mill Run except for those areas designated as authorized parking. They do have cutouts inside the development for parking. Boulder Estates, the signs are there but not in the official file yet: A stop sign on Boulder Boulevard at State Road; a stop sign on the east end of Quartz Avenue at Boulder Boulevard; a stop sign at the west end of Quartz Avenue at Boulder Boulevard; a stop sign at the east end of Granite Drive at Boulder Boulevard, a stop sign on Shale Street at Quartz Avenue; a stop sign on Shale Street at Boulder Boulevard. Number 7 is to prohibit parking in the even side eastbound on Roosevelt Avenue within 100 feet of Oakwood Drive. That is the area across from Harrington Field where Parks and Rec has fenced in that area that creates a sight problem with the parking. Number 8 is to prevent parking on Hunter Parkway from East Bath Road to 3350 Hunter Parkway. That came from the residents of the area and that will make all of Hunter Parkway no parking.

Mr. Pallotta stated that the two reasons they substituted this ordinance was Line 7, prohibit parking on either side of Shale Street. It's only 20 feet wide. They tabled that, so it was omitted. Number 9 was to prohibit parking on the east side of Hunter Parkway, from East Bath Road to the intersection of Prescott Circle. That was tabled that, too. Mrs. Pyke asked if anyone was ticketed on Number 4 and Number 6 prior to those being brought to the Traffic Committee. Chief Davis stated that he didn't know. Mrs. Pyke asked if someone is ticketed before it's in the traffic control file, will that ticket hold. Mr. Russell Balthis, Law Director, stated that if someone were to raise that issue, one of the things the City would need to prove is that it is in the traffic control file. If they don't raise it or they would plead to it, then it would go forward, but they try to make sure the traffic control file does match. Mrs. Pyke asked they can prevent these signs going up without coming to the first available Traffic Control Committee. Chief Davis stated that his understanding is when they do the engineering study, these signs are part of the plan. Sometimes, they're just done as the development is built. It's in coordination with the Street Department and the Traffic Control File. It's their place to make sure that they put them on the first available meeting. Mrs. Pyke stated that Number 3, "No Right Turn on Red" eastbound on Broad Boulevard, not only affects residents on the east side; it effects anybody who's going eastbound on Broad Boulevard. She wants to thank the Administration and the Traffic Committee for bringing this out, because this has been a thorn in everyone's side when those trucks were at Schwebel's. Now that they're gone, this will be a real asset to those that want to go through this intersection faster.

Mr. Michael Horning, 3335 Hunter Parkway, stated that one of the issues was banning parking on both sides of the Hunter Parkway. It was said it was brought up by the residents of the area. Apparently, none of the residents that brought it up live where he lives on Hunter Parkway. If that was instituted, they would have no place to park but their driveways. There aren't any side streets. They can go down to the condos, but the condos are certainly not going to let them park in there. Bath Road is the other street and they can't park there. If they entertain anybody at their homes and want more than three parking spaces, they don't have them. They've had parking on the street 11 years. It all stems from the Hunter Parkway project. There are going to be six more driveways there, and they're starting to worry about parking on the street. They haven't had the problem yet.

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His thought would be to wait to see how it shakes out. He certainly doesn't want to ban parking on both sides of the street. They have got to have some extra parking. They have no recourse. He built his house knowing he could park on the street because there are no other options there and he is looking for some sort of relief.

Mr. Michael Serdinak, 3330 Hunter Parkway, stated that the point of contention in this is they've got to give people something for allowing the six units on a smaller-than-an-acre lot. He built his house, himself, nine years ago, and wouldn't have built that house there if there was no off-street parking. He and Mr. Horning don't abuse the situation. He might have 30 people over for Christmas Eve and it's just for two or three hours. If they take his parking away, he wants somebody to explain to him how he is going to be able to sell his house with no on-street parking. Just slow it down and just wait until the units are filled, rented, sold, whatever, and then, if he is wrong, they can come back and address it. From the stop sign, 30 feet back, they're not allowed to park. He doesn't think it's right to put "No Parking" signs in front of the condos. No one is going to buy the condos or rent them if there is no parking in the front of them. They have two-car garages and they can get two people in the front, but, again if they entertain, they're not going to be able to do that. There is no reason for having Hunter Parkway no parking in front of his house. Just put 50 feet from the stop sign, because the elderly people turn that corner and it is a hazard if there's somebody there and one car doesn't know if the other car should go and it gets confusing.

Mrs. Pyke asked how many feet past the intersection is 3350 Hunter Parkway. Mr. Tony Demasi, City Engineer, stated that it was several hundred. It's at the corner of Hunter Parkway and the first street in the development. Mrs. Pyke asked if any residents petitioned to do this. Mr. Demasi stated that if there were, he was not aware. Mr. Brillhart stated that maybe what they should do is pull it for another month and see if they need to go from where the new six-unit starts to the stop sign and have no parking there. This whole situation has been very difficult, because there wasn't anybody who wanted the six-unit condos. One of the ideas that was brought up was the no parking. What he fears is if they allow parking in front of these gentlemen's homes, that that's where everybody is going to park, because that will be the only place to park, and there will always be a car parked there. The other thing is if they put no parking there, that would eliminate any construction parking there. Mr. Iona stated that he thinks Mr. Brillhart is in a lose-lose situation. There are people that want no parking that have petitioned Mr. Brillhart and included him in the e-mail, because he was on the Planning Commission for the six-unit condos. People are worried about what's going to happen. Mr. Iona stated that he agrees with Mr. Brillhart that they should pull this and give it a little bit of time. If it becomes an issue, then they could go back to the Traffic Committee and Mr. Brillhart can handle it then. Not having any place to park is going to put an undue hardship on some residents.

Mr. Brillhart suggested that they ban the parking while the condos under construction and then add parking back and made a change there. What he fears is if they don't ban the parking, all the construction trucks are going to park there as they're hooking up utilities, phones, whatnot, and it's going to be a mess. Mr. Colavecchio stated that he also has to drive through there. Right now,

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it's bad because there could be four or five trucks lined up right up to the intersection. They had cones there today, but they have no one directing traffic. If someone is pulling off Bath Road onto Hunter Parkway, and there is someone coming up Hunter Parkway from the other direction, they've got to pass four or five huge construction trucks that are there. That company should be required to have someone direct traffic, because there could be a head-on accident that way or you're going to have two people meeting each other at these trucks and someone has got to back up, which is dangerous. He understands that this is a lose-lose, no-win situation, but he doesn't think the month suggestion a good idea. Maybe they should wait however long it takes until these units are put in and someone is living there to see if there's a problem. If something must be done, they need to fine tune it to protect these two residents that have been there all these years.

Mr. Pallotta asked how long the construction will be going on. Mr. Demasi stated that a typical home takes about three months, so it will be there all summer. Mrs. Klinger stated that it sounds like the construction vehicles are parking right up where they're not supposed to be parking legally already. Mr. Demasi stated that there is currently legal parking on Hunter Parkway within 30 feet of the stop sign. Mrs. Klinger stated that, according to Mr. Colavecchio, it sounds like the construction vehicles are parking right up to the intersection. Mr. Colavecchio stated that they are not parked up to the intersection, but they are parking five trucks in a row, making it dangerous for cars to get past them. Mr. Brillhart stated that he has spoken to the builder and the police chief about the possibility of someone directing traffic at the builder's expense, but that has not happened at this time. Mr. Pallotta asked if they could put a parking ban on until the construction is over and then come back to this. Police Chief Davis stated that there is a section in the law that allows people to work on their home and allows for construction vehicles. He doesn't know if they can legally not allow construction trucks on the road while they're building houses. If it is a hazard, there is an ordinance in place where they can require the construction people to have a flagger, so that may be a solution for the four-month period.

Mrs. Pyke asked what would it take to put up a temporary "No Parking" sign on the opposite side of the street from the six-unit building during the time of the construction, so it still allows for construction vehicles, but it at least stops the vehicles on the other side of the street so that traffic can come and go. Mr. Russell Balthis, Law Director, stated that he would have to look at the code. There are sections in the law that do allow temporary construction vehicles to be present at places, so he would want to make sure he checks that ordinance to make sure that it would be effective. In terms of temporary parking, there are sections that give the Service Director certain authority to temporarily restrict parking for several reasons. He would want to review that before he could specifically say it would work in this situation. Mrs. Pyke stated that she would suggest removing Item Number 8, Lines 58 and 59 and renumbering it until they hear back from Mr. Balthis and they have a chance to talk to Mr. Demasi and Chief Davis and Mr. Brillhart as to the options that are available to this Council so that it fits the needs of the residents. Mrs. Klinger stated that she wants to make sure that whatever solution they come up with that they are also addressing that the general contractor has someone on site to handle the traffic flow for the safety of the residents in the area.

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Mr. Pallotta stated that he is going to ask to bring this out and omit Number 8 for now and substitute that next week. Mr. Balthis stated that they have a couple of options. Council could make a motion to remove Item 8, and then bring it out without Item 8. He stated that he could have a new substitute draft available to Council next week. In the alternative, Council could make the corrections on the blue back.

Mr. James moved to amend Temp. Ord. B-31 (Sub. Dated 4-17-17), second by Mr. Miller. Motion passed (3-0).

Mr. James moved to bring out Temp. Ord. B-31 (Amended Dated 4-17-17) with a favorable recommendation, second by Mr. Miller. Motion passed (3-0).

Temp. Ord. B-32

An ordinance amending Section 933.123 of Title Five, Part Nine of the Codified Ordinances, relating to aggregation of demand response of retail electric customers of the City's Electric Department, authorizing the Director of Public Service to approve or disapprove customer requests to enroll with a third-party curtailment service provider and/or PJM Interconnection, LLC ("PJM") for PJM's Capacity Only Option demand response program, and declaring an emergency.

Mr. Pallotta stated that he wanted to point out that this ordinance mainly pertains to certain high users of the City electric utilities, GoJo and SGS Tool. Mr. Michael Dougherty, Electric Superintendent, stated that, in 2014, City Council passed an ordinance that had to do with allowing customers to join a demand response program that the City and AMP and a third-party curtailment company, that's now named C-Power, offered. According to the Federal Energy Regulatory Commission, they need to have the rate-setting body or City Council allow customers of utilities that have under 4 million megawatt hours to join a demand response program with the residential regulatory body, which, in this area, is PJM. If someone wants to join a demand response organization other than the one authorized in 2014, then it would have to be authorized by Council. This ordinance allows the Service Director to make the decision on somebody joining a program other than the City's. Mr. Pallotta stated that this would make it easier for them to come into the service without them having to keep coming back. Mr. Dougherty stated that was correct. There are multiple companies that want to do it. It must be a company that is large enough to be able to curtail enough power to be eligible for the program. The program is such that the Regional Transmission Organization may forecast power usage later in the day at a level down here, whereas generation is down there. If you allow that to happen, then the grid is going to crash because the frequency is going to drop. The Demand Response Program is a program designed to sign up willing customers to reduce their load by a contracted amount so that they could bring it down to here and have enough generation to meet the load. They may have customers that want to aggregate all their plants in a company's program, because various companies will bid in a demand response market and take a position and then they must go out to find customers to fill their portfolio with PJM. Instead of a coming here every time, this allows the Service Director to make that call. It is basically passing City Council's authority onto the Service Director so they don't have to do legislation every single time.

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Mrs. Pyke asked if this is going outside of AMP Ohio only during their peak hours. Mr. Dougherty stated that it is usually a peak or close to a peak on a system when this kind of thing is happening. It's not really for purchase of power. It's a program where the company agrees to reduce load in exchange for payment. Those payments are based upon whatever the market cleared for that program year, which runs from June to May. They only get paid if they perform according to what they contracted. Mrs. Pyke asked if they would still be AMP Ohio customers. Mr. Dougherty stated they would. Mrs. Pyke asked if the advantage to companies is, by shaving their usage during the peaks, they're getting a return in money. Mr. Dougherty stated that was correct. For example, if they wanted to shave 850 kilowatts of load at the request of PJM, which would go through the third-party curtailment provider, they would let the third-party curtailment provider know, and then they would let the people know that they contracted that they need to shed load. A special meter would be put in a place to show that they shed the load. If you want to shed 850 kilowatts at request when the system needs it, they're going to get about 60-some thousand dollars in this program for the third-party curtailment service provider. The company that would contract with somebody would get about 30 percent of that. Mrs. Pyke asked where that money would come from. Mr. Dougherty stated that it's a market through PJM. Cities like Cuyahoga Falls pay capacity charges, so money gets paid into PJM, and then they pay that out to the people that agree to curtail. Mrs. Pyke asked how much money the City pays PJM. Mr. Dougherty stated that, regardless of this program, the City pays for capacity every month on their monthly bill to AMP, and AMP pays it to PJM. It is an incentive payment. It's going to reduce load on the City's system, which would help financially, because if it is at a peak, they are on hourly pricing. The hourly pricing, a lot of the times, will go up in that situation. Mrs. Pyke asked if there were only two companies in the city that will qualify for this. Mr. Dougherty stated that there are approximately 100 companies in the city, but they must be big enough to be able to shed 100 kilowatts or more.

Mr. James moved to bring out Temp. Ord. B-32 with a favorable recommendation, second by Mr. Miller. Motion passed (3-0).

Mr. Rubino stated the he wanted to make sure that everyone understands there's going to be a certain process regarding Temp. Ord. B-31 (Amended Dated 4-17-17). Council looked at substituting it tonight, which was done. He stated that he thinks it was good that Line 8 was taken out. He asked if, in terms of the process going forward, this should go back to the Traffic Committee before it comes before Council again, so that it just doesn't show up on another piece of legislation without going to the Traffic Committee. Mr. Pallotta stated that it need to be discussed further at Traffic Committee.

The meeting adjourned at 7:38 p.m.