

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

April 18, 2016

Members: Vic Pallotta, Chair
Adam Miller
Jerry James

Mr. Pallotta called the meeting to order at 6:43 p.m. All members were present.

The minutes from the April 4, 2016 Committee meeting were approved as written.

Legislation Discussed:

Temp. Res. A-31

Temp. Ord. A-32

Temp. Res. A-33

Discussion

Temp. Res. A-31

A resolution to support and participate in the Ohio Environmental Protection Agency's efforts to remove the Gorge Dam along the Cuyahoga River, and declaring an emergency.

Bill Zawiski, of the Twinsburg EPA office, stated they have been working on an upstream-to-downstream method to try to remove the structures in the Cuyahoga River for improving its water quality. Several years ago, funding was secured from the US EPA to do sediment quantity and quality at the Gorge dam. Last year, an economic study was funded to come up with the costs. All these steps were leading up to working with the US EPA, who would ultimately be the major funding partner. US EPA has not approved the project; however, they have said we are ready to step into an agreement to ask them for funding. Mr. Zawiski stated that they are requesting that Council pass a resolution supporting their efforts to go forward. It will be part of the package that will be presented to the US EPA when they are formally asked to consider this project. It is felt to be a very strong project and would expose the true falls of Cuyahoga Falls.

Mr. Pallotta stated it was his understanding that this is a \$70 million project, and that 65 percent of that comes from Great Lakes funding and 35 percent from Federal-type funding. Mr. Zawiski stated that was correct. At the Federal level, there's a large pot of money that's part of the Great Lakes Fund that is designated for Great Lakes improvement projects. Thirty-five percent of that has to be what they call a local match. It can be cash or in kind. At this time, they are working with the City of Akron, where the local match would actually be the ultimate placement of the sediment. There is a charge allowed for what would be called a tipping fee. There are 830,000 plus cubic yards of material at about \$27 a cubic yard, or ton. That would go a long way in meeting the match.

Mr. Pallotta stated he understood that if all goes as planned, this project would be started in about four years. Mr. Zawiski stated there are several steps to go through in getting commitment from the US EPA and this is the first one. There then has to be a commitment from the local partner, the sponsor. Once that is successful, it has to fit into the US EPA's funding schedule. Realistically, at

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the earliest, that is probably 2020. It is all dependent on projects. This is a big project. They have funded larger ones. They will break them up, so that they can stagger over the years and have more projects. It really is a matter of how they feel this project would fit into their schedule should we be successful in getting their approval.

Mrs. Pyke inquired as to who owns the dam. Mr. Zawiski stated that, right now, it is irrelevant in moving forward. At some point, there will need to be a person to sign a property access agreement. Those details will be dealt with in the future, but are not something to be worried about right now. Mrs. Pyke asked if, at the point where everything has to be submitted to the US EPA, ownership of the dam will have to be known. Mr. Zawiski stated they will have to secure the ability to complete the project. If it is an abandoned structure, then the State or the City or the County could take ownership. In order to allow the project to move forward, the US EPA is going to want to make sure all these things are ironed out, so it is a point that will have to be addressed. Mrs. Pyke stated she was excited by the project and is looking forward to seeing it completed.

Mr. Iona inquired as to what part of Cuyahoga Falls the sediment was going to be placed once it is removed. Mr. Zawiski stated that they are looking at hydraulically dredging the sediment. That would entail a boat and a barge and running a line down the Cuyahoga River. The ultimate placement would be at the Cascade Park area, at the hillside located near the Signal Tree. There is an old landfill of about 11 acres there. The sediment would be hydraulically dredged down and put in sediment tubes. The sediment stacks up in the tubes and becomes dewatered; then it would be permanently left there. The area where the sediment is placed would be re-contoured. There would probably have to be an access road where the material would be. Mr. Demasi stated that the Cascade Valley Park is actually in the City of Akron; not in Cuyahoga Falls.

Mr. Pallotta asked if the EPA is interested in the runoff from those tubes. Mr. Zawiski stated that they not allowing that sediment to flush down into the park. It has to be managed in an ecologically-sound way. The best and easiest way is to get it as close as you can as cheaply as you can. Because of its historic landfill nature, the area at Cascade Park allows that placement opportunity. That is only with the cooperation of the City of Akron. Mr. Pallotta asked if there may be some ecological problems with the water that is discharged from the sediment tubes. Mr. Zawiski stated there will be millions of gallons discharged as a result of this dewatering. That water will go one of two places: Through a discharge permit, back into the Cuyahoga River, where, just like any other discharge, it would be ensured that the things coming out in that water are protective of water quality, or it could go to the City of Akron Waste Water Treatment Plant. In that instance, they are going to make sure that their plant is protected at their discharge point. When a study was performed to come up with cost estimates, a model of what kind permits would be needed when doing waste load allocation was done because all the material released has to be protective of water quality.

Mr. Iula inquired as to what year the dam was built and the cost at that time to build it. Mr. Zawiski stated the building of the dam was started in 1913 and completed in 1916. The cost to build it is unknown. It was originally a hollow structure and was filled in solid with concrete in the 1980's, altering the nature of the structure. Being that it is a big structure, spending \$1 million to \$2 million at that time would not have been unheard of. It was designed originally as a hydroelectric plant, so,

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in addition to just being a wall, they had all the penstocks and all the different piping. That probably would have upped the cost a little bit. If it were to be built today, it would have had to go through an environmental impact review. The way projects are evaluated today, it would have been a tougher challenge getting it built today than it would have in 1913.

Mr. Miller moved to bring out Temp. Res. A-31 with a favorable recommendation, second by Mr. James. Motion passed (3-0).

Temp. Ord. A-32

An ordinance amending Section 111.01 of the Codified Ordinances, relating to the Rules of City Council, and declaring an emergency.

Mr. Pallotta stated that Council has before it tonight a piece of legislation that he is pleased to say is co-sponsored by all members of Council. Temporary Ordinance A-32 will ensure that Council is following the Ohio Sunshine Law Chapter 2, Section A, Part 2 method of voting. While differences of opinion on this issue existed in previous meetings, he is pleased there is legislation presented tonight that allows for healthy conversation that will bring Council members together to change Council rules. He stated he would be remiss if he did not recognize Mr. Rubino for initiating this legislation. Mr. Rubino thanked Mr. Pallotta.

Mr. Pallotta asked Mr. Balthis for his thoughts on this legislation. Mr. Balthis stated that Councilman Rubino had contacted him and asked him to draft an ordinance that would clarify a couple issues. They looked at the council rules of other cities to make sure that it matched best practices. It is a minor change, on Lines 84 through 87, that clarifies the voting process.

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

Temp. Res. A-33

A resolution supporting the Administration's application to the United States Department of Transportation for the 2016 TIGER discretionary grant program, and declaring an emergency.

Mayor Walters stated the reason for the resolution is the Administration would like to submit an application for the TIGER Grant, which stands for Transportation Investment Generating Economic Recovery. That is in the Federal DOT. It does pertain to the Front Street work that is being proposed. For the past several months, the Administration has been diligently working on the planning phase of the future opening of the Front Street pedestrian mall. Community meetings have been held. Housing and retail market studies have been performed. There has been a commitment to seeking all kinds of financial sources, such as grant dollars and private and public partnership monies. Given that the Administration is aggressively pursuing financing opportunities, they are preparing a TIGER Grant submission, which is due at the end of the month. This is an incredibly competitive process. To put it in perspective, this is the same grant that help transform downtown Kent. Mayor Walters stated that, last week, he, along with Mr. Guerra and Mr. Balthis, traveled to Washington, D.C., where they personally spoke with Senator Sherrod Brown and Congressman Tim Ryan, and were at Congressman David Joyce's office. Also, at a meeting this morning, Mayor Walters spoke with Senator Portman

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regarding Front Street. They also met with the Department of Transportation officials directly. The project was well received. Mayor Walters stated this is an opportunity to put the City's best foot forward in potentially securing alternative funding. He stated that opening the pedestrian mall is a catalyst for restoring economic vibrancy in downtown and asked for Council's support of the Administration as they move forward with this exciting project.

Mr. Guerra stated that he would like to spend a little bit of time giving Council an overview of the grant program and then talk about the application that is being prepared. There is \$500 million available this round of the TIGER Grant. It's a merit-based grant application. The strong focus is on transformative projects and creating ladders of opportunity. The grant requires a 20-percent minimum match, but, because this is such a competitive project, it has been advised that 20 percent is just the beginning. The minimum grant is \$5 million. The last TIGER Grant rounds were \$10 million. Since its inception, there have been seven rounds. Six percent of the applications in these seven rounds have been awarded. In the past rounds, there were 6,727 applications. They awarded 381. Most awards have been partial funding. In 2015, the last round, they had 627 applications. At least that amount is expected this round. This could be the last round of TIGER. It started with the recovery program in 2008. The deadline is April 29th, 2016.

Mr. Guerra stated that projects that compete well in this program demonstrate strength in selection criteria. They have both primary and secondary selection criteria that have to be met. The City is in the process of doing that now. One of the criteria is that it be a project that is difficult to fund elsewhere. These projects are projects like a pedestrian mall, where it is hard to find funding elsewhere because there is no traffic on the street now and it is a different type of transportation system. This grant does a lot of projects that ordinarily wouldn't get funded by DOT or State Highway organizations. They look for strong partnerships and a strong match. They look for projects that have a timeline for success that they can see happening fairly quickly. They want applicants to present a clear story and a project impact. A cost-benefit analysis of the funds that are spent on this project and what the benefits would be will have to be done. They are looking for highly-competitive projects. That means they're looking for multimodal: Vehicles, pedestrians, bikes, public transportation.

Mr. Guerra stated applicants need to demonstrate transformative projects with benefits across the selection criteria. They want to do something that transforms an area. It is felt that the City has a fairly competitive project, because it is transforming with infrastructure and transportation improvements. It will make a big difference in the economic viability of the downtown. Applicants must demonstrate ladders of opportunity for disadvantaged groups. Those ladders of opportunity are to connect neighborhoods, areas of the city and the region to the area that is being improved. They want to create jobs for local residents. They want to revitalize something. They don't want to spend the money on a new greenfield involvement. So, again, the plan being submitted is connecting neighborhoods, community and the region to our downtown. Jobs are being created with this project. Older areas within the city are being revitalized. They want new partnerships. The Administration has been working with different regional organizations and private developers on partnering with us on this application. They are looking for public-private partnerships and nontraditional and hard-to-fund projects. Mr. Guerra stated that, in looking at those major elements, it is believed this is a strong project, but when there are between 600 and 1,000 applications submitted and billions of dollars requested and only \$500 million, you have to stand out in a crowd. That is why the Administration decided it was important to visit the DOT in person to show them how interested we are in these funds.

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Mr. Guerra stated that because certain criteria have to be met for this grant, the MKSK circulation plan has been expanded. This includes reopening of the pedestrian mall. It includes the conversion of one-way streets to two-way streets. Those streets are north Second Street, from Oakwood Drive to Northland Street, and north Front Street across State Route 8 and Oakwood Drive. The plan includes the addition of bike lanes and on-street parking on Second Street through downtown and north of Oakwood Drive, the addition of on-street parking on the north side of Portage Trail, the removal of continuous right-turn movements from Broad Boulevard to Second Street and on Second Street to Oakwood Drive, construction of dedicated bike lanes and new sidewalks on south Front Street, rerouting of bus service to the downtown area with more convenient transit stops within the project area. Right now, the bus service goes around the downtown. There are three routes. Those three routes would come closer to the downtown improvements. The plan includes improving pedestrian bike and transit connections through the State 8 highway corridor. Economical choices are being considered on accomplishing those connections in a smart way versus building a pedestrian bridge, which was discussed at one point.

Mr. Guerra stated this plan improves the quality of life in Cuyahoga Falls. It improves neighborhood connectivity and economic competitiveness. It will create new housing opportunities. It will help us reuse brownfields and it will improve livability by historic preservation, diversity in activities in this area, create a sense of place, and, also, improve the arts and culture and recreation in the downtown. Mr. Guerra stated that the handout that was provided to Council contains a map illustrating elements of the project. It shows the circulation plan, the one-way elements, conversions, and the downtown pedestrian mall changes. The existing bus route changes are indicated by the black lines, moving those bus routes closer to the downtown. There will be two access points to the downtown created in a cost-effective way. The east side will be on Portage Trail and then on Broad Boulevard. It is believed that Portage Trail is the better entrance, because Broad Boulevard has a lot going on in that area, but the access on Broad Boulevard will be improved. They are looking into actually adding a multi-purpose lane on the north side of the bridge where there is no interruption of interchange entrances and exits. Moving south on south Front Street, there will be improvements made to pedestrian sidewalks and the addition of a bike lane.

Mr. Guerra stated that in order to make this plan successful, there has to be partners. The public partners on this project are Akron Metro RTA, working with them to bring bus service closer to downtown and adding better bus stop areas within downtown; Ohio & Erie Coalition, on east-west access and tying into other areas with bike lanes and tying into regional trails; Summit Metro Parks perhaps finishing improvements for the trailhead and doing some improvements south of the trailhead once bike lanes are installed, and NEFCO on additional Phase I and Phase II environmental studies, mostly on south Front Street. The private partners are developers. They have stated in the past that if infrastructure improvements are made, they will develop property downtown. The Testa Companies, Commonwealth Properties, River Falls Development, Karam Companies, Coming Attractions LLC and the Cuyahoga Falls Community Improvement Corporation will be our private partners. Most of these private partners will be putting in money and will submit letters stating they will make private financial investment downtown if this project goes forward.

Mr. Guerra stated the project budget may contain a two-to-five percent change up or down, but, basically, the numbers are pretty good on the circulation plan elements. After speaking with representatives from Congress and others, it was advised that in order to have a competitive project,

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there needs to be between a 30 and 40-percent match. The City will apply to the DOT for about \$8 million, which is 60 percent of the project, and match it with about \$5.4 million. It was indicated in the circulation plan that the cost to complete the plan would be between \$12 and \$13 million. With this grant, the cost to the City would be \$5.4 million. Everything in the circulation plan would be completed, with the addition of the south Front Street improvements, connectivity to the east side and some public transportation improvements. Mr. Guerra stated what's really important is how the grant stimulates private development. In looking at private development of all the projects on south Front Street, Schwebel's and downtown, there are about \$108 million worth of private investments that could happen because of this project. That would be 89 percent of the project, with the DOT at about \$8 million and the City at about \$5.4 million. It is believed this percentage makes this grant project competitive.

Mr. Guerra stated that it is an opportune time to do this. In the past 15 years, the retail marketplace has continued to evolve. Enclosed malls are no longer the preferred retail environment. In fact, no enclosed malls have been built since 2006. In most cases, people want a genuine experience. Places like Crocker Park and Legacy Village are trying to recreate what already exists in our downtown. The time is right to capture a market that's not being realized elsewhere in our primary and secondary market area. In looking at the market analysis, it was found that in the primary trade area, there will be a demand generated to support a variety of retailers. There will be at least 215,000 square feet of new retail and restaurants that could equate to between 95 and 115 new businesses. This potential will continue to increase over the next five years. It is sustained by annual population growth of .02 percent and household income growth of 2.46 percent. The primary trade area is the consumer market where the downtown area has a significant competitive advantage because of access, design, lack of quality competition and traffic and commute patterns. This competitive advantage equates to a potential windfall in the capture of consumer expenditures at retailers in the study area. Mr. Guerra stated that the TIGER Grant may not be available in the future, and asked for Council's support of this application.

Mr. Pallotta asked what the odds were of receiving the TIGER Grant. Mr. Guerra stated there were 627 applications in the last round of grants and only 381 awards. It is a very competitive project and less than 10 percent of applicants get funded. Some of the competition will be larger cities with larger projects. It was decided that a practical approach would be taken with a maximum match that would be comfortable and getting private support and private redevelopment. He stated that the City has the foundation for a really good project and has as much of a chance as anybody else.

Mrs. Pyke asked if the sidewalks and bike lane on south Front Street would mimic the Gorge Terrace plan and whether it is the intent to extend the bike lane all the way to the corporation line. Mr. Guerra stated it would be taken to the trailhead. EMH&T is looking at the right-of-way and the best way to do it. That is why those costs are a little bit fluid for Front Street, but, because the sidewalks and infrastructure is old, the opportunity was presented to put that into the project and perhaps pick up some extra points in connectivity. That is why the City is working with Metro Parks as an open space partner in this project. Mrs. Pyke asked if the school system would be a public partner. Mr. Guerra stated that they are using partners that provide elements of the application for transportation. The Ohio & Erie Canalway is trails and bike lanes. Metro Parks is open space and trails and bike lanes. Metro RTA is public transportation. Those partners equate to what they're looking for in the application.

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There can be other partners. There will be between 30 and 40 support letters. The school system will probably be asked to submit a letter. Mrs. Pyke asked if the handout provided could be posted on the City's website. Mr. Guerra said he would do that.

Mr. Iona stated they've done an excellent job. A lot of people are equating what is being proposed with Front Street with money that could be used to fix roads, stop flooding, et cetera. He stated that what he really likes about this project is 60 percent of it isn't the City's money, but a grant. If the City is awarded this grant, it may be a saleable thing to the residents of Cuyahoga Falls. Mr. Guerra said that is the hope. In order to be competitive, it has to be at that 40 percent. Mr. Iona said that is over half the costs and a decent amount.

Mrs. Klinger asked what the timing of the project would be if the grant was awarded. Mr. Guerra stated that one of the good things about this round is that they want to make an announcement this summer. They want projects that can be started quickly and completed in a timely fashion, and that fits into the City's timing. If the grant is awarded, the City will have until 2019 to enter into an agreement. In both meetings with the DOT, it was stated that the goal is to start construction next summer. That is the reason work has been done on getting potential retailers downtown. That gives the City a year to finish any engineering and to complete the other environmental work that has to be done. It is believed that if the grant is awarded to the City, an agreement can be entered sometime in the first half of 2017 and construction can potentially be started next summer.

Mrs. Klinger asked if the grant is awarded, is it anticipated that the City will be bonding out their cost of the project, the \$5 million or \$6 million. Mr. Guerra stated yes. Mr. Fitzsimmons stated that, as with any large project, it is necessary to enter into some debt. Mrs. Klinger asked if the City has to identify how their portion is being funded as part of the application process. Mr. Guerra stated that it will have to be stated that it will be bonded, and Mayor Walters will state that in a letter.

Ms. Nichols-Rhodes stated she applauds everyone for the excellent job that has been done as far as detail and having the community be part of the larger community. It is going to benefit everyone. This will make the City of Cuyahoga Falls more attractive to people as a place to live, create more jobs for people to work here, raise revenue and make things better for everyone.

Mr. Miller moved to bring out Temp. Res. A-33 with a favorable recommendation, second by Mr. James. Motion passed (3-0).

Ms. Nichols-Rhodes stated that, at the next committee meeting, Getta Cornici and Samantha Coldwell will be present to give Council a better idea of what to expect from Better Block. Better Block is the fun event that is coming to the north side of the Front Street Mall at the end of August. It is a community-based type of event that will showcase what can be done there. It is going to bring a lot of energy and positive focus.

The meeting adjourned at 7:23 p.m.