

Cuyahoga Falls City Council
Minutes of the Public Affairs Committee Meeting
September 16, 2013

Members: Jerry James, Chair
Paul Colavecchio
Vic Pallotta

Mr. James called the meeting to order at 6:31 p.m. All members were present.

The minutes from the September 3, 2013 Committee meeting were approved as submitted.

Legislation Discussed:

Temp. Ord. B-59

Temp. Ord. B-60

Discussion

Temp. Ord. B-59

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

Capt. Davis stated that the purpose of this legislation is to remove the drop-off zone at the Library on Third Street. They will no longer be using that entrance. This will create additional parallel parking for residents on that street.

Mr. Colavecchio moved to bring out Temp. Ord. B-59 with a favorable recommendation, second by Mr. Pallotta. Motion passed (3-0).

Temp. Ord. B-60

An ordinance authorizing the Director of Public Service to issue an encroachment permit to Boston Buckeye Realty, LLC for the purpose of installing a business identification sign in a portion of State Road abutting the property at 1760 State Road (Parcel No. 02-00019), and declaring an emergency.

Mr. Sugar stated that the Planning Department reviews new signage coming into the City. This property has been vacant for some time and is the site of the former Charter One Bank. Duncan Donuts will be moving into that location. They will have a monument sign that will be located in the City's right-of-way so a license agreement needs to be entered into between Duncan Donuts and the City. The sign will be made of brick and will be appropriately placed. Mrs. Pyke asked if it is a regular sign or a scrolling electronic one. Mr. Sugar stated it will not scroll but it will have a small electronic portion, which is permissible under the Code. It will be positioned 10' off the sidewalk and 16' to 18' off the road. It is unobtrusive.

Mr. Colavecchio moved to bring out Temp. Ord. B-60 with a favorable recommendation, second by Mr. Pallotta. Motion passed (3-0).

Miscellaneous Business

1. Rose Ann Murphy, a resident, spoke about the library scandal. Since the scandal broke, she has attended the Library's board meetings, as have other people. The Board refuses to address any of the public's concerns or questions regarding the scandal. The minutes from their July meeting just state the residents were angry. She understands that the Board is not permitted to talk about matters pertaining to the

trial but the residents did not ask those types of questions. The Director of the Library is the only person who can speak. As of today, he has not explained to the public about what has happened with the theft. This has been since March. He has not talked about new procedures nor about the new fiscal officer. Everything in the Library's newsletters is written by staff writers but there is nothing from the Director. She feels that the Board has forgotten that the public and the Library have a deep bond. If the public comes to an official with a concern, that official should get back to the person who brought the concern. She feels the Library has given a black eye to the public, the City and the Mayor. The public needs to be reassured. Mrs. Murphy had reached her three minute mark so Mr. James made a motion to allow her to continue for one more minute, second by Mr. Colavecchio. Motion passed (3-0). Mrs. Murphy stated that the Library will have another levy in 2016 but did not feel it will pass because the public has lost trust. The Library is not even trying to repair it and continues to ignore the public. Mr. James stated that by Mrs. Murphy airing her concerns before Council, it may get word to the Library staff.

2. Gerald Craig, Executive Director of the ADM Board, spoke about Issue 1 which is a renewal levy supporting the ADM Board. They contract with providers to provide services, and reach approximately 50,000 people. One out of five people have some kind of contact with the ADM Board. The programs address issues such as depression, services to elderly, people with severe or persistent depression, and mental illness, to name a few. They also provide addiction-related services, including education, prevention, recovery and support. The Board is the only board that has a relationship with a medical college. They are involved with workforce training and can influence curriculum. They would not be able to provide these services without the support of the communities. That is why they are asking for a renewal. It is a 2.95 mill levy, which accounts for 78% of their budget. It would cost \$7.50 per \$100,000 home. He is grateful for the support of the community and is asking for support for Issue 1. Mrs. Klinger asked whether Community Support Services was one of the organizations the ADM worked with. Mr. Craig stated it was, although they do not fully fund them; they only partially fund them. Mrs. Klinger asked if there were issues with some of the group homes in the City, would Mr. Craig be the individual to contact. Mr. Craig confirmed he would be that person. Mrs. Pyke stated she represented the ward in which Sutliff is located and thanked the ADM Board for what it does in the community.

3. Mr. James wanted to verify a rumor that there will be a LA Fitness opening at Portage Crossing. If that was true, he asked if that wouldn't hobble the Natatorium. He wondered how LA Fitness would fit in when the City already had a facility. Mrs. Truby stated having LA Fitness located in the City is no different than having the YMCA here. When the City was building the Natatorium, there was an outcry that it would take business away from the YMCA, but it didn't. LA Fitness targets 25-30 year olds, which is a different market than the Natatorium targets. Mr. James stated there are a lot of people concerned about their jobs at the Nat and are concerned that LA Fitness will take a lot of business from the Nat. That is his opinion as well. He does not feel that LA Fitness would be a good fit for the City because it competes against the Nat. Mr. Brodzinski stated it is no different than the sanitation department. There are other sanitation companies doing business in the City. It is the nature of the beast. The City has positioned itself financially by paying down the Nat debt quickly and by cutting costs. For example, in the monthly report, Nat revenue is slated to be down \$186,000 per budget, however, expenses are also down \$133,000, for a difference of \$53,000. He feels with what was budgeted through the rest of the year, they will still end up with more revenue than expenses to the tune of \$11,000. Had two events not occurred—payment of a legal claim and the opening of Silver Sneakers—the Nat would be over what was projected. Next year's budget will be a net gain of \$100,000 due to Silver Sneakers. They continue to cut more on the expense side without affecting operations. Between 2015 and 2018, the City will pay off almost \$1.2 million in debt so there is elasticity. He does not see LA Fitness having a substantial impact on the Nat or Leisure Time as a whole. Mr. James stated that the Natatorium has been around for decades. Residents work here and they utilize the facility. The money the Nat makes goes back into the City's funds. The Nat also helps the City with customer base. He hoped LA Fitness would be hiring people from Cuyahoga Falls but the revenue will be going to California and not to the City. Mr. Brodzinski stated the percentages show that more non-residents use the Natatorium than residents. He does not disagree that LA Fitness profit will go to Los Angeles but it is no

different than when Akron General opened in Stow and that money did not come to the City. He does not anticipate a downturn. Mr. James appreciated Mr. Brodzinski's comments but it still did not make him feel better.

Mr. Walters stated he is a big fan of the Natatorium. He asked if the City had any authority during negotiations with Stark to strike out potential merchants at that time. Mrs. Truby stated it did and that an exhibit of prohibited uses was attached to the contract. Mr. Walters understood that but asked if the City could have struck out a business it felt would be a detriment to the City. He asked when the Administration knew that LA Fitness was coming. Mrs. Truby stated she knew for sure two weeks ago. She pointed out that everything that will be going into Portage Crossing will be competing against something in the City. That is competition. Mr. Walters stated if there were no tax abatements, it would be more of a competitor. He asked if the City knew the deal that Stark passed onto LA Fitness. Mrs. Truby stated she was not privy to the agreement and added that entrance prices at LA Fitness will be higher than the Nat. She thought the Nat would lose some members but there are things the Nat offers that are different than what is offered at LA Fitness. Stark has been looking for types of uses at Portage Crossing that will bring people there. She does not think LA Fitness will be an issue for the Nat. In fact, she was excited about hearing that LA Fitness was coming because of the people it will draw. She is confident in the Administration's ability to keep things where they have been. Mr. Walters asked if there have been other merchants announced that have not been divulged to Council. He also asked why the announcement of LA Fitness was withheld if Mrs. Truby knew two weeks ago. Mrs. Truby stated it was not withheld. She cannot say anything until there is a signed agreement. Stark will be putting up a new sign soon announcing the businesses that will be coming.

Mrs. Nichols-Rhodes asked if the Administration noticed whether Nat revenue came down when Planet Fitness opened. Mr. Brodzinski stated he did not. Planet Fitness has low rates but has limited features. Every year within the Nat budget total, their goal has been to keep a healthy fund balance to weather any storms they may have. He believes the Nat is healthy and can weather this. Mrs. Nichols-Rhodes wondered if having a reduction in operating expenses would mean cutting hours or eliminating positions in the future. Mr. Brodzinski stated they are in the process of looking at personal services as well as operational expenses. Their goal will be to cut \$100,000 out of that. That could mean that someone may not have as many hours but it could also mean they found a better way to do something. It is not just to cut hours and have services suffer.

Mr. Mader asked if zoning comes into play when it comes to the contract with Stark in that he would have to comply with the City's zoning. He asked how much authority the City had for rejecting a business. Mrs. Truby stated the contract has a list of prohibited uses but other than that, Stark can put LA Fitness at one end and Planet Fitness at the other if he wanted. She added that Portage Crossing will be above the number of jobs projected right now. Mr. Mader stated from a personal viewpoint, he was once involved in the fitness environment and observed that type of business comes and goes. The Nat addresses families in the community. Other entities that come into play cannot come close to furnishing services to families as what the Nat furnishes. He pointed out that we live in a competitive world. He would not want to see the City get involved in private entities. If this does not fall under zoning laws, he does not see how the City can deny it coming in.

Mrs. Klinger asked for the total anticipated amount that the City planned to go to bonds for PILOT (payments in lieu of taxes). Mr. Brodzinski stated it was zero. The City will not be issuing bonds. It will stay in notes and continue paying down. Mrs. Klinger asked what the total request going to the state will be for reimbursement. Mr. Brodzinski did not have that number. The City will recoup lost opportunity interest costs. Mrs. Klinger asked to receive the amount this week. She stated there has been discussion about off balance sheet financing for that project and asked if there have been any discussions of financing for Portage Crossing. Mr. Brodzinski stated there have been no additional discussions. Mrs. Klinger stated there were so many iterations of the contract and at one point believed there was language that retailers had to be approved by the Mayor. She asked if that language was still in the contract. Mr. Janis stated the contract

does not have approval for specific businesses. The City has an antitrust responsibility for businesses in that location. It would be against the law if the City were to use governmental powers in a manner to keep out businesses simply because it did not want the competition. Mrs. Klinger stated she will go back and look at the old versions of the contract. She understands Mr. James' concerns. This has been the Mayor's project for many years. It is a City-supplemented project so the constituents will be confused when another fitness facility goes in. She felt a clouded message is being sent here as to which fitness facility the City wants residents to patronize. Mrs. Truby stated she will check the contract but felt the message being sent to the residents is that the City is offering them a couple of different things which she sees as a plus. Mr. Walters realized that the City does not have power now other than through zoning but asked if the City had the power prior to the sale of the property. If Council had known that LA Fitness was coming, that knowledge could have changed the vote. The taxpayers subsidize the Natatorium. Mr. Brodzinski stated the Nat is not even close to being subsidized by the taxpayers. He looks at this stuff daily and can say that someone will leave but someone new will come in. There will not be a significant impact to the taxpayers of Cuyahoga Falls when LA Fitness is here. Mr. Walters asked if Bill Lohan would say the same thing. Mr. Brodzinski felt he would. Mr. Mader stated there have been constant changes since the beginning of this project. No one has a crystal ball. Until contracts are signed, no one knows who is coming. All we can do is take one contract at a time and go forward.

Mr. Colavecchio stated, as an attorney, he is inherently skeptical especially to hear that a 45,000 s.f. facility just popped up. LA Fitness will directly compete with the Natatorium. It has all of the equipment and more. He felt it was atrocious that there were plans to allow a new facility to operate in the City that will bankrupt the Natatorium. He was surprised the Mayor was not present this evening since this has always been his special project. Mr. Colavecchio feels Council was sold a false bill of goods with Portage Crossing competing with other businesses. He also commented negatively on the dam removal. He thought the river looked terrible and there was no way it would ever get to the class 5 rapids residents were promised. Cuyahoga Falls was named for the falls in that river but now there are none. He felt it was a bad decision to remove the dams. Mrs. Truby apologized that the Mayor had a couple different commitments and was unable to be in attendance, but she was hopeful his last commitment would end early and he'd still be able to make it. Mrs. Carr stated that the plans for removal of the dams have been worked on for over ten years. It is a regional project and is only halfway completed. What some people do not understand is that what has been there for the past century was a dam....it was never a falls. However, when the Gorge dam comes down, the original falls, for which the City is actually named, will finally be able to be seen for the first time since the dams were originally constructed. This is an important regional project and there are a lot of people behind it. Mr. Colavecchio felt that Council has just been sold so many bills of goods about whitewater kayaking. He does not see how there can ever be kayaking now. Mrs. Carr felt that Mr. Colavecchio needed to meet with her so that he could be educated on what is being done. There will definitely be whitewater. The level is where it is now because water is being held back at Lake Rockwell to protect equipment still located in the river. There is also a community river cleanup scheduled in a few weeks and the water level needs to remain low to protect the volunteers.

4. John Drum, a resident on Norwood, has an issue with his sidewalk and stated that every time he goes to the City office, they shun him off. He cannot get answers on any of his issues from the Administration. Mrs. Carr stated Mr. Drum has never spoken to her personally. She stated she responds to every email and will give him her personal email after the meeting so he can contact her directly. Mr. Drum also stated when he does manage to receive an answer, he receives incorrect and conflicting information, specifically his issue with the slabs that needed to be replaced on his sidewalk. Mr. James stated that one way Mr. Drum can voice his opinion is to come before Council on committee nights when they discuss ordinances on the books. The newspaper lists the ordinances. If he sees something that interests him, he should come to a committee meeting when Council takes questions and comments from the public. Mr. Drum wanted to know how legislation can be changed. Mrs. Carr stated as far as the sidewalk goes, the sidewalk program has been a long established program. Cuyahoga Falls is one of the few communities who will split the cost with the resident. Requests for sidewalk repair come from a Council member or another resident. The City does slab

replacement by bidding it out and going with the lowest bidder. She said she would check on his situation as soon as he provides her with the documentation. Mr. Colavecchio stated it is difficult to find Mrs. Carr's contact information on the website. You have to go to the bottom of the Service Department web page to find it. He added he also receives duplicate emails and felt the IT Department could be run better. Mrs. Carr replied that residents manage to reach her all the time and pointed out that contact information is also published in the City calendar. Mr. Colavecchio stated he was told by the IT Department that each department head has control over how that department's website is set up. Mrs. Carr stated that due to the large volume of emails that come in, the website lists the Service Department's email. Incoming emails are then sorted and she is forwarded any that fall under her domain. Mrs. Pyke asked Mr. Drum for the address of the property in question. Mr. Drum indicated it was 3112 Norwood which is on the corner of Franklin and Norwood. Mrs. Pyke told Mr. Drum she was sure Mr. Walters would be happy to meet with him and would be very willing to share information on how ordinances are changed in the City. Mr. Mader added that Council fields calls from residents with these kinds of issues. When he receives a call from a resident, he shares it with the Administration and they get involved and take care of the problem. It does not mean the resident receives the answer he or she wanted. He advised Mr. Drum to always call his Council representative whenever he does not receive an answer from the City.

Janice Kelly, 2615 11th Street, stated she has talked to officials about an issue but has heard nothing back. Her calls get her nowhere. She has been a resident for 18 years and has a lot of questions. She indicated she would also be contacting Mrs. Carr.

The meeting adjourned at 7:45 p.m.