

Cuyahoga Falls City Council
Minutes of the Finance Committee Meeting
January 3, 2006

Members: Tim Gorbach, Chair
Jerry James
Carol Klinger

Mr. Gorbach called the meeting to order at 6:40 p.m. All members were present.

Legislation Considered:

Temp. Ord. B-182
Temp. Ord. B-183
Temp. Ord. B-184
Temp. Ord. B-185
Temp. Ord. B-186
Temp. Ord. B-187
Temp. Ord. B-188
Temp. Ord. B-189
Temp. Ord. B-190

Discussion:

Temp. Ord. B-182

An ordinance authorizing the Director of Public Service to enter into a contract and/or contracts with Republic Waste Services to dispose of municipal solid waste collected by the Division of Sanitation and with Waste Management Inc. to accept and process recycle material collected by the Division of Sanitation, and declaring an emergency.

Mr. Gorbach read B-182 (second reading). Mr. Leonard said the City has been with Waste Management for 15 years at the Akron transfer station. That contract expired 12-31-05. Bids were taken 11-16-05 for a 2-year contract with two 1-year extensions subject to legislative approval, approximately \$1.8 million contract for solid waste. There were three bidders, and Republic was the low bidder. Waste Management was the low bidder for recycling.

The Committee recommended bringing out Temp. Ord. B-182 for approval.

Mr. Gorbach said discussion of B-183 would be delayed until the end of the meeting in anticipation of lengthy discussion.

Temp. Ord. B-184

An ordinance authorizing the Mayor and Director of Public Service to enter into contracts for the purchase of various vehicles for use by the City, and declaring an emergency.

Mr. Gorbach read B-184 (second reading). Mr. Williams said these are the vehicles discussed in the budget hearings.

Mrs. Klinger asked which vehicles would be bought at state bid. Mr. Williams said he hadn't reviewed the state bid since it just became available a few days ago.

Mrs. Hummel asked Mr. Novak if he had any information regarding cost savings on the Epoke spreaders. Mr. Novak said the City hoped for a 50% savings, but it appears to be around 60%-70%.

Mrs. Carr said the City will evaluate the state bids and CUE. The City is also looking at an alternative fuel vehicle if grant money becomes available, possibly an electric vehicle.

Mr. Gorbach asked Mr. Williams to provide Council with a detailed cost sheet reflecting the state bids and CUE.

The Committee recommended bringing out Temp. Ord. B-184 for approval.

Temp. Ord. B-185

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the annual requirements of the Municipal Garage for 2006, and declaring an emergency.

Mr. Gorbach read B-185 (second reading). Mr. Williams said these requirements were discussed in budget hearings.

The Committee recommended bringing out Temp. Ord. B-185 for approval.

Temp. Ord. B-186

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the purchase of certain materials for the Sanitation Utilities Department during 2006, and declaring an emergency.

Mr. Gorbach read B-186 (second reading). Mr. Leonard said this ordinance concerns the green recycle bags and paper yard waste bags. The budget includes a slight increase for both, although there shouldn't be a need for as many yard waste bags this year as last since due to a large stockpile on hand. There is no change in specs, but prices will increase slightly.

Mrs. Pyke asked if prices to the public would remain the same. Mr. Leonard said yes.

The Committee recommended bringing out Temp. Ord. B-186 for approval.

Temp. Ord. B-187

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the purchase of certain supplies and materials for use by the Street Department during 2006, and declaring an emergency.

Mr. Gorbach read B-187 (second reading). Mr. Novak said the ordinance concerns rock salt, asphalt products, sign material and contractual services for salt conveyor.

The Committee recommended bringing out Temp. Ord. B-187 for approval.

Temp. Ord. B-188

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the purchase of certain materials, supplies, equipment and services for use by the Electric Department during 2006, and declaring an emergency.

Mr. Gorbach read B-188 (second reading). Mr. Bye said the annual requirements are the same as last year, except for the addition of a cable handler to replace underground cable.

Mr. Gorbach asked Mr. Bye to explain the difference between last year's cost of just under \$600,000 and this year's budget of \$1.5 million.

Mr. Bye said he has allowed for unexpected expenditures.

The Committee recommended bringing out Temp. Ord. B-188 for approval.

Temp. Ord. B-190

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the purchase of certain materials and supplies in the Water/Sewer Utilities Department during 2006, and declaring an emergency.

Mr. Gorbach read B-190 (second reading).

Mr. Christopher said the annual requirements haven't changed much from last year, but there is a little more budgeted for the utility patch program, fire hydrants and miscellaneous materials for the water distribution system.

Mrs. Klinger asked if he is using cold patch or hot mix for utility patching. Mr. Novak said his department uses cold patch for temporary patch, and the City has a contract with Cardinal Asphalt for hot mix.

The Committee recommended bringing out Temp. Ord. B-190 for approval.

Temp. Ord. B-183

An ordinance authorizing the Mayor to enter into an agreement with Clear Channel Outdoor, Inc. for the removal, renovation, and erection of billboards in the City of Cuyahoga Falls, and declaring an emergency.

Mr. Gorbach read B-183 (second reading). He stated that Mrs. Truby had distributed a cover letter to Council which provides some history with respect to the agreement, some additional information regarding refurbishing and takedowns, and a map entitled "Cuyahoga Falls Billboard Status". Clear Channel has provided a booklet for Council's review. He further stated that he has no intention of bringing out this legislation this evening since there is so much information to review and discuss. The issue will be discussed again at the next scheduled committee meeting.

Mr. Gorbach said that under the new sign code being reviewed, Clear Channel has a right to build two additional billboards in the City. An agreement with Clear Channel was subsequently crafted but unfortunately died. This agreement is worthy of discussion, and we have representatives from Clear Channel here tonight to give their presentation.

Mr. David Yale of Clear Channel introduced two other representatives of the company in attendance: Mr. Scott Rowlands and Mr. Bill Platko.

Mr. Yale said that several years of work have gone into this agreement which stipulates that there would be significantly fewer billboards in the City, and the remaining billboards would be refurbished and modernized. The agreement also stipulates that Clear Channel would not build the two billboards at State Road and Steels Corners.

Mr. Yale reviewed the booklet provided to Council, indicating which billboards would be taken down.

Mrs. Pyke asked why the billboard at 405 Chestnut was under discussion since a letter was sent to Clear Channel indicating that the use was non-conforming and the billboard was repaired without a permit. Mr. Yale said that Clear Channel felt they had a right under state law to repair the damage due to safety issues.

Mrs. Pyke asked Mr. Arrington if he sent Clear Channel a letter stating that the sign was illegal and must come down.

Mr. Arrington said that after negotiations were concluded last summer, he sent a letter to Mr. Yale indicating that the billboard at 4th and Chestnut had lost its non-conforming use status and should come down. Since negotiations have resumed, the City has not taken enforcement action. If the billboard doesn't come down as a result of pending negotiations, the City will take action.

Mrs. Hummel asked if the billboard at 4456 State Road (to be refurbished) would be moved closer to the street than it is currently. Mr. Yale said it would be in the same location but would be consolidated into one panel back-to-back with a landscaped base. Mrs. Hummel asked for assurance that the billboard would not be closer to the street. Mr. Yale agreed.

Mrs. Hummel asked about the size of the billboard at 4250 State Road. Mr. Yale said it is 12' high by 25' wide, the standard poster panel size for the country, and will stay the same with two sides.

Mr. Yale said the billboard at 1114 Portage Trail would be rebuilt with Tri-Vision, panels that turn every 10 seconds with three different messages.

Mr. Yale said the billboard at 2717 Front Street would be rebuilt with Tri-Vision. Mr. Flinn asked how many faces are currently on the billboard. Mr. Yale said there are currently two faces.

Mrs. Hummel asked about the size of the billboard at 670 Graham Road. Mr. Yale said the billboard is 14' high by 48' wide.

Mr. Gorbach said there appears to be some concern about the square footage of current billboards as compared to the square footage of the refurbished boards. His knee jerk reaction to the Tri-Vision boards is that he doesn't care for them. Mrs. Hummel requested that Mr. Yale provide a comparison of the current square footage and the proposed refurbished square footage, indicating how much will be converted to Tri-Vision.

Mr. Barnhart referred to the takedown section of the booklet, specifically two boards at 2249 State Road that are no longer there. He said the board at 4444 State Road (near the Moose Lodge) has been condemned. Mr. Rowland said the location was cited by the City Engineer, but the Law Director agreed to suspend the citation pending negotiations. Mr. Demasi said he would look into it. Mr. Barnhart indicated that the board at 2225 State Road on the Albrecht property (Acme #10) may eventually come down when the area is redeveloped.

Mrs. Pyke asked for an explanation of the Tri-Vision boards. Mr. Platko said the Tri-Vision board has one structure with three separate panels that rotate messages. This benefits the City from an aesthetic standpoint because there are fewer structures. Clear Channel benefits economically with more panels. He believes this is a fair trade-off. In response to Mrs. Hummel's question, he said there is more square footage going down than going up. With regard to the signs that have already come down, Clear Channel has reserved legal action because they don't believe the signs should have come down; they removed them in the spirit of cooperation with the City. Clear Channel is eager to work with everyone toward a comprehensive plan that is in the best interest of the City.

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The alternative is that everything remains status quo. The boards are grandfathered in by the old zoning. The new zoning prohibits any enhancements or changes to the locations. Mr. Platko believes this agreement presents an opportunity to reconfigure the locations and change the look of the entire City for the better. Clear Channel walked away from the proposal before because they thought it had died, but since Mr. Gorbach felt it was important to revisit the issue, they are happy to keep it alive.

Mrs. Pyke referred to the Portage Trail location where a Tri-Vision board would be turning as children from Bolich are walking along the sidewalk close to the street. She is concerned about safety issues. Mr. Gorbach asked if any studies had been done in that regard. Mr. Yale said traffic studies have been done which indicate that billboards, whether static or Tri-Vision, do not create a major distraction for drivers.

Mr. Barnhart asked if the studies were conducted independently or by ODOT. Mr. Yale said a recent study was conducted by Virginia Tech University in Charlotte, North Carolina. Mr. Gorbach asked Mr. Yale to provide copies of any available studies to Council.

Mr. Flinn said there is nothing in the proposed agreement under targeted refurbishable signs which refers to Tri-Vision signs. He would like to see the data used by Clear Channel in their analysis of square footage, income gain/loss (old vs. new), and traffic count.

Mr. Platko said they can't provide financial information as requested. He estimates there will be several years before Clear Channel gets a payback from its investment.

Mr. Barnhart asked if prices are fixed for specific billboard locations. Mr. Platko said everything is negotiated based on various factors: number of locations, term of lease, level of buying, demand, level of occupancy, time of year, etc. Prices change weekly. Mr. Barnhart asked for a yearly amount that each billboard generates. Mr. Platko said that is proprietary information he is not willing to share, adding that it is not relevant to the discussion of this agreement.

Mrs. Colavecchio asked if there is a nearby city where Council can view a Tri-Vision sign. Also, are the proposed Tri-Vision sign locations carved in stone, or can they be placed elsewhere in the City? Mr. Yale said there is a Tri-Vision sign on East Market Street in Akron, several blocks east of Main Street. Some have been built in Cleveland suburbs where officials requested the update as an improvement.

Mrs. Hummel said that Clear Channel's financial status is not Council's concern. She appreciates the company's willingness to negotiate and share detailed information with Council.

Mr. Yale referred to three new locations. The first is on Route 8, which would be electronic. Some already exist in Cleveland, one is in Bedford on I-271. Message changes every 8 seconds, not animated. He said city planners in the Cleveland area like the electronic boards because they're clean and modern looking.

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Mrs. Pyke asked if Akron, Cleveland or Barberton allow electronic signs in freeway areas. Mr. Platko says that since the codes are old and have not been updated to accommodate new sign technology, the signs are prohibited in most cities. There are ordinances pending in several cities which address the issue.

Mr. Yale said the second new location would be on State Road near Marc's, size 12' by 25'. The third location would on Graham Road near Hudson Drive.

Mr. Gorbach opened the floor to comments from members of the audience.

Don Nelsch (2545 North Haven Boulevard, Cuy. Falls 44223) said that he thinks the electronic billboards are preferable to the old paper ones. He asked if electronic boards might be an economically feasible alternative to Tri-Vision. Mr. Yale said the electronic signs range in price from \$300,000-\$500,000 versus \$35,000 for Tri-Vision.

Ed Davidian (77 Meadow Lane, Peninsula 44264) said that there have been many meetings since 2002 to craft the new sign and landscape code, with much input from citizens and various City officials. He would like F. Eugene Smith to make a formal presentation to Council. He believes that the Clear Channel agreement would have a negative impact on the City for 100 years. He said that no one wants the billboards at State Road/Steels Corners, yet those boards are being used to hold the City hostage for other, bigger billboards in other areas of the City. Letters have been written by Blossom Music Center, the Cleveland Symphony Orchestra and the Cuyahoga Valley National Park asking that these boards not be erected. The citizens in that area don't want them. Members of the Planning Commission have expressed their opposition to new billboards in the City, as have members of City Council. Clear Channel did over \$9.4 billion last year, with projected profits of \$900 million. They own over 1,200 radio stations, 30 television stations, and 776,000 billboards across the country. They have more than enough billboards in the City and a better profit margin because of our lower electric rates. Many of the existing billboards are in poor condition and pose safety hazards. Mr. Davidian would like Council to ask Clear Channel to turn in the two permits for State Road and Steels Corners, then negotiate in good faith on the remaining billboards in the City.

Michelle Primm (owns property at 4149, 4161, 4173, 4152 State Road) said she attended the committee meetings with Mr. Davidian regarding the new sign code. She believes that given the number of empty storefronts on State Road and Portage Trail, it appears that Cuyahoga Falls needs Clear Channel to help bring income into the City. She said the City's economic base needs some help. If billboards are responsibly built, clean and maintained, they are an asset. Also important is Clear Channel's willingness to let the City restrict the content.

Mr. Gorbach said he doesn't believe that Clear Channel is holding the City hostage. We could ask them to turn in the two permits, but we can discuss that at a later time.

Mrs. Hummel asked about variances granted by the agreement which are outside the sign and landscaping code.

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Mr. Arrington said in order for new billboards to go up, or for non-conforming use billboards to be refurbished, a use variance must be granted by the Board of Zoning Appeals. This agreement doesn't take effect until the Board approves the variances. If they don't approve the variances, the agreement never takes effect. Nothing in the agreement binds the Board of Zoning Appeals to any course of action. Mrs. Hummel asked if that is good faith negotiations what if Council approves the agreement, and the Board does not?. Mr. Arrington said that if Council approves the agreement, it will go to the Board of Zoning Appeals as a petition for use of variances for all of the billboards. Notices will be sent to all property owners as provided in the zoning code, which could result in a very large public hearing. If the Board does not approve the variances, the contract would be void.

Mrs. Hummel asked about future billboard maintenance under this agreement. Mr. Guerra said the sign and landscaping code includes a detailed section on sign maintenance, and Clear Channel would have to comply.

Mr. Arrington said Clear Channel is currently allowed to maintain signs, but they can't make capital improvements.

The Committee recommended that B-183 be held for future discussion.

The meeting adjourned at 8:34 p.m.

