

Cuyahoga Falls City Council
Minutes of the Public Affairs Committee Meeting
February 5, 2007

Members: Debbie Ritzinger, Chair
Diana Cola vecchio
Doug Flinn

Mrs. Ritzinger called the meeting to order at 7:00 p.m. All members were present.

The minutes of January 16, 2007 were approved as submitted.

Legislation Considered:

Temp. Ord. A-132
Temp. Ord. A-133

Discussion:

Temp. Ord. A-132

An ordinance authorizing the Mayor to enter into a contract or contracts with AT&T Ohio for the provision of IP/Video services and declaring an emergency.

Temp. Ord. A-133

An ordinance authorizing the Mayor to grant a license to AT&T Ohio for the use of a portion of the City s property to erect, maintain and repair telecommunications equipment, and declaring an emergency.

Mrs. Ritzinger read A-132 and A-133 (second reading). Mr. Arrington said the City has been negotiating with AT&T for the provision of IP/Video services since July 2006. This video competition agreement is similar to the one the City has with Time Warner Cable; the City will receive 5% of gross revenues over the term of the agreement (10 years).

Margaret Williams, Director of External Affairs for AT&T, gave a short presentation explaining "Project Lightspeed". The IP/Video services are in direct competition with satellite providers and Time Warner Cable, which should ultimately result in reduced costs to residential customers. The program will launch in June 2007.

Attorney Leo Spellacy of the Cleveland firm Porter Wright Morris & Arthur LLP said that Lakewood was the first city to enter into a competitive agreement like this. Six communities in

the Columbus area did similar agreements with a different approach. They repealed their cable ordinances and passed new ordinances that cover both the cable provider and AT&T. As a public utility and telephone provider, AT&T has a right to access public rights-of-way but will submit a permit to the City before installing any equipment.

Mrs. Ritzinger inquired about the number of boxes (or cabinets) to be installed. Jim Tobin, AT&T Engineering and Planning, said there are currently 12 cabinets in place. By the end of 2008, approximately 50 will be installed. The size is 61 inches high by 50 inches wide. AT&T is trying to develop a more low-profile 48 inch high unit.

Mr. Barnhart expressed concern about the boxes. He asked if competitors have boxes installed in the City. Mr. Tobin said yes, but he's not sure of the size. Mr. Barnhart requested a list of both existing and proposed box locations. He would like to see the boxes concealed if possible.

Ms. Williams said that AT&T would not make public their plans for future boxes because in doing so, they would lose their competitive edge. However, AT&T will share such information with the City engineer. The boxes are located in public rights-of-way, including devil strips, as inconspicuously as possible.

Mr. Arrington said there are many boxes already installed throughout the City for various reasons. Most are placed on property lines or between properties.

Mrs. Hummel noted that a box installed on Bath Road had been moved due to site distance problems. She asked why the box was originally approved. Mr. Demasi said the box was approved prior to the talks between AT&T and the City. Now that AT&T is familiar with the City's code, there is less likelihood of a problem. Mr. Demasi will review each permit request to insure compliance with the code.

Mrs. Hummel asked how many households will be served by June 2007. Ms. Williams said there are currently 12 boxes in place, each capable of serving 200-400 households. Mr. Spellacy said the average is 380 households per box. Mrs. Hummel asked if AT&T would be offering service to commercial customers. Ms. Williams said no, just residential. Mrs. Hummel said residents may be more forgiving about the placement of the boxes, given the possibility of lower cable rates.

Mrs. Pyke noted that since her ward has about 2,000 households, there could be as many as 10 boxes installed. She asked if the larger boxes would be replaced with smaller ones as they become available. Ms. Williams said the larger boxes would stay in place until they are determined to be defective. Replacement boxes will be smaller as the technology allows. Mrs. Pyke asked how long it will take to remove a defective box after the new one is installed. Ms. Williams said they would remove the old box before installing a new one. Mrs. Pyke requested that a stipulation be included in the agreement requiring that the old boxes be removed within a specified time period. She noted that there are many AT&T telephone utility poles remaining in the City which have been replaced and should be removed. The double poles are unsightly.

Ms. Williams said AT&T crews are trying to remove the poles as quickly as possible. Mr. Spellacy said removal of facilities is governed by the PUCO's Miller Act.

Mr. Mader said he has just retired from AT&T and can attest to the fact that defective boxes are replaced immediately. He believes the benefit of the new technology to residents outweighs the issue of box placement.

Mr. Gorbach said he agrees that a stipulation regarding box replacement should be included in the agreement, as Mrs. Pyke suggested. He said the competition offered by AT&T is good for the community.

Mrs. Hummel referred to the Miller Act mentioned by Mr. Spellacy. She asked Mr. Arrington if the City can link the removal of poles to the current agreement being considered. Mr. Arrington said he would look into it and get back to Council before the February 12 meeting.

Mr. Flinn asked about the legislation passed by the Columbus area communities. Mr. Spellacy said that entering into an agreement with each provider is the preferred method. Mr. Arrington said that repealing the existing Time Warner ordinance would force the City to re-negotiate which could result in significant time delays. Mr. Flinn said he's excited about the agreement and believes the community will benefit from increased competition.

Tom Sullivan (447 Tallmadge Rd., CF) asked if AT&T would carry a public access channel. Mr. Spellacy said yes.

Mrs. Hummel asked if the phone service provided in the new boxes would eliminate the need for poles. Mr. Tobin said the poles still will be required to transmit the signals.

Mr. Mader said the box is just a hub that houses the new technology. Infrastructure currently in place will remain as is.

Mr. Flinn asked if additional service crews would be hired and where they will be housed. Ms. Williams said AT&T's current crews will be trained in the new technology. Mr. Spellacy said the technicians servicing homes in Cuyahoga Falls will pay income tax to the City.

The Committee recommended bringing out A-132 and A-133 for approval.

The meeting adjourned at 8:11 p.m.

