

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

September 17, 2018

Members: Mike Brillhart, Chair
Drew Reilly
Vic Pallotta

Mr. Brillhart called the meeting to order at 7:14 p.m. All members were present.

The minutes of the February 18, 2018 Public Affairs Committee were approved as written.

Police Chief Davis stated that the Diesel, Officer David Holzaphel's K-9 partner, has passed away. The department currently has two active-duty K-9s, Dan-C and Figo, a sable-colored German shepherd from Germany who is now partnered with Officer Holzapfel. Officer Holzapfel said Figo is a little over a year old and is trained in narcotics and is wrapping up patrol training. They are happy to introduce him to Council and the Administration tonight.

Legislation Discussed:

Temp. Ord. A-75

Temp. Ord. A-76

Discussion:

Temp. Ord. A-75

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

Chief Davis stated that there were three items that came before the Traffic Control Committee. First is a left-turn lane northbound and signage to designate the same on State Road going into 4351 Quick Road, which is Woodridge Elementary School; second is signage designating the school zones at Quick Road and State Road right in front of 4351 Quick Road. The signage is up, and they want to get it in the file because school is open. The third one is to designate a left-turn-only lane and a right-turn-only lane at Liverpool Avenue at Howe Avenue. The roads are open there at Liverpool, and they want to make sure the signage is appropriate.

Mr. Pallotta moved to bring out Temp. Ord. A-75 with a favorable recommendation, second by Mr. Reilly. Motion passed (3-0).

Temp. Ord. A-76

An ordinance authorizing the Mayor to grant an easement on a portion of City owned Parcel #0202812 to the Ohio Bell Telephone Company, dba AT&T Ohio, an Ohio corporation, for the purpose of extending communication, video and/or information services, and declaring an emergency.

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Mr. Tony Demasi, City Engineer, stated that AT&T proposes to install equipment for video and communications on City-owned property. Namely, they are requesting the 20-foot-by-28-foot, 500-square-foot area at the southeast corner of Parcel Number #0202812, the City-owned Waterworks Park property. The purpose of the equipment is provide video, cable and phone service to residents in that part of the city. There is actually existing equipment there right now under a verbal agreement from many years ago, but this will allow AT&T to have that there and to expand it, as well. They want to add some smaller equipment in this area to enhance what they currently have. They will be submitting a substitute exhibit. The exhibit right now is showing it as being an exclusive easement. There were discussions with AT&T today, and they are going to change that to a non-exclusive easement.

Mrs. Pyke asked if it will impede any sight vision with pull in and out. Mr. Demasi stated that it is on City property, but up against Munroe Falls. It would not impede any site distance. They did get confirmation from the Parks and Recreation Director that will not interfere with Park Operations. Mrs. Pyke asked how tall the structure is. Mr. Pablo Enriguez, Engineering Manager for AT&T, stated that what AT&T is proposing is a passive apparatus to deliver their giga-power network. The dimensions of this apparatus are roughly four-feet wide, about two-feet tall and about two-feet deep, the dimensions of this apparatus. There are a number of devices on this pad in the easement. AT&T has three distinctive services they deliver: Pods, telephone and traditional U-Verse. This is an enhancement to that that is strictly fiber-based from the CO to the consumer's home. Mrs. Pyke asked how many structures AT&T is putting on the pad. Mr. Enriguez stated that there are two there now and they will be adding one additional one. The size of the pad will change, as well, and the easement. Mr. Demasi stated that the current size of the easement is 10 by 15. Mrs. Pyke asked if there is any type of shielding as far as shrubbery. Mr. Enriguez stated that it will be in line with the existing apparatuses. There is no currently no landscaping. Mrs. Pyke suggested that this might be an opportunity to add landscaping. Mr. Demasi stated that they could. There are probably 50 of these boxes across the city. They are located in the right-of-way in the tree lawns.

Mr. Gorbach asked if AT&T anticipates this new giga-power servicing homes that aren't served now, or is this an enhancement to homes in that area or something to serve homes in a larger area than just in this section of town. Mr. Enriguez stated that AT&T breaks up their areas by distribution area. This particular project is to deliver giga-power to Studio City apartments and the surrounding area which extends just south of Studio City onto Richmond Road, Lodge Drive and Mayfield Road, in the Ivy Park area. This particular area will be fed and will make available to residents their giga-power product. It's a fiber-based product allowing for up to a gigabyte of band width or connectivity to residents, which would allow for any content: Video, audio, data, voice over fiber and significantly improves reliability, as well. Mr. Gorbach stated that he has a problem with AT&T now, insofar as the poles that they have in the city that are not being taken down. This has been going on for years. To his understanding, it is a bigger problem than just Cuyahoga Falls. He talked to the Service Director today and received an inventory of poles that AT&T owns in the city. What he would like to know is when these poles are going to be taken down. This is just not in the past couple years. When he was on Council before, he brought up,

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at that point, that he doesn't believe AT&T, in this regard, is being a good corporate citizen. He believes that AT&T is throwing its weight around and doing what it wants to do and not adhering to the City's request to have these poles taken down that are not being used for anything. Mr. Gorbach stated that he would like to know what Mr. Enriquez knows about this situation and what he can tell Council about the inventory of poles AT&T owns in Cuyahoga Falls and what type of plan they have to have them removed.

Mr. Enriquez stated that they do not own every pole. AT&T has a joint-use relationship with all the power companies and other carriers. Their first approach is to identify if they own the pole; then identify who is attached to that pole. They're not easily identifiable. There's a process to propose to AT&T that very few carriers comply with. There is also the timing of the wrecking. They have to time when they detach, so they can wreck the pole if they own the pole. It is a very challenging issue, not just for Cuyahoga Falls, but across the board. What he does offer is a direct line of communication as the local engineering manager for the City of Akron and all the surrounding suburbs. The City should bring those issues to his attention, and he will work with the independent carriers or the owner of the pole to address them one at a time. It's not going to go away immediately, but he will do his best to clear this up as quickly as possible. Mr. Gorbach stated that that is not good enough. That's the same thing they heard before. He hasn't been on Council for 10 years, so it's been at least that long ago. He believes that the City has been in contact with AT&T and have identified poles. He doesn't know, from AT&T's standpoint, what incentive they have to take the poles down. If it was going to make them money to take them down, they would be done in a few months. It's clearly not. That's okay from AT&T's perspective, but it's not okay from his. Mr. Gorbach asked Mr. Brillhart to hold this ordinance. He wants more information from the Service Director, because he thinks the City has an inventory of poles. He is not comfortable voting to give AT&T an easement to put more of their equipment on City property until they get something that, for years, they have been trying to get done and been ignored.

Mrs. Pyke commended Mr. Gorbach for bringing this item up. A couple months ago, she brought up the post at Chestnut Boulevard and Meriline Street on the southwest corner. She believes Council passed legislation that if they don't remove it in a certain period of time, the City can go back on them. Mrs. Pyke asked Mr. Anthony Zumbo, Service Director, if he was able to find that legislation. Mr. Zumbo stated that there is some legislation that is in place regarding when the City puts electric underground, that there is a timeframe for the other carriers to get their utilities underground, as well, but they haven't been able to find a piece of legislation regarding simply swapping out the pole and the timeframe for them to get that down. Mrs. Pyke stated that this is a perfect example. There was a pole that was hit by a car, and nothing could be done about it until AT&T's equipment is off of it. Mr. Enriquez stated that he is new to this area. This is the first time this issue has come to his ears. He asked Council to give him an opportunity to address some of those chronic issues, and he is positive they will see a difference in those items AT&T targets. This is not something he can fix overnight, because there are a lot of key players involved. Ultimately, it is costly for AT&T to have multiple poles out there. They are taxed on those assets, especially when they duplicate. Mrs. Pyke stated that the pole in question is AT&T's pole and

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they just want their equipment off it. She would echo what Mr. Gorbach said about holding this ordinance, because it's the only leverage they have to have this equipment taken off the City's poles taken down.

Ms. Nichols-Rhodes asked if the City been compensated, in the past, for the current easement, and would the City ever require compensation for the new easement. Mr. Demasi stated that the existing equipment is in place through a license agreement that was entered into in April of 2007. He doesn't believe the City received any compensation at that time for that. There's nothing listed in the agreement that talks about compensation. Ms. Nichols-Rhodes if the people that are getting the better service have to pay for it. Mr. Enríguez stated that it is based on the penetration rate and is not free. It is quite an enhancement to what they have now. Mr. James stated that he believes there was some legislation in the past. Mayor Walters stated that he believes the timeframe was reduced, but, when he searched the ordinances, he did not see it. They are going to have the Law Department look at it.

Mr. Brillhart stated that he would recommend Council hold this legislation. He would like to see a list of these 50 poles. The City does have some leverage here. He thinks the only fair thing is these poles should be removed or there needs to be a definite timeframe.

The meeting adjourned at 7:51 p.m.