

Cuyahoga Falls City Council
Minutes of the Finance and Appropriations Committee Meeting

June 20, 2022

Members: Mary Nichols-Rhodes, Chair
Tim Gorbach
Adam Miller

Ms. Nichols-Rhodes called the meeting to order at 6:30 p.m. All members were present.

The minutes of the April 18, 2022 and May 16, 2022 Finance Committee meetings were approved as written.

Legislation Discussed

Temp. Ord. A-62

Temp. Ord. A-63

Discussion:

Temp. Ord A-62

An ordinance authorizing the Mayor, as Director of Public Safety to enter into a contract or contracts, according to law, for the purchase of turnout gear for use by the Fire Department, and declaring an emergency.

Fire Chief Chris Martin presented Temporary Ordinance A-62 to Council. The Mayor, as Director of Public Safety, will be authorized to enter into a contract or contracts, according to law, for the purchase of turnout gear for use by the Fire Department. The Finance Director will be authorized to make payment for same from the Capital Projects Fund, Line Item Capital Outlay. On an annual basis, the Fire Department is attempting to purchase enough turnout gear to replace expiring gear, as well as supply each member with a second set.

Ms. Nichols-Rhodes stated that the estimated cost was \$74,860. Last year, they spent \$67,895.

Mr. Gorbach stated that he supports this ordinance and Chief Martin. He is glad that, as a city, they are able to provide this money and allow the Fire Department to continue cycling through and getting turnout gear. He appreciates their foresight.

Mr. Gorbach moved to bring out Temp. Ord. A-62 with a favorable recommendation, second by Mr. Miller. Motion passed (3-0).

Temp. Ord. A-63

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, without competitive bidding, with Bell Equipment Company to purchase and replace mechanical arms on two automated side loader sanitation trucks, making the necessary appropriations, and declaring an emergency.

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Mr. Charles Novak, Street Commissioner, presented Temporary Ordinance A-63 to Council. These mechanical arms are unique, non-fungible items. Bell Equipment Company is able to complete this work, provide the necessary items, and deliver the equipment in a timely manner. The Director of Public Service will be authorized to enter into a contract or contracts, without competitive bidding, with Bell Equipment Company to purchase and replace mechanical arms on two automated side loader sanitation trucks. The Director of Finance will be authorized to increase appropriations in the Sanitation Fund, Line Item Capital Outlay by \$33,660.00 and make payment from same.

Mr. Gorbach moved to bring out Temp. Ord. A-63 with a favorable recommendation, second by Mr. Miller. Motion passed (3-0).

Mr. Novak stated that this ordinance concerns two arm replacements for two of their side-load garbage trucks. It was declared that these items had to go through Capital Expense if their budget does not cover that, so that is why he is coming back to Council to ask for more money in order to get these replacements. The two trucks are seven and eight years old, respectively. Typically, a garbage truck would be a frontline unit for five years and then go to backup mode. This is more than a rebuild; it is actually a remanufacturing process.

Ms. Nichols-Rhodes stated that the cost is going to be \$33,660. She thanked Mr. Novak for answering her questions by e-mail and sending her a brochure. There is a one-year warranty. They have done a lot of business with Bell and feel comfortable purchasing from them. Mr. Novak stated that Bell is one of their top vendors as far as quality, service and pricing.

Mr. James asked what the words “non-fungible items” means. Ms. Nichols-Rhodes responded that she thinks it has something to do with the item not being able to be used up.

Ms. Nichols-Rhodes stated that there has been several Council members that have received complaints about AT&T and MCI providing unsatisfactory work when working on residents' right-of-way it or devil strips. Mr. Gorbach has asked that they discuss this today and come to some kind of resolution.

Mr. Gorbach stated that he has been talking with Mr. Zumbo because virtually all council members have received calls from constituents regarding work that has not been completed with the AT&T installation of their fiber. Mr. Zumbo stated to him that he was going to send out an overview, which was sent to Council early this afternoon. Some residents have been waiting since last year to get their devil strips repaired from damage done by this installation.

Mr. Tony Demasi, City Engineer, stated that all these permits run through the Engineering Department. There is more than one company putting in fiber optic cable in the city at this time. AT&T is installing fiber optic for their 5G network across the City. MCI is putting fiber optic cable to support Verizon 5G micro-wireless antennas installed throughout the city. AT&T network

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is completely underground, and Verizon is micro-wireless. His office does issue permits for both the wireless and the wired fiber project. It is an excavation permit. The City has an extremely detailed right-of-way ordinance that City Council passed a few years ago. It is extremely specific and stipulates what they can and cannot permit. As far as the problems mentioned, AT&T assured them that their legal department has done all the research and they are located in easements.

Mr. Gorbach asked Mr. Demasi's opinion on how the work is going at this point and what recourse they have for residents that are waiting an exhaustive amount of time to get their property repaired. Mr. Demasi stated that everyone who calls his office is referred to the single-point contact that they were given for AT&T. From what residents tell him, it takes time to return calls, but they do return calls. It is just a matter of time for them to get out to verify the complaint and then get it done. They have had discussions with him and the AT&T front office about the lack of responsiveness in some cases in some of these locations. As recently as last week, the Service Director's office has been having direct conversations with these folks about paying more attention to the restoration work.

Mr. Balthis asked if it was possible to request landscape deposits that the City can hold so there is recourse if the improvements were not made. Ms. Janet Ciotola, Law Director, stated that they do have the ability to apply bonds and have them comply with the City's landscape. There is a timeline in which they have to issue permits for the 5G and small cell. She will review this next week and report back to Council.

Mr. Brillhart stated that if someone is waiting for AT&T to come fix their yard, they will discover the meaning of the word "eternity." They are going to have to fix it themselves. Virtually every step of the way has been awful. They have subbed things out, and it is a disaster. Mr. Demasi and Mr. Zumbo have been great in helping and providing the number of the AT&T contact person down in Columbus.

Mr. Stams stated that he has spoken to the representative of AT&T a numbers of times and found him to be reasonable and professional person. He was a little bit slow returning the call, but he put him in front of a few residents, and they corrected the problem about the terminals out front. One resident wanted the terminals consolidated, and they were able to do that. It is not ideal getting a letter saying that they are coming out a month after they came out, but that is sometimes the way things work. They promised to come back in early summer, but he understands things are a bit delayed now because of supply chain and labor shortages.

Mr. James stated that he get complaints constantly about what AT&T has done to yards. These residents want to put AT&T's feet to the fire, and they want them to come out and fix this problem. They have gotten the phone numbers for AT&T's representative, and a lot of them still, to this day, are waiting for his response. Residents sent him pictures, and there are gullies along these sidewalks. When it comes to those terminals located in the front yards, there is no rhyme or reason at all. They are all over the place in Ward 6. They look like land mines sticking out of the ground. It is very unprofessional.

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It is dangerous, and if people take a wrong step, they are going to turn their ankle. He understands labor shortages, but if they start a job, do the responsible thing and finish it.

Mr. Stams stated for the record to reflect that he did not say things were working well in Ward 8. The level of satisfaction is not that great, but it is not the worst.

Mr. Gorbach stated that he is happy that they are going to have other services available to the residents to allow for the residents to choose and get the best deal and speed they need for their ever-changing usage. Mr. Zumbo had mentioned if it is a right-of-way project that notice is not required. He would like to receive a postcard or notice that they are going to be coming in the neighborhood in the next couple of weeks to do work.

Mr. Demasi stated that there is nothing in the ordinance that requires notification to residents. Some utilities do a better job of notifying residents than others. AT&T does send out letters ahead of time, and they put up signs that say there is construction starting and phone numbers to call. MCI does not do anything. There is nothing stipulated in the City's ordinance that requires it. Mr. Gorbach asked if there was a manageable way for the City to augment notice or at least help. Mr. Demasi stated that the City issues thousands of permits a year, and nobody knows the schedule for each of those permits.

Ms. Nichols-Rhodes stated that the residents of Cuyahoga Falls are used to great service and, normally, they can point them in the right direction. That is the frustration, because things are being done that are out of their control.

Mr. Gorbach stated that AT&T does not have the incentive that the City has, because they are not elected by the people. The Administration is excellent about responding to requests. The jobs they start, they finish. It is fine that they let them know that their hands are tied to some degree. He and the residents are frustrated. They need to get a better answer than to call AT&T's representative, because that person does not have an incentive.

Mayor Walters stated that there has been something going on behind the scenes that Council may not know. The City requires AT&T to camera every project when they are done, so they do not hit the residents' sewer line laterals. They do have a proposal for them for a bond in lieu of for doing the camera work. AT&T's argument was not so much the cost, but the personnel. The City thought it was a good way to safeguard the sewer line which is out of sight and mind until it does not work. They do have a bond proposal to them. He is not sure where it stands now, but that is in the works if something is not repaired now or if there is a defect in the future that nobody knew about.

Ms. Teresa Hazlett, Deputy Service Director, stated that Mr. Zumbo sent Council an e-mail that gave a couple updates. Hollywood Avenue and Alameda Avenue should see somebody out there in the next couple of weeks. If they do not, please let them know. Providence Boulevard, Plymouth Lane and Concord Street, again, they are telling them, in the next couple of weeks, someone should be out there. Windham Circle, Squires Bend and Haggarty Way are going to be in the next week

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or so. They are having supply chain issues and staffing issues. They said they seeded in the fall or the winter, but it was too late, so nothing took. They said they are coming out to redo it again, so hopefully all those neighborhoods will someone in the next couple of weeks. They are going to be doing sidewalks or some of the concrete work tomorrow. Council should reach out if they do not see it being done, or if they are getting more phone calls.

The meeting adjourned at 7:06 p.m.