

Cuyahoga Falls City Council

Minutes of the PUBLIC AFFAIRS COMMITTEE Meeting

December 19, 2005

Chair: Mary Ellen Pyke; Vice Chair: Terry Mader; Member: Jerry James.

Mary Ellen Pyke brought the Public Affairs Committee to order at 7:07 p.m. All members of the Committee were present. The minutes from December 5, 2005 were approved as submitted.

Scheduled legislation (second reading):

B-175	An Ordinance amending sections 1309.26 and 1309.30 of the codified ordinances of the City of Cuyahoga Falls, and declaring an emergency.
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Valerie indicates we haven't overhauled our Permit Fees since 1984. Our inspections and permits continue to grow along with our Commercial Plan Reviews. This reflects our development and expansion in our community. Mr. Bell felt it was time to review our pricing. We are inspectors NOT enforcers. There is a new fee for Commercial Plan Examination to cut down on our time in reviewing/examining plans. The city has no legal liability. The building department should not be passing inspections that are not to code. We notify the county monthly of all permits being pulled. The County is responsible for coming out to re-assess the property. Mrs. Klinger asks about the sanitary sewer line. The permit pricing attached to the ordinance has the sewers listed, and the one distributed tonight doesn't have that line item. Mrs. Klinger asks what the fees are covering and why do we charge them? Valerie indicates the program is to help cover the costs of inspections and to make sure it is constructed to code. Mrs. Klinger feels that many residents feel we do a drive-by inspection and wants to know what the residents are getting for their money. Mrs. Klinger would like to see what is inspected and what rationale goes into these processes. Mrs. Hummel asks about the plan submission. What does the property owner/architect get? Mr. Bell indicates they receive information on what they didn't comply with. We can't by law, determine how to design their building. Mr. Walters has witnessed fencing issues, where fences are constructed on their neighbor's property. We check the postholes, but not their location. Mr. Arrington indicates we do not survey the property.

Due to the large amount of information, Mrs. Pyke will hold this ordinance to give Council time to review.

B-176	An Ordinance authorizing the Director of Community Development to enter into a contract or contracts, according to law, for professional services for the completion of a Historic Survey and Restoration Guidelines, and declaring an emergency.
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Mrs. Rogers indicates there was a request for a survey on the Historic Preservation on our community. We went out for bid on proposals to include focus groups, interviews, and historic preservation. The firm is from Columbus, OH and is excellent. Mr. Potts asks how we are going to select the participants? Liz indicates there will be workshops, and public meetings along with people who have committed themselves to historic preservation of our communities. We have two historical societies in the city, Northampton and Cuyahoga Falls. The firm is well aware of this. The historical district "overlay" was created in 1983. There was no further action taken on this. With this process we will start from scratch. M. Guerra indicates this is the process of creating a new historical overlay within our new code. This is the first step to "marry" with the new code.

The Committee recommends bringing out Temp. Ord. B-176

Res. B-177	A Resolution expressing opposition to the construction of a new hydroelectric power plant on the Cuyahoga River, and declaring an emergency.
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Mr. Mader asks for support for a movement on the Cuyahoga River near the Edison Plant by the gorge. We need to restore our rivers and this will generate a small amount of energy as compared to the damage it will do to construct and be housed in the Metro Park.

Elaine Marsh, Friends of the Crooked River, 2390 Kensington Road, Bath: Elaine indicates the benefits that may be produced by this project (2000 homes which is less than 1%) is tremendously inflated. We lose 900 feet and the dam of the powerhouse, which will be reduced by half of the water flow. Our fish population will be affected. In this watershed, we have spent over 1 billion dollars to restore fish habitats. This can increase erosion. The powerhouse is scheduled to be built on the flood plain. If this license is granted, it will perpetuate for 50 years the dam, which is causing issues. It does not provide enough benefit for the cost.

Mike Johnson, 816 Arcadia: Indicates the Metro Parks agrees with Elaine. It is possible that someone will be able to generate a small amount of electricity from this, but it outweighs the detriments to the area and the park. This will take away 4 acres of parkland. When you look at all the pro's and cons, there is no public value to this project. Mrs. Pyke asks if they have a road to access the area? Mike indicates that is another reason they are fighting it. They are proposing to construct the road to the powerhouse. This is steep hills and would be detrimental to the park and the trucks would be on a hill. Metro Parks owns the property, but there are easements dating back to 1930 with "rights" for power production. The easement would give them enough property along with an access road. Mike indicates that is what the applicant is telling Metro Parks. Mr. Walters indicates this would buy them another 50 years of avoiding clean up of the sediment. He hopes the project does not go through. Elaine indicates the applicant will become the recreational developer over the Metro Parks, which is ludicrous. Mr. Flinn feels this is the wrong place for this type of project, not that the project is not worthy.

Oscar Hiedel, 1334 Highbridge Road: His home overlooks this area and he hopes the Council is in support of this legislation.

The Committee recommends bringing out Temp. Res. B-177

B-178	An Ordinance amending chapter 1501 of the codified ordinances with the addition of section 1501.17, regulating the construction and use of outdoor wood-burning furnaces and declaring an emergency.
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Chief Moledor indicates we do not have any regulations on outdoor wood burning furnaces. We are not prohibiting them outright, but just regulating them. People tend to burn "other" things in side of them and we noted that only dried, seasoned wood could be burned. Typically, there is not complete combustion and a lot of smoke is initially seen when other items are burned. We want to regulate where people are living. Mrs. Pyke asks if this will include a garage? Virgil will add the garage to the ordinance for next week. Mr. Moledor indicates you need a permit for the installation, but this ordinance addresses the structure. This is an alternative to natural gas with their rising costs. Mr. Potts asks about how high their chimneys are required to be? Mr. Moledor indicates it would be according to the manufacturer's specifications.

Mr. Don Nelsch, 2545 North Haven Blvd.: Asks what is the difference between an outdoor/indoor wood-burning furnace? Is this going to conflict with the fire pits at the skating rink? The ordinance defines what is included and excludes fire pits, chimnea, etc. according to Mr. Moledor.

The Committee recommends bringing out Temp. Ord. B-178

B-179	An Ordinance amending section 522.08 of the codified ordinances and declaring an emergency.
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This is a clean up ordinance as it relates to the County's smoking ban ordinance. County Ordinances do not apply in Cuyahoga Falls and this defines the matter. This is our indoor air ordinance that prohibits smoking in certain areas. It is only subject to State Laws and not the County. Mrs. Pyke indicates we are not extending or condoning any smoking bans/laws.

The Public Affairs Committee recommended bringing out Temp. Ord. B-179

Held Legislation:

B-139	An Ordinance amending Section 1371.02 of the codified ordinances, and declaring an emergency.
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Miscellaneous Business:

The Public Affairs Committee Meeting was adjourned at 8:20 p.m.