

# Cuyahoga Falls City Council

## Minutes of the PUBLIC AFFAIRS COMMITTEE Meeting

### June 6, 2005

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

Mary Ellen Pyke brought the Public Affairs Committee to order at 6:35 p.m. All member of the Committee were present. The minutes of 5-2-05 were approved as submitted. At the Administration's request, we will be holding Temp. Ord. B-80.

#### **Scheduled legislation (second reading):**

B-78	An Ordinance authorizing the Mayor to grant an access easement to First Akron Development Corporation for the use of a portion of the City's property for access to Valley Savings Bank, and declaring an emergency.
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Jennifer Syx indicates this is for the Valley Savings Bank to access a portion of the city's driveway for their drive-thru. It is so vehicles can exit the drive-thru onto Old Town Loop. It is a small triangular portion.

*The Committee recommended bringing out Temp. Ord. B-78*

B-79	An Ordinance amending the Codified Ordinances by the addition of Chapter 907, Titled "Trenching" and declaring an emergency.
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Paul Moledor indicates this is for trench accidents where people have died. We put together legislation to stop trenching work where the work is not being done by OSHA regulations. We just don't have the authority to do anything. We can advise them to get out of the trench, OSHA comes down but we just can't stop them. We can issue permits, take a look at the trench; give out the standards on trenching. This will educate our residents and contractors on the dangers and educate them on what can happen.

Mary Ellen asks about the \$25 permit fee and the length of the permit? There will be OSHA laws and pamphlets distributed to people who take out a permit about trenching to make sure they are doing it correctly. Secondly, we would like to take a look at the trench and be advised of the potential problems.

Terry asks how trenches are checked now? Mr. Moledor indicates some things need inspected when the trench is dug, like electric. Mr. Moledor is concerned with the actual trench where someone can get stuck. Paul feels we could work through a time frame with letting the city know when the trench will be dug.

Virgil likes this legislation because the key component is the authority for our enforcement to get them out of the trench if it is not OSHA approved.

Mr. Potts asks about the current policies for "road opening" and for trenching. Will they have to secure two permits? Tony indicates they will. It is \$20 for the road and \$25 for trenching. The safety factor is definitely an excellent reason to support this legislation.

Mr. Flinn asks if we can put a date that would be required of the resident? We could also put dates in the ordinance that the homeowner would have to call prior to digging. Virgil will look into putting together a substitute for next week.

Mary Ellen is concerned with the \$25 fee and with the false sense of security to the homeowner that we will be inspecting it. The building department and fire fighters have been educated in trenching and could be used for inspection purposes.

Mrs. Hummel asks what type of trench can be dug without a permit? According to the ordinance it is up to 5 ft in depth without a permit. Who is the competent person that is qualified under OSHA? Can we shorten the time period the permit is good for? Virgil will shorten the time frame. Kathy is concerned that a resident will have to go to two places within our building to secure permits. Engineering and Building fees can be done at one place now according to Mr. Bell, so the resident is running around City Hall.

Mr. Gorbach asks about leaving an open trench. There has to be some form of barricades according to the OSHA regulations/standards according to Paul.

Don Nelsch, North Haven Blvd., how deep is a trench? How it is written is a cut in the ground less than 5 feet in depth and no one is going to get inside the trench.

Mrs. Klinger asks how this covers the private homeowner. OSHA doesn't apply to the private homeowner. When you have a contractor who is working/hired by an individual, OSHA has "teeth". But privately, OSHA laws don't apply on private property. Virgil indicates we will hold this ordinance pending further investigation on the fee and on the OSHA Laws.

The Committee recommended holding Temp. Ord. B-79

**Held Legislation:**

B-80	A Resolution designating the National Incident Management Systems (NIMS) as the basis for all incident management in the City, and declaring an emergency.
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**Miscellaneous Business:**

The Public Affairs Committee Meeting was adjourned at 7:10 p.m.