



## ***Operations Committee - Board of Representatives***

Joseph Coppola, Jr., Chair

John Zelinsky, Jr., Vice Chair

# **Committee Report**

**Date:** Monday, December 21, 2015

**Time:** 7:00 p.m.

Republican Caucus Room, 4<sup>th</sup> Floor, Government Center, 888

**Place:** Washington Boulevard

The Operations Committee met as indicated above. In attendance were Chair Coppola, Vice Chair Zelinsky and Committee Member Reps. Adams, Buckman, Coleman, Giraldo, Liebson, Mahoney and McMullen. Also present were Rep. Ryan; Burt Rosenberg, Law Department and Dominick Tramantozzi, Engineering Department. The following item is on the agenda:

Chair Coppola called the meeting to order at 7:02

<b>Item No.</b>	<b>Description</b>	<b>Committee Action</b>
1. <a href="#">O29.053</a>	ORDINANCE <u>for publication</u> ; Amendment of §§ 214-29.D and 214-29.E of the Code of Ordinances, Regarding Fees for Standard Utility Opening and Fines for Violation of the Ordinance. 11/05/15 – Submitted by Mayor Martin 11/24/15 – Approved by Committee for publication 12/07/15 – Returned to Committee at Board meeting	<b>Approved 8-0-1</b>

In response to questions from the Committee, Mr. Rosenberg and Mr. Tramantozzi discussed:

- Expansion of the ordinance to cover private roads would require the Engineering bureau to review the work of private roads;
  - the City has no responsibility over the quality of work done on private roads;
  - repaving of private streets would be paid for by abutting homeowners;
  - the costs of the street opening permits are tacked on to the costs paid by private street homeowners
- Permits are issued by the City Engineer, not the Director of Operations. The language in Section A (2) needs to be clarified because it seems to be inconsistent with City practice and confusing.

Committee members and Mr. Rosenberg discussed various changes to Section A of the ordinance. Mr. Rosenberg recommended the following changes:

- add language to Section A(1) in order to include the idea not commencing work without a permit. A motion to include the phrase “,or commencing and such work,” after the phrase “in the city”
- Change “City Engineer” in Section A(1) to the “Director of Operations or his/her designee”
- delete the first sentence of Section A(2).

A motion to delete the first sentence of Section A(2) was made, seconded and approved by a vote of 9-0-0 (Reps. Coppola, Zelinsky, Adams, Buckman, Coleman, Giraldo, Liebson, Mahoney and McMullen in favor).

Rep. Mahoney noted that the description of the ordinance does not include changes to Section A.

A motion to amend Section A(1) to include the phrase “,or commence any such work,” after the phrase “in the city” , to change “City Engineer” to “Director of Operations or his/her designee in the Engineering Bureau” and to change “perform other construction” to “perform any construction” was made, seconded and approved by a vote of 9-0-0 (Reps. Coppola, Zelinsky, Adams, Buckman, Coleman, Giraldo, Liebson, Mahoney and McMullen in favor).

Committee members discussed with Mr. Rosenberg and Mr. Tramantozzi:

- whether other amendments should be made regarding designees of the Director of Operations
- the guidelines the City uses to determine safe passage measures

A motion to amend the last two sentences of Section A(2) and Section A(3) as follows was made, seconded and approved by a vote of 9-0-0 (Reps. Coppola, Zelinsky, Adams, Buckman, Coleman, Giraldo, Liebson, Mahoney and McMullen in favor):

(2) The Director of Operations or his/her ~~designate designee~~ designee in the Engineering Bureau shall require such measures to be performed by the permittee as are necessary in his/her opinion to assure the safe passage of traffic through or around a work area, including, but not limited to, requiring ~~The Director of Operations may require signs, barricades or trafficmen and/or limiting~~ the hours of operation of such permitted work to ensure safety and minimize congestion on the streets.

(3) Any permit which is exercised without such approval of the Director of Operations or his/her designee in the Engineering Bureau shall be deemed null and void, and any violation of regulations imposed on a permit shall be deemed a violation of this section.

Mr. Rosenberg stated that

- this ordinance would apply to any party seeking a street opening permit, not just a contractor

- There is a list of the classification of every street in the Operations Department. This list will be provided to the Committee
- People who live on major arteries would be paying this fee and whether that would be unfair to single families on major arteries

Mr. Mahoney stated that he would like to have a report of the fees and fines from this ordinance.

A motion to change all references to permits to either “Excavation permit” or “permit issued under this ordinance” was made, seconded and approved by a vote of 9-0-0 (Reps. Coppola, Zelinsky, Adams, Buckman, Coleman, Giraldo, Liebson, Mahoney and McMullen in favor).

A motion to approve the ordinance, as amended, for publication, was made, seconded and approved by a vote of 9-0-0 (Reps. Coppola, Zelinsky, Buckman, Coleman, Giraldo, Liebson, Mahoney and McMullen in favor; Rep. Adams abstaining).

A motion to change the title of the Ordinance to Proposed Ordinance Amending Section 214-29 was made, seconded and approved by a vote of 9-0-0 (Reps. Coppola, Zelinsky, Adams, Buckman, Coleman, Giraldo, Liebson, Mahoney and McMullen in favor).

Respectfully submitted,  
Joe Coppola, Chair

This meeting is on [video](#).