

**THE CITY OF KENT, OHIO
STREETS, SIDEWALKS, AND UTILITIES COMMITTEE
WED., APRIL 22, 2009**

This meeting of the Streets, Sidewalks & Utilities Committee of Kent City Council was called to order on Wed., April 22, 2009, by Mike DeLeone, Chair, at 8:21 p.m.

PRESENT: MR. AMRHEIN, MR. DELEONE, MR. FERRARA, MR. HAWKSLEY, MS. SHAFFER, MR. TURNER, MS. WALLACH, AND MR. WILSON.

ALSO PRESENT: D. RULLER, CITY MANAGER; J. SILVER, LAW DIRECTOR; G. ROBERTS, SERVICE DIRECTOR; AND S. CHESTNUTWOOD, ACTING CLERK OF COUNCIL

ABSENT: J. FENDER, MAYOR; MR. KUCHAR, COUNCIL; L. COPLEY, CLERK OF COUNCIL

Chair DeLeone said they would be hearing a presentation from the Sidewalk Snow Removal Ad Hoc Committee. Member Andrew Fontanarosa explained he is a Kent State University student, as well as a Kent resident. He introduced Randy Ruckhotzke and Diane Centa at this time who also served on the committee.

Mr. Fontanarosa said this presentation was developed, after several months of discussion. He said they hoped it would be informative and entertaining.

Mr. Fontanarosa related the story of a fictitious town that had similar issues, with a strong majority supporting the elected officials. He said the officials tried to listen to the people. Mr. Fontanarosa said the city received a fair amount of snow, making travel by vehicle or on foot difficult. He said many people relied on motorized vehicles, as did City personnel. He said snow equipment was purchased to clear the roads. He said that not everyone relied on motorized vehicles, and at times, those were self-propelled vehicles. Mr. Fontanarosa said that led to the installation of sidewalks. He said that financial constraints led the City to only clear roadways, and after snowfalls, the sidewalks were snow covered and slippery. He said some citizens cleared their sidewalks, but others did not. He said residents and businesses tended to pile snow on sidewalks, forcing pedestrians to climb the piles of snow or walk in the roadways with the cars. Mr. Fontanarosa said ordinances were passed for snow removal. He said the ordinances fit the City's goals, but many residents did not comply. He said the ordinances were hard to enforce, and the problems were not solved. He said that fewer residents cleared sidewalks. He said citizens were frustrated, and some were injured on the sidewalks.

Mr. Fontanarosa said the Committee spent many meetings discussing solutions and concerns. He said they are recommending an approach similar to one used in Bowling Green. He said they had the same concerns, and developed a system of removal fees and fines for their cities. He said several City officials along with their facilitator, Heidi Shaffer and Committee member Randy Ruckhotzke, had a conference call with Bowling Green's Public Works Director and Planning Director. He said they do not advocate replicating this approach, but feel that with some modification, the plan could be successful in Kent.

Mr. Fontanarosa said they are not present to give a list of recommendations, with the expectation of their passage. He said they feel it would be in the City's best interests to study the Bowling Green plan, tailoring it to fit Kent. He said they have several recommendations that they feel would be relevant when the City decides on their approach.

Mr. Fontanarosa said they are suggesting the City's staff put together a plan tailored to Kent's need that would rework existing ordinances so they were easier to enforce. He said that would include a conversion to a civil offense, adding it is currently a misdemeanor charge that is a long process.

Mr. Fontanarosa said they would have to identify the areas for initial enforcement, and suggested the existing school walking routes. He said they had a representative from the schools at their meetings. He said those areas would be the ones initially enforced, should the City pursue enforcement.

Mr. Fontanarosa said they would work out a model that avoids time-consuming methods. He said in Bowling Green, the fee/fine was placed on the resident's electric bill. He said that since Kent does not have their own electric, they would have to find another alternative.

Mr. Fontanarosa said they need to plan a Public Awareness Campaign in the Summer/Fall of 2009. He said the residents would be made aware.

Mr. Fontanarosa said they realize this is for the public's benefit. He said there must be process to exempt the medically disabled residents. He said they talked about matching volunteers to those addresses, adding he felt there would be organizations on campus willing to volunteer. He said the city schools have a high school program also.

Mr. Fontanarosa suggested a moratorium on enforcement, during Christmas, when a vast majority of the University population is not in the City. He said if they are going to collect fines, they should be targeted for sidewalk repair.

Mr. Fontanarosa said that since they expect citizens to clear the sidewalks, it should be expected that the City should explore methods for clearing crosswalks on sidewalks. He said the City plows tend to make it worse at times.

Mr. Fontanarosa said this approach has worked in Bowling Green, and would work in Kent. He said it needs to be a priority. He said Kent is a pedestrian friendly city, as it has been a priority for Kent. He said they have the downtown, the new bike routes, and the new Crain Avenue bridge that are all pedestrian areas. He said the safety of the pedestrians must also be a priority, adding that is the purpose for their recommendation.

Mr. Fontanarosa said that if they have large snow, the sidewalks must be cleared. He said if this happens, Kent becomes a "more liveable" place for all. He thanked them for their time and consideration at this time.

Mr. Wilson asked why they would use the fines/fees from sidewalk snow removal for sidewalk repair, instead of snow removal from the sidewalks. Mr. Fontanarosa said they discussed the public aspect. He said they wanted to provide some benefit. He said it was simply a suggestion. Mr. Wilson said he was curious why they did not recommend this as a funding source for the sidewalk snow removal.

Mr. Turner said when this discussion began, the Law Director had indicated a problem with enforcement, and asked if that had been clarified. Mr. Silver said that Bowling Green has not been challenged in Court, so he is unsure about their exact issue.

Mr. Fontanarosa said he was familiar with the court case referenced by Mr. Turner. He said it discusses the liability issue. He said someone was sued by a visitor to their home. He said the resident had attempted to clear their sidewalk, and the visitor who fell felt they did not do a good enough job. He said the Court ruled that a person cannot be held liable if they removed the snow. He said the issue whether a city can pass that ordinance was not addressed. He said he had an article from the Columbus Dispatch regarding this issue. He said the liability issue is not applicable. He said Mr. Silver is correct that there has been no challenge to Bowling Green.

Mr. Turner told **Service Director Gene Roberts** that if they moved forward with this, whether there could be a degree of uniform enforcement, and asked how that would be done by the City. Mr. Roberts said that while it was a good question, he was not prepared to respond. He suggested they look at the lane miles of Kent, multiply it by 2, and take 97%, and they will have the approximate number of lane miles of sidewalks. He said to have someone walk that after every snow event, becoming proactive, would take a

considerable amount of time. He said the other aspect is whether they are complaint driven. Mr. Turner said he thought he heard that Mr. Roberts would be charged with enforcement, and Mr. Roberts said it falls in his venue currently.

Mr. Ruller said that Bowling Green has been proactive with a target zone. He said those areas outside of the target zone, in Bowling Green, is complaint driven. He agreed with Mr. Roberts that coverage of the entire City would be extremely difficult, but the common sense middle ground would be the target concept.

Ms. Shaffer agreed, adding that there is a rotation so that certain areas are not always viewed first. Mr. Fontanarosa said that Bowling Green only enforced during major snow events. He said they do not expect someone walking the sidewalks with one inch of snow. He said that during this past winter, Bowling Green told them they enforced their snow removal ordinance during three events.

Mr. Roberts said that Bowling Green had about the one-half of the snow received in Kent, so it would be double the effort. He said they would need guidelines, adding that the sun could melt two inches of snow, causing one-quarter inch of "black ice" on the sidewalk. Mr. Roberts said another issue deals with the response time, adding it could be a twenty-four cycle. Mr. Roberts commended the committee for tackling the issue now, instead of doing it during December 2009.

Mr. Amrhein asked if the elderly would be required to shovel their sidewalks, adding a number of his constituents have asked, and Mr. Fontanarosa said in Bowling Green, if there is a medical condition prohibiting the snow removal, they are exempt. He said they are lined up with a volunteer, adding they have a number of organizations willing to help.

Mr. Turner asked how it would work if an individual was injured, or laid up for a while, and unable to shovel, and Mr. Fontanarosa said he was sure there was a buffer that can be built in. He suggested they could hire a neighbor with a shovel. He said this process will help anyone thirteen or older that owns a shovel.

Mr. Ruller said in Bowling Green, they spent the full summer on public education. He said they told him that there were enforcement issues with the first few storms, but it has leveled off. Mr. Ruller said that Bowling Green felt that their residents realized they were serious, and the cultural change did not take long. He said he knew that was in their minds, especially when they use fines to advocate a program. He said Bowling Green took the problem down to a basic level, and it seems to be effective. He said it looks good on paper, but he has not spent time in Bowling Green, so he is unsure if it is an apples-to-apples issue.

Bridget Susel, Neighborhood Programs Administrator: Ms. Susel said the Committee did a great job, and put together a practical project that would not cost much money, but would get compliance. She said the public awareness piece is an important piece. She said it is key they go to group meetings and school meetings, and stress this is for safety. She said by spreading that word prior to next winter, it would run smoother. She said that after a few times, they should get better compliance.

Troy Loomis, Code Enforcement Officer: Mr. Loomis said he would support this program in whatever way deemed by Council. He said nothing is perfect, and it may need some polish, but it is a good start. He said he knew when he was younger, he shoveled the sidewalks. He said he sees disabled people by Tower 43 and students on North Mantua Street struggling, and it bothers him. He said it is time to do something to address the problem.

Jeff Langstaff, Dansel St.: Mr. Langstaff commended the committee. He said he usually misses about six weeks of walking in the winter, and this year, he missed nine weeks because of the piles of snow at the intersections. He said it is a practical approach, and suggested they need to get people working together. He said there is a lot of validity, and they can make Kent a safer community. He invited them to join him on a walking tour during bad weather. He said the only advantage to leaving snow on the sidewalks is that it covers up the heaved-up portions of sidewalks.

Jim Soyars, Director, Business Services, 1619 Morris Rd: Mr. Soyars thanked Ms. Shaffer and the committee for their efforts. He said he was present to represent the 3,800 children enrolled at Kent City Schools and St. Patrick School. He said they do have walk zones throughout the city, and distributed maps at this time.

Mr. Soyars said that they have many places where the students cannot walk. He said they transport 2/3 of the students, and some must walk up to 2 miles. He said some students have a distance to walk to get to their bus stops also. He said he also gave them the Ohio Revised Code and the School Board policy. He said they also have some hazard areas identified, such State Route 43.

Mr. Soyars said that student safety, as an administrator, is important to him. He said they make sure the bus is the safest environment. He said he feels helpless when the children leave their house and try to make it to the schools. He said he knows this through the School's transportation program, adding he used to work for Campus Bus. He said he knows the City streets and sidewalks. He said it frustrates him when he sees able-bodied people who do nothing about their sidewalks, and the students are forced to walk in the streets. Mr. Soyars said one student fell, and had to be transported by the ambulance.

Mr. Soyars said he stopped at one business about their sidewalks, and left his business card. He said no one called him back, but since that time, the sidewalks have been shoveled. He said he feels Mr. Loomis' pain about people not taking care of it. He said he wanted to make them aware of the situation of the students. He said he must ask, as an administrator, parent, and resident, what can they do to make it safer for everyone in the City.

Karl Liske, 452 Sunrise Blvd.: Mr. Liske said he appreciated being able to participate in the meetings. He said he has been discouraged about government, but his experience with the Snow Removal Committee put his faith back in government. He said he hoped Council would implement the Committee's recommendation.

Nancy Adams, High Street: Ms. Adams said she is pleased this committee did a good job in such a light manner. She said as a member of KEC, they have been concerned about this for a long time. She said she remembered when they presented a map of targeted areas to the Administration. She said one area was the Kentway to the drugstore. She said one business did pile up their snow on the corner, causing visibility issues. She said she could not understand why that pile was there. She said she hoped Council would do something within its legal means. She said she lives on a dead-end street, and everyone cleans their sidewalks. She said they should clear the sidewalks for children and Kentway people so they can get to where they need to go.

(Name unclear): She said she was speaking as the mother of a tenth grader who walks in the dark in the winter on North Mantua Street. She said it is extremely dangerous. She said her daughter is a fourth grader at Walls. She said that while they encourage their children to walk, it is dangerous in the winter. She asked that they think about the children.

Walt Adams, 336 High Street: Mr. Adams said he is on the board of the Kent Social Services. He said they provide hot meals to people who walk to them. He said on a snow day, a lot of people do not come out because of difficulty maneuvering the sidewalks. He said it would help to follow the school's plan, adding that they serve meals within two blocks of Holden School.

Mr. Turner said "kudos" to the Committee, adding they have done a tremendous job. He said his concern is that the City is responsible for public safety. He said they are making a move to do something, adding his issue is how they can prioritize certain areas so they can do this effectively. He said there are limitations to going citywide.

Mr. Turner said he saw a focus on priority areas. He said he is a pedestrian who is acutely aware of difficulties faced. He said Mr. Adams brought up a number of affected constituencies. He said he would support them getting something done, as it is of the utmost importance. He said it is important to the elderly, students, and handicapped. He said something must be done by Council this year, adding his

concern is that he has not understood a specific plan, other than focusing on priority areas. He said he understands where they are, adding he hoped they would act with great dispatch.

MOTION TO ASK THE ADMINISTRATION TO ADAPT ELEMENTS OF THE BOWLING GREEN PROGRAM, INCLUDING RECOMMENDED ORDINANCE CHANGES; ADAPTING THE PROGRAM TO KENT, REPORTING BACK FOR ADOPTION.

Motion made by Ms. Shaffer, seconded by Mr. Hawksley.

Ms. Shaffer said that facilitating this committee was interesting. She said they were looking at something that was practical and possible, but within their means. She said they are not asking the City to clear all sidewalks, adding that while it would be nice, it is most likely not possible. She said if the residents did not clear their sidewalks, the contractors would for a flat fee. She said they would not charge a fine for the first time.

Ms. Shaffer said this would create a more liveable, safer community for all of them. She said they are talking about dog walkers, neighbors, children, disabled, etc. She said this is the greener option, adding it is an appropriate day for the discussion as it is Earth Day.

Mr. Hawksley thanked the Committee for all of their hard work. He said there are so many reasons why they should do it. Mr. Hawksley said he knew people did not like government telling them what to do, adding this is tricky as it imposes civility. Mr. Hawksley said that irresponsible property owners, and others who are physically unable, are pushing the responsibility off, socializing the cost. He said it is reasonable to start with a "blitz program" of education and to come up with a reasonable effort. He said if they have six significant snows, modification of the ordinance to allow multiple staff members to help will not break the bank. He said compliance will rise dramatically, as mentioned by the Manager.

Mr. Wilson asked if the motion included all of the bullet points of the Committee, and Ms. Shaffer said the committee was recommending that the City adopt an adaptation of the Bowling Green ordinance. She said they were not asking for approval, but instead, for the Administration to return with a more detailed plan.

MOTION TO AMEND TO INCLUDE ALL OF THE BULLET POINTS IN THE RECOMMENDATION, COMING BACK WITH AN OVERALL PLAN.

Motion made by Mr. Wilson, seconded by Mr. Ferrara.

Mr. Wilson said they need to look at all of the pieces and how they can play together. He said he was very keen on the education component.

The amendment carried by a voice vote of 7-0-1, with Mr. DeLeone abstaining.

The original motion carried, as amended, carried by a voice vote of 7-0-1, with Mr. DeLeone abstaining.

Mr. Wilson suggested that the Administration communicate with Mr. Soyars or someone from the Kent School system throughout the process.

Hearing no further business before this Committee, Chair DeLeone adjourned this meeting at 9:19 p.m.

Transcribed by Linda M. Copley, Clerk of Council, on the 28th day of April, 2009.

Linda M. Copley, Clerk of Council

ACTION RECOMMENDED:

- 1) **TO ASK THE ADMINISTRATION TO ADAPT ELEMENTS OF THE BOWLING GREEN**

PROGRAM, INCLUDING RECOMMENDED ORDINANCE CHANGES; ADAPTING THE PROGRAM TO KENT, INCLUDING ALL BULLET POINTS IN THE RECOMMENDATION, REPORTING BACK FOR ADOPTION.