

**THE CITY OF KENT, OHIO  
STREETS, SIDEWALKS, AND UTILITIES COMMITTEE  
WED., SEPT 16, 2009**

This meeting of the Streets, Sidewalks, and Utilities Committee of Kent City Council was called to order by Michael DeLeone, Chair, on Wed., Sept. 16, 2009 at 8:12 p.m. Chair DeLeone explained the only item on the agenda was continued discussion on sidewalk snow removal.

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

**ALSO PRESENT: J. FENDER, MAYOR; D. RULLER, CITY MANAGER; J. SILVER, LAW DIRECTOR; G. ROBERTS, SERVICE DIRECTOR; G. LOCKE, COMM. DEV. DIRECTOR; AND L. COPLEY, CLERK OF COUNCIL**

**ABSENT: MR. AMRHEIN**

Mr. Ruller said they have had several months of discussion, adding that Council referred it back to Committee last month for further discussion. He said they have presented a number of scenarios, showing different levels of city involvement, enforcement, and associated costs. Mr. Ruller said that **Gene Roberts, Service Director, and Gary Locke, Community Development Director**, have been before them with a few models. He said they met with Mr. Hawksley and Ms. Shaffer after the last meeting where the Administration presented some scenarios.

Mr. Ruller said they all received a proposal from Mr. Hawksley and Ms. Shaffer, that outlines where they are presently. He said they are present to get a better understanding of the proposal, and staff is present to answer question.

Ms. Shaffer said that Council did not support the plan that was a piece of Bowling Green's strategy. She said the motion she made tried to keep everything else, and developed a more comprehensive policy. She said is looking for an increased awareness by people to clean their walks.

Ms. Shaffer said that people walk 365 days a year, not just when the weather is nice. She said it seems that Council agrees it is important to do something, as this is a public safety issue and an enjoyment issue. She said that walkability is a value, adding that property values increase when neighborhoods are walkable, which is another reason to make it walkable 365 days per year.

Ms. Shaffer said she is looking at their proposal as something positive and a hopeful mixture of strategies. She said that she did not believe they would have 100% compliance. Ms. Shaffer said if they increase awareness through an education campaign, and empower people to deputize themselves and talk with their neighbors, it could help. She said they have discussed door hangers with a request that someone clear their sidewalk. She said they are making it worse by piling snow on the sidewalks. Ms. Shaffer said that people could approach businesses, adding this is something that can be done neighbor to neighbor.

Ms. Shaffer suggested they put strategies in place for an education campaign, adding if they are going to do anything for the next Tree City Bulletin, it must be done quickly. She suggested other opportunities, and said they could develop materials for distribution. Ms. Shaffer noted it could be a "good neighbor" campaign.

Ms. Shaffer said during their discussions, they heard the idea of a subscription service, adding this caught her imagination. She said that people have said they cannot clear their sidewalks, and asked for references on who they can hire. She said she believes a large population would be willing to pay a reasonable price to clean the sidewalks eight or ten times a year when the snow accumulates. Ms. Shaffer said they could put together a list of contractors. She said this would give people the opportunity

to have their sidewalks shoveled.

Ms. Shaffer said the idea of a volunteer core is still on the table, adding that the high school and the University could help with that facet.

Ms. Shaffer said other items are included, adding it is important they do something and it is time to stop looking the other way.

Mr. Hawksley said they all received the memo. He said they are trying to come up with something that Council can do in the short term to lead them in the right direction.

Mr. Hawksley said the first item deal with changing the code section that deals with obstruction of the right-of-way. He said that one of the things they heard from the committee discussions that causes frustration is that because it is a misdemeanor, it requires the police's involvement. He said it has been suggested to change it to a civil infraction of some sort, on the advice of the Law Department, and then that would allow citations to be made by the Community Development or Service staff, or whomever is appropriate.

Mr. Hawksley said another idea was the subscription service. He said they previously had some discussion on the licensing problem for snow plow operators. He said they got the sense that this would be a way of short circuiting a lot of issues. Mr. Hawksley said it would be a free license, as long as the plower would accept the information on respecting the right of way and sidewalks. Mr. Hawksley said it would give them the ability to talk directly to those who plow. Mr. Hawksley said they are requested Council ask Mr. Roberts to flesh out the details on this issue.

Mr. Hawksley said he and Ms. Shaffer have talked with Mr. Roberts, Mr. Locke, and Mr. Ruller about having some available resources to hire a contractor. He said they would put it out to bid, and they could focus their resources on those areas that have large icebergs blocking the sidewalks. He said this requires monies in the budget.

Mr. Hawksley said, in summary, they could like Council to consider the code change, refer the issue of a snow plow license to the Administration, and put monies in the budget for private contractors to help move snow.

Mr. Turner said he wanted to go back to the change in the code from a misdemeanor to a civil infraction. He said the ordinance is general, and not specific. Mr. Hawksley read §521.16(b) at this time. Mr. Turner asked if the language could not be used in a way against someone that does not shovel their sidewalks or if it was limited to obstructions of the sidewalks, and Mr. Hawksley said it was limited to obstructions.

Mr. Kuhar said there is a difference between the amount of snow that is received in Bowling Green versus Kent, and Mr. Hawksley said that is not pertinent to what they are discussing. He said they have set aside the Bowling Green policy, where they went to each property owner, and issued citations, if necessary. He said they are not discussing that.

Mr. DeLeone said this policy would be applicable, whether there was one, two, or eight inches of snow.

Mr. Ferrara asked if there is no fee for licensing, how they would police it, acknowledging that something is better than nothing. Mr. Hawksley asked Mr. Roberts to respond to Mr. Ferrara, and Mr. Roberts said they did not want to make it difficult.

Mr. Roberts said their intent was to make it easier for snow plow operators. He said the problem Kent has is who put the snow in the piles. He said it would be a free license, but if they did not abide by the rules, they would be unable to plow in Kent, as they would lose their license. He said they plan to contact the plowers, and give them a reasonable period to remove snow. He said one problem he has is that many business managers have no idea who placed snow on the sidewalk, and licensing would sidestep that problem.

Mr. Ferrara asked the penalty, and Mr. Roberts said the intent is that it would be a free license so there is no reason why someone does not receive it. He said the intent is to have a better handle on who is plowing. Mr. Ferrara asked if that would be taxing to the Service Administration, and Mr. Roberts said they have to track it down now, adding it takes a lot to find out the contractor, and many times the snow melts before they reach out to the plower.

Mr. Ferrara asked, with respect to the \$50,000, who would be responsible for oversight, and what would happen if it cost more, and Mr. Roberts said they would go back to the unencumbered fund balance. He said they would need to talk to those providing the service to see if it is cheaper to ask for removal every two inches or wait until the event is over. He said it may be cheaper to clean it all of the time.

Mr. Ferrara asked how they would quantify the success or failure of the problem, and Mr. Roberts said if every sidewalk was cleared, they would deem it a success. He said if half of all sidewalks were cleared, it would still be successful. He said that last winter, he and Mr. Locke did a lot of "windshield" surveys, and it appears the problem is primarily with the high density residential and the commercial business that get plowed.

Mr. Ferrara asked if \$50,000 is a one time item, with more needed, and Mr. Ruller said they have no idea what it is going to cost. He said this money is meant to do something, and would give them some funds to address the most problematic areas. He said if nothing else, it gives them experience and something to point to. Mr. Ruller said they had no scientific method for coming up with \$50,000.

Mr. Ferrara asked how they would prioritize where and how the money is spent, adding it could become an issue when someone who is passionate and calls weekly, running through the money. Mr. Roberts said they are targeting specific areas for the money. He said whatever financial resources are applied would be split between 2009 and 2010. Mr. Roberts said if they agreed on \$50,000 this winter, it may be \$20,000 for 2009 and \$30,000 for 2010. He said they will find out what they can do with the contractor.

Ms. Wallach asked how they would deal with the civil infractions, and Mr. Silver suggested it could be something similar to the parking ticket process. He said they could afford them to a hearing, with someone in the City as a hearing officer. He said if it is not paid, they could take them to court, similar to a parking ticket. Mr. Silver said a civil lawsuit could cost \$50 to \$150 in filing fees.

Mr. Locke said, with respect to the civil infraction concept, they have found a few examples around the state, such as Oxford and Bowling Green. He said they have set up a structure that identifies civil violations, and ultimately if the violation is not corrected, and the fee is not paid, it is placed on the property taxes. He said they have also looked at the ticketing information, and are trying to decide which situation has a better impact and is more effective. He said he suspected if they could do something like that, they could do something similar with grass complaints. He noted that the Code Enforcement Officer did some networking through the state, and has collected more of the funds this year. He said they have tracked down the responsible individual for properties in foreclosure. Mr. Locke said they have a lot of items that could fit under the civil infraction structure.

Mr. Hawksley suggested something in the Tree City Bulletin advising if someone gets a ticket for \$100 and pays it within twenty-four hours, it would reduce to a smaller amount, like \$20.

Mr. Wilson suggested if they are targeting those areas with mounding that staff could send a letter to all residents and businesses, putting them on notice as to the proposed cost. He asked why they should not tell someone they are going to have a problem. Mr. Wilson said this has been in the Tree City Bulletin before, adding eh was not sure it helped. He suggested trying this instead of throwing money in the pot.

Mr. Wilson said the license for snow plows is going to be a nightmare, adding they will now know whether they are licensed in Kent, unless staff is monitoring them.

Mr. Wilson suggested they make the property owner responsible for the mounts. He said the policy suggested putting out RFPs, and suggested, instead, they should gather up a list. He said they are

making a mistake going with just one company, and could establish a list of people wanting to clean sidewalks.

Ms. Shaffer said she liked the idea of sending out a letter, and felt it was a good idea if they support the idea of a civil infraction. She said people need to know the consequences, adding that is why they want to do something soon.

Ms. Shaffer said if they are spending the money, the people will see the City doing something. She said the City should be showing they are trying to not make the problems worse by clearing their intersections and bus stops. She said that just a few places could be meaningful, adding it is important to them. She said the idea of a list of people to shovel could also be an option.

Mr. Kuhar said they could word the ordinance so that it is the responsibility of the person who controls the property. He said they could have a list of people willing to clear sidewalks, adding there a lot of high school or college students who would do it for \$10.

Mr. Turner said they need to be clear to the residents that they are not going to slight the normal person whose snow is not shoveled. He said the subscription method seems to be the better way to go. Mr. Turner said the overall premise is pretty strong, with all of the measures looking solid without a lot of cost.

Mr. Kuhar said as they look at all of the challenges with the snow and how to deal with it, how they explain to the public that they are expected to not obstruct a right-of-way or sidewalk, which is something the City is not doing themselves, and Mr. Hawksley said the intention of the money is to clean up their icebergs. He said the other tools will help with those who pile snow. He said they heard there are some intersections where the plowers have no place for the snow.

Ms. Shaffer said it could be a priority if it could be deemed a hazard. She said one of the areas she saw could be prioritized. She suggested they leave it to the Administration as to the priorities.

Mr. Ferrara asked how they rationalize setting aside funds for the City to pay for the mess it makes on those sidewalks. He said if they make the mess, they should clean it up.

Mr. Wilson suggested if they are going to use that money to fix what the City piled up, why they would not just tell Mr. Roberts to add more money to his budget. He said they know they are all going to call Mr. Roberts with areas they all want clean. Mr. Hawksley suggested that Mr. Ruller can speak to a hired contractor. Mr. Wilson said they can just let Mr. Roberts do it. Mr. Hawksley said they have heard that the staff is stressed out. Mr. Ruller said they are asking for the \$50,000 to allow Mr. Roberts to hire a contractor for those days when the icebergs are developing. He said they are not in the position for additional staff.

Mr. Ruller said their choices included hiring a few extra people for these types of problems, or taking another crew off of street cleaning, putting them on this detail. He said they did not hear anyone saying they should sacrifice street cleaning. He said the other idea was to give the Administration some monies. He said this is a pilot year, adding they do not know what it is going to take to clean those piles. He said they would leave it to Mr. Roberts to decide how to best spend it.

Mr. Ruller said Council has spent a lot of time discussing these issues, and are getting the feeling the Council wants to try something. He said the Administration offered this as something that can accomplish of their objectives.

Mr. Wilson said at one point, they are talking about correcting the situation the City creates, and using the same pot of money where the snow plowers pile it. Mr. Hawksley said they are not moving that snow. Mr. Wilson asked if the \$50,000 is strictly for City snow, and Mr. Hawksley said that was correct. Mr. Wilson said, that they should just let Mr. Ruller and Mr. Roberts put it in the budget.

Mr. Ruller said he is hesitant to over commit for that purpose. He said if they have a situation where the

children are in the streets, and they cannot find the plow operator, he would like Mr. Roberts to fix that. He said they can push the snow but it does not disappear. Mr. Ruller said that short of melting it, it will accumulate on the corner, or be along the street if it is dragged. He said there will be secondary impacts that will appear. Mr. Ruller said they felt this was a balanced approach, with a little education and enforcement.

Mr. Wilson said it is to do both jobs. He said Mr. Locke contracts with someone to cut grass. He suggested they put \$50,000 in Mr. Roberts budget for snow removal, and if he needs a contractor, Council does not have to play with it. Mr. Ruller said the only reason is that some needs to be allocated this year. He said they can build it into the 2010 budget, but it leaves nothing for now.

Mr. Kuhar said there is an abundance of used snow melting equipment available, and asked if they have looked at a snow blower/snow melter combination. Mr. Roberts said Kent State called earlier in the summer, and were looking to spend \$120,000 for a snow melting machine. He said the bobcat would put it into the hopper, where it would melt, and drain into the storm sewer. He said if they could load it and melt it downtown, they would reduce staff by 50%. Mr. Kuhar said there are combination units that blow it into a melter. Mr. Roberts said he was not aware of those, but he knew of the ones that melted in a stationary place, resulted in an ice skating rink.

Mr. Kuhar asked who assigns manpower to the sidewalks after a snow event, and Mr. Roberts said a major storm event wipes them out. He said the workers pull sixteen hours on, and after about two rotations, they are worn out. He said they can borrow people from Parks and Recreation or Water Treatment who have CDLs, but the efficiency drops.

Mr. Kuhar asked about the standing list of community service from Judge Plough, and Mr. Roberts told Mr. Kuhar he has yet to see such a list. He said they get one or two workers, only able to work a few hours, and it is not a dependable work force.

There were no further questions, nor audience comment at this time.

**MOTION TO RECOMMEND ALL FIVE ITEMS ON THE SIDEWALK POLICY PROPOSAL, WITH THE ADMINISTRATION RETURNING WITH THE DETAILS.**

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

Mr. Kuhar said he could support all of the motions, but by putting them all together, he could not support it.

**MOTION TO AMEND ITEM #5, AUTHORIZING \$20,000 FOR 2009, THROUGH 12/31/09, WITH FUTURE FUNDS BEING APPROVED BY COUNCIL BASED ON THE RECOMMENDATION OF THE ADMINISTRATION, BASED ON THE SUCCESS OR FAILURE OF THE PROGRAM.**

Motion made by Mr. Ferrara, seconded by Ms. Wallach.

Mr. Kuhar said he was fine with the amendment, but since it was part of the first motion, he could not support it. At this tie, other committee members pointed out the amendment dealt with Item #5 only.

The amendment carried by a voice vote of 8-0-1, with Mr. DeLeone abstaining.

Mr. Ferrara said they have beaten this discussion to death, adding it is a step in the right direction. He said they will have an opportunity to shot it down, at a later date, but suggested they move forward and quit rehashing the subject.

Mr. Kuhar said if he understands the motion, they are not changing the Code, and not licensing snow plow drivers.

The Clerk was asked to restate the motion and did so.

Mr. Hawksley explained this would bring back the requested information.

Ms. Shaffer said they are moving it forward as a five-point proposal, and Mr. Kuhar asked if that meant they were not adopting anything. Mr. Hawksley said that was correct.

Mr. Turner said he did not know how they could have done a better job with all of the existing challenges. He said it seems to be progress, adding they have been discussing this for some time. He said that Mr. Hawksley and Ms. Shaffer have done a lot, and suggested they allow the Administration to work on the proposal.

The motion carried by a voice vote of 7-1-1, with Mr. Wilson dissenting and Mr. DeLeone abstaining.

Hearing no further business before this Committee, Chair DeLeone recessed this meeting at 9:05 p.m. for a previously authorized executive session (Ms. Wallach left at this time).

Chair DeLeone reconvened this meeting at 9:18 p.m., and hearing no further business before this Committee, he adjourned this meeting at 9:19 p.m.

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Linda M. Copley, Clerk of Council

**THE FOLLOWING ACTIONS WERE RECOMMENDED:**

- 1) TO AUTHORIZE THE ADMINISTRATION TO REVIEW THE FIVE-PART SIDEWALK SNOW POLICY PROPOSAL, RETURNING TO COMMITTEE FOR FURTHER DISCUSSION.**