

**THE CITY OF KENT, OHIO
STREETS, SIDEWALKS, AND UTILITIES COMMITTEE
WED., JUNE 2, 2010**

This meeting of the Streets, Sidewalks, and Utilities Committee of Kent City Council was called to order at 8:05 p.m. on Wed., June 2, 2010 by Michael DeLeone, Chair.

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

ALSO PRESENT: J. FIALA, MAYOR; D. RULLER, CITY MANAGER; J. SILVER, LAW DIRECTOR; L. COPLEY, CLERK OF COUNCIL; W. LILLICH, SAFETY DIRECTOR; AND J. BOWLING, CITY ENGINEER.

Chair DeLeone said they would be discussing a proposed Taxi Cab ordinance. **DAVE RULLER, CITY MANAGER**, said that they are seeing a lot more taxi activity. He said there is a significant emergence of this business sector. He noted that the Mayor pointed out that he recalled a previous taxi cab ordinance, which was removed by Council. Mr. Wilson commented they had no taxi cabs at the time. Mr. Ruller said they have a fair number of new taxi services, and there are concerns for public safety. He said the assumption by the customer is that it is a safe vehicle and insured, but the City has no process in place.

Jim Silver, Law Director: Mr. Silver said he previously distributed a compilation of things that some senior staff pulled from other communities. He said that most of it is focused on the safety and welfare of the users. He said they want to be sure that those who drive the taxis are licensed and do not have criminal records. He said there are also some reporting requirements for income tax measures, adding it is fairly basic. He said it is a fairly decent set of regulations, and they were asking for Council's approval.

Mr. Valenta said the application fee was only \$25, and asked if it was per cab. Mr. Silver said there are two licenses, adding one is for the cab company and the other is for each driver hired. He said each individual driver would pay a license fee of \$25, and the company is \$75. Mr. Valenta said if they are worried about safety concerns, the fee may be a little low. He said they should be sure a company has financial stability.

Mr. Silver said it is more of a reflection on the time it will take to process the application, as they are not hiring a new person. Mr. Valenta asked if this is going to cover the cost of someone devoting time to it, and Mr. Silver said it probably did not cover it. Mr. Valenta suggested they may want to increase the fees to cover the associated costs with the processing of applications. He said it may behoove them to increase the amounts.

Mayor Fiala said in his short tenure as Mayor, he has received three complaints on cabs in Kent. He said they need some regulations. He suggested they start with what was distributed, adding they can revise it as they go. Mayor Fiala asked if anyone is grandfathered, and Mr. Silver said no one would be grandfathered.

Mr. Valenta expressed his concern about the fees, adding they may lose money on the processing time. He said they should raise it to \$100 per driver and \$200 per company, adding whatever they do should equate to the hourly wage of an employee.

Mr. Wilson said at this point, he feels the staff thinks this will cover the cost. He said he assumed if it did not cover their costs that the Administration would return at a later date. He said it is important to get something in place.

Ms. Shaffer said that the cab companies and drivers must provide insurance and their drivers licenses. She said the City will do a background check, adding that takes a lot of money. **William Lillich, Safety Director**, said that background checks are around \$30 and done independently at the Sheriff's office. Ms. Shaffer said she supported a small increase. She said they have concerns on the safety issues, adding

they want to encourage them, not discourage them. She said she wanted to be sure they were tracked for income tax purposes. Ms. Shaffer asked how they will do that with the registration, and questioned whether they would be getting some records on the number of people transported, etc.

Mr. Silver said they are not requesting that, but want the information available so they can look at them. Ms. Shaffer suggested that RITA can review them. Mr. Silver said it can be someone from the City also.

Mr. Kuhar said he is all for safety issues. He said those driving cabs are not college professors or high paid people. He said they are not making a lot of money. He said every new person in that office is new income revenue for the City's income tax. He said that cab companies work on percentages. He said if they give 40% to the drivers, the income should balance. He said if it does not balance, they need to look at it. He said they will get their fees back in other ways.

Mr. Turner said that along the lines of Mayor Fiala's comments, the Administration had established that those fees would be related to administrative costs that the City would pick up. He asked if that is the case, and Mr. Lillich said it is generally the case, but may be a little on the light side. He said it is consistent with the ordinances they reviewed. Mr. Turner asked if he is comfortable with those figures, adding he has the same concerns as Mr. Kuhar. He agreed that these are not high paid people, and they may burden them with additional fees that are unwarranted. He said they will collect revenue, and get income taxes, adding that should be sufficient.

Mr. Valenta said he is not trying to discourage business, but when it comes down to protecting the people in their community, there should be some additional sacrifice. He said he understands the background checks. He said they are asking them to show they are financially responsible to drive the citizens, adding that \$25 per driver does not show financial stability to those using the cabs. He said he understands they will get their tax revenues. He said there will be some independent drivers who are paid a percentage. He said the \$25 fee per driver is too low, when it concerns the safety of people on the streets.

Mr. Turner said he does not see how additional financial responsibility translates into safety. He said it appears that there are safeguards in place. He said they need to accommodate the needs to make money in Kent by the cab companies, and also ensure the safety of their residents. He said he was comfortable with the safety net established by the Administration.

Mr. Kuhar asked if there is a place in the regulations that says companies have to be bonded and insured, and Mr. Silver said they have to have insurance. Mr. Kuhar said they are protecting the cab's passengers by requiring the company to have insurance. He said if a guy is working in a construction trade and knocks a hole through the window, the contractor is responsible.

Mr. Valenta asked if they have to have a commercial driver's license, and Mr. Kuhar said it is a chauffeur's license. Mr. DeLeone said there are no more chauffeur's licenses. Mr. Kuhar asked if they eliminated the need for a chauffeur's license, and Mr. Lillich said it is not required any more. Mr. Wilson said they no longer issue chauffeur's license, adding it is now a CDL.

Ms. Shaffer asked how they are going to do a background check on each driver, and Mr. Silver said the Sheriff's Department would do them. Ms. Shaffer asked who pays for it, and Mr. Lillich said the applicant pays for it.

Mr. Kuhar asked if there is any reason why the applicant or company cannot provide a background check, and Mr. Lillich said there is a restriction on the use of the electronics system and who can do fingerprinting. He said there are only a few locations in the County where it can be done.

Ms. Shaffer asked if they require a drug test, and Mr. Lillich said a specific drug test is not required. He said they can require one with probable cause.

John Thomas: 1621 Chadwick: Mr. Thomas asked when the previous codified ordinance with respect to taxicabs was repealed, and Mr. Silver said it was either 1995 or 1996. Mr. Thomas asked if it is correct

that they are not licensed currently, and Mr. Silver said that was correct.

Mr. Thomas said he appreciated Mr. Kuhar and Mr. Turner's comments. He said he works daily with ex-felony offenders. He said it is tough for them. He noted he was present on another matter, but this caught his interest. He said he would hate to see an individual, male or female, with a felony for non payment of child support, be restricted from being licensed to work with a cab company. He asked they be aware of the background checks so they do not prohibit a segment of the population. He said there are people who are not university professors or people without high school diplomas, who are driving cabs. He said they would be restricted if they have a felony for non payment of child support. He said he was concerned this ordinance may be so inclusive that it includes those that are low risk. Mr. Silver clarified it only prohibited those who have sex offenses or drug offense.

Arlyne Habeeb, 226 E. Summit St: Ms. Habeeb said they have no controls over the drivers for those people coming from Cuyahoga Falls. She said they need something that is amenable to everyone for it to work. She said they will at least have some registration to see who is in Kent.

MOTION TO AUTHORIZE THE ORDINANCE, CONTINGENT ON A ONE-YEAR REVIEW OF THE TRUE COSTS OF THE CITY PERSONNEL.

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

Mr. Valenta said it is smart to have, adding he is not against the ordinance. He said he is just concerned about the fees and associated costs. He said it is one step further to make citizens safe.

Mr. Ferrara said he felt the Administration is getting the point that they should be covering their costs. He said it is a good start.

Ms. Shaffer said she is thrilled that Kent is a growing city with this problem. She said they had no cab companies, and now there are several. Ms. Shaffer said it is now time to regulate them for safety concerns, and they had to be sure it is cost neutral. She said they should be sure they benefit from the growing business sector.

Mr. Kuhar said they always had two cab companies in Kent. He said he does not remember anyone being mugged or attacked. Mr. Kuhar said it went very well. He said it was nice to know when one was drunk or their legs hurt that they could get a safe ride home.

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

Chair DeLeone said the next issue was an agreement with ODOT for the Tannery Hike and Bike Trail. Mr. Ruller said they have obtained grant funds, and asked **Jim Bowling, City Engineer**, to speak to the topic.

Mr. Bowling said they received grant funding for this section in 2008. He said that ODOT takes a while to get things done, and finally sent them an agreement. He said it is the standard agreement, similar to the one used on Spaulding Drive. He said this section is from Fred Fuller to Tannery Park. He said they are requesting Council's approval to enter into the agreement, with the emergency clause.

Ms. Wallach asked if the route has not been established, and Mr. Bowling said they are into the route evaluation phase at this time. He said there will be a public meeting on June 29 at the Roy Smith Shelter House. He said they will show a matrix of all routes evaluated to obtain public comments.

There were no further questions or audience comment.

MOTION TO AUTHORIZE THE AGREEMENT WITH ODOT FOR THE TANNERY HIKE AND BIKE TRAIL, WITH THE EMERGENCY CLAUSE.

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

Chair DeLeone said the last item was the amendment to the KSU easement agreement. Mr. Bowling said

the SR 59 signalization project has been bid and awarded. He said the bids were 15% under their estimates, and the contractor is planning to be onsite in August or September. He said the University requested they move a controller box away from the street, behind the sidewalk. He said they are donating additional easement. He said the Administration is requesting acceptance of .007 acres from Kent State University at the southeast corner of Main and Terrace, with the emergency clause.

Mr. Kuhar asked when it will start, and Mr. Bowling said in August or September. Mr. Kuhar questioned why they do not do the project when schools are closed, and Mr. Bowling said this would be a fifteen month break. Mr. DeLeone asked if it was Midway, and Mr. Bowling said it is Terrace, across from Luther.

There were no further questions or audience comments at this time.

MOTION TO AUTHORIZE ACCEPTANCE OF .007 ACRES FROM KENT STATE UNIVERSITY AT THE SOUTHEAST CORNER OF MAIN AND TERRACE, WITH THE EMERGENCY CLAUSE.

Motion made by Mr. Wilson, seconded by Mr. Kuhar, and carried by a voice vote of 8-0-1, with Mr. DeLeone abstaining.

Hearing no further business before this Committee, Chair DeLeone adjourned this meeting at 8:30 p.m.

Linda M. Copley, Clerk of Council

ACTION RECOMMENDED:

- 1) **TO AUTHORIZE THE TAXI CAB ORDINANCE, WITH A REVIEW OF CITY COSTS AFTER ONE YEAR**
- 2) **TO AUTHORIZE AN AGREEMENT W/ODOT FOR THE TANNERY HIKE AND BIKE TRAIL**
- 3) **TO AUTHORIZE AN AMENDMENT TO THE KENT STATE UNIVERSITY EASEMENT AGREEMENT.**