

**THE CITY OF KENT, OHIO
STREETS, SIDEWALKS, AND UTILITIES COMMITTEE
WED., SEPT. 3, 2008**

This meeting of the Streets, Sidewalks, and Utilities Committee of Kent City Council was called to order by Mike DeLeone, Chair at 7:15 p.m. on Wed., Sept. 3, 2008.

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

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

Chair DeLeone said the first item deal with the Ohio Public Works Commission. **Dave Ruller, City Manager**, said this is another one of those issues that relates to money and opportunities. He said infrastructure monies have become available, and **Jim Bowling, City Engineer**, who brought it forward can explain what they are recommending at this time.

Mr. Bowling said he was before them a few months earlier, he was before them, asking for permission for a pre-application for Drainage Area Q, which is a storm sewer project. He said after that application was made, they received a letter from the Ohio Public Works Commission that they had more money to give out, and requested additional projects. He said they also extended their deadlines.

Mr. Locke said they looked for projects that would score well, and came up with the SR 59 signalization project. He said they are requesting authorization to submit the application. He said following the pre-application, they received word that the project scored fourth out of nineteen projects to be recommended for funding. He said they are looking for approval to submit that application.

At this time, there were no questions from the Committee and no comments from the audience.

MOTION TO AUTHORIZE AN APPLICATION TO THE OHIO PUBLIC WORKS COMMISSION FOR THE SR 59 SIGNALIZATION PROJECT.

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

Mr. DeLeone said the next issue dealt with a citizen's committee on sidewalk snow removal. Mr. Ruller said they have no presentation, but have redistributed information they received in March, including the previous policy and location of all sidewalks. He said staff is present, adding he thought this meeting was for the committee to talk about forming a citizen's committee and who should serve.

Mr. DeLeone asked Council member Shaffer to further describe her thoughts, as she was the maker of the motion on August 20, 2008.

Ms. Shaffer said they recognize their resources are limited, and their enforcement capabilities are also limited. She said they are a pedestrian-focused town, and encourage more bus rider ship. She said both of these require people to walk on the sidewalks or in the street.

Ms. Shaffer said there is a safety issue, with people walking on the streets. She said that many of them witnessed people navigating piles of snow last year, with some being very hazardous. She said they began discussing the possibility of sharing brain power with some citizens to make some recommendations. She said she would like to broaden the scope to include maintenance. She said the question is how to educate the people and to discuss the legal issues. She said the Committee would understand the issues and would make recommendations.

Ms. Shaffer said the City purchased an ATV that can do some of the sidewalk clearing, so there is an increased capacity. She said they may wish to charge this committee with giving direction to Council or the Administration as to the priorities for the increased capacity. She said they would look at options for those unable to clear their own sidewalks.

Ms. Shaffer said she spoke to a management company, and asked who clears the sidewalks in their rental properties. She said they told her the lease said it is the responsibility for the renters, but there are no available tools. She suggested the committee might look at that also.

Ms. Shaffer said she wanted to use this as a consciousness raising tool for the community, as well as ways to develop policies around the issues. Ms. Shaffer said it is very important that they start to look at the sustainability goals of the Environmental Commission, and match their policies to these goals. She said one goal was to encourage more pedestrians and to make it more accessible.

Ms. Shaffer said she did not want the committee to be too big. She suggested nine people, with six being residents, including at least one who is a student at the University. She said the Committee should reflect the diversity of ownership status regarding renters and homeowners. She suggested people who are pedestrians and who do a lot of walking or riding on the bus. She suggested including a business owner who could serve. Ms. Shaffer said two members of Council would serve as Co-Chair, and City staff can give rotating supporting by providing information and presentations. She said this would include the Service Director, Code Enforcement Officer, Law Director, and also someone who would assist with educational efforts, possibly a designee by the City Manager.

Ms. Shaffer said the Committee must meet every other week to develop a preliminary recommendation of a policy in November, and then once a month for follow up and implementation, so they can jump to the next ask of sidewalk maintenance issues. She said it would be open applications, adding the Clerk said they would advertise in the Record Courier, and Council would interview and make their selections.

Mr. Turner asked about the ability to have a senior citizen appointed, as they are affected. Ms. Shaffer suggested they advertise for diversity and prioritize. She said they could list the types of people they hope would apply. She said that through the interview process, they may be able to get a senior or someone with a back injury. Mr. Turner suggested they need to define a senior's age.

Mr. Wilson said he thought Ms. Shaffer said nine people, and then listed eight positions. He asked if she was talking about seventeen people, adding that he heard one KSU student, one business person, one staff, and two council members. Ms. Shaffer said that six residents would include at least one Kent State off campus student. She said it would include one business owner and two Council members. Mr. Wilson said he only came up with eight on the Committee. Ms. Shaffer said that staff would be rotating, adding she did not want to use unnecessary resources. She said she wanted to encourage citizen involvement, also.

Mr. Wilson asked what the make up is for the Committee, and Ms. Shaffer said there would be seven residents, including one student who lives off campus; one business owner; and two Council members. Mr. Wilson asked why they would have two members, adding the Council has discussed this many times, and maybe just one Council member needed to work with them, acting as a liaison. Ms. Shaffer agreed, and Mr. Wilson suggested a non-voting member. He said he is recommending eight residents and one business owner, and a non-voting Council member.

Mr. Kuhar said he had a few suggestions and a question. He said he has two problems with this issue, with one being that a lot of businesses get their lots plowed but do not do their sidewalks. He said it happens with homes also, who do not clean sidewalks and end up blocking them. He suggested they need to make snow plowers aware that this is a violation of their Code. Mr. DeLeone said that is part of the education component. Mr. Kuhar said he did not want to do that in the Spring.

Mr. Kuhar said his question is who plows the snow. He said he saw some figures on plowing all of the sidewalks, and suggested they need to decide on how much snow in a certain number of hours. He said

people should not expect their snow to be plowed where there are only two inches. Mr. Kuhar said it still goes back to seniors, and questioned who would shovel the snow, adding that the City cannot do the shoveling.

Ms. Shaffer said those are excellent points, and they could spend a lot of Council's time reviewing those points. She said this is an opportunity for direct citizen involvement, and to take some of the weight off of them to decide the finer points. She said the committee needs to wrestle with the items and investigate them to decide what would work best in Kent. She questioned who would know better than those living in Kent.

Mr. Wilson said it does not take a lot of the weight from them, as they still make the ultimate decision. He said he can guarantee that six of them feel their section of Kent is the most important. Mr. Wilson suggested out of the eight residents, one should be a senior. He suggested one senior, one business person and seven residents.

Mr. Fender said citizen involvement is a good idea, adding they will provide some options. He said the only concern is that he did not want staff to be used, adding that is extremely important.

Mr. Turner said he senses an issue evolving when they deal with residents. He said there are six wards, and he suggested a representative from each ward. Ms. Shaffer suggested they look at geographic diversity. She said she did not one from each ward, as that might eliminate some interested people from applying. She said when they review who has applied, and have an overabundance, that should be the idea to get a fair representation. Mr. Kuhar commented that his ward basically has no sidewalks.

Mr. Ruller said in the spirit of collaboration and partnerships, it makes sense to include the Kent state operations people. He said they have a serious sidewalk brigade, adding he always thought it would make sense to work with them. He said that some of this relates to PARTA and their bus shelters also.

Mr. Kuhar suggested they may wish to speak to Judge Plough about community service.

Mr. Wilson suggested they make it clear they have no money. He said he would hate to see everything go down the drain because of money.

Mr. DeLeone called for audience comment at this time.

Eileen Mohr, Ward 3: Ms. Mohr suggested she is missing the entire point. She said she thought they had a Sidewalks and Utility Commission in place. She said it is fine to get input from the residents, adding the problem is that people are not doing what they should do. She suggested they increase the education portion for those who rent, adding they do have new renters annually. She suggested people are unaware of it, and suggested articles in the Tree City Bulletin. Ms. Mohr said the committee will have no enforcement power, and will return to the people with authority who are too strapped to deal with the issues. She said she understood those concerns about renters having it included in their lease, but noted that shovels are not that expensive. She said that ten kids living in a house can buy a shovel.

Ms. Mohr said she did not want to spend any of the money. She said they know the problem, and need to enforce their existing laws. She said they need to go after those who do not take care of them. Ms. Mohr said they had a guy that their neighborhood paid extra to do the sidewalks. She said it is an enforcement issue, adding they know the problem and do not need to study it any further.

Christopher Myers, 1402 Vine St: Mr. Myers said he owns a student rental and this does not apply to him. He said at 7:00 a.m., when it snows, he is shoveling. He said his tenants can barely make it up to the University. He said they did an absolutely lousy job last year, with students falling, slipping, and sliding.

He said he knows they want to stick it to the landlords, adding they always like doing that. He said they are doing it with the water. Mr. Myers said whoever rents a house is responsible for the house. He suggested they read the Ohio Landlord Tenant Law, adding the owner has little authority other than

maintenance. He said the house belongs to the tenants, adding they have to remember that.

John Thomas, 1621 Chadwick Rd. Mr. Thomas said he wanted to add a little history. He said during the winters of 1976, 1977, and 1978, Kent had sidewalk snow removal because of huge blizzards. He said they used federal revenue sharing money, which ran out in the end of the 1970s. Mr. Thomas said Kent is an exception community, adding it is pedestrian friendly as compared to the other three cities and five villages in Portage County. He said they receive impact aid from Ohio, and asked what it would cost to apply for Homeland or FEMA dollars when they have a snowfall of six or more inches. He said they have put millions into walkways and bike trails. He said it is like a BLT sandwich without a tomato, adding they are doing nothing to make their walkways pedestrian friendly. He suggested they consider it next year, for the winter of 2009-2010.

John Bard, 435 Francis: Mr. Bard said the idea of senior citizens is a good idea, and talking to Judge Plough is a good idea. He said he is okay with the idea of having a university student on the committee. He asked about the little children going to school, that must walk up to two miles. He said they need a mother with two little kids, which would be the nastiest person on the committee.

Mr. Myers asked about a landlord.

Mr. DeLeone said everyone will be able to apply, and Mr. Myers said he would not apply as he is running for Council.

MOTION TO CREATE A NINE-PERSON CITIZEN COMMITTEE, CHARGING THEM WITH RECOMMENDATIONS ABOUT SIDEWALK MAINTENANCE.

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

Mr. Wilson asked if they were talking about maintenance or snow removal, and Ms. Shaffer said snow removal would be the first task. She said this goes beyond snow removal, which is important. Ms. Shaffer said some of their sidewalks are in terrible condition. She said as a city, they do not have the resources to fix them, but need to address how to make these repairs. She said some are citizen upkeep issues, such as glass and gravel on the sidewalks. Ms. Shaffer said she is unsure if a committee can do this, but it costs money to enforce their laws. Ms. Shaffer said their Code Enforcement Officer is very busy. She said there may be cost sharing policies, adding they would deal with snow removal first.

Mr. Hawksley said he agrees, adding they have talked about this for years. He said the pedestrians are second class citizens. Mr. Hawksley said he walked between the campus, City Hall, downtown and his house, and counted five crossing lights that are not fixed. He said they never let a regular traffic light go unfixed. He said they have four sidewalks blocked because of overgrown hedges, and when he called the enforcement officer, he was referred to another. He said they heard it said they need to enforce their ordinance, and he agrees. He said Mr. Thomas said they need to be creative. Mr. Hawksley said they need to spend more money, if they are going to be sustainable and encourage walking. He said with the comment about the children, he heard that all last winter. He said they cannot walk to the bus stop, and if they do, there is a pile of snow. Mr. Hawksley said city staff and bus drivers all needed to be queued into the issue. He said if they do not walk, they do not know.

Mr. Kuhar said he was all about the snow removal issues, adding that there are some things they can and cannot do. He said when they added sidewalk maintenance issue, he turned his head. He said they have sidewalk programs, ordinances, codes, and other means of enforcement that should be handled by the appropriate departments. He said if this goes beyond the snow removal issue, he would not support the motion.

Mr. Wilson said he agreed with Mr. Kuhar. He said he would solidly support a committee regarding the snow removal issues, but the staff handles maintenance issues. He said earlier in the evening, they approved a request to Board of Control for \$100,000 for the sidewalk program. He said he would not support a committee dealing with maintenance. He said he has turned in many bushes that were overgrown on the sidewalks, and they were all handled. He said maintenance issues being added are

unnecessary components.

Mr. Turner said they are overwhelming the overall idea with maintenance. He said he understands where they are going, and they can refer this back to the committee on the issue of sustainability. He said he would vote against the issue.

Mr. Ferrara said they have studied this problem many times previously. He said he has two children that walk on the sidewalks, and agreed that some sidewalks are awful. He said they could direct more money to the issue of sidewalks, and do not need another committee telling them that the sidewalks need to be better. He said if they want to address the issue, Council can allocate the funds. He said if they are going to have a committee, the goal and charge should be where they find the people to do snow removal. He asked if the people come from the school or the neighborhood. Mr. Ferrara said this is a waste of time, as they have no money. He suggested they look at the social service organizations and/or the schools, adding ultimately they are going to need a volunteer organization. He said all then can do is facilitate that objective, adding it is an exercise in futility.

The motion failed by a voice vote of 2-6-1, with Mr. Hawksley and Ms. Shaffer supporting the motion. All other members dissented, except for Mr. DeLeone who abstained.

MOTION TO CREATE A NINE-MEMBER COMMITTEE TO RETURN WITH RECOMMENDATIONS ON SIDEWALK SNOW REMOVAL.

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

MOTION TO AMEND TO NOT LIMIT THE NUMBER OF PEOPLE.

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

Mr. Amrhein said that smaller committee is more manageable and more productive.

Mr. Kuhar said it is a good idea.

Mr. Wilson said he could not support the amendment. He said he was at the top of the range with nine members. He said they need a cap, adding that thirty-five people will have their own feelings. He said he would not support the amendment.

The amendment failed by a hand count of 3-5-1, with Ms. Wallach, Mr. Kuhar, and Mr. Ferrara supporting the motion. All other members dissented, except Mr. DeLeone who abstained.

Mr. Wilson said he would encourage the committee, when formed and charged, to return with a group willing to spend the time to find unique way to solve the problems. He said it will take volunteers. He suggested they needed Marlan Raymond back in town.

Mr. Kuhar said the committee should come up with ideas of how to solve the problems.

Mr. Ferrara suggested they include someone who has some affiliation with the school district and/or the school board.

The motion 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 7:55 p.m.

ACTION RECOMMENDED:

- 1) TO AUTHORIZE AN APPLICATION FOR OPWC FUNDS FOR THE SR 59 SIGNALIZATION PROJECT
- 2) TO AUTHORIZE A NINE-MEMBER COMMITTEE TO REVIEW AND RETURN WITH RECOMMENDATIONS ON SIDEWALK SNOW REMOVAL