Mayor Fiala called the Committee of the Whole of Kent City Council to order at 7:00 p.m.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Mr. John Kuhar; Ms. Gwen Rosenberg; Ms. Heidi Schaffer; Mr. Roger Sidoti; Mr. Robin Turner; Ms. Tracy Wallach

ALSO PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. David Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Mr. Gary Bishop, IT Manager; Mr. Harrison Wicks, Assistant to the City Manager; Ms. Rhonda Hall, Budget and Finance Director; Mr. Dave Coffee, Temporary Administrative Specialist; Mr. Jim Bowling, City Engineer; Ms. Amy Wilkens, Clerk of Council

ABSENT:

At 7:00 p.m. Mayor Fiala called the meeting to order. There were two (2) items on the Agenda.

1. **New City Web Site Overview**

   City Manager, David Ruller, introduced Gary Bishop, IT Manager; and Harrison Wicks, Assistant to the City Manager, to review the implementation of the City’s new website platform, Civic Plus. Gary Bishop helped create the platform but it will be up to the departments to keep it up to date. Civic Plus was chosen because they are the largest municipal servicer for municipalities. They know what they are doing and worked well with us. An intern from Kent State has been helping with the project and has been terrific.

   Mr. Bishop mentioned he came to council one year ago asking to replace the previous website. Harrison has led the charge for the project and also used a local company called Each and Every for design work. The platform was chosen a year ago and is replacing five websites throughout the City; the regular Kent website, Police and Fire, Health Department, the City Manager’s Blog and the Destination Kent website. Parks and Recreation is not included in this project but are linked through this website. The new website will go through a redesign and refresh in three years and Parks and Rec will be considered to be added at that time. Tools and training were provided to the departments to let them start to maintain their own information. They will be responsible to update, maintain and add new information and not rely on just one or two people to keep it up to date.

   Mr. Wicks reviewed attachments which were the images of the website homepage and walked through the new site. ([Attachment #1](#)). A Public Safety page was created to merge Police and Fire and they have additional functionality other departments do not, such as their own graphic button, pay your ticket, police reports, and PulsePoint. They also have their own set of images. He highlighted the agendas module which has been very helpful, locating Boards and Commission and Council meetings all on one page. If someone needs to look up an agenda, they come to this one place. It also has online forms for people to complete online. One has already been created for Boards and Commissions enabling citizens to be able submit their application online. This will make the application process easier for residents. The Civic Plus platform is ADA compliant and is constantly updating to ensure we are following all the requirements.

   Mr. Wicks reviewed attachments which were the images of the website homepage and walked through the new site. ([Attachment #1](#)). A Public Safety page was created to merge Police and Fire and they have additional functionality other departments do not, such as their own graphic button, pay your ticket, police reports, and PulsePoint. They also have their own set of images. He highlighted the agendas module which has been very helpful, locating Boards and Commission and Council meetings all on one page. If someone needs to look up an agenda, they come to this one place. It also has online forms for people to complete online. One has already been created for Boards and Commissions enabling citizens to be able submit their application online. This will make the application process easier for residents. The Civic Plus platform is ADA compliant and is constantly updating to ensure we are following all the requirements.

   Mr. Wicks reviewed the Mega Menu options including the new feature of finding available properties to purchase. Tom Wilke recently updated this information. On the old website, information would be hyper linked to and Excel spreadsheet to find available properties. Using the new tool, properties can be shown on a map which contains a profile.
Mr. Ruller suggested showing the home page and its features.

Mr. Wicks walked through the home page and its main features. Banners scroll and every season images will be changed, keeping the website fresh. The goal is to keep residents interested and visiting the page to see what is new. The City Spotlight is a specific container that comes with Civic Plus. Events can be highlighted for a month or two and can be rotated out as needed. Programs can be highlighted for a month or two to keep the public informed.

Mr. Kuhar asked about the property page and if it’s just for commercial property.

Mr. Wicks confirmed it is just for commercial properties for sale and lease.

Mr. Kuhar asked if it will connect them with a realtor.

Ms. Susel clarified Tom Wilke (Economic Developer) will connect interested parties to the broker.

Ms. Shaffer asked where the City Manager’s blog is located.

Mr. Wicks stated the blog is discontinued and Dave Ruller will not be posting regularly as he has done for the past decade.

Ms. Shaffer asked how to stay informed.

Mr. Wicks reviewed the Notify Me page where you can get alerts from different parts of the website. An Alert Center is for alerts to the community such as a water main break or a parking ban. If there is an alert that needs to go out to the community, a bar will appear on the top of the website with a blinking red light. If residents are signed up, they will also receive a notification.

Ms. Shaffer asked if the Tree City Bulletin could be placed online.

Mr. Wicks directed everyone’s attention to the Community Mega Menu where the Tree City Bulletin is featured. An electronic version of the bulletin will be pushed more in the future as more people visit the website.

Mr. Ruller said one of the reasons Civic Plus was chosen was how well it works on mobile devices.

Mr. Sidoti asked if links go to websites outside of the city.

Mr. Wicks confirmed they do and added that the goal was to make the new site as streamlined as possible with the fewest clicks.

Mr. Bishop said they brought over more than 250 pages from the old website.

Mayor Fiala thanked Mr. Bishop and Mr. Wicks for their presentation and the work put in on this project.

2. **Update the Pending List for 2020**

   Mr. David Ruller referenced the document in the City Manager Communication concerning the Pending List for Administration and Council Committees which highlight his comments.

   1) Study of pedestrians and vehicles (4/15, 2/16)-Recommendation to retain on Pending List
   2) Sustainability Commission to come up with 10 action items to fend off global warming (7/14, 2/16)
      a) Retain on Pending List until the Climate Action Plan is complete.
3) City Checkbook Online (3/15, 2/16)- Remain on Pending List
4) Possible Sponsorship for Syrian refugee families (12/15)- Remain on Pending List

MOTION to strike word “Syrian” to expand to all refugee families made by Ms. Shaffer, SECONDED by Mr. DeLeone and CARRIED with a voice vote of 9-0.

5) Explore Senior Center Advisory Committee (10/17)- Remain on Pending List

Mr. Sidoti mentioned the County Commissioners putting on at tax issue for Portage County to begin to fund and develop Senior Centers around the County. He stated it would be appropriate to leave on the Pending List.

Mr. Turner stated Council Member Tracy Wallach had asked a few months ago about the downtown property on N. Water St. as a possible Senior Center. He has been approached by a number of seniors regarding the pressure felt in relation to the housing market in Kent.

Mr. Ferrara called point of order to only discuss in committee and the discussion tonight is if the item is to remain on the Pending List.

Ms. Shaffer agreed the conversation strayed away, but this item should remain on the list.

6) Discussion of Flash Fleet Bicycles

Staff provided City Council with a presentation on the Flash Fleet bike program. Recommendation to remove from the list.

MOTION to remove the item from the Pending List was made by Mr. Ferrara, SECONDED by Mr. DeLeone and CARRIED with a voice vote of 7-2 with Mr. Kuhar and Mr. Turner voting against.

7) Review and Discuss Unattended Vehicle Idling in the City (9/19)

MOTION to remove the item from the Pending List was made by Mr. Ferrara, SECONDED by Ms. Rosenberg and CARRIED with a voice vote of 9-0.

Mr. Kuhar stated the laws are already on the books so there is no need to keep it on the Pending List.

8) Conflict of Interest for Boards and Commission- Retain on the Pending List

Mr. Ruller spoke to Committee items on the list and stated it is not his position to remove these, it is up to the Chair. Updates were presented on Committee items in his communication.

Hearing no further business before this Committee, the meeting adjourned at 7:39 p.m.

______________________________
Amy Wilkens
Clerk of Council

ACTION RECOMMENDED:
1) Authorize and amend the pending list
Mr. Roger Sidoti called the Streets, Sidewalks & Utilities Committee of Kent City Council to order at 7:40 p.m.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Mr. John Kuhar; Ms. Gwen Rosenberg; Ms. Heidi Schaffer; Mr. Roger Sidoti; Mr. Robin Turner; Ms. Tracy Wallach

ALSO PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. David Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Mr. Gary Bishop, IT Manager; Mr. Harrison Wicks, Assistant to the City Manager; Ms. Rhonda Hall, Budget and Finance Director; Mr. Dave Coffee, Temporary Administrative Specialist; Mr. Jim Bowling, City Engineer; Ms. Amy Wilkens, Clerk of Council

There were three (3) items on the Agenda.

1. Easements for the N. Water Street Improvement Project

   Mr. Ruller said Mr. Bowling’s presentation is a good sign spring is on its way. It’s exciting and will be rolling out this year. This is the first step towards that.

   Mr. Bowling states there are two locations where optional improvements could be made to both the public and private right of way. Both homeowner’s agreed to donate the temporary easements to do this work, so approval is needed to accept the temporary easement donations.

   MOTION TO AUTHORIZE THE N. WATER STREET EASEMENTS WITH AN EMERGENCY CLAUSE made by Mr. Kuhar, seconded by Ms. Shaffer and CARRIED by a voice vote of 9-0.

2. ODOT SR59 Paving Legislation

   Mr. Bowling stated ODOT is finished with the plans to mill and resurface SR 59 from the county line to the bridge over Franklin Avenue. The preliminary project was approved in May, and ODOT needs final legislative approval to move forward by February 14th. The project will go out to bid on February 27th and construction will begin by May. One thing that has changed since the preliminary legislation is the cost estimate went up $80,000, so a request will be made for an additional appropriation to cover this. An Emergency Clause is needed.

   MOTION TO AUTHORIZE THE PROPOSED ODOT PROJECT FOR THE REPAVING OF SR59 WITH AN EMERGENCY CLAUSE made by Mr. DeLeone, SECONDED by Mr. Ferrara and CARRIED by a voice vote of 9-0.

   Ms. Shaffer commented that this project is very urgent, people may have wondered why Kent hasn’t done anything regarding this road. Many don’t realize it is a State Route so the City has to work within the State’s limitations. This is great that it can be moved forward so rapidly. She applaud the State for working with us and does not begrudge additional funds to this project so the work can be done.

   Mr. Bowling stated he will let them know this.

At 7:44 p.m. Mayor Fiala adjourned the Committee Meeting to go into the Special Council Meeting to approve the required legislation (separate meeting minutes).
At 7:47 p.m. Mr. Roger Sidoti called the Streets, Sidewalks & Utilities Committee of Kent City Council back into session.

3. **Main Street Kent “Rainbow Weekend Event”**

   Mr. Ruler introduced the topic by stating this is a new event that is being proposed. There is a temporary street closure needed (to paint) but he also thought it would be a good opportunity to bring this to everyone’s attention. Over the past year, Council has been active with various protections of the LGBTQ Community and this is in keeping with that. Main Street Kent does a terrific job with all of the social activities and Heather (Malarcik) does a terrific job.

   Heather Malarcik, Executive Director of Main Street Kent, approached the microphone to review the project. The press release will go out soon, as it has taken several weeks to contact local businesses and entertainers and figure out the best way to do the event. There will be a bar crawl and the event will have a rainbow theme. There are no road closures needed (during the event) and it is a good time of the year, as businesses need help with bringing people downtown in March. There will be education, arts and entertainment activities for people of all ages. The idea is to add to it by painting the street downtown, along with putting up banners. They approached the City to see if there are any concerns about the event and thought a rainbow crosswalk would be great, similar to what was done for Better Block. This paint is not permanent and once approved will be ready to go (depending on the weather).

   Mayor Fiala asked why only part of West Main will be closed and not N. Water St.

   Ms. Malarcik said this is needed just to paint the crosswalk on the Thursday before the event from 6:00 a.m. until noon to allow time for it to be taped, painted and dry.

   Ms. Shaffer asked if signoff will be obtained by Franklin Square Deli.

   Ms. Malarcik stated she had spoken to the manager, as the owner is out temporarily. He was emailed but Ms. Malarcik has not yet received word back. Neighboring businesses are okay with this and there is no other way to reach the owner.

   Mayor Fiala stated only 75% approval is needed.

**MOTION TO AUTHORIZE THE PROPOSED STREET CLOSURE AND TEMPORARY CROSSWALK INSTALLATION WITH AN EMERGENCY CLAUSE** made by Mr. Amrhein, seconded by Ms. Shaffer and CARRIED by a voice vote of 9-0.

Ms. Shaffer remembered the group approaching Council wondering how to bring this project forward. She is happy to see Main Street Kent step forward as it fits very well with Kent’s embracing diversity and we can use another festival, especially in March when there is not a lot going on.

Hearing no further business before this Committee, the meeting adjourned at 7:51 p.m.

Amy Wilkens
Clerk of Council
ACTION RECOMMENDED:

1) Authorize the Easements for the N. Water Street improvement project.
2) Authorize the proposed ODOT Project legislation for the repaving of SR59.
3) Authorize the street closure and temporary crosswalk installation.
Mr. Garret Ferrara called the Land Use Committee of Kent City Council to order at 7:52 p.m.

Present: Mr. Jack Amrhein; Mr. Michael De Leone; Mr. Garret Ferrara; Mr. John Kuhar; Ms. Gwen Rosenberg; Ms. Heidi Schaffer; Mr. Roger Sidoti; Mr. Robin Turner; Ms. Tracy Wallach

Also present: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. David Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Mr. Gary Bishop, IT Manager; Mr. Harrison Wicks, Assistant to the City Manager; Ms. Rhonda Hall, Budget and Finance Director; Mr. Dave Coffee, Temporary Administrative Specialist; Mr. Jim Bowling, City Engineer; Ms. Amy Wilkens, Clerk of Council

There were two (2) items on the agenda.

1. Consideration of a Request to Sell Unused City Street Right of Way

Mr. Ruller introduced the topic by clarifying it is in the early stages and the City is not ready to move forward as of now, but is looking for input from Council if this would be considered or what actions it would like to take.

Mr. Sidoti asked Ms. Jones for clarification on who currently owns the property and if this involves an easement.

Ms. Jones stated it is owned by the City of Kent.

Mr. Sidoti asked if it wasn’t a question of obtaining an easement.

Ms. Jones replied that it is not an easement. On the plat it says “Whitewood Drive, no construction, block deeded to City of Kent”. It is large enough to put a roadway in. If Kent did get rid of property, easements would need to be granted to the City of Kent from its new owners because of utilities going through there.

Mr. Kuhar asked if Kent is not required to have all surrounding properties sign off.

Ms. Jones replied the city is not required to do this and is allowed to vacate any property it wants to, and the only requirement is to split it down the middle (if vacated) and given to the adjacent property owners. Kent is permitted to sell its own property.

Mr. Kuhar asked if it would make sense in fairness to offer it to anyone who wants to buy it.

Ms. Jones stated the City is wanting the recommendation of Council.

Mr. Kuhar asked if the property is considered “wetland” is it property that can be developed.

Ms. Jones replied that Mr. Musselman is in the preliminary stages (of purchase) and before he spends a lot of money on engineering, he wanted to get an idea if the City was even interested. He was not in attendance and not able to review what steps he has taken. He believes there is an area to the North that might be high ground and would be able to build a house. A letter from Mr. Musselman was given to Council tonight (Attachment #1) that provides information as well as preliminary plans of a home he would like to build.
Mr. DeLeone said he visited the site and believes it may be possible to put a driveway in. He is curious about the property to the left with a house on it who sent in a letter over the weekend and would like to address their questions. When we vacate property, it is usually given to the neighbors.

Ms. Wallach is concerned about the “wetlands”. She was under the impression those wetlands were formed when previous wetlands were taken. She is concerned construction on that piece of property would affect the wetlands.

Mr. Ruller added that Jen (Barone) and Bridget’s staff did a great job spelling out internally where the floodway is located and where building can occur and cost issues. Ms. Wallach’s point is well taken and noted by Staff.

Mr. Sidoti is curious when the White Oak Hills subdivision went it, if the Planning Commission indicated that the wetlands had to stay and if it was part of the design of the whole process. Before sale of the land can even be considered, the City would need to go back to the records to see what the requirements to the Planning Commission were when the land was subdivided out to an allotment.

Bob and Mary Brandon who reside at 1118 Adrian Ave. approached the microphone to speak to Council. They bought property in 2008 and spoke with Jennifer Barone in Community Development who told him this street would never be developed, it is an easement, is his property and is not deeded to the City of Kent. He is not sure when this happened. He said the City is going to have a lot of problems with this. Mr. Musselman is going to have a lot of problems with this. The land behind was privately owned and auctioned off, and an attempt was made to parcel off lots on Adrian. Bridget and Jennifer said that could not be done. According to the plat he received when he bought land, that area is zoned recreational and there is a lot of wetlands back there. The EPA is very strict on preservation. He was never approached by anyone to see if he would be interested in purchasing it, and stated he would be now. This all changed on Friday when he received a letter. He has lived here for twelve years and this is the first he has heard of this. He is confused as to how this happened and how he was not informed. He added he is against this sale as this is his dream home. This is where they have their grandkids over. If you build in there it is going to ruin it. He apologized for getting emotional but added “it’s our home”.

Mr. Ferrara clarified that the City is not sure if it is possible for anyone to build on this land and that is why it is being discussed. He thanked Mr. Brandon for his comments and concerns and ensures him if anything comes up he would be kept informed of any changes proposed by certified mail.

Mr. Ruller said more discussions are to be had.

Mr. Ferrara added this will be played out through the proper channels and process.

Ms. Susel approached the microphone to speak to the question of the previous owner not able to parcel out the land was due to the parcel being zoned “Open Space- Recreational”. Because of this zoning, the parcel had to be sold in total. Mr. Musselman is proposing to buy it in total and put a property on an area that is not in the floodway and have horses graze there. He is then wanting to put a driveway in on the property the City is considering selling.

Mr. Brandon asked if the property was bought at auction and also stated that there is access off of Fairchild (to the property).

Ms. Susel stated because of the floodway, access to the back where structure to be built is not accessible from Fairchild (Road). Mr. Musseleman is considering buying the land from Dan Brown.

Mr. Ferrara asked Mr. Musselman to contact Ms. Susel during the day so it is not being discussed at a public meeting with Council.
Ms. Wallach stated she wants the City to keep the property to protect the wetlands.

Ms. Shaffer is concerned about the zoning so she is not sure how the sale could have even occurred unless they were planning on keeping it the same. She stated there is more to the story and at this point she thinks Community Development needs to work through these issues.

MOTION TO TABLE THE DISCUSSION OF THE REQUEST FROM RESIDENT TO PURCHASE LAND IN WHITE OAKS WITH AN EMERGENCY CLAUSE made by Mr. Kuhar, seconded by Mr. Sidoti and CARRIED by a voice vote of 9-0.

Mr. Kuhar said there are a lot of issues and Council shouldn't get behind giving problems away and be fair to all concerns as a public entity.

Mr. Sidoti added when the land was originally platted out, the land would have been developed. He would like to know the reason this land was never developed in the past.

Mr. Ruller wanted to clarify the land up for discussion is not the land labeled “retention pond”.

Mr. Sidoti stated that he knew this but wanted to know why the property was not developed before.

Mr. Ferrara clarified this item has been tabled and there is no further debate.

2. VFW Property Zoning Text Amendment Request

Ms. Susel said the Planning Commission made a recommendation on a request from a former Planning Commission applicant who had a legal option on the property at the time to add the word “serving” as a permitted use in the Industrial to allow for the repurposing of the building for a use that they were proposing. The Planning Commission voted to not recommend the text amendment to Council. The purchase agreement expired on December 31st and the property owner no longer had legal standing. Last night at Planning Commission, a presentation was made to rezone to R3 and Planning Commission voted in favor.

Mr. Kuhar asked if this is in regards to the VFW property that is set up as a club and could possibly be a restaurant.

Ms. Susel stated there is an option on the property now to be a faith based organization which is a conditionally permitted use in the R3. The VFW was not set up as a restaurant it was a fraternal organization that had a kitchen, this will be a church that has a kitchen. Tonight’s decision is on the recommendation to not add the word “serving” to the zoning code text amendment. The vote tonight has no effect on what will be presented to council in a few weeks.

Mr. Kuhar asked if the word “serving” was allowed to be added how it would affect other industrial properties.

Ms. Susel said the word serving is so generic in nature that it would not be allowed to meet the land use of a restaurant or catering facility because it is conditionally permitted to be used in other land use districts. Even if the word servicing was added, it would not be allowed to be used as a restaurant in an industrial because serving is such a generic word and does not speak specifically to a restaurant type use.

Ms. Rosenberg clarified this was the property where there was an interested party that wanted to change it so they could serve, but now they are no longer an interested party in that property.

Ms. Susel confirmed they have no legal standing with the property and prior to that the Planning Commission had voted not to recommend the text amendment.
Ms. Rosenberg clarified it will have no bearing on the next interested party, the church.

Ms. Susel confirmed it would have no bearing, it is a different land use and the map amendment they are seeking actually has their use listed as conditionally permitted.

Ms. Rosenberg asked if it would require a motion to reject adding the word “serving”.

Ms. Susel stated Council would be voting in the affirmative to approve the Planning Commission’s recommendation to not allow the word “serving” to the text amendment.

MOTION TO DECLINE THE REQUESTED ZONING CHANGE WITH AN EMERGENCY CLAUSE made by Ms. Rosenberg, seconded by Mr. Sidoti and CARRIED by a voice vote of 9-0.

With no further items of business, the Committee meeting was adjourned at 8:20 p.m.

ACTION RECOMMENDED:
1) Authorize the request to sell unused City street right of way.
2) Decline the requested zoning change to the VFW Property.
Ron and Lori Musselman
2051 E. Swan Lake Circle
Kent, Ohio 44240
February 2, 2020

Kent City Council
320 S Depeyster Street
Kent, Ohio 44240

Dear Kent City Council:

We would first like to thank you for your time and consideration regarding this request. We would also like to sincerely thank Hope Jones and Dave Ruller for meeting with me and for Hope’s effort into the different options and helping us bring this before you. I do apologize for not being here today as business has me out of town, but my wife Lori is present and can address the council as needed.

We are asking you to please take into consideration our request today for the ability to obtain the 0.3acre parcel of land located off Adrian Drive. This would provide us access to north section of parcel #17-045-00-00-017-000 of which we would be looking to purchase a 5-10+acre section from Dan Brown. We currently have a handshake agreement with Mr. Brown for this purchase. By obtaining the small parcel from the city of Kent we would be able to further investigate the feasibility of a building site on this new lot for our new home in the city of Kent, (see attached preliminary plans). We understand the need to meet the White Oak Hills development deeds and restrictions as well as the city’s zoning requirement of a 5acre minimum lot size. We do understand additional steps with the Kent Building and Engineering department would be required along with understanding our building costs as we continue our feasibility study and move forward. We have initiated conversations with Camden Builders which has built a number of the homes in this development. We understand he has a good working relationship with the city. We see this as an opportunity to develop and build a beautiful new homesite back in the city of Kent that would meet our needs as well as support the city we have come to greatly enjoy. We again thank you for your time and consideration.

Sincerely,

Ron and Lori Musselman

02.05.20 Land Use Committee Meeting
Attachment #1
ATTACHMENT - PRELIMINARY MUSSELMAN HOME PLANS

Kent City Council
February 2, 2020
Page 2

02.05.20 Land Use Committee Meeting
Attachment #1
Mr. Jack Amrhein called the Health and Safety Committee of Kent City Council to order at 8:20 p.m.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Mr. John Kuhar; Ms. Gwen Rosenberg; Ms. Heidi Schaffer; Mr. Roger Sidoti; Mr. Robin Turner; Ms. Tracy Wallach

ALSO PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. David Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Mr. Harrison Wicks, Assistant to the City Manager; Ms. Rhonda Hall, Budget and Finance Director; Mr. Dave Coffee, Temporary Administrative Specialist; Ms. Amy Wilkens, Clerk of Council

There was one (1) item on the Agenda.

1. **Staff Report on Anti-idling Policies and Laws**

Mr. Ruller introduced the topic of anti-idling policies within the City of Kent, mentioning the topic was addressed by the Sustainability Commission in the past (Attachment #1). Most cities, including Kent, have anti-idling laws established for public safety reasons. Cities who have wanted to be more progressive in areas of air quality have taken that and added and made additional items that speak more specifically to clean air issues. Areas that rely on federal funding have had this law on the books for a lot longer. Ohio does not have an abundance of these but mainly communities who want to be at the front edge for air quality issues (Attachment #2). Examples that were not included in the packet were given to Council prior to meeting (Attachment #3).

Ms. Rosenberg asked if idling is currently addressed by the Service Department’s policies.

Mr. Ruller replied there is one written policy on city vehicles idling, but every department has advised staff not to leave cars idling from a safety perspective. Police and Fire have a lot of reasons to keep cars running, especially with Police having laptops and canines in their cars. Response time matters in what they do and response time is due to availability of the vehicle. Cars are not to be left idling unless there is a good work based reason (by City employees). If you are going in places and don’t have to keep car running, turn it off. Chief Lee said they have enforced the idling law that is already on the books at times from a safety perspective. It’s not often but they definitely have done this. It is not an easy thing to enforce. Something is put on the books and you have the ability to enforce it if you do catch it. It speaks to the city’s commitment to clean air. The Sustainability Commission is still pursuing clean air and this lines up with objectives with Council to flush out a little further. If so, the city would need to draft language and come back to Council.

Ms. Wallach would like to move in that direction stating idling cars outside stores is becoming more and more prevalent. Climate change has reached a crisis situation so we have to do what we can to try to combat some of the things that aren’t necessary. You don’t need to leave your car idling while you go into the convenience store when it’s 55 degrees out. This really needs to be pushed harder.

Mr. Kuhar suggested a piecemeal approach to this topic in a way that would be more effective. In downtown there are concentrations of vehicles. He suggested having “no idling zones” near shopping centers.
Mr. Sidoti agrees there are higher areas where this happens, typically near shopping. The key will be how to educate the public. Regulations and laws may be passed and then residents made aware of. Is there a way to do something in terms of signage because behavior needs to be changed? An educational component needs to be added.

Mr. Ruller said that is the most common approach in terms of enforcement. If you Google “no idling” and look at the images of signs from different communities, there are variations that are fairly common. Also, our new website we can have a section, it can be mentioned in Tree City Bulletin, etc.

Ms. Rosenberg asked if there have been any studies on how often cars are left idling or is this based on observational/anecdotal evidence. Specifically in Kent, weather is a factor when having this conversation.

Mr. Ruller said there are coalitions that represent the anti-idling campaign type groups that have a lot of data. Maybe this is something the Sustainability Commission could investigate and verify.

Ms. Wallach said her personal observation is that 50% of cars are left idling for no reason, and maybe as high as 75%.

A few members of council voiced they did not agree with the statistic.

Mr. DeLeone referenced the two examples given and was wondering how exemptions affect this. They make the law and then make an excuse to break the law. Kent would need to put something together.

Ms. Shaffer referred to the other exception of the locked vehicle, and cars left idling on residential property for long periods of time being perfectly legal and is in favor of discouraging this.

Mr. Ruller said there are so many exceptions that it is less about enforcement than it is about awareness and education.

Ms. Wallach said this needs to be explored more with less exceptions and have something where people tend to idle the most like convenient stores. She suggested having a requirement for businesses to place something on their door that says no idling. Further discussion is definitely needed.

Ben Tipton of 451 Park Ave approached the microphone and stated he sees a lot idling around town and on campus. He walks to work through downtown every day and observes a lot of empty cars idling. He also observes cars with people in them idling, like around the schools there are do not idle car (signs) right next to where 20-30 cars line up next to Davey on a daily basis. This is prevalent during the cold winter weather. Clever signage could be effective (for example if your car is running and you’re not moving, that’s idling). More education is needed. Some quick observations- parents dropping off kids to daycare will leave their car running while they drop off their children.

**MOTION TO CONTINUE THE DISCUSSION OF IDLING CARS** was made by Ms. Wallach, seconded by Ms. Shaffer and CARRIED by a vote 9-0.

Hearing no further business, the meeting was adjourned at 8:35 p.m.

Amy Wilkens  
Clerk of Council
ACTION RECOMMENDED:
Go Green While Getting Around

Brought to you by the Kent Sustainability Commission

An important part of building a sustainable community is cutting our collective carbon footprint via small individual lifestyle changes. One of the easiest ways that we can all help make Kent a greener place to live is to re-imagine the way we get around town. Whether it’s a quick trip downtown or on your daily commute, choosing a greener route offers financial, health, and community-wide benefits. Below are some suggestions that will start you off on the right foot, or bike!

1) **Ditch your car, walk or bike.** Kent is a pedestrian-friendly city and summer time is the best time to dust off your bike or sneakers and hit the road. Enjoy the health benefits of added exercise, meeting your neighbors, and saving cash on gas! For smart cycling tips and more please visit: www.bikeleague.org

2) **Take the bus.** Ride PARTA anywhere on campus for FREE! And students ride off campus for free with their FLASHcard! Regular fare is just a $1.00, including trips to Akron. Going to Cleveland? $5.00. You can also save a little change with a TAP card purchased from the bus office: 10 rides for $9.00 and you can re-load them anytime. For more information visit their website at www.partaonline.org.

3) **Share the love, carpool!** Get to know your neighbors and save some cash by sharing rides to work.

4) **Stay home.** Increasingly, employers offer the ability to telecommute. Working from home can cut hours spent in traffic and offers a change from the daily grind. Check with your HR department if telecommuting if right for you.

5) **Must you drive?** Maybe braving Ohio’s unpredictable weather on a bike isn’t your thing, if you do chose to drive here are a few pointers that will save on gas.
   a. Keeping your car tuned up and your tires properly inflated will make your car more fuel-efficient.
   b. Don’t idle, after 30 seconds you waste fuel and increase emissions.
c. Drive the speed limit, take it easy on the brakes, and stay under 60 mph on the highway for the best gas mileage.
d. Plan! Don’t make unnecessary trips, you’ll save money, time, and your sanity.
e. Consider using a car sharing program like zipcar.com.

Creating a sustainable life isn’t all or nothing, it’s one small change, one trip saved, one walk to the store. Whether you do it for your waistline, your wallet, or the environment, greening the way you get around is worth a shot.
<table>
<thead>
<tr>
<th>Type of Vehicle</th>
<th>Cincinnati</th>
<th>Cleveland</th>
</tr>
</thead>
<tbody>
<tr>
<td>Idling Restriction</td>
<td>Municipal vehicles: Gasoline powered, 1 minute; diesel powered, 3 minutes</td>
<td>All vehicles: 5 minutes in any 60-minute period. The owner or operator of a vehicle that is loading or unloading at a loading dock or loading/unloading area, and the owner or operator of a loading dock or loading/unloading area, shall not cause or allow a vehicle to idle in that area for more than 10 minutes in any 60-minute period.</td>
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<tr>
<td>Exemptions</td>
<td>Vehicles and equipment assisting in emergencies; PTO; safety; extreme temperatures.</td>
<td>The idling restrictions do not apply when 1.) The outdoor temperature is below 32°F or above 85°F, however, idling is limited to 10 minutes in any 60-minute period. 2.) To prevent a safety or health emergency, a vehicle idles when operating defrosters, heaters, air conditioners, or when installing equipment. 3.) A vehicle idles while forced to remain motionless because of on-highway traffic, an official traffic control device or signal, or at the direction of a law enforcement official. 4.) A police, fire, ambulance, public safety, military, other emergency or law enforcement vehicle, or any vehicle being used in an emergency capacity idles while in an emergency or training mode, or to maintain communications, and not solely for the convenience of the vehicle operator. 5.) The primary propulsion engine idles for maintenance, servicing, repair, or diagnostic purposes if idling is required for such activity, or idles as part of a state or federal inspection to verify that all equipment is in good working order, provided idling is required as part of the inspection. 6.) Idling of the primary propulsion engine is necessary to power work-related mechanical or electrical operations other than propulsion (e.g., mixing or processing cargo or straight truck refrigeration). This exemption does not apply when idling for cabin comfort or to operate nonessential on-board equipment. 7.) An armored vehicle idles when a person remains inside the vehicle to guard the contents, or while the vehicle is being loaded or unloaded. 8.) An occupied vehicle with a sleeper berth compartment idles for purposes of air conditioning or heating during a required rest or sleep period. 9.) A vehicle idles due to mechanical difficulties over which the driver has no control. 10.) A vehicle is only operating an auxiliary power unit, generator set, or other mobile idle reduction technology as a means to heat, air condition, or provide electrical power as an alternative to idling the main engine. 11.) A vehicle is actively engaged in work upon the surface of a street, or highway, including construction, cleaning, or snow removal activities, and the operator is in the vehicle.</td>
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<tr>
<td>Consequences of Infraction</td>
<td>NA</td>
<td>Minor misdemeanor (per Ohio Revised Code Title 29, Section 2929.28, a minor misdemeanor carries a fine of not more than $150).</td>
</tr>
<tr>
<td>Regulation</td>
<td>City of Cincinnati, Department of Public Services/Fleet Services, Vehicle/Equipment Idle Free Policy</td>
<td>Cleveland, Ohio, Title V, Section 431.44</td>
</tr>
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02.05.20 Health & Safety Attachment #2
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<tr>
<th>Type of Vehicle</th>
<th>Cleveland</th>
<th>Columbus</th>
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<tr>
<td>City vehicles or equipment</td>
<td>No City vehicle or piece of equipment is to be idled in a nonemergency situation; the operator of the vehicle/equipment is not to turn off the unit and the keys are to be removed from the ignition. Operators of vehicle/equipment and supervisors will be judicious in the idling of units at emergency scenes and job sites. If not all the units at the scene/site need to be idled, those units must be turned off and the keys removed from the ignition. Each vehicle/equipment operator will be responsible for the idling operation of their unit and will have the unit keys in their possession to ensure that crew members do not violate the policy without the operator's knowledge.</td>
<td>City vehicles and equipment</td>
</tr>
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</table>

Exemptions

1. Emergency vehicles at scenes where lights, PTOs (power take-off), and/or other accessories are needed to accomplish the mission. 2. Division of Police vehicles working traffic enforcement details. 3. Department of Public Service; Department of Parks, Recreation, and Properties; Department of Public Utilities; and Department of Port Control vehicles at job sites requiring the use of emergency lights, PTOs, and/or other accessories to accomplish their assignment. 4. Inclement weather situation and the supervisor authorizes the use of vehicle/equipment heater-defroster for the work crew's comfort according to these guidelines: If the outside temperature is above 32F, there is a 5-minute maximum for idling; if the outside temperature is between -10F and 32F, there is a 15-minute maximum for idling; if the outside temperature is below -10F, idle as necessary. Supervisors in each department/division will be responsible for the adherence and enforcement of the idling policy. Violations of the policy will be documented as to the vehicle/equipment operator, vehicle code, location, date and time, weather conditions, and circumstances of the violation. The vehicle/equipment operator will be informed of the violation by the supervisor at the time of the infraction. The appointing authority of each department/division will be responsible for the discipline of employees found to be violating the policy. Discipline will be per City of Cleveland disciplinary procedures, any union contract, and in a progressive manner. Columbus | City vehicles and equipment | No idling | Idling required for work-related tasks. | execute Order 2005-02 | http://www.earthdaycoalition.org/cleandr.pdf | http://columbus.gov/uploadedFiles/Columbus/Programs/GetGreen/DocumentsandPrinciples/NoIDElingExecutiveOrderFinal12-5-05Qdf.pdf |

Consequences of Infraction

Regulations

Resources
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<tr>
<th>Type of Vehicle</th>
<th>Idling Restriction</th>
<th>Exemptions</th>
<th>Consequences of Infraction</th>
<th>Regulation</th>
<th>Resources</th>
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<tbody>
<tr>
<td>Maple Heights</td>
<td>Vehicles</td>
<td>5 minutes in any 60-minute period (10 minutes for loading or unloading)</td>
<td>Division (c) of this section does not apply when: (1) The outdoor temperature is below 32°F or above 85°F. However, idling is limited to 10 minutes in any 60-minute period. (2) To prevent a safety or health emergency, a vehicle idles when operating defrosters, heaters, air conditioners, or when installing equipment. (3) A vehicle idles while forced to remain motionless because of on-highway traffic, an official traffic control device or signal, or at the direction of a law enforcement official. (4) A police, fire, ambulance, public safety, military, other emergency or law enforcement vehicle, or any vehicle being used in an emergency capacity, idles while in an emergency or training mode, or to maintain communications, and not solely for the convenience of the vehicle operator. (5) The primary propulsion engine idles for maintenance, servicing, repair, or diagnostic purposes if idling is required for such activity, or idles as part of a State or Federal inspection to verify that all equipment is in good working order, provided idling is required as part of the inspection. (6) Idling of the primary propulsion engine is necessary to power work-related mechanical or electrical operations other than propulsion (e.g., mixing or processing cargo or straight truck refrigeration). This exemption does not apply when idling for cabin comfort or to operate nonessential on-board equipment. (7) An armored vehicle idles when a person remains inside the vehicle to guard the contents, or while the vehicle is being loaded or unloaded. (8) An occupied vehicle with a sleeper berth compartment idles for purposes or air conditioning or heating during a required rest or sleep period. (9) A vehicle idles due to mechanical difficulties over which the driver has no control. (10) A vehicle is only operating an auxiliary power unit, generator set, or other mobile idle reduction technology as a means to heat, air condition, or provide electrical power as an alternative to idling the main engine. (11) A vehicle is actively engaged in work upon the surface of a street or highway, including construction, cleaning, and snow removal activities, and the operator is in the vehicle.</td>
<td>Minor misdemeanor: $150 fine</td>
<td>Codified Ordinances of Maple Heights Ohio, Section 432.42</td>
</tr>
<tr>
<td>South Euclid</td>
<td>Motor vehicles</td>
<td>No idling</td>
<td>Outdoor temperature is &lt;32°F or &gt;85°F; vehicle forced to remain motionless because of traffic, a traffic control device or signal, or the direction of a law enforcement official; vehicle idling to operate defrosters, heaters, air conditioners, or other equipment solely to prevent a safety or health hazard; emergency vehicles; idling for maintenance, service, repair, or diagnostic purposes; idling as part of a government inspection to verify that all equipment is in good working order; idling to operate auxiliary equipment to accomplish the vehicle's intended use (including loading and unloading); controlling cargo temperature; construction operations; lumbering operations; oil or gas well servicing; or farming operations, provided that this exemption does not apply when the vehicle is idling solely for cabin comfort or to operate nonessential equipment such as air conditioning, heating, microwave ovens, or televisions; armored vehicles; rest periods when idling is required to operate air conditioning or heating in sleeper berths; mechanical difficulties over which the operator has no control; vehicle actively engaged in work on the surface of a street or highway, including construction, cleaning, and snow removal activities, and the operator is in the vehicle.</td>
<td>$50 for the first conviction and $150 for a second or subsequent conviction within any 12-month period</td>
<td>Codified Ordinances of the City of South Euclid, Ohio, Section 339.19, Excessive Idling</td>
</tr>
<tr>
<td>Township</td>
<td>Type of Vehicle</td>
<td>Idling Restriction</td>
<td>Exemptions</td>
<td>Consequences of Infraction</td>
<td>Regulation</td>
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<tr>
<td>Lakewood</td>
<td>Any motor vehicle</td>
<td>5 minutes</td>
<td>The outdoor temperature is below 32°F or above 85°F, provided idling under these circumstances shall be limited to 10 minutes. To prevent a safety or health emergency, a vehicle idles when operating defrosters, heaters, or air conditioners, or when installing equipment. A vehicle idles while forced to remain motionless because of on-highway traffic, an official traffic control device or signal, or the direction of a law enforcement officer. A police, fire, ambulance, public safety, military, other emergency law enforcement vehicle, or any vehicle being used in an emergency capacity, idles while in an emergency or training mode, or to maintain communications or other essential on board equipment, and not solely for the convenience of the vehicle operator. The primary propulsion engine idles for maintenance, servicing, repair, or diagnostic purposes if idling is required for such activity, or idles as part of a state or federal inspection to verify that all equipment is in good working order, provided idling is required as part of the inspection. Idling of the primary propulsion engine is necessary to power work-related mechanical or electrical operations other than propulsion (e.g., mixing or processing cargo or straight truck refrigeration). This exemption does not apply when idling for cabin comfort or to operate non-essential on-board equipment. An armored vehicle idles when a person remains inside the vehicle to guard the contents, or while the vehicle is being loaded or unloaded. A vehicle idles due to mechanical difficulties over which the driver has no control. A vehicle is only operating an auxiliary power unit, generator set, or other mobile idle reduction technology as a means to heat, air condition, or provide electrical power as an alternative to idling the main engine. A vehicle is actively engaged in work upon the surface of a street or highway, including construction, cleaning, and snow removal activities, and the operator is in the vehicle.</td>
<td>Whoever violates this section shall be guilty of a minor misdemeanor.</td>
<td>Lakewood Code 331.49</td>
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**Of Further Interest**

For information from the Ohio Environmental Council about diesel emissions and idling reduction, see [http://www.theoce.org/air/diesel.htm](http://www.theoce.org/air/diesel.htm).

Last confirmed/updated May 19, 2015 (IM). To report any errors or changes, please e-mail idlingreduction@anl.gov.

02.05.20 Health & Safety Attachment #2
Have You Ever Left Your Car Running While...

✓ waiting to pick someone up?
✓ running errands?
✓ sitting at the drive through?

If you said "yes" to any of these questions, you've idled your car. **Idling means** leaving a vehicle's engine running when it is parked or not in use.

**Idling happens** without much thought. Many people idle their cars because they think it's easy, convenient and efficient.

But that's wrong! **Idling is harmful** to our air quality, our health, our cars and our wallets!

**How Idling Affects Air Quality**

Cars are the number one source of air pollution in the Greater Cincinnati area. Like driving, idling releases emissions into the air. Unlike driving, idling is unnecessary.

**Car exhaust contains:**
- nitrogen oxides (NOx), volatile organic compounds (VOCs), particulate matter (PM), carbon monoxide (CO) and carbon dioxide (CO₂).

An hour of automobile idling burns approximately 1/5 of a gallon of gas and releases nearly 4 pounds of CO₂ into the air. Excessive amounts of CO₂ in the atmosphere can increase global warming.

An idling car needlessly releases these pollutants into the air. Reducing idling is an easy way to reduce vehicle emissions.

**How Idling Affects Your Health**

The pollutants found in exhaust not only affect our environment, they also affect our health.

PM is the name for tiny particles, such as soot, dust and dirt, found in the air. When inhaled, these small particles travel deep into the lungs and sometimes into the bloodstream. Inhaling PM can:
- aggravate asthma,
- cause coughing or difficult breathing,
- decrease lung function,
- exacerbate cardiovascular problems and
- lead to chronic bronchitis.

CO slows the delivery of oxygen to the body's organs and tissues. Exposure to CO aggravates heart disease and can cause headaches and visual impairment.

Children are especially sensitive to the effects air pollution because they breathe more quickly and take in more air than adults.

Children spend more time outdoors than adults, which further increases their exposure to vehicle emissions and air pollution.
Be Idle Free
The Key
Turn

Southwest Ohio Anti-Idling Campaign

The Cost of Idling

An idling car does not perform at full capacity, which can lead to expensive repairs. Some problems include:

- Oil contamination due to residue build-up on the cylinders.
- Corrosion caused by excessive condensation collected in the exhaust system.
- Decreased peak engine operating temperature due to spark plug residue.

An idling vehicle gets the worst gas mileage possible – 0 miles per gallon. According to the U.S. Department of Energy, if 145 million passenger vehicles idle for five minutes a day, approximately four million gallons of gasoline are consumed. As gas prices rise, not idling a vehicle is a quick and easy way to save money at the pump.

What Can You Do?

- **Turn off your car** – the seconds you take to turn off your car are worth the savings to your health and wallet.
- **Take the bus** – you won’t have any car to idle.
- **Plan accordingly** – being on time means less time waiting in your car.
- **Don’t use a remote starter** – these starters encourage excessive idling.
- **Drive to warm up** – if you must warm up your car, idle for only 30 seconds and then drive off.

What is HCES Doing?

- Working with schools and bus companies to reduce school bus idling.
- Informing the public through its anti-idling campaign.
- Posting idling facts on www.hcdoes.org.

Start Your Own Anti-Idling Campaign

- Request an anti-idling tool kit from HCES by calling (513) 946 - 7754.
- Ask your school to post anti-idling signs in the bus and student pick up areas.
- Call your local elected officials and let them know that idling is an important issue.
- Encourage your school to set up an indoor area where parents and drivers can wait for students on cold days.
- Visit www.hcdoes.org for links to local anti-idling campaign resources.

About HCES

Hamilton County Environmental Services’ (HCES) Air Quality Management Division works with government agencies, businesses, communities and citizens to achieve and maintain healthy air quality for Southwest Ohio.

Because cars are a main source of air pollution in Southwest Ohio, HCES is working to inform citizens in the area about ways they can reduce emissions from vehicles.

To learn more about the anti-idling campaign or any of HCES’ programs, please visit www.hcdoes.org or call (513) 946 - 7777.
Ord. No. 207-09.
By Council Members Zone and Brancatelli.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 403.071 and 431.44 relating to fuel conservation, motor vehicle idle reduction and penalty.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Sections 403.071 and 431.44, to read, respectively, as follows:

Section 403.071 Idle Reduction, Enforcement
The Director of Public Safety may designate appropriate employees to enforce Section 431.44, and to issue citations for any violation of that section.

Section 431.44 Idle Reduction, Exemptions, Penalty
(a) Purpose. The purpose of this section is to protect public health and the environment by reducing emissions while conserving fuel, maintaining adequate rest and safety of all drivers, and removing barriers to economic development imposed by the region's air quality status under the federal Clean Air Act.

(b) Applicability. As used in this section, "vehicle" has the same meaning as in Section 4511.01, R.C.

(c) General Requirement. Except as provided in division (d) of this section,

(1) the owner or operator of a vehicle shall not cause or allow a vehicle to idle for more than 5 minutes in any 60-minute period; and

(2) the owner or operator of a vehicle that is loading or unloading at a loading dock or loading/unloading area, and the owner or operator of the loading dock or loading/unloading area, shall not cause or allow a vehicle to idle in that loading/unloading area for more than 10 minutes in any 60 minute period.

(d) Exemptions. Division (c) of this section does not apply when:

(1) The outdoor temperature is below 32 degrees Fahrenheit or above 85 degrees Fahrenheit. However, idling is limited to 10 minutes in any 60 minute period.
(2) To prevent a safety or health emergency, a vehicle idles when operating defrosters, heaters, air conditioners, or when installing equipment.

(3) A vehicle idles while forced to remain motionless because of on highway traffic, an official traffic control device or signal, or at the direction of a law enforcement official.

(4) A police, fire, ambulance, public safety, military, other emergency or law enforcement vehicle, or any vehicle being used in an emergency capacity, idles while in an emergency or training mode, or to maintain communications, and not solely for the convenience of the vehicle operator.

(5) The primary propulsion engine idles for maintenance, servicing, repair, or diagnostic purposes if idling is required for such activity, or idles as part of a state or federal inspection to verify that all equipment is in good working order, provided idling is required as part of the inspection.

(6) Idling of the primary propulsion engine is necessary to power work-related mechanical or electrical operations other than propulsion (e.g., mixing or processing cargo or straight truck refrigeration). This exemption does not apply when idling for cabin comfort or to operate non-essential on-board equipment.

(7) An armored vehicle idles when a person remains inside the vehicle to guard the contents, or while the vehicle is being loaded or unloaded.

(8) An occupied vehicle with a sleeper berth compartment idles for purposes of air conditioning or heating during a required rest or sleep period.

(9) A vehicle idles due to mechanical difficulties over which the driver has no control.

(10) A vehicle is only operating an auxiliary power unit, generator set, or other mobile idle reduction technology as a means to heat, air condition, or provide electrical power as an alternative to idling the main engine.

(11) A vehicle is actively engaged in work upon the surface of a street or highway, including construction, cleaning, and snow removal activities, and the operator is in the vehicle.

(e) Penalty. Whoever violates this section shall be guilty of a minor misdemeanor.

Section 2. That the provisions of Sections 403.071 and 431.44 set forth in this ordinance shall become effective on October 1, 2009.
Section 3. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Safety, Finance, Law; Committees on Public Safety, Legislation, Finance.
CHAPTER 58. IDLING
ARTICLE I. DIESEL ENGINE POWERED COMMERCIAL MOTOR VEHICLES

58.10. Purpose. The purpose of this chapter is to protect the public health and the environment by reducing vehicular emissions and conserving fuel while enhancing the rest and safety of all drivers of diesel vehicles.

58.20. Applicability. This chapter applies to diesel engine powered commercial motor vehicles (as that term is defined in 49 Code of Federal Regulations (CFR) Part 390.5) which are designed to operate on highways, and to locations where such vehicles load or unload (hereinafter referred to as "load/unload locations").

58.30. General requirement for load/unload locations. No load/unload location owner or operator shall cause vehicles covered by this chapter to idle for a period greater than thirty (30) minutes in any sixty (60) minute period while in the act of or waiting to load or unload at a location under the control of the owner or operator.

58.40. General requirement for vehicles. No owner or operator of a vehicle shall cause or permit vehicles covered by this chapter to idle for more than five (5) minutes in any sixty (60) minute period except as noted in section 58.50, and except as provided in section 58.30 in the case of a vehicle located at a load/unload location.

58.50. Exemptions. Section 58.40 does not apply for the period or periods where:
(1) A vehicle idles while forced to remain motionless because of on-highway traffic, an official traffic control device or signal, or at the direction of a law enforcement official.
(2) A vehicle idles when operating defrosters, heaters, air conditioners, or installing equipment solely to prevent a safety or health emergency, and not as part of a rest period.
(3) A police, fire, ambulance, public safety, military, other emergency or law enforcement vehicle, or any vehicle being used in an emergency capacity, idles while in an emergency or training mode and not for the convenience of the vehicle operator.
(4) The primary propulsion engine idles for maintenance, servicing, repairing, or diagnostic purposes if idling is required for such activity.
(5) A vehicle idles as part of a state or federal inspection to verify that all equipment is in good working order, provided idling is required as part of the inspection.
(6) Idling of the primary propulsion engine is necessary to power work-related mechanical or electrical operations other than propulsion (e.g., mixing or processing cargo or straight truck refrigeration). This exemption does not apply when idling for cabin comfort or to operate nonessential on-board equipment.
(7) An armored vehicle idles when a person remains inside the vehicle to guard the contents, or while the vehicle is being loaded or unloaded.
(8) A passenger bus idles a maximum of fifteen (15) minutes in any sixty (60) minute period to maintain passenger comfort while non-driver passengers are onboard.
(9) An occupied vehicle with a sleeper berth compartment idles for purposes of air conditioning or heating during a rest or sleep period.
(10) An occupied vehicle idles for purposes of air conditioning or heating while waiting to load or unload.
(11) A vehicle idles due to mechanical difficulties over which the driver has no control; an officer or inspector enforcing this chapter may require that the owner or operator of the vehicle submit repair documentation or receipt within a specified number of days in order for this conditional exemption to apply.

58.60. Auxiliary power units. Operating an auxiliary power unit, generator set, or other mobile idle reduction technology as a means to heat, air condition, or provide electrical power as an alternative to idling the main engine shall not be precluded under this chapter.

58.70. Penalties. Violations of the provisions of this chapter may be enforced by any one (1), all, or any combination of the following penalties and remedies:
Title 3, Chapter 58 City of Minneapolis Code of Ordinances

(1) Violations shall be punishable as criminal offenses as stated in section 1.30 of the Minneapolis Code of Ordinances.
(2) Violations may be enforced as administrative offenses pursuant to chapter 2 of the Minneapolis Code of Ordinances.
(3) This chapter may also be enforced by injunction, abatement, mandamus, or any other appropriate remedy in any court of competent jurisdiction.

58.80. Severability. (a) Severability of text. If any portion of this chapter is determined to be invalid or unconstitutional by a court of competent jurisdiction, that portion shall be deemed severed from the regulations, and such determination shall not affect the validity of the remainder of the chapter.
(b) Severability of application. If the application of any provision of this chapter to a particular person or property is determined to be invalid or unconstitutional by a court of competent jurisdiction, such determination shall not affect the application of said provision to any other property.

ARTICLE II. GENERALLY
58.90. Purpose. The purpose of this article is to protect the public health and the environment by reducing vehicular emissions and conserving fuel.

58.100. Applicability. This article applies to all gasoline or diesel powered motor vehicles not otherwise regulated under Article I of this chapter.

58.110. General Requirement. No person shall allow a motor vehicle to idle for more than three (3) consecutive minutes in any one-hour period.

58.120. Exemptions. Section 58.110 does not apply for the periods or period where:
(1) A police, fire, ambulance, public safety, public utility, military, other emergency or law enforcement or other City vehicle idles for the purpose of running lights, maintaining circulation of water in tanks, or to maintain accessories necessary to accomplish its mission or while engaged in emergency or enforcement activities.
(2) A police K9 or Animal Control vehicle idles for the purpose of maintaining an appropriate and safe climate for animals.
(3) A motor vehicle owned and operated by the city idles at a job site during inclement weather situations when authorized to do so by a supervisor.
(4) The primary propulsion engine idles for maintenance, servicing, repairing, mandated inspection or diagnostic purposes if idling is required for such activity.
(5) A motor vehicle is stopped due to traffic congestion.
(6) A vehicle idles when operating defrosters, heaters, air conditioners, or installing equipment solely to prevent a safety or health emergency, and not as part of a rest period.
(7) A vehicle idles a maximum of fifteen (15) minutes in any sixty (60) minute period to maintain comfort for paying passengers.
(8) The ambient outside air temperature is less than zero (0) degrees or more than ninety (90) degrees Fahrenheit, in which case no person shall allow a motor vehicle to idle for more than fifteen (15) consecutive minutes in any one-hour period for the comfort and safety of the driver or passengers.
(9) Idling of the primary propulsion engine is necessary to power work-related mechanical or electrical operations other than propulsion (e.g., mixing or processing cargo, operating lifts, etc.). This exemption does not apply when idling for cabin comfort or to operate non-essential on-board equipment.

58.130. Auxiliary power units. Operating an auxiliary power unit, generator set, or other mobile idle-reduction technology as a means to heat, air condition, or provide electrical power as an alternative to idling the main engine shall not be precluded under this chapter.

58.140. Penalties. Violations of the provisions of this article may be enforced by any one (1), all,
or any combination of the following penalties and remedies:
(a) Violations may be punishable as criminal offenses as stated in section 1.30 of the Minneapolis Code of Ordinances only if there are repeat offenses within a two (2) year period.
(b) Violations may be enforced as administrative offenses pursuant to chapter 2 of the Minneapolis Code of Ordinances.
(c) This article may also be enforced by injunction, abatement, mandamus, or any other appropriate remedy in any court of competent jurisdiction.

58.150. Severability. (a) Severability of text. If any portion of this article is determined to be invalid or unconstitutional by a court of competent jurisdiction, that portion shall be deemed severed from the regulations, and such determination shall not affect the validity of the remainder of the article.
(b) Severability of application. If the application of any provision of this article to a particular person or property is determined to be invalid or unconstitutional by a court of competent jurisdiction, such determination shall not affect the application of said provision to any other property.

Anti-Idling Ordinance

Overview

City Council in Park City passed an anti-idling ordinance on December 16th, 2010. The ordinance prohibits the idling of vehicles within City limits for longer than three minutes, barring some exceptions (see exception list below). Park City is the first community in Utah to adopt an idling ordinance and joins a growing number of states and communities across the U.S. which have taken similar action to protect the environment and human health.

Impacts of Idling

Vehicle idling has numerous negative consequences including impacts on the environment, public health, and the inefficient use of fuel.

- **Air Quality:** Emissions during idling contribute to the formation of ozone and particulate matter that are major sources of pollution in Utah. Idle Free Utah notes that health issues, ranging from asthma and bronchitis to cancer, have been found linked to vehicle emissions.

- **Dollars and Cents:** There is a direct financial benefit to those who limit their vehicle idling time. Studies indicate a financial "break-even point" of 10-30 seconds of idling time for balancing the minimal wear-and-tear on engines versus fuel saved from shutting off the vehicle.

- **Natural Resources:** Vehicle idling wastes an exorbitant amount of finite resources. The Department of Energy estimates that unnecessary vehicle idling in the U.S. burns up to 2 billion gallons of fuel per year! Compare this to the upper-bound estimate for oil spilled in the Exxon Valdez disaster: 31.5 million gallons. Furthermore, the Energy Information Administration estimates that the U.S. relied on net imports for 49% of our petroleum consumed in 2010.

Help us mitigate these negative impacts by being idle-free!

Ordinance Language and Exceptions

**9-10-1 NO IDLING.** No driver, while operating a vehicle within Park City corporate limits, shall cause or permit a vehicle's engine to idle for more than three minutes, with exceptions for the following circumstances:

(A) The vehicle is forced to remain motionless on a roadway because of traffic conditions.

(B) The vehicle is an authorized emergency vehicle used in an emergency situation.

(C) Vehicle idling is necessary for auxiliary power for law enforcement equipment, fire, emergency and water equipment, refrigeration units, loading and unloading lifts, well drilling, farming, battery charging, or is required for proper functioning of other equipment that is part of the vehicle.

(D) Vehicle idling is necessary for repair or inspection of the vehicle.

(E) The health or safety of a driver or passenger, including service animals, requires the vehicle to idle, including instances where the temperature is below 32 degrees F or above 90 degrees F. This exception also includes idling needed to operate window defrosters and other equipment necessary to promote safe driving conditions.

(F) Vehicle idling is necessary for efficient operation of a turbo-charged heavy duty vehicle (e.g., buses) or to operate a vehicle within manufacturer's operating requirements. This includes building air pressure in air brake systems, among other requirements.

Vehicle idling under these exceptions should not violate Utah State Code, 41-6a-1403, which prohibits the idling of an unattended vehicle.

**9-10-2. IDLING ON PUBLIC AND PRIVATE PROPERTY.** Section 9-10-1 may only be enforced when the idling vehicle is found on:
(A) Public property, or

(B) Private property that is open to the public unless the private property owner:

(I) Has a private business that has a drive-through service as a component of the private property owner’s business operation and posts a sign provided by or acceptable to Park City informing its customers and the public of Park City’s time limit of three minutes for idling vehicle engines; or

(II) Adopts an idle reduction education policy approved by Park City.

9-10-3. SAFETY OF LAW ENFORCEMENT OFFICERS. Section 9-10-1 shall be enforced in such a manner as to provide for the utmost safety of the law enforcement officers or designees who enforce it.

After receiving three warning citations, violators shall pay a penalty in an amount set forth for general parking violations in the Fee Resolution.

A complete version of the anti-idling ordinance is accessible here: Title 9 - Parking Code.

Report a Vehicle Idling Violation

Individuals can use the idling complaint form to report vehicle idling which violates the anti-idling ordinance. Please only report vehicle idling which exceeds the three minute time limit and isn’t covered by the above exceptions. This form will help us track idling infractions, inform individuals of our idling ordinance, and allow for more efficient enforcement by our Police and Parking Services departments.

Frequently Asked Questions

**Question:** Why do City buses leave their engines running at bus stops?

**Answer:** City buses have equipment, such as turbo-charged engines and air brake systems, which require longer idling times than most vehicles for efficient operation. Additionally, City buses need to idle in order to power onboard signage for bus routes, automatic doors, and heating/cooling systems which are critical for passenger safety and a positive public transit experience. Aside from idling, the Park City Transit department has completed a variety of route-planning and logistical improvements to save fuel and improve local air quality. In order to protect the environment, please take advantage of our excellent and FREE transit system: EPA reports that buses emit 68% less CO2 per passenger mile than riding in a personal vehicle.

**Question:** Why do Police vehicles need to idle?

**Answer:** Police Officers leave their vehicles running in order to power critical auxiliary equipment such as onboard computers, surveillance cameras, and emergency communications devices. We are currently investigating ways to reduce vehicle idling for Police cruisers, but these vehicles will continue to require idling for day-to-day safety operations and are covered by exception (C) in the idling ordinance above.

Contact Us

Please reach out to Environmental Sustainability staff via email at ParkCityGreen@ParkCity.org with any additional questions / comments.

02.05.20 Health & Safety Attachment #3

Idle-Free City

Turn Off Engine When Parked
Mr. DeLeone called the Finance Committee of Kent City Council to order at 8:35 p.m.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Mr. John Kuhar; Ms. Gwen Rosenberg; Ms. Heidi Schaffer; Mr. Roger Sidoti; Mr. Robin Turner; Ms. Tracy Wallach

ALSO PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. David Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Mr. Harrison Wicks, Assistant to the City Manager; Ms. Rhonda Hall, Budget and Finance Director; Mr. Dave Coffee, Temporary Administrative Specialist; Ms. Amy Wilkens, Clerk of Council

There were two (2) items on the Agenda.

1. Proposed New Budgetary Fund for City CHIP Funds

Mr. David Coffee introduced the proposed new budgetary fund for the City CHIP funds on behalf of the new Finance Director, Rhonda Hall. Mr. Coffee had drafted this item and agreed to present it to Council. A request was made for an ordinance to create a new general ledger fund for the purpose of segregating and isolating activity relating to a HUD Grant. This will help ensure compliance as needed with the HUD requirements. The County will be notified of these changes.

MOTION TO APPROVE THE NEW BUDGET FUND FOR THE ADMINISTRATION OF CITY CHIP FUNDS WITH AN EMERGENCY CLAUSE made by Ms. Shaffer, seconded by Mr. Amrhein and CARRIED by a voice vote of 9-0.

Ms. Shaffer agreed this is a good idea and something that many organizations are going to. With grant funds, you really need to keep track very closely and this is a great idea.

2. 2020 Budget Appropriations Amendment

Mr. Coffee introduced his appropriation memo to Council. It is a lengthy list of appropriations this year on this first amendment and noted he will need to add the $433,000 that was just approved in the Special Hearing. That will be reflected in your final appropriation exhibit.

MOTION TO APPROVE THE 2020 BUDGET APPROPRIATIONS AMENDMENTS WITH AN EMERGENCY CLAUSE made by Mr. Amrhein seconded by Mr. Sidoti and CARRIED by a voice vote of 9-0.

Mr. Coffee thanked Council and added it has been an honor and a privilege to work for the Kent Community and appreciates the ten and a half years he spent here.

Mayor Fiala thanked Mr. Coffee for his service.
Hearing no further business before this Committee, the meeting adjourned at 8:40 p.m.

Amy Wilkens
Clerk of Council

ACTION RECOMMENDED:
1) Approve the proposed new budget fund for the administration of the City CHIP funds.
2) Approve the 2020 budget appropriation amendments.