



CITY COUNCIL

CITY OF KENT ■ 320 S. DEPEYSTER STREET ■ KENT, OHIO 44240 ■ 330-678-8007

WEDNESDAY, JANUARY 22, 2020
REGULAR CITY COUNCIL MEETING 7:30 P.M.
EXECUTIVE SESSION IMMEDIATELY FOLLOWING

AGENDA

7:25 P.M. **BOARD OF CONTROL**
7:30 P.M. **REGULAR COUNCIL**

1. *Roll Call*
2. *Opening Remarks and Pledge of Allegiance* (Mr. Kuhar)
3. *Presentation and Proclamation for University Hospitals Pulse Point Heart Month- Fire Chief, John Tosko*
4. *KSS Robotics Presentation to Council (Youth Development Organization)*
5. *Approval of Minutes*
 - 5.1 Regular City Council Meeting of December 18, 2019
6. *Communications*
 - 6.1 Audience Remarks (Visitors wishing to address Council please sign up with the Clerk of Council prior to start of the meeting; limited to three (3) minutes)
 - 6.2 Written Communication (All placed on file in the Clerk of Council's office)
 - 6.2.1 Planning Commission Agenda and Staff Report for January 7, 2020 was received on December 24, 2019 and the Agenda and Staff Report for January 21, 2020 was received on January 13, 2020.
 - 6.2.2 Sustainability Commission Meeting Agenda for January 6, 2020 and Minutes from November 4, 2019 were received on January 2, 2020.
 - 6.2.3 Board of Elections notification of availability to view galley proofs of ballots to be used at the Primary Election on March 17, 2020 received on January 9, 2020. A copy of this letter was emailed to City Council and City Administration.
 - 6.2.4 Health Board Meeting Minutes and Statistical Report from December 2019 and Agenda for January 14, 2020 Board of Health Meeting was received on January 9, 2020.
 - 6.2.5 Parks and Recreation Board Packet for January 16, 2020 was received on January 15, 2020.
 - 6.2.6 Ohio Ethics Commission Official List of Elected Officials and Notification of Filing Requirement was received on January 14, 2020. A copy was emailed to all elected officials on January 15, 2020.

7. City Manager's Report

8. *Standing Committees & Legislation*

8.1 Committee of the Whole (Mayor Fiala)

8.1.1 Committee Meeting Minute Approval: January 8, 2020

8.1.2 Action Recommended:

- 1) **Accept the Standing Committees of Council's Slate of Chairs and Vice-Chairs as stands.**

8.2 Community Development Committee (Kuhar/Rosenberg)

8.2.1 Committee Meeting Minute Approval: January 8, 2020

8.2.2 Action Recommended:

- 1) **Authorize Conditional Review Authority for the Architectural Review Board at the Parcel at the Corner of Franklin, Summit and Mogadore Roads.**

Draft No. 2020-01 AN ORDINANCE TO DESIGNATE, ON AN INTERIM BASIS ONLY, THAT ANY PROPOSED ALTERNATE LAND USE FOR THE 3.191 ACRE PARCEL ON WEST WILLIAMS RECENTLY RE-ZONED TO "COMMERCIAL-DOWNTOWN (C-D)," AS SUBJECT TO A CERTIFICATE OF APPROPRIATENESS BY THE ARCHITECTURAL REVIEW BOARD AUTHORITY; AND DECLARING AN EMERGENCY. (Authorized)

8.3 Finance Committee (DeLeone/Wallach)

8.3.1 Committee Meeting Minute Approval: January 8, 2020

8.3.2 Action Recommended:

- 1) **Authorize the Proposed Bid Waiver and Bid Award for a New Kent Parks Master Plan Study to Brand Stetter Carroll.**

Draft No. 2020-02 AN ORDINANCE AUTHORIZING THE PARKS AND RECREATION DIRECTOR, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT WITH BRANDSTETTER CARROLL, INC. (BCI) AND THE CITY OF KENT PARKS & RECREATION DEPARTMENT FOR A COMPREHENSIVE PARKS MASTER PLAN, WAIVING COMPETITIVE QUOTING, AND DECLARING AN EMERGENCY. (Authorized)

Draft No. 2020-03 AN ORDINANCE ACCEPTING A GRANT DONATION IN THE AMOUNT OF \$5,000.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT FROM THE HENRY V. AND FRANCES W. CHRISTENSON FOUNDATION FOR THE DOWNTOWN KENT GAZEBO PROJECT, AND DECLARING AN EMERGENCY. (Unauthorized)

Draft No. 2020-04 AN ORDINANCE AUTHORIZING THE CREATION OF A TEMPORARY POSITION IN THE CITY MANAGER'S OFFICE WHICH WILL BE TITLED, "TEMPORARY ADMINISTRATIVE SPECIALIST", AND DECLARING AN EMERGENCY. (Unauthorized)

8.4 Health & Safety Committee (Amhrein/Sidoti)

8.4.1 Committee Meeting Minute Approval: None

8.4.2 Action Recommended:

- 1) None**

8.5 Land Use Committee (Ferrara/Schafer)

8.5.1 Committee Meeting Minute Approval: January 8, 2020

8.5.2 Action Recommended:

- 1) Postponed Until February 2020**

8.6 Streets, Sidewalks and Utilities (Sidoti/Wallach)

8.6.1 Committee Meeting Minute Approval: January 8, 2020

8.6.2 Action Recommended:

- 1) Authorize the Water Extension and Tap-in for the New Arby's Located at 1821 E. Main Street.**
- 2) Authorize the Proposed Right of Way License Agreement to Allow an Outdoor Patio at 101 Crain Avenue.**
- 3) Authorize the submission of the proposed "Bike Friendly Community" designation.**

Draft No. 2020-05 AN ORDINANCE AUTHORIZING OLIO DEVELOPMENT GROUP A WATER TAP-IN FOR THE NEW ARBY'S FAST FOOD RESTAURANT WHICH WILL BE RE-LOCATING FROM 1630 EAST MAIN STREET TO 1821 EAST MAIN STREET, OUTSIDE THE CITY OF KENT, AND DECLARING AN EMERGENCY. (Authorized)

Draft No. 2020-06 AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A LICENSE AGREEMENT BETWEEN THE CITY OF KENT AND RANDOM OHIO, LLC TO ALLOW FOR THE INSTALLATION OF AN OUTDOOR PATIO AND ENTRANCE AT 101 CRAIN AVENUE, AND DECLARING AN EMERGENCY. (Authorized)

Draft No. 2020-07 A RESOLUTION AUTHORIZING THE CITY OF KENT TO SUBMIT AN APPLICATION FOR THE NATIONAL "BIKE FRIENDLY COMMUNITY" DESIGNATION THROUGH THE LEAGUE OF AMERICAN BICYCLISTS, AND DECLARING AN EMERGENCY. (Authorized)

9. *Special Committee Reports*

10. *Unfinished Business*

11. *New Business*

11.1 Councilmembers' comments

12. *Mayor's Report*

- 13. EXECUTIVE SESSION IN ACCORDANCE WITH ORC §121.22 Section G, Item (1):** *“To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing.”*

14. Adjournment

Posted: January 15, 2020
Amy Wilkens, Clerk of Council
Visit <http://www.kentohio.org> for up to the minute Agenda Amendments

Any person who requires an auxiliary aid or service for effective communication or a modification of policies and procedures to participate in any City or City Council public meeting or event should contact the Clerk of Council at 330-676-7555 or councilclerk@kent-ohio.org. Any request for auxiliary aid or other accommodation should be made as soon as possible, but no later than forty-eight hours prior to the event.



City Council Regular Meeting Minutes

The City of Kent, Ohio

Wednesday, December 18, 2020

At 7:30 p.m., Mayor Jerry T. Fiala called the **Regular Meeting of Kent City Council** to order. Roll was taken.

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

ALSO PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Public Service Director; Mr. Jim Bowling, City Engineer; Ms. Joan Siedel, Health Commissioner; Mr. Dave Coffee, Budget and Finance Director; Mr. Kevin Swartzhoff, Parks and Recreation Director; Mr. Harrison Wicks, Assistant to the City Manager; Ms. Amy Wilkens, Clerk of Council

ABSENT: Mr. Robin Turner

Mayor Fiala asked for roll to be read; a MOTION TO EXCUSE Mr. Turner was made by Mr. Ferrara, seconded by Mr. Sidoti, and CARRIED by a voice vote of 8-0.

Mayor Fiala offered to present opening remarks in Mr. Turner's absence. He reminded everyone that it is the season of giving, and there are a lot of people in need of food to make the holidays a nice event. He encouraged everyone, if possible, to please make a visit to Kent Social Services and other agencies to give.

Mayor Fiala then led the Pledge of Allegiance.

APPROVAL OF MINUTES:

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF November 20, 2019 made by Mr. Amrhein, seconded by Mr. DeLeone, and CARRIED by a voice vote of 8-0.

COMMUNICATIONS:

Audience Remarks: Mayor Fiala asked the Clerk if anyone was signed in. There were four (4) visitors who signed in with the Clerk and were given permission to talk to Council for three minutes.

Mayor Fiala read a statement to the audience: *"While the law does not require Council to provide time for public comment, we have historically invited the public to make comments and we appreciate their input. This is the time where residents and others can comment on matters that concern them. However, we will not engage in debate, and as President of Council, I reserve the right to end any public communication that is disruptive, embarrassment, harassment or otherwise objective. We ask that when you come to the microphone that you speak into the microphone clearly, give your name and address and limit comments to three (3) minutes of discussion."*

Mr. Christopher Myers of 220 E. Elm Street, Kent, stated someone is "going around town" saying he doesn't like the University. He said he would like to give the Mayor something to be passed around to prove otherwise. **(Attachment #1)**

Clerk Wilkens and Mayor Fiala directed Mr. Meyers to submit his document to the Clerk.

Mr. Myers continued by stating he wanted to talk about the previous Clerk of Council accusing him and the Mayor of stalking. He said he didn't think it is in the Mayor's character to stalk anybody. He said Mike DeLeone doesn't think the Mayor stalked the Clerk, he was told this outside of chambers one time. He also said he doesn't think he (Mr. Myers) stalked the Clerk. He encouraged the City to investigate the matter. He asked for Council to go into Executive Council to discuss his picketing and stalking charges.

Mayor Fiala said he had half a minute of time remaining.

Mr. Myers said he did not need his half a minute that he was done.

Clerk Wilkens called Peter Paino to speak.

Peter Paino of 1258 Windward Lane, Kent thanked Council for the opportunity to speak. He is requesting Council to review and study the City's Conflict of Interest Ordinance, which is section 117. He referenced a letter that was submitted to Council members in November and that he is formally asking the City to review the policy. He referenced section 117.04, calling for the creation of a Conflict of Interest Review Board. He would like to know if this exists. He said back in January when he put together and submitted drawings for a project, he received a letter from the City which forbade him from presenting a project to the Kent City Planning Commission. He was told at the time he could resign from the Planning Commission if he wanted to present his case. The Conflict of Interest Ordinance says there is a one (1) year period after you've served where you still can't present anything to a City Board or Commission. He referenced another project he is unable to represent himself on a piece of property he is looking at. He is on the Planning Commission and not on the Board of Zoning Appeals, but the Ordinance says if you are an officer on a Board in the City of Kent, you cannot present to any Commission or City Council.

Mayor Fiala requested this matter be moved over to the Law Department.

Clerk Wilkens called Carleigh and Molly Wiler to speak.

Mr. Ferrara stated Carleigh and Molly approached him when he was out on the campaign trail with a concern. He encouraged them to write a letter and get a petition signed.

Ms. Carleigh Wiler and Ms. Molly Wiler live at 621 Park Ave., read a prepared statement to Council (**Attachment #2**). After their presentation they were presented with City of Kent pins.

Written Communications were reported by Clerk Wilkens and placed on file in the Clerk's office as follows:

1. Planning Commission Agenda and Staff Report for December 3, 2019 were received on November 26, 2019 and the Agenda and Staff Report for December 17, 2019 were received on December 9, 2019.
2. Standing Rock Cemetery meeting notes for November 14, 2019 were received on November 27, 2019.
3. Notification that the December Sustainability Commission Meeting was cancelled was received on November 27, 2019. Next meeting will be held January 6, 2020.
4. Request for a Public Hearing from Planning Commission regarding zoning changes to be held on February 5, 2020 was received on December 6, 2019.

5. Request for a review of the City of Kent Conflict of Interest Ordinance was received on December 6, 2019 from a member of the Planning Commission. A copy of this request was forwarded to Council.
6. Health Board Statistical Report, meeting minutes from November 12, 2019 and meeting agenda for December 12, 2019 were received on December 10, 2019.

Communications Received after Agenda Publication were reported by Clerk Wilkens and placed on file in the Clerk's office as follows:

7. The Civil Service Commission meeting minutes for December 16, 2019 were received on December 12, 2019.
8. The Kent Parks and Recreation December Board Packet was received on December 13, 2019.

City Manager's Report was called for by Mayor Fiala.

1. Request Council's authorization to accept and allocate a \$2800 grant from the Kent Rotary Foundation to Kent Parks and Recreation (Draft #2019-141)
2. Request Council's authorization to accept and allocate a \$500 donation from the Forest Lakes Homeowner's Association to Kent Parks and Recreation for a new park bench in the Forest Lakes Preserve. (Draft #2019-142)
3. Request Council's authorization to accept and allocate a \$25 donation from Ms. Mary Kennelly to create a new Kent Public Safety Memorial Fund (Draft #2019-143)
4. Request Committee of the Whole Time for Council to affirm their 2020 Council Committee Assignments.
5. Request Community Development Committee Time to present a recommendation from the Architectural Review Board related to property on Franklin Avenue.
6. Request Community Development Committee Time to provide a summary report on the economic development projects that occurred in 2019.
7. Request Health and Safety Committee time for Council's consideration of proposed text amendments to the City regulations regarding feral cats.
8. Request Streets, Sidewalks & Utilities Committee time for Council's consideration of a request for a new license agreement for a proposed outdoor patio that would extend into the public right of way at 101 Crain Avenue.
9. Request Streets, Sidewalks & Utilities Committee time for Council's consideration to authorize the staff to submit an application for a Bike Friendly Community designation.
10. Request Finance Committee time for Council's consideration of the proposed Master Parks Plan Contract.

MOTION TO APPROVE ITEMS #1-10 OF THE CITY MANAGER'S REPORT made by Mr. Amrhein, seconded by Mr. Kuhar, and CARRIED by a voice vote of 8-0.

STANDING COMMITTEES/ LEGISLATION

1. COMMITTEE OF THE WHOLE:

MOTION TO APPROVE MEETING MINUTES of December 4, 2019 made by Mr. Amrhein, seconded by Mr. Sidoti, and CARRIED by a voice vote of 7-0-1, with Mr. Ferrara abstaining.

No recommended actions to be approved.

Voting for Boards and Commissions

Mayor Fiala stated on October 2, 2019, a motion was made by Council that all applicants had to be present for Boards and Commission interviews. This will need to be put on future advertisements in the Tree City Bulletin and applications. He also stated the vote on the Park Board will be delayed because it was not accurately advertised in the Tree City Bulletin.

Mayor Fiala asked for a Motion on the Shade Tree Commission by a member of Council.

MOTION TO APPOINT JIM JENKINS TO THE SHADE TREE COMMISSION, was made by Mr. Sidoti, seconded by Mr. Kuhar, and CARRIED by a voice vote of 8-0.

MOTION TO APPOINT WILDER HRITZ TO THE SUSTAINABILITY COMMISSION, was made by Ms. Shaffer, seconded by Mr. Rosenberg, and CARRIED by a voice vote of 8-0.

MOTION TO APPOINT PETER DORFF TO THE INCOME TAX BOARD, was made by Mr. Sidoti, seconded by Mr. DeLeone, and CARRIED by a voice vote of 8-0.

MOTION TO INSERT APPOINTED NAMES INTO LEGISLATION, was made by Mr. DeLeone, seconded by Mr. Ferrara, and CARRIED by a voice vote of 8-0.

Ms. Rosenberg asked if the people that interviewed already for the Parks and Recreation Board have to reappear and re-interview or is it just open.

Mayor Fiala stated it was not properly advertised in the Tree City Bulletin and someone has made a request that they were not accurately aware that the position was open so it needs to be advertised again.

Ms. Rosenberg asked if we could advertise again and just interview new people and not make those who already interviewed come to another Council meeting and go through the same process again.

Mayor Fiala said a motion should be made.

MOTION TO REQUIRE ONLY NEW APPLICANTS FOR THE PARKS AND RECREATION BOARD WOULD NEED TO APPEAR BEFORE COUNCIL FOR AN INTERVIEW AND THOSE WHO INTERVIEWED ON DECEMBER 4, 2019 WOULD NOT BE REQUIRED TO REAPPLY, REINTERVIEW AND ATTEND ANOTHER COUNCIL MEETING, was made by Ms. Rosenberg, seconded by Mr. Kuhar.

Ms. Tracy Wallach said only one person said they wanted to apply for the five year term and the others did not. She said they may have wanted to apply for the five year term but may not have been aware that was open.

Mayor Fiala said that only one person in the interview stated which term they were applying for.

Ms. Wallach replied that they might not have known it was available. She asked if they want to apply for the five year term, if they have to come back and interview.

Mayor Fiala asked Ms. Wallach to amend the motion.

AMENDMENT TO MOTION TO ALLOW THOSE CANDIDATES WHO WISH TO APPLY FOR THE FIVE YEAR TERM AND NOT HAVE TO REAPPEAR FOR ANOTHER INTERVIEW made by Ms. Wallach, seconded by Mr. DeLeone.

Mr. Kuhar asked if this was brought up during the interview why does it now need changed.

Mayor Fiala said he was correct according to the minutes from the interview, two of the candidates did not bring up the term and one did.

Ms. Jones suggested perhaps the amendment could be withdrawn and Council directs the Clerk to contact each of the applicants to let them know there were two positions available and ask which they are interested in.

Ms. Wallach agreed and withdrew the Amendment.

Clerk Wilkens agreed to contact the applicants for the Parks and Recreation Board.

Draft No. 2019-129 A RESOLUTION APPOINTING PETER DORFF TO THE INCOME TAX BOARD OF REVIEW, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara, seconded by Mr. Sidoti. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, and Ms. Wallach.

MOTION TO ADOPT DRAFT NO. 2019-129 made by Mr. Ferrara and seconded by Mr. Kuhar. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, and Ms. Wallach.

ORDINANCE 2019-129 PASSED as stated by Clerk Wilkens.

Mayor Fiala stated there will be a hold on Draft No. 2019-130.

Draft No. 2019-131 A RESOLUTION APPOINTING JIM JENKINS TO THE SHADE TREE COMMISSION, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara, seconded by Mr. Sidoti. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, and Ms. Wallach.

MOTION TO ADOPT DRAFT NO. 2019-131 made by Mr. Sidoti and seconded by Mr. Ferrara. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, and Ms. Wallach.

ORDINANCE 2019-131 PASSED as stated by Clerk Wilkens.

Draft No. 2019-132 A RESOLUTION APPOINTING WILDER HRITZ TO THE SUSTAINABILITY COMMISSION, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Ms. Wallach, seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, and Ms. Wallach.

MOTION TO ADOPT DRAFT NO. 2019-132 made by Mr. Ferrara and seconded by Ms. Shaffer. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, and Ms. Wallach.

ORDINANCE 2019-132 PASSED as stated by Clerk Wilkens.

2. COMMUNITY DEVELOPMENT COMMITTEE:

MOTION TO APPROVE THE COMMUNITY DEVELOPMENT MEETING MINUTES OF December 4, 2019 made by Mr. Kuhar, seconded by Mr. Ferrara, and CARRIED by a voice vote of 8-0-1, with Ms. Wallach abstaining.

NO RECOMMENDED ACTIONS TO BE APPROVED.

Draft No. 2019-133 A RESOLUTION TO AMEND THE KENT-FRANKLIN JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT (JEDD) TO PROVIDE EQUAL TREATMENT IN REGARDS TO WATER SURCHARGES, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Ms. Wallach, seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, and Ms. Wallach.

MOTION TO ADOPT DRAFT NO. 2019-133 made by Mr. Ferrara and seconded by Ms. Shaffer. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, and Ms. Wallach.

3. FINANCE COMMITTEE:

MOTION TO APPROVE THE FINANCE COMMITTEE MEETING MINUTES OF December 4, 2019 made by Mr. DeLeone, seconded by Mr. Sidoti, and CARRIED by a voice vote of 8-0.

MOTION TO APPROVE THE FINANCE COMMITTEE ACTION ITEMS one (1), three (3), five (5) and six (6) made by Mr. DeLeone, seconded by Mr. Sidoti, and CARRIED by a voice vote of 8-0.

MOTION TO APPROVE THE FINANCE COMMITTEE ACTION ITEM two (2) made by Mr. DeLeone, seconded by Ms. Shaffer, and CARRIED by a voice vote of 7-0-1 with Mr. Amrhein abstaining.

Recommended Actions:

1. Authorize the resolution authorizing the transfer of County tax proceeds.
2. Authorize the lease agreement for the Health Department in the PARTA Central Gateway.
3. Approve the 2019 Budget Appropriations Amendment.
4. Authorize the proposed 2020 City Operating Budget.
5. Approve the 2020 position allocation ordinance.
6. Authorize the Amendment to the General Compensation Plan.

Draft No. 2019-134 AN ORDINANCE AMENDING SECTION 913.05 OF THE KENT CODIFIED ORDINANCES, INCREASING THE WATER RATES OF THE CITY OF KENT, OHIO BY THREE PERCENT (3%) BEGINNING WITH THE FIRST BILLING CYCLE IN JANUARY, 2020, AND DECLARING AN EMERGENCY, was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara, seconded by Mr. Sidoti. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, and Ms. Wallach. The Motion CARRIED by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT NO. 2019-134 made by Mr. Ferrara and seconded by Mr. Sidoti. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, and Ms. Wallach. On roll call vote "No": Mr. Kuhar. The Motion CARRIED by a roll call vote of 7-1.

ORDINANCE 2019- 134 PASSED as stated by Clerk Wilkens.

Draft No. 2019-135: AN ORDINANCE AMENDING SECTION 915.72 OF THE KENT CODIFIED ORDINANCES, INCREASING THE SEWER RATES OF THE CITY OF KENT, OHIO BY THREE PERCENT (3%) BEGINNING WITH THE FIRST BILLING CYCLE IN JANUARY, 2020, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Ms. Wallach, and Mr. Amrhein. The Motion CARRIED by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 2019-135 made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Ms. Wallach, and Mr. Amrhein. The Motion CARRIED by a roll call vote of 8-0.

ORDINANCE 2019-135 PASSED as stated by Clerk Wilkens.

Draft No. 2019-136: A RESOLUTION REQUESTING THE COUNTY AUDITOR TO ADVANCE ANY PROPERTY TAXES THAT HAVE BEEN COLLECTED PRIOR TO THE NORMAL FEBRUARY SETTLEMENT DATE FROM THE PROCEEDS OF THE 2019 TAX YEAR COLLECTION PURSUANT TO SECTION 321.34 OF THE OHIO REVISED CODE was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara and seconded by Mr. Sidoti. On Roll call, voting "Yes": Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, and Mr. DeLeone. The Motion CARRIED by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 2019-136 made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, and Mr. DeLeone. The Motion CARRIED by a roll call vote of 8-0.

ORDINANCE NO. 2019-136 PASSED as stated by Clerk Wilkens.

Draft No. 2019-137: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT a LEASE AGREEMENT WITH PARTA TO RELOCATE THE CITY OF KENT HEALTH DEPARTMENT AT THE PARTA CENTRAL GATEWAY; AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Ms. Shaffer and seconded by Mr. Ferrara. On Roll call, voting "Yes": Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Ms. Wallach, Mr. DeLeone, and Mr. Ferrara. The Motion CARRIED by a roll call vote of 7-0-1 with Mr. Amrhein abstaining.

MOTION TO ADOPT DRAFT No. 2019-137 made by Ms. Shaffer and seconded by Mr. Sidoti. On Roll call, voting "Yes": Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Ms. Wallach, Mr. DeLeone, and Mr. Ferrara. The Motion CARRIED by a roll call vote of 7-0-1 with Mr. Amrhein abstaining.

ORDINANCE NO. 2019-137: PASSED as stated by Clerk Wilkens.

Draft No. 2019-138: AN ORDINANCE AMENDING ORDINANCE NO. 2018-142, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 19, 2018; SO AS TO ADJUST APPROPRIATIONS, TRANSFERS AND ADVANCES FROM THE VARIOUS FUNDS OF THE CITY OF KENT TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES OF THE CITY FOR THE FISCAL YEAR ENDING DECEMBER 31, 2019; AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara and seconded by Mr. Sidoti. On Roll call, voting "Yes": Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Mr. Kuhar. The Motion CARRIED by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 2019-138 made by Mr. Ferrara and seconded by Mr. Sidoti. On Roll call, voting "Yes": Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The Motion CARRIED by a roll call vote of 8-0.

ORDINANCE NO. 2019-138 PASSED as stated by Clerk Wilkens.

Draft No. 2019-139: AN ORDINANCE APPROPRIATING FROM THE VARIOUS FUNDS OF THE CITY OF KENT TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES OF THE CITY FOR THE FISCAL YEAR ENDING DECEMBER 31, 2020, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Mr. Kuhar. The Motion CARRIED by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 2019-139 made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The Motion CARRIED by a roll call vote of 8-0.

ORDINANCE NO. 2019-139 PASSED as stated by Clerk Wilkens.

Draft No. 2019-140: AN ORDINANCE AMENDING ORDINANCE NO. 2018-140 THE POSITION ALLOCATION AND GENERAL COMPENSATION PLAN SO AS TO UPDATE SEVERAL POSITION TITLES, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara and seconded by Mr. Sidoti. On Roll call, voting "Yes": Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Mr. Kuhar. The Motion CARRIED by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 2019-140 made by Mr. Ferrara and seconded by Ms. Shaffer. On Roll call, voting "Yes": Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The Motion CARRIED by a roll call vote of 8-0.

ORDINANCE NO. 2019-140 PASSED as stated by Clerk Wilkens.

Draft No. 2019-141: AN ORDINANCE ACCEPTING A GRANT DONATION IN THE AMOUNT OF \$2,800.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT FROM ROTARY CLUB OF KENT FOR THE PURCHASE OF PLAYGROUND EQUIPMENT FOR THE PLAYGROUND AT 1115 FRANKLIN AVENUE, KENT RECREATION CENTER, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Ms. Shaffer and seconded by Mr. Sidoti. On Roll call, voting "Yes": Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Mr. Kuhar. The Motion CARRIED by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 2019-141 made by Mr. Kuhar and seconded by Mr. Ferrara. On Roll call, voting "Yes": Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The Motion CARRIED by a roll call vote of 8-0.

ORDINANCE NO. 2019-141 PASSED as stated by Clerk Wilkens.

Draft No. 2019-142: AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$500.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT FROM FOREST LAKES HOMEOWNERS ASSOCIATION, INC. FOR THE PURCHASE OF A PARK BENCH AT THE FOREST LAKES PRESERVE PLAYGROUND, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara and seconded by Mr. Amrhein. On Roll call, voting "Yes": Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Mr. Kuhar. The Motion CARRIED by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 2019-142 made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The Motion CARRIED by a roll call vote of 8-0.

ORDINANCE NO. 2019-142 PASSED as stated by Clerk Wilkens.

Draft No. 2019-143: AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$25.00 TO THE CITY OF KENT FIRE DEPARTMENT FROM MARY KENNELY TO BE USED IN THE CREATION OF A FUND FOR A SAFETY FORCES MEMORIAL, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Mr. Kuhar. The Motion CARRIED by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 2019-143 made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The Motion CARRIED by a roll call vote of 8-0.

ORDINANCE NO. 2019-143 PASSED as stated by Clerk Wilkens.

4. HEALTH AND SAFETY COMMITTEE:

NO MINUTES OR RECOMMENDED ACTIONS TO BE APPROVED.

5. LAND USE COMMITTEE:

NO MINUTES OR RECOMMENDED ACTIONS TO BE APPROVED.

6. STREETS, SIDEWALKS AND UTILITIES COMMITTEE:

MOTION TO APPROVE THE STREETS AND SIDEWALKS COMMITTEE MEETING MINUTES OF December 4, 2019 made by Mr. Sidoti, seconded by Mr. Amrhein and CARRIED by a voice vote of 7-0-1 with Mr. Ferrara abstaining.

NO RECOMMENDED ACTIONS TO BE APPROVED.

SPECIAL COMMITTEE REPORTS: NONE

UNFINISHED BUSINESS: NONE

NEW BUSINESS:

MOTION TO MOVE INTO COMMITTEE A REVIEW OF THE CONFLICT OF INTEREST POLICY made by Ms. Schaffer and seconded by Mr. Sidoti and CARRIED by a voice vote of 8-0.

Ms. Shaffer said the policy was written a long time ago and we should make an effort to review all of our policies at some point. She stated it warrants a review that a person cannot represent themselves. She suggested looking at and comparing the policies in other communities to see if Kent is behind the times.

Mr. Sidoti brought up the concern that Kent does not always have a lot of candidates for positions. There is a need to take a look at the policy that may be on the books for twenty or so years and suggested looking at what other communities are doing and if it aligns with expectation of state law.

Mr. Kuhar approves it going to committee and some adjustments can be made to the way things are done. He also stated if you serve on a board, you may be tempted to bias, it's hard to vote on something you are presenting for yourself.

Mr. Sidoti stated any council member could not go before Board of Zoning if they wanted to build a new garage. As long as a council person is not voting on something they could benefit from, he is not sure why council members can't represent themselves before the Board of Zoning. Clarification is needed because many board members don't realize the rights they are giving up at the door when taking on a position.

Mayor Fiala asked for clarification from Ms. Hope Jones if the letter sent in from Mr. Paino referred to her department, if this could be part of this motion.

Ms. Jones said yes.

A Swearing-in Ceremony of Councilpersons Ferrara, Kuhar, Shaffer and Wallach was performed by Law Director Jones. Councilperson Amrhein was sworn in by Claudia Amrhein.

COUNCILMEMBERS' COMMENTS

Ms. Rosenberg thanked those who are working diligently during this holiday season to keep us safe, including the Fire Department, Police, Service and Health Care workers and also those working in the service industry. We should all have a generous heart and wallet especially for those in need and keep them in mind as well. Thank you to all of those people.

Mr. Kuhar said it has been a very good year for the citizens of Kent and for the Administration and everyone who works for the City. Council and the Administration have worked diligently to pick out a new city hall that is going to be built. If we have to wait an extra month and make smarter decisions, that is the smart decision. We thank everyone who participates in the operation of city government and thank all of the citizens of Kent for being a part of this. Everyone have a happy holiday and be careful.

Ms. Shaffer would like to thank her colleagues and the city staff for another wonderful year serving the city of Kent.

MAYOR'S REPORT:

Mayor Fiala would like to reiterate everything that was just said and would also like to thank the safety forces that will be working on Christmas and New Year's. He encouraged all to please thank them. This is the last meeting of the year, we are bringing 2019 to an end. This year we have passed 143 Ordinances which is a lot less than done in the past. Happy New Year and Merry Christmas, or however you celebrate in what you believe in. The next meeting is January 8, 2020 at the Committee Meeting.

Mayor Fiala presented Clerk Wilkens with a card from Council.

The Regular Meeting adjourned at 8:25 P.M.

Amy Wilkens
Clerk of Council

Jerry T. Fiala
Mayor and President of Council



Did you know?

This card is embedded with wildflower seeds!

Plant the paper outdoors in the cooler months, fall through early spring.
Plant anytime indoors, then transplant to a more permanent location in early spring.

1. Loosen the soil.
2. Soak the seed paper in water overnight.
3. Plant the wet seed paper in the prepared soil, at a depth of about $\frac{1}{4}$ inch.
4. Water well, especially during the first four to six weeks.
5. Enjoy your flowers – and knowing that you're helping us grow at KSU, too!

Illustration by Kent State University Visual Communications Design student, Shannon Kovach, '19.

Plant this card!



See reverse for details

Thank you!

Thank you for your continued generosity to Kent State University.

Last year, your gift planted you among the top five percent of our supporters and made you an inaugural member of The Leadership Circle.

We are grateful to call you a partner as we sow seeds for the future and cultivate a brighter tomorrow, together.



www.kent.edu/leadershipcircle

10/20/2019

Dear City of Kent,

My name is Carleigh Wiler and I am a resident of Ward 1. I am concerned about the condition of the sidewalks on both Earl Ave. and Pioneer St.

While walking, scootering, riding bicycles or jogging, residents and visitors can easily trip and fall. I have enclosed pictures for your reference. I am curious to understand how these sidewalks can be repaired and am willing to do whatever I can to help.

Thank you very much for your time and consideration.

Respectfully yours,

Carleigh M. Wiler MOLLY E. Wiler

Carleigh G. Wiler - Age 8
621 Park Ave.
Kent, OH 44240

Joseph Johns
300 Woodland Ave

Laurie Boyle
428 Earl Ave

Stacey Sherman
413 EARL AVE

Shirley R. Shaw
413 Earl Ave.


SARAH MORGAN
422 EARL AVE

TERRI Cronka
419 EARL AVE

John Franco
431 EARL Ave
Kent, OH

Nancy S. Harlep
491 Earl Ave.

Angela Barzizza -bung RBZ
519 Earl Ave







Committee of the Whole Meeting Minutes

The City of Kent, Ohio
Wednesday, January 8, 2020

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. 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; Ms. Melanie Baker, Public Service Director; Mr. Harrison Wicks, Assistant to the City Manager; Mr. Kevin Schwartzhoff, Parks and Recreation Director; Mr. Dave Coffee, Budget and Finance Director; Chief Tosko; Mr. Jim Bowling, City Engineer; Mr. Tom Wilke, Economic Development Director; Ms. Amy Wilkens, Clerk of Council

ABSENT: Mr. Garret Ferrara

There was one (1) item on the Agenda.

1. Organization of Council

At 7:00 p.m. Mayor Fiala called the meeting to order with the Organizational portion of the meeting whereby Council chose who would Chair and Vice-Chair each of the Standing Committees of Council:

- Community Development – John Kuhar & Gwen Rosenberg
- Finance – Michael DeLeone & Tracy Wallach
- Health & Safety – Jack Amrhein & Roger Sidoti
- Land Use – Garret Ferrara & Heidi Shaffer
- Streets, Sidewalks & Utilities – Roger Sidoti & Tracy Wallach
- City Council Work Session- Mayor Fiala and Jack Amrhein
- President Pro-Tem – Jack Amrhein
- Board of Control – Michael DeLeone & Garret Ferrara
- Board of Health – Jack Amrhein
- Parks & Recreation – Gwen Rosenberg
- Treasury Investment Board – Michael DeLeone
- Standing Rock Committee will be done in April at Joint Meeting

Ms. Wallach mentioned her appointment to the Portage County Solid Waste Commission. Mayor Fiala did not have that appointment on his list.

Mr. Sidoti reported his appointment to the Chamber of Commerce will continue through the year 2020.

MOTION TO ACCEPT THE SLATE OF CHAIRS AND VICE-CHAIRS FOR THE STANDING COMMITTEES OF COUNCIL made by John Kuhar and seconded by Ms. Rosenberg and **CARRIED** by a voice vote of 7-0.

Hearing no further business before this Committee, the meeting adjourned at 7:04 p.m.

Amy Wilkens
Clerk of Council

ACTION RECOMMENDED:

- 1) Authorize the 2020 Council Committee assignments.



Community Development Committee Meeting Minutes

The City of Kent, Ohio
Wednesday, January 8, 2020

Mr. Kuhar called the Community Development of Kent City Council to order at 7:04 p.m.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; 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; Ms. Melanie Baker, Public Service Director; Mr. Harrison Wicks, Assistant to the City Manager; Mr. Kevin Schwartzhoff, Parks and Recreation Director; Mr. Dave Coffee, Budget and Finance Director; Chief Tosko; Mr. Jim Bowling, City Engineer; Mr. Tom Wilke, Economic Development Director; Ms. Amy Wilkens, Clerk of Council

ABSENT: Mr. Garret Ferrara

There were two (2) items on the Agenda.

1. Architecture Review Board Recommendation and Request

Dave Ruller explained the Architecture Review Board (ARB) has authority in the overlay district which is the downtown area. Any project in this area is reviewed by the ARB to issue a "Certificate of Appropriateness" before the project can move forward. Outside of that district, their only role is an advisory to the Planning Commission. Any project that goes through the Planning Commission will be given to the ARB for comments. The hotel project at Stow and Mogadore Road is outside the district. ARB is asking for a chance to review the plans if the hotel does not move forward.

Ms. Bridget Susel presented a recommendation from the Architectural Review Board (ARB) to expand the boundaries of the downtown district to include the proposed hotel parcel in the event the hotel project does not proceed. They are hoping for temporary review authority for this parcel and only if the hotel project does not go through.

Mr. Sidoti asked about the role of the Architectural Review Board on other projects in the past.

Ms. Susel stated the authority of the ARB is in the Overlay District, outside of the Overlay District, plans go directly to the Planning Commission who takes recommendations from the ARB but they do not have to include those as conditions.

Mr. Sidoti asked if there were any situations where the Planning Commission ignores recommendations from the ARB.

Ms. Susel stated they do not have to accept those recommendations, they take them into consideration, but there have been projects where they were not considered.

Mr. Sidoti stated how valuable the ARB is and asked how the Planning Commission feels about this.

Ms. Susel said they are working with the Planning Commission to determine the size of the Overlay District and its current values and will clarify some language in Chapter 1121.

Mr. Sidoti asked if the Overlay District can be expanded. Ms. Susel concurred.

Ms. Susel reviewed that staff had submitted a proposed text amendment to expand the Overlay District, but then decided to withdraw this amendment in favor of an interim legislative action that will allow the ARB to have the necessary "Certificate of Appropriateness" authority only if the hotel, which was approved by the Planning Commission, does not go through. Chapter 1121 specified the boundaries of the Overlay District, so just because downtown was expanded you cannot expand the Overlay. It is not automatic as of now but will be discussed in the future. This was not discussed with the expansion of the Downtown District due to timing of the approval and timing of the request for the project.

Mr. Ruller discussed the importance of having an extra layer of review to balance how much latitude is given on a project.

MOTION TO AUTHORIZE CONDITIONAL REVIEW AUTHORITY FOR THE ARCHITECTURAL REVIEW BOARD FOR THE PARCEL LOCATED AT CORNER OF FRANKLIN, SUMMIT AND MOGADORE ROAD made by Mr. Sidoti and seconded by Ms. Schaffer and CARRIED by a voice vote of 8-0.

2. Economic Development Projects Update

Mr. Ruller introduced Tom Wilke to present on the 2019 Economic Development Projects.

Mr. Wilke went through his Power Point presentation, slide by slide, highlighting past and future projects. He highlighted the following developments:

- Woodsy's Music Expansion
- Kent Elastomers Expansion with a focus on training and salesforce expansion
- New Dining and Shopping Options
 - Barrio has had a great reception from the Kent Community. This is the seventh location in Ohio. They hope to have a patio next year.
 - Ace Hardware opened in University Plaza. This is the third location, and is receiving great feedback from community. They have added fifteen jobs.
 - D.P. Dough is famous for calzone delivery until 4 a.m. They have 37 locations, all operating in college towns.
 - Businesses that have exchanged hands include Acorn & Evergreen Floral Studio, Twist, Squirrel City Jewelers, Over Easy, Mockingbird Bakery, Dollar General, Purely CBD, Tire Max and the Kent Barbell Club.

Mr. Wilke reviewed businesses that closed as well as projects coming soon, all outlined in his presentation. The downtown Kent properties have been highlighted in the Record Courier and multiple parties have looked at these properties to purchase. Closures included Friend's Office Supply, Parker Hannifin, Alsico, The Works, and Yogurt V. Businesses coming soon include the Hasawai Building, West End Apartments, Hawthorn Suites Hotel, North Water Street Brewery, Mill redevelopment, DKC Properties, Children's Hospital, Crystal Clinic Expansion, Riverside Merchant, Pho King, Coyote's Mexican Restaurant, Battleground Restaurant & Bar, and the relocation of Arby's.

Under Business news, Mr. Wilke highlighted the May 4th Anniversary Commemoration that will bring many visitors to the area. Many events are planned for the year. A new business called EASiBUY is looking to partner with the City and would like to also partner with Kent State University. He also mentioned the Davey 40th Anniversary, the growth experience at Quality IP, Leppo Recognition on the Centurion Winners List, and the City's participation in the Ohio ITGA Conference.

Economic Measures saw Kent's Unemployment lower than Ohio and Portage County, Income Tax rates have held steady since 2015, and an increase in median household income.

Mr. Wilke confirmed to Ms. Schaffer that there has been a test of the water for bottled water and it was successful.

Mr. Kuhar thanked Mr. Wilke for his presentation.

Hearing no further business before this Committee, the meeting adjourned at 7:46 p.m.

Amy Wilkens
Clerk of Council

ACTION RECOMMENDED:

- 1) **Authorize conditional review authority for the ARB only at the parcel at the corner of Franklin, Summit and Mogadore Roads as presented.**



Streets, Sidewalks & Utilities Meeting Minutes

The City of Kent, Ohio
Wednesday, January 8, 2020

Mr. Roger Sidoti called the Streets, Sidewalks & Utilities Committee of Kent City Council to order at 7:46 p.m.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; 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; Ms. Melanie Baker, Public Service Director; Mr. Harrison Wicks, Assistant to the City Manager; Mr. Kevin Schwartzhoff, Parks and Recreation Director; Mr. Dave Coffee, Budget and Finance Director; Chief Tosko; Mr. Jim Bowling, City Engineer; Mr. Tom Wilke, Economic Development Director; Ms. Amy Wilkens, Clerk of Council

ABSENT: Mr. Garret Ferrara

There were three (3) items on the Agenda.

1. Consideration of a Request for Water Line Tie-In

Mr. Ruller explained Arby's will be moving down the street but out of the city and will need water.

Mr. Jim Bowling stated that Arby's is moving and is in need of water and needs to request approval from Council to tap into the water on St. Route 59.

Ms. Schaffer asked if they are participating in the JEDD, which Mr. Bowling confirmed they are not but will be paying a 50% surcharge for water usage.

MOTION TO APPROVE THE REQUEST FOR A WATER LINE TIE-IN AT 1821 EAST MAIN STREET WITH AN EMERGENCY CLAUSE made by Mr. Amrhein, seconded by Mr. DeLeone and *CARRIED* by a voice vote of 7-1 with Ms. Wallach voting against.

2. Proposed License Agreement for Outdoor Patio at 101 Crain Avenue

Mr. Bowling said they are still working on the final solutions but are here to request authorization of space that used to be Crain Ave. for an outdoor patio. **(Attachment #1)**

Mr. Kuhar asked is the Brewery is planning on using a well or city water. It was confirmed the Brewery is planning on using city water.

MOTION TO AUTHORIZE A LICENSE AGREEMENT FOR AN OUTDOOR PATIO AT 101 CRAIN AVENUE WITH AN EMERGENCY CLAUSE made by Ms. Schaffer, seconded by Mr. Kuhar and *CARRIED* by a voice vote of 7-0-1 with Mr. DeLeone abstaining.

3. Request to Submit a "Bike Friendly Community" Designation Application

Mr. Ruller highlighted the improvement in biking in Kent over the years and the awareness of Kent becoming a "Bike Friendly Community". A few communities in the area have done this as well as Kent State University becoming a Bike Friendly Campus. In order to apply for initial designation requires a Council resolution; this organization wants to ensure this is not a solely a staff led initiative but

something the community and its leaders support. **(Attachment #2)** Mr. Ruller introduced Mr. Wicks to present to Council.

Mr. Wicks explained the Sustainability Commission began to look at this in November 2019 and recommended it as an extenuation of the hard work already done and to align with Kent State University as well. Mr. Wilder Hritz from the Sustainability Commission was in attendance in the audience, as well as representation from Kent State University.

Ms. Rosenberg asked if this was the same organization businesses can apply for this designation.

Mr. Wicks confirmed this is the same organization that many businesses in neighboring cities have applied for this status. There are three different categories to apply for this designation- University, Community and Business.

Ms. Wallach asked for clarification of the different levels awarded.

Mr. Wicks said there is a formula to determine the level of status after application is submitted. They will provide recommendations of ways to hit different levels. A feedback report will be sent to highlight areas to improve upon to move to the next "level".

Mr. DeLeone confirmed the application and awarding process.

Mr. Turner asked Mr. Hritz for his input on community outreach and if this is a priority.

Mr. Hritz confirmed this was discussed in November before he was a member of the Sustainability Commission.

Members of the Community who wished to address Council on this issue were:

- Ann Ward at 474 Longmere Drive, Kent is in favor of this application. Other cities in Ohio have achieved this status and she believes Kent can too. She said it will make bicycle use more attractive and an appropriate alternative to using a car.
- Randy Rohudski- 234 Highland Avenue introduced himself as a lifelong bicyclist and believes this is long overdue. He has many frustrations with biking in Kent and believes Kent has a long way to go.
- Rick Hawksly at 120 Portage Street brought to everyone's attention that one hundred years ago there were more bicycles in Kent than people and that now there are more automobiles than people along with a climate crisis. City Council can enact policies to get people out of automobiles.

Ms. Schaffer and Ms. Wallach both agreed with the visitor comments that it is overdue and needed to help with the current climate crisis.

Ms. Rosenberg had looked into applying for a Bike Friendly Business designation and is aware there is a lot of work that is needed to apply. She is happy to see the City is applying for this status.

MOTION TO AUTHORIZE A REQUEST TO SUBMIT A "BIKE FRIENDLY" DESIGNATION APPLICATION WITH AN EMERGENCY CLAUSE made by Ms. Schaffer, seconded by Ms. Wallach and CARRIED by a voice vote of 8-0.

Hearing no further business before this Committee, the meeting adjourned at 8:07 p.m.

Amy Wilkens
Clerk of Council

ACTION RECOMMENDED:

- 1) **Authorize the water extension and tie-in for the new Arby's located at 1821 E. Main Street.**
- 2) **Authorize the proposed right of way license agreement to allow an outdoor patio at 101 Crain Avenue.**
- 3) **Authorize the submission of the proposed "Bike Friendly Community" designation.**



Finance Committee Meeting Minutes

The City of Kent, Ohio
Wednesday, January 8, 2020

Mr. DeLeone called the Finance Committee of Kent City Council to order at 8:07 p.m.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; 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; Ms. Melanie Baker, Public Service Director; Mr. Harrison Wicks, Assistant to the City Manager; Mr. Kevin Schwartzhoff, Parks and Recreation Director; Mr. Dave Coffee, Budget and Finance Director; Chief Tosko; Mr. Jim Bowling, City Engineer; Mr. Tom Wilke, Economic Development Director; Ms. Amy Wilkens, Clerk of Council

ABSENT: Mr. Garret Ferrara

There was one (1) item on the Agenda.

1. Kent Parks & Recreation Master Plan Contract Award

Mr. Ruller introduce the new Parks and Recreation Director, Kevin Schwartzhoff to present on the Master Plan. Now is the time to get input from the community to move forward on this Master Plan. There will not be a bid process on the Master Plan.

Mr. Schwartzhoff explained that the last plan was done 25 years ago and since then the Parks have seen great growth. He stated it is the time to find out from the public what is being done right or wrong and where improvement is needed.

Mr. Schwartzhoff has worked with Brandstetter Carroll on other projects and approves of their work. Surveys, steering committee reports and input from the community will all be received from this process. The cost is \$75,000 which is comparable with similar communities throughout Ohio.

Ms. Rosenberg asked if by going through the Master Plan process it will enable the application for grants to be a little easier.

Mr. Schwartzhoff stated that public participation is helpful to get grants. It makes us more competitive and gives information we might not have had when applying for grants.

Ms. Wallach asked if Brandstetter Carroll will they use information from a recent feasibility study for community center and Mr. Mr. Schwartzhoff confirmed they will be.

Ms. Schaffer asked about the work previously done on the trails.

Mr. Schwartzhoff said those already planned to be improved will continue.

MOTION TO AUTHORIZE THE KENT PARKS AND RECREATION MASTER PLAN CONTRACT AWARD WITH AN EMERGENCY CLAUSE made by Mr. Sidoti and seconded by Mr. Amrhein and CARRIED by a voice vote of 8-0.

Hearing no further business before this Committee, the meeting adjourned at 8:16 p.m.

Amy Wilkens
Clerk of Council

ACTION RECOMMENDED:

- 1) **Authorize the proposed bid waiver and bid award for a new Kent Parks Master Plan study to Brand Stetter as presented.**



Land Use Committee Meeting Minutes

The City of Kent, Ohio
Wednesday, January 8, 2020

Ms. Heidi Schaffer called the Land Use Committee of Kent City Council to order at 8:15 p.m.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; 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; Ms. Melanie Baker, Public Service Director; Mr. Kevin Schwartzhoff, Parks and Recreation Director; Mr. Dave Coffee, Budget and Finance Director; Chief Tosko; Mr. Jim Bowling, City Engineer; Mr. Tom Wilke, Economic Development Director; Ms. Amy Wilkens, Clerk of Council

ABSENT: Mr. Garret Ferrara

There was one (1) item on the Agenda.

1. Consideration of a Request to Vacate City Street Right of Way

Mr. Ruller postponed this discussion as the information is not ready to be presented.

Hearing no further business before this Committee, the meeting adjourned at 8:16 p.m.

MOTION FOR COUNCIL TO ENTER AN EXECUTIVE SESSION *IN ACCORDANCE WITH ORC §121.22 Section G, Item (1): To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing made by Mr. Amrhein and seconded by Mr. DeLeone.*

On Roll Call voting "yes" Mr. Amrhein, Mr. DeLeone, Mr. Kuhar, Ms. Rosenberg, Ms. Schaffer, Ms. Wallach, Mr. Sidoti and Mr. Turner.

MOTION TO EXCUSE MR. FERRARA FROM THE EXECUTIVE SESSION made by Mr. Kuhar and seconded by Mr. DeLeone and CARRIED with a voice vote 8-0.

MOTION TO END THE EXECUTIVE SESSION AND RETURN TO REGULAR SESSION was made at 8:30 p.m. by Mr. Kuhar and seconded by Mr. Amrhein and CARRIED with a voice vote 8-0.

Amy Wilkens
Clerk of Council

ACTION RECOMMENDED:

- 1) Authorize the proposed land swap as presented. - Discussion Postponed

DRAFT ORDINANCE NO. 2020-01

AN ORDINANCE TO DESIGNATE, ON AN INTERIM BASIS ONLY, THAT ANY PROPOSED ALTERNATE LAND USE FOR THE 3.191 ACRE PARCEL ON WEST WILLIAMS RECENTLY RE-ZONED TO "COMMERCIAL-DOWNTOWN (C-D)," AS SUBJECT TO A CERTIFICATE OF APPROPRIATENESS BY THE ARCHITECTURAL REVIEW BOARD AUTHORITY; AND DECLARING AN EMERGENCY.

WHEREAS, on April 17, 2019, Kent City Council authorized the re-zoning of a 3.191 acre parcel on West Williams Street from "Industrial (I) to a "Commercial-Downtown (C-D)" zoning designation (Ordinance No. 2019-45). Subsequent to the re-zoning, the property owner submitted a proposed hotel project to the Planning Commission for site plan review and approval; and

WHEREAS, the Architectural Review Board did not have "Certificate of Appropriateness" authority because the 3.191 acres is located outside the boundaries of the "Downtown/West River Overlay District" so recommendations from the Architectural Review Board on the proposed new hotel property were presented to the Planning Commission on a non-binding basis as part of the project site plan review and approval process; and

WHEREAS, on October 1, 2019, the Architectural Review Board approved Resolution 2019-01 requesting interim "Certificate of Appropriateness" authority for the 3.191 acre parcel only if the proposed hotel project is not developed as approved by the Planning Commission and a substantial change to the approved site plan or an alternate land use is proposed; and

WHEREAS, the City is currently conducting a comprehensive update to the Zoning Code that may alter the boundaries of the "Downtown/West River Overlay District" to include the 3.191 acre parcel and make it subject to Architectural Review Board authority in the coming months so a temporary measure is necessary in the interim;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least a majority of all members elected thereto concurring:

SECTION 1. That Kent City Council does hereby authorize to designate, on an interim basis, "Certificate of Appropriateness" authority to the Architectural Review Board for the 3.191 acre parcel only if the proposed hotel project is not developed as approved by the Planning Commission and which interim authority will terminate when the comprehensive Zoning Code update is adopted by Kent City Council or the hotel is constructed and the site plan is not altered.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council, this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *ORDINANCE No.* _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20____.

AMY WILKENS
CLERK OF COUNCIL
(SEAL)

DRAFT ORDINANCE NO. 2020-02

AN ORDINANCE AUTHORIZING THE PARKS AND RECREATION DIRECTOR, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT WITH BRANDSTETTER CARROLL, INC. (BCI) AND THE CITY OF KENT PARKS & RECREATION DEPARTMENT FOR A COMPREHENSIVE PARKS MASTER PLAN, WAIVING COMPETITIVE QUOTING, AND DECLARING AN EMERGENCY.

WHEREAS, the last parks and recreation master plan study was completed in 1995 which included a feasibility study conducted by BCI for a recreation center and outdoor pool complex; and

WHEREAS, the City of Kent Parks & Recreation Department desires to enter into an agreement with Brandstetter Carroll, Inc. (BCI) to obtain a new Comprehensive Master Plan; and

WHEREAS, this year's budgeted contract amount will be approximately \$75,000; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto concurring:

SECTION 1. That Council does hereby authorize the Parks and Recreation Director, or his designee, to enter into an agreement with Brandstetter Carroll, Inc. to help with a comprehensive parks master plan, and is more fully described in Exhibit "A" attached hereto and incorporated herein. Competitive quoting is hereby waived.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council, this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN
WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS
OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *ORDINANCE No.*
_____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20_____.

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

**AGREEMENT
PARKS AND RECREATION MASTER PLAN
CITY OF KENT, OHIO**

This Agreement is made between the City of Kent, Ohio (Owner) and Brandstetter Carroll Inc. (Consultants) whereas the Consultant proposes to provide park and recreation system master planning services for the City of Kent.

I. SCOPE OF SERVICES

EVALUATE PHASE

1. Planning Context

- a. **Master Plan Steering Committee** – The City will appoint a Master Plan Steering Committee to work with the Consultants throughout the process. The Consultants will meet with them regularly with updates of the findings and the Committee will assist in establishing the future vision, goals and objectives, and priorities. The Steering Committee should include members of the Park and Recreation Board along with representatives from the City Administration and Staff, Parks and Recreation Department, Schools, Sports Organizations, City Council, Planning Board, and other organizations.
- b. **Demographic Analysis** – Using information provided by the City of Kent and other sources, perform an analysis of the demographic and population characteristics of Kent.
 1. **Using ESRI Business Analyst Software** and by coordinating with the Kent Staff, identify the demographic and land use trends and characteristics within the City limits. Information may include:
 - Demographic characteristics (quantity, ages, race, etc.)
 - Five year population projections
 - Household size
 - Average or median household income and per capita income
- c. **Review of Previous Studies** – Review all previous studies that will be provided by the Owner that pertain to the delivery of parks, recreation and leisure services, including, but not limited to: the previous Kent Parks and Recreation Master Plan, Kent Comprehensive Plan, land use plans, previous Park Master Plans, annual reports, program guides, newsletters, policies, use agreements, brochures, School District plans, and other planning studies. Summarize the key findings of each report to be included in an appendix to the report.
- d. **Benchmarking Comparisons to Similar Systems** – Using the NRPA ParkMetrics (formerly PRORAGIS) program to compare facilities, programs, operating budgets, etc. with other like agencies. Communities throughout Ohio and the midwest with similar populations will be included in the analysis.
- e. **Management Structure** – Perform a review and analysis of the existing management structure, staff levels, policies and operations.
- f. **Kent Policy Review** – Perform a review of Kent policies, and any mandated plans as they may impact park and recreation facilities, programs and services.
- g. **Funding Analysis** – Review the past five year's budgets and the proposed future operating and capital budgets.
- h. **Report and Presentation** – Prepare a report summarizing this phase and present it to the Master Plan Steering Committee.

2. Existing Parks, Facilities, and Programs Analysis

- a. **Parks, Open Space and Facilities Inventory** – Inventory all existing parks and recreation facilities offered in Kent, including parks and facilities operated by others including Schools, County and State Parks, private or non-profit recreation facilities, and others. Make site visits

to all of the City of Kent owned facilities with the purpose of observing the existing conditions and opportunities for improvements. A detailed Qualitative Assessment form will be completed for each City-owned facility.

- b. **Recreation Programs Assessment** – Use public input, staff input and the Consultant's observations to perform a review of current program and service offerings, levels of usage, attendance, and customer satisfaction levels. The Needs Assessment Survey will be utilized to identify existing satisfaction levels. The Stakeholder Groups in the Needs Analysis Phase will be part of this analysis. Identify the core programs that should be offered, competition for these program users, customer satisfaction, and the potential for market growth.
- c. **City-Wide Park and Recreation Facilities Map** – Prepare a map using GIS software which illustrates all of the City-owned parks and recreation facilities and trails as well as those of the Schools and other providers in the area.
- d. **Geographic Distribution – Service Gap Analysis** – Prepare an analysis of the current service gaps by mapping the locations of current parks by park-type categories using walk and drive times. Specific facilities will also be mapped to compare the household locations with the facility locations. Individual maps will be prepared for picnic shelters, trails, playgrounds, soccer fields, baseball/softball diamonds, and more to identify the distribution of the specific facilities throughout the community. A Composite Service Areas Map will be prepared which identifies the overall service delivery throughout the City.
- e. **Report and Presentation** - Prepare a report summarizing this phase and make a presentation of the findings to the Master Plan Steering Committee.

ENGAGE PHASE

1. Needs Assessment

- a. **Kick-Off Event** – In conjunction with the Parks and Recreation Department, conduct an event (possibly combined with an existing program event) in which participants will complete surveys, interact with Staff and the Consultants, use play money to vote on their priorities for various improvements, and become informed about the project interactive web site and on-line surveys.
- b. **Initial Public Open House** – Conduct a more traditional public open house at a convenient location to identify the public perception of park facilities and programming needs. The purpose of this public workshop will be to solicit input from the citizens and users regarding their concerns and opinions about existing facilities and programs, and their desires for future facilities and programs. The workshops will be interactive and involve all participants in a variety of methods.
- c. **Staff Input** – Conduct meetings, employee survey, and interviews with the Kent staff members regarding their perceptions of the public's needs and concerns, and the potential for improved services, facilities, programs, and public access. Identify the strengths, weaknesses, service needs and impediments (SWOT) to current operations. Staff will be invited from the following City Departments: Parks and Recreation, Public Works, Zoning, Engineering, Administration, Police, Economic Development, and Planning. The public input process will assist in this exercise.
- d. **Stakeholder/Focus Groups** – Conduct up to 12 stakeholder group meetings and round table discussions with various special interest and user groups. Kent will provide invitations and meeting space for these meetings. Anticipated groups may include: program users, parents of children in programs, partner organizations, organized athletic league officials, School Board, senior citizens, cultural arts organizations, partners in service, and other organizations to be identified between the Consultant, Steering Committee, and City of Kent. Questions will be prepared in advance to be approved by the Steering Committee. The questions will be sent to the stakeholder group participants for discussions with their organizations before the actual focus group.

- e. **School Student Workshops** – Conduct workshops in the schools to receive ideas and gain the perspective of youth from groups of fifth and sixth graders and high school students. The City will assist in establishing these meetings.
- f. **MindMixer Web Based Public Engagement Program** – Set up and manage a web site to solicit public engagement. BCI currently uses MindMixer, which is a web based on-line community collaboration program whereby residents can find out about the project, input their ideas, second ideas, respond to instant polls, respond to web surveys, and much more. The web site will be specifically for the Kent.
- g. **Household Needs Assessment Survey** – The input from the workshops, stakeholder groups and staff input will be utilized to develop a statistically valid mail and/or phone survey with a minimum of 400 responses from planning areas of Kent. Surveys will be mailed to at least 2,000 households. The base survey included in this proposal is a 5 page survey. The responses will be geocoded to allow analysis by geographic area. Cross tables will be generated to analyze specific items such as priorities of families with children, households with seniors, etc. The survey will be used to identify:
 - Current satisfaction levels with programs and facilities;
 - Participation and satisfaction with current programs;
 - Parks currently used;
 - Needs for various indoor and outdoor facilities and programs;
 - Identification of the most needed indoor and outdoor facilities;
 - Identification of the primary functions that should be performed by the Kent regarding parks, recreation, open space, greenways, trail linkages, horticulture, arts, programs and facilities;
 - Specific questions pertaining to any proposed new facilities.
- h. **Web-Based Survey** – Conduct a shorter web-based survey asking similar questions to the Household Needs Assessment Survey. Whereas the statistically valid mail survey will reach a selected, random sample of residents, the goal of this survey is to engage as many residents as possible. The survey will utilize the BCI subscription to Survey Monkey. Questions will be approved by the Master Plan Steering Committee. Kent will promote the use of the web survey through email blasts, newsletter announcements, In Touch Magazine, placement on their web page, and other methods. A printed version will also be available which can be printed and/or handed out at City buildings and program sites.
- i. **Needs Analysis Report** – Prepare a summary report of the Needs Analysis for review by the Master Plan Steering Committee.
- j. **Needs Assessment Presentation** – Conduct a public workshop presentation of the preliminary findings of the Needs Assessment effort. The purpose of this meeting will be to inform the public of preliminary findings prior to the development of specific recommendations.

ENVISION PHASE

1. **Vision, Goals and Objectives** – Working with the Master Plan Steering Committee, Parks and Recreation Department, and Parks and Recreation Board - The Consultant will:

Vision, Goals & Objectives – Using all of the previous findings, identify the following:

- Develop a mission statement for the Parks and Recreation Department;
- Identify the Future Vision for Parks and Recreation in Kent;
- Identify Proposed Level of Service Standards for park land and specific recreation facilities;
- Identify Short Term Goals and Objectives;
- Identify Long Term Goals and Objectives.

2. **Level of Service Guidelines** – Develop Level of Service Guidelines for the City of Kent based on the public input, the Benchmarking Comparison Survey, and with standards and guidelines developed by the Consultant based on previous experience. The standards will identify guidelines and definitions for park types and their respective service areas and characteristics, facility types and criteria, facility per population standards and geographic distribution criteria.

PLANNING PHASE

1. Physical Planning, Program, and Services Recommendations – The Consultant will:

- a. **City Wide Park and Facility Improvement Recommendations** – Prepare a City-wide map illustrating proposed general locations of new parks by park type categories (mini-park, neighborhood, community, special use, nature, or linear park).
- b. **Level of Service Guidelines** – Develop Level of Service Guidelines for the City of Kent based on the public input, the Benchmarking Comparison Survey, and with standards and guidelines developed by the Consultant based on previous experience. The standards will identify guidelines and definitions for park types and their respective service areas and characteristics, facility types and criteria, facility per population standards and geographic distribution criteria.
- c. **Individual Park Recommendations and Costs** – Identify the specific needed improvements at each park or recreation facility. Prepare level of magnitude costs for each capital improvement recommended in the plan.
- d. **Park Concept Plans** – Prepare park concept plans for up to five parks to illustrate significant changes in overall park design. Additional concepts can be provided for additional fees as outlined in the Fee Proposal. Prepare text recommendations for improvements at other parks.
- e. **Capital Improvement and Land Acquisition Priorities** – Work with Kent staff and the Master Plan Steering Committee to prioritize, by selected facility type, the capital improvements and acquisitions. This process will identify the short range (0-2 years), mid-range (3-5 years) and long-range (6-10 years) recommendations. Proposed land acquisition will also be prioritized.
- f. **Report** – Prepare a summary report of the Recommendations stage.
- g. **Presentations** – Present the plan and recommendations to the Steering Committee and Recreation Commission.

2. Action Plan – The Consultant will develop:

- a. **Phased Implementation Plan** with specific strategies and recommendations for:
 - Guidelines for prioritization of future capital improvements;
 - Land acquisition;
 - Trail recommendations;
 - Parks, greenway and open space land acquisition;
 - Facility recommendations;
 - Park and facility operations recommendations;
 - Programs and services recommendations;
 - Budgeting and funding/financial management recommendations and priorities;
 - This process will identify the short range (0-2 years), mid-range (3-5 years) and long-range (6-10 years) action steps along with the responsible party and potential funding sources
 - The strategies will be referenced to the City Comprehensive Plan.
- b. **Funding Recommendations** – Identify potential funding sources and their applicability for the recommendations in the Master Plan.
- c. **Draft Master Plan** – Prepare a Draft Master Plan for review by the City staff and Master Plan Steering Committee.
- d. **Action Plan Presentation** – Make a presentation of the Draft Action Plan and Final Needs Assessment recommendations to the Master Plan Steering Committee and other groups as identified.

- e. **Final Master Plan** – Following the reviews of each of the separate reports, prepare a Final Master Plan that includes all components of the planning process.
- f. **Final Presentations** – Make presentations of the Final Master Plan to the Master Plan Steering Committee, Park and Recreation Board, and Kent City Council.
- g. **Executive Summary** – Prepare an Executive Summary that summarizes the findings, recommendations, and actions.

3. Deliverables – Final deliverables will include:

- a. A Service Area Map showing existing and proposed residential areas, existing park locations, existing park service areas, and proposed parks, walkways, bikeways and recreation facility locations. These items may be included as one map or separated into several maps, depending upon the clarity of the information and the need for separate maps.
- b. Ten (10) copies of all Technical Reports
- c. Ten (10) copies of the Draft Master Plan
- d. Twenty (20) copies of the Final Master Plan and Executive Summary including all of the previous reports.
- e. Digital copies of all reports and graphics for use by the Owner.
- f. Maps will be prepared in digital shapefile format using ESRI ArcGIS 10.5 for use by the Owner.

II. FEES & CONDITIONS

- 1. Fees - For the above referenced Scope of Services, the Consultants shall be paid the following fees.

a.	Planning Context	\$11,000
b.	Site, Facilities and Programs Analysis	\$11,000
c.	Needs Assessment	\$28,000
d.	Vision, Goals and Objectives	\$3,000
e.	Physical Planning	\$16,000
f.	Action Plan & Final Master Plan	<u>\$16,000</u>

Total Fee	\$ 85,000
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Additional site concept plans may be provided at a fee of \$2,500 each

- 2. Conditions

- a. Any additional copies that are requested by the Owner will be billed to the Owner at the actual printing and preparation costs.
- b. The Owner will provide digital maps of the entire City and the individual sites for use by the Consultant.
- c. The Consultant will be paid monthly based on the percentage of work completed in the previous month.
- d. The Owner will provide the consultant with copies of previous studies related to the delivery of parks and recreation services.
- e. The Owner will coordinate the invitations, scheduling and room arrangements for the stakeholder meetings and public input meetings.
- f. The Owner will promote the web survey and on-line civic engagement.

THIS AGREEMENT PROPOSED BY:

Brandstetter Carroll Inc.

Benjamin E. Brandstetter

President

Title

Date

THIS AGREEMENT ACCEPTED BY:

City of Kent, Ohio

Name

Title

Date

BRANDSTETTER CARROLL INC.
STANDARD PROVISIONS

(1) **Consultant's Scope of Services and Additional Services** The Consultant's undertaking to perform professional services extends only to the services specifically described in this Agreement. However, if requested by the Owner and agreed to by the Consultants, the Consultants will perform additional services ("Additional Services"), and such Additional Services shall be governed by these provisions. Unless otherwise agreed to in writing, the Owner shall pay the Consultants for the performance of any Additional Services an amount based upon the Consultant's then-current hourly rates.

(2) **Owner's Responsibilities** In addition to other responsibilities described herein or imposed by law, the Owner shall:

- (a) Designate in writing a person to act as its representative with respect to this Agreement, such person having complete authority to transmit instructions, receive information, and make or interpret the Owner's decisions.
- (b) Provide all information and criteria as to the Owner's requirements, objectives, and expectations for the project including all numerical criteria that are to be met and all standards of development, design, or construction.
- (c) Provide to the Consultants all previous studies, plans, or other documents pertaining to the project and all new data reasonably necessary in the Consultant's opinion, such as site survey and engineering data, environmental impact assessments or statements, zoning or other land use regulations, etc., upon all of which the Consultants may rely.
- (d) Arrange for access to the site and other private or public property as required for the Consultants to provide its services.
- (e) Review all documents or oral reports presented by the Consultants and render in writing decisions pertaining thereto within a reasonable time so as not to delay the services of the Consultants.
- (f) Furnish approvals and permits from governmental authorities having jurisdiction over the project and approvals and consents from other parties as may be necessary for completion of the Consultant's services.
- (g) Give prompt written notice to the Consultants whenever the Owner becomes aware of any development that affects the scope and timing of the Consultant's services or any defect or noncompliance in any aspect of the project.
- (h) Bear all costs incident to the responsibilities of the Owner.

(3) **Period of Services** Unless otherwise stated herein, the Consultants will begin work timely after receipt of an executed copy of this Agreement and will complete the services in a reasonable time. This Agreement is made in anticipation of conditions permitting continuous and orderly progress through completion of the services. Times for performance shall be extended as necessary for delays or suspensions due to circumstances that the Consultants do not control. If such delay or suspension extends for more than six months (cumulatively), Consultant's compensation shall be renegotiated.

(4) **Method of Payment** Compensation shall be paid to the Consultants in accordance with the following provisions:

- (a) Invoices will be submitted by the Consultants to the Owner periodically for services performed and expenses incurred. Payment of each invoice will be due within 30 days of receipt. If the Owner fails to make any payment due the Consultants under this or any other agreement within 30 days after the Consultant's transmittal of its invoice, the Consultants may, after giving notice to the Owner, suspend services under this Agreement until all amounts due are paid in full.
- (b) If the Consultants initiates legal proceedings to collect payment, it may recover, in addition to all amounts due, reasonable experts' fees, and other expenses related to the proceedings. Such expenses shall include the cost, at the Consultant's normal hourly billing rates, of the time devoted to such proceedings by its employees.
- (c) The Owner agrees that the payment to the Consultants is not subject to any contingency or condition. The Consultants may negotiate payment of any check tendered by the Owner, even if the words "in full satisfaction" or words intended to have similar effect appear on the check without such negotiation being an accord and satisfaction of any disputed debt and without

prejudicing any right of the Consultants to collect additional amounts from the Owner.

(5) **Use of Documents** All documents, including but not limited to drawings, specifications and data or programs stored electronically, prepared by the Consultants are related exclusively to the services described in this Agreement, and may be used only if the Owner has satisfied all of its obligations under this Agreement. They are not intended or represented to be suitable for use, partial use or reuse by the Owner or others on extensions of this project or on any other project. The Owner shall not make any modifications to the Consultant's documents. In the case of any defects in the electronic files or any discrepancies between them and the hardcopy of the documents prepared by the Consultants, the hardcopy shall govern. Only printed copies of documents conveyed by the Consultants may be relied upon. Because data stored in electronic media format can deteriorate or be modified without authorization of the data's creator, the Owner has 60 days to perform acceptance tests, after which it shall be deemed to have accepted the data transferred.

(6) **Opinions of Cost** Because the Consultants do not control the cost of labor, materials, equipment or services furnished by others, methods of determining prices, or competitive bidding or market conditions, any opinions rendered as to costs, including but not limited to opinions as to the costs of construction and materials, shall be made on the basis of its experience and represent its judgment as an experienced and qualified professional, familiar with the industry. The Consultants cannot and does not guarantee that proposals, bids or actual costs will not vary from its opinions of cost. If the Owner wishes greater assurance as to the amount of any cost, it shall employ an independent cost estimator. Consultant's services required to bring costs within any limitation established by the Owner will be paid for as Additional Services.

(7) **Termination** The obligation to provide further services under this Agreement may be terminated by either party upon seven days' written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party, or upon thirty days' written notice for the convenience of the terminating party. In the event of any termination, the Consultants shall be paid for all services rendered and expenses incurred to the effective date of termination, and other reasonable expenses incurred by the Consultants as a result of such termination. If the Consultant's compensation is a fixed fee, the amount payable for services will be a proportional amount of the total fee based on the ratio of the amount of the services performed, as reasonably determined by the Consultants, to the total amount of services which were to have been performed.

(8) **Insurance** The Consultants are protected by Workers' Compensation insurance, professional liability insurance, and general liability insurance and will exchange certificates of insurance upon request. If the Owner directs the Consultants to obtain increased insurance coverage, or if the nature of the Consultant's activities requires additional insurance coverage, the Consultants will take out such additional insurance, if obtainable, at the Owner's expense.

(9) **Standard of Care** In performing its professional services, the Consultants will use that degree of care and skill ordinarily exercised, under similar circumstances, by reputable members of its profession in the same locality at the time the services are provided. No warranty, express or implied, is made or intended by the Consultant's undertaking herein or its performance of services, and it is agreed that the Consultants are not a fiduciary with respect to the Owner.

(10) **Limitation of Liability** In recognition of the relative risks and benefits of the Project to both the Owner and the Consultants, the risks have been allocated such that the Owner agrees, to the fullest extent of the law, and notwithstanding any other provisions of this Agreement, that the total liability, in the aggregate, of the Consultants and the Consultant's officers, directors, employees, agents, and subconsultants to the Owner or to anyone claiming by, through or under the Owner, for any and all claims, losses, costs or damages whatsoever arising out of, resulting from or in any way related to the services under this Agreement from any cause or causes, including but not limited to, the negligence, professional errors or omissions, strict liability or breach of contract or any warranty, express or implied, of the Consultants or the Consultant's officers, directors, employees, agents, and subconsultants, shall not exceed twice the total compensation received by the Consultants under this Agreement or \$50,000, whichever is greater. Higher limits of liability may be negotiated for additional fee. Under no circumstances shall the Consultants be liable for lost profits or consequential damages, for extra costs or other consequences due to changed conditions, or for costs related to the failure of contractors to perform work in accordance with the plans

and specifications. This Section 10 is intended solely to limit the remedies available to the Owner, and nothing in this Section 10 shall require the Owner to indemnify the Consultants.

(11) **Certifications** The Consultants shall not be required to execute any certifications or other documents that might, in the judgment of the Consultants, increase the Consultant's risk or affect the availability, applicability, or cost of its insurance.

(12) **Dispute Resolution** All claims by the Owner arising out of this Agreement or its breach shall be submitted first to mediation using a local court mediator as a condition precedent to litigation. Any mediation or civil action by Owner must be commenced within one year of the accrual of the cause of action asserted but in no event later than allowed by applicable statutes.

(13) **Hazardous Substances and Conditions**

(a) Services related to determinations involving hazardous substances or conditions, as defined by federal or state law, are limited to those tasks expressly stated in the scope of services. In any event, Consultants shall not be a custodian, transporter, handler, arranger, contractor, or remediator with respect to hazardous substances and conditions. Consultant's services will be limited to professional analysis, recommendations, and reporting, including, when agreed to, plans and specifications for isolation, removal, or remediation.

(b) The Consultants shall notify the Owner of hazardous substances or conditions not contemplated in the scope of services of which the Consultants actually becomes aware. Upon such notice by the Consultants, the Consultants may stop affected portions of its services until the hazardous substance or condition is eliminated. The parties shall decide if Consultants is to proceed with its services and if Consultants is to conduct testing and evaluations, and the parties may enter into further agreements as to the additional scope, fee, and terms for such services.

(15) **Assignment and Subcontracting** This Agreement gives no rights or benefits to anyone other than the Owner and the Consultants, and all duties and responsibilities undertaken pursuant to this Agreement will be for the sole benefit of the Owner and the Consultants. The Owner shall not assign or transfer any rights under or interest in this Agreement without the written consent of the Consultants. The Consultants reserves the right to augment its staff with subconsultants as it deems appropriate due to project logistics, schedules, or market conditions. If the Consultants exercises this right, the Consultants will maintain the agreed-upon billing rates for services identified in the contract, regardless of whether the services are provided by in-house employees, contract employees, or independent subconsultants.

(16) **Confidentiality** To the extent permitted by the Ohio Public Records Law, the Owner consents to the use and dissemination by the Consultants of photographs of the project and to the use by the Consultants of facts, data and information obtained by the Consultants in the performance of its services. If, however, any facts, data or information are specifically identified in writing by the Owner as confidential, the Consultants shall use reasonable care to maintain the confidentiality of that material.

(17) **Miscellaneous Provisions** This Agreement is to be governed by the law of the State of Ohio. This Agreement contains the entire and fully integrated agreement between the parties and supersedes all prior and contemporaneous negotiations, representations, agreements or understandings, whether written or oral. Except as provided in Section 1, this Agreement can be supplemented or amended only by a written document executed by both parties. Provided, however, that any conflicting or additional terms on any purchase order issued by the Owner shall be void and are hereby expressly rejected by the Consultants. Any provision in this Agreement that is unenforceable shall be ineffective to the extent of such unenforceability without invalidating the remaining provisions. The non-enforcement of any provision by either party shall not constitute a waiver of that provision nor shall it affect the enforceability of that provision or of the remainder of this Agreement.

DRAFT ORDINANCE NO. 2020-03

AN ORDINANCE ACCEPTING A GRANT DONATION IN THE AMOUNT OF \$5,000.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT FROM THE HENRY V. AND FRANCES W. CHRISTENSON FOUNDATION FOR THE DOWNTOWN KENT GAZEBO PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent Parks & Recreation Department has received a grant donation of \$5,000.00 from the Henry V. and Frances W. Christenson Foundation for the downtown Kent Gazebo project; and

WHEREAS, the City wishes to accept said grant donation.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto concurring:

SECTION 1. That Council does hereby authorize the City Manager on behalf of the City of Kent to accept the grant donation of \$5,000.00 from the Henry V. and Frances W. Christenson Foundation for the downtown Kent Gazebo project.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE No. _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20_____.

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

DRAFT ORDINANCE NO. 2020-04

AN ORDINANCE AUTHORIZING THE CREATION OF A TEMPORARY POSITION IN THE CITY MANAGER'S OFFICE WHICH WILL BE TITLED, "TEMPORARY ADMINISTRATIVE SPECIALIST", AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent, Ohio wishes to create a temporary part time position in the City Manager's Office, i.e. Temporary Administrative Specialist and wages as set forth below.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least a majority (5) of all members elected thereto concurring:

SECTION 1. That Council does hereby approve and authorize the creation of a temporary position in order for the retiring Finance and Budget Director to assist the new Finance and Budget Director during a transitional period; the part time position will be titled "Temporary Administrative Specialist" and will fall under the City Manager's Office; hourly pay will be \$55.85; and the work performed will not exceed 8 weeks.

SECITON 2. That nothing herein will prevent the retiring Finance and Budget Director (David Coffee) from any benefits afforded to retiring full time employees, if he has qualified for them.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: _____
Date
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *ORDINANCE No.* _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20____.

AMY WILKENS
CLERK OF COUNCIL
(SEAL)

DRAFT ORDINANCE NO. 2020-05

AN ORDINANCE AUTHORIZING OLIO DEVELOPMENT GROUP A WATER TAP-IN FOR THE NEW ARBY'S FAST FOOD RESTAURANT WHICH WILL BE RE-LOCATING FROM 1630 EAST MAIN STREET TO 1821 EAST MAIN STREET, OUTSIDE THE CITY OF KENT, AND DECLARING AN EMERGENCY.

WHEREAS, OLIO Development Group is requesting water service outside the City of Kent for the new Arby's fast food restaurant which is re-locating from 1630 East Main Street to 1821 East Main Street (Parcel #12-021-00-00-023-003) in Franklin Township (the "Property"); and

WHEREAS, the Property is within the Kent-Franklin JEDD Contract area and the previous owner has not signed the contract, therefore, per KCO 913.09, the Property is subject to a 50% water surcharge; and

WHEREAS, the City Division of Engineering recommends approving the water tap-in.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto concurring:

SECTION 1: Council does hereby authorize the water tap-in to the Property subject to KCO 913.09 and the City water rules and regulations.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE No. _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20_____.

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

DRAFT ORDINANCE NO. 2020-06

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A LICENSE AGREEMENT BETWEEN THE CITY OF KENT AND RANDOM OHIO, LLC TO ALLOW FOR THE INSTALLATION OF AN OUTDOOR PATIO AND ENTRANCE AT 101 CRAIN AVENUE, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent desires to enter into a License Agreement with Random Ohio, LLC to allow for the installation of an outdoor patio and entrance at 101 Crain Avenue, a part of which will be constructed on City owned property; and

WHEREAS, the property shall be used for the purpose of building access from the parking lot, pedestrian access from the public sidewalk, an outdoor patio and facility entrance and will be known as the North Water Brewery.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto concurring:

SECTION 1. That Council does hereby authorize the City Manager, or his designee, to enter into a License Agreement between the City of Kent and Random Ohio, LLC to allow for the installation of an outdoor patio and entrance at 101 Crain Avenue, and is more fully described in Exhibit "A" attached hereto and incorporated herein.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE No. _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20____.

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

CITY OF KENT
DEPARTMENT OF PUBLIC SERVICE
DIVISION OF ENGINEERING

MEMO

TO: Dave Ruller
Amy Wilkens

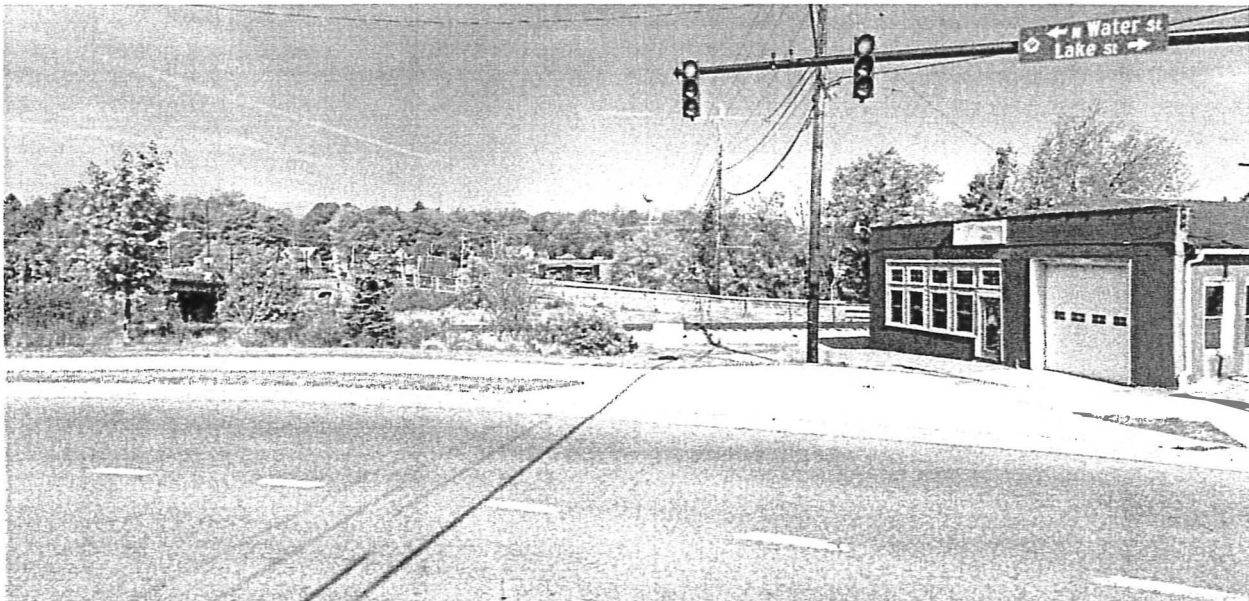
FROM: Jim Bowling *JLB*

DATE: December 10, 2019

RE: 101 Crain Avenue (North Water Brewery) - License Agreement

The Service Department is requesting Council time to review and approve a request from Random Ohio LLC to install an outdoor patio and entrance at 101 Crain Avenue. The patio is to be constructed in conjunction with the development of the existing building at 101 Crain Avenue into a brewery. The location of the patio is in the right-of-way where Crain Avenue was formerly located (see photo). The right-of-way is still used for public and private utilities, but upon review by the Service Department the request will have no significant impacts on our ability to maintain the utilities.

Attached is a copy of the proposed License Agreement.



C: Melanie Baker
Hope Jones

CITY OF KENT, OHIO
LICENSE AGREEMENT

THIS AGREEMENT is made by and between the CITY OF KENT, OHIO, hereinafter called "City" and Random Ohio LLC., hereinafter called the "Licensee."

The City is the owner, in fee simple or by highway easement, of land, hereinafter known as the "Property." For and in consideration of the covenants, conditions, agreements and stipulations of the License expressed herein, the City does hereby agree the Property may be used by the Licensee for the purpose as outlined in Part 1 below, in accordance with the laws and Charter of the City of Kent. The Property is more particularly described in the attached exhibit listed below.

Exhibit 11-7-2019 Set-A1 Code ADA Furniture
Exhibit 11-7-2019 Set-A2 Site
Exhibit 11-7-2019 Set-A3 Arch Site Plan
Exhibit 11-7-2019 Set-A4 Overall Floor Plan
Exhibit Proposed License Area
Exhibit Proposed License Area Description

The parties hereto covenant and agree as follows:

1. NATURE OF INTEREST:

The Licensee understands that by issuing this license, the City has merely granted the Licensee the right to occupy the right-of-way and this license does not grant or convey to the Licensee any interest in the Property.

2. USE:

2.1 The Property shall be used for the purpose of: Building Access
from the parking lot, pedestrian access from the public sidewalk, an
outdoor patio and facility entrance
and for no other purpose.

2.2 No structural alterations may be made to the City's property without the express written permission of the City of Kent, Director of Public Service.

3. TERM:

The City does hereby agree the Property may be used by the Licensee for a term of one (1) year commencing on _____, 2020, and ending on _____, 2021 unless terminated earlier by either party. This license will automatically renew yearly unless one (1) month before expiration either party notifies the other of its intention to terminate per Paragraph 14.

4. **NECESSARY LICENSES AND PERMITS:**

- 4.1 Licensee shall be licensed to do business in the State of Ohio and City of Kent, and upon request, Licensee shall demonstrate to the City that any and all such licenses are in good standing. Correspondence shall be addressed as follows:

All correspondence to the City shall be addressed:

Service Director
City of Kent
930 Overholt Road
Kent, Ohio 44240

All correspondence to the Licensee shall be addressed:

Don Schejeldahl
Random Ohio LLC
122 N. Mantua
Kent, Ohio 44240

Bob Mayfield
Random Ohio LLC
346 Oakwood Drive
Kent, Ohio 44240

- 4.2 Licensee shall secure all necessary permits required in connection with the use of the Property and shall comply with all federal, state and local statutes, ordinances, rules, or regulations which may affect, in any respect, Licensee's use of the Property. Licensee shall, prior to the commencement of any work, obtain and thereafter maintain, at its sole cost and expense, all licenses, permits, etc., required by law with respect to its business use of the Property.

5. **STORAGE AND VENDING:**

No storage of materials or supplies of any nature will be permitted on the Property except as directly related to the agreed business use of the Property.

6. **TAXES:**

Licensee agrees to be responsible for and to timely pay all taxes and/or assessments that may be legally assessed on Licensee's interest, or on any improvements placed by Licensee on said Property, during the continuance of the license hereby created, including any real estate taxes. The Licensee must provide written notice to the City, at the address referenced in Paragraph 4.1, within thirty (30) days of payment of all taxes and/or assessments.

7. **DIRECTOR OF PUBLIC SERVICE TO ACT FOR CITY:**

The granting of this permit shall not be construed as an abridgment or waiver of any rights which the Director of Public Service has in exercising his jurisdictional powers over the City property, easements or right-of-ways. The City Director of Public Service shall act for and on behalf of the City of Kent in the issuance of and carrying out the provisions of this permit.

8. **CITY USE OF PROPERTY:**

If for any reason the Director of Public Service or his duly appointed representative deems it necessary to order the removal, reconstruction, relocation or repair of the Licensee's changes to the City's property, then said removal, reconstruction, relocation or repair shall be promptly undertaken at the sole expense of the Licensee's thereof. Failure on the part of the Licensee to conform to the provisions of this permit will be cause for suspension, revocation or annulment of this permit, as the Director of Public Service deems necessary.

9. **MAINTENANCE OF PROPERTY:**

Licensee shall, at its sole expense, keep and maintain the Property free of all weeds, debris, and flammable materials of every description, and at all times in an orderly, clean, safe, and sanitary condition consistent with neighborhood standards. A high standard of cleanliness, consistent with the location of the area as an adjunct of the City, will be required. Defoliant, noxious, or hazardous materials or chemicals shall not be used or stored on the Property.

10. **MAINTENANCE OF IMPROVEMENTS:**

10.1 Licensee, at Licensee's own cost and expense, shall maintain all of his/her improvements to the Property. Licensee shall take all steps necessary to effectively protect the Property from damage incident to the Licensee's use of such Property, all without expense to the City.

10.2 Licensee shall be liable to, and shall reimburse the City for, any damage to City owned property that in any way results from or is attributable to the use of said Property by the Licensee or any person entering upon the same with the consent of the Licensee, expressed or implied.

11. **HOLD HARMLESS:**

Licensee shall occupy and use Property at its own risk and expense and shall save the City, its officers, agents, and employees, harmless from any and all claims for damage to property, or injury to, or death of, any person, entering upon same with Licensee's consent, expressed or implied, caused by any acts or omissions of the Licensee.

12. INSURANCE:

12.1 At the time of the execution of this Agreement, Licensee shall, at its own expense, take out and keep in force during the terms of this Agreement:

(a) Liability insurance, in a company or companies to be approved by the City to protect against any liability to the public incident to the use of, or resulting from injury to, or death of, any person occurring in or about, the Property, in the amount of not less than *Five Hundred Thousand Dollars (\$500,000.00)*, to indemnify against the claim of one person, and in the amount of not less than *One Million Dollars (\$1,000,000.00)* against the claims of two (2) or more persons resulting from any one (1) accident.

(b) Property damage or other insurance in a company or companies to be approved by the City to protect Licensee, and the City against any and every liability incident to the use of or resulting from any and every cause occurring in, or about, the Property, including any and all liability of the Licensee, in the amount of not less than *One Hundred Thousand Dollars (\$100,000.00)*. Said policies shall inure to the contingent liabilities, if any, of the Licensee and the City, and shall obligate the insurance carriers to notify Licensee and the City, in writing, not less than thirty (30) days prior to cancellation thereof, or any other change affecting the coverage of the policies. If said policies contain any exclusion concerning property in the care, custody or control of the insured, an endorsement shall be attached thereto stating that such exclusion shall not apply with regard to any liability of the Licensee and the City.

12.2 A copy of the "Certificate of Insurance" will be submitted to the City at the time of execution of license and annually thereafter.

13. MODIFICATION:

The terms of this Agreement may be modified upon agreement of the parties.

14. REVOCATION AND TERMINATION:

14.1 The City may revoke this license at any time. The Licensee may terminate this Agreement at any time.

14.2 In the event this license is revoked or the Agreement is terminated the Licensee will peaceably and quietly leave, surrender, and yield up to the City the Property. The Property will be restored to its previous condition at the expense of the Licensee and no costs for removal will be reimbursed by the City.

14.3 Upon revocation of the license or upon termination or expiration of Agreement, any personal property, or other appurtenances, including all footings, foundations, and utilities, placed on the City property will be removed by Licensee. If any such appurtenances are not so removed after ninety (90) days written notice from the City to the Licensee, the City may proceed to remove the same and to restore the Property and the Licensee will pay the City, on demand, the reasonable cost and expense of such removal and restoration.

15. RELOCATION:

A Licensee who licenses property from the City shall not be eligible for relocation payments.

IN WITNESS WHEREOF, this Agreement has been executed in duplicate by the parties hereto as of the date herein last written below. Licensee acknowledges receipt of a copy of this Agreement and agrees to comply with the provisions herein contained.

LICENSEE(S): Random Ohio LLC.

Signature

122 N. Mantua
Kent, Ohio 44240
Mailing Address

Signature

346 Oakwood Drive
Kent, Ohio 44240

828-772-9374
Telephone

330-221-5288

Date

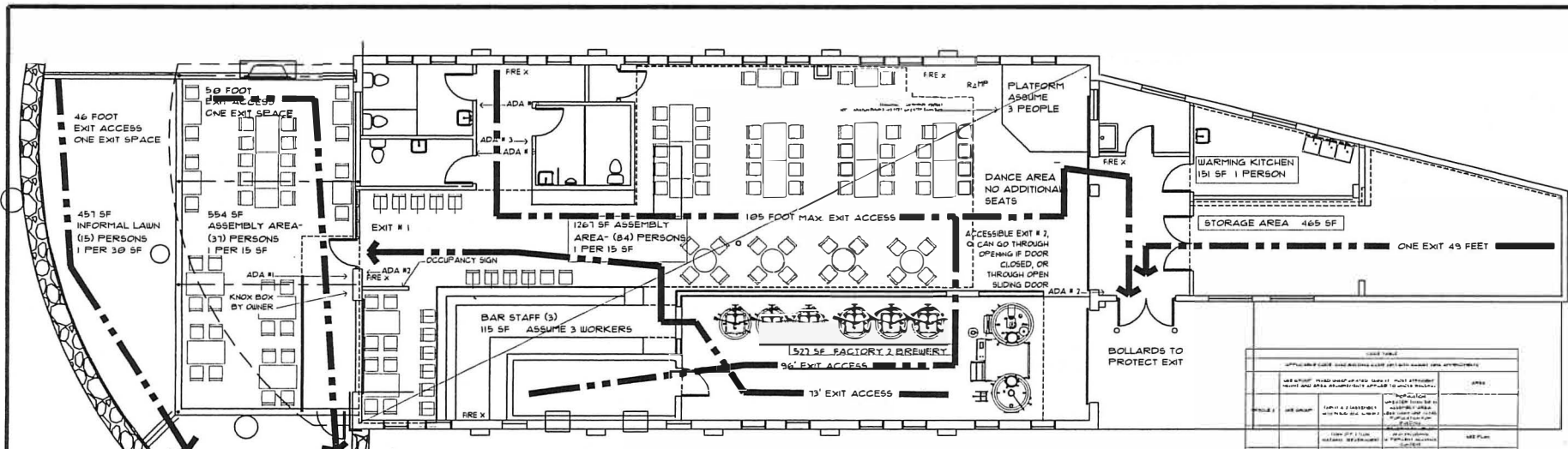
CITY OF KENT, OHIO

Director of Public Service

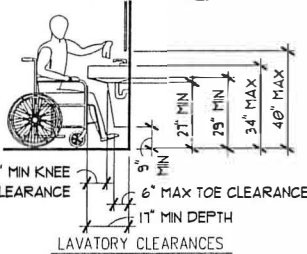
Date

APPROVED AS TO FORM:

Hope Jones, Law Director
City of Kent



CODE PLAN
1/8" = 1'-0"



AREA	USE GROUP	AREA	AREA/PERSON	TOTAL PERSONS
TAPROOM AND BAR	ASSEMBLY	1261 SF	155F	84
BAR AREA	KITCHEN	174 SF	200 GROSS	3 ASSUMED
RESTROOM	RESTROOM	571 SF	100 GROSS	5
TOILET	TOILET	264 SF	100 GROSS	1
REAR KITCHEN	TOILET	1261 SF	0	0
CATERING KITCHEN	KITCHEN	154 SF	200 GROSS	1
TOTAL INTERIOR POPULATION				94
PATIO	ASSEMBLY	512 SF	155F	34
TOTAL EXTERIOR POPULATION				34
TOTAL BUILDING POPULATION FOR RESTROOMS				128
RESTROOM REQUIRED	TABLE 220.1 TAVEN	1 TOILET PER 40 EACH GENDER		7 TOILETS EACH SEX ADDITIONAL FAMILY RESTROOM

BASEMENT FLOOR PLAN

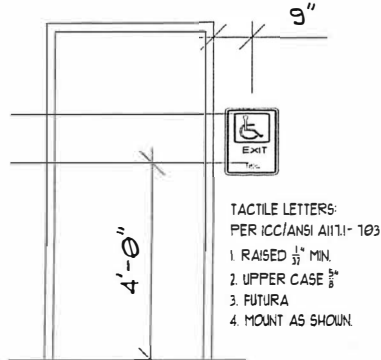
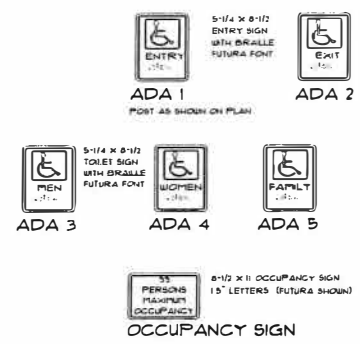
1/8" = 1'-0"

MARK	DESCRIPTION	LOCATION
FIRE X	MP-5 2A-100-C	AS SHOWN

NOTE: PROVIDED AND INSTALLED BY OWNER. BASED ON LARSEN MFG COMPANY. VERIFY IF WALL HUNG OR CABINETS. VERIFY FINAL SIZE AND LOCATION WITH FIRE OFFICIALS.

MARK	LOCATION	QUANTITY
ADA-1	ENTRY HALL 113	1
ADA-2	OUTSIDE ENTRY, OUTSIDE HALL 113	2
ADA-3	WOMEN	1
ADA-4	MEN	1
ADA-5	FAMILY LOBBY	1

NOTE: SEE SIGN DETAIL DRAWINGS FOR MOUNTING HEIGHTS AND CONTENT OF SIGN.



TACTILE SIGN MOUNTING DETAIL

SECTION	REVISION	DATE	BY	DESCRIPTION
SECTION 1	1	11-7-09	RLH	ISSUED FOR PERMITTING
SECTION 2	1	11-7-09	RLH	ISSUED FOR PERMITTING
SECTION 3	1	11-7-09	RLH	ISSUED FOR PERMITTING
SECTION 4	1	11-7-09	RLH	ISSUED FOR PERMITTING
SECTION 5	1	11-7-09	RLH	ISSUED FOR PERMITTING
SECTION 6	1	11-7-09	RLH	ISSUED FOR PERMITTING
SECTION 7	1	11-7-09	RLH	ISSUED FOR PERMITTING
SECTION 8	1	11-7-09	RLH	ISSUED FOR PERMITTING
SECTION 9	1	11-7-09	RLH	ISSUED FOR PERMITTING
SECTION 10	1	11-7-09	RLH	ISSUED FOR PERMITTING
SECTION 11	1	11-7-09	RLH	ISSUED FOR PERMITTING
SECTION 12	1	11-7-09	RLH	ISSUED FOR PERMITTING
SECTION 13	1	11-7-09	RLH	ISSUED FOR PERMITTING
SECTION 14	1	11-7-09	RLH	ISSUED FOR PERMITTING
SECTION 15	1	11-7-09	RLH	ISSUED FOR PERMITTING
SECTION 16	1	11-7-09	RLH	ISSUED FOR PERMITTING
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SECTION 18	1	11-7-09	RLH	ISSUED FOR PERMITTING
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SECTION 20	1	11-7-09	RLH	ISSUED FOR PERMITTING
SECTION 21	1	11-7-09	RLH	ISSUED FOR PERMITTING
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SECTION 75	1	11-7-09	RLH	ISSUED FOR PERMITTING
SECTION 76	1	11-7-09	RLH	ISSUED FOR PERMITTING
SECTION 77	1	11-7-09	RLH	ISSUED FOR PERMITTING
SECTION 78	1	11-7-09	RLH	ISSUED FOR PERMITTING
SECTION 79	1	11-7-09	RLH	ISSUED FOR PERMITTING
SECTION 80	1	11-7-09	RLH	ISSUED FOR PERMITTING
SECTION 81	1	11-7-09	RLH	ISSUED FOR PERMITTING
SECTION 82	1	11-7-09	RLH	ISSUED FOR PERMITTING
SECTION 83	1	11-7-09	RLH	ISSUED FOR PERMITTING
SECTION 84	1	11-7-09	RLH	ISSUED FOR PERMITTING
SECTION 85	1	11-7-09	RLH	ISSUED FOR PERMITTING
SECTION 86	1	11-7-09	RLH	ISSUED FOR PERMITTING
SECTION 87	1	11-7-09	RLH	ISSUED FOR PERMITTING
SECTION 88	1	11-7-09	RLH	ISSUED FOR PERMITTING
SECTION 89	1	11-7-09	RLH	ISSUED FOR PERMITTING
SECTION 90	1	11-7-09	RLH	ISSUED FOR PERMITTING
SECTION 91	1	11-7-09	RLH	ISSUED FOR PERMITTING
SECTION 92	1	11-7-09	RLH	ISSUED FOR PERMITTING
SECTION 93	1	11-7-09	RLH	ISSUED FOR PERMITTING
SECTION 94	1	11-7-09	RLH	ISSUED FOR PERMITTING
SECTION 95	1	11-7-09	RLH	ISSUED FOR PERMITTING
SECTION 96	1	11-7-09	RLH	ISSUED FOR PERMITTING
SECTION 97	1	11-7-09	RLH	ISSUED FOR PERMITTING
SECTION 98	1	11-7-09	RLH	ISSUED FOR PERMITTING
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SECTION 100	1	11-7-09	RLH	ISSUED FOR PERMITTING

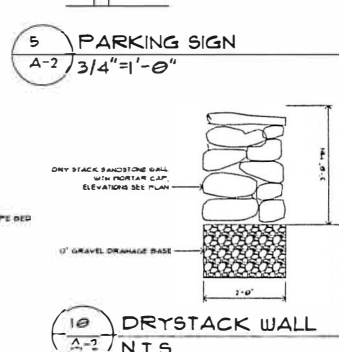
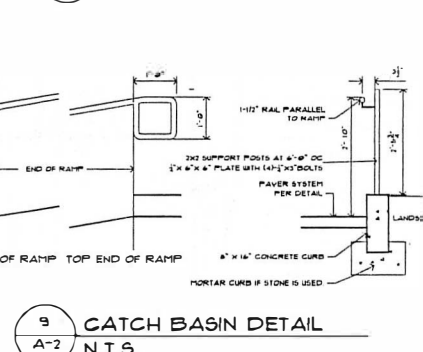
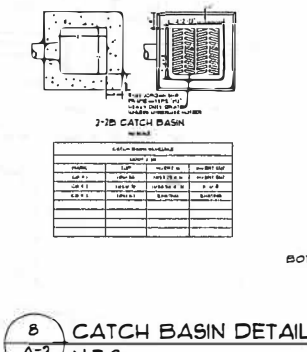
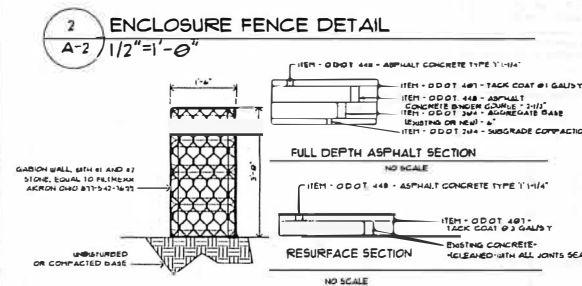
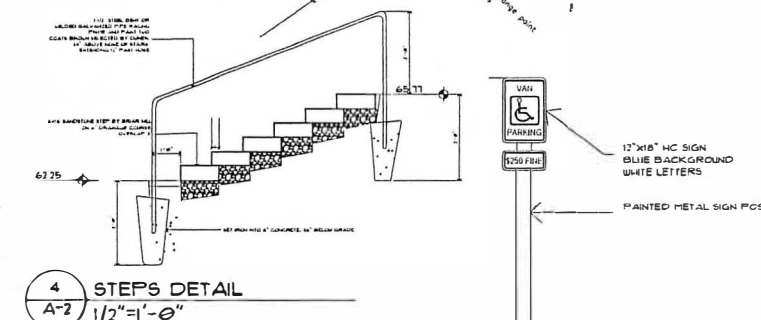
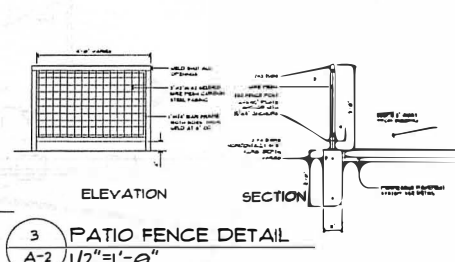
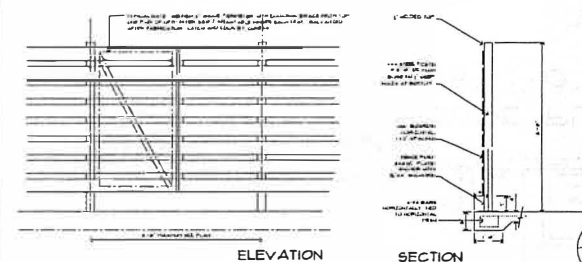
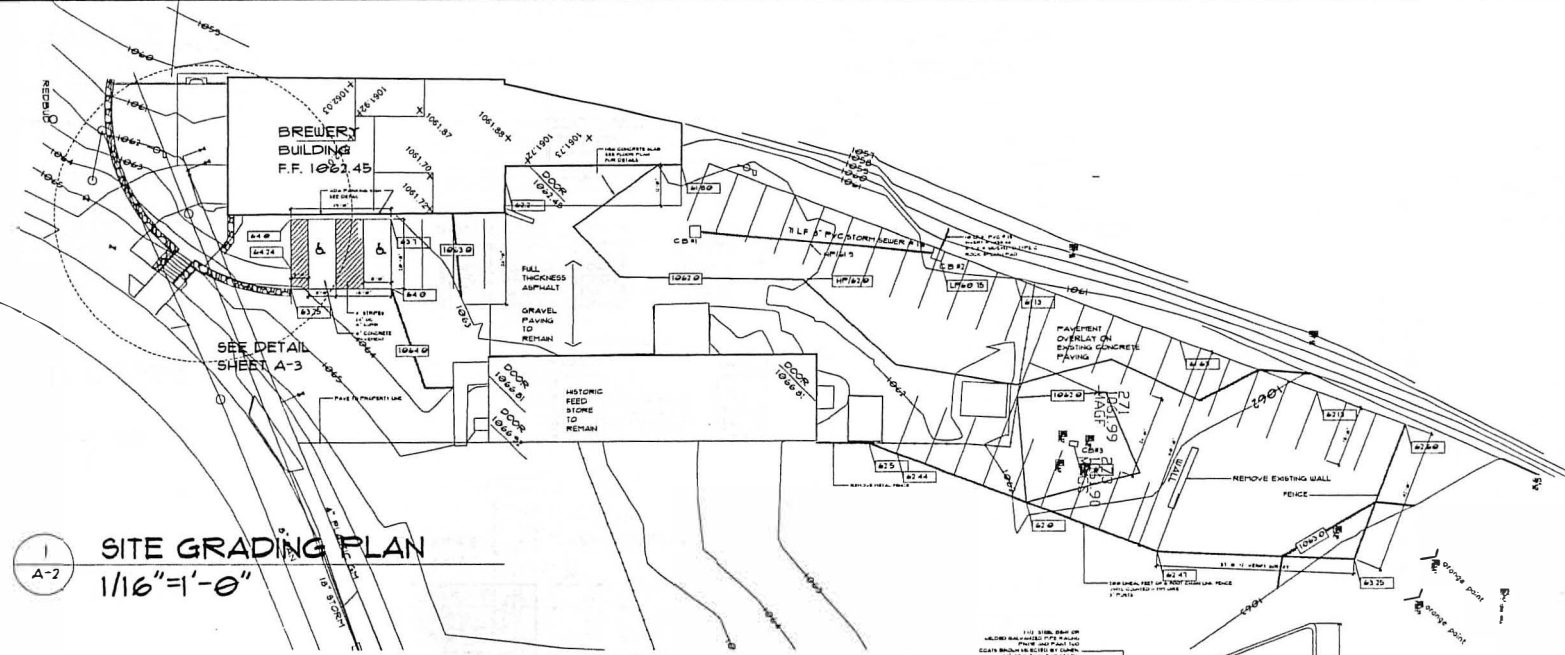
PROJECT DATE
 11-17-2013

NORTH WATER BREWING
 NORTH WATER STREET
 KENT, OHIO 44240

DESIGN WITH A VISION
 RICK HAWKSELEY ARCHITECT
 PO BOX 664 KENT, OH 44240
 330-715-2354
 RICK@DESIGNWITHAVISION.COM

CONTENTS
 PRESENTATION
 PLAN

A-2



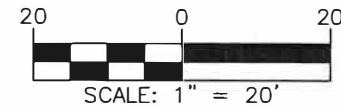
DOOR HEAD/JAMB
1-1/2" - 1'-0"

BASEMENT FLOOR PLAN
1/4" = 1'-0"

R R M J Properties of Ohio LLC
Instrument Number 200427295

Quick Service Welding
and Machine Company
Instrument Number 2010014366
16798

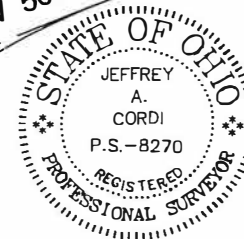
BEARINGS ARE FROM THE CRAIN
AVENUE BRIDGE RELOCATION PLANS



LOCK STREET 33' RW

bar in monument
box found

S 00°14'36" E 2.46'
LAKE STREET 60' RW
S 67°59'04" W 503.78'



PREPARED BY:
JEFFREY A. CORDI, P.S. #8270
1052 INDEPENDENCE AVENUE
AKRON, OHIO 44310
330-388-8146
CordiSurvey@gmail.com

CURVE	RAD.	ARC	CH. BRG.	CHORD	DELTA	TAN.
C1	183.00'	79.51'	S 47°25'10" W	78.89'	24°53'40"	40.39'

LICENSE AREA EXHIBIT

SITUATED IN THE CITY OF KENT, PORTAGE COUNTY, OHIO AND LNNOWN AS BEING PART
OF LOT 30 AND LOT 31 OF THE FORMER FRANKLIN TOWNSHIP

SCALE: 1" = 20'

DATE: SEPTEMBER, 2019

LICENSE AREA
2425 square feet

Situated in the City of Kent, Portage County, Ohio and known as being part of Lot 30 and Lot 31 of the former Franklin Township and more fully described as follows:

Commencing at a bar in a monument box found at the intersection of the centerline of Lake Street (60 foot right of way) and Lock Street (33 foot right of way); thence S. $67^{\circ}59'04''$ W., 503.78 feet along the centerline of said Lake Street to the **TRUE PLACE OF BEGINNING** for the **LICENSE AREA** herein described;

1) Thence **S. $67^{\circ}59'04''$ W., 54.60 feet** continuing along the centerline of said Lake Street to the easterly right of way line of the Akron Barberton Cluster Railway Company;

2) Thence **N. $00^{\circ}13'48''$ W., 32.31 feet** along the easterly right of way line of said railway to the southwesterly corner of a parcel now or formerly owned by R R M J Properties of Ohio LLC as recorded in Instrument Number 200427295 of the Portage County Records also being the on the northerly right of way line of said Lake Street;

3) Thence **N. $67^{\circ}59'04''$ E., 117.38 feet** along the southerly line of said R R M J Properties parcel and northerly right of way line of said Lake Street to the southeasterly corner of said R R M J Properties parcel;

4) Thence **S. $00^{\circ}14'36''$ E., 2.46 feet** along the projection of the easterly line of said R R M J Properties parcel to a point;

5) Thence along the arc of a non tangent curve to the left, said curve having the following properties:

arc length = 79.51feet
radius = 183.00 feet
chord bearing = S. $47^{\circ}25'10''$ W.
chord length =78.89 feet
delta angle = $24^{\circ}53'40''$
tangent length = 40.39 feet

to the **TRUE PLACE OF BEGINNING** and containing **2425 square feet** of land.

DRAFT RESOLUTION NO. 2020-07

A RESOLUTION AUTHORIZING THE CITY OF KENT TO SUBMIT AN APPLICATION FOR THE NATIONAL "BIKE FRIENDLY COMMUNITY" DESIGNATION THROUGH THE LEAGUE OF AMERICAN BICYCLISTS, AND DECLARING AN EMERGENCY.

WHEREAS, the Bike Friendly Community (BFC) program provides a roadmap to improving conditions for bicycling and guidance to help make Kent a more bikeable community; and

WHEREAS, making bicycling safe and convenient are keys to improving public health, reducing traffic congestion, improving air quality and improving quality of life.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto concurring:

SECTION 1. That the Kent City Council approves submitting an application for the National "Bike Friendly Community" designation through the League of American Bicyclists.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council, this Resolution is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *RESOLUTION No.* _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20____.

(SEAL)

AMY WILKENS
CLERK OF COUNCIL