



CITY OF KENT, OHIO

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

Wednesday, January 20, 2020
Regular City Council Meeting

Due to the COVID-19 pandemic, this meeting will be held virtually using the Zoom platform and live streamed on the City of Kent YouTube Channel.

AGENDA

7:25 P.M. **Board of Control**

7:30 P.M. **Regular Council Meeting**

1. Roll Call
2. Opening Remarks and Pledge of Allegiance (Mr. DeLeone)
3. Approval of Minutes

- 3.1 Regular City Council Meeting of December 16, 2020
- 3.2 Special City Council Meeting of December 30, 2020
- 3.3 Public Hearing Minutes of January 6, 2021

4. Communications

4.1 Public Comment

- 4.1.1 Anyone wishing to address Council must submit their written comments to the Clerk of Council at councilclerk@kent-ohio.org by **4:30 p.m.** on the day of the meeting. If also requesting to speak at the meeting, comments are limited to three (3) minutes.

4.2 Written Communication (All placed on file in the Clerk of Council's office)

- 4.2.1 Civil Service Meeting Agenda for December 21, 2020 meeting received December 18, 2020.
- 4.2.2 Special Meeting notification for the Planning Commission for January 26, 2021 received on January 7, 2021.
- 4.2.3 Board of Health Minutes and Statistical report for January 12, 2021 meeting received on January 11, 2021.
- 4.2.4 Standing Rock Cemetery Board Meeting Minutes from December 10, 2020 and Agenda for January 14, 2021 received on January 11, 2021.

4.3 City Manager's Report

5. Standing Committees & Legislation

5.1 Committee of the Whole (Mayor Fiala)

5.1.1 Committee Meeting Minute Approval: January 6, 2021

5.1.2 Action Recommended: None

5.1.3 Voting for Boards and Commissions

5.1.4 Authorize Insertion of Names into Legislation

5.1.5 **Draft No. 2021-001** A RESOLUTION APPOINTING _____ AND
_____ TO THE SUSTAINABILITY COMMISSION, AND
DECLARING AN EMERGENCY (Authorized)

5.2 Community Development (Kuhar/Rosenberg)

5.2.1 Committee Meeting Minute Approval: January 6, 2021

5.2.2 Action Recommended:

- 1) Authorize the proposed 10-year Enterprise Zone Agreement between the City and Davey Tree.

5.2.3 **Draft No. 2021-002** AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AN ENTERPRISE ZONE AGREEMENT WITH THE DAVEY TREE EXPERT COMPANY PROVIDING FOR A PROJECT AND REAL PROPERTY TAX EXEMPTION PURSUANT TO THE OHIO ENTERPRISE ZONE PROGRAM (EZ), AND DECLARING AN EMERGENCY (Authorized)

5.3 Land Use Committee (Ferrara/Schafer)

5.3.1 Committee Meeting Minute Approval: January 6, 2021

5.3.2 Action Recommended:

- 1) Authorize acceptance of the proposed street right of way for the new Dunkin' Donuts at 1625 S. Water Street.

5.3.3 **Draft No. 2021-003** AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT A STREET RIGHT OF WAY DEDICATION AT 1625 SOUTH WATER STREET (DUNKIN' DOUGHNUTS), AND DECLARING AN EMERGENCY (Authorized)

5.4 Streets, Sidewalks and Utilities (Sidoti/Wallach)

NO COMMITTEE MEETING MINUTES OR RECOMMENDED ACTIONS

5.5 Health & Safety Committee (Amrhein/Sidoti)

NO COMMITTEE MEETING MINUTES OR RECOMMENDED ACTIONS

5.6 Finance Committee (DeLeone/Wallach)

5.6.1 Committee Meeting Minute Approval: January 6, 2021

5.6.2 Action Recommended:

- 1) Authorize the extension of the suspension of the City's share of the Kent parks and recreation development fees for another 6 months as presented.
- 2) Approve the acceptance and appropriation of the Ohio grant funds in the amount of \$5,287.71.
- 3) Authorize the "necessity and intent" procedures for the SW Sanitary Pump Station.

5.6.3 **Draft No. 2021-004** AN ORDINANCE AMENDING ORDINANCE 2020-39 TO EXTEND IMPOSING A TEMPORARY MORATORIUM ON THE APPLICABILITY OF SECTION 1191.13 OF CHAPTER 1191, TITLED "CAPITAL IMPROVEMENT FUND; MATCHING AMOUNT" AS IT PERTAINS TO THE CITY'S OBLIGATION TO MATCH DEVELOPER FEES PAID INTO THE PARKS AND RECREATION DEVELOPMENT FUND FOR SIX (6) MONTHS, AND DECLARING AN EMERGENCY (Authorized)

5.6.4 **Draft No. 2021-005** AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACCEPT GRANT FUNDING IN THE AMOUNT OF \$5,287.71 FOR REIMBURSEMENT FOR THE PURCHASE OF BALLISTIC VESTS, AND DECLARING AN EMERGENCY (Authorized)

5.6.5 **Draft No. 2021-006** A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE A TEMPORARY EASEMENT IN 0.1054 ACRES AND A SANITARY SEWER EASEMENT IN 0.0229 ACRES OF CERTAIN REAL PROPERTY FROM JOZEF NEUZIL FOR THE PURPOSE OF COMPLETING THE SOUTHWEST SANITARY PUMP STATION PROJECT, AND DECLARING AN EMERGENCY (Authorized)

5.6.6 **Draft No. 2021-007** A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE A TEMPORARY EASEMENT IN 0.1546 ACRES AND A SANITARY SEWER EASEMENT IN 0.0229 ACRES OF CERTAIN REAL PROPERTY FROM STEVEN J. SMITH FOR THE PURPOSE OF COMPLETING THE SOUTHWEST SANITARY PUMP STATION PROJECT, AND DECLARING AN EMERGENCY (Authorized)

- 5.6.7 **Draft No. 2021-008** AN ORDINANCE AMENDING ORDINANCE NO. 2020-126, PASSED ON DECEMBER 16, 2020, THE POSITION ALLOCATION AND GENERAL COMPENSATION PLAN AND DECLARING AN EMERGENCY (Authorized)
- 5.6.8 **Draft No. 2021-009** AN ORDINANCE ACCEPTING FOUR (4) DONATIONS TO THE CITY OF KENT PARKS AND RECREATION DEPARTMENT, AND DECLARING AN EMERGENCY (Unauthorized)
- 5.6.9 **Draft No. 2021-010** AN ORDINANCE AUTHORIZING THE KENT FIRE DEPARTMENT TO APPLY FOR THE FY 2020 AFG GRANT THROUGH FEMA, AND TO ACCEPT ANY GRANT, IF AWARDED, WITH CORRESPONDING APPROPRIATIONS OF FUNDS WHICH PROVIDES FUNDING FOR THE REPLACEMENT OF THE FIRE DEPARTMENT'S SELF-CONTAINED BREATHING APPARATUS, AND DECLARING AN EMERGENCY (Unauthorized)

- 6. Unfinished Business
- 7. New Business
- 8. Councilmembers' Comments
- 9. Mayor's Report
- 10. Adjournment

Posted January 13,2021 | 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.



Boards and Commissions Voting for January 2021 Candidates

Sustainability Commission – Two (2) Vacancies

- | | |
|-------------------|---------------|
| ❖ Rick Hawksley | New Applicant |
| ❖ MaryJayne Stone | New Applicant |

MOTION TO APPOINT _____ TO THE SUSTAINABILITY COMMISSION

MOTION TO APPOINT _____ TO THE SUSTAINABILITY COMMISSION

DRAFT RESOLUTION NO. 2021-001

A RESOLUTION APPOINTING _____ AND _____ TO THE SUSTAINABILITY COMMISSION AND DECLARING AN EMERGENCY.

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

SECTION 1. That _____ and _____ are hereby appointed to the **SUSTAINABILITY COMMISSION**

NAME

TERM

1/16/2021 - 12/31/2023

1/16/2021 - 12/31/2023

SECTION 2. As stated in Section 150.01 of the Codified Ordinances of the City of Kent, any person hereby appointed shall forfeit his or her term if he or she is absent from three (3) regular meetings of the Board or Commission to which he or she is appointed, unless one or more of these absences has been excused by the majority of members thereof.

SECTION 3. 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 4. 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

DRAFT ORDINANCE NO. 2021-002

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AN ENTERPRISE ZONE AGREEMENT WITH THE DAVEY TREE EXPERT COMPANY PROVIDING FOR A PROJECT AND REAL PROPERTY TAX EXEMPTION PURSUANT TO THE OHIO ENTERPRISE ZONE PROGRAM (EZ), AND DECLARING AN EMERGENCY.

WHEREAS, the General Assembly of the State of Ohio by the enactment of Ohio Revised Code Sections 5709.61 et seq. (the “Enterprise Zone” program) has authorized municipal corporations to designate Enterprise Zones within the State in order to provide incentives for new commercial development in such areas, by making available real property tax exemption for such projects; and

WHEREAS, pursuant to said Enterprise Zone program, City Council by Ordinance No.1993-74, passed October 6, 1993, requested that the Board of County Commissioners of Portage County, Ohio, designate the area described in said Ordinance as an Enterprise Zone under Ohio Revised Code Section 5709.61 et seq; and

WHEREAS, pursuant to said Enterprise Zone program, City Council by Ordinance 1993-75, requested that the Board of County Commissioners of Portage County, Ohio, delegate to the City the power and duty to negotiate and administer Enterprise Zone agreements consistently to further the overall planning objectives for the development of the designated Enterprise Zone area; and

WHEREAS, The Davey Tree Expert Company (the “Company”) owns the property located at 1500 N. Mantua Street (the “Site”) on which the Company conducts its business and the property is located within the boundary of the City designated Enterprise Zone area; and

WHEREAS, the Company has submitted an Enterprise Zone application requesting a real property tax exemption of 75% on the post construction assessed value of a proposed \$14 million new construction expansion project at the Site for a period of ten (10) years; and

WHEREAS, the Company shall create within a time period not exceeding thirty-six (36) months after completion of construction, thirty-five (35) new full-time jobs at the Site.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kent, Portage County, Ohio, that:

SECTION 1. That the City Manager, or his designee, is hereby authorized to execute an Enterprise Zone Agreement with The Davey Tree Expert Company for a real property tax exemption as is more fully outlined in the application and agreement marked as 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
(SEAL)

ENTERPRISE ZONE AGREEMENT

BETWEEN

THE DAVEY TREE EXPERT COMPANY

AND

PORTAGE COUNTY, OHIO

AND

CITY OF KENT, OHIO



Portage County Commissioners' Resolution No.: _____, Approved: _____, 2021

Kent City Council Ordinance No.: _____, Approved: _____, 2021

Dated: _____, 2021

OHIO ENTERPRISE ZONE AGREEMENT

REAL PROPERTY ONLY

THIS AGREEMENT made and entered into by and between the City of Kent, Portage County, Ohio, with its main offices located at 301 South Depeyster Street, Kent, Ohio 44240 (hereinafter referred to as the “City of Kent”), and Portage County, an Ohio County, with its main offices located at 449 S. Meridian Street, Ravenna, Ohio 44266 (hereinafter referred to as “Portage County”), and The Davey Tree Expert Company, with its main offices located at 1500 N. Mantua Street, Kent, Ohio 44240 (hereinafter referred to as “Davey Tree”)

WITNESSETH;

WHEREAS, the City of Kent and Portage County have encouraged the development of real property and the acquisition of personal property located in the area designated as an Enterprise Zone; and

WHEREAS, Davey Tree is desirous of making improvements to its existing building and constructing a third wing addition onto its Corporate Headquarters building. The addition will consist of approximately 38,400 square feet, plus an approximately 14,000 square foot basement at 1500 N. Mantua Street, Kent, Ohio 44240. **Davey Tree** will have an investment amount of approximately \$14,000,000 (fourteen million dollars) for real property improvements. **Davey Tree** also plans to purchase new furniture and fixtures with an investment amount of approximately \$1,000,000 (one million dollars) to permit expansion of its services. The expansion project (hereinafter referred to as the “PROJECT”) is within the boundaries of the aforementioned Enterprise Zone, provided that the appropriate development incentives are available to support the economic viability of said PROJECT; and

WHEREAS, the Council of the City of Kent, Ohio by Ordinance No. 1992-55 adopted August 19, 1992; as amended by Ordinance No. 1993-75 adopted October 6, 1993; as amended by Ordinance No. 1997-73, adopted November 5, 1997; as amended by Ordinance No. 1998-45, adopted June 10, 1998; and as amended by Ordinance No. 2011-36, adopted May 18, 2011. The

Board of Commissioners of Portage County by Resolution #92-471 adopted September 24, 1992 and amended by Resolution No. 93-507 adopted October 14, 1993, designated the area as an "Enterprise Zone" pursuant to Chapter 5709 of the Ohio Revised Code; and

WHEREAS, effective November 2, 1992 and amended October 25, 1993, the Director of Development of the State of Ohio determined that the aforementioned area designated in said Ordinance No. 1993-75 contains the characteristics set forth in Section 5709.61(A) of the Ohio Revised Code and certified said area as an Enterprise Zone under said Chapter 5709; and

WHEREAS, the City of Kent and Portage County having the appropriate authority for the stated type of project are desirous of providing **Davey Tree** with incentives available for the development of the PROJECT in said Enterprise Zone under Chapter 5709 of the Ohio Revised Code; and

WHEREAS, **Davey Tree** submitted a proposed agreement application (attached as Exhibit A) to the City of Kent, said application (hereinafter referred to as "Application"); and

WHEREAS, **Davey Tree** has remitted the required state application fee of \$750.00 made payable to the Ohio Development Services Agency with the application to be forwarded with the final agreement; and

WHEREAS, the City Manager of the City of Kent has investigated the application of **Davey Tree** and has recommended the same to the Council of the City of Kent and the Board of Commissioners of Portage County on the basis that **Davey Tree** is qualified by financial responsibility and business experience to create and preserve employment opportunities in said Enterprise Zone and improve the economic climate of the City of Kent and Portage County; and

WHEREAS, the project site as proposed by **Davey Tree** is located in the Kent City School District, and the Board of Education of the Kent City School District has been notified in accordance with Section 5709.83 and been given a copy of the Application; and

WHEREAS, pursuant to Section 5709.62(C), 5709.63(A) or 5709.632 of the Ohio Revised Code and in conformance with the format required under Section 5709.631 of the Ohio Revised Code, the parties hereto desire to set forth their agreement with respect to matters hereinafter contained;

NOW THEREFORE, in consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the parties herein agree as follows:

SECTION 1. LOCATION OF FACILITY

Davey Tree plans to make improvements to the property located at 1500 N. Mantua St, Kent, Ohio 44240, and construct a third wing addition onto its Corporate Headquarters building. Said facility is located on Permanent Parcel Number 17-042-00-00-002-000 and 17-043-00-00-013-000 as the same is known and designated on the Auditor's revised list of lots in the 1st ward of the City of Kent, Ohio. In addition, **Davey Tree** plans to purchase and install approximately \$1,000,000 (one million dollars) of new furniture and fixtures.

The PROJECT will involve a total real property investment by **Davey Tree** of approximately \$14,000,000 (fourteen million dollars) for the improvements and new construction on N. Mantua Street in the City of Kent.

The PROJECT will involve a total personal property investment by **Davey Tree** of approximately \$1,000,000 (one million dollars), for the purchase of new furniture and fixtures at 1500 N. Mantua Street, Kent, Ohio which is not eligible for tax exemption.

<u>Real Property Investment</u>	<u>Minimum Amount</u>	<u>Project Amount</u>	<u>Maximum Amount</u>
Additions/New Construction	\$12,000,000	\$13,000,000	\$14,000,000
<u>Improvements to existing facility</u>	<u>\$ 1,000,000</u>	<u>\$ 1,000,000</u>	<u>\$ 1,000,000</u>
Total Real Property Investment	<u>\$13,000,000</u>	<u>\$14,000,000</u>	<u>\$15,000,000</u>

<u>Personal Prop. Investment</u>	<u>Minimum Amount</u>	<u>Project Amount</u>	<u>Maximum Amount</u>
Furniture and Fixtures	<u>\$ 900,000</u>	<u>\$ 1,000,000</u>	<u>\$ 1,100,000</u>
Total Personal Property	<u>\$ 900,000</u>	<u>\$ 1,000,000</u>	<u>\$ 1,100,000</u>

The PROJECT will begin approximately March 2021 and all acquisition, construction and installation will be completed by approximately March 2023. Any changes to the beginning and completion dates must be agreed to by formal resolution and an amended agreement.

SECTION 2. EMPLOYMENT

Davey Tree shall create within a time period not exceeding 36 months after the construction of the aforesaid facility, the equivalent of 35 new full-time permanent job opportunities, 0 new part-time permanent job opportunities, 0 full-time temporary job opportunities and 0 part-time temporary job opportunities. **Davey Tree** shall retain its 410 existing full-time permanent jobs it currently has at its City of Kent sites.

Davey Tree's schedule for hire is as follows:

	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Total</u>
Full-Time Perm:	<u>11</u>	<u>12</u>	<u>12</u>	<u>35</u>

The job creation period begins approximately March 1, 2023 and all jobs will be in place by approximately February 28, 2026.

Davey Tree currently has 190 full-time permanent employees, 0 part-time permanent employees, 0 full-time temporary employees, and 0 part-time temporary employees at the PROJECT site location. Once the PROJECT is completed, Davey Tree will transfer 45 existing full-time employees from other sites in the City of Kent bringing the full-time employee total at the PROJECT site to 235. In total, **Davey Tree** has 1,030 full-time permanent employees, 29 part-time permanent employees, 44 full-time temporary employees and 0 part-time temporary employees in the State of Ohio.

The increase in the number of new employees will result in approximately \$1,786,000 (one million seven hundred eighty six thousand dollars) of additional annual payroll for **Davey Tree** by the end of the third year at the PROJECT site location. The retention of the existing and transferred in employees will maintain the current annual payroll for full-time permanent employees of \$20,000,000 (twenty million dollars) at the PROJECT site location.

Davey Tree agrees that all jobs attributed to this project will pay earnings tax to the City at the rate in effect throughout the life of this agreement beginning with the 2.25% rate in effect as of the date of this agreement.

The City of Kent has developed a policy to ensure recipients of Enterprise Zone tax benefits practice non-discriminating hiring in its operations. By executing this agreement, **Davey Tree** is committing to following non-discriminating hiring practices acknowledging that no individual may be denied employment solely on the basis of race, religion, sex, disability, color, national origin, ancestry, familial status, military status, sexual orientation, or gender identity.

Davey Tree shall endeavor to give preference to the residents of the City of Kent and Portage County when hiring new employees under the agreement.

SECTION 3. COOPERATION AND COMPLIANCE BY DAVEY TREE

This agreement shall be monitored annually by the appropriate Tax Incentive Review Council. DAVEY TREE SHALL PROVIDE TO THE PROPER TAX INCENTIVE REVIEW COUNCIL ANY INFORMATION REASONABLY REQUIRED BY THE COUNCIL TO EVALUATE THE ENTERPRISE'S COMPLIANCE WITH THE AGREEMENT, INCLUDING RETURNS FILED PURSUANT TO SECTION 5711.02 AND 5727.08 OF THE OHIO REVISED CODE IF REQUESTED BY THE COUNCIL.

Specifically, **Davey Tree** shall provide the Portage County Auditor with copies of the tax forms related to the exemptions (the DTE 24) for real property that is filed upon execution of the agreement) to obtain the exemptions granted per this agreement, throughout the term this agreement is in effect. **Davey Tree** agrees to provide Portage County with copies of this form. **Davey Tree**, by executing this agreement, agrees to provide any necessary payroll information consolidated by each Davey Tree facility in the City of Kent to document employment to the City of Kent and to Portage County and hereby authorizes both entities to release payroll information to the proper school City authorities, if appropriate, to the extent required under Section 5709.68 of the Ohio Revised Code.

By signing this agreement, **Davey Tree** is indicating, to the best of its knowledge, its compliance with all applicable local, state, and federal environmental laws related to its industry, or the active pursuit of compliance with any pending violations, documentation of which is attached to this agreement, if applicable. DAVEY TREE agrees to remain substantially in compliance with these laws throughout the term of this agreement.

Davey Tree acknowledges that an enterprise zone application and agreement are public information and are, therefore, subject to review by any entity requesting information related to the enterprise zone program.

Davey Tree expressly authorizes the City of Kent and/or Portage County to contact the Ohio Environmental Protection Agency to confirm statements contained within this agreement and to review applicable confidential records. The business may also be required to directly request from the Ohio Department of Taxation or complete a waiver form allowing the Ohio Department of Taxation to release specific tax records to the local jurisdictions.

SECTION 4. TAX INCENTIVES

The City of Kent and Portage County hereby grant **Davey Tree** a tax exemption for eligible Real Property improvements made to the PROJECT site pursuant to Section 5709.6(C), 5709.63(A) or 5709.632 of the Ohio Revised Code and shall be in the following amounts:

Property to be Exempted

New Construction

Improvements to the Existing Building

Estimated Costs

\$13,000,000

\$ 1,000,000

Year of Tax Exemption

YR 1

YR 2

Tax Exemption Amount

75%

75%

YR 3	75%
YR 4	75%
YR 5	75%
YR 6	75%
YR 7	75%
YR 8	75%
YR 9	75%
YR 10	75%

Each identified project improvement will receive a **ten (10) year** exemption period. The exemption commences the first year for which the Real Property would first be taxable were that property not exempted from taxation. No exemption shall commence after **December 31, 2023** nor extend beyond **December 31, 2032**. Thereafter, these tax exemptions shall cease to exist.

Davey Tree shall, during the exemption period and thereafter, continue to pay the taxes due on the existing real estate tax billing for the Project site and all other applicable taxes.

SECTION 5. ANNUAL FEE

Davey Tree shall pay an annual fee of \$500.00 (five hundred dollars). The fee shall be made payable to the **Portage Development Board** once per year for each year the agreement remains in effect or is to be reviewed. The fee is to be paid by check and made payable to the **Portage Development Board**. This fee shall be deposited in a special fund created for such purpose and shall be used exclusively for the purpose of complying with section 5709.68 of the Revised Code and by the Tax Incentive Review Council created under section 5709.85 of the Revised Code exclusively for the purposes of performing the duties prescribed under that section.

SECTION 6. TAX REQUIREMENTS

Davey Tree shall pay such real property taxes as are not exempted under this agreement and are charged against such property and shall file all tax reports and returns as required by

law. If **Davey Tree** fails to pay such taxes or file such returns and reports, all incentives granted under this agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and thereafter.

Davey Tree hereby certifies, to the best of its knowledge, that at the time this agreement is executed, **Davey Tree** does not owe any delinquent real property taxes owed to any taxing authority of the State of Ohio, and does not owe delinquent taxes for which **Davey Tree** is liable under Chapter 5733., 5735., 5739., 5741., 5743., 5747., or 5753. of the Ohio Revised Code, or if such delinquent taxes are owed, **Davey Tree** currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against **Davey Tree**. For the purposes of the certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Revised Code governing payment of those taxes.

Davey Tree affirmatively covenants, to the best of its knowledge, that they do not owe: (1) any delinquent taxes to the State of Ohio or a political subdivision of the State; (2) any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State; and (3) any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not.

SECTION 7. MAINTENANCE OF TAX INCENTIVES

The City of Kent shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

SECTION 8. REVOCATION

If for any reason the Enterprise Zone designation expires, the Director of the Ohio Development Services Agency revokes certification of the zone, or the City of Kent or Portage County revokes the designation of the zone, entitlements granted under this agreement shall continue for the number of years specified under this agreement, unless **Davey Tree** materially fails to fulfill its obligations under this agreement and or the Compensation Agreement (if applicable), and the City of Kent or Portage County terminates or modifies the exemptions from taxation granted under this agreement.

If **Davey Tree** materially fails to fulfill its obligations under this Enterprise Zone Agreement or the Compensation Agreement (if applicable), other than with respect to the number of employee positions estimated to be created or retained under this agreement, or if the City of Kent or Portage County determines that the certification as to delinquent taxes required by this agreement is fraudulent, the City of Kent or Portage County may terminate or modify the exemptions from taxation granted under this agreement.

The City is hereby authorized to secure repayment of such taxes by a lien on the exempted property in the amount required to be repaid. Such a lien on the exempted property shall attach, and may be perfected, collected and enforced, in the same manner as a mortgage lien on real property, and shall otherwise have the same force and effect as a mortgage lien on real property. Notwithstanding O.R.C. Section 5719.01, such a lien on exempted tangible personal property shall attach, and may be perfected, collected and enforced, in the same manner as a security interest in goods under O.R.C. Chapter 1309 and shall otherwise have the same force and effect as such a security interest.

In any three-year period during which this agreement is in effect, if the actual number of employee positions created or retained by **Davey Tree** is not equal to or greater than seventy-five percent of the number of employee positions estimated to be created or retained under this

agreement during that three-year period, **Davey Tree** shall repay the amount of taxes on property that would have been payable had the property not been exempted from taxation under this agreement during that three-year period. In addition, the City of Kent and/or Portage County may terminate or modify the exemptions from taxation granted under this agreement.

Exemptions from taxation granted under this agreement shall be revoked if it is determined that **Davey Tree**, any successor enterprise, or any related member (as those terms are defined in Section 5709.61 of the Ohio Revised Code) has violated the prohibition against entering into this agreement under Division (E) of Section 3735.671 or Section 5709.62, 5709.63, or 5709.632 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections.

Additionally, and not to be construed as being in conjunction with the other provisions under this subparagraph, if for any year during the term of this agreement **Davey Tree** materially fails to fulfill the employment and investment requirements set forth herein, the City of Kent and/or Portage County shall have the right to modify the tax exemption set forth in Section #4. If **Davey Tree** ceases to operate at this location prior to the expiration of this agreement, the City of Kent and/or Portage County shall have the right to terminate this agreement and demand payment and repayment of all taxes exempted pursuant to this agreement.

SECTION 9. LOCAL LEGISLATIVE ACTION

Davey Tree, the City of Kent and Portage County acknowledge that this agreement must be approved by formal action of the legislative authority of Kent City Council and the Portage County Board of Commissioners as a condition for the agreement to take effect. This agreement takes effect upon such approval.

SECTION 10. CLAWBACK PROVISION

In the event that **Davey Tree** fails to meet and /or maintain the required number of employees and/or payroll during any tax year, **Davey Tree** will be required to provide the City a refund of the income tax revenue sharing required amount paid by the City of Kent to

Kent City School, in accordance with Ohio Revised Code Section 5709.82(C)(2), for that given tax year. City Council must approve any clawback initiated by this Section.

SECTION 11. NOTICES

Any notice or consent required to be given by or on behalf of any party to the other shall be deemed given when mailed by registered or certified mail, return receipt requested, addressed to the appropriate party at the address herein specified below, or at such other address as any party may specify, from time to time, by notice to the other in the manner herein set forth.

To Davey Tree:

Molly Senter
Property Director
Davey Tree Expert Co.
1500 N. Mantua Street
Kent, OH 44240

To the City of Kent:

Dave Ruller
City Manager
City of Kent
301 S. Depeyster Street
Kent, OH 44240

To Portage County:

County Commissioners
County of Portage
449 S. Meridian Street
Ravenna, OH 44266

And:

Hope L. Jones
Law Director
City of Kent
320 S. Depeyster Street
Kent, OH 44240

SECTION 12. ASSIGNMENT AND TRANSFER

This agreement is not transferable or assignable without the express written approval of the Kent City Council and the Portage County Board of Commissioners.

SECTION 13. FALSIFICATION

Davey Tree affirmatively covenants, to the best of its knowledge, that they have made no false statements to the State or local political subdivision in the process of obtaining approval for the Enterprise Zone incentives. If any representative of **Davey Tree** has knowingly made a false statement to the State or local political subdivision to obtain the Enterprise Zone incentives, **Davey Tree** shall be required to immediately return all benefits received under the

Enterprise Zone Agreement pursuant to ORC Section 9.66 (C)(2) and shall be ineligible for any future economic development assistance from the State, any state agency or a political subdivision pursuant to ORC Section 9.66 (C)(1). Any person who provides a false statement to secure economic development assistance may be guilty of falsification, a misdemeanor of the first degree, pursuant to ORC 2921.31(D)(1), which is punishable by a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

[THIS SPACE HAS BEEN INTENTIONALLY LEFT BLANK.]

IN WITNESS WHEREOF, the **City of Kent**, by its City Manager David Ruller and pursuant to Ordinance No. 2021-_____, has caused this instrument to be executed this ____ day of _____, 2021 and by the **Portage County Board of Commissioners**, and pursuant to Resolution No. 21-_____, has caused this instrument to be executed this ____ day of _____, 2020, and by **The Davey Tree Expert Company** by _____ its _____ has caused this instrument to be executed this ____ day of _____, 2021.

THE CITY OF KENT

By _____
City Manager Date

DAVEY TREE EXPERT COMPANY

By _____
Signature Date

Printed name and title

Approved as to Form:

City of Kent Law Director

**PORTAGE COUNTY
BOARD OF COMMISSIONERS**

By _____
Commissioner Date

By _____
Commissioner Date

By _____
Commissioner Date

Approved as to Form:

Portage County Prosecutor's Office

Note: In a multiparty agreement, each party's obligation and benefits should be clearly stated. In addition, all parties to receive a tax benefit should be a signatory party to the agreement.

NOTE:

A copy of this agreement must be forwarded to the Ohio Departments of Taxation and the Ohio Development Services Agency within fifteen (15) days of approval to be finalized.

Revised June 2004 ODOD
Revised July 2004 PCOED

Ohio Development Services Agency

Mike DeWine
Governor

Lydia Mihalik
Director

OHIO DEVELOPMENT SERVICES AGENCY OHIO ENTERPRISE ZONE PROGRAM

The project can't begin until the community and the county approve the agreement.

PROPOSED AGREEMENT for Enterprise Zone Tax Incentives between the City of Kent located in the County of Portage, Portage County, and The Davey Tree Expert Company and _____.
(Name of Enterprise)

(This completed application is to be submitted to the Community)

- 1a. Name of business, home or main office address, contact person, and telephone number (attach additional pages if multiple enterprise participants).

Real Property Owner

The Davey Tree Expert Company

enterprise name

1500 N. Mantua Street

address

Kent OH 44240

city/state/zip

Molly Senter

contact person

(330) 673-9511

phone number

Operating Company

Same as Owner

enterprise name

address

city/state/zip

contact person

phone number

- 1b. Project site:

The Davey Tree Expert Company

Molly Senter

contact person

1500 N. Mantua Street/Kent/OH

address

(330) 673-9515 ext. 8231

telephone number

- 2a. Nature of business (manufacturing, distribution, wholesale or other).

Service provider - Provider of diversified horticultural services, tree work, consulting, etc.

2b. List primary 6 digit NAICS # 561730.

Business may list other relevant SIC numbers. _____

2c. If a consolidation, what are the components of the consolidation? (must itemize the location, assets, and employment positions to be transferred)

N/A _____

2d. Form of business of enterprise (corporation, partnership, proprietorship, or other).

Corporation _____

3. Name of principal owner(s) or officers of the business (attach list if necessary).
See attached officer listing. _____

4. Is business seasonal in nature? Yes _____ No X (not in the Kent locations)

5a. State the enterprise's current employment level at the proposed project site:

267 _____

5b. Will the project involve the relocation of employment positions or assets from one Ohio location to another? Note that relocation projects are restricted in non-distress based Ohio Enterprise Zones. A waiver from the Director of the Ohio Department of Development is available for special limited circumstances. The business and local jurisdiction should contact ODOD early in the discussions.

Yes _____ No X

5c. If yes, state the locations from which employment positions or assets will be relocated and the location to where the employment positions or assets will be located:

N/A _____

5d. State the enterprise's current employment level in Ohio (itemized for full and part-time and permanent and temporary employees):
Total 1,103 1,030 full-time 29 part-time 44 temporary

5e. State the enterprise's current employment level for each facility to be affected by the relocation of employment positions or assets:
N/A _____

5f. What is the projected impact of the relocation, detailing the number and type of employees and/or assets to be relocated?
N/A _____

6a. Has the Enterprise previously entered into an Enterprise Zone Agreement with the local legislative authorities at any site where the employment or assets will be relocated as a result of this proposal?
Yes _____ No X

6b. If yes, list the local legislative authorities, date, and term of the incentives for each Enterprise Zone Agreement:

7. Does the Enterprise owe :

a. Any delinquent taxes to the State of Ohio or a political subdivision of the state?
Yes _____ No X

b. Any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State? Yes _____ No X

c. Any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not.
Yes _____ No X

- d. If yes to any of the above, please provide details of each instance including but not limited to the location, amounts and/or case identification numbers (add additional sheets if necessary).

N/A _____

8. Project Description and Parcel number: (attach additional pages if necessary): _____

Construct a 3rd Wing Addition onto the Corporate Headquarters building, consisting of approximately 38,400 SF, plus approximately 14,000 SF basement.

Portage County Tax Parcels: 17-042-00-00-002-000 and 17-043-00-00-013-000

9. Project will begin (estimated) March 2021 and be completed (estimated) April 2023 provided a tax exemption is provided. ODSA recommends a 3-year time frame.

- 10a. **Estimate the number of new employees the business intends to hire at the facility that is the project site (job creation projection must be itemized by full and part-time and permanent and temporary): 35

- 10b. State the time frame of this projected hiring: 3 yrs. – following construction completion. The Ohio Development Services Agency recommends a 3 year job creation period.

- 10c. The job creation period will begin approximately May 1, 2023 and be completed by April 30, 2026.

- 10d. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary employees):

	Year 1	Year 2	Year 3	Other
New Full-Time Perm.	<u>11</u>	<u>12</u>	<u>12</u>	<u> </u>
New Full-Time Temp.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
New Part-Time Perm.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
New Part-Time Temp.	<u> </u>	<u> </u>	<u> </u>	<u> </u>

-4-

- 11a. Estimate the amount of annual payroll such new employees will add (new annual payroll must be itemized by full and part-time and permanent and temporary new employees).

	Year 1	Year 2	Year 3	Other
New Full-Time Perm.	<u>\$550,000</u>	<u>\$612,000</u>	<u>\$624,000</u>	<u>\$</u>

New Full-Time Temp.	\$ _____	\$ _____	\$ _____	\$ _____
New Part-Time Perm.	\$ _____	\$ _____	\$ _____	\$ _____
New Part-Time Temp.	\$ _____	\$ _____	\$ _____	\$ _____

11b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project: Full-Time: \$20,000,000_ Part-Time: \$ _____.

12. Market value of the existing facility as determined for local property taxation.
\$4,554,200

13a. Business's total current investment in the facility as of the proposal's submission.
\$8,600,000 _____

13b. State the businesses' value of on-site inventory required to be listed in the personal property tax return of the enterprise in the return for the tax year (stated in average \$ value per most recent 12 month period) in which the agreement is entered into (baseline inventory): \$ 0 _____

14. An estimate of the amount to be invested by the enterprise to establish, expand, renovate or occupy a facility:

<u>Real Property Investment</u>	<u>Minimum Amount</u>	<u>Project Amount</u>	<u>Maximum Amount</u>
*A. Land:	\$ _____	\$ _____	\$ _____
*B. Acquisition of Buildings:	\$ _____	\$ _____	\$ _____
C. Additions/New Construction:	\$ _____	\$13,000,000	\$ _____
D. Improvements to existing building:	\$ _____	\$ 1,000,000	\$ _____
Total Real Property Investment:	\$ _____	\$14,000,000	\$ _____

***Note: Land and acquisition of building investments are not eligible for tax abatement.**

You may list the personal property amount to show the community the total amount of the project, however Personal Property is no longer taxable in Ohio.

<u>Personal Property Investment</u>	<u>Minimum Amount</u>	<u>Project Amount</u>	<u>Maximum Amount</u>
E. Machinery & Equipment:	\$ _____	\$ _____	\$ _____
F. Furniture & Fixtures:	\$ _____	\$ 1,000,000	\$ _____
G. Inventory:	\$ _____	\$ _____	\$ _____
Total Personal Property Investment:	\$ _____	\$ 1,000,000	\$ _____

Project Eligibility Determination:

The total investment of an EXPANSION project must be greater than 10% of the market value of the facility assets already owned at the site prior to such expenditures.

RENOVATION projects must exceed 50% and OCCUPYING a vacant facility must exceed 20%. Projects establishing a new facility must represent a "significant" new investment.

-5-

15a. Business requests the following tax exemption incentives: 75 % for 10 years covering real property N/A and/or personal property including inventory N/A as described above. Be specific as to type of assets, rate, and term.

15b. Business's reasons for requesting tax incentives (be quantitatively specific as possible)

- Reduce the tax burden for Davey to assist with the significant investment we plan to make in Kent by building the Corporate 3rd Wing Addition which will result in the hiring of additional employees.
 - To support our commitment to remain in Portage County, to allow Davey to continue to be a good partner to the schools, city and county governments.
-
-

Pease read the following carefully and fill in the name of the Enterprise:

16. The Davey Tree Expert Company shall submit the required state application fee of **\$750.00** made payable to the **Ohio Development Services Agency** with the application to be forwarded with the final agreement.
17. The Davey Tree Expert Company shall pay an **annual fee of \$500.00**. The fee is to be paid to **Portage Development Board** once per year for each year the agreement is in effect or required to be reviewed. The fee is to be paid by check and made out to the **Portage Development Board**. Invoices will be mailed out by Portage County once per year following the annual monitoring which concludes March 31st. The fee shall be used exclusively for the purpose of complying with section 5709.68 of the Ohio Revised Code and by the Tax Incentive Review council created under section 5709.85 of the revised code exclusively for the purpose of performing the duties prescribed under that section.
18. Submission of this application expressly authorizes the City of Kent and Portage County to contact the Ohio Environmental Protection Agency to confirm statements contained within this application including item #7 and to review applicable confidential records. As part of this application, the business may also be required to directly request from the Ohio Department of Taxation or complete a waiver form allowing the Ohio Department of Taxation to release specific tax records to the local jurisdictions considering the incentive request.

Applicant agrees to supply additional information upon request.

The applicant affirmatively covenants that the information contained in and submitted with this application

is complete and correct and is aware of the ORC Sections 9.66(C)(1) and 2921.13(D)(1) penalties for falsification which could result in the forfeiture of all current and future economic development assistance benefit as well as a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

Real Property Owner

Operating Company

The Davey Tree Expert Company

Same as Owner

Name of Enterprise

December 9, 2020

Signature

Date

Signature

Date

Christopher J. Bast | Vice President and Treasurer

Typed Name and Title

* A copy of this proposal must be forwarded by the local governments to the affected Board of Education along with notice of the meeting date on which the local government will review the proposal. Notice must be given a minimum of fourteen (14) days prior to the scheduled meeting to permit the Board of Education to appear and/or comment before the legislative authorities considering the request. For agreements over the 75% for 10 years the affected Board of Education must be give a notice of forty-five (45) business days prior to the scheduled meeting.

** Attach to Final Enterprise Zone Agreement as Exhibit A

Please note that copies of this proposal must be included in the finalized Enterprise Zone Agreement and be forwarded to the Ohio Department of Taxation and the Ohio Development Services Agency within fifteen (15) days of final approval.

ODSA Update: February 2004
Portage County Update: July, 2019

DRAFT ORDINANCE NO. 2021-003

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT A STREET RIGHT OF WAY DEDICATION AT 1625 SOUTH WATER STREET (DUNKIN' DOUGHNUTS), AND DECLARING AN EMERGENCY.

WHEREAS, Hinckley Reserve Realty, LLC is consolidating two (2) lots to create Block A. Currently, the property lines extend to the center of South Water Street; and

WHEREAS, as part of this lot consolidation, the portion of the property in the road right of way is being dedicated to the City of Kent.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, that:

SECTION 1. That Kent City Council hereby authorizes the City Manager, or his designee, to accept the street right of way dedication at 1625 South Water Street (Dunkin' Doughnuts) and is more fully described in Exhibit "A", attached hereto and made a part thereof.

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 *RESOLUTION No.* _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20____.

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

**0.235 ACRES
AREA TO BE DEDICATED
S. WATER STREET**

Situated in the State of Ohio, County of Portage, City of Kent, being part of Original Brimfield Township Lot 4 and being more particularly bounded and described as follows:

Beginning at a 1" iron bar in monument box found and held marking the intersection of the centerline of S. Water Street (State Route 43 – width varies) with the centerline of State Route 261 (width varies).

Thence N 26°01'52"W, along the centerline of S. Water Street, a distance of 149.37' to a point thereon being the **TRUE PLACE OF BEGINNING** for the parcel of land described herein;

Thence continuing N 26°01'52"W, along the centerline of S. Water Street, a distance of 228.06' to an angle point therein being a point on the north line of said Original Brimfield Township Lot 4;

Thence N 89°43'11"E, along the north line of said Original Brimfield Township Lot 4 and partially along the south line of Lot 24 of the Resubdivision of the Younkman Allotment as recorded in Plat Volume 14, Page 17 of Portage County Recorder's records, a distance of 49.96' to Mag nail set in asphalt marking a corner of the easterly right-of-way limits of S. Water Street;

Thence S 26°01'52"E, along the easterly right-of-way limits of S. Water Street, a distance of 227.67' to a corner thereof (witness a 3/4" iron pipe found 0.38' east);

Thence S 89°18'53"W, a distance of 49.79' to the **TRUE PLACE OF BEGINNING** and containing 0.235 acres (10,253 square feet) of land as surveyed by James P. Yurkschatt (P.S. 7809) of Campbell and Associates, Inc. on November 11, 2020.

The basis of bearings for this survey is Grid North of the Ohio State Plane Coordinate System, North Zone, NAD83(2011).





SCALE: 1"=30'

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE
NORTH ARROW POINT OF THE COAST AND GEODETIC SURVEY
NORTH ZONE, NAD83 (2011).

APPROVALS

THIS COORDINATION SURVEY IS HEREBY APPROVED
BY THE CITY OF KENT ZONING DEPARTMENT.
THIS _____ DAY OF _____, 20____.

DEVELOPMENT DESIGNER - CITY OF KENT

THIS COORDINATION SURVEY IS HEREBY APPROVED
BY THE CITY OF KENT ZONING DEPARTMENT.
THIS _____ DAY OF _____, 20____.

ZONING DEPARTMENT - CITY OF KENT

RECEIVED FOR RECORD THIS _____ DAY OF _____, 20____.

PORTAGE COUNTY TAX MAP DEPARTMENT

RECEIVED FOR TRANSFER THIS _____ DAY OF _____, 20____.

PORTAGE COUNTY AUDITOR

RECEIVED FOR RECORD THIS _____ DAY OF _____, 20____.

PORTAGE COUNTY RECORDER

1. AGENCY CERTIFY THAT THIS SURVEY WAS PREPARED IN
ACCORDANCE WITH THE MINIMUM STANDARDS FOR SURVEY
PRACTICES IN THE STATE OF OHIO AS DESCRIBED IN O.A.C.
CHAPTER 4733-37.

JAMES P. HINCKLEY
JAMES P. HINCKLEY & ASSOCIATES, INC.
REL. NO. 7009
DATE: 11/11/2020



HINCKLEY RESERVE PLAT
STATE ROUTE 43 / STATE ROUTE 261
KENT, OHIO

CAMPBELL & ASSOCIATES, INC.
Land Surveying
1201 W. 4th St.
Kent, Ohio 44202
Phone: 330.4212
Fax: 330.4213

DATE: Nov. 11, 2020
BY: JPH
SCALE: 1"=30'
JOB: 20100214
SHEET 1 OF 1

**HINCKLEY RESERVE PLAT
CREATING BLOCK A
AND DEDICATION OF PART OF SOUTH WATER STREET
BEING A PART OF ORIGINAL BRIMFIELD TOWNSHIP LOT 4.**

STATE OF OHIO, COUNTY OF PORTAGE, CITY OF KENT,
BEING A PART OF ORIGINAL BRIMFIELD TOWNSHIP LOT 4.

BERYL DRIVE 50'

20' STRIP, SEVEN EASIMENT
REL. NO. 5081752

STACEY & JONATHAN, LTD.
O.R. 538, PG. 91
P.N. 17-006-20-00-044-000

RESUBDIVISION OF THE
YOUNGMAN ALLOTMENT
SUBDIVISION NO. 1
PLAT VOL. 14, PG. 17

GREGORY WAGNER
O.R. 138, PG. 284
P.N. 17-006-20-00-043-000

REVISION OF THE
YOUNGMAN ALLOTMENT
SUBDIVISION NO. 1
PLAT VOL. 16, PG. 61

LOT 24

LOT 26R

LOT 27R

LOT 28R

LOT 29R

LOT 30R

LOT 31R

LOT 32R

LOT 33R

LOT 34R

LOT 35R

LOT 36R

LOT 37R

LOT 38R

ORIGINAL BRIMFIELD TOWNSHIP

ORIGINAL FRANKLIN TOWNSHIP

LOREAN G. SINK
D.V. 966, PG. 218
P.N. 17-004-00-47-001-000

HINCKLEY RESERVE REALTY, LLC
INSTR. # (DEED PARCEL 1)
P.N. 17-004-00-47-001-001

AREA
38,931 SQ. FT.
0.894 ACRES

VACANT LAND

15' RESERVATION EASIMENT
P.N. 45-004-00-00-001-002

12' DRIVE EASIMENT
P.N. 45-004-00-00-001-002

12' DRIVE EASIMENT
P.N. 45-004-00-00-001-002

12' DRIVE EASIMENT
P.N. 45-004-00-00-001-002

12' DRIVE EASIMENT
P.N. 45-004-00-00-001-002



VICINITY MAP
N.T.S.

OWNER'S STATEMENT

I, the undersigned, James P. Hinckley, Surveyor, do hereby certify that the above plat was prepared in accordance with the minimum standards for survey practices in the State of Ohio as described in O.A.C. Chapter 4733-37, and that the same is a true and correct copy of the original plat on file in the office of the Surveyor.

Witness:

James P. Hinckley, Surveyor

NOTARIAL ACKNOWLEDGEMENT

STATE OF _____

Before me, a Notary Public, to wit for said county and state, personally appeared the above named James P. Hinckley, Surveyor, who acknowledged to me that he is the owner of the above land and that he executed the foregoing instrument and that the same is a true and correct copy of the original plat on file in the office of the Surveyor.

In TESTIMONY WHEREOF, I have set my hand and seal this _____ day of _____, 20____.

(S.E.A.)

Notary Public

My Commission Expires _____

RESOURCES

PORTAGE COUNTY ALLOTMENTS
PORTAGE COUNTY TAX MAPS
PORTAGE COUNTY DEEDS REFERENCED HEREON

PLATS:
RESUBDIVISION OF YOUNGMAN ALLOTMENT
NO. 1 - P.V. 14, PAGE 17
REVISION OF RESUBDIVISION OF YOUNGMAN
ALLOTMENT NO. 1 - P.V. 16, PAGE 61
CENTURINE & R/W PLANS FOR STATE ROUTE 261
PROJECT FOR 63.000' - DATED 1968
P.V. 15, PAGE 19
CENTURINE & R/W PLANS FOR STATE ROUTE 43
PROJECT FOR 43.103' - DATED 1973
PORTAGE COUNTY SURVEYS:
P-3853
P-14555

LEGEND

REC. RECEIVED
O.R. DESIGNED BOX
HORIZONTAL PLAT, SIZE & TYPE
AS INDICATED
O - 50' RESERVATION EASIMENT
D - DRIVE WITH 12' OR GREATER
C - CENTURINE
R/W - RIGHT-OF-WAY
AREA BEING DEDICATED
BY THIS PLAT

CAMPUS CENTER DRIVE

DRAFT ORDINANCE NO. 2021-004

AN ORDINANCE AMENDING ORDINANCE 2020-39 TO EXTEND IMPOSING A TEMPORARY MORATORIUM ON THE APPLICABILITY OF SECTION 1191.13 OF CHAPTER 1191, TITLED “CAPITAL IMPROVEMENT FUND; MATCHING AMOUNT” AS IT PERTAINS TO THE CITY’S OBLIGATION TO MATCH DEVELOPER FEES PAID INTO THE PARKS AND RECREATION DEVELOPMENT FUND FOR SIX (6) MONTHS, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent, Ohio (the “City”) is a legally and regularly created, established, organized and existing municipal corporation under the provisions of the Constitution of the State of Ohio and the home rule charter of the City (the “Charter”); and

WHEREAS, Sections 5.12(8) and 5.13 of the Charter authorize the City Council to enact emergency ordinances for the preservation of public, health, peace, or safety upon the vote of seven (7) members of City Council; and

WHEREAS, the City of Kent currently regulates land uses within the City limits in accordance with Chapter 11 of the Kent Municipal Code pursuant to its Home Rule Constitutional authority and the Ohio Constitution; and

WHEREAS, the fees required by the Chapter 1191 may require amendment to comply with current law and the economic realities of the City; and

WHEREAS, the Kent City Council desires that the staff of the Law and Community Development Departments conduct a thorough analysis and assessment of the Chapter 1191, titled “Parks and Recreation Fees “and regulations affecting those fees within a six (6) month window; and

WHEREAS, a moratorium through an emergency ordinance suspending the applicability of Section 1191.13 of Chapter 1191, titled “Capital Improvement Fund; Matching Amount” as it pertains to the City’s obligation to match developer fees paid into the Parks and Recreation Development Fund will enable a reasoned discussion and consideration of desired amendments to that Chapter; and

WHEREAS, the City Council has determined that it is necessary to declare an emergency for the preservation of public property, health, peace, and safety with the imposition of a temporary moratorium on the applicability of the provisions of Chapter 1193 *in toto*.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, that:

SECTION 1. That Kent City Council hereby authorizes a temporary moratorium suspending the applicability of Section 1191.13 of Chapter 1191, titled “Capital Improvement Fund; Matching Amount” as it pertains to the City’s obligation to match developer fees paid into the Parks and Recreation Development Fund to enable a reasoned discussion and consideration of desired amendments to that Chapter for a period of six (6) months from the date of the adoption hereof.

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
(SEAL)

DRAFT ORDINANCE NO. 2021-005

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACCEPT GRANT FUNDING IN THE AMOUNT OF \$5,287.71 FOR REIMBURSEMENT FOR THE PURCHASE OF BALLISTIC VESTS, AND DECLARING AN EMERGENCY

WHEREAS, the City of Kent Police Department purchased ballistic vests for their department; and

WHEREAS, the Ohio Attorney General's office in conjunction with the Ohio Bureau of Workers' Compensation has reimbursed the City 75% of the cost of the ballistic vests.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, that:

SECTION 1. That Kent City Council hereby authorizes the City Manager, or his designee, to accept the grant funding in the amount of \$5,287.71 for reimbursement for the purchase of ballistic vests for the City of Kent Police Department.

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 RESOLUTION NO. 2021-006

A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE A TEMPORARY EASEMENT IN 0.1054 ACRES AND A SANITARY SEWER EASEMENT IN 0.0229 ACRES OF CERTAIN REAL PROPERTY FROM JOZEF NEUZIL FOR THE PURPOSE OF COMPLETING THE SOUTHWEST SANITARY PUMP STATION PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, the City desires to complete the construction of the Southwest Sanitary Pump Station project, and

WHEREAS, negotiations between duly authorized representatives of the City and the owner of the parcel described in the resolution have failed to result in any determination of reasonable compensation for the parcel described in Section 1 below, acceptable to the City and the Owner.

NOW, THEREFORE, BE IT RESOLVED by the Council of The City of Kent, Portage County, Ohio, that:

SECTION 1. That it is deemed necessary and it is hereby declared to be the intent of this Council to appropriate a temporary easement in 0.1054 acres and a sanitary sewer easement in 0.0229 acres of certain real property from Jozef Neuzil, for the purpose of completing the Southwest Sanitary Pump Station Project. The parcel to be appropriated is situated at 1184 Middlebury Street, Kent, Ohio and is more fully described on Exhibit "A" attached hereto.

SECTION 2. That the City Manager be and he is hereby authorized and directed to cause written notice of the adoption of this Resolution to be given to each owner, person in possession, or person having an interest of record in the above-described parcel. This notice shall be served by the City Manager, or by a person designated by him for that purpose, by personally handing a copy of this notice to this owner or person or his authorized agent, or by leaving a copy thereof at the usual place of residence of this owner or person or if this owner, person or agent cannot be found, by publication once a week for three (3) consecutive weeks in an English newspaper of general circulation in the City of Kent. A return of service shall be made in the manner provided by law.

SECTION 3 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 4. 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

LPA RE 807
Rev. 10/2017

TE
LPA

TEMPORARY EASEMENT

Jozef Neuzil, Unmarried, the Grantor(s), in consideration of the sum of \$710.00, to be paid by City of Kent, the Grantee, does grant to Grantee the temporary easement(s) to exclusively occupy and use for the purposes mentioned in Exhibit A the following described real estate:

PARCEL(S): 17-009-20-00-063-000 T

CITY OF KENT – SOUTHWEST SANITARY PUMP STATION

SEE EXHIBIT A ATTACHED

Portage County Current Tax Parcel No. 17-009-20-00-063-000

Prior Instrument Reference: Instrument No. 202005756, Portage County Recorder's Office.

To have and to hold the temporary easement(s), for the aforesaid purposes and for the anticipated period of time described below, unto the Grantee, its successors and assigns.

The duration of the temporary easement(s) granted to the Grantee is 12 months immediately following the date on which the work described above is first commenced by the Grantee, or its duly authorized employees, agents, and contractors.

The temporary easement(s) interest granted is being acquired by Grantee for a public purpose, namely the construction and maintenance of a sewer and utilities in the name of and for the use of the City of Kent.

IN WITNESS WHEREOF Jozef Neuzil has hereunto set his hand on the _____ day of _____, _____.

JOZEF NEUZIL

STATE OF OHIO, COUNTY OF Portage SS:

BE IT REMEMBERED that on the _____ day of _____, _____, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Jozef Neuzil, who acknowledged the foregoing instrument to be his voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

NOTARY PUBLIC

My Commission expires: _____

This document was prepared by: The City of Kent, Ohio on forms approved by the Ohio Attorney General

EASEMENT AND RIGHT-OF-WAY AGREEMENT
GRANTING EASEMENT FOR UTILITY LINE CONSTRUCTION

1184 MIDDLEBURY ROAD

FOR AND IN CONSIDERATION of the sum of \$332.00, the receipt of which is acknowledged, and such other consideration as is herein below set forth, the undersigned Jozef Neuzil, hereinafter referred to as "Grantor(s)", who claim title to certain real estate by deed recorded in Plat Book 13, Page 24 of the Portage County Recorder's Records, does for their heirs, successors, and assigns, hereby give, devise, grant and convey to the City of Kent, Ohio, a municipal corporation, which is hereinafter referred to as "Grantee," its successors and assigns, the perpetual right to a permanent exclusive easement and right-of-way to lay, maintain, operate, repair, remove and replace sanitary and related necessary appurtenances over and through said real estate situated in the City of Kent, County of Portage, State of Ohio and known as being a part of Lot 9 and further known as being part of Sublot 19 of original Franklin Township, said easement being more fully described as follows:

Boundary Description for
1184 Middlebury Road
10 foot Sanitary Sewer Easement
City of Kent, County of Portage, State of Ohio
0.0229 Acre Easement

Situated in the City of Kent, County of Portage and State of Ohio and known as being part of the Original Franklin Township Lot No. 9 and further known as being part of Sublot 19 as shown on Portage Homesites, recorded in Plat Book 13, Page 24 of the Portage County Recorder's Records and is bounded and described as follows: Beginning at the northeasterly corner of Sublot 19 and is the PRINCIPAL PLACE OF BEGINNING of the easement herein to be described:

thence South 17°38'19" East, along the easterly line of Sublot 19, 10.00 feet to a point thereon;

thence South 72°23'11" West, 10 feet from and parallel with the northerly line of Sublot 19, 99.91 feet to a point on the westerly line of Sublot 19;

thence North 17°39'49" West, along the westerly line of Sublot 19, 10.00 feet to the northwesterly corner thereof;

thence North 72°23'11" East, along the northerly line of Sublot 19, 99.91 feet to the Principal Place of Beginning and containing 999 square feet or 0.0229 acres of land according to a survey by Guy P. Haney, P.S. No. S-7631, for TGC Engineering, LLC in July of 2020. Subject to all highways, easements and covenants of legal record.

Bearings are based on Ohio State Plane Coordinate System, North Zone, NAD 1983, ground.

For Drawings see attached Exhibit A

Together with the right of the City of Kent, its agents or employees, to store earth and materials during the period of construction, repair or replacement of such sewers and other utility lines upon the premises of the Grantor within the described easement.

And grantor does agree to keep said easement free of all permanent structures, providing that the City of Kent, Portage County, Ohio shall operate and maintain said improvement as a public facility in accordance with the standards, policies and procedures of other similar public facilities within the City of Kent and shall properly backfill and restore the ground surface and ground cover vegetation to the condition existing immediately prior to such construction, reconstruction, maintenance or repair; except that said City shall not be required to repair any structures (such as buildings, driveways, light poles and appurtenances, catch basins, storm sewers, utility service lines, pavement, curbing or landscape islands) belonging to Grantor and located within the easement and right-of-way, unless such damage was caused by an intentional act of negligence of the City of Kent, its agents, employees, contractors, licensees, or invitees.

IN WITNESS WHEREOF, the Grantor has hereunto set its signature this _____ day of _____, 2020.

WITNESS:

GRANTOR: _____

By: Jozef Neuzil

STATE OF OHIO, COUNTY OF PORTAGE, ss.:

This day, before me, a Notary Public of the State and County aforesaid, personally appeared Jozef Neuzil, to me known to be the person described in and who executed the foregoing instrument and acknowledgment that he executed the same as his free act and deed, for the purposes therein set forth.

Witness my hand official seal this _____ day of _____, 2020.

My Commission Expires: _____

Notary

Accepted by City of Kent Council: _____, 2020.

THIS INSTRUMENT PREPARED BY: CTI Engineers, inc.

SKETCH FOR

SANITARY EASEMENT

1184 Middlebury Road

Situated in the City of Kent, County of Portage
and State of Ohio and known as being part of
Original Franklin Township Lot No. 9

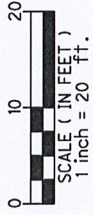
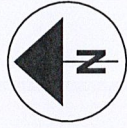
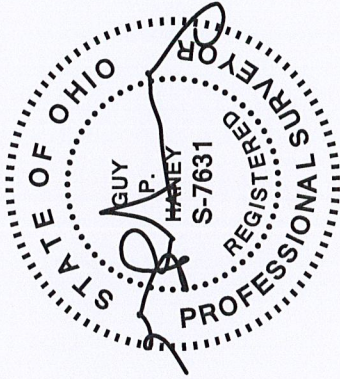


EXHIBIT A

T&C Engineering, LLC
1310 SHARON COPLEY ROAD, P.O. BOX 37
SHARON CENTER, OHIO 44274
(PHONE) 330.590.8004 (FAX) 888.820.8423



1184 MIDDLEBURY

KENT SANITARY ESMTS.

PROJECT NUMBER	1654-D
DATE	2020-07-08

Portage Homesites Replat
Plat Bk. 16, Page 91

S/L 7-R

P.O.B.

S 17°38'19" E
10.00'

Sanitary Easement
(999 SF)
0.0229 Ac.

10.0'

N 72°23'11" E 99.91'

S 72°23'11" W 99.91'

N 17°39'49" W
10.00'

S/L 18

S/L 19
17-009-20-00-063-000
Jozef Neuzil

Portage Homesites
Plat Bk. 13, Page 24

S/L 20

DRAFT RESOLUTION NO. 2021-007

A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE A TEMPORARY EASEMENT IN 0.1546 ACRES AND A SANITARY SEWER EASEMENT IN 0.0229 ACRES OF CERTAIN REAL PROPERTY FROM STEVEN J. SMITH FOR THE PURPOSE OF COMPLETING THE SOUTHWEST SANITARY PUMP STATION PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, the City desires to complete the construction of the Southwest Sanitary Pump Station project, and

WHEREAS, negotiations between duly authorized representatives of the City and the owner of the parcel described in the resolution have failed to result in any determination of reasonable compensation for the parcel described in Section 1 below, acceptable to the City and the Owner.

NOW, THEREFORE, BE IT RESOLVED by the Council of The City of Kent, Portage County, Ohio, that:

SECTION 1. That it is deemed necessary and it is hereby declared to be the intent of this Council to appropriate a temporary easement in 0.1546 acres and a sanitary sewer easement in 0.0229 acres of certain real property from Steven J. Smith, for the purpose of completing the Southwest Sanitary Pump Station Project. The parcel to be appropriated is situated at 1218 Middlebury Street, Kent, Ohio and is more fully described on Exhibit "A" attached hereto.

SECTION 2. That the City Manager be and he is hereby authorized and directed to cause written notice of the adoption of this Resolution to be given to each owner, person in possession, or person having an interest of record in the above-described parcel. This notice shall be served by the City Manager, or by a person designated by him for that purpose, by personally handing a copy of this notice to this owner or person or his authorized agent, or by leaving a copy thereof at the usual place of residence of this owner or person or if this owner, person or agent cannot be found, by publication once a week for three (3) consecutive weeks in an English newspaper of general circulation in the City of Kent. A return of service shall be made in the manner provided by law.

SECTION 3 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 4. 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

LPA RE 807
Rev. 10/2017

TE
LPA

TEMPORARY EASEMENT

Stephen J. Smith, Divorced and Not Remarried, the Grantor(s), in consideration of the sum of \$2,050.00, to be paid by City of Kent, the Grantee, does grant to Grantee the temporary easement(s) to exclusively occupy and use for the purposes mentioned in Exhibit A the following described real estate:

PARCEL(S): 17-009-20-00-058-000 T

CITY OF KENT – SOUTHWEST SANITARY PUMP STATION

SEE EXHIBIT A ATTACHED

Portage County Current Tax Parcel No. 17-009-20-00-058-000

Prior Instrument Reference: Instrument No. 201717552, Portageage County Recorder's Office.

To have and to hold the temporary easement(s), for the aforesaid purposes and for the anticipated period of time described below, unto the Grantee, its successors and assigns.

The duration of the temporary easement(s) granted to the Grantee is 12 months immediately following the date on which the work described above is first commenced by the Grantee, or its duly authorized employees, agents, and contractors.

The temporary easement(s) interest granted is being acquired by Grantee for a public purpose, namely the construction and maintenance of a sewer and utilities in the name of and for the use of the City of Kent.

IN WITNESS WHEREOF Stephen J. Smith have hereunto set his hand on the _____
day of _____ , _____.

STEPHEN J. SMITH

STATE OF OHIO, COUNTY OF Portage SS:

BE IT REMEMBERED that on the _____ day of _____ , _____, before me
the subscriber, a Notary Public in and for said state and county, personally came the above
named Stephen J. Smith, who acknowledged the foregoing instrument to be his voluntary act and
deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official
seal on the day and year last aforesaid.

NOTARY PUBLIC

My Commission expires: _____

This document was prepared by: The City of Kent, Ohio on forms approved by the Ohio
Attorney General

EASEMENT AND RIGHT-OF-WAY AGREEMENT
GRANTING EASEMENT FOR UTILITY LINE CONSTRUCTION

1218 MIDDLEBURY ROAD

FOR AND IN CONSIDERATION of the sum of \$332.00, the receipt of which is acknowledged, and such other consideration as is herein below set forth, the undersigned Stephen J. Smith, hereinafter referred to as "Grantor(s)", who claim title to certain real estate by deed recorded in Plat Book 13, Page 24 of the Portage County Recorder's Records, does for their heirs, successors, and assigns, hereby give, devise, grant and convey to the City of Kent, Ohio, a municipal corporation, which is hereinafter referred to as "Grantee," its successors and assigns, the perpetual right to a permanent exclusive easement and right-of-way to lay, maintain, operate, repair, remove and replace sanitary and related necessary appurtenances over and through said real estate situated in the City of Kent, County of Portage, State of Ohio and known as being a part of Lot 9 and further known as being part of Sublot 24 of original Franklin Township, said easement being more fully described as follows:

Boundary Description for
1218 Middlebury Road
10 foot Sanitary Sewer Easement
City of Kent, County of Portage, State of Ohio
0.0229 Acre Easement

Situated in the City of Kent, County of Portage and State of Ohio and known as being part of the Original Franklin Township Lot No. 9 and further known as being part of Sublot 24 as shown on Portage Homesites, recorded in Plat Book 13, Page 24 of the Portage County Recorder's Records and is bounded and described as follows: Beginning at the northeasterly corner of Sublot 24 and is the PRINCIPAL PLACE OF BEGINNING of the easement herein to be described:

thence South 17°39'49" East, along the easterly line of Sublot 24, 10.00 feet to a point thereon;

thence South 72°23'11" West, 10 feet from and parallel with the northerly line of Sublot 24, 99.91 feet to a point on the westerly line of Sublot 24;

thence North 17°39'49" West, along the westerly line of Sublot 24, 10.00 feet to the northwesterly corner thereof;

thence North 72°23'11" East, along the northerly line of Sublot 24, 99.91 feet to the Principal Place of Beginning and containing 999 square feet or 0.0229 acres of land according to a survey by Guy P. Haney, P.S. No. S-7631, for TGC Engineering, LLC in July of 2020. Subject to all highways, easements and covenants of legal record.

Bearings are based on Ohio State Plane Coordinate System, North Zone, NAD 1983, ground.

For Drawings see attached Exhibit A

Together with the right of the City of Kent, its agents or employees, to store earth and materials during the period of construction, repair or replacement of such sewers and other utility lines upon the premises of the Grantor within the described easement.

And grantor does agree to keep said easement free of all permanent structures, providing that the City of Kent, Portage County, Ohio shall operate and maintain said improvement as a public facility in accordance with the standards, policies and procedures of other similar public facilities within the City of Kent and shall properly backfill and restore the ground surface and ground cover vegetation to the condition existing immediately prior to such construction, reconstruction, maintenance or repair; except that said City shall not be required to repair any structures (such as buildings, driveways, light poles and appurtenances, catch basins, storm sewers, utility service lines, pavement, curbing or landscape islands) belonging to Grantor and located within the easement and right-of-way, unless such damage was caused by an intentional act of negligence of the City of Kent, its agents, employees, contractors, licensees, or invitees.

IN WITNESS WHEREOF, the Grantor has hereunto set its signature this _____ day of _____, 2020.

WITNESS:

GRANTOR: _____

By: Stephen J. Smith

STATE OF OHIO, COUNTY OF PORTAGE, ss.:

This day, before me, a Notary Public of the State and County aforesaid, personally appeared Stephen J. Smith, to me known to be the person described in and who executed the foregoing instrument and acknowledgment that he executed the same as his free act and deed, for the purposes therein set forth.

Witness my hand official seal this _____ day of _____, 2020.

My Commission Expires: _____

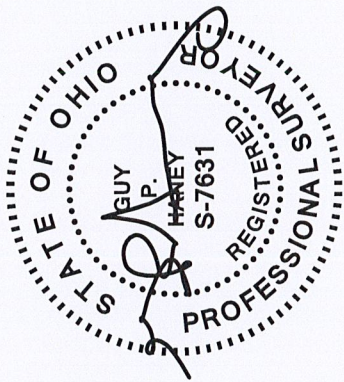
Notary

Accepted by City of Kent Council: _____, 2020.

THIS INSTRUMENT PREPARED BY: CTI Engineers, inc.

SANITARY EASEMENT

Situated in the City of Kent, County of Portage
and State of Ohio and known as being part of
Original Franklin Township Lot No. 9



SCALE (IN FEET)
1 inch = 20 ft.

EXHIBIT A

1218 MIDDLEBURY

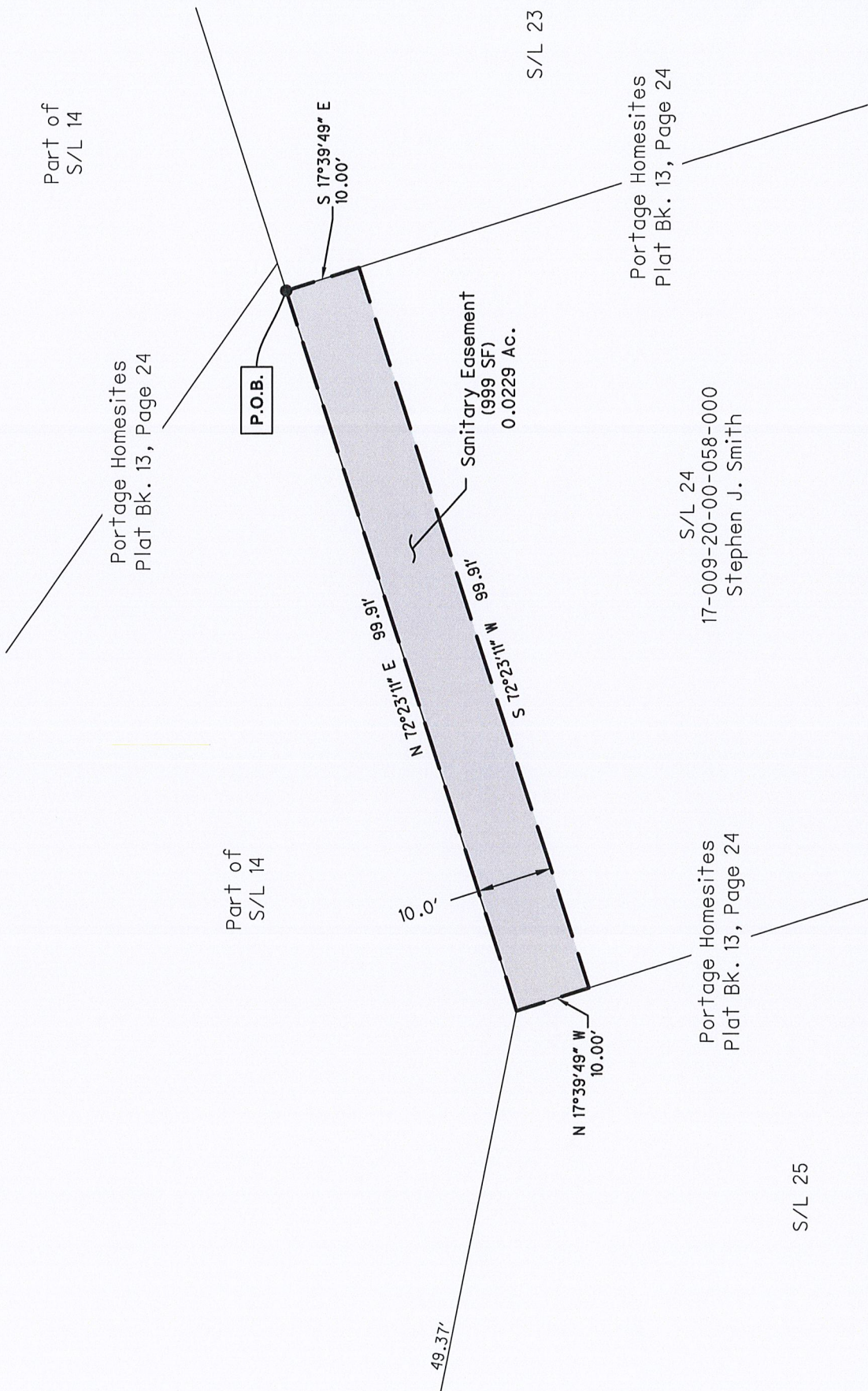
KENT SANITARY ESMTS.

PROJECT
NUMBER

1654-D

DATE _____

2020-07-08



DRAFT ORDINANCE NO. 2021-008

AN ORDINANCE AMENDING ORDINANCE NO. 2020-126, PASSED ON DECEMBER 16, 2020, THE POSITION ALLOCATION AND GENERAL COMPENSATION PLAN AND DECLARING AN EMERGENCY.

WHEREAS, recent job searches have illustrated that in order to stay competitive and attract the most talented and diverse applicants, the City needs to have more flexibility in its compensation package; and

WHEREAS, the staff is requesting the language below to be added to the Management Rights section of the General Compensation Plan. This will allow the City Manager to offer other incentives when hiring or promoting employees:

Management Rights: Article 6, Section 1

“Have the ability to adjust the salary and benefits for the recruitment, hiring, retention, and promotions of current or perspective employees.”

WHEREAS, time is of the essence to make these updates to the General Compensation Plan.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, that:

SECTION 1. That Council does hereby approve an amendment to the 2019 Position Allocation and General Compensation Plan Ordinance, 2020-126, passed December 16, 2020, so as to amend section “Management Rights”.

SECTION 2. That all existing ordinances which are in conflict with the provisions of this ordinance are hereby repealed.

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_____.

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

DRAFT ORDINANCE NO. 2021-009

AN ORDINANCE ACCEPTING FOUR (4) DONATIONS TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent Parks & Recreation Department have received four (4) donations as follows:

- 1) \$40.00 from Jim and Nancy Arthur in memory of Charlie Beckwith; and
- 2) \$50.00 from Susan and Douglas Smith in the name of their granddaughter Ivy Liedel, in appreciation for the wonderful work that the Parks & Recreation do each year; and
- 3) \$1,500.00 from Henry V. and Frances W. Christenson Foundation for the 2021 Kent Parks and Beautification Program. These funds will be used to purchase annual flowers and trees in the parks this year; and
- 4) \$100.00 from the Kent Lions Club.

WHEREAS, the City wishes to accept said donations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, that:

SECTION 1. That Council does hereby authorize the City Manager on behalf of the City of Kent to accept the donations totaling \$1,690.00 and for the Budget and Finance Director to appropriate the donations into the proper fund.

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. 2021-010

AN ORDINANCE AUTHORIZING THE KENT FIRE DEPARTMENT TO APPLY FOR THE FY 2020 AFG GRANT THROUGH FEMA, AND TO ACCEPT ANY GRANT, IF AWARDED, WITH CORRESPONDING APPROPRIATIONS OF FUNDS WHICH PROVIDES FUNDING FOR THE REPLACEMENT OF THE FIRE DEPARTMENT'S SELF-CONTAINED BREATHING APPARATUS, AND DECLARING AN EMERGENCY.

WHEREAS, the Kent Fire Department would like to apply for the FY 2020 AFG Grant through FEMA; and

WHEREAS, this grant will provide funding for the replacement of the Fire Department's self-contained breathing apparatus; and

WHEREAS, the grant is expected not to exceed \$265,000. The local matching percentage is ten percent (10%) to be paid by the City in the event we are awarded the grant. The entire amount of \$265,000 has been budgeted through the City Capital Plan already in the event the grant is denied. It is anticipated that no other funds will be required other than the ten percent (10%).

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, that:

SECTION 1. That Kent City Council authorizes the Kent Fire Department to apply for the FY 2020 AFG Grant.

SECTION 2. That the Kent City Council hereby approves the City's acceptance of any such grant, if awarded to the City, with corresponding appropriations for its use.

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____.

(SEAL)

AMY WILKENS
CLERK OF COUNCIL



City Council Regular Meeting Minutes

The City of Kent, Ohio
Wednesday, December 16, 2020

Due to the COVID-19 pandemic, this meeting will be held virtually using the Zoom platform and broadcast live on the City of Kent YouTube Channel.

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 (7:31 p.m.); Mr. John Kuhar; Ms. Gwen Rosenberg; Ms. Heidi Shaffer Bish; Mr. Roger Sidoti; Mr. Robin Turner; 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 Seidel, Health Commissioner; Ms. Rhonda Hall, Budget and Finance Director; Mr. Kevin Schwartzhoff, Parks and Recreation Director; Mr. Gary Bishop, IT Manager; Mr. John Tosko, Fire Chief; Mr. Nick Shearer, Chief of Police; Ms. Amy Wilkens, Clerk of Council

Mayor Fiala started the meeting by greeting Mr. Peter Orlando from the Parks and Recreation Board, issuing a proclamation in his honor for service to the City and his retirement after just over 26 years. Mr. Fiala read the proclamation and notified Mr. Orlando the document would be hand delivered to him.

Mr. Orlando thanked Council for approving him for five terms on the board and said it was a good board that was able to contribute. He thanked Mr. Ruller and the City Administration for the cooperation over the years. He also thanked Mr. Bowling and Suzanne Stemnock, Ms. Wilkens and Hope Jones. He appreciates the cooperation from the City and hopes it continues and that Council appoints good board members in the future. He said the Parks are in a good place. He said this is a great honor and a surprise and thanked everyone very much. Mayor Fiala thanked Mr. Orlando for his service. Mr. Schwartzhoff, Parks and Recreation Director, thanked Mr. Orlando saying he has been a lot of help to him. He added his historical knowledge of the Parks Department is really going to be missed and whoever is hired on as the new Director could benefit from this knowledge. He thanked Mr. Orlando for his twenty-six years of service.

Mayor Fiala called upon Councilmember Wallach for her opening remarks. Ms. Wallach said this has been quite a year- tense, stressful, scary and sometimes really scary. She referenced the old Chinese saying "May you live in interesting times", and said we are definitely in interesting times. She said finally there is some hope, there is a light at the end of the tunnel, vaccines are coming and hopefully by this time next year we will be able to spend the holidays with our family and friends. She hopes to be back in the classroom next year in the fall instead of online. She asked Mayor Fiala to lead the pledge of allegiance.

Mayor Fiala led the Pledge of Allegiance.

Approval of Regular Council Meeting Minutes:

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF November 18, 2020 made by Mr. Kuhar SECONDED by Ms. Wallach, and CARRIED by a voice vote of 9-0.

Communication:

Public Comment: There were no visitors signed in to speak with Council.

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

1. Letter from Eric Asp of 845 Bryce Rd regarding minimizing the number of guns in neighborhoods received on November 23, 2020.
2. Standing Rock Cemetery Commission Meeting minutes from November 12, 2020 and Agenda for December 10, 2020 meeting received on December 2, 2020.
3. Board of Health Minutes and Statistical report from November 10, 2020 and Agenda for December 8, 2020 received on December 4, 2020.
4. Planning Commission Agenda and Staff Report for December 15, 2020 meeting received on December 8, 2020.
5. Liquor License transfer request received December 4, 2020 for Doctor Realty LLC, 1225 W. Main St. and Patio, Kent. Chief Shearer had no objections.

MOTION TO RETURN WITH NO OBJECTION made by Mr. Kuhar
SECONDED by Ms. Rosenberg and CARRIED with a voice vote of 9-0.

6. Liquor License transfer request received December 8, 2020 for B&R Gillespie Holdings DBA Tree City Coffee & Pastry, Ste. 101, 135 E. Erie St., Kent. Chief Shearer had no objections.

MOTION TO RETURN WITH NO OBJECTION made by Mr. Kuhar
SECONDED by Ms. Shaffer Bish and CARRIED with a voice vote of 9-0.

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

1. Request for a Public Hearing in January for the proposed Davey Tree Enterprise Zone.
2. Request for time prior to the January Committee meeting to allow Council to organize and appoint the Chairs and Vice Chairs of Council Committees.
3. Request of Council's consideration to authorize the submission of an amicus brief urging the 11th District Court to reconsider the authority of local governments to ban conversion therapy (Draft #2020-130)
4. Request for Committee of the Whole time for Council to review applicants for vacancies on City Boards and Commissions.
5. Request for Community Development Committee time to present the request for the

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proposed new Enterprise Zone submitted by Davey Tree for their corporate campus expansion.

6. Request for Land Use Committee time to present a request for right of way dedication at the proposed new Dunkin' Doughnuts property on S. Water Street.
7. Request for Land Use Committee time to submit the developer request to dedicate Phase 5 of River Bend East to the City.
8. Request for Land Use Committee time to present a request from a resident for the City to sell a portion of City owned property between Ivan Drive and S. Water Street.
9. Request for Finance Committee time to request Council's support for passing the resolution of necessity and intent to secure the 3 remaining outstanding easements needed for the Southwest Sanitary Sewer Pump Station project.
10. Request for Finance Committee time to extend the Parks and Recreation Fee moratorium which expires on December 31, 2020.

MOTION TO APPROVE ITEMS #1-10 OF THE CITY MANAGER'S REPORT, excluding #2, made by Mr. Amrhein, SECONDED by Mr. Ferrara, and CARRIED by a voice vote of 9-0.

STANDING COMMITTEES/ LEGISLATION

1) Committee of the Whole:

MOTION TO APPROVE MEETING MINUTES of December 2, 2020 made by Mr. Amrhein seconded by Mr. Sidoti, and CARRIED by a voice vote of 9-0.

NO RECOMMENDED ACTIONS TO APPROVE

Voting for Boards and Commissions

MOTION TO APPOINT TIM SAHR TO THE BOARD OF ZONING APPEALS made by Mr. Ferrara SECONDED by Mr. Kuhar and CARRIED by a voice vote of 9-0.

MOTION TO APPOINT DEBORAH DOUGLAS TO THE BOARD OF ZONING APPEALS made by Mr. Sidoti SECONDED by Mr. DeLeone and CARRIED by a voice vote of 9-0.

MOTION TO APPOINT GARRETT MUNRO TO THE DESIGN AND PRESERVATION COMMITTEE made by Ms. Shaffer Bish SECONDED by Mr. Amrhein and CARRIED by a voice vote of 9-0.

MOTION TO APPOINT KATHLEEN WILER TO THE PARKS AND RECREATION BOARD made by Mr. Kuhar SECONDED by Ms. Rosenberg and CARRIED by a voice vote of 9-0.

MOTION TO APPOINT STEVE MITCHELL TO THE PARKS AND RECREATION BOARD made by Mr. Kuhar SECONDED by Ms. Rosenberg and CARRIED by a voice vote of 9-0.

MOTION TO APPOINT AMANDA EDWARDS TO THE PLANNING COMMISSION made by Ms. Shaffer Bish SECONDED by Mr. Sidoti and CARRIED by a voice vote of 9-0.

MOTION TO APPOINT NICKOLAS BELLAS TO THE PLANNING COMMISSION made by Mr. Sidoti SECONDED by Mr. DeLeone and CARRIED by a voice vote of 9-0.

MOTION TO MOVE NAMES INTO LEGISLATION made by Mr. Turner SECONDED by Mr. Kuhar and CARRIED by a voice vote of 9-0.

Draft No. 2020-116 A RESOLUTION APPOINTING TIM SAHR AND DEBORAH DOUGLAS TO THE BOARD OF ZONING APPEALS, 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. Kuhar. On roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner and Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT NO. 2020-116 made by Ms. Shaffer Bish and SECONDED by Mr. DeLeone. On roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner and Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

RESOLUTION 2020-116 PASSED as stated by Clerk Wilkens

Draft No. 2020-117 A RESOLUTION APPOINTING GARRETT MUNRO TO THE DESIGN AND PRESERVATION COMMITTEE, 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 Bish, SECONDED by Mr. Sidoti. On roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach and Mr. Amrhein. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT NO. 2020-117 made by Mr. Kuhar and SECONDED by Mr. DeLeone. On roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach and Mr. Amrhein, The Motion CARRIED by a roll call vote of 9-0.

RESOLUTION 2020-117 PASSED as stated by Clerk Wilkens.

Draft No. 2020-118 A RESOLUTION APPOINTING KATHLEEN WILER AND STEVE MITCHELL TO THE PARKS AND RECREATION BOARD 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 Ms. Rosenberg. On roll call, voting "Yes": Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, and Mr. DeLeone. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT NO. 2020-118 made by Mr. Kuhar and SECONDED by Mr. Sidoti. On roll call, voting "Yes": Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr.

Turner, Ms. Wallach, Mr. Amrhein, and Mr. DeLeone. The Motion CARRIED by a roll call vote of 9-0.

RESOLUTION 2020-118 PASSED as stated by Clerk Wilkens.

Draft No. 2020-119 A RESOLUTION APPOINTING AMANDA EDWARDS AND NICKOLAS BELLAS TO THE PLANNING 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 Ms. Shaffer Bish. On roll call, voting "Yes": Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT NO. 2020-119 made by Mr. Kuhar and SECONDED by Mr. Sidoti. On roll call, voting "Yes": Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The Motion CARRIED by a roll call vote of 9-0.

RESOLUTION 2020-119 PASSED as stated by Clerk Wilkens.

2) Community Development Committee:

NO MEETING MINUTES OR RECOMMENDED ACTIONS

3) Land Use Committee:

MOTION TO APPROVE MEETING MINUTES of December 2, 2020 made by Mr. Ferrara SECONDED by Mr. Sidoti, and CARRIED by a voice vote of 9-0.

MOTION TO APPROVE THE LAND USE COMMITTEE ACTION ITEM made by Mr. Ferrara, SECONDED by Mr. Kuhar and CARRIED by a voice vote of 9-0.

Recommended Actions:

- 1) Authorize the proposed agreement between the City and Klaben for a new section of the Hike & Bike trail.

Draft No. 2020-120 AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT OBTAINING A PERMANENT EASEMENT FROM KLABEN PROPERTY MANAGEMENT L.L.C., 1085 WEST MAIN STREET FOR \$52,160 FOR THE PURPOSE OF A SIDEWALK TO IMPROVE THE WALKABILITY FOR THE HIKE/BIKE TRAIL, 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. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone,

Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, and Ms. Shaffer Bish. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT NO. 2020-120 made Mr. Sidoti and SECONDED by Mr. Ferrara. On roll call, voting "Yes": Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, and Ms. Shaffer Bish. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE 2020-120 PASSED as stated by Clerk Wilkens.

4) Streets, Sidewalks and Utilities Committee

MOTION TO APPROVE MEETING MINUTES of December 2, 2020 made by Mr. Sidoti SECONDED by Mr. Ferrara, and CARRIED by a voice vote of 9-0.

NO RECOMMENDED ACTIONS TO APPROVE

5) Health and Public Safety Committee:

NO MEETING MINUTES OR RECOMMENDED ACTIONS

Draft No. 2020-130 AN ORDINANCE OF THE CITY OF KENT, OHIO, AUTHORIZING THE CITY'S LAW DIRECTOR TO APPEAR AS AMICUS CURIAE AND/OR TO JOIN AS A SIGNATORY OF ANY LOCAL GOVERNMENT AMICUS BRIEF IN SUPPORT OF LOCAL CONVERSION THERAPY BANS, INCLUDING, BUT NOT LIMITED, TO THE CURRENT PETITION FOR REHEARING AND REHEARING EN BANC IN OTTO ET AL. V CITY OF BOCA RATON ET AL, 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 Bish, SECONDED by Mr. Ferrara. On roll call, voting "Yes": Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, and Mr. Sidoti. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT NO. 2020-130 made by Mr. Kuhar and SECONDED by Mr. Ferrara. On roll call, voting "Yes": Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, and Mr. Sidoti. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE 2020-130 PASSED as stated by Clerk Wilkens.

6) Finance Committee:

MOTION TO APPROVE THE FINANCE COMMITTEE MEETING MINUTES OF December 2, 2020 made by Mr. DeLeone, seconded by Mr. Ferrara, and CARRIED by a voice vote 9-0.

MOTION TO APPROVE THE FINANCE COMMITTEE ACTION ITEMS made by Mr. DeLeone, seconded by Mr. Ferrara and CARRIED by a voice vote of 9-0.

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Recommended Actions:

- 1) Authorize the renewal of the Portage County Public Defender's contract for 2021
- 2) Authorize the proposed 2021 City Operating budget
- 3) Authorize the submitted 2020 Budget Appropriations
- 4) Authorize the "then and now" list of purchase orders for 2020
- 5) Approve the acceptance of the NOPEC public phone charging station
- 6) Approve the 2021 position allocation ordinance

Draft No. 2020-121 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO CONTRACT, ON BEHALF OF THE CITY OF KENT, WITH THE OFFICE OF THE PUBLIC DEFENDER, PORTAGE COUNTY, FOR THE PROVISION OF LEGAL COUNSEL TO INDIGENT PERSONS CHARGED WITH POTENTIAL PENALTY OF INCARCERATION FOR OFFENSES COMMITTED IN VIOLATION OF THE ORDINANCES OF SAID CITY FOR THE PERIOD JANUARY 1, 2021 THROUGH DECEMBER 31, 2021 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. Kuhar, SECONDED by Mr. DeLeone. On roll call, voting "Yes": Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, and Ms. Rosenberg. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT NO. 2020-121 made by Mr. DeLeone, SECONDED by Mr. Sidoti. On roll call, voting "Yes": Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, and Ms. Rosenberg. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE 2020-121 PASSED as stated by Clerk Wilkens.

Draft No 2020-122 AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR, UPON THE ISSUANCE OF A CERTIFICATE OF AVAILABILITY OF FUNDS, TO PAY CERTAIN PURCHASE ORDERS MADE THAT EXCEED \$3000.00; 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. DeLeone and seconded by Mr. Kuhar. On roll call, voting "Yes": Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, and Ms. Shaffer Bish. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2020-122 made by Mr. DeLeone and SECONDED by Mr. Ferrara. On roll call, voting "Yes": Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, and Ms. Shaffer Bish. The Motion CARRIED by a roll call vote of 9-0.

RESOLUTION 2020-122 PASSED as stated by Clerk Wilkens.

Draft No. 2020-123 AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A GRANT AGREEMENT WITH NOPEC, INC. AND TO ACCEPT ONE ELECTRONIC CHARGING STATION FOR THE USE IN PUBLIC AREAS, 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. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, and Mr. Turner. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2020-123 made by Ms. Shaffer Bish and seconded by Mr. DeLeone. On roll call, voting "Yes": Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, and Mr. Turner. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE 2020- 123 PASSED as stated by Clerk Wilkens.

Draft No. 2020-124 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, 2021, 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": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, and Mr. Turner. Voting "No": Ms. Wallach. The Motion CARRIED by a roll call vote of 8-1.

MOTION TO ADOPT DRAFT No. 2020-124 made by Mr. DeLeone and seconded by Ms. Shaffer Bish. On roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, and Mr. Turner. Voting "No": Mr. Kuhar, and Ms. Wallach. The Motion CARRIED by a roll call vote of 7-2.

Comments by Council:

Ms. Wallach said now is not the time to raise rates because people are really struggling right now. It looks like hope is on the way with the vaccine so things will be picking up later on.

Mr. Kuhar agreed with Ms. Wallach's comments.

ORDINANCE 2020-124 PASSED as stated by Clerk Wilkens.

Draft No. 2020-125 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, 2021, 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": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms.

Shaffer Bish, Mr. Sidoti, Mr. Turner, and Mr. Amrhein. Voting “No”: Ms. Wallach. The Motion CARRIED by a roll call vote of 8-1.

MOTION TO ADOPT DRAFT No. 2020-125 made by Mr. DeLeone and seconded by Mr. Ferrara. On roll call, voting “Yes”: Mr. DeLeone, Mr. Ferrara, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, and Mr. Amrhein. Voting “No”: Mr. Kuhar, and Ms. Wallach. The Motion CARRIED by a roll call vote of 7-2.

Council Comments:

Ms. Shaffer Bish said years ago Council embarked on a process of rate stabilization and thought it was the right thing to do and had to take a big jump. This is a relatively small jump in comparison. There is never going to be a good time for rate stabilization but the City's health depends on it. She thinks if we vote no, we are pushing responsibilities down the road.

Mr. Turner agreed with Ms. Shaffer Bish and said it would be a matter of “kicking the can” down the road. He appreciates and understands difficulties all are going through but the amount of the increase is minimized and conceptually if this is not done there will be a greater increase in the future. The logic that has been applied by the City Administrators, this is the appropriate mechanism to be used now to try to address the shortfall. It is a chronic, unfortunate situation but we will be able to deal with it if we stick to our plan.

Mr. Kuhar said he will vote no and added we will always continue to need money and right now there is hope that within a year, things will be back to normal and everyone will be back to making money again. He has a hard time justifying a rate increase at this time and continuing on with a widening of a bike trail for millions of dollars. He knows they are two different things but something does not strike him as good to do at this time. In six to eight months he would probably vote yes.

Ms. Wallach agreed with Mr. Kuhar.

ORDINANCE 2020-125 PASSED as stated by Clerk Wilkens.

Draft No. 2020-126 AN ORDINANCE AMENDING ORDINANCE NO. 2019-140 THE POSITION ALLOCATION AND GENERAL COMPENSATION PLAN 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. DeLeone and seconded by Mr. Ferrara. On roll call, voting “Yes”: Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein and Mr. DeLeone. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2020-126 made by Mr. Ferrara and seconded by Mr. DeLeone. On roll call, voting “Yes”: Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein and Mr. DeLeone. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE 2020-126 PASSED as stated by Clerk Wilkens.

Draft No. 2020-127 AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE RIGHT OF WAY AGREEMENTS FOR THE PURPOSE OF OBTAINING TEMPORARY AND PERMANENT EASEMENTS FOR THE CONSTRUCTION OF THE SOUTHWEST SANITARY PUMP STATION PROJECT, 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. Kuhar and seconded by Mr. DeLeone. On roll call, voting "Yes": Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Mr. Amrhein and Mr. Ferrara. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2020-127 made by Mr. Kuhar and seconded by Mr. Ferrara. On roll call, voting "Yes": Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Mr. Amrhein and Mr. Ferrara. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE 2020-127 PASSED as stated by Clerk Wilkens.

Draft No. 2020-128 AN ORDINANCE AMENDING ORDINANCE NO. 2019-139, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 18, 2019; 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, 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. Sidoti. On roll call, voting "Yes": Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Mr. Kuhar. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2020-128 made by Mr. Ferrara and seconded by Ms. Rosenberg. On roll call, voting "Yes": Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Mr. Kuhar. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE 2020-128 PASSED as stated by Clerk Wilkens.

Draft No. 2020-129 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, 2021, 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. Kuhar and seconded by Mr. DeLeone. On roll call, voting "Yes": Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, and Ms. Rosenberg. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2020-129 made by Mr. Kuhar and seconded by Mr. Ferrara. On roll call, voting "Yes": Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, and Ms. Rosenberg. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE 2020-129 PASSED as stated by Clerk Wilkens.

Seeing no further business, the Finance Committee adjourned at 8:20 P.M.

Mayor Fiala asked before going into Unfinished Business for Mr. Ruller, City Manager, to provide any insight for 2021.

Mr. Ruller said he had practical news about budgetary adjustments that needed to be made due to Covid-19, and that we will need an emergency meeting with Council before the end of the year to be compliant with the auditors. The auditors would like the year concluded in a different way due to the CARES Act funding that was received and would like it done before December 31, 2020. The meeting will be the week after Christmas. He said he did not have any exciting or happy news and thought Ms. Wallach said it best, thank God 2020 is ending.

Mayor Fiala confirmed the meeting will be on December 30, 2020 at 7 P.M.

Unfinished Business: NONE

New Business: NONE

Council Comments:

Ms. Wallach said she is happy everyone has stayed healthy through all the challenges this year.

Ms. Rosenberg added she was happy to see the email about vaccinations for the first responders which gave her a boost of confidence and she is glad to see they are going to be protected.

Mr. Kuhar said he has an employee of his that said they are going to wait and watch when they give the vaccine to see how people are doing with it. Mr. Kuhar told him by the time he gets the vaccine, he will have waited already.

Ms. Shaffer Bish added that in addition to Kent State University employees and Kent City employees, she encouraged everyone to find a way to support the local businesses through the holiday season and beyond. It is really important to keep your money local as much as you can despite any inconvenience in going into a store versus pushing a button on a computer, but it's real important to help them get through this.

Mayor's Report:

Mayor Fiala said generally this day a Council Christmas party happens and it usually snows every time and the Service Director puts out a parking ban. The party will not occur because of Covid but maybe if things are good in July, we can have a Christmas in July party.

Mayor Fiala said people celebrate December 25th in different ways, but whatever you believe to respect the other person for what they believe and that's what it's about. He wishes that everyone stays healthy and gets out of this year and into 2021. He doesn't think it could be much worse and hopes it's better. Happy New Year.

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

Amy Wilkens
Clerk of Council

Jerry T. Fiala
Mayor and President of Council



City Council Special Meeting Minutes
The City of Kent, Ohio
Wednesday, December 30, 2020

Due to the COVID-19 pandemic, this meeting was held virtually using the Zoom platform and not recorded due to technical issues.

At 7:00 p.m., Mayor Jerry T. Fiala called the **Special 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 Bish; Mr. Roger Sidoti; Mr. Robin Turner; Ms. Tracy Wallach

ALSO PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Public Service Director; Ms. Rhonda Hall, Budget and Finance Director; Mr. John Tosko, Fire Chief; Mr. Nick Shearer, Chief of Police; Ms. Amy Wilkens, Clerk of Council

MOTION to authorize Draft No. 2020-131 and 2020-132 made by Mr. DeLeone SECONDED by Mr. Ferrara and CARRIED with a vote of 9-0.

Draft No. 2020-131 AN ORDINANCE AMENDING ORDINANCE NO. 2019-139, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 18, 2019; 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, 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. Kuhar and seconded by Mr. Sidoti. On roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner and Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2020-131 made by Mr. Ferrara and seconded by Mr. DeLeone. On roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner and Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE 2020-131 PASSED as stated by Clerk Wilkens.

Draft No. 2020-132 AN ORDINANCE ENCUMBERING CERTAIN SALARIES AND BENEFITS NOT ENCUMBERED AS OF NOVEMBER 20, 2020 THAT QUALIFY FOR CARES ACT FUNDING TO COMPLY WITH HOUSE BILLS 481 AND 614; 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. Kuhar and seconded by Mr. Ferrara. On roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach and Mr. Amrhein. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2020-132 made by Mr. Kuhar and seconded by Ms. Rosenberg. On roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach and Mr. Amrhein. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE 2020-132 PASSED as stated by Clerk Wilkens.

Seeing no further business, the Special Meeting adjourned at 7:10 P.M.

Amy Wilkens
Clerk of Council

Jerry T. Fiala
Mayor and President of Council



CITY COUNCIL

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

WEDNESDAY, January 6, 2021 PUBLIC HEARING- Davey Tree Enterprise Zone Agreement

At 6:55 p.m., Mayor Jerry T. Fiala called the *Public Hearing public hearing to allow for public comment and questions regarding a proposed Enterprise Zone Agreement between the City of Kent and The Davey Tree Expert Company in support of the expansion of the company's corporate headquarters located at 1500 N. Mantua Street, Kent, Ohio* to order. Roll call was taken.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Mr. John Kuhar; Ms. Gwen Rosenberg; Ms. Heidi Shaffer Bish; Mr. Roger Sidoti; Mr. Robin Turner; 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; Mr. Jim Bowling, City Engineer; Ms. Rhonda Hall, Budget and Finance Director; Ms. Melanie Baker, Service Administration Director; Mr. Gary Bishop, IT Manager; Ms. Joan Seidel, Health Commissioner; Mr. Nick Shearer, Chief of Police; and Ms. Amy Wilkens, Clerk of Council.

On December 28, 2020, notice was given that the Kent City Council will conduct a public hearing to allow for public comment and questions regarding a proposed Enterprise Zone Agreement between the City of Kent and The Davey Tree Expert Company in support of the expansion of the company's corporate headquarters located at 1500 N. Mantua Street, Kent, Ohio.

Ms. Bridget Susel, Community Development Director, reviewed the proposal, noting a full presentation will be given during the Community Development Committee Meeting and that this hearing was to allow for public comment.

Mr. Fiala asked if there were any members of the public signed in to speak or provided comment. Clerk Wilkens stated there was none signed in nor any comments provided prior to the meeting.

Hearing no further business, Mayor Fiala adjourned the Public Hearing at meeting at 6:57 p.m.

Amy Wilkens
Clerk of Council

Jerry T. Fiala
Mayor and President of Council



Committee of the Whole Meeting Minutes

The City of Kent, Ohio
Wednesday, January 6, 2021

Due to the COVID-19 pandemic, this meeting was held virtually using the Zoom platform and was live streamed on the City of Kent YouTube Channel.

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

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Mr. John Kuhar; Ms. Gwen Rosenberg; Ms. Heidi Shaffer Bish; Mr. Roger Sidoti; Mr. Robin Turner; 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; Mr. Jim Bowling, City Engineer; Ms. Rhonda Hall, Budget and Finance Director; Ms. Melanie Baker, Service Administration Director; Mr. Gary Bishop, IT Manager; Ms. Joan Seidel, Health Commissioner; Mr. Nick Shearer, Chief of Police; and Ms. Amy Wilkens, Clerk of Council.

There was one (1) item on the Agenda.

1. Board and Commission Applications

Mayor Fiala introduced the meeting topic of the review of applications for Boards and Commissions and noted there would be a discussion about applicants during the Executive Session and voting will take place at the Regular Council Meeting on January 20, 2021.

Ms. Wilkens asked Council members if they had received the application emailed to them this week. The application for Mary Jayne Stone was postmarked by December 20th, which was before the deadline. There are two applicants for the Sustainability Commissions.

Seeing no further business or questions for this committee, it adjourned at 7:05 p.m.

Amy Wilkens
Clerk of Council

ACTION RECOMMENDED:

- 1) N/A



Community Development Meeting Minutes

The City of Kent, Ohio
Wednesday, January 6, 2021

Due to the COVID-19 pandemic, this meeting was held virtually using the Zoom platform and was live streamed on the City of Kent YouTube Channel.

Chair Mr. John Kuhar called the Community Development Committee of Kent City Council to order at 7:05 p.m.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Mr. John Kuhar; Ms. Gwen Rosenberg; Ms. Heidi Shaffer Bish; Mr. Roger Sidoti; Mr. Robin Turner; 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; Mr. Jim Bowling, City Engineer; Ms. Rhonda Hall, Budget and Finance Director; Ms. Melanie Baker, Service Administration Director; Mr. Gary Bishop, IT Manager; Ms. Joan Seidel, Health Commissioner; Mr. Nick Shearer, Chief of Police; and Ms. Amy Wilkens, Clerk of Council.

GUEST: Ms. Molly Senter, Director of Property, The Davey Tree Expert Company

There was one (1) item on the Agenda.

1. Davey Tree Enterprise Zone Agreement

Mr. Kuhar introduced Ms. Bridget Susel, Community Development Director, to discuss the topic of the Davey Tree Enterprise Zone Agreement.

Ms. Susel said Davey Tree is expanding at its corporate location at 1500 N. Mantua, adding a third wing to the existing corporate center. It is a \$14 million investment for 38,400 square feet of additional space and the project is anticipated to begin in March. The Enterprise Zone agreement is similar to the CRA2 agreements on West Main Street with the only difference being the Enterprise Zone in the city of Kent applies to the entire city. This is the first one put in place with the Zone being put in place in previous years and amended over time, this is the first agreement issued through this process. It has additional notification responsibilities and is filed with the Portage County Commissioners.

Ms. Susel continued by stating under the Enterprise Zone Agreement, the Ohio Revised Code allows for 75% of the real property tax exemption. They (Davey) are asking for the exemption to be applied for a ten-year period. The expansion would create thirty-five (35) new jobs over a period of three years, generating just under \$1.8 million in new payroll by the end of the third year. The City does have an income tax share with Kent City School Districts of 50% and information regarding this agreement has been conveyed to the school (district). An advisory review committee met to make the recommendation to Council and the School Superintendent is a member of the committee as well as the Chair of the Community Development Committee and the Chair of the Finance Committee. The recommendation was to approve it at the requested 75% for ten years. She mentioned a couple of Davey Tree representatives that were on the call that could speak to specific questions.

Ms. Shaffer Bish asked Ms. Susel if there is a limit to the number of Enterprise Zones that can be created in the city. Ms. Susel said the Enterprise Zone is city wide and was done when it was established. Ms. Susel said you would not be able to get a CRA exemption and an enterprise zone, so this was put in place to incentivize projects outside of the existing CRA 1,2 and 3 zones currently in place.

Ms. Shaffer Bish asked if another company says they are in the enterprise zone if this is something the City is required to go along with and if it helps in any way with other endeavors. Ms. Susel said the consideration to do this by her predecessors would be to encourage development outside of the CRAs.

Ms. Shaffer Bish asked if forty-five existing employees will be transferred to the new building. She understands thirty-five jobs will be created but she also read forty-five employees would be transferred and if that would that leave vacancies in the downtown.

Molly Senter from Davey Tree replied that some corporate employees at the S. Water Street location would be brought back to Corporate Headquarters once they are able to expand but it doesn't mean there would be a vacancy in that office. It will allow for the Davey Resource Group room to expand. Since moving in there in 2012, they had continued to add staff to that facility and are running out of space there. They also leased space at West River Place knowing they would be developing the corporate space, and they will be able to also move that staff onto the corporate campus as well. It would leave a vacancy at West River Place, but that was always the intent going forward.

Mr. Ferrara thanked Davey Tree's continued support for the city of Kent and thinks this is a great opportunity to help solidify that and keep business in Kent. He asked if there was an update regarding the Resource Group on the East side of St. Rt. 43 and if the Resource Group would be moving or if it would bring in other Davey employees outside of the City. Ms. Senter said the former golf course area was not meant to be a campus for Davey Resource Group, the intent of that is a training and research center. A master plan was developed and shared in 2019 outlining it as a development and research and training center. There will be some full-time staff at that location and they will be bringing Davey employees and members of the industry in for training programs hosted by Davey and different symposiums from different associations Davey participates in.

Chair Kuhar asked Councilmembers to keep questions directly in relation to the topic of the Enterprise Agreement.

Mr. Ferrara asked if this enhances the protentional for annexation of that property. Ms. Susel said that property would probably not be associated with this Enterprise Zone as that is a separate discussion for further down the road. The Enterprise Zone does open up the discussion for development in other parts of the city, which is something that is definitely encouraged.

Mr. Ferrara MOVED TO APPROVE THE ENTERPRISE AGREEMENT with and emergency clause SECONDED by Ms. Shaffer Bish and CARRIED by a voice vote of 9-0.

Mr. Ferrara said anything to help out Davey Tree should be done as it is a great partnership and is great for the city of Kent. It is a world-wide organization and it is great to have it in Kent.

Ms. Shaffer Bish said we are proud of Davey Tree and she is very glad the Enterprise Zone is being put to use and maybe it will help attract additional businesses and create a model for more economic development throughout the city of Kent. She thanked Ms. Susel and Davey Tree for pioneering this concept.

Seeing no further business or questions for this committee, it adjourned at 7:14 p.m.

Amy Wilkens

Amy Wilkens
Clerk of Council

ACTION RECOMMENDED:

- 1) **Authorize the proposed 10-year Enterprise Zone Agreement between the City and Davey Tree.**



Land Use Committee Meeting Minutes

The City of Kent, Ohio
Wednesday, January 6, 2021

Due to the COVID-19 pandemic, this meeting was held virtually using the Zoom platform and was live streamed on the City of Kent YouTube Channel.

Chair Ferrara called the Land Use Committee of Kent City Council to order at 7:14 p.m.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Mr. John Kuhar; Ms. Gwen Rosenberg; Ms. Heidi Shaffer Bish; Mr. Roger Sidoti; Mr. Robin Turner; 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; Mr. Jim Bowling, City Engineer; Ms. Rhonda Hall, Budget and Finance Director; Ms. Melanie Baker, Service Administration Director; Mr. Gary Bishop, IT Manager; Ms. Joan Seidel, Health Commissioner; Mr. Nick Shearer, Chief of Police; and Ms. Amy Wilkens, Clerk of Council.

There were two (2) items on the Agenda.

1. Right of Way Dedication, 1625 South Water Street

Ms. Susel informed Council that often times when development moves forward, a survey is done of the property and a parcel extends out into the roadway and is typically dedicated back to the City. This formalizes that process and is the part of the parcel that extends out to S. Water Street.

Ms. Shaffer Bish asked if there was any push back from any of the community or any issue that Council needs to know about.

Ms. Susel replied the challenges have already been dealt with. There was a variance request from the developer and owner of the site to the Board of Zoning Appeals, which was denied. The City was taken to court and the court found in favor of the developer regarding the applicability of a word of how "adjacent" was being utilized. The variance was granted which allowed the project to move forward. The site plan review went to Planning Commission in August and was approved. The Planning Commission did not find anything that would lead to a denial of the site plan review. It is now in technical plan review. There was some opposition but the proper channels were followed and the project has been approved.

MOTION TO APPROVE the right of way dedication with emergency clause was made by Mr. Kuhar, SECONDED by Mr. DeLeone and CARRIED by a voice vote of 9-0.

2. Request to Subdivide City Property Behind Ivan Drive

Ms. Susel stated this item was brought forth from a resident's request and the administration is bringing to Council to get feedback. The request involves buying a portion of a City owned parcel on Ivan Drive. The owner's backyard abuts the parcel and the area on the map (**Attachment #1**) is the area she is seeking to purchase. The City has typically not sold just a portion of a parcel in the past. The City has this parcel from when a subdivision had been approved and there were plans for a cul-de-sac to be built. That was never done. It was approved on the subdivision plat and plan but it never was developed, which happens often. It is being presented to Council to show the overall purpose of holding that property. The City Arborist has planted the area with trees and a greenspace area to improve the look. Ms. Susel is asking for feedback as there needs to be some

understanding and rationale/parameters if we are going to sell portions of a parcel that are held by the City for a purpose, even if it doesn't come to fruition.

Ms. Wallach asked if there are trees planted on the portion this person is intending to buy. Ms. Susel said there were not. She added this person is trying to expand her backyard to do some gardening. The trees are further over to the west area.

Mr. Sidoti asked Ms. Susel if this is similar to vacating the "road to nowhere" a few months back. Ms. Susel said it is a similar situation but the only difference is that in this situation it is a portion of a parcel and not a whole parcel. The Zoning and Planning staff discussed this when looking at this case and they do not anticipate the cul-de-sac coming to fruition at the end of Ivan Drive. But with that being said, if Council were to support a portion of a sale of a parcel that had that kind of a plan dedication, she would suggest taking this back to Planning Commission to have them look at the removal from the subdivision plan. She worries that if we get into a situation where we sell a portion of a parcel and the whole parcel is needed, that could become problematic. This is different because they only want to purchase a portion. There needs to be objective rationale established.

Mr. Sidoti asked if this cul-de-sac would ever be developed. Ms. Susel does not anticipate it being developed. She does not know if it is currently being used as a "park" area but those around it, but the City does maintain it.

Mr. Ruller added it is a little different because it is not an actual street and it can't be automatically be offered to the adjacent homeowners. There are some complications due to this. Ms. Hope Jones said if the City chooses one resident to sell this property to, Council will have to waive bidding and allow this person to buy it. Council can do either but the law does require them to go out to bid. Ms. Susel added it would need to be surveyed as well and is a complicated request in some respects.

Mr. Sidoti asked if the best thing Council could do is to ask Community Development, working with the Planning Commission, to come up with a process for these types of requests so the City is not caught with using different processes for other requests in the future. Ms. Susel said this was brought to Council because there are challenges that could cause difficulties. This request sounds reasonable for her to expand her yard and is supported, but what happens in the future if this is requested for industrial property or is something that the City does not want to expand, well they already set a precedent. How do they decide on how much of the parcel is sold? Right now, there are more questions than answers.

Mr. Kuhar asked about zoning and the cost for survey and re-plat. Ms. Susel said the zoning would remain at R3 but the cost for survey and re-plat is in question. Mr. Kuhar asked how this would be justified to the public that it would be a non-bidding situation.

Ms. Shaffer Bish thanked Mr. Kuhar for asking the question in regards to zoning. She asked if this land could be developed in the future for housing or frontage on Water Street. Ms. Susel said it wouldn't be extensive. She added a similar situation came to the Board of Zoning Appeals with the parcel on the corner of Harvey and Lake Street. A developer tried to develop eighteen years ago and was denied. He is now proposing single units for seniors with less density and put eight units in. He needed variances for the setbacks, which are limited but needed. On this site (on Ivan) maybe two units could be developed.

Ms. Shaffer Bish asked how it was determined how much area of land was requested. Ms. Susel said that the resident asked for a specific area because her parcel is an odd shape and this would give her a larger back area where she could plant a garden and it would give her move of a buffer on the west side. Ms. Shaffer Bish asked if she could just put a garden in on that property without

purchasing it. Ms. Susel said that does occur across the City and they are not in the habit of asking people to pull up their gardens if it is not something we need, which has happened in the past.

Ms. Wallach asked if the land could just be leased to her for her garden and the City would still own it. Ms. Hope Jones said a permit could be issued to use the land for a period of time and in the permit outline that she could not put up any structures on it and if the city needs it she would need to give it back.

Mr. Kuhar said he was going to suggest the City could offer her a limited license to use it.

Ms. Rosenberg asked if offering her a permit would be just for the time period the City is reviewing the request and before coming back to Council with a recommendation. Ms. Susel said she thought this would be in lieu of selling the parcel. Ms. Rosenberg asked if the administration would still like guidance on future issues. Ms. Susel replied this is an unusual request and she has never had anyone request to buy a portion of a parcel. She said offering this homeowner a permit would be a great way to give them what they are looking for but not create challenges for the City. Selling a portion of a parcel sets a precedent and we don't know how that would affect future requests.

Mr. Sidoti asked if it would be reasonable to put a ten-year time limit on the permit and they would have to come back to renew. He asked if it would make sense to limit it for a period of time. Ms. Susel says it could be written to say ten years, unless she sells the property.

Ms. Jones said this could be done and suggested five years. She could put language together to give the City leeway to get the property back if needed.

MOTION made by Mr. Sidoti, to send this back to administration to develop a leasing proposal and then bring back to Council for approval SECONDED by Ms. Shaffer Bish and CARRIED by a voice vote of 9-0.

Ms. Shaffer said the precedent issue is the most concerning to her and she likes the idea allowing this land to be utilized for a garden in a temporary way.

Ms. Wallach asked if there was a difference between a permit and a lease. Mr. Ferrara said she was going back to discussion. She replied she is not going to support a lease if it is different than a permit. Mr. Ferrara said the motion is to send to the administration to develop and then come back to Council with their thoughts.

MOTION to amend the motion made by Mr. Kuhar, adding language from the Law Director on the best terminology to use, whether it be a license, a lease or a permit, SECONDED by Ms. Wallach and CARRIED by a voice vote of 9-0.

Mr. Kuhar said Hope Jones will have the proper terminology to use that is best for the City and it sounds as if she is on the right track.

Mr. Sidoti does not have a problem with the amendment and believes it belongs in the hands of the Law Director, Community Development and the Administration to work on and bring back to Council.

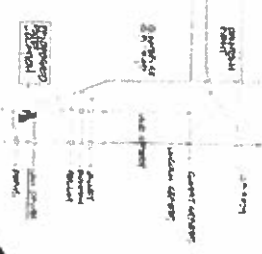
Seeing no further business or questions for this committee, it adjourned at 7:40 p.m.

Amy Wilkens

Amy Wilkens
Clerk of Council

ACTION RECOMMENDED:

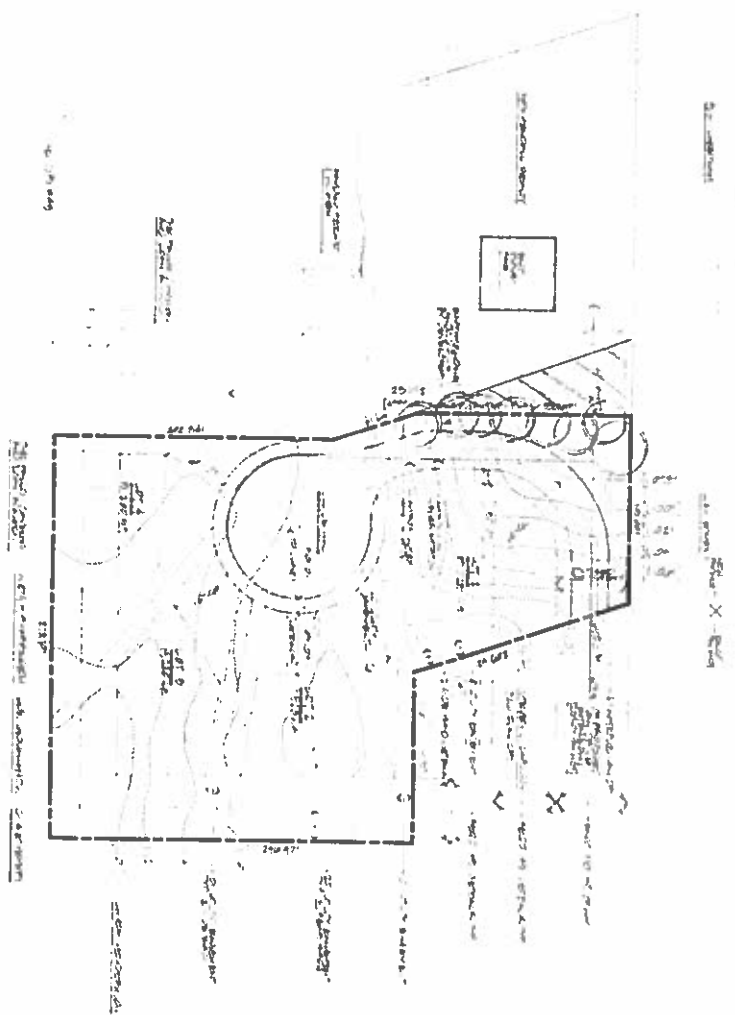
- 1) Authorize acceptance of the proposed street right of way for the new Dunkin' Donuts at 1625 S. Water Street.
- 2) Authorize staff to develop a leasing program for citizens to temporarily use land owned by the City, with language written by the Law Director and return its findings to Council.



SITE LOCATOR MAP
(NO SCALE)

PROPERTY SCHEDULE

Lot	Area (Ac.)	Owner
1	1.00	State of Ohio
2	1.00	State of Ohio
3	1.00	State of Ohio
4	1.00	State of Ohio
5	1.00	State of Ohio
6	1.00	State of Ohio
7	1.00	State of Ohio
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10	1.00	State of Ohio
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93	1.00	State of Ohio
94	1.00	State of Ohio
95	1.00	State of Ohio
96	1.00	State of Ohio
97	1.00	State of Ohio
98	1.00	State of Ohio
99	1.00	State of Ohio
100	1.00	State of Ohio



PRELIMINARY SUBDIVISION PLAN
IVAN DRIVE SUBDIVISION
PROPOSED SITE DEVELOPMENT PLAN 1"=40'-0"

PRENTISS BROWN ASSOCIATES, AIA
132 SOUTH WATER STREET
KENT, OHIO 44240
Architects Planners



Finance Committee Meeting Minutes

The City of Kent, Ohio
Wednesday, January 6, 2021

Due to the COVID-19 pandemic, this meeting was held virtually using the Zoom platform and was live streamed on the City of Kent YouTube Channel.

Chair DeLeone called the Finance Committee of Kent City Council to order at 7:40 p.m.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Mr. John Kuhar; Ms. Gwen Rosenberg; Ms. Heidi Shaffer Bish; Mr. Roger Sidoti; Mr. Robin Turner; 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; Mr. Jim Bowling, City Engineer; Ms. Rhonda Hall, Budget and Finance Director; Ms. Melanie Baker, Service Administration Director; Mr. Gary Bishop, IT Manager; Ms. Joan Seidel, Health Commissioner; Mr. Nick Shearer, Chief of Police; and Ms. Amy Wilkens, Clerk of Council.

There were three (3) items on the Agenda.

1. Parks and Rec Fee Moratorium Extension

Ms. Hope Jones reminded Council of Administration's request back in June for a moratorium that would allow time for outside counsel to review if fees were legal and fell in line with any case law. That moratorium was up at the end of December. Ms. Jones contacted the outside counsel and was advised the review was going to be done imminently. Ms. Jones has not yet seen the review and is asking the moratorium be extended for another six-month period which would allow for receipt from the attorney, review by administration and to bring back to City Council to review. She added there may be projects in the future that this may impact.

Ms. Susel added the projects that may be impacted are both of the projects on Franklin. The project on the corner of Erie and Franklin that is currently under construction, was approved by the Planning Commission back when the Park fee was in place in regards to the City's match. The developer is getting ready to pay the Park fee, which is going to the Park Board to be finalized, with the cost being \$12,480 and because this was before the moratorium, the City would need to match this amount. The Kent West Apartment development, which is directly south of this development, has not yet gone to Planning Commission but will be within the next month. The park fee for this development is \$36,666 which will be paid, but if the moratorium were not to be continued, we would be matching this cost as well.

Ms. Shaffer Bish asked for clarification if the moratorium was on the fee paid by the private developer and the City of Kent. Ms. Jones verified it is only on the City's match.

Ms. Susel added this is why outside counsel is reviewing, to see what other cities do. Fees paid by a developer on residential projects are not always matched by a municipality.

Ms. Shaffer Bish asked if a permanent moratorium would be considered. Ms. Jones replied yes, that is what the outside attorneys are reviewing; if the current setup is legal and if it is not legal where the issues are. They are also reviewing if the City does not want to match the fees going forward, if that is legal as well.

Mr. Sidoti asked if they did not already have a lengthy discussion regarding how much the City has been paying and it was an extraordinary amount. Looking at the long-term budgeting process, were we not considering eliminating the match. Ms. Jones said this was correct and we are just looking for an extension to allow for the attorneys to continue to review. Ms. Susel added that if the moratorium is not extended, the City may be required to pay a significant fee for the future development project previously discussed.

MOTION was made by Mr. Sidoti to extend the moratorium for six months, SECONDED by Mr. Amrhein and CARRIED by a voice vote of 9-0.

2. Grant Funding for Ballistic Vests

Chief Shearer reminded Council of his visit a few months ago regarding a grant opportunity through the Bureau of Workers Compensation in which the State of Ohio pays 75% and the City pays 25%. The Police Department was awarded the grant and is asking to accept the grant funding, which is \$5,287.71 with the City's match being \$1,762.57. This is a reimbursement grant and the funds have already been spent, so they will be reimbursing the \$5,287.71.

MOTION made by Mr. Kuhar to approve the acceptance of grant funding, with an emergency clause, SECONDED by Ms. Rosenberg and CARRIED by a voice vote of 9-0.

3. SW Sanitary Pump Station- Temporary and Permanent Easement Appropriation

Mr. Ruller started the discussion by stating this is a little bit of the legal process. Mr. Bowling has been bringing forward the different easements for the SW Sanitary Pump Station with the authorization given by Council for him to do so as long as he follows the process. There are a few outstanding easements that have not yet been resolved to the process to resolve fairly is the "Necessity and Intent" step, which is the first step.

Mr. Bowling said they are nearing the part of having the plans done and going to bid and have gotten thirteen of the sixteen owners to sign the agreements. One of the remaining three are in negotiations right now and are having a hard time getting in touch with the other two owners. We would like to start the process to enable going out to bid in March or April. We are requesting Council approval for a declaration for necessity and intent to appropriate parcels from three owners for the SW Sanitary Pump Station.

Mr. Kuhar asked if these homeowners are just avoiding Mr. Bowling and if this is a permanent acquisition of land or just temporary.

Mr. Bowling replied that two cases need a permanent and a temporary easement. The temporary easement would not have much restrictions, just to allow the City to put in sewer. Sewer lines would be moved away from the house into the easement, giving owners more land back. He believes the reasons those two have not responded are due to one transitioning into assisted living and the other is a rental property and the owners have been slow to respond. The third one is a sliver of a permanent easement but is only 105 square feet, which the City may be able to work around.

MOTION made by Mr. Amrhein to authorize a necessity and intent procedure with an emergency clause SECONDED by Ms. Shaffer Bish and CARRIED by a voice vote of 9-0.

MOTION made by Mr. Amrhein to move into 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." Items to be discussed: Board and Commission Appointments and the Management Rights section of the General Compensation Plan, SECONDED by Mr. Kuhar. On roll call voting "Yes": Mr. Amrhein; Mr. DeLeone; Mr. Ferrara; Mr. Kuhar; Ms. Rosenberg; Ms. Shaffer Bish; Mr. Sidoti; Mr. Turner and Ms. Wallach.

MOTION made by Mr. Ferrara to return to Committee Meeting (8:20 pm) SECONDED by Mr. DeLeone and CARRIED by a voice vote of 9-0.

MOTION made by Mr. Ferrara to accept changes to language in the General Compensation Plan as presented during Executive Session, SECONDED by Ms. Rosenberg and carried by a voice vote of 9-0.

Seeing no further business or questions for this committee, it adjourned at 8:21 P.M.



Amy Wilkens
Clerk of Council

ACTION RECOMMENDED:

- 1) Authorize the extension of the suspension of the City's share of the Kent parks and recreation development fees for another 6 months as presented.**
- 2) Approve the acceptance and appropriation of the Ohio grant funds in the amount of \$5,287.71**
- 3) Authorize the "necessity and intent" procedures**
- 4) Authorize changes to language in the General Compensation Plan**