



CITY OF KENT, OHIO

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

Wednesday, June 16, 2021 **Regular City Council Meeting** **Executive Session**

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

7:30 P.M. Regular Council Meeting

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." **AND** Section G, Item (2) "To consider the purchase of property for public purposes, the sale of property at competitive bidding, or the sale or other disposition of unneeded, obsolete, or unfit-for-use property in accordance with section 505.10 of the Revised Code, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest."

1. Roll Call
2. Opening Remarks and Pledge of Allegiance (Mr. Turner)
3. Approval of Minutes
 - 3.1 Public Hearing of May 19, 2021
 - 3.2 Regular City Council Meeting of May 19, 2021
 - 3.3 Public Hearing of June 2, 2021
 - 3.4 Special City Council Meeting of June 2, 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 Email from Health Commissioner Joan Seidel thanking Council for its discussion and vote for a resolution supporting Public Health received on May 20, 2021.
- 4.2.2 Letter from League of Women Voter's of Kent regarding reactivation of Observer Corps, where designated League members attend governmental meetings notifying Council Kitty Endres will be attending Kent City Council meetings as an observer received on May 18, 2021.
- 4.2.3 Planning Commission Agenda and Staff Report for the June 1, 2021 meeting received on May 25, 2021.
- 4.2.4 Notification the June Board of Health meeting was canceled received May 28, 2021.
- 4.2.5 Email received from Mr. Peter Paino regarding the proposed changes to the Architecture Review Board received June 2, 2021 and forwarded to Council.
- 4.2.6 Standing Rock Cemetery meeting minutes for May 13, 2021 and Agenda for the June 10, 2021 meeting received on June 2, 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: June 2, 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. 2021-053** RESOLUTION APPOINTING _____ TO THE PORTAGE AREA REGIONAL TRANSIT AUTHORITY (PARTA) BOARD, AND DECLARING AN EMERGENCY (Authorized)
- 5.1.6 **Draft No. 2021-054** RESOLUTION APPOINTING _____, _____, _____ TO THE SALARY REVIEW COMMITTEE AND _____, _____ AS ALTERNATES, AND DECLARING AN EMERGENCY (Authorized)

5.2 **Community Development** (Kuhar/Rosenberg)

- 5.2.1 Committee Meeting Minute Approval: June 2, 2021
- 5.2.2 Action Recommended:
 - 1) Authorize the acceptance of the sign donation, and installation of the sign in the City Right of Way
- 5.2.3 **Draft No. 2021-055** AN ORDINANCE ACCEPTING A DONATION FROM THE PORTAGE FOUNDATION, IN AN AMOUNT NOT TO EXCEED \$13,995.00, AND USE THE FUNDS TO PAY ADVANCED DISPLAY FOR NEW SIGNAGE FOR THE "HISTORIC SOUTH END" NEIGHBORHOOD, AND DECLARING AN EMERGENCY (Authorized)

5.2.4 **Draft No. 2021-056** AN ORDINANCE AMENDING THE DOWNTOWN KENT DORA THAT WAS ENACTED ON JUNE 17, 2020, ORDINANCE 2020-49, TO EXTEND THE DORA HOURS UNTIL 11:00 P.M. ON SATURDAY, JUNE 26, 2021 ONLY, AND DECLARING AN EMERGENCY. (Unauthorized)

5.3 **Health & Safety Committee** (Amrhein/Sidoti)

5.3.1 Committee Meeting Minute Approval: June 2, 2021

5.3.2 Action Recommended: NONE

5.4 **Land Use Committee** (Ferrara/Schafer)

5.4.1 Committee Meeting Minute Approval: June 2, 2021

5.4.2 Action Recommended:

- 1) Authorize the Zoning Code update to amend Part Eleven- Planning and Zoning Code Chapters 1101-1175
- 2) Authorize the Zoning Code change from Industrial to Commercial Downtown at 107 Lake Street

5.4.3 **Draft No. 2021- 057** AN ORDINANCE ENACTING NEW CHAPTERS OF THE PLANNING AND ZONING CODE IN PART ELEVEN OF THE CODIFIED ORDINANCES (CODE), REPEALING CERTAIN CHAPTERS OF THE CODE, AND DECLARING AN EMERGENCY (Authorized)

5.4.4 **Draft No. 2021-058** AN ORDINANCE AMENDING THE CITY'S ZONING DISTRICTS MAP FOR PARCEL #17-031-21-00-001-000 (107 LAKE STREET) TO BE REZONED FROM ITS CURRENT 1155 I: INDUSTRIAL TO 1146 C-D: COMMERCIAL DOWNTOWN, AND DECLARING AN EMERGENCY (Authorized)

5.5 **Streets, Sidewalks and Utilities** (Sidoti/Wallach)

5.5.1 Committee Meeting Minute Approval: June 2, 2021

5.5.2 Action Recommended:

- 1) Approve the submission of the AMATS Grant Funding grant application and if approved authorize the allocation of the funds
- 2) Approve the submission of the OPWC Grant Funding grant and loan applications and authorize the allocation of the funds

5.5.3 **Draft No. 2021-059** AN ORDINANCE AUTHORIZING THE CITY OF KENT TO SUBMIT TWO (2) FUNDING APPLICATIONS TOTALING \$1,495,200 AND TO EXECUTE THE SUBSEQUENT AGREEMENT TO THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY (AMATS) SPECIAL RESURFACING PROGRAM FY 2022 & FY 2023/24, AND TO ACCEPT THE GRANTS, IF AWARDED, WITH CORRESPONDING APPROPRIATION OF FUNDS TO RESURFACE MAIN AND WATER STREETS AND MOGADORE ROAD/SUMMIT

STREET, AND DECLARING AN EMERGENCY (Authorized)

5.5.4 **Draft No. 2021-060** AN ORDINANCE AUTHORIZING THE CITY OF KENT TO SUBMIT TWO (2) FUNDING APPLICATIONS TOTALING \$945,000 AND TO EXECUTE THE SUBSEQUENT AGREEMENTS WITH THE OHIO PUBLIC WORKS COMMISSION (OPWC), AND TO ACCEPT THE GRANTS, IF AWARDED, WITH CORRESPONDING APPROPRIATION OF FUNDS AND DECLARING AN EMERGENCY (Authorized)

5.6 **Finance Committee** (DeLeone/Wallach)

5.6.1 Committee Meeting Minute Approval: June 2, 2021

5.6.2 Action Recommended:

- 1) Authorize the acceptance of the Easement for the new nursing home facility at the intersection of Meloy Road and State Route 43

5.6.3 **Draft No. 2021- 061** AN ORDINANCE AUTHORIZING THE WATER TAP-IN FOR A SKILLED NURSING FACILITY LOCATED AT 5075 SR 43 AND MELOY ROAD, OUTSIDE THE CITY OF KENT, AND DECLARING AN EMERGENCY (Authorized)

5.6.4 **Draft No. 2021- 062** AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ALLOW THE BUDGET & FINANCE DEPARTMENT TO CREATE A NEW GENERAL LEDGER FUND FOR THE AMERICAN RESCUE PLAN ACT (ARPA) FUNDING CALLED THE LOCAL FISCAL RECOVERY FUND #138, AND DECLARING AN EMERGENCY (Unauthorized)

5.6.5 **Draft No. 2021-063** AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$100.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT TOWARDS THE PURCHASE OF A MEMORIAL TREE FOR THE KENT PARKS, AND DECLARING AN EMERGENCY (Unauthorized)

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

Posted June 9, 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.

Regular Council Meeting Agenda

June 16, 2021

Page 4 of 4



Boards and Commissions Voting for JUNE 2021 Candidates

Portage Area Regional Transit Agency (PARTA) Board– One (1) Vacancy

Applicant:

- ❖ Karen Beck Reappointment

MOTION TO APPOINT _____ TO THE PARTA Board

SALARY REVIEW COMMITTEE – Three (3) Vacancies, Two (2) Alternates

Applicants:

- ❖ Mary Kenneley
- ❖ Warner Mendenhall
- ❖ Thomas Pascarella
- ❖ Jeff Roeger
- ❖ Don Schnee
- ❖ Marie Schnee
- ❖ Kathie Slater
- ❖ Benjamin Tipton

MOTION TO APPOINT _____ TO THE SALARY REVIEW COMMITTEE

MOTION TO APPOINT _____ TO THE SALARY REVIEW COMMITTEE

MOTION TO APPOINT _____ TO THE SALARY REVIEW COMMITTEE

MOTION TO APPOINT ALTERNATE _____ TO THE SALARY REVIEW COMMITTEE

MOTION TO APPOINT ALTERNATE _____ TO THE SALARY REVIEW COMMITTEE



CITY OF KENT, OHIO

CITY COUNCIL

We rely heavily upon citizen participation through Boards, Commissions and Committees to effectively assist City Council and the Administration staff in planning a better community.

Below is an application form that would give us a little background information. Please fill this out if you think you could devote sufficient time to serve on one of our Boards. You may use additional pages, if necessary. If you have a resume, you may attach it to the application. Please return to: Clerk of Council at councilclerk@kent-ohio.org or mail to the address at the bottom of this application.

NAME: Karen A. Beck PHONE: 330 283 0723 (HOME)

ADDRESS: 402 Valleyview Dr. 330 283 0723 (CELL)

EMAIL: Nonni 402@hotmail.com

EDUCATION: B.S. Educ; M. Ed - Kent State University

OCCUPATION: Retired educator; Friendship family to International Teachers

PLACE OF EMPLOYMENT: Retired from Ravenna City School System

POLITICAL PARTY: _____

(OPTIONAL EXCEPT WHEN APPLYING FOR CIVIL SERVICE COMMISSION AND INCOME TAX BOARD OF REVIEW WHERE INFORMATION IS REQUIRED BY LAW)

EXPERIENCE RELATED TO THIS APPOINTMENT: Presently on PARTA Board; 21 years
in Kent Free Library Bd; Past Board member of Kent Health Dept
Kent Social Services
Portage Mental Health & Recovery

WHY ARE YOU INTERESTED IN THIS APPOINTMENT? I am presently on the Board,
I support and encourage public transportation

ANYTHING YOU CARE TO ADD, SUCH AS EXPERIENCE ASSOCIATED WITH THE CITY:

I WOULD LIKE TO BE CONSIDERED FOR:

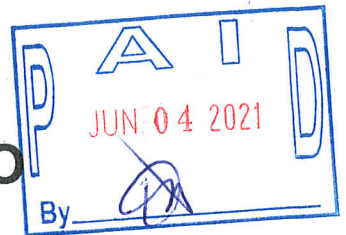
1st CHOICE: P.A.R.T.A. 2nd CHOICE: _____

SIGNATURE: Karen A. Beck DATE: April 27, 2021

*** The City of Kent reserves the right to perform background checks.



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NAME: MARY L KENNELLEY PHONE: 330-673-7056 (HOME)

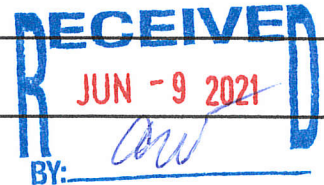
ADDRESS: 1123 ELNO AVE, KENT, OH 44240 330-554-7576 (CELL)

EMAIL: SHORT.OLD.OAK@GMAIL.COM

EDUCATION: SEE ATTACHED

OCCUPATION: SEE ATTACHED

PLACE OF EMPLOYMENT: SEE ATTACHED



EXPERIENCE RELATED TO THIS APPOINTMENT: SEE ATTACHED

WHY ARE YOU INTERESTED IN THIS APPOINTMENT? SEE ATTACHED

ANYTHING YOU CARE TO ADD, SUCH AS EXPERIENCE ASSOCIATED WITH THE CITY:

SEE ATTACHED

I WOULD LIKE TO BE CONSIDERED FOR: 1st CHOICE:

Salary Review Committee 2nd CHOICE: _____

SIGNATURE: M. Kennelley DATE: 4 JUNE 21

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Application Salary Review Committee

EDUCATION:

- *Bachelor of Science in Physical Education and Therapeutic Education from
Kent State University
- *Many classes and seminars during my 32 years with the
City of Kent Police Department

OCCUPATION:

- *Dispatch Coordinator
- *Temporary: Teacher K-12
- *Clerk in Mayors' Court
- *Clerk in the Water Department
- *Clerk in the Income Tax Department

PLACE OF EMPLOYMENT:

- * City of Kent Police Department
- * Ravenna City Schools and
- *Stow City Schools
- *City of Kent

EXPERIENCE RELATED TO THIS APPOINTMENT:

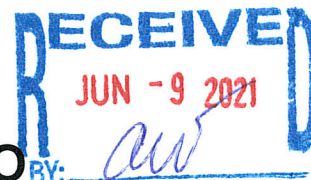
- *A member of the Salary Review Commission in 2015

WHY ARE YOU INTERESTED IN THIS APPOINTMENT:

- * I have always been interested in Kent city government since spending my career with the City of Kent. My education, training, and experience coupled with a basic conversant familiarity with at least eight (8) major councils associated with the city government provided with a professional opportunity to learn and to appreciate their various duties and responsibilities. I believe I can make a meaningful contribution as a member of the Salary Review Commission.



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NAME: Warner Mendenhall PHONE: — (HOME)
ADDRESS: 869 Stonewater Dr. 330 714 1668 (CELL)
EMAIL: Warner Mendenhall@SBCglobal.net
EDUCATION: Ph.D.
OCCUPATION: retired
PLACE OF EMPLOYMENT: —

EXPERIENCE RELATED TO THIS APPOINTMENT: I served on a previous salary review committee for Kent City Council

WHY ARE YOU INTERESTED IN THIS APPOINTMENT? my experiences might be helpful!
I also served a mayor of Silver Lake, Ohio

ANYTHING YOU CARE TO ADD, SUCH AS EXPERIENCE ASSOCIATED WITH THE CITY:

see above!

I WOULD LIKE TO BE CONSIDERED FOR: 1st CHOICE:

Salary Review Committee

2nd CHOICE: —

SIGNATURE: Warner Mendenhall DATE: 5.30.21

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NAME: Dr. Thomas Pascarella PHONE: 330-968-6344 (HOME)
ADDRESS: 1400 River Trail Drive 330-203-6943 (CELL)
EMAIL: tpascarella@neo.rr.com
EDUCATION: BA Government; Master of Public Adm.; Doctor of Business Administration
OCCUPATION: Retired Hiram College Professor, Retired Director of Administration, City of Tallmadge
PLACE OF EMPLOYMENT: Retired

EXPERIENCE RELATED TO THIS APPOINTMENT: Over 40 years employment and consulting with local governments.

Forty years of higher education teaching. Public service including having served on Ohio Retirement Study Commission.

WHY ARE YOU INTERESTED IN THIS APPOINTMENT? Public service. Do something for the community
that I live in. Would be nice to contribute in some way to the City of Kent.

ANYTHING YOU CARE TO ADD, SUCH AS EXPERIENCE ASSOCIATED WITH THE CITY:

A great deal of municipal service in Chicago area and Northeast Ohio, plus college teaching.

I WOULD LIKE TO BE CONSIDERED FOR: 1st CHOICE:

Salary Review Committee

2nd CHOICE:

SIGNATURE:

TH Pascarella

DATE:

5/20/21

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301 S. Depeyster Street, Suite 236, Kent, OH 44240 (330) 678-8007 Fax (330) 678-8688

Dr. Thomas A. Pascarella
tpascarella@neo.rr.com

Education:

Doctor of Business Administration: Kent State University, 1980

Master of Public Administration: Kent State University, 1970.

B.A. in Government Service, Kent State University, 1969

Experience:

2007-2016 Director of Administration: City of Tallmadge, Ohio

1980-2006 Professor of Economic and Management, Hiram College

2008-2014 Part Time, Adjunct Professor of Public Administration at Kent State University

1978 -1992 Management positions with the City of Tallmadge

1975-1978 Director of Planning and Community Development, Summit County, Ohio

1973-1975 Director of Planning and Development, Geauga County, Ohio

1970-1973 Assistant City Manager, Homewood, Illinois.



Council, Clerk of <councilclerk@kent-ohio.org>

Online Form Submittal: Online Boards & Commissions Application

1 message

noreply@civicplus.com <noreply@civicplus.com>

Tue, May 18, 2021 at 10:41 AM

To: councilclerk@kent-ohio.org

Online Boards & Commissions Application

Note

First Name	Jeff
Last Name	Roeger
Address	383 Wilson Ave
City	Kent
State	Ohio
Zip Code	44240
Home Phone Number	330-677-2394
Cell Phone Number	330-808-1445
Email Address	jfroeger@att.net
# of years you have lived in Kent	15
Education	Kent Roosevelt Graduate 1983 Mount Union College 1987 Bachelors of Business Administration
Place of Employment	Walgreen Company since 1994
Political Party	Field not completed.
Are you a registered voter?	Yes
Which boards, commissions and committees are you applying for:	Salary Review Committee
Please provide educational and professional background to assist Council in review of your application.	Have Managed a Walgreens Drug Store in a variety of settings, Downtown Akron to the last 14 years in Kent. Hiring training and evaluating talent from entry level Service Clerks to highly compensated Pharmacists. People are the most important asset to our business. In the drug store business, building trust is the linchpin to success in all we do. It is the dominant factor in evaluating our talent.

Why are you interested in this appointment?	It is important to serve with honor the community in which I live. I do have some qualifications that may be helpful to a Salary Review Committe
Resume or other qualifications	<i>Field not completed.</i>

Email not displaying correctly? [View it in your browser.](#)

Due : June 9, 2021



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NAME: MARIE SCHNEE PHONE: 330 495-2613 (HOME)

ADDRESS: 549 BOWMAN DR. HOME 330 673-4910 (CELL)

EMAIL: marieski@sbcglobal.net

EDUCATION: 3 years - College

OCCUPATION: RETIRED

PLACE OF EMPLOYMENT: RETIRED

EXPERIENCE RELATED TO THIS APPOINTMENT: as a citizen, seeing some serious issues

WHY ARE YOU INTERESTED IN THIS APPOINTMENT? I see an awful lot of misuse of funds; they are currently "working" part time with full time wages.

ANYTHING YOU CARE TO ADD, SUCH AS EXPERIENCE ASSOCIATED WITH THE CITY:

They don't fix problems; blame others (ie. not their job!)

I WOULD LIKE TO BE CONSIDERED FOR: 1st CHOICE:

Salary Review Committee ✓

2nd CHOICE: _____

SIGNATURE: Marie L. Schnee DATE: May 20, 2021

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Due: June 9, 2021



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NAME: DON SCHNGBE PHONE: 330 673 4910 (HOME)

ADDRESS: 549 BOWMAN DR. KENT 330221 4659 (CELL)

EMAIL: DONOSCHGBE@SBCGLOBAL.NET

EDUCATION: COLLEGE GRAD

OCCUPATION: RETIRED

PLACE OF EMPLOYMENT: 50 YEARS OPERATIONS + MANAGEMENT EXPERIENCE

EXPERIENCE RELATED TO THIS APPOINTMENT: MANY YEARS HIRING, FIRING, EVALUATING PERSONNEL

WHY ARE YOU INTERESTED IN THIS APPOINTMENT? I'M BORED IN RETIREMENT & I THINK I CAN ADD SOME VALUE TO THE PROCESS

ANYTHING YOU CARE TO ADD, SUCH AS EXPERIENCE ASSOCIATED WITH THE CITY:

NO EXPERIENCE WITH THE CITY

I WOULD LIKE TO BE CONSIDERED FOR: 1st CHOICE:

Salary Review Committee ☒ 2nd CHOICE: ☐

SIGNATURE: Don Schnge DATE: 5/20/21

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NAME: Kathie Slater PHONE: 330-673-2789 (HOME)
ADDRESS: 740 Governors Circle Kent 330-687-8137 (CELL)
EMAIL: kslater1@neo.rr.com
EDUCATION: B.A. Grinnell College, Political Science; M.A.T. Antioch Putney College of Education
OCCUPATION: Retired Teacher
PLACE OF EMPLOYMENT: Hudson Public Schools, Middle School Language Arts

EXPERIENCE RELATED TO THIS APPOINTMENT: Years of work with the Hudson Schools Union. Served on two negotiating teams with primary focus on salary and benefits. Also Grievance Chair.

WHY ARE YOU INTERESTED IN THIS APPOINTMENT? I would like to be of service to my community.

ANYTHING YOU CARE TO ADD, SUCH AS EXPERIENCE ASSOCIATED WITH THE CITY:

I WOULD LIKE TO BE CONSIDERED FOR: 1st CHOICE:

Salary Review Committee 2nd CHOICE:

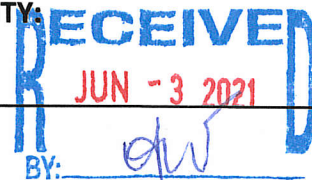
SIGNATURE:

Kathie K. Slater

DATE:

5/20/2021

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740 Governors Circle
Kent, Ohio 44240
May 25, 2021

Dear Ms. Wilkens,

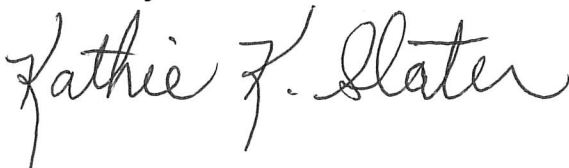
I am interested in serving on the Kent Salary Review Committee. I see such service as a way to give back to the community in which I have enjoyed living for over forty-six years.

I have always been interested in our democratic process. From majoring in political science at Grinnell College, getting a Masters degree in Teaching of Social Studies at Antioch Putney School of Education, to being a member for many years of the League of Women Voters, to my union work as a teacher for the Hudson Schools, public service was important.

A major portion of my union involvement was being a member of the negotiating team for two contract negotiations. Salary and benefits review and discussions were a significant part of this work.

I have also worked on developing employment policies for the Unitarian-Universalist Church of Kent. My church service also includes negotiating with ministerial candidates in terms of compensation and benefits. I believe all of these examples of personnel work would serve the city of Kent well if I was selected to serve on the Salary Review Committee.

Sincerely,

A handwritten signature in cursive script that reads "Kathie K. Slater". The signature is fluid and elegant, with the first name "Kathie" and last name "Slater" clearly legible.

Kathie K. Slater



Council, Clerk of <councilclerk@kent-ohio.org>

Online Form Submittal: Online Boards & Commissions Application

1 message

noreply@civicplus.com <noreply@civicplus.com>

Thu, May 13, 2021 at 11:10 AM

To: councilclerk@kent-ohio.org

Online Boards & Commissions Application

Note

First Name	Benjamin
Last Name	Tipton
Address	451 Park Ave
City	Kent
State	OH
Zip Code	44240
Home Phone Number	13308614189
Cell Phone Number	Field not completed.
Email Address	bentipton@gmail.com
# of years you have lived in Kent	13
Education	BA Kent State, MA University of British Columbia
Place of Employment	Kent State University
Political Party	Field not completed.
Are you a registered voter?	Yes
Which boards, commissions and committees are you applying for:	Salary Review Committee
Please provide educational and professional background to assist Council in review of your application.	My work at Kent State University and an OPERS member in addition to my 6.5 years serving on the City of Kent Board of Zoning Appeals prepares me to participate in the Salary Review Committee. I also have years of experience working for a U.S. Senator in Washington, DC in which I represented and developed policy related to labor and pensions issues across the state of Ohio.
Why are you interested in this appointment?	Knowing somewhat how much time and effort goes into being a City of Kent Council member takes, I'm interested in serving on

the citizen led Salary Review Committee to review and align Council Salaries with the State of Ohio OPERS Guidelines for Service Credit. As an OPERS member myself, I feel like I can also contribute and compare my own experience with that of the City Council.

Resume or other
qualifications

Field not completed.

Email not displaying correctly? [View it in your browser.](#)

DRAFT RESOLUTION NO. 2021-053

A RESOLUTION APPOINTING _____ TO THE PORTAGE AREA REGIONAL TRANSIT AUTHORITY BOARD (PARTA), 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 _____ is hereby appointed to the PORTAGE AREA REGIONAL TRANSIT AUTHORITY BOARD.

NAME

TERM

6/30/2021-6/30/2024

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_____.

AMY WILKENS
CLERK OF COUNCIL

DRAFT RESOLUTION NO. 2021-054

A RESOLUTION APPOINTING _____, _____, AND _____ TO THE SALARY REVIEW COMMITTEE, AND APPOINTING _____, _____ AS ALTERNATES, 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 alternates _____, _____ are hereby appointed to the SALARY REVIEW COMMITTEE.

NAME

TERM

Ad hoc committee dissolved after
recommendation is made

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____.

AMY WILKENS
CLERK OF COUNCIL

DRAFT ORDINANCE NO. 2021-055

AN ORDINANCE ACCEPTING A DONATION FROM THE PORTAGE FOUNDATION, IN AN AMOUNT NOT TO EXCEED \$13,995.00, AND USE THE FUNDS TO PAY ADVANCED DISPLAY FOR NEW SIGNAGE FOR THE "HISTORIC SOUTH END" NEIGHBORHOOD, AND DECLARING AN EMERGENCY

WHEREAS, the City of Kent has offered to accept donated funds collected by The Portage Foundation, not to exceed \$13,995.00, in order to pay Advanced Display for the design and installation of new monument signs for the "Historic South End" neighborhood.

WHEREAS, the City wishes to accept said donated funds.

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

SECTION 1. Council does hereby authorize the City Manager on behalf of the City of Kent to accept the donated funds, not to exceed \$13,995.00, 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. 2021-056

AN ORDINANCE AMENDING THE DOWNTOWN KENT DORA THAT WAS ENATED ON JUNE 17, 2020, ORDINANCE 2020-49, TO EXTEND THE DORA HOURS UNTIL 11:00 P.M. ON SATURDAY, JUNE 26, 2021 ONLY, AND DECLARING AN EMERGENCY.

WHEREAS, the Kent Area Chamber of Commerce is having their annual Kent Heritage Fest which will include live music throughout the afternoon and evening followed by a fireworks display scheduled to begin at approximately 10:00 p.m.; and

WHEREAS, the City would like to extend the hours of operation for the DORA until 11:00 p.m. on Saturday, June 26, 2021 only in order for residents and visitors to purchase a DORA beverage that are attending the fireworks display.

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

SECTION 1. Council approves the amendment to Ordinance 2020-49 in order to extend the DORA hours until 11:00 p.m. on Saturday, June 26, 2021 only.

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. 2021-057

AN ORDINANCE ENACTING NEW CHAPTERS OF THE PLANNING AND ZONING CODE IN PART ELEVEN OF THE CODIFIED ORDINANCES (CODE), REPEALING CERTAIN CHAPTERS OF THE CODE, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent staff and McKenna, Inc. have spent many hours on completing a comprehensive update to the City of Kent's Zoning Code; and

WHEREAS, the City of Kent, Ohio would like to enact new Chapters of the Planning and Zoning Code in Part Eleven of the Codified Ordinances of the City of Kent and repealing certain Chapters of the Code; and

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

SECTION 1. Council hereby approves the enactment of Part Eleven, Chapters 1101 through 1113 of the Planning and Zoning Code as set forth in Exhibit A, which is on file with the Clerk of Council and online at <http://www.kentohio.org/643/Zoning-Map> .

Council hereby repeals Chapters 1101 through 1175 of Part Eleven of the Code in effect prior to this enactment.

Chapters 1177 through 1203 and Appendices A through I will remain in effect with no changes.

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. 2021-058

AN ORDINANCE AMENDING THE CITY'S ZONING DISTRICTS MAP FOR PARCEL #17-031-21-00-001-000 (107 LAKE STREET) TO BE REZONED FROM ITS CURRENT 1155 I: INDUSTRIAL TO 1146 C-D: COMMERCIAL DOWNTOWN, AND DECLARING AN EMERGENCY

WHEREAS, the City of Kent Planning Commission is recommending a proposed amendment to the City's Zoning Districts Map to allow Parcel #17-031-21-00-001-000 (107 Lake Street) to be re-zoned from its current 1155 I: Industrial to 1146 C-D: Commercial Downtown; and

WHEREAS, on April 6, 2021, the Planning Commission voted 3-0 with one abstention to recommend the zoning map change; and

WHEREAS, a public hearing was held at the June 2, 2021 Council Committee session.

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

SECTION 1. Kent City Council does hereby authorize the amendment to allow Parcel #17-031-21-00-001-000 (107 Lake Street) to be re-zoned from its current 1155 I: Industrial to 1146 C-D: Commercial Downtown.

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

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

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

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

AMY WILKENS
CLERK OF COUNCIL

DRAFT ORDINANCE NO. 2020 -059

AN ORDINANCE AUTHORIZING THE CITY OF KENT TO SUBMIT TWO (2) FUNDING APPLICATIONS TOTALING \$1,495,200 AND TO EXECUTE THE SUBSEQUENT AGREEMENT TO THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY (AMATS) SPECIAL RESURFACING PROGRAM FY 2022 & FY 2023/24), AND TO ACCEPT THE GRANTS, IF AWARDED, WITH CORRESPONDING APPROPRIATION OF FUNDS TO RESURFACE MAIN AND WATER STREETS AND MOGADORE ROAD/SUMMIT STREET, AND DECLARING AN EMERGENCY.

WHEREAS, the funding applications submitted to the Akron Metropolitan Area Transportation Study (AMATS) Special Resurfacing Programs will be used to resurface Main and Water Streets and Mogadore Road/Summit Street; and

WHEREAS, the City is requesting a total of \$1,495,200.

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

SECTION 1. Kent City Council approves submission of the City's pre-applications request for Akron Metropolitan Area Transportation Study (AMATS) Special Resurfacing Program grant funding totaling \$1,495,200 and authorized that the Administration provide all information, funds, and documentation required in said applications for submission.

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

SECTION 3. That the Kent City Council hereby understands and agrees that participation in the Akron Metropolitan Area Transportation Study (AMATS) Special Resurfacing Program grant program will require compliance with program guidelines and assurances.

SECTION 4. 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 5. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council this ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

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

AMY WILKENS
CLERK OF COUNCIL

DRAFT ORDINANCE NO. 2021-060

AN ORDINANCE AUTHORIZING THE CITY OF KENT TO SUBMIT TWO (2) FUNDING APPLICATIONS TOTALING \$945,000 AND TO EXECUTE THE SUBSEQUENT AGREEMENTS WITH THE OHIO PUBLIC WORKS COMMISSION (OPWC), AND TO ACCEPT THE GRANTS, IF AWARDED, WITH CORRESPONDING APPROPRIATION OF FUNDS AND DECLARING AN EMERGENCY

WHEREAS, the first application submitted to OPWC will be for the two (2) of the four (4) final clarifiers at the Water Reclamation Facility. The final clarifiers are used to settle our microorganisms from the activated sludge process prior to discharging the effluent to the Cuyahoga River. The clarifiers were constructed in 1964 and their rehabilitation are part of the significant long term improvements required at the Water Reclamation Facility. Phase 2 will complete the two (2) clarifiers that were not included in Phase I improvements which were received last year. We are requesting \$700,000 in grant funds and \$150,000 in no interest loans from OPWC; and

WHEREAS, the second application submitted to OPWC will be for the construction of approximately a half mile of waterline on residential streets north of Fairchild Avenue and east of Major's Lane. The existing waterlines in this area are old and undersized. There have been numerous breaks in the existing waterlines, with 16 breaks in the last ten (10) years. This project was submitted to OPWC in 2020, but was unsuccessful in receiving funds. We are requesting \$245,000 in grant funds and \$150,000 in no interest loans from OPWC.

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

SECTION 1. Kent City Council approves submission of the City's capital project pre-application requests for Ohio Public Works Commission grant and loan funding totaling \$945,000 and authorized that the Administration provide all information, funds, and documentation required in said applications for submission.

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

SECTION 3. That the Kent City Council hereby understands and agrees that participation in the OPWC grant program will require compliance with program guidelines and assurances.

SECTION 4. 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 5. 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. 2021-061

AN ORDINANCE AUTHORIZING THE WATER TAP-IN FOR A SKILLED NURSING FACILITY LOCATED AT 5075 SR 43 AND MELOY ROAD, OUTSIDE THE CITY OF KENT, AND DECLARING AN EMERGENCY

WHEREAS, LTC Brimfield, LLC requests water service outside the City of Kent for a skilled nursing facility located in Brimfield Township (the "Property");

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

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

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

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

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

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

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

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

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

DRAFT ORDINANCE NO. 2021-062

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ALLOW THE BUDGET & FINANCE DEPARTMENT TO CREATE A NEW GENERAL LEDGER FUND FOR THE AMERICAN RESCUE PLAN ACT (ARPA) FUNDING CALLED THE LOCAL FISCAL RECOVERY FUND #138, AND DECLARING AN EMERGENCY.

WHEREAS, the American Rescue Plan Act (ARPA) of 2021 as set forth in 31 CFR Part 35 is a 1.9 trillion economic COVID-19 stimulus package signed into law on March 11, 2021. ARPA provides additional relief to address the continued impact of COVID-19 on the economy, public health, state and local governments, individuals, and businesses; and

WHEREAS, this package, \$350 billion in additional funding is being provided to state and local governments, as well as additional funding for other areas including, but not limited to, education, rental assistance and transit; and

WHEREAS, the City will receive funding directly from the federal government for use as a result of COVID-19's impact on the economy; and

WHEREAS, the U.S. Treasury Department continues to provide guidance with the allowed uses of the funding and the City will comply with all federal and state guidance, regulation and laws for reimbursement, reallocation and other accounting of the funds.

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

SECTION 1. That the Budget and Finance Director is directed to create a new fund called "Local Fiscal Recovery Fund #138 to deposit the City's share of ARPA funding available for costs incurred through December 31, 2024.

SECTION 2. That the Budget and Finance Direct is directed to allocate the funds so as to comply with all federal and state guidance, regulation and laws for reimbursement, reallocation and other accounting of such funds.

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. 2021-063

AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$100.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT TOWARDS THE PURCHASE OF A MEMORIAL TREE FOR THE KENT PARKS, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent Parks & Recreation Department has received a donation of \$100 towards the purchase of a memorial tree for the Kent Parks from Peter J. and Lois A. Orlando; and

WHEREAS, the City wishes to accept said donation.

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

SECTION 1. Council does hereby authorize the City Manager on behalf of the City of Kent to accept the donation of \$100.00 towards the purchase of a memorial tree for the Kent Parks and for the Budget and Finance Director to appropriate the donation 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



City Council Public Hearing Minutes

The City of Kent, Ohio
Wednesday, May 19, 2021

At 7:25 p.m., Mayor Jerry T. Fiala called the second **Public Hearing for the Community Development Block Grant (CDBG) Program Year (PY) 2021 Action Plan and 2020-2024 CDBG Consolidated Plan** 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. Joan Seidel, Health Commissioner; Ms. Rhonda Hall, Budget and Finance Director; Mr. Gary Bishop, IT Manager; Mr. Nick Shearer, Chief of Police; Ms. Amy Wilkens, Clerk of Council

Mr. Susel announced this is the 2nd Public Hearing for the CDBG Program Year 2021 Annual Action Plan. This marks the second year of the five-year plan covering the period 2020-2024. The projects involved are to assist low to moderate income households.

Mayor Fiala asked for comments from the audience. There were no comments.

Hearing no further business, Mayor Fiala adjourned the Public Hearing at meeting at 7:26 p.m.

Amy Wilkens
Clerk of Council

Jerry T. Fiala
Mayor and President of Council



City Council Regular Meeting Minutes
The City of Kent, Ohio
Wednesday, May 19, 2021

Due to the COVID-19 pandemic, this meeting was held virtually using the Zoom platform and livestreamed 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; 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, Service Director; Mr. Jim Bowling, City Engineer; Ms. Joan Seidel, Health Commissioner; Ms. Rhonda Hall, Budget and Finance Director; Mr. Gary Bishop, IT Manager; Mr. John Tosko, Fire Chief; Ms. Angela Manley, Parks and Recreation Director, Ms. Amy Wilkens, Clerk of Council

Mayor Fiala called upon Councilmember Amrhein for opening remarks.

Mr. Amrhein asked everyone to stand for the Pledge of Allegiance.

Approval of Regular Council Meeting Minutes:

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF APRIL 21, 2021 AND THE MINUTES OF THE JOINT FRANKLIN TOWNSHIP/CITY COUNCIL MEETING OF MAY 5, 2020 made by Mr. Amrhein, SECONDED by Mr. Kuhar and CARRIED by a voice vote of 9-0.

Communication:

Public Comment: There were no members of the public signed in with Clerk Wilkens to speak.

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

1. Email from Councilman John Kuhar regarding parking for senior citizens visiting Dr. Robert Smuts Chiropractic Practice received on April 21, 2021 and forwarded to Council.
2. Transfer Liquor License request received April 26, 2021 from Kent Fuel and Minimart, Inc. located at 1337 S. Water Street to 1337 Water Street Inc. located at the same address. Chief Shearer had no objections.

MOTION TO RETURN THE REQUEST TO LIQUOR CONTROL WITH NO OBJECTION made by Mr. Kuhar SECONDED by Mr. Sidoti and CARRIED by a voice vote of 9-0.

3. Planning Commission Agenda and Staff Report for the May 4, 2021 meeting received on April 27, 2021.
4. Email from Mr. Rick Hawksley regarding the West Side Fire Station Roof received and forwarded to Council on April 28, 2021.
5. Affidavit of Petitioner's Committee regarding a Sensible Marihuana Ordinance received April 29, 2021. A copy was forwarded to Council on May 3, 2021.
6. 2020 Annual Report of the Kent Police Department received and forwarded to Council on May 3, 2021.
7. Letter from Ms. Julie Kenworthy, Director of the Kent Historical Society, regarding its Board of Trustees voting against an architectural change to the West Side Fire Station received and forwarded to Council on May 3, 2021.
8. Standing Rock Cemetery Board of Trustees Minutes from the April 8, 2021 meeting and Agenda for the May 13, 2021 meeting received on May 4, 2021.
9. Planning Commission Agenda and Staff Report for the May 18, 2021 meeting received on May 10, 2021.
10. Board of Health meeting agenda and statistical report for the May 11, 2021 meeting and the minutes from the April 13, 2021 meeting received on May 11, 2021.
11. Notice from the Board of Elections concerning the new capability to electronically file Resolutions of Necessity, Auditor's Certifications and Resolutions to Proceed received on May 11, 2021 and forwarded to Council and Administration.

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

1. Civil Service Commission agenda for May 17, 2021 received on May 14, 2021.
2. Parks and Recreation Board Packet for May 20, 2021 received on May 17, 2021.
3. Exam Notice from Civil Service Commission for an Accreditation Coordinator received on May 18, 2021.
4. Email from Mr. Doug Fuller, Ms. Paula Treckel, Mr. Howard Boyle and Mr. David Sommers following up from the West Side Fire Station Roof Design discussion, received on May 19, 2021 and forwarded to Council.

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

1. Request Council's authorization of a Resolution opposing Ohio House Bill 110 which proposes to eliminate Health Departments in cities with a population under 50,000. (Draft #2021-046)
2. Request Council's authorization to accept a grant and four donations that will be used for the construction of the Chimney Swift habitat structure. (Draft #2021-050)
3. Request Council's authorization to hold a public hearing on a Lake Street rezoning request.
4. Request for Committee of the Whole time for Council to review applicants for vacancies on City boards and commissions.
5. Request Community Development Committee time to present a request to install the South End Neighborhood Monument sign in the City right of way.
6. Request Health & Safety Committee time to provide an update on Police training and operations.
7. Request Streets, Sidewalks & Utilities Committee time to present proposed changes to the number of accounts utilized by the City to pay for trash and recycling.
8. Request Streets, Sidewalks & Utilities Committee time to present a request to apply for AMATS grant funding for a street resurfacing project.
9. Request Streets, Sidewalks & Utilities Committee time to present a request to apply for OPWC grant funding for infrastructure projects.
10. Request requested Land Use Committee time for Council's consideration of proposed updates to the City's mobile food cart/truck regulations.
11. Request Land Use Committee time for Council's consideration of a proposed rezoning request on Lake Street.

MOTION TO APPROVE ITEMS #1-11 OF THE CITY MANAGER'S REPORT, made by Mr. Amrhein, SECONDED by Ms. Rosenberg and CARRIED by a voice vote of 9-0.

STANDING COMMITTEES/ LEGISLATION

1) COMMITTEE OF THE WHOLE

THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WEDNESDAY, MAY 19, 2021

NO MEETING MINUTES; NO COMMITTEE ACTION ITEMS TO APPROVE

2) COMMUNITY DEVELOPMENT COMMITTEE

MOTION TO APPROVE MEETING MINUTES of MAY 5, 2021 made by Mr. Kuhar, SECONDED by Ms. Rosenberg and CARRIED by a voice vote of 9-0.

NO COMMITTEE ACTION ITEMS TO APPROVE

Draft No. 2021-045 AN ORDINANCE APPROVING A REQUEST FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ASSISTANCE FOR FISCAL YEAR 2021 UNDER TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, INCLUDING THE PY2021 ANNUAL ACTION PLAN AND AUTHORIZING THE EXECUTION AND FILING OF THE PY2021 ANNUAL ACTION PLAN, INCLUDING RELATED CERTIFICATIONS, AND UPON AWARDING OF THE GRANT, AUTHORIZING APPROPRIATION OF FUNDS 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. Kuhar. On roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT NO. 2021-045 made by Ms. Shaffer Bish 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, Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE 2021-045 PASSED as stated by Clerk Wilkens.

3) HEALTH AND PUBLIC SAFETY COMMITTEE

NO MEETING MINUTES OR ACTION ITEMS TO APPROVE

MOTION TO AMEND DRAFT NO. 2021-046 SECTION 1, STRIKING THE TERMINOLOGY "LOCAL CITY HEALTH DEPARTMENTS IN GENERAL" made by Mr. Kuhar SECONDED by Mr. Turner and FAILED by a voice vote of 0-9.

Mr. Kuhar explained he is in favor of the Kent City Health Department remaining as is, adding there are a lot of smaller cities that do not have in place what Kent does and are not staffed to take care of its resident's health needs such as in Kent. He added it would be a benefit to those communities to be a part of a larger health district managed by the County.

Mr. Turner added he seconded the motion, but does not support the request.

Ms. Shaffer Bish added she is not in support of the amendment, and that simply asking for a Kent exception will decrease its likelihood of being considered. She does not want the language struck from the resolution.

Mr. Turner added the voters chose to have a health department specifically in the city of Kent, and he cannot worry about other communities.

Mr. Sidoti said the resolution that is being sent is due to House Bill 110 and we are saying we oppose this bill. He agrees the pandemic has exposed weaknesses in public health systems, not only in the state, but also across the country, but this resolution is opposing the bill that does include surrounding communities. He is going to oppose the motion.

Mr. Amrhein added that he agrees with Mr. Sidoti and this part of the bill is big government trying to swallow up the smaller municipalities which is wrong.

Draft No. 2021-046 A RESOLUTION BY THE COUNCIL OF THE CITY OF KENT, OHIO STRONGLY OPPOSING ANY EFFORT BY THE STATE OF OHIO TO ABOLISH THE LOCAL KENT CITY HEALTH DEPARTMENT, WHICH HAS PROVEN INVALUABLE IN PROTECTING THE HEALTH, SAFETY, AND WELFARE OF THE ENTIRE CITY AND SURROUNDING COMMUNITIES DURING A TIME OF GLOBAL PANDEMIC, 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. Amrhein. On roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT NO. 2021-046 made by Ms. Shaffer Bish and SECONDED by Mr. Kuhar. On roll call, voting "Yes" Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein. The Motion CARRIED by a roll call vote of 9-0.

RESOLUTION 2021-046 PASSED as stated by Clerk Wilkens.

4) LAND USE COMMITTEE

NO MEETING MINUTES OR ACTION ITEMS TO APPROVE

5) STREETS, SIDEWALKS AND UTILITIES COMMITTEE

MOTION TO APPROVE MEETING MINUTES and COMMITTEE ACTION ITEMS of May 5, 2021 made by Mr. Sidoti SECONDED by Mr. Kuhar, and CARRIED by a voice vote of 9-0

Recommended Actions:

- 1) Authorize the license agreement for outdoor seating at 211 Franklin Ave.

Draft No. 2021-047 AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A LICENSE AGREEMENT BETWEEN THE CITY OF KENT AND THE TULIPS, LLC TO CONSTRUCT, MAINTAIN AND OPERATE AN OUTDOOR PATIO AT 211 FRANKLIN AVENUE, 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 Ms. Shaffer Bish. On roll call, voting "Yes": Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT NO. 2021-047 made by Mr. Kuhar 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, Mr. DeLeone. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE 2021-047 PASSED as stated by Clerk Wilkens.

6) FINANCE COMMITTEE

MOTION TO APPROVE THE FINANCE COMMITTEE MEETING MINUTES and COMMITTEE ACTION ITEMS OF MAY 5, 2021 made by Mr. DeLeone, SECONDED by Mr. Kuhar, and CARRIED by a voice vote 9-0.

Recommended Actions:

- 1) Proceed with the project of a pitched roof on the West Side Fire Station
- 2) Authorized the surplus City Property Sale of Auction or Trade In
- 3) Extend the moratorium on the City Match of Development fees through August 30, 2021

Draft No. 2021-048 AN ORDINANCE AUTHORIZING THE TRADE IN / AUCTION/ DISPOSAL OF VEHICLES, LARGE EQUIPMENT AND TRAILERS NOT NEEDED FOR MUNICIPAL PURPOSES, 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. DeLeone. On roll call, voting "Yes": Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr.

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

MOTION TO ADOPT DRAFT NO. 2021-048 made by Mr. Kuhar, 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, Mr. Ferrara. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE 2021-048 PASSED as stated by Clerk Wilkens.

Draft No. 2021-049 AN ORDINANCE AMENDING ORDINANCE 2021-004 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 UNTIL AUGUST 30, 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. DeLeone. On roll call, voting "Yes": Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2021-049 made by Mr. Kuhar and SECONDED by Mr. DeLeone. On roll call, voting "Yes": Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE 2021-049 PASSED as stated by Clerk Wilkens.

Draft No. 2021-050 AN ORDINANCE ACCEPTING FOUR (4) DONATIONS AND ONE (1) GRANT TOTALING \$3,140.00 TO THE CITY OF KENT FOR THE CHIMNEY SWIFT 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. DeLeone and SECONDED by Ms. Rosenberg. On roll call, voting "Yes": Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2021-050 made by Ms. Rosenberg and SECONDED by Mr. DeLeone. On roll call, voting "Yes": Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE 2021-050 PASSED as stated by Clerk Wilkens.

Unfinished Business: NONE

New Business:

Mr. Kuhar had two items to consider under new business. His first item was in regards to feral cats. He had spoken with Chief Shearer who indicated wanting to present this to Council to discuss.

MOTION TO MOVE INTO COMMITTEE A DISCUSSION REGARDING FERAL CATS made by Mr. Kuhar, SECONDED by Mr. Turner and CARRIED by a voice vote of 9-0.

Ms. Wallach asked if there is a discussion about this the “catch and release” people should be notified so they can attend the meeting.

Mr. Kuhar then asked if the fire ban in Kent for open burns was still being enforced. He said a few weeks ago there was an open burn near his neighborhood and found out after the fact it was from Kent State by the Rec Center. His neighborhood was never notified it was planned.

Mayor Fiala asked if Mr. Kuhar was wanting an answer back from staff or if he would like to move it to a Committee discussion.

Mr. Kuhar said he needed clarification on the burn policy and believes they should notify the neighborhood if they are going to occur.

Mr. Turner asked for clarification on whether it was a city mandate or a state mandate not to burn during the pandemic.

Mr. Kuhar asked for comments from Chief Tosko.

Chief Tosko replied the burning of the grass at the Rec Center is a yearly maintenance issue and a permit is given from the Akron Air Quality Control. He said a better job should have been done on alerting the public. He added the ban on open burning was discussed at the Incident Command Meeting last spring and has not been discussed since. This will be looked at by the staff.

Council Comments:

Mr. Ferrara said he attended the situational police training last week in Tallmadge and said it gave him a greater appreciation of the decisions they have to make and how fast they have to make them. He urges anyone who has the chance to attend these trainings.

Mr. Ferrara's second comment was in regards to in person meetings, requesting Council meetings to be held in person. He urges Council to urge the administration to decide when and how future meetings will be conducted.

Mayor Fiala said this is being worked on, and that we are not like other cities who have City Halls and it is a bit more complex for Kent. He added the Community Police Academy will be held this fall and encouraged people to attend.

Ms. Shaffer Bish apologized for losing her connection during the meeting and wanted to make sure her vote was counted in favor of the Chimney Swift ordinance.

Mayor's Report:

Mayor Fiala said this week was the celebration of Ohio Goes Blue and Police Week and said it's a celebration and remembrance of those who lost their life in the line of duty and those who are protecting us today. He said "God bless them, and I hope they go home to their families at the end of the day".

The Regular Meeting adjourned at 8:14 P.M.

Amy Wilkens
Clerk of Council

Jerry T. Fiala
Mayor and President of Council



City Council Public Hearing Minutes

The City of Kent, Ohio
Wednesday, June 2, 2021

At 6:55 p.m., Mayor Jerry T. Fiala called the **Public Hearing to order to allow for public comment on a proposed zoning map amendment of parcel #17-031-21-00-001-000 (107 Lake Street) from 1155 I: Industrial to 1146 C-D: Commercial-Downtown** to order. Roll call was taken.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; 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, Service Administration Director; Mr. Jim Bowling, City Engineer; Ms. Rhonda Hall, Budget and Finance Director; Mr. Gary Bishop, IT Manager; Mr. John Tosko, Fire Chief; Mr. Nick Shearer, Chief of Police; Ms. Angela Manley, Parks and Recreation Director; and Ms. Amy Wilkens, Clerk of Council

ABSENT: Mr. Garret Ferrara

MOTION to excuse Mr. Garret Ferrara from the hearing made by Mr. Amrhein **SECONDED** by Mr. DeLeone and **CARRIED** with a voice vote of 8-0.

Ms. Susel started by stating in accordance with 1111.05 of the Kent Zoning Code, the public hearing is being held to allow for public comment on a proposed zoning map amendment to parcel #17-031-21-00-001-000 (107 Lake Street) from 1155 I: Industrial to 1146 C-D: Commercial-Downtown. This item will be discussed during the committee meeting this evening.

Mayor Fiala asked for comments from the audience.

Mr. Don Schjeldahl is the owner of the brewery and owner of the parcel in question. He thanked Ms. Bridget Susel for all of her hard work and feels all of the development on North Water Street is pushing the Downtown District north. The intersection of Crain, Lake Street, Water Street and Fairchild is poised to become a new center of activity. The brewery has been open since November of 2020 and is doing very well, seeing acceptance in the neighborhood which is exactly what was anticipated. The rezoning will allow them to expand services to include on site food preparation and expanded retail sales. It will better serve the community and rejuvenate the area. He appreciates consideration of this rezoning.

There were no further members of the public signed in to speak.

Hearing no further business, Mayor Fiala adjourned the Public Hearing at 7:04 p.m.

Amy Wilkens
Clerk of Council

Jerry T. Fiala
Mayor and President of Council

DRAFT



City Council Public Hearing Minutes

The City of Kent, Ohio
Wednesday, June 2, 2021

At 6:55 p.m., Mayor Jerry T. Fiala called the **Public Hearing to order to allow for public comment on a proposed zoning map amendment of parcel #17-031-21-00-001-000 (107 Lake Street) from 1155 I: Industrial to 1146 C-D: Commercial-Downtown** to order. Roll call was taken.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; 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, Service Administration Director; Mr. Jim Bowling, City Engineer; Ms. Rhonda Hall, Budget and Finance Director; Mr. Gary Bishop, IT Manager; Mr. John Tosko, Fire Chief; Mr. Nick Shearer, Chief of Police; Ms. Angela Manley, Parks and Recreation Director; and Ms. Amy Wilkens, Clerk of Council

ABSENT: Mr. Garret Ferrara

MOTION to excuse Mr. Garret Ferrara from the hearing made by Mr. Amrhein **SECONDED** by Mr. DeLeone and **CARRIED** with a voice vote of 8-0.

Ms. Susel started by stating in accordance with 1111.05 of the Kent Zoning Code, the public hearing is being held to allow for public comment on a proposed zoning map amendment to parcel #17-031-21-00-001-000 (107 Lake Street) from 1155 I: Industrial to 1146 C-D: Commercial-Downtown. This item will be discussed during the committee meeting this evening.

Mayor Fiala asked for comments from the audience.

Mr. Don Schjeldahl is the owner of the brewery and owner of the parcel in question. He thanked Ms. Bridget Susel for all of her hard work and feels all of the development on North Water Street is pushing the Downtown District north. The intersection of Crain, Lake Street, Water Street and Fairchild is poised to become a new center of activity. The brewery has been open since November of 2020 and is doing very well, seeing acceptance in the neighborhood which is exactly what was anticipated. The rezoning will allow them to expand services to include on site food preparation and expanded retail sales. It will better serve the community and rejuvenate the area. He appreciates consideration of this rezoning.

There were no further members of the public signed in to speak.

Hearing no further business, Mayor Fiala adjourned the Public Hearing at 7:04 p.m.

Amy Wilkens
Clerk of Council

Jerry T. Fiala
Mayor and President of Council

DRAFT



Committee of the Whole Meeting Minutes

The City of Kent, Ohio
Wednesday, June 2, 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 7:04 p.m.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; 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, Service Administration Director; Mr. Jim Bowling, City Engineer; Ms. Rhonda Hall, Budget and Finance Director; Mr. Gary Bishop, IT Manager; Mr. John Tosko, Fire Chief; Mr. Nick Shearer, Chief of Police; Ms. Angela Manley, Parks and Recreation Director; and Ms. Amy Wilkens, Clerk of Council.

ABSENT: Mr. Garret Ferrara

There was one (1) item on the Agenda.

1. Board and Commission Applications

Mayor Fiala introduced the first item on the agenda, the review of applications for Boards and Commissions and asked Clerk Wilkens to review the list of candidates.

Clerk Wilkens ran through the list of vacancies for the Boards, Commissions and Committee that were advertised. There is one vacancy each on the Board of Zoning Appeals, the Civil Service Commission, the Design and Preservation Committee, Loan Review Board and PARTA Board. There was only one applicant, Karen Beck, who is applying for a second term on the PARTA Board. There are two vacancies on the Storm Water Review Board and no applicants.

The Salary Review Committee has been advertised and posted. There have been five applicants; Jeff Roeger, Tom Pascarello, Benjamin Tipton, Marie Schnee and Don Schnee.

Ms. Heidi Shaffer said she has someone she recommended to apply and is happy to see the deadline is until June 9th as she will reach out to her to see if she has applied.

Mr. Kuhar asked if Tom Pacarello resides in Kent. Clerk Wilkens confirmed he lives on River Trail Drive.

Ms. Wallach asked if the applicants will be coming in front of Council to be interviewed.

Mayor Fiala said that has been altered due to COVID 19 but hopefully when we get back to in person meetings we can go back to doing this.

Seeing no further business or questions for this committee, it adjourned at 7:08 p.m.

Amy Wilkens
Clerk of Council

ACTION RECOMMENDED:

1) N/A



Community Development Meeting Minutes
The City of Kent, Ohio
Wednesday, June 2, 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 Kuhar called the Community Development Committee of Kent City Council to order at 7:08 p.m.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; 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, Service Administration Director; Mr. Jim Bowling, City Engineer; Ms. Rhonda Hall, Budget and Finance Director; Mr. Gary Bishop, IT Manager; Mr. John Tosko, Fire Chief; Mr. Nick Shearer, Chief of Police; Ms. Angela Manley, Parks and Recreation Director; and Ms. Amy Wilkens, Clerk of Council.

ABSENT: Mr. Garret Ferrara

There was one (1) item on the Agenda.

1. Installation of the South End Neighborhood Monument Sign in ROW

Chair Kuhar introduced Ms. Bridget Susel to talk about the South End Neighborhood Monument sign project. A group in the area has been working to collect donations to make a larger, more present sign that designates the South End area. Smaller signs were posted on polls in and around three locations on the boundary of the historic South End. Ms. Doria Daniels started this effort and with Mr. Howard Boyle's support they collected enough money to have three monument signs installed. These signs do comply with the City's zoning code sign requirements. There will be flower beds around them that will be maintained by the residents. Two of the three signs will be on City property and will be the City's responsibility if for some reason they are not maintained by the residents. The donations were collected by the Portage Foundation but the limits on the Foundation do not allow them to distribute money directly to individuals, so they reached out to the City to act as the fiscal agent, accepting the donation on behalf of the group in order to pay Advanced Display for the design and installation of the three monument signs. Ms. Susel is asking Council to accept the donation from the Portage Foundation to move forward with sign installation before the neighborhood's planned picnic.

There were no questions from City Council members and no questions from the public.

MOTION TO APPROVE THE CITY AS A FINANCIAL AGENT made by Ms. Wallach
SECONDED by Ms. Rosenberg and **CARRIED** by a voice vote of 8-0.

Mayor Fiala encouraged all in attendance to visit the community gardens on Walnut Street.

Seeing no further business, the Community Development Committee Meeting adjourned at 7:11 p.m.

Amy Wilkens
Clerk of Council

ACTION RECOMMENDED:

- 1) Authorize the acceptance of the sign donation, and installation of the sign in the City Right of Way, as presented with the emergency clause.



Health and Safety Committee Meeting Minutes

The City of Kent, Ohio
Wednesday, June 2, 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.

Mr. Amrhein called the Health and Safety Committee Meeting of Kent City Council to order at 7:12 p.m.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; 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, Service Administration Director; Mr. Jim Bowling, City Engineer; Ms. Rhonda Hall, Budget and Finance Director; Mr. Gary Bishop, IT Manager; Mr. John Tosko, Fire Chief; Mr. Nick Shearer, Chief of Police; Ms. Angela Manley, Parks and Recreation Director; and Ms. Amy Wilkens, Clerk of Council.

ABSENT: Mr. Garret Ferrara

There was one (1) item on the Agenda.

1. Mask Mandate and Public Gatherings

Mr. Amrhein started the meeting and commented he did not see Joan Seidel on the Zoom Meeting. Mr. Dave Ruller said that Ms. Seidel is taking a well-deserved vacation and that Ms. Hope Jones will be leading the discussion this evening.

Ms. Hope Jones started by stating that June 2, 2021 is the first day the State of Ohio is unmasked and mass gatherings are no longer limited to just ten people. The Unified Command Team of Kent discussed this and agreed it is time to repeal its mask and mass gathering ordinances. She added if Council agrees and they send out of Committee, there will be a Special Council Meeting tonight so the two ordinances can be rescinded.

Ms. Wallach asked if this would be for indoor areas, including City buildings.

Ms. Jones, said masks will not be required to be worn inside City buildings. Last year, Mr. Ruller put in place several Executive Orders that included temperature taking, masking, public in buildings, etc. Yesterday, Mr. Ruller signed a directive under this Executive Order, lifting all the directives regarding COVID and what is expected in City buildings. She added the ordinances do, however, still recognize there may be businesses that may still want to take certain actions to protect their customers. Businesses can do as they please.

Mr. Kuhar asked if the burning ban is over. Chief Tosko agreed it would be as it was part of the original directive.

Ms. Shaffer Bish asked if this applies to bars and restaurants and if their employees and customers no longer have to mask and can walk around. Ms. Jones said it would take us back to pre- COVID life.

Mr. Ruller clarified that a business can choose on their own to ask customers and/or employees to wear a mask. In City buildings, all plexiglass partitions will remain in place and we still will have sanitation and ionization efforts in place, and if someone wants to wear a mask, they are free to do so. He wants to go on record to say there should be no “mask shaming” and if someone wants to wear a mask, that is fine. Each department can decide if it’s important in the delivery of its services to have some protection in place, such as the Fire Department.

Mr. Kuhar asked if ambulances and Health Care facilities are still wearing masks. Ms. Hope Jones confirmed this. She added now that the buildings have been opened up, signage will say if you are vaccinated you are not required to wear a mask and if you are unvaccinated, we request you wear a mask. There is no enforcement to this but hope the better side of people prevail. Chief Tosko added surgical masks will be worn to all calls and any call that requires intervention, a N95 mask will be worn, along with goggles and gowns.

Mayor Fiala asked if the ordinance covers PARTA and mass transportation. Ms. Jones said she believes because they are mass transit, they will have to follow the Ohio Department of Health’s guidelines.

MOTION TO APPROVE RESCINDING THE MASK AND MASS GATHERING ORDINANCES made by Mr. Kuhar, **SECONDED** by Mr. Sidoti and **CARRIED** with a voice vote of 7-0-1, with Ms. Wallach voting “NO”.

Ms. Wallach said she would feel more comfortable leaving the mask ordinance in place until the end of July, as the virus is still prevalent.

Ms. Shaffer Bish said right now there is confusion in the community but thinks businesses are looking to Council for guidance. Because of the Governor’s position, some people may think that the pandemic is over. She said this is a house keeping item at this point to repeal our own masking and social distancing ordinances. She has been out in the public and has seen some masked and some not. Her work place has lifted it and they are pretty conservative. Her only concern is the ‘what if’ things picked up and if we would have a way to help people feel safer, which we could look to the CDC or State of Ohio for leadership.

Ms. Wallach added she wanted to be more specific, she wants to continue masking inside government facilities. Businesses can do what they want to do.

Seeing no further business or questions for this committee, it adjourned at 7:22 p.m.

Amy Wilkens
Clerk of Council

ACTION RECOMMENDED:

- 1) **Rescind the public masking and mass gathering restrictions previously passed by Kent City Council.**



Land Use Committee Meeting Minutes
The City of Kent, Ohio
Wednesday, June 2, 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.

Vice-Chair Shaffer Bish called the Land Use Committee of Kent City Council to order at 7:23 p.m.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; 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; Mr. Eric Fink, Assistant Law Director; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Service Administration Director; Mr. Jim Bowling, City Engineer; Ms. Rhonda Hall, Budget and Finance Director; Mr. Gary Bishop, IT Manager; Mr. John Tosko, Fire Chief; Mr. Nick Shearer, Chief of Police; Ms. Angela Manley, Parks and Recreation Director; and Ms. Amy Wilkens, Clerk of Council.

ABSENT: Mr. Garret Ferrara

There were two (2) items on the Agenda.

1. Zoning on Lake Street

Ms. Bridget Susel referred to the topic presented at the Public Hearing of the request a map amendment to allow for a change in the parcel at 107 Lake Street from an Industrial classification to Commercial Downtown (CD). The parcel would be extending that district one more parcel north. Four members present during the Planning Commission meeting and three members voted in favor of the recommendation, with one abstention. She went on to explain beer production is allowed as an industrial use, however they are not allowed to have a restaurant. In order to make any future modifications to allow for either food or retail sales, the zoning classification would need to be changed.

Mr. Kuhar asked Ms. Susel if this would be considered spot zoning. She said it would not, that the criteria for amendment are laid out in Chapter 1111 of the Zoning Code. It is changing from Industrial to Commercial Downtown.

Mr. Kuhar asked what the car sales and body shop was considered. Ms. Susel said it was not sales but body work, so they did heavy automotive restoration work, zoned industrial. Mr. Kuhar said it used to be Commercial, selling Hudsons and Ramblers.

Mr. Kuhar asked if production is allowed in a commercial zone. Ms. Susel said it is, but there are limits. Under the new proposed Zoning Code, microbreweries have been added, as many produce beer for outside sales. In order to make it mixed use, there needs to be a classification to include the same classification used for a restaurant. An example would be the Bell Tower Brewery which has a microbrewery component, but the restaurant is the primary use. With this map amendment, the microbrewery would be considered a non-conforming use, which was allowed pre-zoning. When it would change to accommodate a restaurant, the restaurant would be equal to or greater than the beer production. This would be looked at in the Technical Plan review when the change is made to incorporate either retail or a restaurant. It would become a mixed used facility in order to allow these types of models. She said this is a map amendment, so this zoning district will stick with the parcel, not with the business, but it allows for the business to adjust whether it is a mixed-use classification or a restaurant, depending on how they would reconfigure the building and after meeting with Community Development staff.

Mr. Sidoti asked for clarification if this parcel is continuant with the current downtown zoning. Ms. Susel said that is correct and that it would extend it one more parcel north. She assured Council this is not spot zoning, as this would not have gotten to the Planning Condition stage.

Ms. Shaffer Bish asked if there were any members of the public wishing to speak.

Mr. Don Schjeldahl of 122 N. Mantua, Kent, Ohio, who is the owner of North Water Brewery, said he appreciates all of the help from Ms. Susel and the Community Development Department, helping them through this zoning change. They now have the ability to expand their services to include more retail and a restaurant. This will help revitalize this part of the community.

MOTION TO AUTHORIZE THE PROPOSED ZONING CODE CHANGE FROM INDUSTRIAL TO COMMERCIAL DOWNTOWN, WITH THE EMERGENCY CLAUSE made by Mr. Sidoti **SECONDED** by Mr. Kuhar and **CARRIED** by a voice vote of 7-0-1, with Mr. DeLeone abstaining.

2. Proposed Zoning Code Updates

Ms. Susel referenced the March 17th discussion and the two items Council requested staff review and bring back additional options for proposed language changes. During the review, staff noted they did not include a land use “Assisted Living Facility”, which was referenced in the City Manager Communication.

She began by referencing the solar energy request in regards to the ground mounted solar energy systems. Ms. Susel looked at specifications, a change needed to be made to allow for this use. The maximum tilt height for ground mounted systems language was changed to allow the height in a commercial zoning district up to thirty-five feet and up to twenty feet in a residential zoning district, or the height of the screening, whichever is less.

The Assisted Living Zoning changes were missed by staff and were made aware of this when they received a call from a developer regarding an assisted living facility. It was under the definition of group home and nursing home, which is outdated terminology. She said she could answer any questions to this change in terminology.

She also referenced changes to duties under the Architectural Review Board because of inquiries from Council and the public. Staff drafted changes to this section (**Attachment #1**). Items “NEW” are labeled items B and C- accepting or exempting public art from their authority will be discussed tonight. The ARB met yesterday and discussed this topic as well. During the discussions, members reflected consensus that the board does believe another board with more experience in fine arts would be better suited to review and issue decisions on the look and styling of art on private building and spaces. The ARB has a concern of the placement of art not occur on the front façade of a building, particularly a building that has a unique, historic or architectural characteristic. The suggestion was made to use a separate board, but they are not interested in creating a new City board. Main Street Kent (MSK) has a public art advisory board comprised of artists, educators, art organization leaders, architects, local historians and graphic designers, so the plan would be to use the MSK public art advisory board. They would submit their vote to the City for verification against the zoning code, and they would then issue a public art permit that would be part of that companies file so the work can go forward.

Mr. Kuhar asked for clarification on the use of the word façade. Ms. Susel said she was referencing the front of the building. He asked if this is in the Downtown Historic District. She replied it would include any public art and did not specify any district. He asked if it is already on the front of the building, its grandfathered in. She said yes, it is existing. The wall murals that are downtown currently have all been reviewed and issued a Certificate of Appropriateness (COA) from the ARB.

Ms. Wallach asked about signs on businesses and if they have to go through ARB. Ms. Susel said signs are not part of public art. Once a logo is placed on something it becomes a sign and becomes subject to the sign regulations and is subject to review of the ARB.

Mr. Sidoti asked if the recommendation being made is for the Arts Board from Main Street Kent to serve as the art board. He asked if this could be put in writing that will fit in the zoning code. This would help the average person reading this understand how the process works. Ms. Susel said they looked at adding this language and looked at section 1106 and creating a subsection specifically to public art where this would be specified and list the criteria, no sign, no obscene and no front façade.

Mr. Sidoti asked if there would be something under the ARB that would reference this change. Ms. Susel said this would be codified in the zoning code as procedure and the Architecture Review Board will be informed in writing as well. She indicated the ARB is comfortable and agreeable to these changes. Mr. Sidoti asked if Council would have control over this board, if there was a conflict. She said currently the ARB handles appeals or it can be moved to appeal with Council. Mr. Sidoti said the goal should be to make it easy to follow, and this throws a ‘monkey wrench’ into the process and would want it simplified. Ms. Susel explained this board through MSK has

been working as such for years ad hoc as the conduit and funneling projects through the City process. This would make them the official final review.

Mr. Amrhein asked for clarification of Council making final decisions on art on buildings. Mr. Sidoti said things have ended up with Council if there is a conflict and sometimes have to make decisions. He wants to make sure the process is clear to avoid these situations of having to decide what is or isn't good art. He said citizens are confused as to how these decisions are made and he is not sure if the zoning code is the place but that it needs to be very clear. Ms. Susel said having it listed as an exception should help with clarification and reference to a hyperlink which would be linked back to Section 1106.

Mr. Kuhar asked if this regulation would have any constitutional issues under freedom of expression. Mr. Eric Fink said this is still considered a zoning issue because zoning regulations are allowed to regulate this, so it does not raise a Constitutional question.

Ms. Susel said the second issue in regards to the ARB is the exterior color exception. This item was discussed with the ARB is not supported by its members. She summarized their thoughts by stating that any appropriate review of a building's exterior cannot happen if the color of the exterior is not a part of the aesthetic consideration. They do not think it can be separated. Ms. Susel said the proposed item which would exempt from ARB to allow for paint color to be exempt from their authority. She said staff does not have one specific recommendation as to how to balance ARBs concerns with the request from Council.

Ms. Rosenberg asked if we do not have a historic district and Ms. Susel confirmed this. Ms. Rosenberg asked what are the guidelines the ARB is using to accept or reject colors. Ms. Susel replied the guidelines of the zoning code were designed in consultation when Main Street was being created. The Design Guidelines were done in 2008 and 2009. In 2009 Council adopted the guidelines, not as part of the zoning code, but as guideless to recommend City assisted projects only. Then in 2010/2011 the Planning Commission reviewed the guidelines and in the zoning code update instituted the process of issuing a Certificate of Appropriateness through the ARB which gave them the quasi-judicial authority to approve or deny a project. Prior to that it was a recommendation only to the Planning Commission. Then in 2012 the City implemented the Certified Local Government process to try to establish a historic district. When the property owners in the district couldn't get 51% to approve it, they were only able to get approved as a Certified Local Government with the understanding it would be a voluntary, per building request for historic designation. The guidelines were created for a historic district but one did not exist.

Ms. Rosenberg asked if building owners who go before ARB get to specify they do not choose to be a part of the historic consideration in terms of color or if the same "palate" is applied to everyone that comes before ARB. Ms. Susel replied that the Design Guidelines do not specify a color choice, but instead talk about colors that are appropriate during that time.

Ms. Rosenberg asked if that in order to codify this, we would need to spend money as a City and redo the Design Guidelines to get more specific guidance. Ms. Susel agreed that being able to hire a consultant to redo the Design Guidelines would help match how the downtown was developed.

Mr. Amrhein asked if we even could separate architecture from color. Ms. Susel said that is a question staff is not willing to answer but could relay what was stated by the Architecture Review Board who did not think this could be done.

Mr. Kuhar asked if it would be difficult to change it to a recommendation rather than exact control of the color choice. Ms. Susel replied currently there is not a specified palate or limitation on colors, however the color choice does come up as an issue of discussion in some cases. It would be difficult to exempt or exclude certain colors, remembering the ARB's authority for issuing a Certificate of Appropriateness. Without this Certificate in the West River Overlay District, the project cannot go forward, not even to Planning Commission, until the COA is issued. Outside of the Overlay District, those are recommendations to the PC and they can choose to accept or not accept them. Mr. Kuhar suggested excepting the authority of all colors and just have them make recommendations. Ms. Susel said this would need to be looked at in the context of the Zoning Code application and may not be the best option.

Mr. Sidoti asked if the Art Committee that will be making these decisions have the final say as to what art would be appropriate on the side of the building. Ms. Susel replied they would only be reviewing public art and would make a recommendation to move forward. He then asked when new buildings are built, how would they separate the colors from the materials. Ms. Susel clarified the public art is completely separate and distinct. It is public art and has nothing to specifically relate to issues being addressed with color. The ARB agrees it is difficult to separate color and material. These are two separate issues, one of public art and then one of colors.

Ms. Susel said any appeals will be changed from going to the Board of Zoning Appeals to now going before City Council. Prior to 2011, the ARB would make a recommendation, but did not submit a Certificate of Appropriateness. Ms. Rosenberg asked if this code change being suggested is basically undoing this. Ms. Susel said, yes, at some level it is.

Ms. Bridget Tipton of 458 West Main Street had a comment for City Council (**Attachment #2**)

Ms. Wilkens read a letter to Council from Mr. Peter Paino (**Attachment #3**).

There were no other questions or comments from the audience.

Ms. Shaffer Bish asked Ms. Hope Jones if each of the items brought before council tonight needed a separate motion. Ms. Jones said only the items that needed an amendment, otherwise they could all be grouped together.

Ms. Susel said the zoning code has not been adopted and anticipates needing to bring this back.

Ms. Wallach asked for clarification of what is being approved according to colors.

Ms. Susel said yes, Council asked for changes to the authority of the Architecture Review Board and draft language for two exceptions- one being public art and the other being color.

Ms. Wallach asked how many instances people found useful and used the recommendation of the ARB if they did not need the COA. Ms. Susel said they would only receive a recommendation if they are considered conditional use and have to go before Planning Commission. The recommendations are not typically incorporated into a site plan review for approval. They read them and consider them, but are typically not considered.

Mr. Sidoti asked if it would be more appropriate to develop more guidelines. Ms. Susel this would need to be done by consultants to redo guidelines and it would be very helpful to everyone. Mr. Sidoti suggested making an additional investment to consider looking at and possibly redoing the design guidelines. Ms. Susel said she is aware of the budgetary constraints and is not in the CD budget, so it would need to be an additional appropriation request from Council. If Council approves, she would work with the BF and City Manager to issue a request for qualifications to have those done quickly. She said the existing guidelines would stay in place until they are redone.

After further discussion on motions to be made and how to proceed, the following motions were made:

MOTION FOR THE COMMUNITY DEVELOPMENT DEPARTMENT TO EXPLORE COSTS TO CONTINUE REORGANIZATION OF ZONING CODE IN REFERENCE TO DESIGN GUIDELINES, WITH AND EMERGENCY CLAUSE MADE BY Mr. Sidoti
SECONDED BY Mr. Amrhein and CARRIED by a voice vote of 8-0-0.

Mr. Sidoti added we have invested substantially in the code already and would like to continue to make it better for all.

Mr. Amrhein said you can't really make good decisions when there isn't a distinct guideline and often times getting someone's opinion. This is something that is not functional.

MOTION TO NOT SEPARATE COLORS FROM ARCHITECTURE AND FOR IT TO STAY WITH THE ARCHITECTURAL REVIEW BOARD MADE BY Ms. Wallach
SECONDED BY Mr. Sidoti and CARRIED with a voice vote of 6-0-2 with Ms. Rosenberg and Mr. Kuhar voting "NO".

Ms. Wallach said this will help with decisions being made.

Mr. Sidoti said he would feel more comfortable making these types of decisions in the future after receiving help and guidance from consultants reviewing the design guidelines.

Mr. Amrhein said from a historical perspective, we really need to consider this in a historical area in particular.

Mr. Kuhar said the separation of colors is a good thing because a lot of the decisions being made are opinions. He said the people invested in the community make decisions even when they are not forced to do so.

MOTION TO ACCEPT ADDITIONS TO THE ZONING CODE IN REGARDS TO SPECIFICATIONS TO SOLAR POWER made by Mr. Kuhar SECONDED by Mr. Sidoti and CARRIED by a voice vote of 8-0-0.

MOTION TO ACCEPT CHANGES PROPOSED REGARDING PUBLIC ART made by Ms. Rosenberg, SECONDED by Ms. Wallach and CARRIED by a voice vote of 8-0-0.

Ms. Rosenberg said it was well done and thanked Ms. Susel. She added it was good to hear from Ms. Tipton and that the ARB feels the same. Ms. Wallach agreed.

MOTION TO ACCEPT CHANGES TO CODE LANGUAGE IN REGARDS TO ASSISTED LIVING made by Ms. Rosenberg SECONDED by Mr. Amrhein and CARRIED by a voice vote of 8-0-0.

MOTION TO STRIKE THE WORDING ‘MUST REVIEW’ FROM THE ARCHITECTURAL REVIEW BOARD PROCESS IF THE ADDRESS IS OUTSIDE OF OVERLAY DISTRICT made by Ms. Rosenberg SECONDED by Mr. DeLeone and CARRIED by a voice vote of 6-2-0 with Ms. Shaffer Bish and Ms. Wallach voting “NO”.

Seeing no more actions from this Committee, it adjourned at 8:52 p.m.

Amy Wilkens
Clerk of Council

ACTION RECOMMENDED:

- 1) **Authorize the Zoning Code Map Amendment from Industrial to Commercial Downtown at 107 Lake Street.**
- 2) **Authorize the Zoning Code Update**



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: May 25, 2021
TO: Dave Ruller, City Manager
FROM: Bridget Susel, Community Development Director *B.S.*
RE: Zoning Code Update: Continued Discussion

During the March 17, 2021 Committee discussion of the proposed update to the City's Zoning Code, Council requested that the administration draft proposed alternative language for the following sections/topic areas for further Council discussion:

"Section 1106.18 SOLAR ENERGY:"

- Height maximum for "ground-mounted solar energy systems."

"Section 1111.04 ARCHITECTURAL REVIEW BOARD:"

- Architectural Review Board responsibilities and duties for review of:
 - 1) public art;
 - 2) exterior façade color.

The Community Development Department also noted that the land use "Assisted Living Facility" should be added to the Zoning Code update to provide a land use category that is an alternative to the existing land use category "Residential Facilities." (see 1105.50).

The proposed alternate language for "Section 1106.18," "Section 1111.04," and "assisted living facility" are attached for review.

I am respectfully requesting time at the June 2, 2021 Committee session to discuss the above listed proposed amendments to the City of Kent's Zoning Code in greater detail and answer any other questions Council may have regarding the draft Zoning Code update, as presented on March 17, 2021.

Thank you.

Cc: Hope Jones, Law Director
Amy Wilkens, Clerk of Council
Community Development Dept. Zoning and Planning staff (Fink, Heckman, Sahr)

Attachments

Council Committee Meeting
Land Use Committee
June 2, 2021
Attachment #1

“Section 1106.18 SOLAR ENERGY”

(A) Ground-Mounted Solar Energy Systems (10 kW or less). Ground mounted and freestanding solar energy systems of 10kW or less for the on-site use are permitted accessory structures in all zoning districts, subject to the following regulations:

- (1) **Location and Setbacks.** Solar energy systems must be located in the rear of the principle building. Solar energy systems must also meet the minimum setbacks of the zoning district.
- (2) **Height.** The height of the solar energy system and any mounting equipment must not exceed ~~ten (10)~~ **twenty (20) feet in a residential zoning district or thirty-five (35) feet in a commercial or industrial zoning district**, when oriented at maximum tilt or the height of the screening, whichever is less.

(H) Powers and Duties. The Architectural Review Board has the following specific responsibilities and duties:

- (1) Review.** The Architectural Review Board must review all new construction, exterior building structural or cosmetic modifications to a building's exterior, building and site modifications, and all permanent signs not in the public right-of-way that are located within an Architectural Design Review Overlay District(s).
 - (a)** Where a zoning and/or building permit(s) is required for such a project projects, the City is prohibited from issuing a building or zoning permit until after the Architectural Review Board must issues a Certificate of Appropriateness prior to the issuance of a building or zoning permit.
 - (b)** In cases where a project requires review by the Planning Commission outside an Architectural Design Review Overlay District(s), the Architectural Review Board must review the project and issue a recommendation to the Planning Commission for proposed conditions.
- (2) Certificates of Appropriateness.** The Architectural Review Board has the responsibility of reviewing all proposed projects, building modifications, modifications to existing signage as well as all new signage within an Architectural Design Review Overlay District(s) for the purpose of issuing Certificates of Appropriateness.
- (3) Each of the following circumstances are exempt from the jurisdiction of the Architectural Review Board regardless of whether the property is within an Architectural Design Review Overlay District(s):**
 - (a)** ~~(c) As an exception, where no exterior alterations are proposed, the structure is owner occupied, A residential structure that is both owner-occupied and the structure is used as a single-family residential dwelling unit , the project is exempt from the requirements of the Architectural Review Board even if the property is within an Architectural Design Review Overlay District(s) ; OR~~
 - (b)** Art visible from any public right-of-way, including but not limited to, wall murals and sculptures. Art will be reviewed for compliance with the City's sign code to ensure that the proposed art does not contain a logo, an obscene image, or language that violates this Code's sign regulations; OR
 - (c)** Any structure's exterior paint color, siding color, or brick color; OR
 - (d)** Ordinary maintenance As an exception, although nothing in this Section or within any of the approved Design Guidelines of Error! Reference source not found. is to be construed so as to prevent the ordinary maintenance or repair of any building or structure which is subject to review under the provisions of this Section, provided such work involves no alteration to the exterior architectural features of the building, structure, or sign which would be subject to review.

Advisory Comments. The Architectural Review Board must advise the City of Kent of any efforts which should be considered directed at the protection of local historic or architecturally significant resources. The Architectural Review Board may provide advisory comments (non-binding) to any project being undertaken in the City which is not otherwise subject to review under the provisions of this Section.

“Assisted Living Facility” added to the following:

Definition (CHAPTER 1102)

Assisted Living Facility: A residential or institutional complex containing dwelling units for assisted living with each dwelling or room occupied by no more than two (2) residents who do not require skilled nursing care. Assisted living facilities may offer meals, housekeeping, social programming and other personalized care and may have common dining, gathering, and recreational areas. Assisted living facilities may offer other specialized services as an accessory use including, but not limited to, memory care or independent living.

Table of Land Uses by District (CHAPTER 1103)

Conditional Land Use in the following Zoning Districts:

- a. R-2: Medium Density Residential (NOTE: only if abuts a higher density residential zoning district);
- b. R-3: High Density Residential District;
- c. R-4: Multifamily Residential District;
- d. R-C: High Density Multifamily - Commercial Residential District;
- e. C-R: Commercial – High Density Multifamily Residential District.

Conditions Applicable to Specified Land Uses (CHAPTER 1105)

- Potential Concerns: On-site security;
- Condition: No more than twenty (20) beds per acre.



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: March 28, 2021

TO: Dave Ruller, City Manager

FROM: Bridget Susel, Community Development Director

RE: Zoning Code Update

Beginning in the summer of 2018, the Community Development Department's zoning and planning staff began working with representatives from consulting group, McKenna, Inc., on completing a comprehensive update to the City of Kent's Zoning Code. McKenna did have a transition in personnel assigned to the project, which delayed progress early on in the project by 2-3 months, and a second delay of 4-5 months occurred in 2020 as a result of the pandemic.

The zoning and planning staff spent many hours meeting internally on the expansive revision and had twelve (12) Zoning Code update work sessions with the Planning Commission, all of which were advertised and open to the public. The work sessions were held between February 2019 and December 2020. The Planning Commission held two (2) separate formal public hearings, the first on January 26, 2021 (Chapters 1101-1106) and the second on February 9, 2021 (Chapters 1107-1114) and voted unanimously at both meetings to recommend Council authorize all of the proposed amendments to the Zoning Code.

Kent City Council held two (2) additional public hearings, both of which provided for a thirty (30) day public comment period before the planned Council Committee discussion on April 7th. The first public hearing was held on March 3, 2021 (Chapters 1101-1106) and the second held March 17, 2021 (Chapters 1107-1114). No public comments were received at either hearing.

The proposed amendments to the Zoning Code include all the pages through and including page 1113-220 (end of Chapter 1113). It should be noted that this Zoning Code update process did not include amendments to "APPENDIX A: Design Guidelines for the Kent Design Overlay District." While staff recognizes the need for the Design Guidelines to be evaluated for proposed revisions, the expertise for such a process requires a different consultation review and will be at a cost level that warrants a separate "Request for Qualification (RFQ)" process. Staff anticipates initiating such a process once the City's budget is more reflective of pre-Covid financial levels.

In order to facilitate Council review of the 220 amended pages, below is a list of summary notes that identifies overall proposed amendments that have been incorporated throughout the Zoning Code, as well as identified amendments specific to each chapter.

Proposed Amendments throughout the Zoning Code

- Inclusion of hyperlinks to allow users to navigate directly to other section references located elsewhere in the Code (NOTE: Some of these hyperlinks will appear as “ERROR” in yellow highlight on the Word version printout because not in an electronic format. All hyperlinks are currently being verified);
- Creation and inclusion of figures, tables, and charts to depict and display requirements that can be difficult to comprehend through text alone (NOTE: Formatting is being verified to ensure spacing and titles are positioned correctly);
- Use of color to differentiate requirements in the new tables and charts and to improve depiction of regulations in the figures.

Chapter 1101: Title, Interpretation, and Conflict

- Updated language to make more succinct and to comply with current legal standards.

Chapter 1102: Definitions

- The “Definition Chapter” was amended in 2013, 2015, and 2016 to remove antiquated language from some definitions, incorporate new definitions that were needed to clarify ambiguous language, and address needed updates and clarification of terms. These more recent updates to the definitions remain in this newer version of the Code;
- Several new definitions were added to facilitate City’s application to a site plan (adjacent, abut, adjoin, etc.);
- Wording in some definitions was updated to simplify and better organize long content (i.e. use of subsets, bullets, etc.).

Chapter 1103: Zoning Districts, Land Use, and Zoning Map

- This chapter reflects a substantive change in format. In the current version of the enacted Zoning Code, every Zoning District has its own separate chapter. Additionally, for some districts, a user is referred to another chapter to review a list of applicable land uses;
- The new Chapter 1103 includes a quick reference “Table of Land Uses by District” that provides a listing of all land uses, identified by district and land use type (permitted (P), conditionally (C), specially (S));
- Conditionally permitted uses listed in the “Table of Land Uses by District” include hyperlinks to the applicable conditions chapter (1105);
- Each Zoning District has a separate table with detailed specifications for allowed uses, setbacks, area, height, additional regulations, etc. listed in table format;
- The consultant’s first draft included a “Chapter 1104” that was comprised of one chart that listed density. Staff had this information incorporated into the separate Zoning District tables and eliminated the consultant’s original Chapter 1104. All subsequent chapters were re-numbered and the final chapter is now 1113 (originally ended with 1114).

Chapter 1104: Supplemental Zoning District Standards and Overlay Districts

- Updated map of “West River Overlay District” to better delineate boundaries and affected parcels;
- Revised the “Preservation Alternate” to allow for greater variation and flexibility in its application to new single-family residential developments with regards to project site area, layout, and configuration of structures on the site.

Chapter 1105: Conditions Applicable to Specific Land Uses

- This chapter reflects a substantive change in format. In the current version of the enacted Zoning Code, the conditions are listed numerically in a separate chapter and a user needs to find the applicable conditions referenced for a proposed land use in the land use chapter, then “flip” to the conditions chapter to see what the specified number reference identifies as the applicable condition;
- The update has all conditionally permitted land uses in one chapter, listed alphabetically, with the specific conditions applicable to that land use listed in the same section as the identified land use;
- Staff incorporated a new subsection identified as “Potential Concerns,” which are not required conditions, but rather, presented to facilitate Planning Commission discussion when evaluating applicable concerns that may need to be addressed through the addition of a condition to a project before determining whether or not to grant site plan approval;
- Conditions were updated to include simplified, clear language;
- In some instances, conditions that had been nonapplicable or challenging to apply to site plans, were stricken.

Chapter 1106: General Provisions

- Wording in some regulations was updated to simplify and better organize long content (i.e. use of subsets, bullets, etc.);
- For the first time, the Zoning Code includes regulations governing solar and wind energy systems.

Chapter 1107: Parking, Loading and Access Management

- For the first time, the Zoning Code includes regulations requiring new developments to connect to any bicycle/pedestrian access network in the nearby right-of-way;
- Updated and expanded applicability of bicycle parking spaces for higher density land uses;
- For the first time, the Zoning Code includes regulations for compact car parking in off-street lots;
- More specificity was added for required parking plan presented for a commercial project (applicable to C-D and N-C Zoning Districts only).

Chapter 1108: Landscaping, Buffering, and Screening

- The City added the first landscaping chapter to the Zoning Code in 2013. While the new chapter ensured landscaping now had minimum requirements for new developments, the chapter was based on one from another community and was cumbersome to use and challenging to apply to the varied site plans for different land uses within the City of Kent;
- The amended chapter simplifies language, includes multiple charts and tables to assist with landscaping requirements, and increases the required number of plants, shrubs and trees for some land uses;
- The entire chapter was reviewed by a landscape architect from Kent State University to ensure it was applicable to NE Ohio weather and native species, reflected correct planting and landscaping principles, and would add appropriate aesthetic improvements to new development projects.

Chapter 1109: Signs

- Language used was updated and simplified for improved understanding and multiple figures were used in this chapter to depict aspects of signs that have historically been confusing (i.e. sign area calculation for odd shaped signs or 3-D objects, canopy vs. awning, etc.);
- “Prohibited Signs” section was updated to better define and/or include language to clarify prohibited signs that have historically created enforcement challenges (i.e. feather signs, bed linens, tarps, plywood);
- “Political Signs” section was updated to reflect current case law regarding the regulation of displaying such signs.

Chapter 1110: Nonconformities

- Extensive revisions added to this chapter to clarify language and categorize the different types of nonconformities applicable to uses, structures, and lots.

Chapter 1111: Administrative Boards and Commissions

- This chapter reflects a substantive change in format. In the current version of the enacted Zoning Code, the Planning Commission, Board of Zoning Appeals, and Architectural Review Board administrative regulations and duties were in separate chapters. This revised version of the Code has all three consolidated into one chapter and the sections for each board or commission are structured in a similar and logical manner;
- The Board of Zoning Appeals section includes new wording that incorporates the most recent case law with regards to variance consideration by the Board of Zoning Appeals.

Chapter 1112: Administrative Procedures

- Updated language to make more succinct and to comply with current legal standards.

Chapter 1113: Violations, Penalties, and Enforcement

- Updated language to make more succinct and to comply with current legal standards.

I am respectfully requesting time at the April 7, 2021 Committee session to discuss the proposed amendments to the City of Kent's Zoning Code (Chapters 1101-1113) in greater detail and request Council authorization of the draft Zoning Code update, as presented.

Thank you.

Cc: Kent City Council
Hope Jones, Law Director
Amy Wilkens, Clerk of Council
Community Development Dept. Zoning and Planning staff (Fink, Heckman, Sahr)

Attachment



Council, Clerk of <councilclerk@kent-ohio.org>

Opportunity for Public Comment at Council Meeting 6/1

Bridget Tipton <bgiatipton@gmail.com>

Wed, Jun 2, 2021 at 4:53 PM

To: Clerk of Council <councilclerk@kent-ohio.org>

Hello, Amy,

My remarks to Council are as follows:

My name is Bridget Tipton and I reside at 458 W Main St. I have a few comments on The 'Proposed Draft Language Amendment to ARB Exceptions for Review of (b) Public Art & (c) Exterior Color.

Some of you might remember when I came before you as part of the application to join the Architectural Review Board. I have now been a member of that board for about a year and a half. I'd like to provide a brief explanation of my background that helps to explain where my opinions are coming from. I have a bachelor degree in Interior Design and Architecture and a Masters degree in Architecture from Kent State. I have ten years of professional experience in the building design industry and teaching at the university.

For item (b) regarding public art, I think it is a great idea to not require this to be approved by the ARB because it will remove an unnecessary barrier for public art and make it more practical and feasible to implement. The guidelines the ARB uses are not useful or applicable to public art. The few murals that have come to the board were difficult to make substantive comments about, because there is very little in the guidelines that is pertinent. I would like you to consider clear limits about where murals can be installed. So far, they have been proposed on the sides, alleyways, and backs of buildings. If this is clearly delineated, then there would be no need for ARB review of an appropriate location.

For item (c) regarding exterior color and material - removing this from the powers and duties of the ARB will make the board ineffective. Color and material are integral to each other and to architecture and design. I do not see how these items can be separated from what the ARB reviews and still have a meaningful process. It is my understanding that the review process is often frustrating and cumbersome for applicants. Projects frequently fail to receive approval on the first and often second presentation. As a board member who is charged with applying the Guidelines, and as a designer who has brought projects to the board in the past, the guidelines are extremely difficult to apply. They are both too narrow in their focus, allowing for only historic-looking projects to be approved and yet too broad and subjective in their interpretation by designers and board members. I can see that by removing color and material the process would be expedited for many projects, however, it does not address the underlying issue of impractical guidelines that are difficult to apply, especially to new construction. This process is a hindrance to business and the Guidelines dilute architectural style. I can see that you are trying to refine this process, because it does need refinement, but the improvement needed is to rewrite the Guidelines entirely not to limit the ARB by removing color and material.

Thank you,
Bridget Tipton

[Quoted text hidden]

[Quoted text hidden]

- > PLEASE NOTE: This message and any response to it may
- > constitute a public record, and therefore may be available
- > upon request in accordance with Ohio public records law.
- > (ORC 149.43)

June 2, 2021

To all City Council Members

Regarding: Architectural Review Board

I recently was made aware of several proposed changes to the Architectural Review Board's Powers and Duties as described in the Zoning Code.

I want to go on record that I have always been a proponent of our City's ARB and in fact, while on Planning Commission, I voiced my opinion that it should be expanded to cover all of State Rt. 43 & 59 into and out of our City to help beautify the entrances into our city.

However, the ARB as chartered, is a misguided and rudderless board. First and foremost, the board does not have a clear and well-defined set of architectural guidelines from which to base decisions. The City of Kent Design Guidelines document that is being used to render decisions are not architectural guidelines, but rather preservation guidelines. This is clearly and repeatedly stated throughout this document. Though useful in a limiting basis, this document no way provides, architectural guidelines. I urge the city to find the funds to develop a useful and meaningful document that the board members could use to make reasonable decisions NOT arbitrary personal likes and dislikes regarding a building façade.

I personally feel this document is more needed and more valuable to the city and its residents than any re-visiting of the Bicentennial Master Plan.

I also noted that the proposed changes before you this evening do not include one very important item. Why would City officials continue to require property owners, businesses, developers, and citizens to have to bring their projects before the ARB when their projects are not located within the ARB jurisdiction? This refers to the requirement to come before the ARB as a step in the process to be able to appear before the Planning Commission when the ARB can only make a recommendation. This is an exercise that wastes time and money for both people trying to do business in Kent as well as City staff resources. Why would the city subject an applicant with the additional burden of a meaningless meeting?

City Council should do what is necessary to charter an effective ARB or disband it. Our city deserves a properly chartered ARB, so the ARB members have the necessary tools and direction to render educated decisions, based on sound architectural theory and guidelines. Thank you for your time.

Sincerely,

A handwritten signature in black ink that reads "Peter B. Paino". The signature is written in a cursive, flowing style.

Peter B. Paino



Streets, Sidewalks & Utilities Committee Meeting Minutes
The City of Kent, Ohio
Wednesday, June 2, 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 Sidoti called the Streets, Sidewalks & Utilities Committee of Kent City Council to order at 8:52 p.m.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; 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, Service Administration Director; Mr. Jim Bowling, City Engineer; Ms. Rhonda Hall, Budget and Finance Director; Mr. Gary Bishop, IT Manager; Mr. John Tosko, Fire Chief; Mr. Nick Shearer, Chief of Police; Ms. Angela Manley, Parks and Recreation Director; and Ms. Amy Wilkens, Clerk of Council.

ABSENT: Mr. Garret Ferrara

There were two (2) items on the Agenda.

1. AMATS Grant Funding for Street Resurfacing Project

Mr. Bowling has made available funding for construction next year and the other for construction by 2024. The criteria are more restrictive, needing to be on a Federally funded street and certain conditions. They are submitting a proposal to resurface Main and Water Street downtown, Main Street from Mantua to Willow Street and Water Street from Haymaker Parkway to Main Street for fiscal year 2022. For Fiscal Year 2023/2024 they are proposing to submit for Mogador Road resurfacing from Cherry Street to Summit Street.

Ms. Shaffer Bish asked how this work would be impacted by the proposed round about and if this would be work that would eventually need to be torn up. Mr. Bowling replied, no, they would stop the work short of where the East Main Street project would begin.

MOTION TO APPROVE THE AMATS GRANT FUNDING FOR STREET RESURFACING, with an emergency clause, made by Ms. Shaffer Bish, **SECONDED** by Mr. Kuhar and **CARRIED** by a voice vote of 8-0-0.

Ms. Shaffer Bish added this is a great use of funding and need to cherry pick what we can. Mr. Kuhar said he could see all of the Industrial business wanting to come in now to the new road.

2. OPWC Grant Funding for Infrastructure Projects

Mr. Bowling said this is the annual request for OPWC Grant Funding and as discussed in the past, the goal is to focus this funding to the funds that are in need, specifically those in water and sewer.

MOTION TO APPROVE THE APPLICATION FOR OPWC GRANT FUNDING FOR INFRASTRUCTURE PROJECTS made by Mr. Kuhar and **SECONDED** by Ms. Rosenberg and **CARRIED** by a voice vote of 8-0-0.

Seeing no further business or questions for this committee, it adjourned at 8:58 p.m.

Amy Wilkens
Clerk of Council

ACTION RECOMMENDED:

- 1) Authorize AMATS Grant Funding for Street Resurfacing Projects**
- 2) Authorize OPWC Grant Funding for Infrastructure Projects**



Finance Committee Meeting Minutes
The City of Kent, Ohio
Wednesday, June 2, 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 8:58 p.m.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; 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, Service Administration Director; Mr. Jim Bowling, City Engineer; Ms. Rhonda Hall, Budget and Finance Director; Mr. Gary Bishop, IT Manager; Mr. John Tosko, Fire Chief; Mr. Nick Shearer, Chief of Police; Ms. Angela Manley, Parks and Recreation Director; and Ms. Amy Wilkens, Clerk of Council.

ABSENT: Mr. Garret Ferrara

There was one (1) item on the agenda.

1. Easement for Nursing Home Facility

Mr. Bowling stated that back in July of 2020, City Council approved to provide water to a skilled nursing facility on SR 43 south of city limits. They are providing an easement to allow for maintenance on that easement and are requesting Council's approval.

There were no questions from the public or from City Council.

MOTION TO ACCEPT THE EASEMENT FOR THE NURSING HOME FACILITY made by Mr. Kuhar **SECONDED BY** Mr. Sidoti and **CARRIED** by a voice vote of 8-0-0.

Seeing no further discussion of this committee, it adjourned at 9:00 p.m.

Amy Wilkens
Clerk of Council

ACTION RECOMMENDED:

- 1) **Authorize the easement for the nursing home facility.**



Special City Council Meeting Minutes
The City of Kent, Ohio
Wednesday, June 2, 2021

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

At 9:00 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. 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, Service Administration Director; Mr. Jim Bowling, City Engineer; Ms. Rhonda Hall, Budget and Finance Director; Mr. Gary Bishop, IT Manager; Mr. John Tosko, Fire Chief; Mr. Nick Shearer, Chief of Police; Ms. Angela Manley, Parks and Recreation Director; and Ms. Amy Wilkens, Clerk of Council.

ABSENT: Mr. Garret Ferrara

MOTION TO EXCUSE MR. FERRARA FROM THE SPECIAL COUNCIL MEETING made by Ms. Shaffer Bish, **SECONDED** by Mr. Kuhar and **CARRIED** by a voice vote of 8-0.

MOTION TO AUTHORIZE DRAFT 2021-051 made by Mr. Sidoti **SECONDED** by Mr. Amrhein and **CARRIED** by a voice vote of 8-0-0.

MOTION TO AUTHORIZE DRAFT 2021-052 made by Mr. Kuhar **SECONDED** by Ms. Rosenberg and **CARRIED** by a voice vote of 7-1-0 with Ms. Wallach voting "NO".

Draft No. 2021-051 AN ORDINANCE REPEALING ORDINANCE NO. 2020-97, PASSED OCTOBER 7, 2020, WHICH PROHIBITED MASS GATHERINGS OF MORE THAN TEN (10) NON-HOUSEHOLD MEMBERS, 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. Kuhar, Ms. Rosenberg. The Motion **CARRIED** by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 2021-051 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. Kuhar, Ms. Rosenberg. The Motion CARRIED by a roll call vote of 8-0.

ORDINANCE 2021- 051 PASSED as stated by Clerk Wilkens.

Draft No. 2021- 052 AN ORDINANCE REPEALING ORDINANCE NO. 2020-62, PASSED JULY 15, 2020, WHICH ORDERED THAT ALL PERSONS IN PUBLIC PLACES WITHIN THE CITY OF KENT WEAR FACIAL COVERINGS, 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 Ms. Shaffer Bish. On roll call, voting “Yes”: Mr. Sidoti, Mr. Turner, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish. Voting “No” Ms. Wallach. The Motion CARRIED by a roll call vote of 7-1.

MOTION TO ADOPT DRAFT NO. 2021-052 made by Mr. Kuhar, SECONDED by Ms. Shaffer Bish. On roll call, voting “Yes”: Mr. Sidoti, Mr. Turner, Mr. Amrhein, Mr. DeLeone, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish. Voting “No” Ms. Wallach. The Motion CARRIED by a roll call vote of 7-1.

Ms. Shaffer Bish said this will provide further clarification for the citizens of Kent ending some confusion and ensuring people who want to continue to mask can do so. It’s not to say you can’t wear a mask, its to say you don’t have to and that businesses can create their own conditions. We are giving people more freedom which is a good thing at this point in the pandemic.

Mr. Kuhar said he feels that common sense should be the thing that leads you to wear a mask and that healthy people shouldn’t be punished. He added government shouldn’t control health in certain situations.

Ms. Shaffer Bish added she thought that prior to the past couple of days, the mask ordinance was very well adhered to and she is very proud of the citizens who are honoring the safety of themselves and others.

ORDINANCE 2021-052 PASSED as stated by Clerk Wilkens.

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.” SECONDED by Mr. Kuhar. On roll call voting “Yes”: Mr. Amrhein; Mr. DeLeone; Mr. Kuhar; Ms. Rosenberg; Ms. Shaffer Bish; Mr. Sidoti; Mr. Turner and Ms. Wallach.

MOTION to excuse Mr. Ferrara from the Executive Session made by Mr. Amrhein, SECONDED by Mr. Kuhar and CARRIED by a voice vote of 8-0.

MOTION made by Mr. Kuhar to return to Special Council Meeting, SECONDED by Ms. Wallach and CARRIED by a voice vote of 8-0.

The Regular Meeting adjourned at 9:11 P.M.

Amy Wilkens
Clerk of Council

Jerry T. Fiala
Mayor and President of Council