



CITY OF KENT, OHIO

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

Wednesday, February 19, 2020
Regular City Council Meeting

AGENDA

7:00 P.M. **WORK SESSION-** Update on New City Hall Project with Brandstetter Carroll, Inc.

7:20 P.M. **BOARD OF CONTROL**

7:25 P.M. **PUBLIC HEARING-** *On February 5, 2020, notice was given that the Kent City Council was conducting a Public Hearing to allow for public comment on the Community Development Block Grant (CDBG) Program Year (PY) 2020 Action Plan and 2020-2024 CDBG Consolidated Plan.*

7:30 P.M. **REGULAR COUNCIL**

1. Roll Call
2. Opening Remarks and Pledge of Allegiance (Ms. Wallach)
3. Approval of Minutes
 - 3.1 Regular City Council Meeting of January 22, 2020
 - 3.2 Special City Council Meeting Minutes of February 5, 2020
4. Communications
 - 4.1 Audience Remarks (Visitors wishing to address Council please sign up with the Clerk of Council prior to start of the meeting; limited to three (3) minutes)
 - 4.2 Written Communication (All placed on file in the Clerk of Council's office)
 - 4.2.1 Civil Service Commission Agenda for January 27, 2020 was received on January 23, 2020.
 - 4.2.2 Planning Commission Agenda and Staff Report for February 4, 2020 was received on January 24, 2020. Planning Commission Agenda and Staff Report for February 18, 2020 was received on February 11, 2020.
 - 4.2.3 Sustainability Commission Meeting Agenda for February 3, 2020 and Minutes from January 6, 2020 and notification of Kent Environmental Council meeting on February 17, 2020 were received on January 31, 2020.
 - 4.2.4 Request from Ohio Dept. of Liquor Control was received on January 27, 2020 to transfer the liquor license from Mandalari Lounge Inc., #1387944 DBA Dominick's Restaurant & Lounge & Patio to Polugas Pub LLC, DBA Dominick's Restaurant & Lounge & Patio. Chief Lee has no objections.

- 4.2.5 Request from Ohio Dept. of Liquor Control was received on February 5, 2020 to transfer the liquor license from Kent Panini's LLC, DBA Kent Panini's to Kent Overstuffed, Inc., DBA Kent Panini's. Chief Lee has no objections.
- 4.2.6 Letter from Civil Service Commission members regarding a concern about filling the vacancy on the Commission was received on February 6, 2020. A copy of this letter was forwarded to Council on February 10, 2020.
- 4.2.7 Board of Health Minutes and Statistical report from January 14, 2020 and Agenda for February 13, 2020 and was received on February 11, 2020.

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: February 5, 2020

5.1.2 Action Recommended:

- 1) Authorize and amend the Pending List

5.2 Community Development (Kuhar/Rosenberg)

5.2.1 Committee Meeting Minute Approval: None

5.2.2 Action Recommended: None

5.3 Streets, Sidewalks and Utilities (Sidoti/Wallach)

5.3.1 Committee Meeting Minute Approval: February 5, 2020

5.3.2 Action Recommended:

- 1) Authorize the Easements for the N. Water Street improvement project
- 2) Authorize the proposed ODOT Project legislation for the repaving of SR59. (**Approved 2.5.20 during Special Council Meeting**)
- 3) Authorize the street closure and temporary crosswalk installation

5.3.3 **Draft No 2020-09** AN ORDINANCE ACCEPTING A DONATION TO THE CITY OF KENT OF A TEMPORARY EASEMENT (1-TV) FROM STEPHEN JOHN BALAZS, TRUSTEE OF THE BALAZS FAMILY TRUST, FOR THE NORTH WATER STREET IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY. (Authorized)

5.3.4 **Draft No 2020-10** AN ORDINANCE ACCEPTING A DONATION TO THE CITY OF KENT OF A TEMPORARY EASEMENT (2-TV) FROM RICHARD T. WEISS, FOR THE NORTH WATER STREET IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY. (Authorized)

- 5.3.5 **Draft No 2020- 11** AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPROVE A NEW SPECIAL EVENT APPLICATION FROM MAIN STREET KENT KNOWN AS “KENT RAINBOW WEEKEND” TO BE HELD ON FRIDAY AND SATURDAY, MARCH 6TH AND 7TH, 2020, AND THE TEMPORARY CLOSURE OF THE WEST SIDE CROSSWALK AT THE INTERSECTION OF MAIN AND WATER STREETS, AND DECLARING AN EMERGENCY.(Authorized)

5.4 Land Use Committee (Ferrara/Schafer)

- 5.4.1 Committee Meeting Minute Approval: February 5, 2020

- 5.4.2 Action Recommended:

- 1) Table the discussion regarding the request to sell unused City street right of way.
- 2) Decline the requested zoning change to the VFW Property_

- 5.4.3 **Draft No 2020-12 AN** ORDINANCE ACCEPTING THE KENT PLANNING COMMISSION'S RECOMMENDATION NOT TO AMEND THE TEXT OF CHAPTER 1155 “INDUSTRIAL DISTRICT (I)” TO ADD THE WORD “SERVING” AS A PERMITTED USE, AND DECLARING AN EMERGENCY.(Authorized)

5.5 Health & Safety Committee (Amhrein/Sidoti)

- 5.5.1 Committee Meeting Minute Approval: February 5, 2020

- 5.5.2 Action Recommended:

- 1) None

5.6 Finance Committee (DeLeone/Wallach)

- 5.6.1 Committee Meeting Minute Approval: February 5, 2020

- 5.6.2 Action Recommended:

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

- 5.6.3 **Draft No 2020-13** AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ALLOW THE COMMUNITY DEVELOPMENT DEPARTMENT AND BUDGET & FINANCE DEPARTMENT TO CREATE A NEW GENERAL LEDGER FUND THAT IS NECESSARY TO SEPARATE CITY CHIP FUNDS FROM OTHER CITY FUNDS PER THE GUIDANCE OF THE CHIP FUNDING AGENCY; AND DECLARING AN EMERGENCY. (Authorized)

- 5.6.4 **Draft No 2020-14** AN ORDINANCE AMENDING ORDINANCE NO. 2019-139, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 18, 2019; SO AS TO ADJUST APPROPRIATIONS, TRANSFERS AND ADVANCES FROM THE VARIOUS FUNDS OF THE CITY OF KENT TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES OF THE CITY FOR THE FISCAL YEAR ENDING DECEMBER 31, 2020; AND DECLARING AN EMERGENCY. (Authorized)

- 5.6.5 **Draft No. 2020-15** AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCEPT THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2020 COMMUNITY EVENT SPONSORSHIP PROGRAM AWARD IN THE AMOUNT OF \$2,000.00, AND DECLARING AN EMERGENCY. (Unauthorized)
- 5.6.6 **Draft No. 2020-16** AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ALLOW THE CITY OF KENT FIRE DEPARTMENT TO OPERATE THE NEWLY PURCHASED POLARIS RANGER UTILITY VEHICLE ON THE ROADWAYS WITHIN THE CITY OF KENT ON AN AS NEEDED BASIS, AND DECLARING AN EMERGENCY. (Unauthorized)

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

Posted: February 12, 2020
Amy Wilkens, Clerk of Council
Visit <http://www.kentohio.org> for up to the minute Agenda Amendments

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City Council Regular Meeting Minutes
The City of Kent, Ohio
Wednesday, January 22, 2020

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

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

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

ABSENT: Mr. Garret Ferrara

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

Mr. Kuhar, in his opening remarks, welcomed Boy Scout Troop 252 to the Council Meeting and encouraged them to attend these meetings as they grow older, as things in the City will affect their lives. Council welcomes members of the community to show up to these meetings and contribute to the discussion. He invited a Scout Member to come up and lead the Pledge of Allegiance.

A member of Scout Troop 252 led the Pledge of Allegiance.

PRESENTATIONS:

Mayor Fiala welcomed Fire Chief Tosko to the floor to speak on the **University Hospitals PulsePoint App**.

Chief Tosko thanked the Mayor and reviewed his visit one year ago to introduce the PulsePoint Smart Phone app that is designed to improve cardiac survival rates. At that time, he was approached by University Hospital's Dan Ellenberger who explained PulsePoint is part of the Heart Healthy University Hospital initiative being promoted. This technology alerts ordinary citizens in the community who have CPR training to respond to cardiac emergencies. Time is sensitive and within three to five minutes it may be hard to start the heart again. We are trying to get early CPR and early defibrillation prior to EMS's arrival. This app alerts those who have it if a cardiac arrest has occurred in the area. As soon as someone calls 911, the dispatch center sends an alert to PulsePoint who then targets all smartphones in a quarter mile radius and sends out an alert. UH provided initial funding for this program, and other funding was provided by the City of Kent and Kent State University. It has been a true collaborative effort. The app went live on January 21st and is on their platform right now.

Now that the app is up and running, AED locations need to be added into PulsePoint. Also needed is more AEDs in the community and more people trained in CPR. They have enlisted the help from Kent State University's College of Health and Human Services and the College of Public Health to provide interns to help push this out to the community. February is the American Heart Association's Heart month so they app will be rolled out during this time. **(Attachment #1)**

Chief Tosko introduced Mr. Bill Benoit, President of UH Portage Medical Center and Mr. Dan Ellenberger, UH EMS Institute Director, to speak on the program.

Mr. Bill Benoit stated the next phase will be to help Chief Tosko get more funding for more AEDs as well as to continue the collaboration with Kent State to further develop the deployment. He stated this program is all about survivability and really need the first people on the scene to start intervention so the survival rates in the community can be as high as they possibly can be.

Mr. Dan Ellenberger announced that the Kent Fire Department has received an award that he will be presenting to them. The goal is to get more cardiac arrest survivors by training everybody in CPR and getting them the PulsePoint app. He reviewed the points needed to receive the award achieved by the Kent Fire Department. The continuity of care received by members of the community is saving lives. He stated the goal in Kent is to make it a heart safe community and cardiac arrest free zone. The time taken to get a cardiac arrest patient in Kent to the hospital operating room is under 90 minutes. In the past, you had to drive to Akron, but now the labs are open, you can get in a lot closer. He presented an award plaque to Chief Tosko.

Mayor Fiala asked if you need to be certified in CPR first before you get the app.

Chief Tosko stated you do not but the Red Cross encourages everyone to take the CPR course. Kent Fire is trying to train as many people as they can in hands only CPR and AED use.

Dr. Christopher Woolverton was introduced to review the next steps in the project. He stated there are over 350,000 cardiac arrests every day in the United States. In 1982, just after receiving his CPR training, he was involved in resuscitating a woman alongside a group of people before EMS arrived. This group action by lay people starting hands on compression before EMS arrived helped in her survival. As a public health advocate and faculty member, he stated this is an opportunity to amplify what is offered by Kent EMS to its citizens. The College of Public Health has pledged two interns to GPS locate all the positions where new AEDs will be placed. The same will be done on campus with the goal of having an AED in every building. The College of Public Health will also be working on writing grants to get federal, state and local funding. UH Portage will augment what the City is doing and help support ongoing training of hands-on CPR. Next month, on campus, University Health Services will begin offering CPR classes in the near future. This will help place someone within feet of an incident when a call comes in to 911.

Mr. Kuhar asked about the time that it takes to go through CPR training.

Dr. Woolverton said it depends on which version of training you attend. CPR training can be done online to get the basic knowledge, and then you would go to a support center to learn how to do compressions. That's a minimal time commitment. Advanced training for EMS personnel and nurses is a little longer. Dr. Woolverton's training took two hours. It's good for two years and then renewal is required.

Mayor Fiala stated he completed his training at UH one Saturday morning and it took three hours. It was very easy and tailored to each person.

Ms. Shaffer asked what happens in residential situations when the app is activated.

Chief Tosco stated this app is for public places only. They do not want people trying to go into other people's homes. There is a database that PulsePoint uses to differentiate between a residential and public place.

Mr. Kuhar asked how it knows where a person is located by using their phone.

Chief Tosco states by the GPS location of the phone if they do not know their address. When a person calls 911 and gives their address, dispatch will type in "CPR" which activates PulsePoint, and then determines whether it is a public or residential place.

Mr. Kuhar said sometimes when you are in that physical state, your mental state is not stable, he thought 911 and cell phone towers could only get to certain proximity of the pole and not pinpointed.

Chief Tosko said they can get pretty close. In a residential neighborhood, they will pick up either that address, or a nearby address. It will only send people to a public place. He also added they have been teaching all City employees the hands only CPR.

Ms. Rosenberg said she would like to recertify in CPR and is very excited about this project. She thanked the generosity from UH Hospital Systems and will be sharing this information with other residents.

Chief Tosko played a video from PulsePoint regarding the program.

Mayor Fiala presented Chief Tosko with a Proclamation from the City declaring February "University Hospitals PulsePoint Heart Month".

Mayor Fiala introduced the **KSS Robotics Team** to review their research and present their findings to Council.

Mr. Harrison Wicks introduced the group from KSS Robotics who are doing a City Shaper Challenge this year, led by Josh Crawley who is the coordinator for the team.

Mr. Josh Crawley thanked Council for the time to present. This challenge encourages "gracious professionalism" and encourages team members to do their own research and act on their own. The group is a Lego Robotics Club and have done very well on their project this year. He turned the presentation over to the team.

A group of ten to twelve members stood before council with poster board diagrams and pictures of their research on indoor air quality. They presented their findings to Council and read from the attached statement (**Attachment #2**).

Ms. Wallach asked what the different plants do for indoor air quality.

A member of the team confirmed the palm tree plant purifies the air, the mother-in-law tongue eats CO2 in the air, and the money plant turns yellow when there are toxins in the air.

Mayor Fiala thanked the group for coming and sharing their knowledge and research with City Council.

Ms. Wallach asked what their t-shirts stood for.

A member of the team went over the design process for the team name- Charged Up- along with the design of the t-shirt. A battery with a charge symbol was chosen along with the percentage of the battery being the team number.

APPROVAL OF MINUTES:

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF December 18, 2019 made by Mr. Kuhar, seconded by Mr. Sidoti, and CARRIED by a voice vote of 7-0-1 with Ms. Wallach abstaining.

COMMUNICATIONS:

Audience Remarks: Mayor Fiala asked the Clerk if anyone was signed in. There were three (3) visitors who signed in with the Clerk and were given permission to talk to Council for three minutes.

Mayor Fiala invited Tom Myers to the microphone, instructed him to give his name and address and say nothing abusive to the group.

Mr. Tom Myers of 1750 Oakhill Drive, Kent, Ohio in Twin Lakes came to talk about the ARB. He thanked City Council for the opportunity to speak before them about the Overlay District on the corner of Summit and Mogadore Rd. He first wanted to lodge a formal complaint about the lack of due process that was used to bring the proposal forward. He referenced a letter that was distributed to Council which detailed Chapter 1121.06 of the Code of Ordinances in regards to the codification of the Architectural Design Review Overlay Districts and Chapter 1111 regarding the publication of a hearing to discuss this zoning amendment (**Attachment #3**). He does not believe it was properly initiated nor the affected parties notified of the proposed changes. He is not aware of anywhere in the country where governmental legislation is proposed over privately owned property where the owner is not first consulted and officially notified. He is not aware of any public notification of this proposal and only found out about it by word of mouth. He has been told this stop gap legislation will protect the approved hotel project, and any unsubstantial changes that may be made to it. The proposed wording presented tonight does no such thing. Any changes could reintroduce the ARB into the process because changes can be subjective.

As a lifelong resident of the city, he stated he is not against the concept of architectural review. The more he studies the ARB Overlay District, the guidelines it uses and the composition of the Board, the more he believes a thorough review of this process is desperately needed. The ARB's guidelines appear to be directed towards historic renovation and reconstruction which may apply to the historic Downtown District but are inadequate when reviewing structures that have no historic significance and in areas that are not historically significant. The ARB is composed of one licensed architect, one engineer, an unlicensed graduate architect student, a draftsman and a banker and it is arguable they meet the ARB's written membership qualifications. He suggests this has probably led to some very arbitrary decision making.

Mr. Tom Myers asked where the emergency in passing tonight's legislation is. His project has been approved, is moving forward and is in technical review right now. He asked that Council take the time and properly review this process and get it right instead of perpetuating a flawed process. He respectfully requested the temporary legislation be tabled or denied. The issue is far too important to be dealt with and handled in a half hazard manner. He said before any changes are made to the Overlay District, the Zoning Code review should first be properly completed. He thanked Council for their time.

Mayor Fiala noted for the record the submission of a letter from Mr. Tom Myers that was submitted.

Mr. Paino was called to speak. He withdrew his request to speak this evening.

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

1. Planning Commission Agenda and Staff Report for January 7, 2020 was received on December 24, 2019 and the Agenda and Staff Report for January 21, 2020 was received on January 13, 2020.
2. Sustainability Commission Meeting Agenda for January 6, 2020 and Minutes from November 4, 2019 were received on January 2, 2020.
3. Board of Elections notification of availability to view galley proofs of ballots to be used at the Primary Election on March 17, 2020 received on January 9, 2020. A copy of this letter was emailed to City Council and City Administration.
4. Health Board Meeting Minutes and Statistical Report from December 2019 and Agenda for January 14, 2020 Board of Health Meeting was received on January 9, 2020.
5. Parks and Recreation Board Packet for January 16, 2020 was received on January 15, 2020.

6. Ohio Ethics Commission Official List of Elected Officials and Notification of Filing Requirement was received on January 14, 2020. A copy was emailed to all elected officials on January 15, 2020.

Mayor Fiala advised Council to speak with Clerk Wilkens for a hard copy of the Ohio Ethics Filing Application.

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

1. Authorize the acceptance of a \$5,000 donation to Kent Parks and Recreation from the Henry V. And Frances W. Christenson Foundation. (Draft #2020-03)
2. Request Council's authorization of an Ordinance creating a temporary position and funding (not to exceed 8 weeks) to allow Mr. Dave Coffee to extend his employment with the City in order to assist in the transition of the new Finance Director as a result of his impending retirement. (Draft #2020-04)
3. Request Council's authorization to amend the City's recently passed Retirement Gift Policy to add the allowance of issuing a "service recognition" plaque to retirees with at least 10 years of service with the City using City departmental funds.
4. Request Council's approval to hold a public hearing at the February 5th Council meeting for consideration of a proposed text amendment on the zoning of the VFW Property.
5. Request Committee of the Whole time to receive an update from the architect on the status of the New City Hall project.
6. Request Committee of the Whole time to provide an overview of the content and functionality of the City's new web site.
7. Request Committee of the Whole time to update Council's 2020 Pending List.
8. Request for Streets, Sidewalks & Utilities Committee time for Council's consideration of authorization of the necessary easements for the N. Water Street Traffic Improvement Project.
9. Request for Streets, Sidewalks & Utilities Committee time for Council's authorization of the SR59 Paving Project legislation that is required for submission to ODOT.
10. Request for a Special Council meeting in order for Council to take a formal vote on the ODOT SR59 Paving legislation required by ODOT.
11. Request for Streets, Sidewalks & Utilities Committee time for Council's to receive an update on a new downtown special event, "Rainbow Weekend" that will include a temporary street closure at the intersection of Main Street and Water Street to install a temporary rainbow painted crosswalk.
12. Request for Health & Safety Committee time for Council's consideration of proposed text amendments to the City's regulations that are used in the management of feral cats in the community.

MOTION TO APPROVE ITEMS #1-12 OF THE CITY MANAGER'S REPORT made by Mr. Amrhein, seconded by Ms. Shaffer, and CARRIED by a voice vote of 8-0.

STANDING COMMITTEES/ LEGISLATION

1. COMMITTEE OF THE WHOLE:

MOTION TO APPROVE MEETING MINUTES of January 8, 2020 made by Mr. DeLeone, seconded by Ms. Rosenberg, and CARRIED by a voice vote of 7-0-1, with Ms. Wallach abstaining.

Recommended Actions:

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

MOTION TO APPROVE RECOMMENDED ACTIONS made by Mr. DeLeone, seconded by Ms. Shaffer, and CARRIED by a voice vote of 8-0.

2. COMMUNITY DEVELOPMENT COMMITTEE:

MOTION TO APPROVE THE COMMUNITY DEVELOPMENT MEETING MINUTES of January 8, 2020 made by Mr. Kuhar, seconded by Mr. Sidoti, and CARRIED by a voice vote of 7-0-1, with Ms. Wallach abstaining.

Recommended Actions:

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

MOTION TO APPROVE RECOMMENDED ACTIONS made by Mr. Kuhar, seconded by Ms. Wallach.

Mr. Sidoti said issues were raised tonight about notice and asked if it was something that should be taken into consideration.

Ms. Hope Jones asked that Council table both the action and the Draft No. 2020-01 so it can be reviewed.

Mr. Sidoti proposed to amend the motion. A MOTION WAS MADE to send the action and draft back to Committee for further review by Mr. Sidoti, seconded by Ms. Shaffer.

Ms. Wallach said the proposal does not affect the current project. This is if another project, such as a storage unit, comes in then the ARB would have a course of action. As it is right now, the ARB is just an advisory to the project.

Ms. Shaffer agrees with Mr. Myers about the sense of urgency because there might be a bait and switch going on, and even so it would have to pass through so many different Boards. She does not see a point of making this contingent on the ARB, and the Zoning review can discuss this particular area. She agrees this should be moved into Committee or tabled.

Mayor Fiala clarified the amended motion was to send it back to administration, not to table it.

Mr. Kuhar asked Mr. Sidoti to repeat the motion.

Ms. Jones clarified they are discussing the ACTION 8.2.2 and when they get to the Draft No., she would asked that be tabled.

Mr. Sidoti does not agree with Mr. Meyers concerning the intent and that if we are going to expand the Central District it should follow what the ARB does for the Central District and if it is expanded the ARB should be able to do that. He does believe, however, that without proper notice given, it should be tabled or moved back to the administration.

Ms. Wallach asked why this discussion was not brought up during Committee time.

Ms. Jones stated that Mr. Myers brought the issue up and the City's reading of parts of the code may be different than his, but he brings up valid points that need to be discussed. If the City has not done the right thing, it will be fixed.

Ms. Wallach asked if it should go back to committee or tabled.

Ms. Jones clarified once the action is tabled, we can work to figure out what is right and what is wrong. Then Ms. Jones can ask Dave (Ruller) to ask Council to bring it out on another agenda and get it back to committee.

AN AMENDED MOTION WAS MADE TO TABLE the action made by Mr. Sidoti, seconded by Ms. Rosenberg and CARRIED by a vote of 8-0.

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

MOTION TO TABLE DRAFT NO. 2020-01 made by Mr. DeLeone, seconded by Ms. Shaffer and CARRIED by a vote of 8-0.

3. FINANCE COMMITTEE:

MOTION TO APPROVE THE FINANCE COMMITTEE MEETING MINUTES OF January 8, 2020 made by Mr. DeLeone, seconded by Ms. Rosenberg, and CARRIED by a voice vote of 7-0-1 with Ms. Wallach abstaining.

MOTION TO APPROVE THE FINANCE COMMITTEE ACTION ITEMS made by Mr. DeLeone, seconded by Ms. Shaffer, and CARRIED by a voice vote of 8-0.

Recommended Actions:

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

Draft No. 2020-02 AN ORDINANCE AUTHORIZING THE PARKS AND RECREATION DIRECTOR, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT WITH BRANDSTETTER CARROLL, INC. (BCI) AND THE CITY OF KENT PARKS & RECREATION DEPARTMENT FOR A COMPREHENSIVE PARKS MASTER PLAN, WAIVING COMPETITIVE QUOTING, AND DECLARING AN EMERGENCY. (Authorized), 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. Rosenberg. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner and Ms. Wallach. The Motion CARRIED by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT NO. 2020-02 made by Mr. Kuhar and seconded by Ms. Shaffer. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner and Ms. Wallach. The Motion CARRIED by a roll call vote of 8-0.

ORDINANCE 2020-02 PASSED as stated by Clerk Wilkens.

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

PROJECT, AND DECLARING AN EMERGENCY. (Unauthorized) was read by title only by Clerk Wilkens per Mayor Fiala's request.

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

MOTION TO ADOPT DRAFT No.2020-03 made by Mr. Kuhar and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner and Ms. Wallach. The Motion CARRIED by a roll call vote of 8-0. .

ORDINANCE 2020-03 PASSED as stated by Clerk Wilkens.

Draft No. 2020-04 AN ORDINANCE AUTHORIZING THE CREATION OF A TEMPORARY POSITION IN THE CITY MANAGER'S OFFICE WHICH WILL BE TITLED, "TEMPORARY ADMINISTRATIVE SPECIALIST", AND DECLARING AN EMERGENCY. (Unauthorized) 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 Ms. Wallach. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner and Ms. Wallach. The Motion CARRIED by a roll call vote of 8-0. .

MOTION TO ADOPT DRAFT No. 2020-03 made by Mr. Kuhar and seconded by Mr. Sidoti. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner and Ms. Wallach. The Motion CARRIED by a roll call vote of 8-0.

ORDINANCE NO. 2020-04 PASSED as stated by Clerk Wilkens.

4. HEALTH AND SAFETY COMMITTEE:

NO MINUTES OR RECOMMENDED ACTIONS TO BE APPROVED.

5. LAND USE COMMITTEE:

MOTION TO APPROVE THE LAND USE COMMITTEE MEETING MINUTES of January 8, 2020 made by Ms. Shaffer, seconded by Mr. Kuhar, and CARRIED by a voice vote of 7-0-1, with Ms. Wallach abstaining.

RECOMMENDED ACTIONS have been postponed.

6. STREETS, SIDEWALKS AND UTILITIES COMMITTEE:

MOTION TO APPROVE THE STREETS, SIDEWALKS AND UTILITIES COMMITTEE MINUTES of January 8, 2020 made by Mr. Sidoti, seconded by Mr. DeLeone, and CARRIED by a voice vote of 7-0-1, with Ms. Wallach abstaining.

MOTION TO APPROVE THE STREETS, SIDEWALKS AND UTILITIES COMMITTEE ACTION ITEMS made by Mr. Sidoti, seconded by Mr. DeLeone, and CARRIED by a voice vote of 8-0.

Recommended Actions:

- 1) Authorize the Water Extension and Tap-in for the New Arby's Located at 1821 St. Route 59**
- 2) Authorize the Proposed Right of Way License Agreement to Allow an Outdoor Patio at 101 Crain Avenue.**
- 3) Authorize the submission of the proposed "Bike Friendly Community" designation.**

Draft No. 2020-05 AN ORDINANCE AUTHORIZING OLIO DEVELOPMENT GROUP A WATER TAP-IN FOR THE NEW ARBY'S FAST FOOD RESTAURANT WHICH WILL BE RE-LOCATING FROM 1630 EAST MAIN STREET TO 1821 STATE ROUTE 59, OUTSIDE THE CITY OF KENT, AND DECLARING AN EMERGENCY. (Authorized) was read by title only by Clerk Wilkens per Mayor Fiala's request.

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

Ms. Heidi Shaffer went on record to say she is disappointed this business is not joining the JEDD, especially when they are moving from the City.

MOTION TO ADOPT DRAFT No. 2020-05 made by Mr. Kuhar and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner and Ms. Wallach. The Motion CARRIED by a roll call vote of 8-0.

Ordinance 2020-05 PASSED as stated by Clerk Wilkens

Draft No. 2020-06 AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A LICENSE AGREEMENT BETWEEN THE CITY OF KENT AND RANDOM OHIO, LLC TO ALLOW FOR THE INSTALLATION OF AN OUTDOOR PATIO AND ENTRANCE AT 101 CRAIN AVENUE, AND DECLARING AN EMERGENCY. (Authorized) was read by title only by Clerk Wilkens per Mayor Fiala's request.

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

MOTION TO ADOPT DRAFT No. 2020-06 made by Mr. Kuhar and seconded by Mr. Sidoti. . On Roll call, voting "Yes": Mr. Amrhein, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner and Ms. Wallach. The Motion CARRIED by a roll call vote of 7-0-1 with Mr. DeLeone abstaining.

Ordinance 2020-06 PASSED as stated by Clerk Wilkens

Draft No. 2020-07 A RESOLUTION AUTHORIZING THE CITY OF KENT TO SUBMIT AN APPLICATION FOR THE NATIONAL "BIKE FRIENDLY COMMUNITY" DESIGNATION THROUGH THE LEAGUE OF AMERICAN BICYCLISTS, AND DECLARING AN EMERGENCY (Authorized) was read by title only by Clerk Wilkens per Mayor Fiala's request.

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

MOTION TO ADOPT DRAFT No. 2020-07 made by Ms. Shaffer and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner and Ms. Wallach. The Motion CARRIED by a roll call vote of 8-0.

Ordinance 2020-07 PASSED as stated by Clerk Wilkens.

SPECIAL COMMITTEE REPORTS: NONE

UNFINISHED BUSINESS:

MOTION MADE by Ms. Wallach to move the discussion regarding idling cars into Committee as soon as possible, seconded by Ms. Shaffer. After no further discussion the motion CARRIED by a voice vote of 8-0.

NEW BUSINESS:

MOTION MADE by Ms. Shaffer for the administration to consider putting a plant wall in the new City Hall, seconded by Ms. Wallach and CARRIED by a voice vote of 8-0.

MOTION made by Mr. Kuhar to move to the Parking Action Commission the issue of parking restrictions for downtown residents working in the evening and being home during the day SECONDED by Ms. Shaffer and CARRIED with a voice vote of 8-0.

Mr. Kuhar brought to discussion the options downtown residents have to park their vehicles overnight. He asked about people who work second or third shift and the only option is two hour parking.

Mr. Kuhar said there used to be ten hour parking for residents and as we grow as a city, this problem is not going to go away.

Ms. Shaffer said she would like to know the individual(s) that are impacted and hopes there will be a response from the Parking Action Committee on what they could do in those situations.

Ms. Wallach said they talked about this in the past that downtown residents would go to get a special permit.

Mr. Kuhar said that was for people who work during the day time. Another thing to discuss is the Emergency Snow Ban on all streets when it snows.

MOTION made by Ms. Wallach to move to the Sustainability Commission a proposal to designate one day a year for citizens of Kent to plant trees, seconded by Mr. DeLeone and CARRIED with a voice vote of 8-0.

Mr. DeLeone stated this has been done in the past. He remembers planting trees in the cemeteries on Arbor Day.

Ms. Rosenberg added that some businesses (Mad Cap, Tree City Coffee) planted small trees specifically on Arbor Day. This may be a way to embellish what is already existing on Arbor Day, so as not to lose momentum.

Mr. Kuhar said we have to be selective on where we plant trees on public property, specifically on the roadway. He asked if this would be for people to plant trees in their yard on private property, or park locations. Alongside the roadways is already handled.

Ms. Wallach replied this would be everywhere. She stated we need to get trees growing for climate change.

Mr. Sidoti suggested partnering with Davey Tree and the Shade Tree Commission.

MOTION TO MOVE INTO COMMITTEE HOW VACANCIES ON BOARDS AND COMMISSIONS are advertised and filled made by Ms. Rosenberg and seconded by Ms. Shaffer and CARRIED by a voice vote of 8-0.

Ms. Rosenberg stated she would like to hear back from the administration on different term limits for Boards and Commissions and ways we can expedite filling vacancies on Boards and Commissions.

Ms. Rosenberg noted that the Tree City Bulletin comes out quarterly and if we can get openings posted immediately on the website or wherever the city deems is the best way to reach people. She also suggested more of a consistency of term limits as they currently vary from Board to Commission. It would be easier for everyone to understand.

Ms. Shaffer really appreciates the amount of information that is on the new website, including information on the Boards and Commissions and it would be an ideal place to put upcoming vacancies to give people notice.

Mr. DeLeone asked if this is in the Charter.

Clerk Wilkens stated it is in the Standing Rules on how to advertise for Boards and Commissions.

Ms. Jones stated he meant for terms of office.

Mr. Sidoti said this is a good opportunity to look at the process and see if there is a better way to advertise and let everyone know we are looking for good people.

Ms. Shaffer said we are looking for diverse representation on the Committees, so this may be a good way to reach a lot of people.

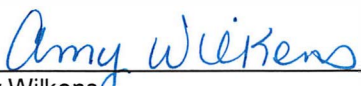
COUNCILMEMBERS' COMMENTS

Ms. Shaffer commented she would be interested in getting certified in CPR if there is something available for Council in the evenings.

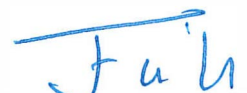
MAYOR'S REPORT:

Mayor Fiala reminded everyone that the City is going to the ballot with a levy in March. It brings in \$325,000 every year which goes towards Police and Fire services, leaf pickup, and snow removal. He encouraged members to spread the word to their constituents. Also, the Citizens Police Academy starts February 20th and suggested members to participate to really understand what the Police Department does on a daily basis. He highly recommends it.

The Regular Meeting adjourned at 8:45 P.M.



Amy Wilkens
Clerk of Council



Jerry T. Fiala
Mayor and President of Council



City Of Kent Fire Department

320 S. Depeyster St.
Kent, Ohio 44240
330. 673.8814
330.676.7374 Fax

Timeline:

DRAFT

Dan Ellenberger from University Hospitals approached me 1-1/2 to 2 years ago with the idea of PulsePoint. As a reminder, PulsePoint is a smart phone App created to help improve survival rates of cardiac arrest victims. UH provided initial funding for the services and Kent provided funding for a program patch to bridge the KSU Computer Aided Dispatch (CAD) to PulsePoint. Kent State provided IT expertise and a computer server to run the patch, they also maintain the CAD. It was truly a collaborative effort that took months of hard work. The real work could not begin until KSU moved to the new CAD Enterprise system last fall. Prior to that, the fire department had been inputting the AED locations.

This technology permits ordinary citizens to become lifesavers by providing locations of persons needing CPR and also providing the tools necessary to save those lives. By downloading the App and attending CPR training, hundreds, if not thousands of people throughout the community have the ability to respond to cardiac arrests, and make a difference.

Moving forward, two new groups are going to begin to help us. The UH-Portage Foundation, under the direction of Mrs. Shawn Gordon will provide possible funding and two KSU student interns. These students are from the College of Health and Human. The second group is the College of Public Health under Dr. Sonia Alemagno. They will provide interns as well. The interns will be a vital part of our outreach to the community. They will work to increase CPR training to individuals while adding to the AED inventory throughout the community.

February is the American Heart Association's "Heart Month" and will be a perfect time to begin this endeavor.

Directions on downloading the PulsePoint App

Android:

Make sure your GPS location is turned on and notifications are allowed

Go to your App Store and look up **PulsePoint Respond** (red icon)

Download and install the App

Once installed, open the app and go to the menu (three bars on the left)

Click on Agencies and look up Kent Fire (the second one down usually)

Select and Follow Kent Fire

Back out and go to notifications and make sure the Nearby CPR needed is selected, then select those types of call you would like to see.

Back out again and you should see a feed for Kent Fire. You may look up and select other departments, however, you can only follow one department at a time

IOS:

Go to your App store and look up **PulsePoint Respond** (red icon)

Download app

During Setup allow all notifications

Last step choose Kent Fire Department and click Follow.

Click 3 bars in upper left

Click notifications

Check to make sure Nearby CPR-needed has a heart in the box, and select those types of calls you would like to see.



GET THE APP. SAVE A LIFE.

Sudden Cardiac Arrest (SCA) is one of the leading causes of preventable deaths. The PulsePoint app alerts bystanders—like you—who can help victims before professional help can arrive.

PulsePoint alerts you to nearby people in need. For every minute that passes before help arrives, **SCA survival decreases by 7%-10%**. It's like an amber alert for SCA victims.



SCA victim in need.

911 system sends
PulsePoint alert.

Signal received by nearby
PulsePoint users.

Users rush to help the victim
before professional help
arrives.

DOWNLOAD
THE APP:

Search: "PulsePoint"



BROUGHT TO
YOU BY:



University Hospitals
Portage Medical Center

KENT STATE
UNIVERSITY

SCA KILLS ALMOST
1,000 /DAY
IN THE U.S.

NEARLY **60%** OF SCA
VICTIMS DON'T GET CPR
UNTIL PROFESSIONAL
HELP ARRIVES.

13M AMERICANS ARE
CPR TRAINED AND
CERTIFIED ANNUALLY.

THE U.S. SURVIVAL
RATE FOR SCA IS **11%**
WE CAN DO BETTER

CALL 911
PUSH HARD AND FAST
IN THE CENTER OF THE
CHEST TO THE BEAT
OF "STAYIN' ALIVE"
(100X/MINUTE).

Early CPR and rapid defibrillation
before an emergency team arrives
can boost survival by 50%.



HELP SAVE LIVES. LOCATE AND REGISTER AEDS.

When a cardiac emergency strikes, finding an Automated External Defibrillator (AED) can help save a life. But that takes knowing where AEDs are located.

PulsePoint AED lets you report and update AED locations so that emergency responders, including nearby citizens trained in CPR can find an AED close to them when a cardiac emergency occurs.

1



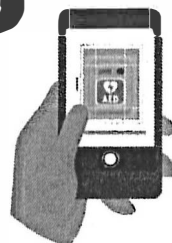
Locate an AED.

2



Register the AED using the PulsePoint AED app.

3



Add a photo of the AED in the context of its surroundings.

DOWNLOAD THE APP:
Search: "PulsePoint AED"



FIRST Lego League's Robot Team – CHARGED UP
KSS Robotics

We are FIRST Lego League's robot team **Charged Up**. Our team meets at the KSS Robotics building located at 1640 Franklin Ave in Kent. FIRST is a global organization and stands for, *For Inspiration and Recognition in Science and Technology*. KSS Robotics offers 3 - FIRST programs for kids ages 5-18 years.

There are over 150 countries participating in FIRST Lego League and each year these teams are given a challenge to work on throughout the season. Past challenge topics have been Hydrodynamics, Trash Trek and Space. This year's challenge is called **City Shaper**. Our challenge is to go out and learn about our town and present a solution for a problem that we found.

Our solution was to use **certain plants in decorative applications inside buildings to help clean air and offset carbon dioxide production.**

This year has been a busy year for our team. To start, representatives in the Kent City managers' Office and faculty in the Kent State University College of Architecture and Environmental Design (CAED) took us on a walking tour of Downtown Kent. We were shown examples of sustainable building and urban planning, most notably a water retention pond with native plants adjacent to the Kent Police Station. **We were especially interested in how plants were able to filter toxic chemicals out of the rain water runoff. This got us thinking about plants.**

Next, our team met with Casey Weir, who is the director of the Brimfield Parks and Recreation Department. Dr. Brent Tippey from the Kent State College of Architecture talked with us about eco-friendly building design and using recycled materials in new building construction.

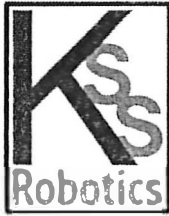
For our project this year we chose Indoor Air Quality. We chose this topic after each team member presented problems that they noticed with some of the buildings we saw in our town. After we presented our ideas, we voted on each of them until we narrowed it down to Air Quality. We also chose this as a project as it affects us more as kids. One thing that we noticed about our projects was that we all added plants to our building drawings as a solution.

Throughout our research we learned that certain plants help with air quality issues better than others.

After our presentations, we watched a TED Talk video where Dr. Kamal Meattle used 4 plants for each of his employees to purify the indoor air. In the City of New Delhi where Dr. Meattle works, there is a 50,000 square foot facility that employs 300 people. There are a total of 1200 plants of certain sizes in the building. This breaks down to 4 plants for each employee. The plant project has been so successful for them that according to Dr. Meattle, the employees blood oxygen levels have actually gone up by 1 point.

The Three plants used in the New Dehli experiment and ours are:

1. Mother in laws tongue or Snake Plant - Good at eating CO2.
2. The Money Plant - Indicates toxic air by turning yellow.
3. Areca Palm Plant - An air purifier.



KSS Robotics
FLL Team Charged Up
1640 Franklin Ave.
Kent, OH 44240
330-671-1815 - Josh

Kent City Council
320 S. Depeyster St.
Kent, Oh 44240
330-678-8007

RE: Living Architecture Plant Wall Cost Analysis for Future Kent Town Hall

FIRST Lego League team Charged Up would like to propose a living plant wall to be permanently installed in one or more areas of the future Kent Town Hall. There are many proven positive effects of indoor plant walls including improved physical and mental health.

Listed are the three plants used in our carbon dioxide (CO₂) test chamber experiment. The results of our tests was a 50% reduction in CO₂ over 48 hours.

The plants we are using can grow to be over 5' in height so depending on what the final wall will look like, other plants may be better suited for this application. Also, included with this analysis is a gardening guide from Petite Garden center. This guide can be used when selecting plants to be used in a living architecture plant wall.

Feel free to contact us with any questions you may have with regards to this project.

Thank you for your time,

Sincerely,

FLL Team, Charged Up.

Living Architecture Plant Wall Cost

We will start with 600 plants.

Each plant will need approximately 1 square foot of growing room for root system.
(600 sq. ft. in total)

Four mature plants are needed to zero out CO2 production from one person.

600 plants will zero out CO2 for 150 people. More plants may be needed for rooms or areas with higher occupancy loads.

Plants we used:

- Mother-in-law tongue - qty. 200 - Estimated cost \$2,000.00
(4" and 6" pots, average height 12-15")
- Areca Palm Plant - qty. 200 - Estimated cost \$3,000.00 (8" pot, average height 10-18")
- Money Tree - qty. 200 - Estimated cost \$3,000.00 (6" pot, average height 10-18")

Other plants commonly used in plant walls are typically smaller than the ones we used in our project.. These plants can be found in some of our sample images.

Examples of these are:

- Dwarf Sansevieria (bird's nest)
- Sansevieria ballyi
- Pothos
- Assorted ferns
- Hanging Philodendron
- Striped Tradescantia



Plants that Clean Your Air

It is a well known fact that plants are essential for supporting life. They convert carbon dioxide into oxygen through the process of photosynthesis. They are primary producers in biological food chains. Even the sight of something green growing in the middle of winter can immediately lift spirits! Also, studies by NASA in association with the Associated Landscape Contractors of America (ALCA) have shown that tropical and flowering houseplants are powerful purifiers filtering common toxins from the air like benzene (a common solvent used in inks, gas and paint), formaldehyde (used in manufacturing pressed wood and paper products), and trichloroethylene (another solvent used in metal degreasing, printing inks and adhesives).

NASA's indoor air quality studies, headed by Dr. B.C. Wolverton, were formed for future use in space life and how to best support life in an air-tight environment, but are readily applicable in today's homes and offices that are designed to be sealed-tight and energy efficient. Keep in mind that not all tropical and flowering plants were tested, but of those that were, the ones listed below resulted in excellent to good ratings in purifying the air:

Name	Benzene	Carbon Monoxide	Formaldehyde	Trichloroethylene	Comments
<i>Aloe vera</i>			Excellent		Tolerant of bright light & drought
Bamboo palm or reed palm <i>Chamaedorea sefritzii</i>	Excellent		Excellent		Easy palm for medium to bright indirect light
Bromeliad <i>Aechmea fasciata</i>			Excellent		Excellent for xylene, prefers bright indirect light
Bromeliad <i>Guzmania</i> "Cherry"			Excellent		Excellent for xylene, prefers bright indirect light
Chinese evergreen <i>Aglaonema modestum</i>	Excellent				Excellent for toluene, one of the best low light plants for a dark room or office, easy care
Cornstalk dracaena <i>Dracaena fragans</i> 'Massangeana'			Excellent		Likes medium to bright indirect light
Dracaena 'Janet Craig'	Excellent			Excellent	
<i>Dracaena marginata</i>	Excellent		Good	Good	"Spike" type that grows anywhere
Dracaena 'Warneckii'	Excellent		Good	Excellent	Most colorful of the Dracaena
Dumbcane <i>Dieffenbachia maculata</i>			Excellent		Easy to grow, medium indirect light
English Ivy <i>Hedera helix</i>	Excellent		Good	Good	Prefers bright indirect light, evenly moist soil and humidity
Gerbera Daisy <i>Gerbera jamesonii</i>	Excellent		Good	Excellent	Best in an eastern window
Golden Pothos <i>Epipremnum aureum</i>	Excellent	Excellent	Good		Tolerant of abuse but prefers medium indirect light and slightly dry soil
Mum <i>Chrysanthemum morifolium</i>	Good		Good	Excellent	Bright indirect to full sun, grow indoors or out

Rev 11/09

Avon 440.937.0690 · Oakwood Village 440.439.6511 · Strongsville 440.878.9409
 Bainbridge 440.708.0177 · Tallmadge 330.633.2394 · Boardman 330.788.0733 · Mentor 440.205.0087
 Brunswick 330.273.6255 · Canton/Jackson 330.617.1169 · www.petittigardencenter.com

Name	Benzene	Carbon Monoxide	Formaldehyde	Trichloroethylene	Comments
Orchid <i>Dendrobium</i>			Excellent		Excellent for acetone, ammonia, chloroform, ethyl acetate, methyl alcohol, xylene. Bright indirect light is best
Orchid <i>Phalaenopsis</i>			Excellent		Excellent for xylene. Bright indirect light is best
Peace lily <i>Spathiphyllum</i> 'Mauna Loa'	Excellent		Good	Excellent	Easy low light plant, will yellow in too much light
<i>Peperomia obtusifolia</i> "Baby Rubber Plant"			Good		Compact, easy plant for medium to bright indirect light
<i>Philodendron domesticum</i> "Elephant Ear"			Excellent		Can take almost any light level and slightly dry soil
<i>Philodendron oxycardium</i> "Heart Leaf"			Excellent		Can take almost any light level and slightly dry soil
<i>Philodendron selloum</i>			Excellent		Can take almost any light level and slightly dry soil
Poinsettia <i>Euphorbia pulcherima</i>			Excellent		Holiday favorite so bright, draft free areas
<i>Schefflera arboricola</i> Miniature Umbrella Plant	Good		Good		Good for toluene. Best in bright indirect light
Snake plant <i>Sansevieria</i> 'Laurentii'	Excellent		Excellent	Good	Easy low light plant, water when soil is dry. Do not overwater.
Spider Plant <i>Chlorophytum elatum</i>		Excellent	Excellent		Best in medium to bright indirect light or shade outside. Easy to propagate
Weeping Fig <i>Ficus benjamina</i>			Good		Best in medium to bright indirect light, evenly moist soil and some humidity. Do not move around or it will drop leaves
White-Veined Arrowhead <i>Syngonium podophyllum</i>			Good		Easy grower for medium indirect or bright light

Low Indirect Light = away from windows/no windows/dark corners/ barely enough to read by

Medium Indirect Light = 5-6' from a sunless window/ middle of a bright room/ 12-14 hours fluorescent lighting/ good for foliage plants

Bright Indirect Light = north window sill, indirect/filtered east, west or south exposure/ 5-6' from sunny window/great for any flowering and variegated varieties

Full Sun = requires 4+ hours of direct sun per day/ unobstructed east, west or south window sill

It is recommended that one six-inch potted plant or larger is grown per one hundred square feet of floor space. Increasing the amount of plant material in the home or office will multiply the clean air benefits. Also, placing plants where you spend the most time like at your bedside, near a computer or television will help too.

There are many other tropical plants that also received high marks in these studies and in B.C. Wolverton's book "How to Grow Fresh Air: 50 House Plants that Purify Your Home or Office". This book is a must read for anyone interested in this topic and concerned with the environments in which we live and work.

January 22st, 2020

City of Kent
City Council Members
Overholt Road
Kent, Ohio 44240
ATTN: The Honorable Jerry T. Fiala

Your Honor,

Please consider this correspondence as Nypano Company LLC's (hereinafter "Nypano") formal written statement concerning the City of Kent's intention to enact so called "Stop Gap" legislation to extend the boundaries of the City's Architectural Review Overlay Districts (sometimes referred to herein as the "*Overlay Design District*") so as to include in that district, the recently rezoned 3.19 acre parcel which is owned by Nypano and referenced in the attached drawing, which currently, is not included in the district.

OVERVIEW

Throughout all of 2019, Nypano applied for and received approvals from all of the required city agencies for the rezoning of this parcel from its previous longstanding Industrial use, to a Commercial- Downtown zoning and use. It then applied for and received approval for the future construction of a 110 room suites style hotel to be erected upon the site, a use permitted under said zoning.

As one might imagine, this was a long, arduous and costly process which among other things, required Nypano to present its design to the Architectural Review Board (the "ARB") which in fact it did, in the late Summer of 2019. At that time, the "ARB" rendered a "split decision" in that it unanimously disapproved the "style" of the proposed hotel design and at the same time (again, unanimously) approved the site plan we presented.

Since the parcel was situated outside of the Overlay District, the ARB's decision as to the "style" of our design was moot, since the ARB had no legal purview over our project.

All of this was discussed publicly, at great length I might add, at the subsequent Planning Commission hearing a few weeks later, and that body unanimously approved the project as presented, in its entirety, despite the last minute correspondence from the ARB's

Chairman, Mr. Howard Boyle, requesting that the Planning Commission vote to disapprove the project.

Several months later, I learned (*purely by word of mouth I might add, as to date no formal notice has been given to either myself or Nypano, the owner of the very property in question that is affected by this "stop gap" legislation, should it be enacted*) of an effort on the part of the ARB, acting through its Chairman, to have the Overlay District re-drawn and in summary fashion, so as to include this particular 3.19 acre parcel in the newly defined boundaries, thereby putting this parcel under the purview of the ARB, as well as this particular project, should any change(s) be made to the previously approved site plan or design of the intended structure.

OUR POSITION ON THE "STOP-GAP " LEGISLATION NOW BEING CONSIDERED AND THE PROCESS UNDERTAKEN IN THIS REGARD

A.) The Express Language Of Chapter 1121.06 Of The Code Of Ordinances

(i) A review of the Code of Ordinance (*found at American Legal Publishing Corporation*) indicates that the Architectural Design Review Overlay Districts are in fact, codified at Chapter 1121. Specifically, *Amendments / Additional Districts* are governed under section 1121.06 of the code.

Section 1121.06 states in its entirety that; *Any Overlay District may be amended at any point in time in the future upon the approval of Kent City Council and additional overlay districts may be created upon approval of Kent City Council. The Architectural Review Board, Planning Commission, or City staff may initiate such changes, amendments, and new districts as well as property owners within the geographic area to be designated as an Overlay District providing they have obtained the signatures of property owners on a petition of no less than 51% of the properties in the affected area.*

Additional (new) overlay districts may be created upon approval of Kent City Council. Such changes shall be treated as amendments to the Kent Zoning Code and shall be subject to the requirements of Chapter 1111.

Nypano Company LLC owns 100% of the properties in the affected area and as the Managing Member of said entity, I can attest to the fact that it (Nypano) is not a signatory to any petition seeking to change, amend or create a new district. In fact, no notice whatsoever has been given to Nypano of the proposed change or amendment.

Under a literal interpretation of the ordinance, no change or amendment can be made without the properly executed petition and that petition has not been made by the Architectural Review Board, Planning Commission, or City staff as required by statute.

Now, Staff or anyone else for that matter, may argue that this wasn't the intent of this ordinance, but nevertheless, that is in fact a literal reading of the language of the current ordinance where the making of any amendments to the Overlay District is concerned. Unless, and until this ordinance is re-written, notice is given and public comment solicited, and then subsequently approved by Kent City Council, the language of the law is clear and must be upheld.

(ii) Given the lack of specificity as to why this "Stop Gap" legislation is needed at all, a reasonable person could argue that this legislation is a *de facto* attempt to create a new district. In that case, according to Chapter 1121, the creation of a new district is to be governed by the provisions of Chapter 1111 of the Code of Ordinances.

A review of the Chapter 1111 of the Code of Ordinance (*Zoning Amendments*) indicates at section 1111.05 that Initiation of Amendment may be initiated by: Action By City Council.

Its language reads in part that; ***Notice of such hearing shall be publicized in the following manner:***

At section (b);

If the proposed amending ordinance intends to re-zone or re-district ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council by first class mail, at least fifteen (15) days before the date of the public hearing to the owners of property within and contiguous to and directly across the street from such parcel or parcels, to the addresses of such owners appearing on the County Auditor's current tax list and to such other list or lists that may be specified by Council.

Again, I can attest to the fact that no such required "Notice" of any hearing on this matter, was ever provided to Nypano Company LLC by the Clerk of Council. This matter does in fact, constitute a "re-zone or re-district" and as such, this provision is applicable.

Additionally, Section 1111.05(a) reads; ***In all cases, by one publication of the time and place of such hearing in a newspaper of general circulation in the City at least thirty (30) days prior to the hearing date. Such notice shall include a statement that opportunity shall be afforded to any person interested to be heard.***

I am not aware of any such "publication" giving general "Notice" to the public where this particular matter is concerned.

B.) The Purpose Of The Design Review Overlay Districts In Kent

Chapter 1121.01 of the Code of Ordinances of the City of Kent (*Design Guidelines*) states categorically that this chapter “*works in conjunction with Chapter 1120 of the Kent Codified Ordinances and utilizes the Design Guidelines adopted by reference herein for each overlay district.*”

The guidelines are then provided in Zoning Code Appendix A.

The Design Guidelines For The Kent Design Overlay District were prepared by Chambers, Murphy & Burge Restoration Architects, Ltd. on October 2nd, 2009. This firm had a venerable reputation in the field of restoration work at the time, that is why they were chosen by the City to draft the guidelines.

The Design Guidelines were written to be used in conjunction with the Overlay Districts in Kent, and are intended; “*to assist the community in preserving and enhancing places of special character.*”

They go on to say that; “*The Kent Design Guidelines...are written to be utilized by property owners, tenants, building managers, property caretakers, architects and builders that would be conducting work affecting an historic property. The Guidelines provide as framework for making good decisions about rehabilitation and new design.*”

One of the goals of Design Guidelines was to establish an Architectural Review Board (“ARB”), which was to function “*as one part of the City’s overall development review process.*” In doing so it was intended that the ARB be composed of individuals with expertise in the area of historic preservation, construction, and architecture. In fact, Chapter 1120.06 set forth in specific detail the Composition of the ARB.

Section 1120.06(a) reads; ***Composition - The Architectural Review Board shall be comprised of five (5) members, appointed by Kent City Council. Of the five (5) members, composition to the extent feasible shall be as follows:***

(1) A minimum of two (2) professionals practicing in one or more of the following fields: architecture, planning, landscape architecture, history or historic preservation, urban design.

One can reasonably assume that given the importance of the ARB, the thought process of the drafters of this ordinance felt that it was critically important that there be not only community participation in this process, but that some bare modicum of true professional expertise be included as well. So much so that in fact, they codified it.

The makeup of the current ARB consists of; only one licensed architect, one engineer, one graduate architectural student, a draftsman, and is chaired by a banker. To my knowledge, the Architectural Review Board is not in compliance with the requirements of the ordinance as set forth in Chapter 1120.06(a). Why should the City extend the authority of this body, when as currently constituted, it does not meet the standards of the existing statute? Is that good public policy?

C.) Overlay District Boundaries Do Not Necessarily Have To Coincide With The Commercial- Downtown Zoning District

It should be noted that the language contained in Chapter 1146, *C-D Commercial Downtown District*, itself, makes no specific mention of or to the Architectural Design Review Overlay District (the "ADROD") or its boundaries. Surely, if the drafters of the ADROD intended the two to be entirely in conformity with each other, they would have taken the steps necessary to formerly conform the two statutes to each other. In fact, when drafting the *Downtown West River Overlay District* (Chapter 1121.04 (a)) they set forth in a specific metes and bounds description, to the precise foot, the exact boundaries of the ADROD and notably, took no steps to amend the Commercial-Downtown District zoning ordinance (Chapter 1146). I believe they intended to define the ADROD so that its boundaries were in line with the "historic downtown Kent" that we recognize as the Central Business District with its brick facades, ornate cornices and double hung windows. There was never any intention to include all of the Commercial-Downtown zoning district in the ADROD boundaries. If there was, surely the drafters would have codified conformity of the two in the statutes. This is evidenced by the fact that we're having this very discussion.

CONCLUDING REMARKS

I am not against the concept of an Architectural Review Board, quite to the contrary. I believe it serves a worthy purpose in our community...a community, I might add, that I have resided in for most of my lifetime.

The Design Guidelines were written to protect the historic nature of the core downtown area. The parcel in question is in fact, not located in the core downtown area, but rather blocks away to the south and west in an all but heretofore forgotten section of the city that garnered little if any attention from anyone, for nearly 80 years, until I decided to try and do something productive with the parcel, besides mowing the grass and paying property taxes on it.

These design guidelines were never intended for properties outside of the aforementioned core downtown area and that are, in fact, not part of that "historic area." These guidelines give no direct guidance to any other architectural styles, which results in arbitrary decisions being made by the ARB based upon individual taste, rather than specific standards. The position presented and espoused by the members of the Architectural Review Board (a

board that is not lawfully constituted in my opinion) which led to this proposed "Stop-Gap" legislation, is not based upon sound reasoning. But rather, is based upon the assumption that simply because Commercial-Downtown Zoning has been extended to the parcel in question, that the Overlay District must somehow automatically follow suit. It doesn't and it shouldn't. The two issues are separate and distinct from each other.

This entire legislative process is tainted by the fact that it is being undertaken without due process, without proper notice to those who will be affected by it, and at the request of a body (the ARB) that is comprised of individuals with little or no formal expertise on the subject matter in question.

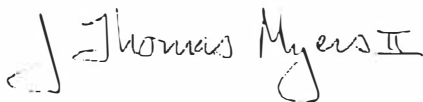
This is far too important an issue to be dealt with in such a rapid and haphazard manner. A piecemeal approach is the wrong approach and I feel that before any consideration is given on expansion of the current Overlay Design District to include the parcel in question, it should only be undertaken in conjunction with and after completion of the ongoing and extensive review of the entire Kent Zoning Code, with proper notice and with input from the property owner(s) affected by the proposed change(s), in full compliance with the applicable law(s) and upon the advice of competent experts in the field of architectural design guidelines, historic preservation and urban planning.

I remind the members that there is no "emergency" that warrants any action at this time. There are no substantive changes contemplated to the approved project's design and if there were to be any significant changes, existing rules would require my returning to the Planning Commission for re-review.

The status -quo is more than sufficient at this time. I reiterate, there is no "emergency", no dire need for this poorly conceived legislation.

I urge Council to carefully consider all that I have expressed herein this correspondence, that my written remarks be read into the record and that same be made part of the official record where this matter is concerned.

Respectfully submitted,



J. Thomas Myers, II
As Managing Member Nypano Company, LLC



Committee of the Whole Meeting Minutes
The City of Kent, Ohio
Wednesday, February 5, 2020

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

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

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

ABSENT:

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

1. New City Web Site Overview

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

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

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

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

Mr. Ruller suggested showing the home page and its features.

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

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

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

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

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

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

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

Ms. Shaffer asked how to stay informed.

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

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

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

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

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

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

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

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

2. Update the Pending List for 2020

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

- 1) Study of pedestrians and vehicles (4/15, 2/16)-Recommendation to retain on Pending List
- 2) Sustainability Commission to come up with 10 action items to fend off global warming (7/14, 2/16)
 - a) Retain on Pending List until the Climate Action Plan is complete.

- 3) City Checkbook Online (3/15, 2/16)- Remain on Pending List
- 4) Possible Sponsorship for Syrian refugee families (12/15)- Remain on Pending List

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

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

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

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

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

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

- 6) Discussion of Flash Fleet Bicycles

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

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

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

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

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

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

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

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

Amy Wilkens
Clerk of Council

ACTION RECOMMENDED:

- 1) **Authorize and amend the pending list**

Create an Account - Increase your productivity, customize your experience, and engage in information you care about.

Sign In



GOVERNMENT

SERVICES

COMMUNITY

BUSINESS

HOW DO I...

SEARCH...



Select Language

Couple sitting on a bench in downtown Kent

DRAFT

SPREAD JOY

Kent Ohio

Create an Account - Increase your productivity, customize your experience, and engage in information you care about.

Sign In

Public Safety

CITY HOME

POLICE

FIRE/EMS

RESOURCES

I WANT TO..

SEARCH..



PUBLIC SAFETY

PROUDLY SERVING THE CITY OF KENT



Select Language



Create an Account - Increase your productivity, customize your experience, and engage in information you care about.

Sign In

Health
Department

CITY HOME

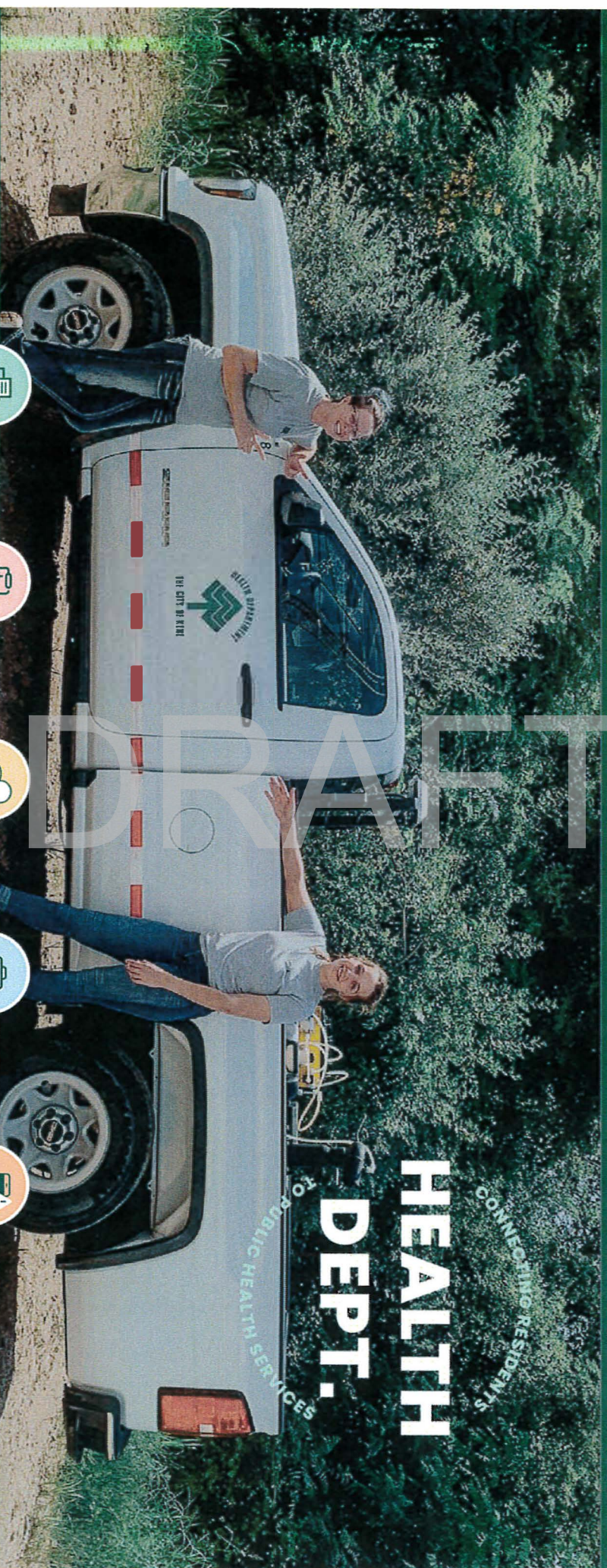
RESIDENTS

BUSINESS

RESOURCES

I WANT TO...

SEARCH...



HEALTH
DEPT.

CONNECTING RESIDENTS

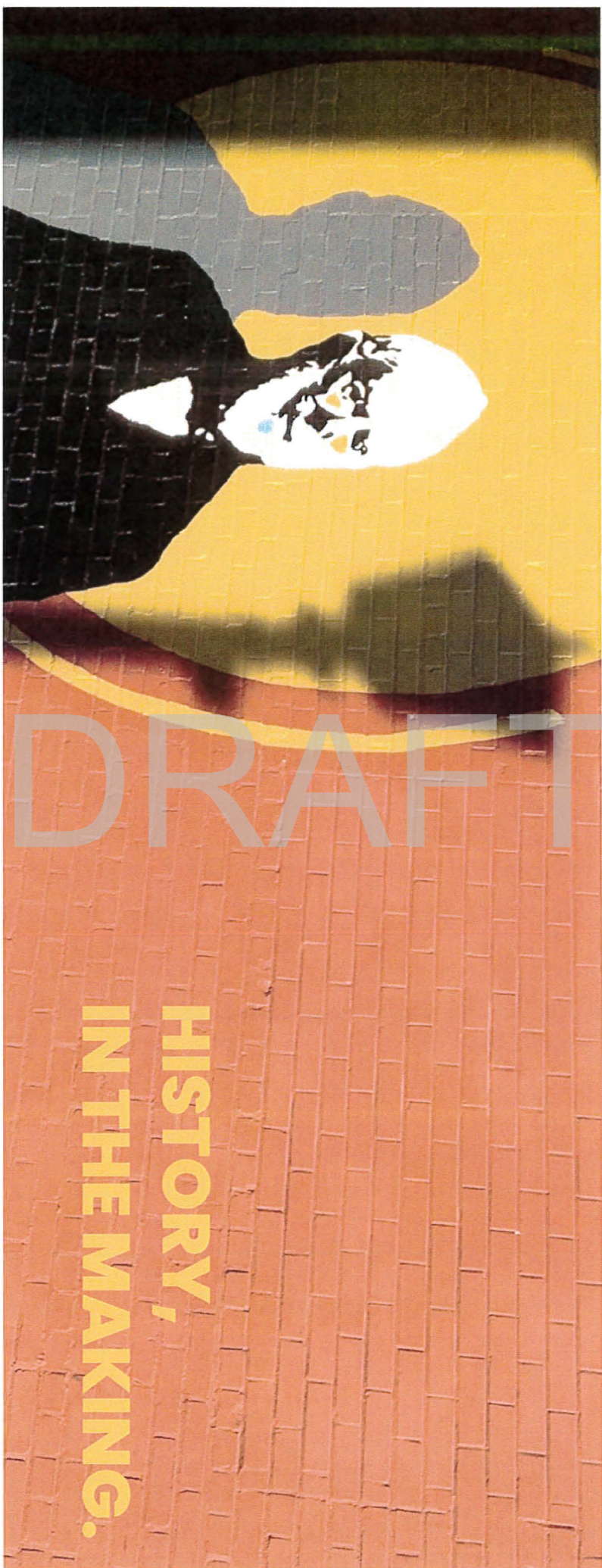
TO PUBLIC HEALTH SERVICES



Select Language



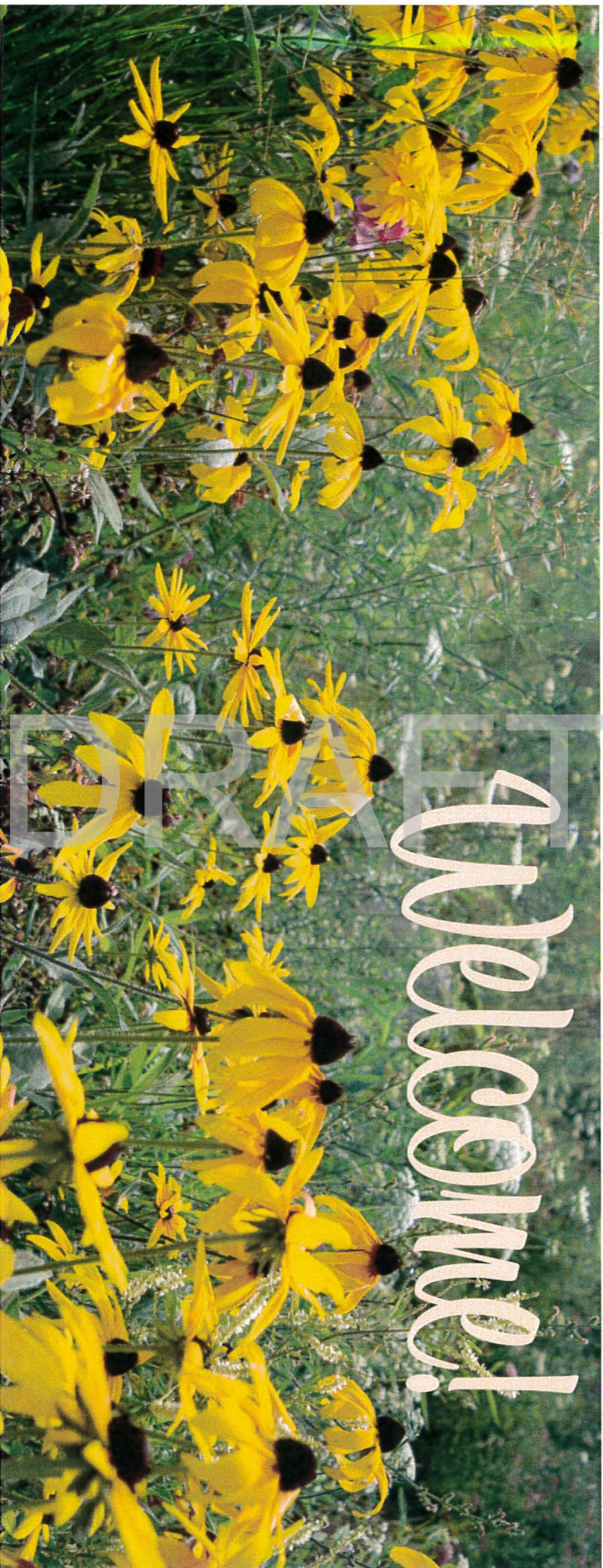




**PRESERVE THE PAST
BUILD THE FUTURE**

Kent, Ohio







Streets, Sidewalks & Utilities Meeting Minutes

The City of Kent, Ohio
Wednesday, February 5, 2020

Mr. Roger Sidoti called the Streets, Sidewalks & Utilities Committee of Kent City Council to order at 7:40 p.m.

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

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

There were three (3) items on the Agenda.

1. Easements for the N. Water Street Improvement Project

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

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

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

2. ODOT SR59 Paving Legislation

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

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

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

Mr. Bowling stated he will let them know this.

At 7:44 p.m. Mayor Fiala adjourned the Committee Meeting to go into the Special Council Meeting to approve the required legislation (separate meeting minutes).

At 7:47 p.m. Mr. Roger Sidoti called the Streets, Sidewalks & Utilities Committee of Kent City Council back into session.

3. Main Street Kent "Rainbow Weekend Event"

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

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

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

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

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

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

Mayor Fiala stated only 75% approval is needed.

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

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

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

Amy Wilkens
Clerk of Council

ACTION RECOMMENDED:

- 1) Authorize the Easements for the N. Water Street improvement project.**
- 2) Authorize the proposed ODOT Project legislation for the repaving of SR59.**
- 3) Authorize the street closure and temporary crosswalk installation.**

DRAFT



**THE CITY OF KENT, OHIO
SPECIAL COUNCIL MEETING
WEDNESDAY, FEBRUARY 5, 2020**

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

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

At 7:44 p.m., Mayor Fiala called the **Special Meeting of Kent City Council** to order. Roll call was taken.

Mayor Fiala asked for roll to be read.

MOTION TO APPROVE STREETS, SIDEWALKS & UTILITIES COMMITTEE MEETING REPORT REGARDING ST. RT. 59 ODOT PAVING PROJECT made by Mr. DeLeone, seconded by Mr. Sidoti, and CARRIED by a voice vote of 9-0.

Draft No. 2020-08: A FINAL RESOLUTION AND APPROVAL AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A CONTRACT WITH THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION (ODOT) PROJECT (PID 110168) FOR THE RESURFACING OF SR59 IN KENT, OHIO BEGINNING AT THE COUNTY LINE (STOW, OHIO) AND CONTINUING EAST 1.6 MILES TO RIVER STREET; AND DECLARING AN EMERGENCY was read by title only by Ms. Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Kuhar and seconded by Ms. Shaffer. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, and Ms. Wallach. The motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2020-08 made by Mr. Sidoti and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, and Ms. Wallach. The motion CARRIED by a roll call vote of 9-0.

ORDINANCE NO. 2020-08 PASSED as stated by Clerk Wilkens.

Hearing no further discussion, Mayor Fiala adjourned the Special Meeting at 7:46 p.m.

Amy Wilkens
Clerk of Council

Jerry T. Fiala
Mayor & Council President



Land Use Committee Meeting Minutes
The City of Kent, Ohio
Wednesday, February 5, 2020

Mr. Garret Ferrara called the Land Use Committee of Kent City Council to order at 7:52 p.m.

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

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

There were two (2) items on the Agenda.

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

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

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

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

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

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

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

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

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

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

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

Ms. Jones replied that Mr. Musselman is in the preliminary stages (of purchase) and before he spends a lot of money on engineering, he wanted to get an idea if the City was even interested. He was not in attendance and not able to review what steps he has taken. He believes there is an area to the North that might be high ground and would be able to build a house. A letter from Mr. Musselman was given to Council tonight (**Attachment #1**) that provides information as well as preliminary plans of a home he would like to build.

Mr. DeLeone said he visited the site and believes it may be possible to put a driveway in. He is curious about the property to the left with a house on it who sent in a letter over the weekend and would like to address their questions. When we vacate property, it is usually given to the neighbors.

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

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

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

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

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

Mr. Ruller said more discussions are to be had.

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

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

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

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

Mr. Ferrara asked Mr. Musselman to contact Ms. Susel during the day so it is not being discussed at a public meeting with Council.

Ms. Wallach stated she wants the City to keep the property to protect the wetlands.

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

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

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

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

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

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

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

2. VFW Property Zoning Text Amendment Request

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

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

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

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

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

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

Ms. Susel confirmed they have no legal standing with the property and prior to that the Planning Commission had voted not to recommend the text amendment.

Ms. Rosenberg clarified it will have no bearing on the next interested party, the church.

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

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

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

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

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

Amy Wilkens
Clerk of Council

ACTION RECOMMENDED:

- 1) **Authorize the request to sell unused City street right of way.**
- 2) **Decline the requested zoning change to the VFW Property.**

Ron and Lori Musselman
2051 E. Swan Lake Circle
Kent, Ohio 44240
February 2, 2020

Kent City Council
320 S Depeyster Street
Kent, Ohio 44240

Dear Kent City Council:

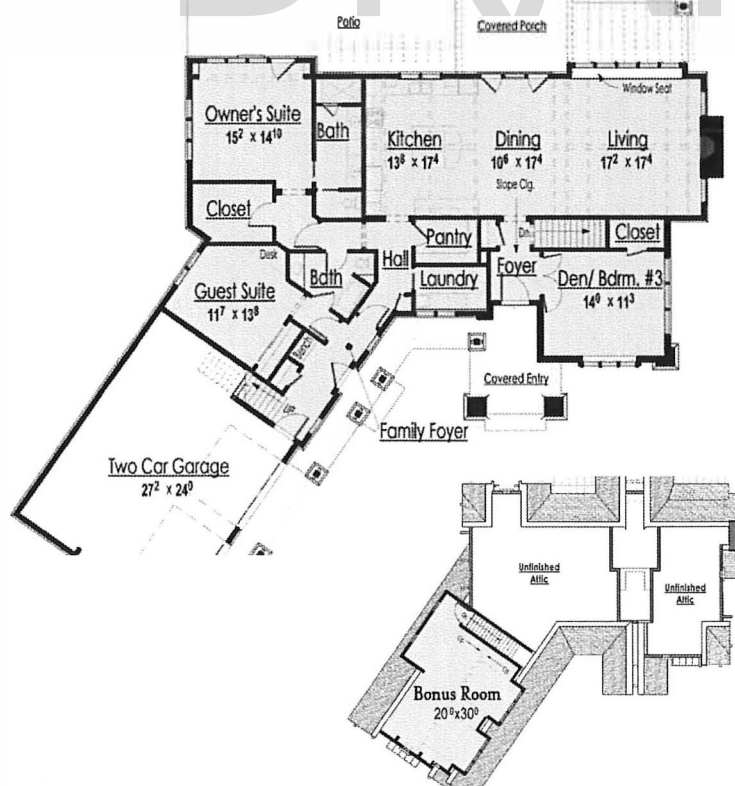
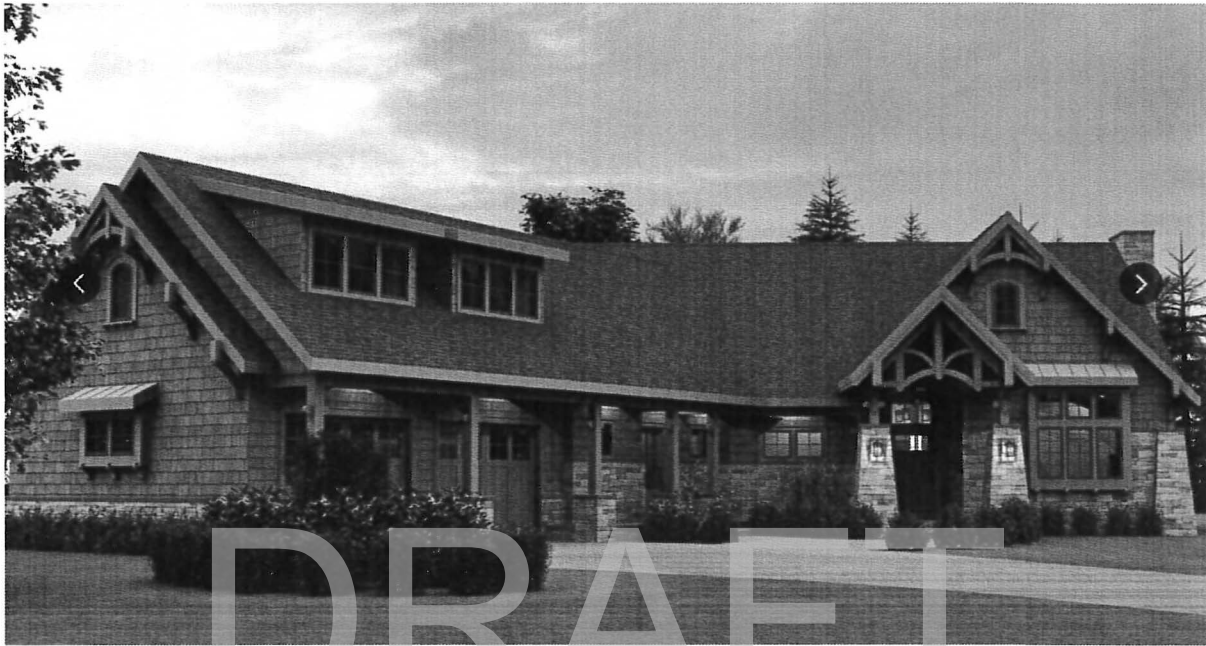
We would first like to thank you for your time and consideration regarding this request. We would also like to sincerely thank Hope Jones and Dave Ruller for meeting with me and for Hope's effort into the different options and helping us bring this before you. I do apologize for not being here today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

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

Sincerely,

Ron and Lori Musselman

ATTACHMENT - PRELIMINARY MUSSELMAN HOME PLANS



2,221 Heated G.F.	2-5 beds	2-3 baths	1-2 stories	2 cars
- Based on our popular Red Cottage plan - see house plan 1022020, this more rustic version has stout stone columns supporting a beautiful trussed covered entry - The main spaces - foyer, living & dining rooms, and kitchen - add comfortable volume to nicely proportioned room sizes - Abundant windows maximize views and natural light with an emphasis placed on views to the back - Kitchen aisles and doorways make for easy traffic flow, even for those that need Barrier Free Access - The front view off the foyer is perfect for a den or extra bedroom - The kitchen is designed for both efficiency and as a showpiece. The large island aids in food preparation, additional storage and allows for a nice seating area. There are both pantry cabinets and a spacious closet pantry - The owners' suite has great access and the handsome master bath has an extra spacious shower - The bonus level features delivers a varied living area plus two bedrooms, one with a sitting area behind pocket doors, adding a potential 1,000 sq. ft. to this awesome house plan				



Health & Safety Committee Meeting Minutes

The City of Kent, Ohio
Wednesday, February 5, 2020

Mr. Jack Amrhein called the Health and Safety Committee of Kent City Council to order at 8:20 p.m.

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

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

There was one (1) item on the Agenda.

1. Staff Report on Anti-idling Policies and Laws

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

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

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

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

Mr. Kuhar suggested a piecemeal approach to this topic in a way that would be more effective. In downtown there are concentrations of vehicles. He suggested having "no idling zones" near shopping centers.

Mr. Sidoti agrees there are higher areas where this happens, typically near shopping. The key will be how to educate the public. Regulations and laws may be passed and then residents made aware of. Is there a way to do something in terms of signage because behavior needs to be changed? An educational component needs to be added.

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

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

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

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

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

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

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

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

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

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

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

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

Amy Wilkens
Clerk of Council



Go Green While Getting Around

Brought to you by the Kent Sustainability Commission

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

- 1) **Ditch your car, walk or bike.** Kent is a pedestrian-friendly city and summer time is the best time to dust off your bike or sneakers and hit the road. Enjoy the health benefits of added exercise, meeting your neighbors, and saving cash on gas! For smart cycling tips and more please visit: www.bikeleague.org
- 2) **Take the bus.** Ride PARTA anywhere on campus for FREE! And students ride off campus for free with their FLASHcard! Regular fare is just a \$1.00, including trips to Akron. Going to Cleveland? \$5.00. You can also save a little change with a TAP card purchased from the bus office: 10 rides for \$9.00 and you can re-load them anytime. For more information visit their website at www.partaonline.org.
- 3) **Share the love, carpool!** Get to know your neighbors and save some cash by sharing rides to work.
- 4) **Stay home.** Increasingly, employers offer the ability to telecommute. Working from home can cut hours spent in traffic and offers a change from the daily grind. Check with your HR department if telecommuting is right for you.
- 5) **Must you drive?** Maybe braving Ohio's unpredictable weather on a bike isn't your thing, if you do chose to drive here are a few pointers that will save on gas.
 - a. Keeping your car tuned up and your tires properly inflated will make your car more fuel-efficient.
 - b. Don't idle, after 30 seconds you waste fuel and increase emissions.

- c. Drive the speed limit, take it easy on the brakes, and stay under 60 mph on the highway for the best gas mileage.
- d. Plan! Don't make unnecessary trips, you'll save money, time, and your sanity.
- e. Consider using a car sharing program like zipcar.com.

Creating a sustainable life isn't all or nothing, it's one small change, one trip saved, one walk to the store. Whether you do it for your waistline, your wallet, or the environment, greening the way you get around is worth a shot.

DRAFT

Ohio						
	Type of Vehicle	Idling Restriction	Exemptions	Consequences of Infraction	Regulation	Resources
Cincinnati	Municipal vehicles	Gasoline powered, 1 minute; diesel powered, 3 minutes	Vehicles and equipment assisting in emergencies; PTO; safety; extreme temperatures.	NA	City of Cincinnati, Department of Public Services/Fleet Services, Vehicle/Equipment Idle Free Policy	http://www.governments-fleet.com/fc_resources/documents/vehicle equip idle free policy.pdf
Cleveland	All vehicles	5 minutes in any 60-minute period. The owner or operator of a vehicle that is loading or unloading at a loading dock or loading/unloading area, and the owner or operator of a loading dock or loading/unloading area, shall not cause or allow a vehicle to idle in that area for more than 10 minutes in any 60-minute period.	The idling restrictions do not apply when 1.) The outdoor temperature is below 32F or above 85F; however, idling is limited to 10 minutes in any 60-minute period. 2.) To prevent a safety or health emergency, a vehicle idles when operating defrosters, heaters, air conditioners, or when installing equipment. 3.) A vehicle idles while forced to remain motionless because of on-highway traffic, an official traffic control device or signal, or at the direction of a law enforcement official. 4.) A police, fire, ambulance, public safety, military, other emergency or law enforcement vehicle, or any vehicle being used in an emergency capacity idles while in an emergency or training mode, or to maintain communications, and not solely for the convenience of the vehicle operator. 5.) The primary propulsion engine idles for maintenance, servicing, repair, or diagnostic purposes if idling is required for such activity, or idles as part of a state or federal inspection to verify that all equipment is in good working order, provided idling is required as part of the inspection. 6.) Idling of the primary propulsion engine is necessary to power work-related mechanical or electrical operations other than propulsion (e.g., mixing or processing cargo or straight truck refrigeration). This exemption does not apply when idling for cabin comfort or to operate nonessential on-board equipment. 7.) An armored vehicle idles when a person remains inside the vehicle to guard the contents, or while the vehicle is being loaded or unloaded. 8.) An occupied vehicle with a sleeper berth compartment idles for purposes of air conditioning or heating during a required rest or sleep period. 9.) A vehicle idles due to mechanical difficulties over which the driver has no control. 10.) A vehicle is only operating an auxiliary power unit, generator set, or other mobile idle reduction technology as a means to heat, air condition, or provide electrical power as an alternative to idling the main engine. 11.) A vehicle is actively engaged in work upon the surface of a street, or highway, including construction, cleaning, or snow removal activities, and the operator is in the vehicle.	Minor misdemeanor (per Ohio Revised Code Title 29, Section 2929.28, a minor misdemeanor carries a fine of not more than \$150).	Codified Ordinances of Cleveland, Ohio, Title V, Section 431.44	http://www.fop8.org/publicfiles/pt4pdf/partfourtitlev.pdf ; http://caselaw.lp.findlaw.com/cleveland/codes/cco_part4_431.html

Ohio						
	Type of Vehicle	Idling Restriction	Exemptions	Consequences of Infraction	Regulation	Resources
Cleveland	City vehicles or equipment	No City vehicle or piece of equipment is to be idled in a nonemergency situation; the operator of the vehicle/equipment is to turn off the unit and the keys are to be removed from the ignition. Operators of vehicle/equipment and supervisors will be judicious in the idling of units at emergency scenes and job sites. If not all the units at the scene/site need to be idling, those units must be turned off and the keys removed from the ignition. Each vehicle/equipment operator will be responsible for the idling operation of their unit and will have the unit keys in their possession to ensure that crewmembers do not violate the policy without the operator's knowledge.	1. Emergency vehicles at scenes where lights, PTOs (power take-off), and/or other accessories are needed to accomplish the mission. 2. Division of Police vehicles working traffic enforcement details. 3. Department of Public Service; Department of Parks, Recreation, and Properties; Department of Public Utilities; and Department of Port Control vehicles at job sites requiring the use of emergency lights, PTOs, and/or other accessories to accomplish their assignment. 4. Inclement weather situation and the supervisor authorizes the use of vehicle/equipment heater-defroster for the work crew's comfort according to these guidelines: If the outside temperature is above 32F, there is a 5-minute maximum for idling; if the outside temperature is between -10F and 32F, there is a 15-minute maximum for idling; if the outside temperature is below -10F, idle as necessary.	Supervisors in each department/division will be responsible for the adherence and enforcement of the idling policy. Violations of the policy will be documented as to the vehicle/equipment operator, vehicle code, location, date and time, weather conditions, and circumstances of the violation. The vehicle/equipment operator will be informed of the violation by the supervisor at the time of the infraction. The appointing authority of each department/division will be responsible for the discipline of employees found to be violating the policy. Discipline will be per City of Cleveland disciplinary procedures, any union contract, and in a progressive manner.	City of Cleveland, Anti-Idling Policy	http://www.earthdaycoalition.org/cleantransport/files/City%20of%20Cleveland%20Idle%20Reduction.pdf
Columbus	City vehicles and equipment	No idling	Idling required for work-related tasks.	NA	Executive Order 2005-02	http://columbus.gov/uploadedFiles/Columbus/Programs/GetGreen/Documents/NoIdlingExecutiveOrderFinal12-5-05.pdf

Ohio						
	Type of Vehicle	Idling Restriction	Exemptions	Consequences of Infraction	Regulation	Resources
Maple Heights	Vehicles	5 minutes in any 60-minute period (10 minutes for loading or unloading)	Division (c) of this section does not apply when: (1) The outdoor temperature is below 32F or above 85F. However, idling is limited to 10 minutes in any 60-minute period. (2) To prevent a safety or health emergency, a vehicle idles when operating defrosters, heaters, air conditioners, or when installing equipment. (3) A vehicle idles while forced to remain motionless because of on-highway traffic, an official traffic control device or signal, or at the direction of a law enforcement official. (4) A police, fire, ambulance, public safety, military, other emergency or law enforcement vehicle, or any vehicle being used in an emergency capacity, idles while in an emergency or training mode, or to maintain communications, and not solely for the convenience of the vehicle operator. (5) The primary propulsion engine idles for maintenance, servicing, repair, or diagnostic purposes if idling is required for such activity, or idles as part of a State or Federal inspection to verify that all equipment is in good working order, provided idling is required as part of the inspection. (6) Idling of the primary propulsion engine is necessary to power work-related mechanical or electrical operations other than propulsion (e.g., mixing or processing cargo or straight truck refrigeration). This exemption does not apply when idling for cabin comfort or to operate nonessential on-board equipment. (7) An armored vehicle idles when a person remains inside the vehicle to guard the contents, or while the vehicle is being loaded or unloaded. (8) An occupied vehicle with a sleeper berth compartment idles for purposes of air conditioning or heating during a required rest or sleep period. (9) A vehicle idles due to mechanical difficulties over which the driver has no control. (10) A vehicle is only operating an auxiliary power unit, generator set, or other mobile idle reduction technology as a means to heat, air condition, or provide electrical power as an alternative to idling the main engine. (11) A vehicle is actively engaged in work upon the surface of a street or highway, including construction, cleaning, and snow removal activities, and the operator is in the vehicle.	Minor misdemeanor: \$150 fine	Codified Ordinances of Maple Heights Ohio, Section 432.42	http://www.amlegal.com/nxt/gateway.dll/Ohio/mapleheights_oh/codifiedordinancesofmapleheightsohio?f=templates\$fn=default.htm\$3.0\$vid=amlegal:mapleheights_oh
South Euclid	Motor vehicles	No idling	Outdoor temperature is <32F or >85F; vehicle forced to remain motionless because of traffic, a traffic control device or signal, or the direction of a law enforcement official; vehicle idling to operate defrosters, heaters, air conditioners, or other equipment solely to prevent a safety or health hazard; emergency vehicles; idling for maintenance, service, repair, or diagnostic purposes; idling as part of a government inspection to verify that all equipment is in good working order; idling to operate auxiliary equipment to accomplish the vehicle's intended use (including loading and unloading); controlling cargo temperature; construction operations; lumbering operations; oil or gas well servicing; or farming operations, provided that this exemption does not apply when the vehicle is idling solely for cabin comfort or to operate nonessential equipment such as air conditioning, heating, microwave ovens, or televisions; armored vehicles; rest periods when idling is required to operate air conditioning or heating in sleeper berths; mechanical difficulties over which the operator has no control; vehicle actively engaged in work on the surface of a street or highway; motor vehicle owned by a public utility and operated for electricity generation or hydraulic pressure.	\$50 for the first conviction and \$150 for a second or subsequent conviction within any 12-month period.	Codified Ordinances of the City of South Euclid, Ohio, Section 339.19, Excessive Idling	http://www.earthdaycoalition.org/cleantransport/files/SoEuclidAmendedAnti-IdlingOrd07-09.pdf

Ohio						
	Type of Vehicle	Idling Restriction	Exemptions	Consequences of Infraction	Regulation	Resources
Lakewood	Any motor vehicle	5 minutes	The outdoor temperature is below 32F or above 85F, provided idling under these circumstances shall be limited to 10 minutes. To prevent a safety or health emergency, a vehicle idles when operating defrosters, heaters, or air conditioners, or when installing equipment. A vehicle idles while forced to remain motionless because of on-highway traffic, an official traffic control device or signal, or the direction of a law enforcement official. A police, fire, ambulance, public safety, military, other emergency law enforcement vehicle, or any vehicle being used in an emergency capacity, idles while in an emergency or training mode, or to maintain communications or other essential on board equipment, and not solely for the convenience of the vehicle operator. The primary propulsion engine idles for maintenance, servicing, repair, or diagnostic purposes if idling is required for such activity, or idles as part of a state or federal inspection to verify that all equipment is in good working order, provided idling is required as part of the inspection. Idling of the primary propulsion engine is necessary to power work-related mechanical or electrical operations other than propulsion (e.g., mixing or processing cargo or straight truck refrigeration). This exemption does not apply when idling for cabin comfort or to operate non-essential on-board equipment. An armored vehicle idles when a person remains inside the vehicle to guard the contents, or while the vehicle is being loaded or unloaded. A vehicle idles due to mechanical difficulties over which the driver has no control. A vehicle is only operating an auxiliary power unit, generator set, or other mobile idle reduction technology as a means to heat, air condition, or provide electrical power as an alternative to idling the main engine. A vehicle is actively engaged in work upon the surface of a street or highway, including construction, cleaning, and snow removal activities, and the operator is in the vehicle.	Whoever violates this section shall be guilty of a minor misdemeanor.	Lakewood Code 331.49	http://whdrane.conwaygreene.com/NXT/gateway.dll?f=templates&fn=default.htm&vid=whdrane:OHLakewood

Of Further Interest

For information from the Ohio Environmental Council about diesel emissions and idling reduction, see <http://www.theoec.org/airdiesel.htm>.

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



Smog

**NO_x + VOCs +
Sunlight + Heat = Smog**

NO_x can cause or worsen respiratory diseases such as asthma, emphysema and bronchitis. It also combines with water to make acid rain.

Certain VOCs can cause cancer and irritate the respiratory system.

Have You Ever Left Your Car Running While...

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

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

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

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

How Idling Affects Air Quality

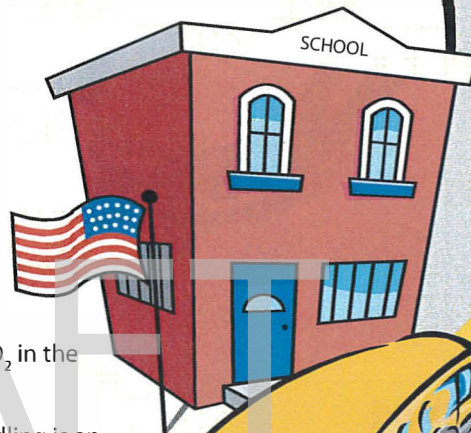
Cars are the number one source of air pollution in the Greater Cincinnati area. Like driving, idling releases emissions into the air. Unlike driving, idling is unnecessary.

Car exhaust contains:

nitrogen oxides (NO_x), volatile organic compounds (VOCs), particulate matter (PM), carbon monoxide (CO) and carbon dioxide (CO₂).

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

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



How Idling Affects Your Health

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

PM is the name for tiny particles, such as soot, dust and dirt, found in the air. When inhaled, these small particles travel deep into the lungs and sometimes into the bloodstream. Inhaling PM can:

- aggravate asthma,
- cause coughing or difficult breathing,
- decrease lung function,
- exacerbate cardiovascular problems and
- lead to chronic bronchitis.

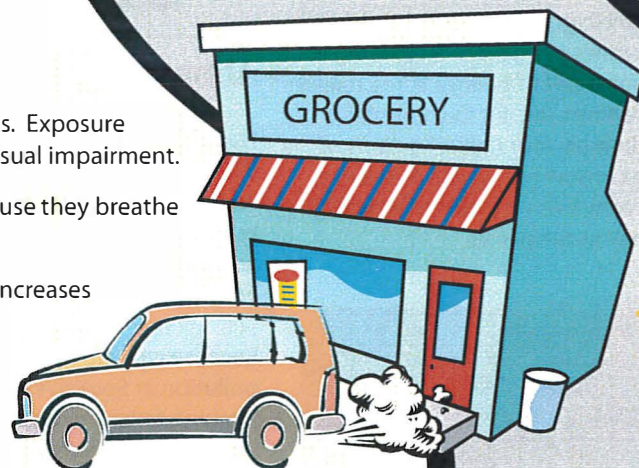
CO slows the delivery of oxygen to the body's organs and tissues. Exposure to CO aggravates heart disease and can cause headaches and visual impairment.

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

Children spend more time outdoors than adults, which further increases their exposure to vehicle emissions and air pollution.

Acronym Guide

NO_x:	Nitrogen Oxides
VOCs:	Volatile Organic Compounds
PM:	Particulate Matter
CO:	Carbon Monoxide
CO₂:	Carbon Dioxide





The Cost of Idling

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

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

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

To learn more about the anti-idling campaign or any of HCES' programs, please visit www.hcdoes.org or call (513) 946-7777.

What Can You Do?

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

About HCES

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

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

What is HCES Doing?

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

Start Your Own Anti-Idling Campaign

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

Ord. No. 207-09.

By Council Members Zone and Brancatelli.

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

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

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

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

Section 403.071 Idle Reduction, Enforcement

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

Section 431.44 Idle Reduction, Exemptions, Penalty

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

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

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

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

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

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

(1) The outdoor temperature is below 32 degrees Fahrenheit or above 85 degrees Fahrenheit. However, idling is limited to 10 minutes in any 60 minute period.

- (2) To prevent a safety or health emergency, a vehicle idles when operating defrosters, heaters, air conditioners, or when installing equipment.
- (3) A vehicle idles while forced to remain motionless because of on highway traffic, an official traffic control device or signal, or at the direction of a law enforcement official.
- (4) A police, fire, ambulance, public safety, military, other emergency or law enforcement vehicle, or any vehicle being used in an emergency capacity, idles while in an emergency or training mode, or to maintain communications, and not solely for the convenience of the vehicle operator.
- (5) The primary propulsion engine idles for maintenance, servicing, repair, or diagnostic purposes if idling is required for such activity, or idles as part of a state or federal inspection to verify that all equipment is in good working order, provided idling is required as part of the inspection.
- (6) Idling of the primary propulsion engine is necessary to power work-related mechanical or electrical operations other than propulsion (e.g., mixing or processing cargo or straight truck refrigeration). This exemption does not apply when idling for cabin comfort or to operate non-essential on-board equipment.
- (7) An armored vehicle idles when a person remains inside the vehicle to guard the contents, or while the vehicle is being loaded or unloaded.
- (8) An occupied vehicle with a sleeper berth compartment idles for purposes of air conditioning or heating during a required rest or sleep period.
- (9) A vehicle idles due to mechanical difficulties over which the driver has no control.
- (10) A vehicle is only operating an auxiliary power unit, generator set, or other mobile idle reduction technology as a means to heat, air condition, or provide electrical power as an alternative to idling the main engine.
- (11) A vehicle is actively engaged in work upon the surface of a street or highway, including construction, cleaning, and snow removal activities, and the operator is in the vehicle.

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

Section 2. That the provisions of Sections 403.071 and 431.44 set forth in this ordinance shall become effective on October 1, 2009.

Section 3. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public
Safety, Finance, Law; Committees on
Public Safety, Legislation, Finance.

DRAFT

Title 3, Chapter 58 City of Minneapolis Code of Ordinances

CHAPTER 58. IDLING

ARTICLE I. DIESEL ENGINE POWERED COMMERCIAL MOTOR VEHICLES

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

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

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

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

58.50. Exemptions. Section 58.40 does not apply for the period or periods where:

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

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

58.70. Penalties. Violations of the provisions of this chapter may be enforced by any one (1), all, or any combination of the following penalties and remedies:

Title 3, Chapter 58 City of Minneapolis Code of Ordinances

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

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

(b) *Severability of application.* If the application of any provision of this chapter to a particular person or property is determined to be invalid or unconstitutional by a court of competent jurisdiction, such determination shall not affect the application of said provision to any other property.

ARTICLE II. GENERALLY

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

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

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

58.120. Exemptions. Section 58.110 does not apply for the periods or period where:

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

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

58.140. Penalties. Violations of the provisions of this article may be enforced by any one (1), all,

Title 3, Chapter 58 City of Minneapolis Code of Ordinances

or any combination of the following penalties and remedies:

- (a) Violations may be punishable as criminal offenses as stated in section 1.30 of the Minneapolis Code of Ordinances only if there are repeat offenses within a two (2) year period.
- (b) Violations may be enforced as administrative offenses pursuant to chapter 2 of the Minneapolis Code of Ordinances.
- (c) This article may also be enforced by injunction, abatement, mandamus, or any other appropriate remedy in any court of competent jurisdiction.

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

(b) *Severability of application.* If the application of any provision of this article to a particular person or property is determined to be invalid or unconstitutional by a court of competent jurisdiction, such determination shall not affect the application of said provision to any other property.

Adopted 6/6/2008.

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Anti-Idling Ordinance

Overview

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

Impacts of Idling

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

- **Air Quality:** Emissions during idling contribute to the formation of ozone and particulate matter that are major sources of pollution in Utah. Idle Free Utah notes that health issues, ranging from asthma and bronchitis to cancer, have been found linked to vehicle emissions.
- **Dollars and Cents:** There is a direct financial benefit to those who limit their vehicle idling time. Studies indicate a financial "break-even point" of 10-30 seconds of idling time for balancing the minimal wear-and-tear on engines versus fuel saved from shutting off the vehicle.
- **Natural Resources:** Vehicle idling wastes an exorbitant amount of finite resources. The Department of Energy estimates that unnecessary vehicle idling in the U.S. burns up to 2 billion gallons of fuel per year! Compare this to the upper-bound estimate for oil spilled in the Exxon Valdez disaster: 31.5 million gallons. Furthermore, the Energy Information Administration estimates that the U.S. relied on net imports for 49% of our petroleum consumed in 2010.

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

Ordinance Language and Exceptions

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

- (A) The vehicle is forced to remain motionless on a roadway because of traffic conditions.
- (B) The vehicle is an authorized emergency vehicle used in an emergency situation.
- (C) Vehicle idling is necessary for auxiliary power for law enforcement equipment, fire, emergency and water equipment, refrigeration units, loading and unloading lifts, well drilling, farming, battery charging, or is required for proper functioning of other equipment that is part of the vehicle.
- (D) Vehicle idling is necessary for repair or inspection of the vehicle.
- (E) The health or safety of a driver or passenger, including service animals, requires the vehicle to idle, including instances where the temperature is below 32 degrees F or above 90 degrees F. This exception also includes idling needed to operate window defrosters and other equipment necessary to promote safe driving conditions.
- (F) Vehicle idling is necessary for efficient operation of a turbo-charged heavy duty vehicle (e.g., buses) or to operate a vehicle within manufacturer's operating requirements. This includes building air pressure in air brake systems, among other requirements.

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

9-10-2. IDLING ON PUBLIC AND PRIVATE PROPERTY. Section 9-10-1 may only be enforced when the idling vehicle is found on:

(A) Public property, or

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

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

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

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

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

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

Report a Vehicle Idling Violation

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

Frequently Asked Questions

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

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

Question: Why do Police vehicles need to idle?

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

Contact Us

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



DRAFT



Finance Committee Meeting Minutes

The City of Kent, Ohio
Wednesday, February 5, 2020

Mr. DeLeone called the Finance Committee of Kent City Council to order at 8:35 p.m.

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

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

There were two (2) items on the Agenda.

1. Proposed New Budgetary Fund for City CHIP Funds

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

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

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

2. 2020 Budget Appropriations Amendment

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

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

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

Mayor Fiala thanked Mr. Coffee for his service.

Hearing no further business before this Committee, the meeting adjourned at 8:40 p.m.

Amy Wilkens
Clerk of Council

ACTION RECOMMENDED:

- 1) **Approve the proposed new budget fund for the administration of the City CHIP funds.**
- 2) **Approve the 2020 budget appropriation amendments.**

DRAFT

DRAFT ORDINANCE NO. 2020-09

AN ORDINANCE ACCEPTING A DONATION TO THE CITY OF KENT OF A TEMPORARY EASEMENT (1-TV) FROM STEPHEN JOHN BALAZS, TRUSTEE OF THE BALAZS FAMILY TRUST, FOR THE NORTH WATER STREET IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent has received a donation of a temporary easement (1-TV) from Stephen John Balazs, Trustee of the Balazs Family Trust for the North Water Street Improvement project; 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, at least three-fourths (3/4) of all members elected thereto concurring:

SECTION 1. That Council does hereby authorize the City Manager on behalf of the City of Kent to accept the temporary easement (1-TV) donation from Stephen John Balazs, Trustee of the Balazs Family Trust for the North Water Street Improvement project, and is more fully described in Exhibit "A" attached hereto and incorporated herein.

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

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

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

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

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

LPA RE 807-D
Rev. 10/2017

TED
LPA

TEMPORARY EASEMENT

Stephen John Balazs, Trustee of the Balazs Family Trust dated February 6, 2003, the Grantor(s), as a DONATION, does grant to the City of Kent, Ohio, the Grantee, the temporary easement(s) to exclusively occupy and use for the purposes mentioned in Exhibit A the following described real estate:

PARCEL(S): 1-TV

POR-North Water Street

SEE EXHIBIT A ATTACHED

Portage County Current Tax Parcel Nos. 17-024-20-00-042.000 & 17-024-20-00-043.000
Prior Instrument Reference: Instrument 200336747, Portage County Recorder's Office.

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

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

The temporary easement(s) interest granted is being acquired by Grantee for a public purpose, namely the establishment, construction, reconstruction, widening, repair or maintenance of a public road.

IN WITNESS WHEREOF Stephen John Balazs, Trustee of the Balazs Family Trust dated February 6, 2003, has hereunto set his hand on the ____ day of _____, 20____.

THE BALAZS FAMILY TRUST DATED FEBRUARY 6, 2003

By: Stephen John Balazs, Trustee

STATE OF OHIO, COUNTY OF PORTAGE SS:

BE IT REMEMBERED that on the ____ day of _____, 20 ____ before me the subscriber, a Notary Public in and for said state and county, personally came the above named Stephen John Balazs, Trustee of the Balazs Family Trust dated February 6, 2003, who acknowledged the foregoing instrument to be his voluntary act and deed.

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

NOTARY PUBLIC

My Commission expires: _____

This document was prepared by or on behalf of the City of Kent

EXHIBIT A

RX 287 TV

Page 1 of 2

Rev. 12/16

Ver. Date 12/10/2019

PID 109347

**PARCEL 1-TV
POR-NORTH WATER STREET
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
RECONSTRUCT PARKING LOT
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
CITY OF KENT, PORTAGE COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the City of Kent, County of Portage, State of Ohio, and being part of Original Franklin Township Lot 24, being also part of Lots 4 and 5 of Block 10 of the Original Plat of the Town of Franklin (now City of Kent) per Deed Volume 25, Page 132, this and all further references made to the Portage County Recorder records, being also part of a parcel of land, now or formerly owned by Stephen John Balazs, Trustee of the Balazs Family Trust dated February 6, 2003 per Image Number 200336747, and being further described as follows:

Commencing at a point at the Grantor's northwest corner, said point also being the northwest corner of Lot 4 of Block 10, and on the existing east right of way line of North Water Street (80 feet wide), being also the southwest corner of a parcel of land, now or formerly owned by Kent Wells Sherman House, Incorporated per Image Number 201219714, said point being 40.00 feet right of North Water Street centerline of right of way Station 25+78.91, said point also being the **TRUE POINT OF BEGINNING** for the following parcel of land herein described;

Thence S 89°56'49" E, 16.50 feet, along the Grantor's north line, the north line of Lot 4 and the south line of the Kent Wells Sherman House parcel, to a point, said point being located 56.50 feet right of North Water Street centerline of right of way Station 25+78.80;

Thence S 00°18'23" E, 36.62 feet, through the Grantor's parcel and into Lot 5, to a point, said point being located 56.50 feet right of North Water Street centerline of right of way Station 25+42.18;

Thence S 88°10'03" W, 16.51 feet, to point on the Grantor's west line and the existing east right of way line of North Water Street, said point being located 40.00 feet right of North Water Street centerline of right of way Station 25+41.74;

Thence N 00°18'23" W, 37.16 feet, along the Grantor's west line, the existing east right of way line of North Water Street, and the west line of Lots 5 and 4, to the point of beginning and containing 609 square feet of land, more or less.

EXHIBIT A

RX 287 TV

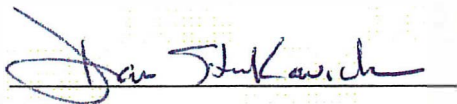
Page 2 of 2

Rev. 12/16

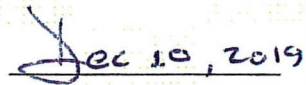
The above parcel is contained within Portage County Parcel Numbers 17-024-20-00-042.000 and 17-024-20-00-043.000

The above description was prepared by Dan Stankavich, Professional Surveyor Number 7122, on December 10, 2019 and is based on a survey made for AECOM and the City of Kent by Euthenics, Inc., by or under the direct supervision of Scott Horan, Professional Surveyor Number 8678, in March of 2019.

The bearing for the above description are based on the Ohio North Zone State Plane Coordinates, NAD83 (1986) datum.

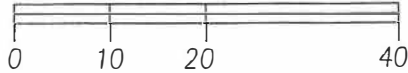


Dan Stankavich, P.S. 7122

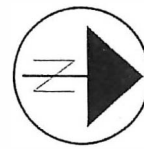


Date

SCALE: 1"=20'



NORTH BASED ON GRID
OHIO NORTH ZONE



25

+50

26

N 00°18'23" W

NORTH WATER STREET 80' R/W

N 00°18'23" W
37.16'

25+41.74
40.00' RT

25+78.91
40.00' RT

Ex R/W

S 88°10'03" W
16.51'

(1-TV)
609 S.F.

S 89°56'49" E
16.50'

**ALLEY NO. 2
20' WIDE**

Ex R/W

25+42.18
56.50' RT

S 00°18'23" E
36.62'

25+78.80
56.50' RT

Kent Wells Sherman
House, Incorporated
Img. # 201219714

Stephen John Balazs, Trustee of
the Balazs Family Trust Dated
February 6, 2003
237 N. Water St.
Img. # 200336747

BLOCK 10

LOT 5

LOT 4

LOT 3

LOT 2

17-024-20-00-043.000

17-024-20-00-042.000

17-024-20-00-041.000



Dan Stankavich
DAN STANKAVICH, PS. 7122
12/10/2019
DATE

PARCEL 1-TV
POR-NORTH WATER STREET
CITY OF KENT, COUNTY OF PORTAGE,
STATE OF OHIO
PART OF ORIG. FRANKLIN TWP. LOT 24
PART OF ORIGINAL BLOCK 10, LOT 4 & 5
DEED VOL. 25, PAGE 132
DECEMBER 2019

AECOM

564 WHITE POND DRIVE AKRON, OHIO 44320-1100
(330) 836-9111

Name: 1-T

North: 544503.1281' East: 2282866.0363'

Segment #1 : Line

Course: N00° 18' 23"W Length: 37.16'
North: 544540.2876' East: 2282865.8376'

Segment #2 : Line

Course: S89° 56' 49"E Length: 16.50'
North: 544540.2723' East: 2282882.3376'

Segment #3 : Line

Course: S00° 18' 23"E Length: 36.62'
North: 544503.6528' East: 2282882.5334'

Segment #4 : Line

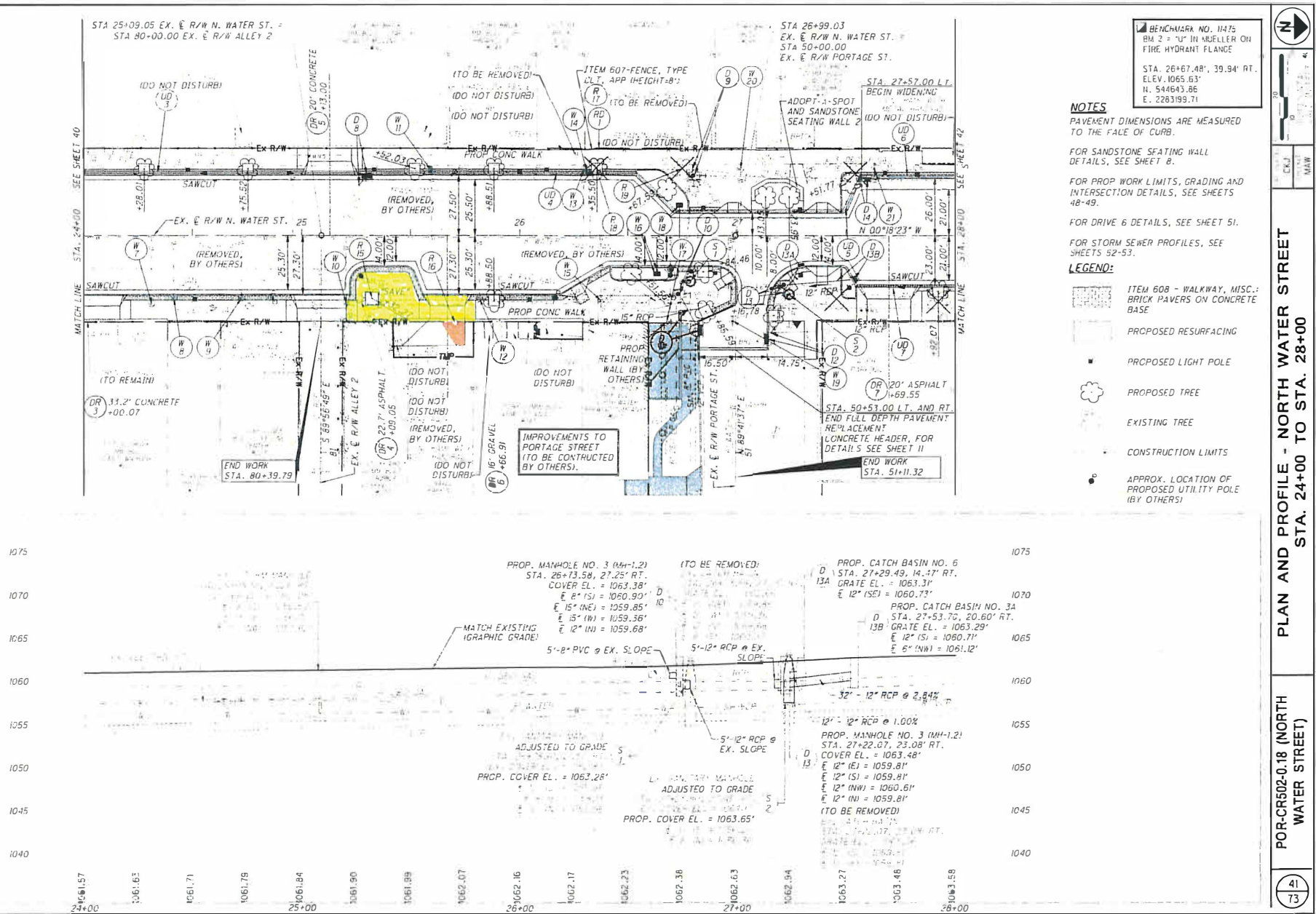
Course: S88° 10' 03"W Length: 16.51'
North: 544503.1248' East: 2282866.0319'

Perimeter: 106.79' Area: 608.73 Sq. Ft.

Error Closure: 0.0055 Course: S53° 57' 42"W

Error North: -0.00324 East: -0.00445

Precision 1: 19416.36

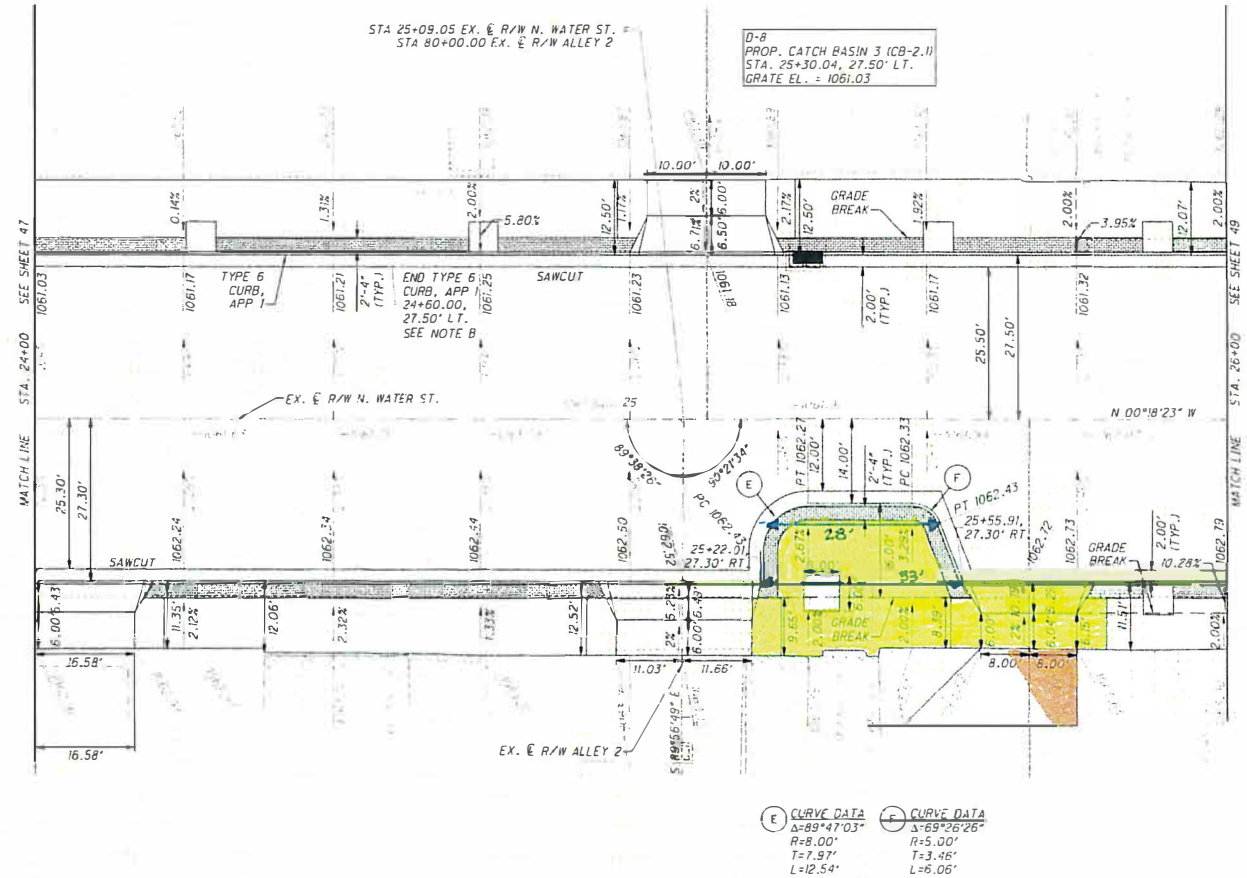


LEGEND

- PROPOSED SPOT ELEVATION
- EXISTING SPOT ELEVATION
- EXISTING FINISHED FLOOR ELEVATION

NOTES

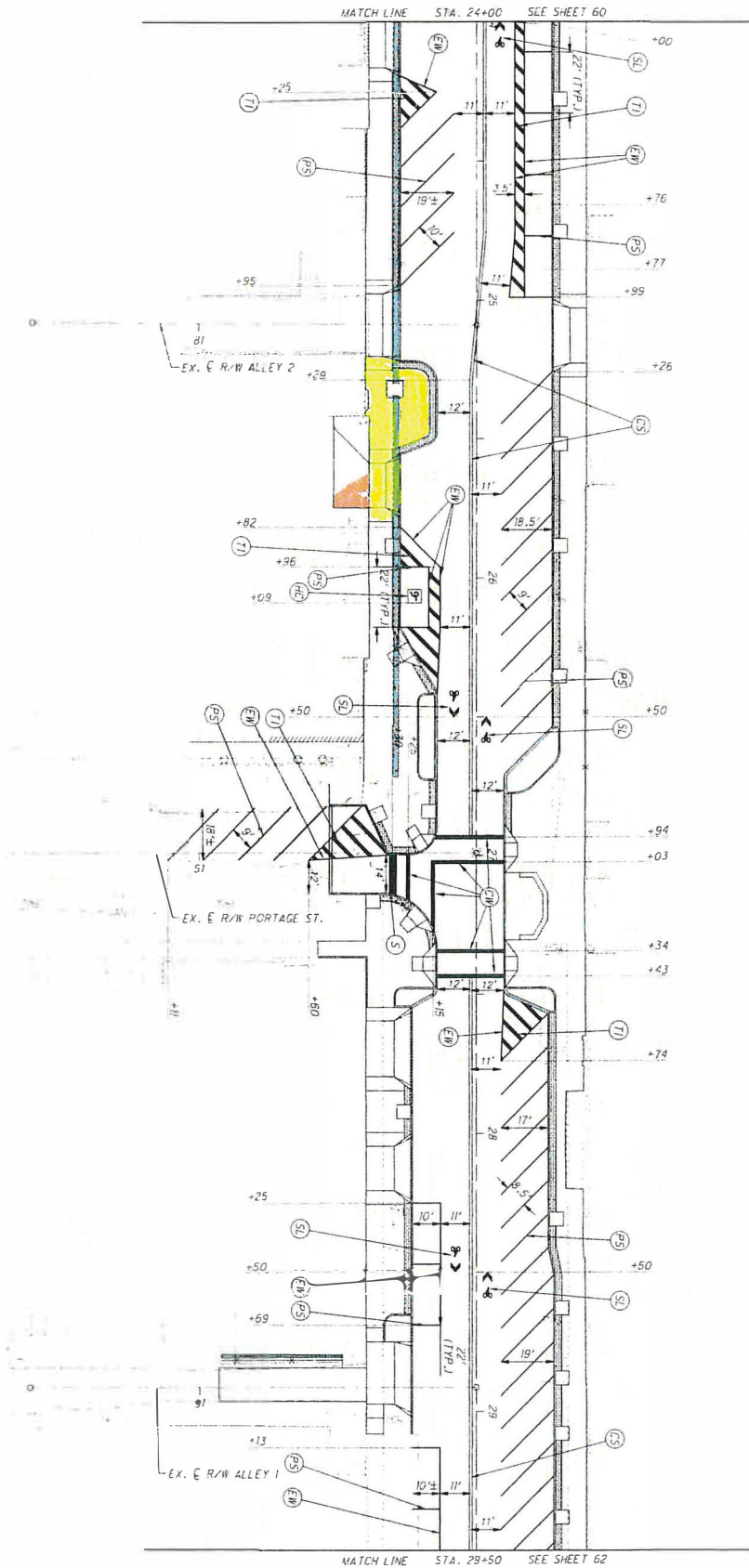
- ALL DIMENSIONS ARE MEASURED TO THE FACE OF THE CURB
- ALL ELEVATIONS ALONG THE CURB ARE $\bar{E}$ ELEVATIONS. ADD 6-INCHES IN AREAS OF FULL HEIGHT CURB AND 1-INCH IN AREAS OF DROP CURB TO OBTAIN TOP OF CURB ELEVATIONS AT FACE OF CURB
- CENTERLINE ELEVATIONS ARE AT 25' INTERVALS, UNLESS OTHERWISE NOTED
- ALL STATIONING SHOWN IS ALONG THE CENTERLINE OF NORTH WATER STREET UNLESS OTHERWISE SHOWN.
- CONTRACTOR MAY ADJUST THE PLACEMENT OF CURB RAMPS IF EXISTING FIELD CONDITIONS WARRANT WITH THE APPROVAL OF THE ENGINEER.
- TRANSITION NEW CURB TO MATCH EXISTING CURB OVER 10'.
- TRANSITION TYPE 6 CURB, APP 1 WITH 4" REVEAL TO TYPE 6 CURB WITH 6" REVEAL OVER 10'.
- FOR PLAN AND PROFILE, SEE SHEET 41.



GRADING AND INTERSECTION DETAILS
STA. 24+00 TO STA. 26+00

POR-CR502-0.18 (NORTH
WATER STREET)

48
73



POR-CR502-0.18 (NORTH
WATER STREET)

PAVEMENT MARKING PLAN
STA. 24+00 TO STA. 29+50



DONATION LETTER

January 14, 2020

Richard T. Weiss
3833 Industry Road
Rootstown, Ohio 44272

Re: POR-North Water Street
313 North Water Street, Parcel 2-TV
PID 109347

Dear Mr. Weiss:

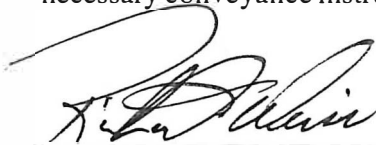
Your real property is needed by the City of Kent for a transportation improvement project. As such, you are hereby advised that you have the right to have your property appraised by a competent appraiser and you have the right to accompany the appraiser on the inspection of your property. You have the right to be provided a written offer for the full amount of the fair market value as determined by the agency based upon the appraisal. You have the right to negotiate with the agency and if an acceptable agreement cannot be reached, the right to have the value determined by a court of law. You also have the right to be paid the full amount of the fair market value before being required to surrender possession of your property. Notwithstanding these rights, we understand you are willing to waive all, or any part of your rights noted and willingly agree to donate the property needed for the transportation project. The property is described in the attached Exhibit A which is incorporated herein.

Please be advised that if you desire to use the donation for a tax deduction, you should seek advice from the Internal Revenue Service or a tax expert regarding the current rules for appraisal valuation.

Respectfully,

James S. Bowling, PE
Deputy Service Director/Superintendent of Engineering
City of Kent

The undersigned hereby acknowledges that he/she has been fully advised by a City of Kent representative of his/her rights reflected above and agrees to: (1) Waive the right to receive just compensation for the property, (2) Release the City from obtaining an appraisal of the acquired property and (3) Execute the necessary conveyance instrument to transfer said property to the City of Kent.



Property owner signature

1-14-2020

Date

Richard T. Weiss
Print name

DRAFT ORDINANCE NO. 2020-10

AN ORDINANCE ACCEPTING A DONATION TO THE CITY OF KENT OF A TEMPORARY EASEMENT (2-TV) FROM RICHARD T. WEISS, FOR THE NORTH WATER STREET IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent has received a donation of a temporary easement (2-TV) from Richard T. Weiss for the North Water Street Improvement project; 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, at least three-fourths (3/4) of all members elected thereto concurring:

SECTION 1. That Council does hereby authorize the City Manager on behalf of the City of Kent to accept the temporary easement (2-TV) donation from Richard T. Weiss for the North Water Street Improvement project, and is more fully described in Exhibit "A" attached hereto and incorporated herein.

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

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

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

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

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

LPA RE 807-D
Rev. 10/2017

TED
LPA

TEMPORARY EASEMENT

Richard T. Weiss, the Grantor(s), as a DONATION, does grant to the City of Kent, Ohio, the Grantee, the temporary easement(s) to exclusively occupy and use for the purposes mentioned in Exhibit A the following described real estate:

PARCEL(S): 2-TV

POR-North Water Street

SEE EXHIBIT A ATTACHED

Portage County Current Tax Parcel No. 17-024-20-00-084.000

Prior Instrument Reference: 200123030, 200123031, 200123032, Portage County Recorder's Office.

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

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

The temporary easement(s) interest granted is being acquired by Grantee for a public purpose, namely the establishment, construction, reconstruction, widening, repair or maintenance of a public road.

IN WITNESS WHEREOF Richard T. Weiss, has hereunto set his hand on the 14 day of JAN, 2020.

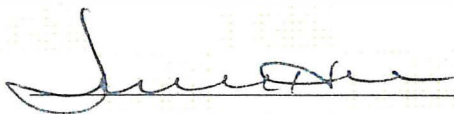


Richard T. Weiss

STATE OF OHIO, COUNTY OF PORTAGE SS:

BE IT REMEMBERED that on the 14 day of Jan, 2020 before me the subscriber, a Notary Public in and for said state and county, personally came the above named Richard T. Weiss, who acknowledged the foregoing instrument to be his voluntary act and deed.

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



TERESA A. HERR, NOTARY PUBLIC
Residence - Portage County
State Wide Jurisdiction, Ohio
My Commission Expires Dec 21, 2020

NOTARY PUBLIC

My Commission expires: _____

This document was prepared by or on behalf of the City of Kent

EXHIBIT A

RX 287 TV

Page 1 of 2

Rev. 12/16

Ver. Date 12/10/2019

PID 109347

**PARCEL 2-TV
POR-NORTH WATER STREET
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
RECONSTRUCT PARKING LOT & RETAINING WALL
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
CITY OF KENT, PORTAGE COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the City of Kent, County of Portage, State of Ohio, and being part of Original Franklin Township Lot 24, being also part of Lot 6 of Block 11 of the Original Plat of the Town of Franklin (now City of Kent) per Deed Volume 25, Page 132, this and all further references made to the Portage County Recorder records, being also part of a parcel of land, now or formerly owned by Richard T. Weiss per Image Numbers 200123030, 200123031 and 200123032, and being further described as follows:

Commencing at a point at the Grantor's northwest corner, said point also being the northwest corner of Lot 6 of Block 11 and at the intersection of the existing east right of way line of North Water Street (80 feet wide) and the existing south right of way of Alley No. 1 (20 feet wide), said point being 40.00 feet right of North Water Street centerline of right of way Station 28+80.58, said point also being the **TRUE POINT OF BEGINNING** for the following parcel of land herein described;

Thence S 89°39'34" E, 58.00 feet, along the Grantor's north line, the north line of Lot 6 and the exist south right of way line of Alley No. 1, to a point, said point being located 98.00 feet right of North Water Street centerline of right of way Station 28+80.62;

Thence S 00°18'23" E, 13.31 feet, through the Grantor's parcel, to a point, said point being located 98.00 feet right of North Water Street centerline of right of way Station 28+67.31;

Thence S 89°39'34" W, 58.00 feet, to point on the Grantor's west line and the existing east right of way line of North Water Street, said point being located 40.00 feet right of North Water Street centerline of right of way Station 28+67.28;

Thence N 00°18'23" W, 37.16 feet, along the Grantor's west line, the existing east right of way line of North Water Street, to the point of beginning and containing 772 square feet of land, more or less.

EXHIBIT A

RX 287 TV

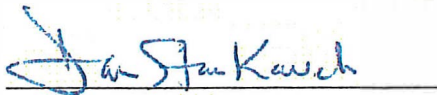
Page 2 of 2

Rev. 12/16

The above parcel is contained within Portage County Parcel Number 17-024-20-00-084.000

The above description was prepared by Dan Stankavich, Professional Surveyor Number 7122, on December 10, 2019 and is based on a survey made for AECOM and the City of Kent by Euthenics, Inc., by or under the direct supervision of Scott Horan, Professional Surveyor Number 8678, in March of 2019.

The bearing for the above description are based on the Ohio North Zone State Plane Coordinates, NAD83 (1986) datum.

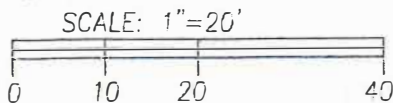


Dan Stankavich, P.S. 7122

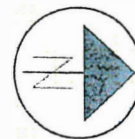


Dec 10, 2019

Date



NORTH BASED ON GRID
OHIO NORTH ZONE



28

N 00°18'23" W +50

29

NORTH WATER STREET 80' R/W

N 00°18'23" W
28+67.28 13.31'
40.00' RT

28+80.58
40.00' RT

R/W

Ex R/W

BLOCK 11

Richard T. Weiss
313 N. Water St.
Img. # 200123030
200123031
200123032

S 89°39'34" W 58.00'

2-TV

772 S.F.

N 89°39'34" E 58.00'

**ALLEY No. 1
20' WIDE**

Ex R/W

28+67.31
98.00' RT

S 00°18'23" E 13.31'

28+80.62
98.00' RT

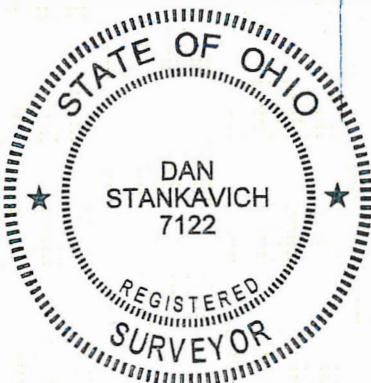
PT. LOT 8

LOT 7

LOT 6

17-024-20-00-085 001

17-024-20-00-084 000



Dan Stankavich
DAN STANKAVICH, PS. 7122
12/10/2019
DATE

PARCEL 2-TV
POR-NORTH WATER STREET
CITY OF KENT, COUNTY OF PORTAGE,
STATE OF OHIO
PART OF ORIG. FRANKLIN TWP. LOT 24
PART OF ORIGINAL BLOCK 11, LOT 6
DEED VOL. 25, PAGE 132
DECEMBER 2019

AECOM

564 WHITE POND DRIVE AKRON, OHIO 44320-1100

(330) 836-8111
2020-10-16 EXHIBIT A

Name: 2-T

North: 544844.5619' East: 2282925.3583'

Segment #1 : Line

Course: S89° 39' 34"W Length: 58.00'
North: 544844.2171' East: 2282867.3594'

Segment #2 : Line

Course: N00° 18' 23"W Length: 13.31'
North: 544857.5269' East: 2282867.2882'

Segment #3 : Line

Course: N89° 39' 33"E Length: 58.00'
North: 544857.8720' East: 2282925.2872'

Segment #4 : Line

Course: S00° 18' 23"E Length: 13.31'
North: 544844.5622' East: 2282925.3583'

Perimeter: 142.61' Area: 771.70 Sq. Ft.

Error Closure: 0.0003 Course: N00° 20' 27"W

Error North: 0.00028 East: -0.00000

Precision 1: 475400.00

NOTES

1. SEE SHEET 40-41 FOR WATER STREET

2. SEE SHEET 40-42 FOR WATER STREET

3. SEE SHEET 40-43 FOR WATER STREET

4. SEE SHEET 40-44 FOR WATER STREET

5. SEE SHEET 40-45 FOR WATER STREET

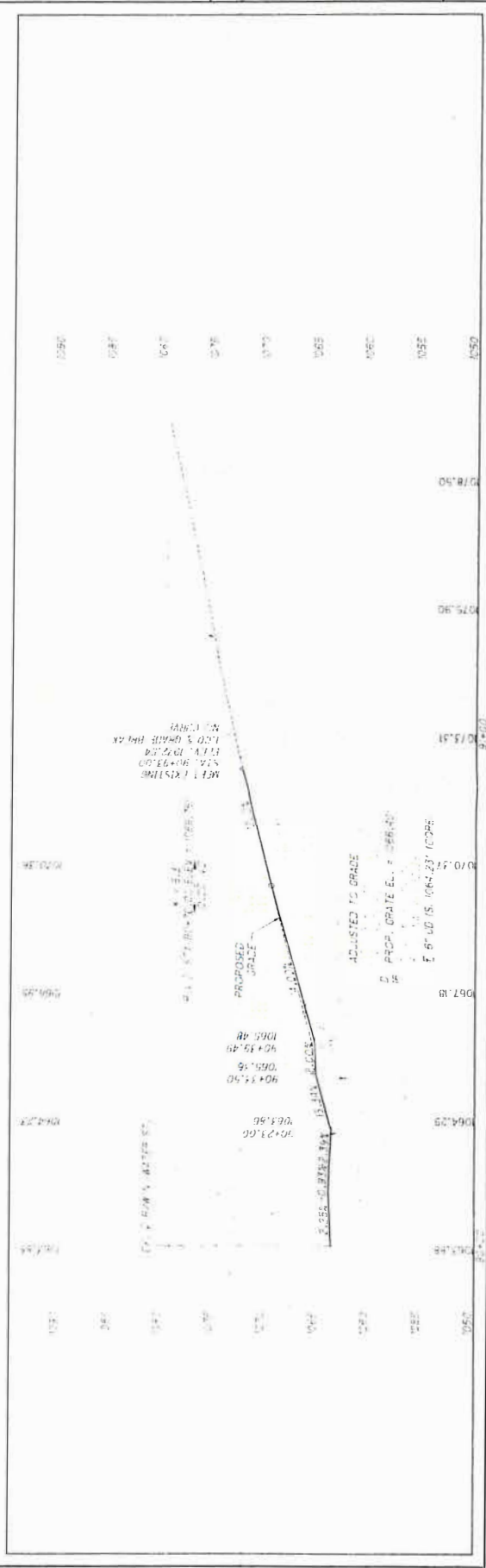
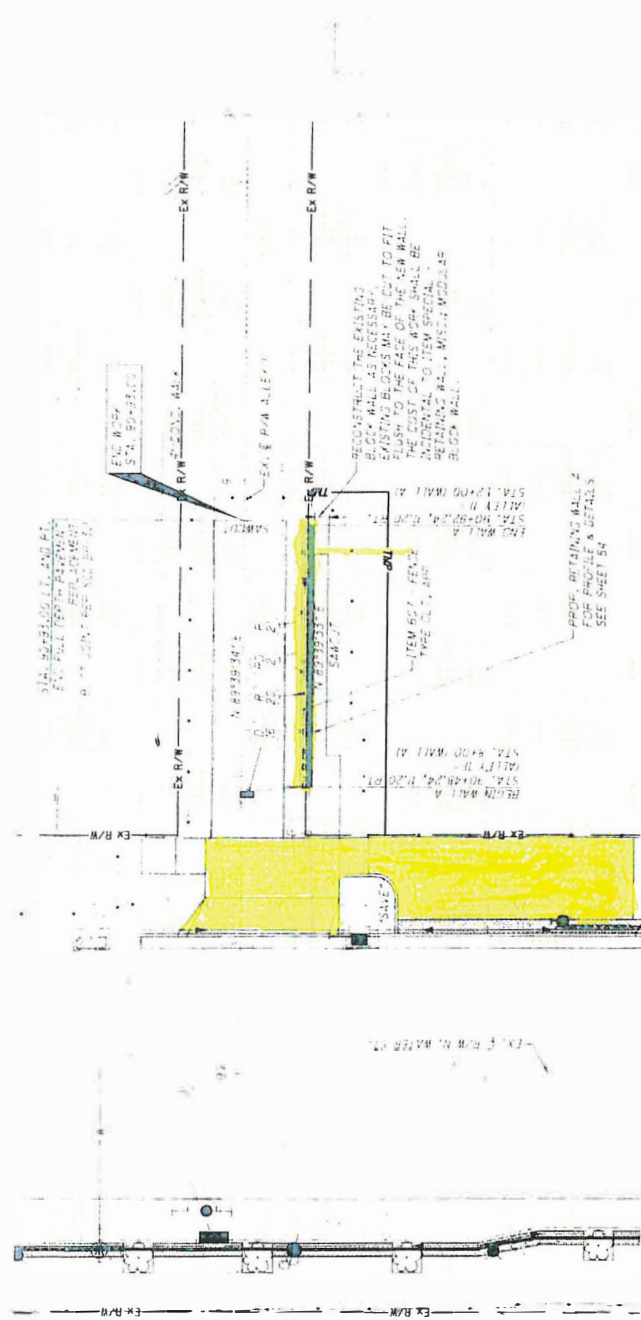
6. SEE SHEET 40-46 FOR WATER STREET

7. SEE SHEET 40-47 FOR WATER STREET

8. SEE SHEET 40-48 FOR WATER STREET

9. SEE SHEET 40-49 FOR WATER STREET

10. SEE SHEET 40-50 FOR WATER STREET



ODOT ITEM SPECIAL - RETAINING WALL, MISC., MODULAR BLOCK WALL

RETAINING WALL SHALL BE SUPPLIED AND INSTALLED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS AND INSTALLATION REQUIREMENTS. COLOR SHALL BE SANDSTONE AS SUPPLIED BY VERSA-LOK OR APPROVED EQUAL. NO HOLLOW CORE BLOCKS WILL BE PERMITTED.

PAYMENT SHALL BE MADE FOR ODOT ITEM SPECIAL - RETAINING WALL, MISC.: MODULAR BLOCK WALL ON A PER SQUARE FACE FOOT BASIS. PAYMENT SHALL INCLUDE ALL LABOR, MATERIAL, EQUIPMENT AND ALL INCIDENTALS REQUIRED TO SUPPLY AND INSTALL THE RETAINING WALL COMPLETE IN PLACE WITH 6" UNDERDRAIN, FITTINGS AND CLEANOUT, OUTLET TO THE NEAREST AVAILABLE CATCH BASIN OR AS SHOWN IN THE PLANS.

THE MESA SYSTEM SHALL UTILIZE THEIR STANDARD UNITS WITH TENSAR UX300WSE STRUCTURAL GEOGRID REINFORCEMENT AS DESIGNED BY THEIR ENGINEER. STANDARD CONNECTORS TO ATTACH THE GEOGRID TO THE BLOCKS, AND THE MATERIAL FOR REINFORCED BACKFILL AS RECOMMENDED BY THE MANUFACTURER.

THE KEYSTONE SYSTEM SHALL UTILIZE THEIR KEYSTONE COMPACT UNITS, STRAIGHTFACE/VICTORIAN STONE UNITS WITH GEOGRID REINFORCEMENT AS DESIGNED BY THEIR ENGINEER. STANDARD CONNECTORS AND APPURTENANCES. MATERIAL FOR BACKFILL SHALL BE AS RECOMMENDED BY THE MANUFACTURER.

THE VERSA-LOK SYSTEM SHALL UTILIZE THEIR STANDARD UNITS WITH GEOGRID AS DESIGNED BY THEIR ENGINEER. STANDARD VERSA-TUFF CONNECTION PINS, AND APPURTENANCES. MATERIAL FOR DRAINAGE AND BACKFILL SHALL BE AS RECOMMENDED BY THE MANUFACTURER.

THE FOLLOWING ESTIMATED QUANTITIES HAVE BEEN INCLUDED IN THE GENERAL SUMMARY FOR THE WORK NOTED ABOVE:

610, RETAINING WALL, MISC.: MODULAR BLOCK WALL 215 SQ. FT.

ITEM 607-FENCE, TYPE CLT, APP HEIGHT = 5'

SEE ODOT SCD F-1.1 FOR EMBEDMENT DETAILS

GEOSYNTHETIC REINFORCEMENT

6" UNDERDRAIN

COMPACTED SUBGRADE

ITEM 203 - EMBANKMENT

1.5' MIN

6" OF WALL (LOCATION OF STATION AND OFFSET)

CAP UNIT ADHERES TO TOP UNIT W/ VERSA-LOK CONCRETE ADHESIVE OR APPROVED EQUAL

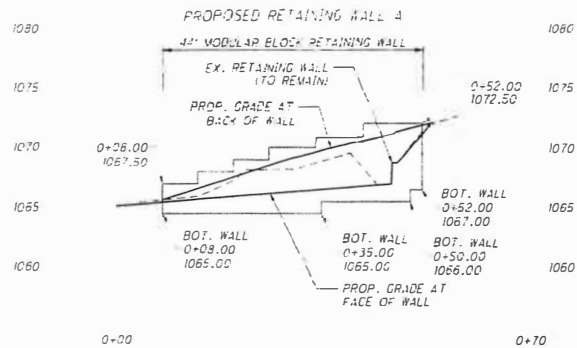
VERSA-LOK STANDARD MODULAR CONCRETE UNITS OR APPROVED EQUAL

PLAY LIMITS FOR ODOT ITEM SPECIAL - RETAINING WALL, MISC.: MODULAR BLOCK WALL

ITEM 304 - AGGREGATE BASE 11'-5"

NO. 8, 9, OR 89 DRAINAGE AGGREGATE 12" THICK MIN.

RETAINING WALL - MISC.: MODULAR BLOCK WALL DETAIL
NOT TO SCALE



PROPOSED RETAINING WALL A DETAILS

POR-CR502-0.18 (NORTH WATER STREET)

54
73

DRAFT ORDINANCE NO. 2020-11

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPROVE A NEW SPECIAL EVENT APPLICATION FROM MAIN STREET KENT KNOWN AS “KENT RAINBOW WEEKEND” TO BE HELD ON FRIDAY AND SATURDAY, MARCH 6TH AND 7TH, 2020, AND THE TEMPORARY CLOSURE OF THE WEST SIDE CROSSWALK AT THE INTERSECTION OF MAIN AND WATER STREETS, AND DECLARING AN EMERGENCY.

WHEREAS, the Kent Rainbow Weekend is an event to celebrate Kent’s LGBTQ+ community with activities and events throughout downtown; and

WHEREAS, the organizer would like to paint the crosswalk (with non-permanent paint) that will occupy the current west side crosswalk of the intersection at Main and Water Streets and would require a temporarily road closure; and

WHEREAS, Kent Rainbow Weekend will take place Friday and Saturday on March 6th and 7th at multiple locations downtown. The temporary closure of the west side crosswalk at the intersection of Main and Water Streets will be on Thursday, March 5, 2020 from 6 a.m. – 12:30 p.m. to paint the rainbow crosswalk; and

WHEREAS, the Kent City Council consents to authorizing the City Manager or his designee to sign the Special Event Application as long as he is comfortable and believes the safety and security of the City’s citizens will not be adversely affected; and

WHEREAS, the time is of the essence as the event is scheduled for March 6th and 7th, 2020.

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

SECTION 1. That the Kent City Council authorizes the City Manager or his designee to execute the Special Event Application from the Main Street Kent in substantial conformance with the Special Event Application attached hereto as Exhibit “A”, as long as the City Manager or his designee believes the safety and security of Kent’s citizens are adequately projected.

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

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

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

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

(SEAL)

AMY WILKENS
CLERK OF COUNCIL



City of Kent, Ohio

Office of the City Manager

To: Dave Ruller, City Manager

From: Harrison Wicks, Assistant to the City Manager *HW*

Date: January 29, 2020

RE: New Special Event Application – Kent Rainbow Weekend

The City Manager's Office has received a special event application from Heather Malarcik at Main Street Kent for a new event known as Kent Rainbow Weekend to celebrate Kent's LGBTQ+ community with activities and events throughout downtown.

A portion of this event requires council approval – specifically a painted crosswalk that will occupy the current west side crosswalk of the intersection downtown at Main and Water Streets. This will require a temporary road closure to apply non-permanent paint and for the paint to dry. Once dry the barricades will be removed and the entire intersection will be open to traffic.

Kent Rainbow Weekend will take place Friday and Saturday on March 6th and 7th at multiple locations downtown. Main Street Kent is requesting the temporary closure of the west side crosswalk at the intersection of Main and Water Streets on **Thursday, March 5, 2020 from 6am-12:30pm for the installation of a painted rainbow crosswalk.**

Similar to the painted crosswalks installed during the Kent Better Block event held on September 29, 2018, this painted crosswalk will include non-toxic children's paint that will temporarily create a rainbow crosswalk using multiple colors and then wash away within 72 hours after exposure to the natural elements. Main Street Kent is proposing to use the same type of paint used during the Kent Better Block event.

During the temporary closure, westbound traffic on Main Street will be detoured North and South on Water Street and Eastbound traffic on Main Street will be detoured south on Franklin Avenue to Erie Street.

Please let me know if you have any questions concerning the attached materials or if you need additional information.

Thank you.

cc: Amy Wilkens, Clerk of Council

APPLICATION FOR SPECIAL EVENT
PARADES, FESTIVALS, CARNIVALS, PUBLIC ASSEMBLIES, ETC.
City of Kent, 319 S. Water Street, Kent, OH 44240

NAME OF EVENT Kent Rainbow Weekend (Painted Crosswalk)
ORGANIZATION SPONSORING EVENT Main Street Kent
APPLICANT NAME Heather Malarcik PHONE 330-677-8000
ADDRESS 138 E. Main Street, Suite 201 B, Kent, OH 44240

NAMES AND PHONE NUMBERS OF ALL PERSONS WHO ARE IN CHARGE AND/OR WILL BE IN A RESPONSIBLE POSITION DURING THE EVENT:

Harrison Wicks 330-676-7572

Lesley Sickle 330-677-8000

DATE OF EVENT Thursday, March 5th NO. OF PARTICIPANTS 25

REQUESTED PERMIT TIME: Start Set up 6 AM Start Event 6:30 AM
End Event 12 PM End Cleanup 12:30 PM

IF PARADE: STARTING POINT N/A ENDING POINT N/A

USE OF CITY WATER NEEDED? No

(IF YES, PLEASE EXPLAIN)

USE OF CITY ELECTRIC NEEDED? No

(IF YES, PLEASE EXPLAIN)

In addition to the application please submit the following information:

- Attach map to application showing proposed streets to be blocked off for event, and route of parade or race. (May be hand drawn.)
- Proof of Insurance is required before permit can be issued.
- Please attach list of possible vendors/booths to be part of event (food, retail, etc.).

Please submit application for permit at least 30 days in advance, but no sooner than one year in advance. For additional requirements please review Chapter 316 of The Codified Ordinance of the City of Kent. Please be advised that the use of marking paint on City pavement, curbs, sidewalks or other property is prohibited except if purchased at cost from Service Department (330-678-8105).

By signing this application, I am certifying that I have received a copy of the rules and regulations of Chapter 316 of the Codified Ordinances of the City of Kent, and I fully understand that should the permit be approved, it can be revoked if any of the provisions of this Chapter are violated.

Heather Malarcik

Name of Applicant

Heather Malarcik

Signature of Applicant

Office Use: Do not write below this line. Sent to: _____
Safety, Service, Fire, Police, and Health Departments for review and approval
via _____ on _____

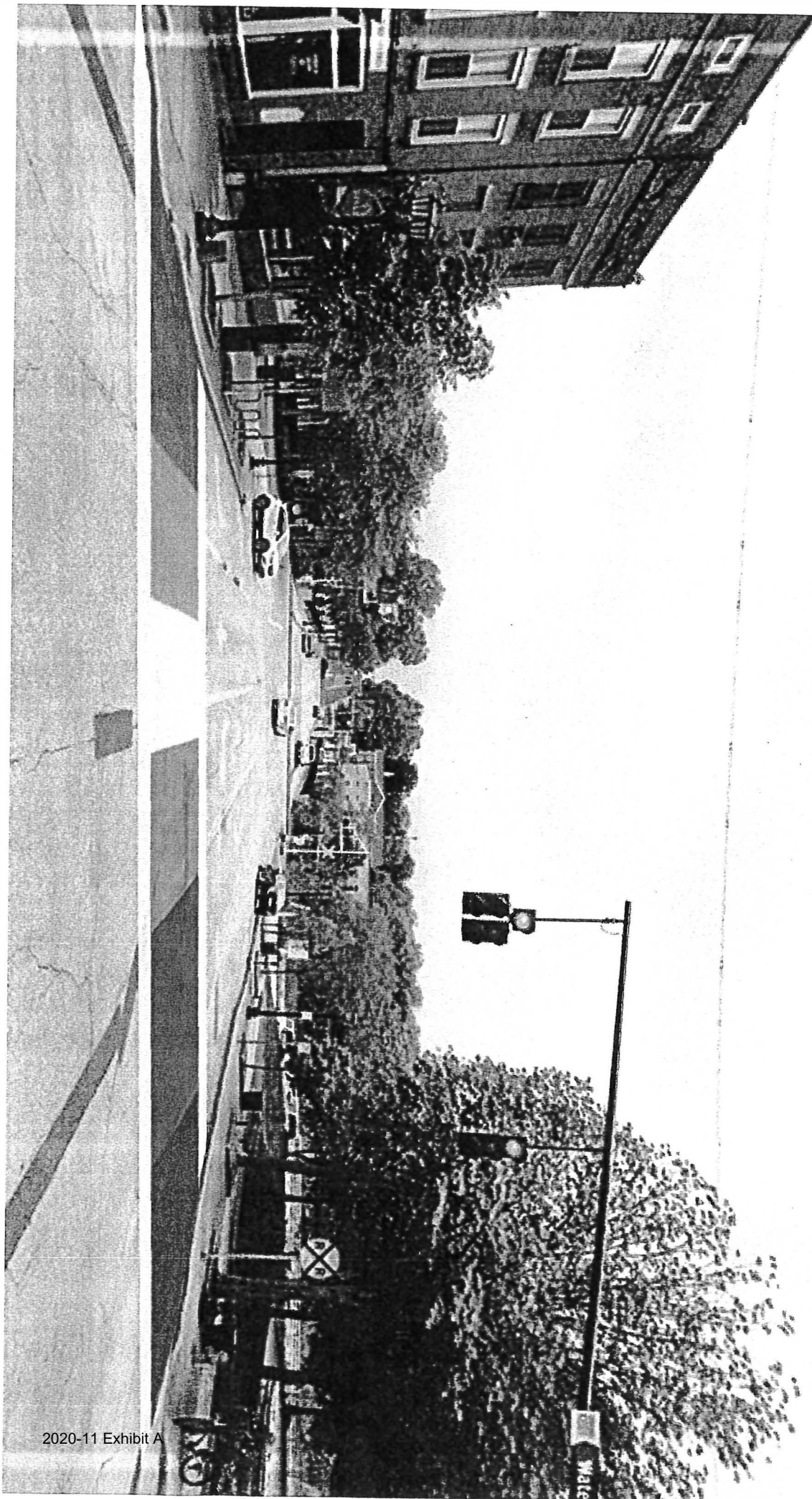
MEMORANDUM AGREEMENT _____ YES _____ NO
APPLICATION APPROVED _____ APPLICATION DISAPPROVED _____

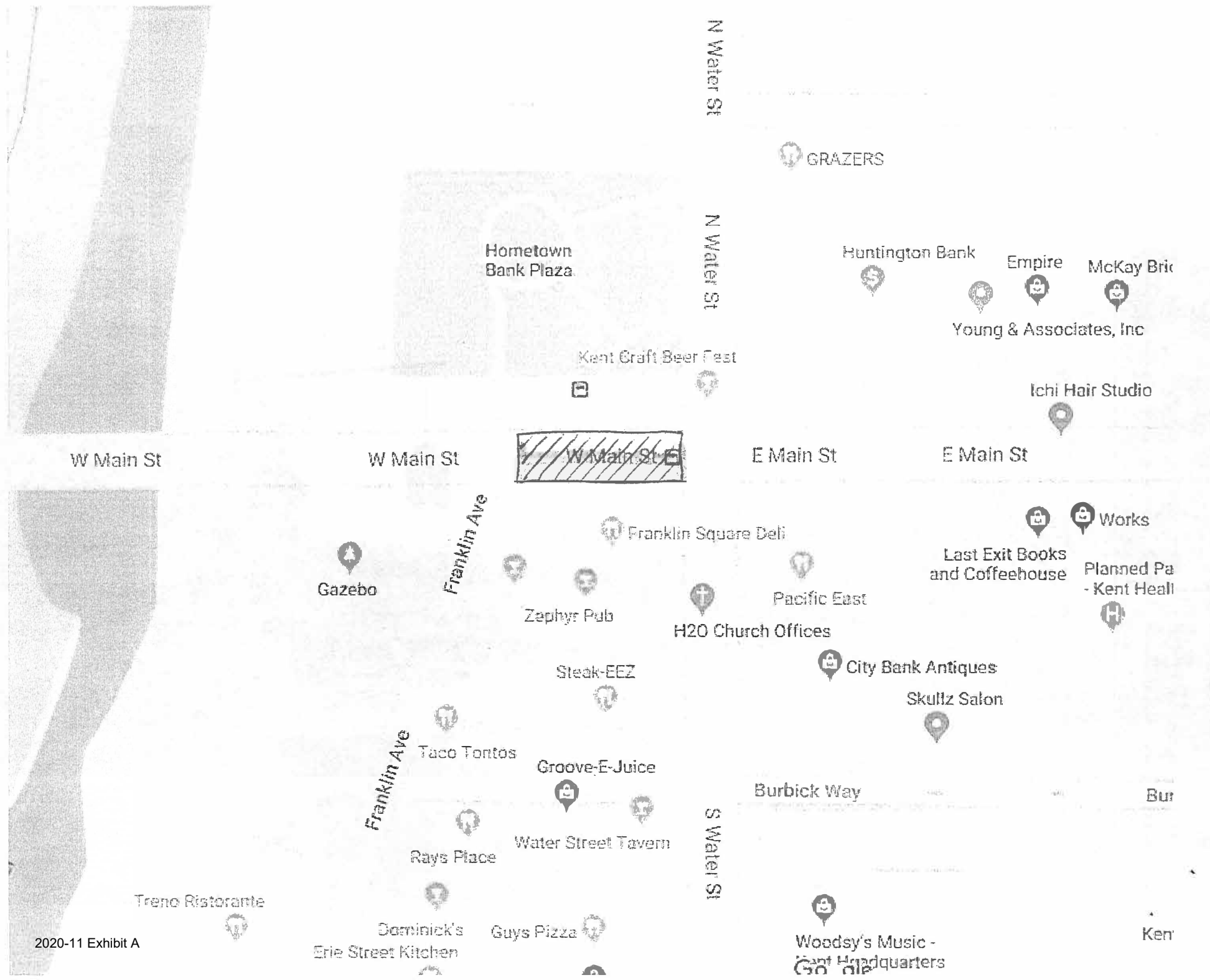
PROOF OF INSURANCE REQUIRED BY ORDINANCE 316.04 HAS BEEN REVIEWED AND APPROVED.

Law Director

Date

IF APPLICATION IS APPROVED, PERMIT WILL BE ISSUED BY THE CITY MANAGER.





GRAZERS

Hometown Bank Plaza

N Water St

N Water St

Huntington Bank

Empire

McKay Brick

Young & Associates, Inc

Kent Craft Beer Fest

Ichi Hair Studio

W Main St

W Main St

W Main St

E Main St

E Main St

Franklin Ave

Gazebo

Franklin Square Deli

Zephyr Pub

Pacific East

H2O Church Offices

Last Exit Books and Coffeehouse

Works

Planned Pa - Kent Health

Steak-EEZ

City Bank Antiques

Skultz Salon

Franklin Ave

Taco Tontos

Groove-E-Juice

Burbick Way

Bur

Rays Place

Water Street Tavern

S Water St

Treno Ristorante

Woodsy's Music - Kent Headquarters

Ken

Dominick's Erie Street Kitchen

Guys Pizza

January 23, 2020

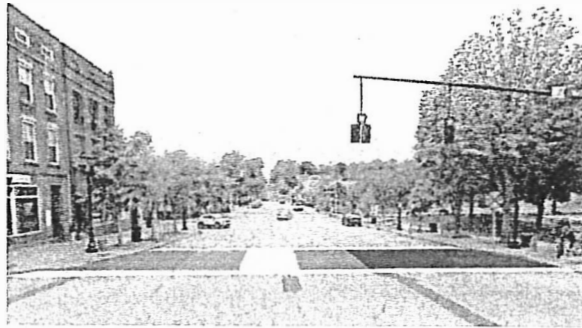
Downtown Kent Business Owners:

Main Street Kent will host the first ever Rainbow Weekend in downtown Kent on Fri. and Sat., March 6 & 7, 2020. The committee would like to paint one of the crosswalks in a rainbow stripe at the intersection of Water St. and Main St., from Franklin Square Deli to the Hometown Bank Plaza, in the spirit of the event. This will be done with temporary paint, which will fade after a few days. The work will be done on Thurs., March 5, weather-permitting.

If approved by the affected businesses, the road would be closed from from 6am to 12pm to ensure enough time to paint and allow the paint to dry. If you approve of this temporary road closure, please sign below.

Thank you for your support!

Heather Malarcik
Executive Director
Main Street Kent



Hometown Bank Michael Lewis

Franklin Square Deli _____

Zephyr Pub [Signature]

The Loft [Signature]

DRAFT ORDINANCE NO. 2020-12

AN ORDINANCE ACCEPTING THE KENT PLANNING COMMISSION'S RECOMMENDATION NOT TO AMEND THE TEXT OF CHAPTER 1155 "INDUSTRIAL DISTRICT (I)" TO ADD THE WORD "SERVING" AS A PERMITTED USE, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent Planning Commission voted on December 3, 2019 in a public hearing to recommend that City Council **NOT** amend the zoning text to add "serving" as a permitted use to Chapter 1155 "Industrial District (I)".

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

SECTION 1. That Council does hereby accept the Kent Planning Commission's recommendation **NOT** to amend the text of Chapter 1155 "Industrial District (I)" to add "serving" as a permitted use.

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

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

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

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

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

DRAFT ORDINANCE NO. 2020-13

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ALLOW THE COMMUNITY DEVELOPMENT DEPARTMENT AND BUDGET & FINANCE DEPARTMENT TO CREATE A NEW GENERAL LEDGER FUND THAT IS NECESSARY TO SEPARATE CITY CHIP FUNDS FROM OTHER CITY FUNDS PER THE GUIDANCE OF THE CHIP FUNDING AGENCY; AND DECLARING AN EMERGENCY.

WHEREAS, the City receives Community Development Block Grant Funds (CDBG) that are assigned to a (126) fund; and

WHEREAS, the City receives HUD grant funds on an ongoing basis from the HOME Investment Partnerships Program as a pass through grant from the State of Ohio. The Ohio Development Services Agency (ODSA) issues HOME grant funds through the Community Housing Impact and Preservation grant program (CHIP). Even though these funds are issued by ODSA, they are federal (CFDA Number 14.239) and as such all CHIP revenue, expenses and program income need to be accounted for separately in the budget and not co-mingled with CDBG or general fund resources; and

WHEREAS, in order to keep CHIP funds separate, the Finance Department has determined that the new Fund will be designated as "Fund #136 – CHIP-HOME" fund.

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

SECTION 1. That Council does hereby authorize the City Manager, or his designee, to allow the Budget & Finance Department to create a new general ledge fund name "Fund #136 – CHIP-HOME" in order to keep CHIP funds separate from other funds received from the City.

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

ORDINANCE NO. 2020-14

AN ORDINANCE AMENDING ORDINANCE NO. 2019-139, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 18, 2019; SO AS TO ADJUST APPROPRIATIONS, TRANSFERS AND ADVANCES FROM THE VARIOUS FUNDS OF THE CITY OF KENT TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES OF THE CITY FOR THE FISCAL YEAR ENDING DECEMBER 31, 2020; AND DECLARING AN EMERGENCY.

WHEREAS, it is necessary to amend current appropriations, transfers and advances for the expenses and other expenditures for the City of Kent, Ohio, for the fiscal year ending December 31, 2020.

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

SECTION 1. That the current appropriations Ordinance No. 2019-139 passed December 18, 2019 be amended as set forth in Exhibit "A", attached hereto and incorporated herein, so as to increase appropriations in Fund 001, General; Fund 101, West Side Fire; Fund 120, Revolving Housing; Fund 124, Income Tax Safety; Fund 201, Water; Fund 202, Sewer; Fund 208, Storm Water; Fund 301, Capital; and Fund 303, Police Facility; and Declaring An Emergency.

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 formation 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 reason manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediate 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

2020 AMENDED APPROPRIATIONS

<u>Fund - Department/Division</u>	<u>Personnel & Benefits</u>	<u>Other than Personnel & Benefits</u>	<u>Capital</u>	<u>Reserve/Debt Service</u>	<u>Contingency</u>	<u>Fund & Department Total</u>
<u>General Fund (001)</u>						
City Council	\$167,708	\$32,803				\$200,511
Mayor	\$9,530	\$5,400				\$14,930
Community Support		\$86,500				\$86,500
City Manager	\$327,241	\$63,623				\$390,864
New City Hall Facility		\$0				\$0
Information Technology	\$85,484	\$227,968				\$313,452
Urban Renewal		\$67,300				\$67,300
Human Resources	\$64,790	\$19,488				\$84,278
Civil Service	\$32,425	\$48,953				\$81,378
Law	\$333,967	\$118,895				\$452,862
Budget & Finance	\$220,511	\$144,485	\$3,254			\$368,250
Community Development	\$609,174	\$258,470				\$867,644
Economic Development	\$124,748	\$40,890				\$165,638
Health	\$462,327	\$194,538				\$656,865
Public Parking		\$62,000	\$135,000			\$197,000
Main Street Program		\$70,000				\$70,000
Service Administration	\$73,619	\$503,416				\$577,035
Shade Tree		\$89,400	\$10,000			\$99,400
Adjunct Facilities		\$22,692				\$22,692
Building	\$315,150	\$70,272				\$385,422
Land banking		\$10,000				\$10,000
Engineering	\$240,940	\$98,442				\$339,382
Miscellaneous & Sundry		\$390,250				\$390,250
Contingency					\$100,000	\$100,000
Fund Total	\$3,067,614	\$2,625,785	\$148,254	\$0	\$100,000	\$5,941,653
<u>West Side Fire (101)</u>						
Fire	\$278,104	\$27,127				\$305,231
Fund Total	\$278,104	\$27,127	\$0	\$0	\$0	\$305,231
<u>Street Construction Maintenance & Repair (102)</u>						
Service	\$1,182,517	\$1,219,427				\$2,401,944
Contingency					\$25,000	\$25,000
Fund Total	\$1,182,517	\$1,219,427	\$0	\$0	\$25,000	\$2,426,944
<u>State Highway (103)</u>						
Service		\$70,000				\$70,000
Fund Total	\$0	\$70,000	\$0	\$0	\$0	\$70,000
<u>Recreation (106)</u>						
Parks & Recreation	\$1,427,466	\$681,648	\$259,000			\$2,368,114
Fund Total	\$1,427,466	\$681,648	\$259,000	\$0	\$0	\$2,368,114
<u>Food Service (107)</u>						
Health	\$110,523	\$8,000				\$118,523
Fund Total	\$110,523	\$8,000	\$0	\$0	\$0	\$118,523

2020 AMENDED APPROPRIATIONS

<u>Fund - Department/Division</u>	<u>Personnel & Benefits</u>	<u>Other than Personnel & Benefits</u>	<u>Capital</u>	<u>Reserve/Debt Service</u>	<u>Contingency</u>	<u>Fund & Department Total</u>
<u>Income Tax (116)</u>						
Budget/Finance/IncTaxAdmin	\$308,391	\$542,233				\$850,624
Managed Reserve				\$25,540		\$25,540
Fund Total	\$308,391	\$542,233	\$0	\$25,540	\$0	\$876,164
<u>Revolving Housing (120)</u>						
Health	\$157,979	\$10,000				\$167,979
Fund Total	\$157,979	\$10,000	\$0	\$0	\$0	\$167,979
<u>State & Local Forfeits (121)</u>						
Police		\$0				\$0
Fund Total	\$0	\$0	\$0	\$0	\$0	\$0
<u>Drug Law Enforcement (122)</u>						
Police		\$9,000				\$9,000
Fund Total	\$0	\$9,000	\$0	\$0	\$0	\$9,000
<u>Enforcement & Education (123)</u>						
Police		\$11,000				\$11,000
Fund Total	\$0	\$11,000	\$0	\$0	\$0	\$11,000
<u>Income Tax Safety (124)</u>						
Police	\$7,484,419	\$691,110				\$8,175,529
Fund Total	\$7,484,419	\$691,110	\$0	\$0	\$0	\$8,175,529
<u>Law Enforcement Trust (125)</u>						
Police		\$0				\$0
Fund Total	\$0	\$0	\$0	\$0	\$0	\$0
<u>Community Development Block Grant (126)</u>						
Community Development	\$17,875	\$160,300	\$145,165			\$323,340
Fund Total	\$17,875	\$160,300	\$145,165	\$0	\$0	\$323,340
<u>Fire & E.M.S. (128)</u>						
Fire	\$4,925,538	\$503,774	\$446,000			\$5,875,312
Fund Total	\$4,925,538	\$503,774	\$446,000	\$0	\$0	\$5,875,312
<u>Wireless 911 (129)</u>						
Safety		\$0				\$0
Fund Total	\$0	\$0	\$0	\$0	\$0	\$0
<u>Swimming Pool Inspections (130)</u>						
Health	\$9,049	\$0				\$9,049
Fund Total	\$9,049	\$0	\$0	\$0	\$0	\$9,049

2020 AMENDED APPROPRIATIONS

<u>Fund - Department/Division</u>	<u>Personnel & Benefits</u>	<u>Other than Personnel & Benefits</u>	<u>Capital</u>	<u>Reserve/Debt Service</u>	<u>Contingency</u>	<u>Fund & Department Total</u>
<u>Police Pension (132)</u>						
Police	\$120,000					\$120,000
Fund Total	\$120,000	\$0	\$0	\$0	\$0	\$120,000
<u>Fire Pension (133)</u>						
Fire	\$120,000					\$120,000
Fund Total	\$120,000	\$0	\$0	\$0	\$0	\$120,000
<u>UDAG / EDA-RLF (134)</u>						
City Manager/C.D.		\$50,000				\$50,000
Fund Total	\$0	\$50,000	\$0	\$0	\$0	\$50,000
<u>Water (201)</u>						
Service	\$1,803,555	\$811,998	\$783,000			\$3,398,553
Service (Capital Facilities)			\$716,024			\$716,024
Admin. Support	\$656,481	\$73,947	\$6,450			\$736,878
Budget & Finance (Debt)				\$55,759		\$55,759
Contingency					\$50,000	\$50,000
Fund Total	\$2,460,036	\$885,945	\$1,505,474	\$55,759	\$50,000	\$4,957,214
<u>Sewer (202)</u>						
Service	\$2,113,748	\$860,274	\$922,592			\$3,896,614
Service (Capital Facilities)			\$71,359			\$71,359
Admin. Support	\$656,481	\$86,398	\$6,450			\$749,329
Budget & Finance (Debt)				\$575,300		\$575,300
Contingency					\$50,000	\$50,000
Fund Total	\$2,770,229	\$946,672	\$1,000,401	\$575,300	\$50,000	\$5,342,602
<u>Utility Billing (204)</u>						
Budget & Finance		\$92,586				\$92,586
Fund Total	\$0	\$92,586	\$0	\$0	\$0	\$92,586
<u>Solid Waste (205)</u>						
Service	\$91,128	\$161,790	\$5,000			\$257,918
Fund Total	\$91,128	\$161,790	\$5,000	\$0	\$0	\$257,918
<u>Storm Water Utility (208)</u>						
Service	\$250,308		\$18,000			\$268,308
Service (Capital Facilities)			\$1,182,868			\$1,182,868
Admin. Support	\$332,068	\$62,296	\$1,450			\$395,814
Budget & Finance (Debt)				\$9,968		\$9,968
Fund Total	\$582,376	\$62,296	\$1,202,318	\$9,968	\$0	\$1,856,958
<u>Guaranteed Deposits (230)</u>						
Budget & Finance		\$1,000				\$1,000
Fund Total	\$0	\$1,000	\$0	\$0	\$0	\$1,000

2020 AMENDED APPROPRIATIONS

<u>Fund - Department/Division</u>	<u>Personnel & Benefits</u>	<u>Other than Personnel & Benefits</u>	<u>Capital</u>	<u>Reserve/Debt Service</u>	<u>Contingency</u>	<u>Fund & Department Total</u>
<u>Capital Projects (301)</u>						
Safety			\$181,900			\$181,900
Service			\$358,000			\$358,000
Service (Capital Facilities)			\$11,799,293			\$11,799,293
Administrative			\$51,400			\$51,400
New Admin. Facility			\$2,131,000			\$2,131,000
Budget & Finance (Debt)				\$303,939		\$303,939
Contingency					\$25,000	\$25,000
Fund Total	\$0	\$0	\$14,521,593	\$303,939	\$25,000	\$14,850,532
<u>Municipal Public Improvement Tax Increment Equivalent (302)</u>						
Service (Capital Facilities)						\$0
Budget & Finance (Debt)				\$1,366,650		\$1,366,650
Fund Total	\$0	\$0	\$0	\$1,366,650	\$0	\$1,366,650
<u>Police Facility (303)</u>						
Safety (Capital Facilities)			\$413,500			\$413,500
Budget & Finance (Debt)				\$3,077,500		\$3,077,500
Fund Total	\$0	\$0	\$413,500	\$3,077,500	\$0	\$3,491,000
<u>Debt Service (402)</u>						
Budget & Finance (Debt)				\$57,620		\$57,620
Fund Total	\$0	\$0	\$0	\$57,620	\$0	\$57,620
<u>Internal Service (807)</u>						
Health Insurance			\$3,700,000			\$3,700,000
Fund Total	\$0	\$3,700,000	\$0	\$0	\$0	\$3,700,000
Total Appropriations	\$25,113,244	\$12,459,693	\$19,646,705	\$5,472,276	\$250,000	\$62,941,918
Original Appropriations	\$24,787,144	\$12,459,693	\$13,787,565	\$5,472,276	\$250,000	\$56,756,678
Amendment #1	\$326,100.00		\$5,859,140			\$6,185,240
Amendment #2						\$0
Amendment #3						\$0
Amendment #4						\$0
Amendment #5						\$0
Amendment #6						\$0
Amendment #7						\$0
Amendment #8						\$0
	\$25,113,244	\$12,459,693	\$19,646,705	\$5,472,276	\$250,000	\$62,941,918

2020 AMENDED APPROPRIATIONS - SCHEDULE OF OPERATING TRANSFERS AND TEMPORARY ADVANCES

<u>Paying Fund</u>	<u>Original</u>	<u>Receiving Fund</u>
<u>Operating Transfers</u>		
Fund 116 - Income Tax	\$3,600,000	Fund 001 - General
Fund 116 - Income Tax	\$1,000,000	Fund 102 - St Const Maint & Repair
Fund 116 - Income Tax	\$3,581,444	Fund 124 - Income Tax Safety
Fund 116 - Income Tax	\$3,581,444	Fund 128 - Fire & E.M.S.
Fund 116 - Income Tax	\$3,075,444	Fund 301 - Capital Projects
Fund 116 - Income Tax	\$1,790,724	Fund 303 - Police Facility
Fund 116 - Income Tax	\$60,000	Fund 402 - Debt Service
Total Fund 116 Income Tax	<u>\$16,689,056</u>	
Fund 201 - Water	\$47,000	Fund 204 - Utility Billing
Fund 202 - Sewer	\$47,000	Fund 204 - Utility Billing
Fund 001 - General	\$3,700,000.00	Fund 124 - Income Tax Safety
Fund 001 - General	\$6,400.00	Fund 106 - Parks and Rec
Fund 001 - General	\$1,500,000.00	Fund 301 - Capital Projects (for City Hall)
Fund 001 - General	<u>\$2,100,000.00</u>	Fund 128 - Fire & EMS
Subtotal - Total Operating Transfers	<u>\$7,400,400</u>	
<u>Temporary Advances</u>		
Fund 106 - Recreation	* \$0	Fund 001 - General
Fund 201 - Water	* \$0	Fund 116 - Income Tax
Fund 202 - Sewer	* \$0	Fund 116 - Income Tax
Fund 205 - Solid Waste	* \$56,000	Fund 001 - General
Fund 205 - Solid Waste	* \$53,000	Fund 116 - Income Tax
Fund 208 - Storm Water	* <u>\$16,000</u>	Fund 116 - Income Tax
Subtotal - Total Advances	<u>\$125,000</u>	
Grand Total - All Transfers & Advances	<u><u>\$24,214,456</u></u>	

* Designates Repayment of Advance

DRAFT ORDINANCE NO. 2020-15

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCEPT THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2020 COMMUNITY EVENT SPONSORSHIP PROGRAM AWARD IN THE AMOUNT OF \$2,000.00, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent, Ohio is a member of the Northeast Ohio Public Energy Council ("NOPEC") and is eligible for a NOPEC 2020 Community Event Sponsorship Award in the amount of \$2,000.00; and

WHEREAS, the City would like to use the funds for the 2020 Main Street Kent.

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

SECTION 1. That Kent City Council hereby authorizes the City Manager, or his designee, to accept the NOPEC 2019 Community Event Sponsorship Program Award in the amount of \$2,000.00.

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

ORDINANCE NO. 2020-16

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ALLOW THE CITY OF KENT FIRE DEPARTMENT TO OPERATE THE NEWLY PURCHASED POLARIS RANGER UTILITY VEHICLE ON THE ROADWAYS WITHIN THE CITY OF KENT ON AN AS NEEDED BASIS, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent Fire Department has recently purchased a Polaris Ranger Utility Vehicle to improve community safety and enhance their response time and capabilities to certain areas that are not accessible by EMS units and equipment; and

WHEREAS, the vehicle was purchased with equipment that would render it effective off road as well as equipment that gives it capabilities to be utilized on the roadway for purposes of getting the vehicle to the incident scene; and

WHEREAS, the vehicle will only travel on roadways that are 35 mph and under.

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

SECTION 1. That Council does hereby authorize the City Manager, or his designee, to allow the City of Kent Fire Department to operate the newly purchased Polaris Ranger Utility Vehicle on the roadways within the City of Kent on an as needed basis and only when it has been properly licensed, inspected and is in compliance with any other laws 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