



City of Kent
Wednesday, April 20, 2022
Regular City Council Meeting
320 S. Depeyster Street, Kent, OH 44240

AGENDA

7:25 Public Hearing CHIP (Board of Control; Immediately Following Public Hearing)

On April 6, 2022, notice was given that the Kent City Council was conducting a Public Hearing to allow for public comment on the COMMUNITY HOUSING IMPACT AND PRESERVATION (CHIP) Program Year (PY) 2022 Application for Funding.

7:30 P.M. Regular Council Meeting

1. Roll Call
2. Opening Remarks and Pledge of Allegiance- Mr. Amrhein
3. Recognizing and Honoring Police Officers
4. Approval of Minutes
 - 4.1. March 16, 2022 Regular City Council Meeting
April 6, 2022 Special City Council Meeting
5. Communications
 - 5.1. Public Comment
 - 5.2. Written Communication (All placed on file in the Clerk of Council's office)
 1. An email received on March 31, 2022 from Bridget Susel stating there would be no Board of Zoning Appeals meeting for the month of April and no Planning Commission meeting on April 5, 2022.
 2. A NEW C1 Liquor License request from Maggies Campus Market, LLC located at 901 E. Main Street, Kent, was received on April 1, 2022.
 3. A NEW C1 and C2 Liquor License request from Par Mar Oil Company DBA Par Mar Store #181 located at 850 N. Mantua Dr., Kent, was received on April 4, 2022.
 4. The agenda for the Standing Rock Cemetery Board's April 14, 2022 meeting was received on April 4, 2022.

5. An email from the Friends of Crooked River about their annual meeting being held on April 19, 2022, was received and forwarded to Council on April 11, 2022.
6. An email from the Portage County Sheriff's Office regarding Portage County 9-1-1 Proposed Plan Changes was received on April 8, 2022.
7. The Planning Commission Agenda and Staff Report for the April 19, 2022 meeting was received on April 12, 2022.
8. The Board of Health February meeting minutes and April Agenda and Statistical report was received on April 13, 2022.

5.3. City Manager's Report

6. Standing Committees & Legislation

6.1. **Committee of the Whole** Chair Mayor Fiala

6.1.1. Committee Meeting Minute Approval of April 6, 2022

6.1.2. Action(s) Recommended

1. Authorize the formation of a committee, comprised of five members of the community and up to two councilmembers, to set guidelines and receive submissions from the community on a new city flag, which will be voted on by Council.
2. Authorize forwarding the revised ordinance for the marijuana initiative petition to the County Board of Elections for the November election.

6.1.3. **Draft 2022-021** A RESOLUTION APPOINTING REBEKKAH BERRYHILL AND JASON KNOWLES TO THE SHADE TREE COMMISSION AND DECLARING AN EMERGENCY (***Authorized 3/16/22; Second Reading***)

6.1.4. **Draft 2022-030** AN ORDINANCE TO ACKNOWLEDGE THE RECEIPT OF INITIATIVE PETITIONS PRESENTED BY LAUREN MCKOWN, MICHAEL RODRIGUEZ, RENE MCKOWN, ALEXANDRIA AKIN, AND ADRIENNE DEVAULT TO PLACE THE SENSIBLE MARIJUANA ORDINANCE FOR THE CITY OF KENT, OHIO ON THE NOVEMBER 8, 2022 BALLOT, AND DECLARING AN EMERGENCY (Authorized)

6.2. **Community Development** Chair Kuhar/ Vice-Chair Rosenberg

6.2.1. Committee Meeting Minute Approval of April 6, 2022

6.2.2. Action(s) Recommended

1. Authorize the proposed simplified and standardized Parks and Recreation fee calculation for residential development projects.

- 6.2.3. **Draft 2022-022** AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ADJUST THE APPLICATION REQUIREMENTS FOR FUNDING ASSISTANCE CURRENTLY UTILIZED FOR THE CELEBRATE KENT! AND THE NEIGHBORHOOD GRANT PROGRAM (NGP) TO SUPPORT MULTI-CULTURAL EVENTS, ACTIVITIES THAT PROMOTE AWARENESS, INCLUSION AND DIVERSITY; AND DECLARING AN EMERGENCY (**Authorized 3/16/22; Second Reading**)
- 6.2.4. **Draft 2022-031** AN ORDINANCE AMENDING CHAPTER 1191 "PARK IMPACT FEES" OF THE CODIFIED ORDINANCES OF THE CITY OF KENT TO UPDATE OUTDATED LAND VALUATION CALCULATIONS, AND DECLARING AN EMERGENCY (Authorized)
- 6.2.5. **Draft 2022-032** AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO CLOSE FRANKLIN AVENUE FROM ERIE STREET TO MAIN STREET TO ASSIST DOWNTOWN BUSINESSES, AND DECLARING AN EMERGENCY (Unauthorized)
- 6.2.6. **Draft 2022-033** AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT WITH CITY OF KENT, OHIO (CITY) AND MAIN STREET KENT (MSK) FOR NEEDED MAINTENANCE SERVICES TO KEEP THE "OUTDOOR SEATING AREA" ON FRANKLIN AVENUE SANITARY AND ORDERLY, AND DECLARING AN EMERGENCY (Unauthorized)
- 6.3. **Health & Safety Committee** Chair Amrhein/ Vice-Chair Sidoti
 - 6.3.1. Committee Meeting Minute Approval of April 6, 2022
 - 6.3.2. Action(s) Recommended
 1. Authorize the acceptance of donations from the owner of the Wells Sherman House to the Kent Health Department.
 2. Authorize the acceptance and allocation of \$25,000 received from the Ohio EPA grant funds to be used in the mosquito prevention program.
 - 6.3.3. **DRAFT 2022-034** AN ORDINANCE ACCEPTING A DONATION OF FOLDING TABLES, FOLDING CHAIRS AND A MONITOR SCREEN ESTIMATED IN THE AMOUNT OF \$1,500.00 TO THE CITY OF KENT'S HEALTH DEPARTMENT, AND DECLARING AN EMERGENCY (Authorized)

- 6.3.4. **DRAFT 2022-035** AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT AGRANT FROM THE OHIO EPA IN THE AMOUNT OF \$25,000.00 TO BE USED TO FUND THE MOSQUITO CONTROL PROGRAM THROUGH APRIL 2023, AND DECLARING AN EMERGENCY. (Authorized)
- 6.4. **Land Use Committee** Chair Ferrara/ Vice-Chair Shaffer Bish
- 6.4.1. Committee Meeting Minute Approval of April 6, 2022
- 6.4.2. Action(s) Recommended
1. Authorize the annexation agreement between the Franklin Township and the City of Kent on State Rt. 43, annexing land into the corporate limits of Kent in order to be eligible for City services.
- 6.4.3. **DRAFT 2022-036** AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN AN ANNEXATION AGREEMENT WITH FRANKLIN TOWNSHIP AS PART OF THE ANNEXATION OF PARCEL NO. 12-049-00-00-012-000 (6700 STATE ROUTE 43) INTO THE CITY'S JURISDICTIONAL BOUNDARIES, AND DECLARING AN EMERGENCY (Authorized)
- 6.5. **Streets, Sidewalks and Utilities** Chair Sidoti/ Vice-Chair Wallach
- 6.5.1. Committee Meeting Minute Approval of April 6, 2022
- 6.5.2. Action(s) Recommended
1. Authorize the proposed street closure changes for the May 21st Jaycees Craft Beer Festival.
- 6.5.3. **DRAFT 2022-024** AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPROVE A NEW SPECIAL EVENT APPLICATION FOR MAIN STREET KENT ART & WINE FESTIVAL FOR SATURDAY, JUNE 4, 2022, AND DECLARING AN EMERGENCY (***Authorized 3/16/22; Second Reading***)
- 6.5.4. **DRAFT 2022-025** AN ORDINANCE AUTHORIZING THE WATER TAP-IN FOR THE HUMAN BEAN LOCATED AT 1713 EAST MAIN STREET/STATE ROUTE 59, OUTSIDE THE CITY OF KENT, AND DECLARING AN EMERGENCY (***Authorized 3/16/22; Second Reading***)
- 6.5.5. **DRAFT 2022-037** AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPROVE A NEW SPECIAL EVENT APPLICATION FROM THE KENT JAYCEES KNOWN AS "KENT CRAFT BEER FESTIVAL" TO BE HELD ON SATURDAY, MAY 21, 2022, AND THE TEMPORARY CLOSURE OF

NORTH WATER STREET BETWEEN MAIN STREET AND PORTAGE, AND
DECLARING AN EMERGENCY(Authorized)

6.6. **Finance Committee** Chair DeLeone/ Vice-Chair Wallach

6.6.1. Committee Meeting Minute Approval of April 6, 2022

6.6.2. Action(s) Recommended

1. Accept the NOPEC Energized Community Grant for \$47,861 and allocate funds for future energy upgrades.
2. Authorize the disposal of 13 Panasonic Tough Book Police Computers that are no longer compatible with the City's network.
3. Authorize the application for RAISE (Rebuilding American Infrastructure with Sustainability and Equity) grant funds for the East Main Street improvement project of \$5.25 million and to accept and allocate funds if awarded.

6.6.3. **DRAFT 2022-026** AN ORDINANCE AUTHORIZING THE SALE BY INTERNET AUCTION OF SURPLUS PROPERTY NOT NEEDED FOR MUNICIPAL PURPOSES PURSUANT TO SECTION 721.15 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY(**Authorized 3/16/22; Second Reading**)

6.6.4. **DRAFT 2022-029** AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$875.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT TO BE USED FOR CHILDREN'S ACTIVITIES, AND DECLARING AN EMERGENCY (**Authorized 3/16/22; Second Reading**)

6.6.5. **DRAFT 2022-038** AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACCEPT THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) ENERGIZED COMMUNITY GRANT AWARD IN THE AMOUNT OF \$47,681.00, AND DECLARING AN EMERGENCY (Authorized)

6.6.6. **DRAFT 2022-039** AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO DISPOSE OF THE POLICE DEPARTMENT'S OLD MOBILE DATA TERMINALS ON THE BASIS THAT THEY ARE NOT COMPATIBLE WITH THE OPERATING SYSTEM, ARE NOT NEEDED FOR MUNICIPAL PURPOSES, AND DECLARING AN EMERGENCY (Authorized)

6.6.7. **DRAFT 2022-040** AN ORDINANCE AUTHORIZING THE CITY OF KENT TO SUBMIT A FUNDING APPLICATION FOR A REBUILDING AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY AND EQUITY (RAISE) FEDERAL GRANT TOTALING \$5.25 MILLION, AND TO ACCEPT THE GRANT, IF AWARDED, WITH CORRESPONDING APPROPRIATION OF FUNDS FOR THE EAST MAIN STREET AREA IMPROVEMENTS, AND DECLARING AN

EMERGENCY (Authorized)

6.6.8. **Draft 2022-041** AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$50.00 TO THE CITY OF KENT FIRE DEPARTMENT IN MEMORY OF JO KRUGER AND THE KRUGER FAMILY INCLUDING GLEN, JR, AND DECLARING AN EMERGENCY (Unauthorized)

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

Adjourn

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



City of Kent
Wednesday, March 16, 2022
Regular City Council Meeting
320 S. Depeyster Street, Kent, OH 44240

MINUTES

7:30 P.M. Regular Council Meeting

At 07:30 PM, Mayor Jerry T. Fiala called the Regular City Council Meeting to order.

Present: Mr. Michael DeLeone, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach

Also Present: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Service Director; Mr. Nick Shearer, Chief of Police; Mr. Bill Myers, Fire Chief; Ms. Amy Wilkens, Clerk of Council

Absent: Mr. Jack Amrhein, Mr. Garret Ferrara, Mr. John Kuhar

MOTION TO EXCUSE MR. AMRHEIN, MR. FERRARA AND MR. KUCHAR MADE BY Ms. Heidi Shaffer Bish, **SECONDED** by Ms. Tracy Wallach and **CARRIED** by a voice vote of 6-0-0.

Mayor Fiala reminded Councilmembers that due to not having the required seven votes to suspend the three readings of the ordinances, tonight will be a first reading only.

Opening Remarks and Pledge of Allegiance

Mr. Robin Turner stated the old police station is currently being raised and that we are "moving on up". With this new change, we as a city have the opportunity to continue to push the envelope. He commends the City Administration for all of the things they have been able to accomplish and tipped his hat to City Council for getting things done.

He then asked all to stand for the Pledge of Allegiance.

Approval of Minutes

MOTION TO APPROVE FEBRUARY 16, 2022 Regular Council Meeting Minutes MADE BY Mr. Robin Turner, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 6-0-0.

Communications

Public Comment

Mayor Fiala read the following statement:

“While the law does not require Council to provide time for public comment, we have historically invited the public to make comments and we appreciate their input. This is the time where residents and others can comment on matters that concern them. However, we will not engage in debate, and as President of Council, I reserve the right to end any public communication that is disruptive, embarrassment, harassment or otherwise objectionable. We ask you to give your name and address and limit comments to three (3) minutes.”

The first speaker for the evening was Brian Soderston, who was called to the podium.

Mr. Soderston introduced himself on behalf of the Sensible Movement Coalition and Norml Appalachia Ohio. He read from a prepared statement (**Attachment #1**)

Ms. Amy Wilkens, Clerk of Council, announced the next public speaker, Mr. J. Michael Fiala. He approached the podium and introduced himself, reading from a prepared statement (**Attachment #2**)

Written Communication

Clerk Wilkens read the following items into the record:

1. Parks and Recreation February Board Meeting Packet was received on February 21, 2022.
2. NEW D1 Liquor License request from Twisted Root Ltd. DBA Twisted Root Cellars, 257 N. Water Street, Kent, received February 22, 2022. Chief Shearer had no objections.
3. Email from Mr. Kenny Crookston regarding the redesign of the City's flag received on February 28, 2022.
4. An email from Jordan Cinderich notifying Council of his resignation from the Fair Housing Board was received and forwarded to Council on March 1, 2022.
5. An email from Jon Rindinger regarding the importance of a good flag design, recommending there not be a committee, was received and forwarded to Council on March 7, 2022.

6. Health Board meeting minutes for January 11, 2022 and the agenda for March 8, 2022 was received on March 4, 2022.
7. Standing Rock Cemetery Board Minutes from February 10, 2022 and the Agenda for March 10, 2022 were received on February 28, 2022.

MOTION TO RETURN THE NOTICE OF LEGISLATIVE AUTHORITY WITH NO OBJECTION MADE BY Mr. Michael DeLeone, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 6-0-0.

MOTION TO APPROVE THE RESIGNATION FROM THE FAIR HOUSING BOARD MADE BY Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 6-0-0.

City Manager's Report

1. Request Council's authorization to submit a letter in support of the proposed National African American Burial Grounds Preservation Act. (voice vote only)
2. Request Council's authorization to accept and allocate an \$875 donation to be used to support children's activities. (Draft# 2022-029)
3. Request Committee of the Whole time in April to discuss the City Flag.
4. Request Committee of the Whole time in April to prepare for considering the request from the NAACP for the City to form a new Commission on "Racism, Hatred and Diversity."
5. Request Community Development time to present proposed updates to the City's Park Fee calculation and Ordinance.
6. Request Community Development time to provide Council with the annual report and an update for Main Street Kent.
7. Request Land Use time to request Council's consideration of a proposed land donation to Kent Parks and Recreation.
8. Request Land Use time to present a request from Dave Tree for Council's approval of a Type I Expedited Annexation request and corresponding annexation agreement.
9. Request Streets, Sidewalks & Utilities Committee time to provide an update on the new KSU electric scooter and electric bike share program.
10. Request Streets, Sidewalks & Utilities Committee time to present a request from the Kent Jaycees to close the street for their annual Craft Beer Festival.
11. Request Finance Committee time to ask for Council's authorization to submit the funding request for the NOPEC Energized grant program.
12. Request Finance Committee time to obtain Council's approval to dispose of outdated police computers.

MOTION TO APPROVE THE CITY MANAGER'S REPORT MADE BY Ms. Gwen Rosenberg, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 6-0-0.

Standing Committees & Legislation

Committee of the Whole

MOTION TO APPROVE MARCH 2, 2022 MEETING MINUTES MADE BY Mr. Roger Sidoti, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 6-0-0.

MOTION TO APPROVE ACTION RECOMMENDED MADE BY Mr. Michael DeLeone, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 6-0-0.

Action(s) Recommended:

1. Establish Guidelines for a new community designed/engaged City flag.

MOTION TO APPOINT REBEKKAH BERRYHILL AND JASON KNOWLES TO THE SHADE TREE COMMISSION MADE BY Ms. Tracy Wallach, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 6-0-0.

MOTION TO AUTHORIZE INSERTION OF NAMES INTO LEGISLATION MADE BY Mr. Robin Turner, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 6-0-0.

Draft 2022-021 A RESOLUTION APPOINTING REBEKKAH BERRYHILL AND JASON KNOWLES TO THE SHADE TREE COMMISSION AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO APPROVE 1ST READING of DRAFT 2022-021 MADE BY Ms. Heidi Shaffer Bish, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 6-0-0.

Ms. Wilkens stated the first reading had passed.

Community Development Committee

MOTION TO APPROVE THE MARCH 2, 2022 MEETING MINUTES MADE BY Mr. Robin Turner, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 6-0-0.

Ms. Rosenberg asked if she is acting as Chair (in Mr. Kuhar's absence) if she was permitted to speak on the topic. Mayor Fiala said generally no. Ms. Rosenberg asked to defer to Mayor Fiala due to wishing to make a comment about this topic. Mayor Fiala said that would be okay.

MOTION TO APPROVE ACTION RECOMMENDED MADE BY Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 6-0-0.

Action(s) Recommended

1. Authorize changes to the Celebrate Kent! grant program and the Neighborhood Grant Program (NGP) to include diversity-focused projects, initiatives and events.

Ms. Rosenberg said she is very excited about this, as this is something very unique to the city of Kent and really did not want this to go unnoticed because she thinks it is a pretty big deal. Essentially, what the City is doing, is setting aside funds specifically focusing on events, activities, education that celebrate diversity and inclusion. She said this could help school teachers who have tight budgets to bring in art or activities that celebrate the diversity of our community. She thanked Ms. Bridget Susel for the research she did on these and said there aren't a whole lot of cities that think like this and have micro grants for diversity. She said whether it was from a neighborhood group that wants to have a block party or a resident that has an idea and needs money to get things going. She added this speaks a lot about our city as a whole and this Council, who voted unanimously to specify these funds exactly for diversity. She hopes it will be promoted heavily because we really want to spend this money and that this is a great opportunity.

Draft 2022-022 AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ADJUST THE APPLICATION REQUIREMENTS FOR FUNDING ASSISTANCE CURRENTLY UTILIZED FOR THE CELEBRATE KENT! AND THE NEIGHBORHOOD GRANT PROGRAM (NGP) TO SUPPORT MULTI-CULTURAL EVENTS AND ACTIVITIES THAT PROMOTE AWARENESS, INCLUSION AND DIVERSITY; AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO APPROVE 1ST READING of Draft 2022-022 MADE BY Mr. Roger Sidoti, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 6-0-0.

Mr. Sidoti stated that sometimes people wonder why such specific detailed minutes are taken and things are categorized and said this demonstrates why this is so important in finding out the facts.

Ms. Wilkens stated the first reading had passed.

Land Use Committee

MOTION TO APPROVE MARCH 2, 2022 MEETING MINUTES MADE BY Mr. Robin Turner, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote

of 6-0-0.

MOTION TO AUTHORIZE ACTION RECOMMENDED MADE BY Ms. Heidi Shaffer Bish, **SECONDED** by Mr. Michael DeLeone and **CARRIED** by a voice vote of 6-0-0.

Action(s) Recommended

1. Authorize the boundary change corrections of two parcels of the 1917 annexation in the River Bend subdivision.

Draft 2022-023 AN ORDINANCE ACKNOWLEDGING THE NORTHERN JURISDICTIONAL BOUNDARY RECORDED ON THE TAX MAP FOR THE ANNEXATION OF TERRITORY PETITION PASSED BY THE COUNCIL OF THE VILLAGE OF KENT, OHIO, ON THE 26TH DAY OF NOVEMBER 1917 DOES NOT ALIGN WITH THE LEGAL DESCRIPTION OF THE 1917 PETITION AND TO CORRECT THE ERROR, CITY OF KENT AFFIRMS THE NORTHERN JURISDICTIONAL BOUNDARY IS THE CENTER OF THE CUYAHOGA RIVER AND PARCEL 12-050-00-00-011-000 AND PARCEL 12-050-00-00-012-000, CURRENTLY RECORDED BY PORTAGE COUNTY IN THE BOUNDARY OF FRANKLIN TOWNSHIP, ARE WITHIN THE JURISDICTIONAL BOUNDARY OF THE CITY OF KENT; AND DECLARING AN EMERGENCY (Authorized) was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO APPROVE 1ST READING OF DRAFT 2022-023 MADE BY Ms. Heidi Shaffer Bish, **SECONDED** by Mr. Roger Sidoti and **CARRIED** by a voice vote of 6-0-0.

Ms. Wilkens stated the first reading had passed.

Streets, Sidewalks and Utilities Committee

MOTION TO APPROVE MARCH 2, 2022 MEETING MINUTES MADE BY Mr. Roger Sidoti, **SECONDED** by Mr. Michael DeLeone and **CARRIED** by a voice vote of 6-0-0.

MOTION TO AUTHORIZE ACTIONS RECOMMENDED MADE BY Mr. Roger Sidoti, **SECONDED** by Mr. Michael DeLeone and **CARRIED** by a voice vote of 6-0-0.

Action(s) Recommended

Authorize changes in the street closure for the Main Street Kent Art and Wine Festival.

Authorize new water service for The Human Bean, located at 1713 E. Main Street/SR 59 in Franklin Township.

Draft 2022-024 AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPROVE A NEW SPECIAL EVENT APPLICATION FOR MAIN STREET KENT ART & WINE FESTIVAL FOR SATURDAY, JUNE 4,

2022, AND DECLARING AN EMERGENCY (Authorized) was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO APPROVE 1ST READING OF DRAFT 2022-024 MADE BY Mr. Roger Sidoti, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 6-0-0.

Ms. Wilkens stated the first reading had passed.

Draft 2022-025 AN ORDINANCE AUTHORIZING THE WATER TAP-IN FOR THE HUMAN BEAN LOCATED AT 1713 EAST MAIN STREE/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 APPROVE 1ST READING OF DRAFT 2022-025 MADE BY Ms. Tracy Wallach, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 6-0-0.

Ms. Wilkens stated the first reading had passed.

Finance Committee

MOTION TO APPROVE March 2, 2022 MEETING MINUTES MADE BY Mr. Michael DeLeone, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 6-0-0.

MOTION TO AUTHORIZE ACTIONS RECOMMENDED MADE BY Ms. Tracy Wallach, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 6-0-0.

Action(s) Recommended

1. Approve the sale of surplus Parks and Recreation fitness equipment.
2. Approve the IT Services contract with Quality IP.
3. Approve the 2022 budget appropriations amendment.
- 4.

Draft 2022-026 AN ORDINANCE AUTHORIZING THE SALE BY INTERNET AUCTION OF SURPLUS PROPERTY NOT NEEDED FOR MUNICIPAL PURPOSES PURSUANT TO SECTION 721.15 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO APPROVE 1ST READING OF DRAFT 2022-026 MADE BY Ms. Tracy Wallach, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 6-0-0.

Ms. Wilkens stated the first reading had passed.

Draft 2022-027 AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO RENEW THE AGREEMENT WITH QUALITY IP AND THE CITY OF KENT TO HELP WITH BUSINESS TECHNOLOGY NEEDS, WAIVING COMPETITIVE BIDDING, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO APPROVE 1ST READING OF DRAFT 2022-027 MADE BY Mr. Roger Sidoti, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 6-0-0.

Ms. Wilkens stated the first reading had passed.

Draft 2022-028 AN ORDINANCE AMENDING ORDINANCE NO. 2021-133, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 15, 2021; 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, 2022; AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO APPROVE 1ST READING OF DRAFT 2022-028 MADE BY Mr. Michael DeLeone, SECONDED by Ms. Tracy Wallach and CARRIED by a voice vote of 6-0-0.

Ms. Wilkens stated the first reading had passed.

Draft 2022-029 AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$875.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT TO BE USED FOR CHILDREN'S ACTIVITIES, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO APPROVE 1ST READING OF DRAFT 2022-029 MADE BY Ms. Tracy Wallach, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 6-0-0.

Ms. Wilkens stated the first reading had passed.

Unfinished Business

Ms. Shaffer Bish said she wanted to comment on food trucks in town. She said she really hopes the voices of the food truck owners will be heard and will help shape policy. She added there should be a distinction between Kent Food Truck owners and out of town food truck owners.

Ms. Hope Jones, Law Director, said distinguishing between Kent owners and out of towners may be very unconstitutional to treat people who are positioned the same, differently. She added she would look into that. She added there was an internal meeting in regards to food trucks and stated she had been very busy as a one-person law office the last few weeks with her secretary out. She stated she knows that is a terrible excuse but that they will be invited to the table and that she is not disregarding

what they say. Unfortunately, everything they want might not make it into the new ordinance, but we think they will like it better. She told her team that moving forward, anytime they get pushback or roadblocks they think are legitimate, to discuss internally before we can put the new ordinance in place.

Ms. Shaffer Bish thanked her for the explanation and encouraged the City to work with food truck owners on this policy. She realizes just like we can't determine housing based on whether someone is a student or not a student, we really can't determine whether somebody is an in-town or out-of-town food truck owner. She said it would be nice for those that are from Kent, to help shape policy.

Ms. Jones added that once they take the comments they heard and get it into a draft form, they would like to invite a few of them in to see what their thoughts are.

New Business

NONE

Councilmembers' Comments

Mr. Roger Sidoti commended Economic Development Director, Mr. Tom Wilke, in regards to the monthly report that is distributed to the Council. He said having a list of what is going on in town is helpful, as residents really want to know in terms of new businesses coming. He said this is very helpful in communicating effectively with residents and he is fascinated by those people who really want to know these things.

Ms. Shaffer Bish said she wanted to echo what Mr. Turner said in his opening remarks in regards to the progress the City is making. She said there has been a lot of demolition in the city but she is most excited about the demolition of the old police station and the transformation of the city. She said it is a capstone to all of the work that we've done in the past ten plus years. She congratulated Ms. Melanie Baker, Service Director, on a job well done.

Mr. Ruller asked Ms. Melanie Baker to update Council on her latest discovery which occurred during the demolition.

Ms. Melanie Baker said she is very excited, as the demolition is going exceptionally well, and the building will be down by Friday. On the west side of the building, just south of the main entrance door, the USGS marker was located. She said they were able to remove it intact and she is very excited to be able to display it in the new building. She added that history is very important to her and so this is a part of the City of Kent's history. She said she knows the bricks from the building were a big deal too, and they have five piles which will be moved to Mogadore Rd. She is extremely excited about all of this and said that things are going well so far. She added she will be creating a website so it can be watched live and posted on social media. She thanked Council for all of their support.

Mr. Sidoti asked if the longitudinal lines were on the historical marker. Ms. Baker said they were on the top. Mr. Sidoti asked if it would be placed in the exact location. Ms. Baker said we can't due to where we are placing the building and that it was pulled out to

be saved. It will be placed in the new building along with a note saying it is not in its appropriate location, but there for its historical value.

Ms. Gwen Rosenberg thanked Chief Myers for the opportunity to participate in the Fire Department training at Franklin Elementary School. She thought she understood what firefighters do, but had underestimated the degree of difficulty of that job. She gained an understanding of what is expected of our firefighters and to see first hand the professionalism of our department, that they value ongoing education and training, not only to rescue victims but to educate themselves on safety.

Mayor Fiala said it was a great feeling to participate in this and wished everyone had the opportunity to do it.

Chief Myers thanked Ms. Rosenberg for taking the time to attend the Fire Training. He didn't realize at the time that she would be actually putting the gear on and go into the smoke, and he was quite impressed. He hopes at the next Council meeting he would like to show Council pictures of the event. Ms. Rosenberg said other fire departments from other cities were there as well. She gave special thanks to Davey Tree for the use of the former school. Chief Myers said there were over 150 firefighters that benefited from the training. There were twelve instructors from different locations that volunteered their time to assemble the structure and said it was an event that brought the firefighting community together. He also thanked Service Director, Melanie Baker and said on Thursday Fire Station No. 2 would be opening. He said she had done a great job along with Captain Sammels and former Chief Tosko. He appreciates everyone's efforts and there will be an open house on May 7th from 9am until noon.

Mr. Ruller said there is a pattern emerging with Ms. Rosenberg with her police and fire training and wanted to call this to everyone's attention (audience laughter).

Mayor's Report

Mayor Fiala congratulated Mr. Jack Amrhein on the birth of his granddaughter named Aubrey. He said being a grandparent is the best and it's a great feeling to be one.

He said he watched the old police station being torn down and reminded everyone that it started out as the Fire Department and then added the police department. All services were in the building at one time and now are back to making the city government accessible for residents to have a "one-stop shop" again. He said credit goes out to the staff and Council and maybe it should have happened ten years ago. He said it looked good.

He said he had received many questions from residents asking when Franklin Avenue would be closed down again for the DORA. He also wished everyone a Happy St. Patrick's Day.

BRIAN SODERSTON

Hello, I am ~~Michelle Sparks~~ with the Sensible Movement Coalition and Norml Appalachia Ohio.

I would like to bring to the attention of this Council some recent statements that the Kent Police Department has made regarding the Sensible Marihuana Initiative that will be on the November ballot here in Kent.

On November 23, Kent Police Chief Nicholas Shearer told the Portager that regardless if the initiative is passed by voters, "Kent officers would still be expected to enforce state law."

On March 1, Kent Police Lieutenant Michael Lewis doubled down and stated to Kent Wired that the Kent Police Department "Doesn't plan to change its enforcement of marijuana laws if the ordinance is passed."

First, I would like to state for the record that there is no separate state court for misdemeanor offenses that the police can send someone they charge. They can charge someone in Kent with a misdemeanor marijuana charge but they will be tried in Portage County and under our initiative they will face: No fine, No Time and No Court Cost.

The more important issue I want to address with Council is that your Police Chief and his subordinates are playing politics with this initiative when they have no business telling people how to vote or influencing how people vote. The role of the police is to enforce the law not make the law. That's your job (and occasionally the voter's job ~~when the elected leaders refuse to lead~~).

Even more importantly, the police are actually prohibited from weighing in on this ballot initiative by both federal law and state law. When the police department accepted federal money for vests, everyone in the department became subject to the Hatch Act. When the Chief used his official authority to influence the results of the election he is violating Hatch Act restrictions. Further in the absence of statutory authorization, the Ohio Attorney General has opined that local governments are prohibited from advocating for or against the passage of any initiative. The Sensible Marijuana Initiatives representation has sent a letter to the Chief detailing these prohibitions.

I am here to ask Council to reiterate to the Kent Police that they should withhold any official comment on the propriety and effect of the initiative and to publicly withdraw all comments that have already been made.

I thank you for your time.

Mar 16, 2022
Kent City Council
320 S Depeyster Street
Kent, OH 44240

My name is J. Michael Fiala, 325 Highland Ave, Kent OH. I am co-owner of Roll Call Burgers and Fries and Taproot Catering. I am here to state my concerns with the New Food Truck ordinance that was authorized with emergency at the Jan 19, 2022 council meeting.

It is time that the City of Kent views Food Truck Operations as legitimate businesses. In 2022, it is projected that the Food truck industry will contribute \$1.2 billion to the US economy. It is estimated that there are 35,000 active food trucks in the US. The industry grew 7.5% since the start of the pandemic and growth is outpacing brick and mortar restaurants by 1.2%.

The optics of new food truck ordinance is that the City wants to crack down on operators that are slipping through the cracks and skirting by regulations while collecting a portion of the profits from people that follow the rules. For operators based in Kent, you already get 2% through RITA. And the additional fees to operate a legitimate business, are a move by the city to get a little extra from a growing business segment.

The new ordinance declares it will "expand opportunities for food trucks in the public right of way." Yet it fails to define or codify how this is possible. Additionally, the ordinance vilifies food trucks through non-compete clauses limiting operations near brick and mortar food services out of fear of stealing customers; yet study after study demonstrates a cooperative, positive effect when food trucks are in the community.

We all know that there have and will be a few operators that will require police, fire, and/or health departments to step in. I am requesting that Kent based Food Truckers not be defined by people operating outside the law. Kent Food Truckers want to be seen as a part of the whole...a part of a growing, vibrant community. And everyone in the room knows that Food trucks provide a valuable service to this community and its events. Yet, this ordinance groups us with the out-of-towner, fly-by-night, opportunistic, carnival, roach coaches that burden city services when they pop up.

I left the February 16 City Council meeting filled with an immense amount of hope and optimism that the wheels of cooperation were moving. I was reassured by City Administration that the food truck community would be brought to the table to work with the City to craft the revised Food truck ordinance. As of this afternoon, to my knowledge, the Kent Food Trucks have not been invited to participate.

Instead, Food truck operators were informed of the results of a work session that occurred near the beginning of March via a phone call from Justin Smith at the City's Health Department. Justin Smith should not have to both represent the KHD and all food trucks in these work sessions. Let a food trucker come to the table. Let us be a part of the whole.



City of Kent
Wednesday, April 6, 2022
Special City Council Meeting
320 S. Depeyster Street, Kent, OH 44240

MINUTES

At 06:50 PM, Mayor Jerry T. Fiala called the Special City Council Meeting to order.

Present: Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner

Also Present: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Service Director; Mr. Jim Bowling, City Engineer; Ms. Joan Seidel, Health Commissioner; Ms. Rhonda Hall, Budget and Finance Director; Mr. Nick Shearer, Chief of Police; Mr. Bill Myers, Fire Chief; Ms. Amy Wilkens, Clerk of Council

Absent: Mr. Roger Sidoti, Ms. Tracy Wallach

MOTION TO Excuse Mr. Sidoti and Ms. Wallach MADE BY Mr. Jack Amrhein, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 7-0-0.

Legislation - 2nd Reading

DRAFT 2022-023 AN ORDINANCE ACKNOWLEDGING THE NORTHERN JURISDICTIONAL BOUNDARY RECORDED ON THE TAX MAP FOR THE ANNEXATION OF TERRITORY PETITION PASSED BY THE COUNCIL OF THE VILLAGE OF KENT, OHIO, ON THE 26TH DAY OF NOVEMBER 1917 DOES NOT ALIGN WITH THE LEGAL DESCRIPTION OF THE 1917 PETITION AND TO CORRECT THE ERROR, CITY OF KENT AFFIRMS THE NORTHERN JURISDICTIONAL BOUNDARY IS THE CENTER OF THE CUYAHOGA RIVER AND PARCEL 12-050-00-00-011-000 AND PARCEL 12-050-00-00-012-000, CURRENTLY RECORDED BY PORTAGE COUNTY IN THE BOUNDARY OF FRANKLIN TOWNSHIP, ARE WITHIN THE JURISDICTIONAL BOUNDARY OF THE CITY OF KENT; AND DECLARING AN EMERGENCY (SECOND READING; AUTHORIZED MARCH 16, 2022) was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-023 MADE by Ms. Heidi Shaffer Bish, SECONDED by Ms. Gwen Rosenberg. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, John Kuhar, Gwen Rosenberg, Heidi Shaffer Bish, Robin Turner. The motion CARRIED by a roll call vote of 7-0-0.

MOTION TO ADOPT DRAFT 2022-023 MADE by Ms. Heidi Shaffer Bish, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner. The motion CARRIED by a roll call vote of 7-0-0.

Ordinance 2022-023 PASSED as stated by the Clerk of Council, Ms. Amy Wilkens.

DRAFT 2022-027 AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO RENEW THE AGREEMENT WITH QUALITY IP AND THE CITY OF KENT TO HELP WITH BUSINESS TECHNOLOGY NEEDS, WAIVING COMPETITIVE BIDDING, AND DECLARING AN EMERGENCY (SECOND READING; AUTHORIZED MARCH 16, 2022) was read by title only by Clerk Amy Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-027 MADE by Mr. Michael DeLeone, SECONDED by Mr. Garret Ferrara. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner. The motion CARRIED by a roll call vote of 7-0-0.

MOTION TO ADOPT DRAFT 2022-027 MADE by Mr. Michael DeLeone, SECONDED by Mr. Garret Ferrara. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner. The motion CARRIED by a roll call vote of 7-0-0.

Ordinance 2022-027 PASSED as stated by the Clerk of Council, Ms. Amy Wilkens.

DRAFT 2022-028 AN ORDINANCE AMENDING ORDINANCE NO. 2021-133, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 15, 2021; 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, 2022; AND DECLARING AN EMERGENCY (SECOND READING; AUTHORIZED MARCH 16, 2022) was read by title only by Clerk Amy Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-028 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner. The motion CARRIED by a roll call vote of 7-0-0.

MOTION TO ADOPT DRAFT 2022-028 MADE by Mr. Garret Ferrara, SECONDED by Ms. Heidi Shaffer Bish. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner. The motion CARRIED by a roll call vote of 7-0-0.

Ordinance 2022-028 PASSED as stated by the Clerk of Council, Ms. Amy Wilkens.

The Special City Council Meeting adjourned at 6:55 p.m.

Amy Wilkens
Clerk of Council

Jerry T. Fiala
Mayor & President of Council



City of Kent
Wednesday, April 6, 2022
City Council Committee Meetings
320 S. Depeyster Street, Kent, OH 44240

MINUTES

7:00 P.M. Council Committee Meetings

At 07:00 PM, Mayor Jerry T. Fiala called the City Council Committee Meetings to order.

Committee of the Whole (Chair Fiala/Vice-Chair Amrhein)

City Flag Redesign

Mayor Fiala opened up the discussion by asking City Council how they would like to proceed with the redesign of the City flag.

Ms. Shaffer Bish stated she would like to develop a committee to give them the charge of bringing a flag design to Council. She would like to have a liaison from Council on the committee to make sure it stays on track and to ensure the ideas councilmembers had can be incorporated. She added she would like to nominate Mr. Michael DeLeone because he expressed a strong interest in the flag's design. She would like to invite members of the community who have expressed an interest in this and to keep the group contained, and perhaps add a designer.

Ms. Gwen Rosenberg said she was thinking along the same lines as Ms. Shaffer Bish and would like to keep the symbol for education on the flag, indicating the connection between the city and the university. She suggests making a call for artists and asking for submission from the community and saying that it fits the five principles of good flag design. Ultimately, the Council should have a say in selecting the final flag, after a significant amount of discussion, shown at the Heritage fest and other events.

Mr. DeLeone said he would like to see the previous versions that were designed to at least look at to see what direction they were going and it would be a great start.

Mr. Ruller asked Council about the out of state people that have expressed

interest in developing the flag and how they would like to receive input from them. They were kind enough to express their thoughts and he wished for Council to be aware of them.

Mayor Fiala asked that before the council make a motion they are thinking of the costs to council in regards to bringing in out-of-town guests.

Ms. Shaffer Bish said she likes the idea of coming up with designs, but also likes the idea of having public input, so it feels like a community endeavor. The committee would work out the details.

Mr. Ferrara suggested the committee come up with the details but get the public's input on design, maybe a competition. They can request proposals instead of the committee actually designing the flag, they can create the process or contest and perhaps offer 1st, 2nd and 3rd prizes.

Mr. DeLeone said when this was designed before, there were no computers. Now, it's simple to do and technology is a little different.

Ms. Shaffer Bish says she likes the idea of the committee being in charge of the return for proposals, and suggested having deadlines to receive suggestions.

Mr. Ferrara said the end of the year could be possible, having the Request for Proposals due at a certain time, and a design chosen by the end of the year.

Mayor Fiala asked if there were any members of the audience who wished to speak on the topic.

Kenny Crookston introduced himself to Council and stated that community involvement is important and parameters would be necessary so it doesn't grind on. Bringing the national head of flag design is a great idea. He expressed an interest in being a part of this process.

Ms. Valerie Landis approached the microphone, adding there should be a committee with one council member on it, that inviting anyone that would like to submit a design would have to do so within the committee's parameters. There would be a timeline which would include showing it at community activities and then voting on a final design. She said there could be a monetary prize. She said there would be meetings in which anyone from the community could attend.

MOTION TO FORM A COMMITTEE TO SET UP GUIDELINES THAT WERE DISCUSSED, COMPOSED OF FIVE MEMBERS OF THE COMMUNITY AND ONE MEMBER FROM COUNCIL MADE BY Mr. Kuhar and SECONDED by Mr. Ferrara. Before a vote was taken, comments were requested from councilmembers.

Ms. Shaffer Bish said a parameter should be added to the motion that a recommendation should be submitted by the end of the year. Mr. Kuhar said most definitely, and should be part of the parameters the committee establishes.

Ms. Rosenberg asked whether we should state who is voting for the flag. Mr. Kuhar said Council would be the final decision.

Mayor Fiala asked the Council to vote against the motion so it can be restated with all of these variables.

MOTION TO APPROVE MADE BY Mr. John Kuhar, SECONDED by Mr. Garret Ferrara and FAILED by a voice vote of 0-9-0.

MOTION TO DEVELOP A FLAG COMMITTEE WITH FIVE MEMBERS AND ONE, BUT NO MORE THAN TWO COUNCIL MEMBERS, TO ACCUMULATE METHODS OF GETTING A FLAG, SELECTING A FEW DESIGNS, PRIOR TO THE END OF THE YEAR, AND SUBMIT IT TO CITY COUNCIL TO VOTE ON MADE BY Mr. John Kuhar, SECONDED by Mr. Garret Ferrara and CARRIED by a voice vote of 9-0-0.

Mayor Fiala asked if there should be regular advertising for the committee as we do for other Boards or Commissions. Mr. Kuhar said it should be advertised in the newspaper. Ms. Rosenberg said we can advertise on social media. Ms. Jones said a committee was just approved by Council, so the Clerk of Council, Amy Wilkens, will follow the procedures for advertising that are currently in place.

NAACP Proposal to Form a New Commission

Mayor Fiala introduced the topic of the NAACP proposal that was submitted to the City on December 15, 2021. He wanted to first say there were rumors going around (regarding this agenda item) that were misleading and untrue. He said it is hurting the cause more than helping the cause. He added that last month, Mr. Ruller gave an overview of the Heart and Soul group and what they are doing in the community. The next step is to take into consideration the letter from Dr. Geraldine Nelson, who wrote a letter on December 15th, and that is what is going to be addressed tonight. He asked Dr. Nelson to approach the podium to talk about the proposal that was submitted in December.

Dr. Geraldine Nelson and Renee Romine (past NAACP President and current NAACP President) approached the podium to discuss their original letter. Dr. Nelson said that in the original letter to Council, the word racism was used, but wanted to clarify they are not saying the City of Kent is racist, but rather is saying we need to have a commission on inclusion, and those are the words she would like to use to correct the record. She added the current (NAACP) president will be addressing these things as we have made a transition after the City Manager's presentation in March. She added the new president will be speaking on behalf of the NAACP and that there are several members of the Executive Board in the audience who can also address the letter. She does not want to rescind her original letter, but since learning more about what the City has been doing, knows we need to continue the discussion.

Ms. Renee Romine said she would like to take some time with the Executive Board to review the original letter that was sent and why a Commission on Inclusion would add value and would like to have time to present at the next Council Committee Meeting. Mayor Fiala confirmed that what they are asking is to come back with a presentation and they said it was. She said there were a few people in attendance that wanted to share a few things.

Christine Anderson approached the podium and stated she had a few handouts for Council (**Attachment #1**), which Clerk Wilkens distributed to Council. She continued by stating she represents the Kent Interfaith Alliance for Racial Reconciliation and Justice (KIFA) who were a part of the conversation over a year ago when the rock on the KSU campus was painted with some painful language. This is what prompted KIFA to stand up and come to Council and was asking the City to be more proactive, especially in welcoming students of color coming to campus. She would like to follow up on something from the last meeting that was connected to this conversation. This is in regard to the Heart and Soul presentation and thanked the Council for providing the information that was reviewed by them. She added that she personally loves Heart and Soul and has been a member since day one. She said its goal is certainly to celebrate the diversity in Kent and enhance civility. Ideally, a final report will be issued that will be a guide to help the City envision its future. She appreciates that the City is interested in community input and strengthening the democratic process. At that point in time, the group trained volunteers to interview residents. She had stepped back because she did not want to be involved in the collecting of stories, but hopes to be more involved in the analysis end of it. She said she has not gotten any emails about Heart and Soul since the pandemic and is not sure of what the status is of the group and hopes it continues on. She added that the questions that are asked of residents are asked in a very positive way. That is the model used, asking what they like about Kent and not asking what they are concerned with. She wanted to point out that it does not directly ascertain what some of the issues are, but hopefully it will be successful in uncovering that. She added the success that the process relies on is getting representative samples from the community, and referenced her handout. 22% of the people living in Kent are not Caucasian, making one out of five residents in Kent a racial minority. She said when she participated in Heart and Soul, the group was diverse in age, but not in gender, race and economic status. She said that is no one's fault but that some, particularly with low income, are working to survive day to day. It is a concern in gathering intimate information and getting stories from residents if you don't have people doing the interview that reflect the same demographics as the people they are interviewing. She hopes that won't be an obstacle. Christine continued, but stated that assuming it would be a representative sample, she is concerned about how it will be portrayed in the final report, adding that the attention goes to the majority, not the minority. She can see a tension being created in the final report, which will be a challenge. The heart of the discussion tonight is about creating a mechanism that will magnify the voices of the minority. Speaking through KIFA, they are hoping a mechanism can be established to do so. She said there is a disconnect between the city and the black community. She also believes it should guarantee safety and confidentiality. Community meetings were held and some were invited to

come and share their stories, and they all declined. One in particular said she had to worry about her employer. Racial justice commissions exist and she has given a website of a non-profit that serves as a clearing house and they have an online manual for cities that wish to form a commission. The cities she found were big cities and we have the opportunity to be a role model and establish best practices.

Mayor Fiala thanked Ms. Anderson and invited the next audience member to the microphone.

Ms. Renee Ruchotzke introduced herself and said that her profession is organizational development. She realizes what is being asked of the City is a "big lift" for any City Council to do. She appreciates being invited to the meeting where Mr. Ruller presented all the work that had been done, stating it was really good work. The idea of having a mechanism for this reflection is a feedback loop that you are not able to see with the existing feedback loops. They are not asking Council to look for trouble where there is no trouble, but asking them to pay attention to what is happening in the margins. The community conversations this group conducted uncovered heart-wrenching stories from the black, brown and indigenous people. She asked them to dig deep into the possibility of how we can help make Kent a welcoming and inclusive place.

Mayor Fiala clarified that they are asking for time to make a presentation and asked if there was anything further on the subject. There was no reply. Mayor Fiala added that he asks that comments and gossip be kept to a minimum and asked everyone to be truthful.

Jen Case rose to speak to Council saying she took issue with saying that no one in the NAACP was untruthful. She is the Secretary of the NAACP and stated they were invited to speak at tonight's meeting, and that's not untruthful. She said there may have been a miscommunication along the way, but we were invited and prepared for weeks and hours. She doesn't want comments to be heard by the public and cast mistrust upon a group like the NAACP. This is a group that is the largest and oldest organization in our country, since 1909 and has birthed and run the civil rights movement. The Portage County branch of the NAACP is extremely trustworthy and does the work to make Portage County and Kent a safe place for all.

Mayor Fiala said he just said it as a general comment and asked them to go to their source of the comments to see if it was true. Ms. Case said she was unsure of what that meant and asked if he was referring to her. He said it was a general comment that everyone in the room heard. Mayor Fiala said there was misinformation going around, saying he altered the agenda tonight. He said a month ago, Council stated they would address the letter from the NAACP and tonight clarified they would hear their presentation next month. Ms. Case said they were invited to speak tonight. Mayor Fiala said the agenda set tonight was to address the NAACP letter that was proposed on December 15, 2021. When we met last month and went over Heart and Soul, we said the next step was to address the proposal that was submitted.

Mr. Ferrara stated the Mayor never said the NAACP was being dishonest and that confusion may be a better word. He said it's obvious it's on the agenda. He is happy to have the presentation next month. Ms. Case said a conversation about the previous letter from the NAACP is different than NAACP leading the conversation. That is what they believed they were invited to do. She added she is not arguing that point anymore, but saying when you look over to the group and say rumors aren't true, that makes a statement. Mayor Fiala added that we are all in it for the same reasons and said it will be addressed next month.

Sharlene Ramos-Chesnes approached the podium and introduced herself, stating she is the Chair of Education for the NAACP and the previous ambassador for DEI at Kent State University under Dr. Beverly Warren. She didn't want to leave everyone tonight, with the last thought being contentious or negative, and wanted everyone to leave looking forward to next month's conversation. We are in a college town talking to students and we want them to leave here with a positive feeling about the town. Her goal is to continue to bring positivity to Kent and ask everyone to leave tonight, looking forward to the conversation on May 4, 2022 about the value that this would bring to Kent, not only in equity and inclusion. Today, the university is a part of the city and it brings commerce to the city. It is very important to be inclusive to our students who come here and the folks that live here. She asked everyone to think positively. Mayor Fiala said the key word is "positive".

There were no further comments from the audience or from City Council members.

Sensible Marihuana Ordinance

Ms. Hope Jones, Law Director, reminded Council of their passing of the Sensible Kent Marihuana ordinance for the petitions that were presented to Council to be placed on the November ballot. The ordinance was sent in to the Board of Elections and they did not like the form we sent it in, so they sent us back a sample of what they'd approved in the past. Council now needs to pass an ordinance in the form that the BOE will accept.

Mr. DeLeone asked about the deadline to submit. Ms. Hope Jones replied "August" and said Council previously chose the November election to get the most voters.

Mr. Kuhar asked if she was looking for a motion. Ms. Jones said they need a motion to bring the ordinance to you for approval, with emergency, at the next council meeting.

Mr. Ferrara asked Ms. Jones to review what the ordinance is about.

Ms. Jones said the petition, if it passes at the November election, would take Kent's drug abuse ordinance and if a person was charged with drug abuse and

were found guilty under a city ordinance, the court could not assess a fine or court costs.

Mr. Ruller said their obligation is to move this forward.

Mr. Kuhar asked if, even though it is passed that there is a state law that supersedes that.

Ms. Jones added it does not necessarily supersede our ordinance, that they can live together, but the police would have the discretion on which he would like to use. She directed Mr. Kuhar to review her confidential and privileged communication that was sent to council on this topic for further questions and added that the city's attorney is asking them to please move this forward.

MOTION TO APPROVE THE SUBMISSION OF THE SENSIBLE MARIHUANA ORDINANCE MADE BY Ms. Heidi Shaffer Bish, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 9-0-0.

There were no questions from the audience and no further questions from council.

The Committee of the Whole meeting adjourned at 7:25 p.m.

Community Development Committee (Chair Kuhar/ Vice Chair Rosenberg)

Amendment to Park Fee

Ms. Bridget Susel approached Council to discuss a change in how the park fee is assessed. This fee is in place to ensure the City replaces valuable park land as the city grows. They looked at revamping the City's match and looked at various other cities, and are presenting those changes to Council this evening.

Mr. DeLeone asked about land. Ms. Susel said in the past, the developer would propose park land. In this situation, the Parks and Recreation Director will consult with the Park Board and use the Parks and Recreation Comprehensive Plan to determine if the offer of a donation or land was something to be accepted. Previously, areas were offered and not wanted because of the size, but now it allows for it. If the donation does not comply with the comprehensive plan, they have the ability to deny the donation and require a park fee. The City will determine whether the donation of land would be acceptable, instead of the developer.

MOTION TO APPROVE AMENDMENT TO PARK FEE MADE BY Ms. Gwen Rosenberg, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 7-0-0.

There were no further questions from Council and the Community Development Committee meeting adjourned at 7:45 pm.

Health and Public Safety Committee (Chair Amrhein/ Vice-Chair Sidoti)

Chair Amrhein called the Health and Public Safety Committee Meetings to order.

Wells Sherman House Donation to Health Department

Ms. Joan Seidel, Kent City Health Commissioner, came forward to discuss the first item on this committee's agenda. Rental space at the Wells Sherman house had closed and they had some items they did not know what to do with and were in good condition. They are donating to the Health Department three folding tables, fifteen to eighteen folding chairs and one monitor screen. She said they could use these items and are coming before council asking for permission to accept them.

MOTION TO ACCEPT THE WELLS SHERMAN HOUSE DONATION MADE BY Mr. Michael DeLeone, SECONDED by Ms. Heidi Shaffer Bish and CARRIED by a voice vote of 7-0-0.

Ohio EPA Grant Award notice to Kent City Health Department

Ms. Joan Seidel continued with the second item on the agenda, stating they have been made aware the Health Department has received an Ohio EPA Grant. In the past, the Health Department has not come forward to acknowledge this, they just received and accepted it in the general fund and then moved those funds over. She thought with the experience they have had with the multiple COVID grants, it would be a good idea to call this grant out. It is the same grant we have been receiving for years to treat mosquitos, so we will continue to run the program as we have in the past. It is for \$25,000 that enables us to purchase more eco-friendly, waterbased chemicals that are not detrimental to pollinators and to also hire interns from Kent State University. She respectfully asked that we be able to receive this grant.

MOTION TO APPROVE ACCEPTANCE OF THE OHIO EPA GRANT AWARD TO THE KENT CITY HEALTH DEPARTMENT MADE BY Ms. Heidi Shaffer Bish, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 7-0-0.

Ms. Rosenberg said, as a former beekeeper, she appreciates trying to balance the need to protect public health with the need to protect our pollinators and insects. She added that in the past, she believed you could call the Health Department and ask them not to spray in your area, so that's an option. She thanked the Health Department for that, stating it takes a little more effort on their part but is much appreciated.

Ms. Shaffer Bish said that was well said and that we all have bees we have to protect.

With no further comments from Council and no comments from the audience, the Health and Public Safety Committee Meeting adjourned.

Land Use Committee (Chair Ferrara/Vice-Chair Shaffer Bish)

Chair Ferrara called the Land Use Committee Meeting to order.

Type 1 Expedited Annexation Request From Davey Tree

Mr. Ferrara introduced Ms. Bridget Susel, Community Development Director, to speak on the first item on the Land Use Committee's Agenda.

Ms. Susel thanked Mr. Ferrara. She stated that Davey Tree purchased the former Oak Knolls Golf Course in 2017, which was part of their efforts to expand their east campus, which will support a science and learning center and a community arboretum. They also have purchased the former Franklin Elementary, which is in the City's jurisdiction of Oak Knolls Golf Course in Franklin Twp. After evaluating the costs of developing the parcel into the east campus, there are costs associated with utility extension as well as safety services. Davey Tree approached the City and Franklin Twp. with the desire to submit a petition for annexation. The ORC allows for five types of annexation and the first one is called a Type 1 Expedited Annexation. It is called that because the owner of the parcel has to agree to the annexation and both the township and the municipality that would be accepting it have to agree on an annexation. She added that through outside council and the Law Department, Community Development and City Manager have worked up options and the terms were accepted by Franklin Twp, who adopted a resolution on March 22nd. The terms were outlined in the memo as well as in the agreement. Once the annexation is finalized and once the paperwork is completed and filed with the County, they will redraw the boundaries. The City will reimburse the Township for what they would have received in real property taxes if but for the annexation. She added that they will reimburse Franklin Twp. during the time Davey will be developing their master plan and once they have the site operational with active payroll, we will switch to an income tax share with Franklin Twp. for ten years. They would receive 45% of the income taxes collected, and the City would keep 55%. That would be approximately \$27,500 received by the City and about \$22,500 for the Township. At the end of the ten year income tax share period, all obligations of the City would end and the parcel would be part of the City like any other parcel. She asked Council if they had any questions.

Ms. Shaffer Bish asked if the City would be providing water services. Ms. Susel said there is water available on the former Franklin Elementary site and that the connection at the site will be a significant cost savings for Davey.

MOTION TO APPROVE THE DAVEY TREE ANNEXATION REQUEST MADE BY Mr. John Kuhar, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 7-0-0.

With no further agenda items, the Land Use Committee adjourned.

Streets, Sidewalks & Utilities Committee (Chair Sidoti/ Vice-Chair Wallach)

Mayor Fiala chaired the Streets, Sidewalks and Utilities Committee in the absence of both the Chair and Vice-Chair. The meeting was called to order and the first speaker on the agenda was called to the microphone.

Update on New KSU Bike/Scooter Program

Mr. Jim Bowling promised his presentation would not be long but wanted to share a few things with Council. Representatives from SPIN brought in two of their vehicles to show Council, a bike and a scooter. Mr. Bowling stated SPIN began operating a low speed micro-mobility sharing program on March 7, 2022, as part of the City of Kent and Kent State University's efforts to reduce carbon emissions and promote traffic management. In the first twelve days, they had fourteen thousand trips, and according to the North America Bike and Scooter Share program, they estimate that 36% of trips taken on their units eliminate approximately 5,000 vehicle trips in those twelve days. The previous dockless program struggled with parking and other misuse of vehicles. SPIN has a much better business model to promote organized parking of their vehicles. He referenced the map displayed in chambers, showing a geo-fenced area that provides parking for vehicles and that they are not just free to park anywhere they wish in the city. (**Attachment #2**). Users cannot end their rides unless they are in one of the geo-fenced areas. It is \$1 to unlock the vehicle and .29 per minute to use it. If they do not park in a geo-fenced area, they will continue to be charged by the minute. From the initial setup, we are seeing a much more organized parking of vehicles. He said it doesn't stop people from knocking them over and some of the parking areas have been tweaked. They also have the ability to create no ride zones so people cannot ride in a certain area, such as the downtown parking deck. SPIN has been very good at addressing issues during the rollout.

Mr. Bowling introduced Mike and Josh from SPIN and Chris Lucas, who is with Kent State University's Rec Center to answer any questions.

Mr. Ruller asked Mr. Bowling to talk about the vehicle's speed variability.

Mr. Michael Beck, General Manager for the Great Lakes Region of SPIN, introduced himself to Council. He pointed out Josh Stolls who is the Lead for Kent and Akron and is here on a daily basis. The bikes can go up to 20 MPH and are pedal assist bikes. The scooters will go 15 MPH. There are different areas where they consider speed to be an issue and they can geo-fence those areas. The dark area in the center of campus is a speed fenced zone where they don't want scooters zipping through in a crowded area. Speed is reduced by a geo-fence that brought it down to 8 mph in that area.

Mr. Kuhar asked how many watts and volts the scooters have.

Mr. Beck said that was a very technical question and would follow up with an answer for him.

Ms. Shaffer Bish asked if usership has remained high since the rollout and what the trend is.

Mr. Beck said whenever a program is launched, there is great interest and a peak in usership. We did see it settle out when students left for spring break and did also see a lower demand for weather. Otherwise, the demand has remained very high.

Ms. Shaffer Bish asked if they are planning on doing something to roll it out to the community so that when the student population does drop, the community is aware.

Mr. Beck said they like to do tabling and plan on attending the Farmer's Market. Before they rolled it out, they had Josh and members of his team going door to door handing out pamphlets and riding the scooters, answering any questions. As the weather gets better and they are able to do more outdoor activities, they will be out talking to people.

Mr. Bowling added they have also reached out to Main Street Kent and the Chamber of Commerce and are on their email updates.

Ms. Shaffer Bish asked if there was an age limit. Mr. Beck replied the age limit is 18, and an ID is required to be uploaded to rent.

Mr. Kuhar asked if there was a weight limit. Mr. Beck said the limit is 300 lbs. However, he added that they had a gentleman who worked for them who weighed more than that, and was still able to ride one.

Mr. DeLeone asked if the red areas on the map were parking lots. Mr. Beck said they are and are also no ride zones. Those are the geo-fenced area which will alert the rider on the vehicle and the app that they are in a no-ride zone and disable the throttle.

Mr. Kuhar said he saw three units parked on N. Water and Columbus, which were not in a red area. Mr. Beck said the large areas on the map were parking lots they want to keep vehicles out of, and the smaller red dots are the parking.

Ms. Shaffer Bish asked if scooters were allowed to ride on the streets. Mr. Bowling said that a couple of years ago, the state passed an amendment to the traffic laws which says they may be operated on public streets.

Mayor Fiala asked if any members of the audience had any questions.

An unidentified person asked about the use of helmets. Mr. Beck said they firmly recommend wearing a helmet. When they do tabling events, they distribute helmets and have given out over 300 so far. The other thing is, they assume the

risk and we are all adults. He has seen plenty of people on motorcycles on the highway without helmets, so it would be up to the user to do so. They absolutely recommend wearing a helmet.

Ms. Valerie Landis, a Kent resident, asked how many people are managing the bikes that are being put in no-park zones. She said they are seeing them around the city and asked how this is being managed. Mr. Beck said they have a team of Josh, a mechanic back at the shop, and four other personnel on a rotation to maintain as much of a continuous operation as they can. They want to remain responsive to the community and people out walking their dogs, as they don't want to block the sidewalks. Every scooter has a phone number to call and report where they are and they will come out and pick it up. Typically, they can expect a 15-20 minute response time. He said they really want to make this work and have been adjusting points so they are not cluttering up areas. They want this to work for the community, not making them a nuisance, but rather a partner.

Mr. Kuhar asked if they had any figures on the run time of batteries and the average distance traveled before the charge goes down. Mr. Beck replied they have swappable batteries, enabling them to remove the battery. The run time is approximately 3-4 days of riding with 2-5 trips per day for about 35 miles.

Mr. John Thomas, a Kent resident, asked if SPIN was publicly or privately owned and where the home office is located. Mr. Beck replied they are privately owned and were recently acquired by a German company in Europe, which is the largest scooter company in Europe, with April 1st being the official transition date. The company is based out of San Francisco, but they are located in the state. What is important is having people locally in the city and living here, which is their operating model.

Chief Myers complimented Josh and Amber who came out to the Fire Department so they could examine the batteries in case of any issues and that they already have a mechanism in place in case there is a battery fire. It was very educational and they appreciated the interaction.

Ms. Landis asked about their data collection methods and what is shown in regards to usage. Mr. Beck said he believes there is room to grow with the number of vehicles. They are seeing 2.5 to 7 trips per vehicle, which fluctuates due to weather and timing, but they don't throw a large number out and let them sit. They have a dynamic fleet. In the fall and spring, the population in Kent grows, so the numbers of vehicles will increase to meet demand. Over the summer, the demand will go down as students go home and the fleet will be lowered. It is to no advantage to the company to have excess vehicles out there because they are exposed to the weather and wear and tear. It is a delicate balance. Chris Lucas, from Kent State University, said they took a conservative approach with the roll out to ensure a safe and successful launch. They are in constant contact with SPIN to monitor and make changes as they see are necessary.

There were no further questions from Council or the public.

Road Closure for Craft Beer Festival

Ms. Bridget Susel started by saying the Kent Jaycees have their annual Craft Beer Festival, which is typically held on Franklin Ave. With OverEasy taking over the depot space, there were some concerns about their access to the parking lot, so the Kent Jaycees agreed to locate the event to N. Water Street between East Main and Portage Street. Because of its new location, it is treated as a new event and we are asking for permission to approve the event application and road closure.

Mayor Fiala said he didn't see a map and Ms. Susel replied one was supplied but was of poor quality, so it was not included in the packet.

Ms. Shaffer Bish asked if Hometown Plaza would be available for use by people, at least informally.

Andrew Medonia from Kent Jaycees approached the podium and said one of the advantages of having Colin Boyle as one of its members is having the use of Hometown Plaza. It is actually going to be the VIP area. The street will be used for the thirty breweries and four or five food trucks and the bank area for the VIP area and restrooms. Anyone who purchases a VIP ticket will have access to it.

Ms. Rosenberg asked about where the proceeds from the event were going to charity. Mr. Medonia said all of the proceeds go either towards charity or toward leadership training for its members. It all goes back to the community in one way or another. Ms. Rosenberg asked if they are still seeking volunteers and he confirmed they are.

Mr. Kuhar asked how this would affect the drive-thru bank on Columbus Street. Mr. Medonia stated it would be closed. He added that the bank has been a good partner to work with and they have received signatures from all of the businesses on N. Water. They are glad to be back in this area and it will be better for all involved.

MOTION TO APPROVE THE ROAD CLOSURE FOR CRAFT BEER

FEST MADE BY Mr. Jack Amrhein, **SECONDED** by Ms. Heidi Shaffer Bish and **CARRIED** by a voice vote of 7-0-0.

With no further business to conduct, the Streets, Sidewalks and Utilities Committee Meeting adjourned.

Finance Committee (Chair DeLeone/Vice-Chair Wallach)

Chair DeLeone called to order the Finance Committee Meeting of April 6, 2022.

NOPEC Energized Grant

Ms. Melanie Baker came before Council with the annual request to accept the funds from NOPEC, which is the energy provider for the City of Kent. She said it is an annual grant that has always been made available and this year the grant is for \$47,861. She is asking that Council accept the grant and allow it to be put into escrow to be used in the future when there is a project that meets the criteria for the grant. In the past, we've used it on the Reclamation Facility and replaced boiler motors. This year they will be working on a LED energy conversion program doing a study on the street lights.

Mr. Kuhar asked about the energy-efficient upgrade of the street lights. Ms. Baker clarified it will be a study done on this. Ms. Baker said there are several different programs throughout the city but the majority of its downtown lights are owned and operated by the City, therefore we are charged for them. The cost and return of these lights will be looked at.

MOTION TO APPROVE THE NOPEC ENERGIZED GRANT APPLICATION
MADE BY Ms. Heidi Shaffer Bish, SECONDED by Ms. Gwen Rosenberg and
CARRIED by a voice vote of 7-0-0.

Kent Police Department Computer Disposal

Chief Nick Shearer requested permission from Council to dispose of thirteen Panasonic laptop computers previously used in police cruisers. They were purchased and put into service in 2015 and have a life expectancy of five years. Chief Shearer confirmed with the IT Manager that these laptops have no value to the City. He does not want them to get into anyone else's hands and for security reasons is asking them to be destroyed. A third party will be used to do so, who will provide certificates of destruction.

Ms. Shaffer Bish suggested a more ecologically friendly disposal by using the Kent State collection and asked if another method would be used. Chief Shearer responded that the company works in collaboration with Quality IP and is unaware of the exact procedure that is used to destroy them. He asks just that they be destroyed due to the security aspects of the data on the machines.

MOTION TO AUTHORIZE THE POLICE DEPARTMENT COMPUTER DISPOSAL MADE BY Mr. Garret Ferrara, SECONDED by Mr. John Kuhar and
CARRIED by a voice vote of 7-0-0.

E Main Street Area Improvements - RAISE Grant Application

Mr. Jim Bowling addressed Council about the last item on the agenda. The RAISE program is a nationally competitive program with a minimum ask of \$5 million, so they will be asking for \$5.25 million to finish up the funding for East Main Street. The project fits well with their criteria and, if awarded, would be placing Electric Vehicle (EV) charging stations to make it more palatable for

them to select us.

Mr. Ferrara asked if the EV stations would include a Tesla station. Mr. Bowling said these would probably not be, as Kent State is looking at bulk power that would run multiple stations. He added that this is early on and things may change.

Ms. Shaffer Bish said we are asking for exactly what we need and asked about inflation and if there is a risk it may not be enough. Mr. Bowling said they tried to minimize the risk as much as possible.

Mr. DeLeone asked if there were questions from the audience.

Mr. John Thomas asked if any of the funds would be targeted toward making that corridor more pedestrian-friendly and safe and also more bicycle-friendly. Mr. Bowling replied "yes".

Mr Ferrerra stated that Mr. Bowling does a great job of collecting grants and keeping up the good work.

Ms. Rosenberg added as a side note that Mr. Bowling received an award from the Ohio Environmental Council and congratulated him.

MOTION TO APPROVE THE RAISE GRANT APPLICATION MADE BY Mr. Garret Ferrara, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 7-0-0.

Seeing no further business, the Finance Committee adjourned at 8:45 p.m.

Adjourn

Amy Wilkens
Clerk of Council

Heart and Soul

Goals (from Community Heart and Soul website)

- Enhance respect and civility
- Prompt citizens to be more engaged in govt and civic groups
- Build upon city's assets
- Create a community vision to guide/evaluate future City plans

Process

- Trained citizens ask residents questions about what they like about Kent and what they want to see in future.
- Following standard procedures, survey does not directly inquire about concerns

Successful results

Having data that represents all demographics of Kent population.

Includes opinions from those those less civically engaged, like lower-income

Use of volunteers who represent demographics of community

A final report that includes views of the majority but also cites those of minority

Ultimate dilemma for elected officials – Attentive to wishes of majority, yet represent all

Some minority groups lack advantages held by the majority to convey needs to policy makers

Need an intentional mechanism that:

- is readily known to users and accessible
- assures safety (guarantees confidentiality to prevent retribution)
- credible and accountable (sanctioned by the City)
- has capacity to analyze and identify patterns and research solutions
- has a relationship to the entities that can implement suggested solutions

Possible Model (Based on best practices from other cities at www.racialequityalliance.org)

a) Identifying issues of concern:

- Truth-telling (input from Black residents including KSU students)
- Fact-finding (data from institutions, Heart and Soul analysis and recommendations)

b) Moving forward in reconciliation:

- Investing in people and community (such as jobs, health resources, skill enhancement, education, housing, business development)
- Transforming institutional practices that hinder groups of people (such as job hiring/recruitment, financial lending, education)

Kent City Demographic Stats

2020 Census for City, Quick Facts, US Census

Population 28,215

Racial categories

2019 Poverty rates within racial groups from citydata.com/poverty/kent-ohio

78.1% White

25.3% White

9.5% Black

57.6% Black

5.5% Multi-racial

41.1% Multi-racial

4.6% Asian

0 Asian

2.6% Hispanic

41.2% Hispanic/Latino

0.2% Other

16.2% Other races

Housing condition and affordability, 2020—2024 Consolidation Plan

“The CHAS data shows that Asian, Black/African American and Hispanic populations have a disproportionately greater need than the City’s population as a whole.” pg 30

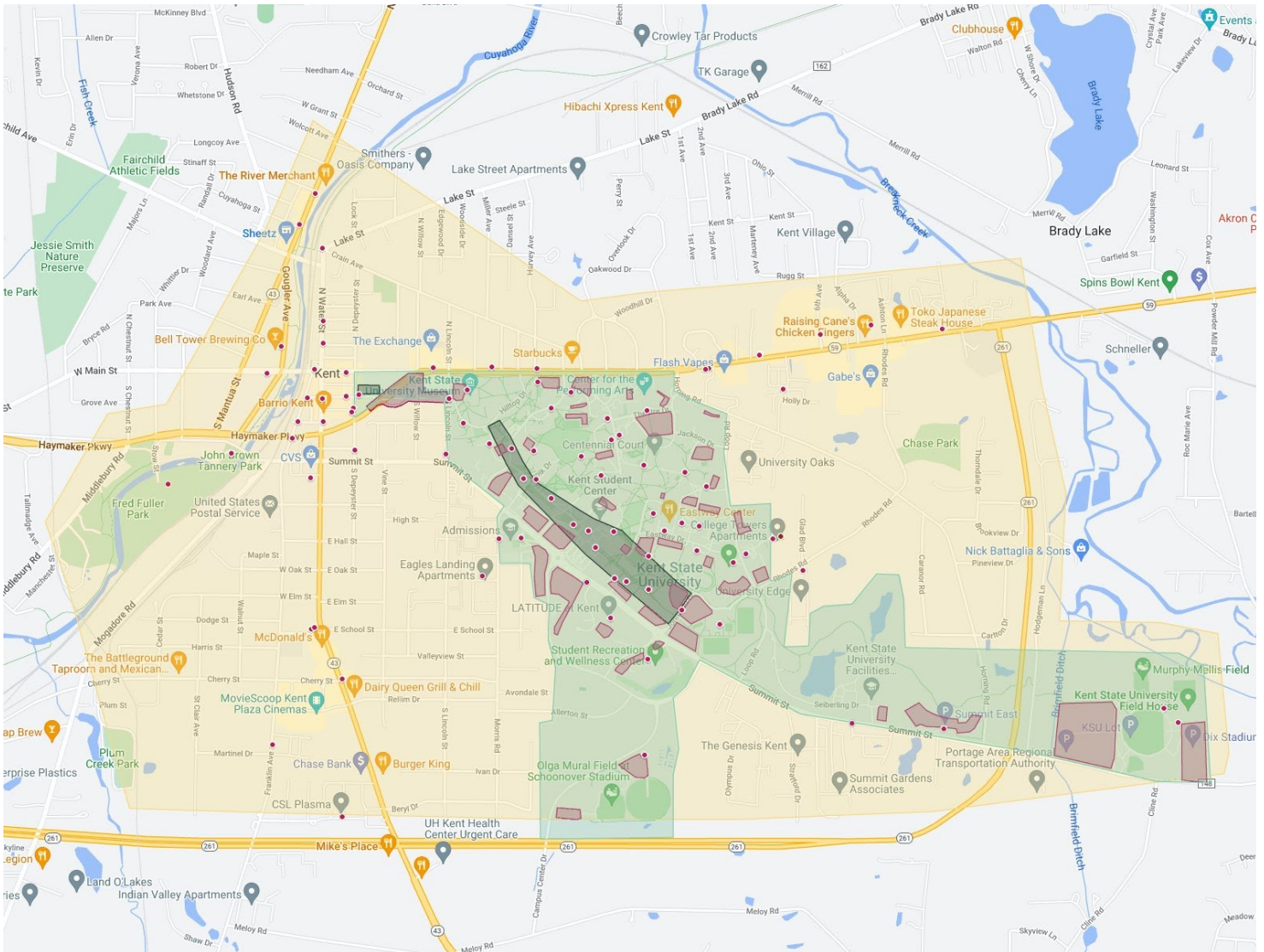
Homeless population

“As the table shows, 29.4% of the homeless population counted during the PIT classify themselves as minorities. These figures show that minorities are more likely to experience homeless when compared to the population as a whole .” pg 40

Kent City Government, FY 2021 Employees

2021 EEO Report for 256 Employees

Job Function	White	Black	Asian	Multi-racial	Other race
Financial admin	8				
Streets	40				
Police	64	2		1	
Fire	38			2	
Parks and Rec	40	2			
Health	6				
Community Dev	11				
Utilities	10				
Sanitation	12				
Other	19	1			
Total	248	5		3	
Percentage	96.80%	2.00%	0	1.20%	0
City residents	78.8%	9.5%	4.6%	5.5%	2.8%



4.6.22 Committee Meeting Minutes Attachment #2

RESOLUTION NO. 2022-021

A RESOLUTION APPOINTING REBEKKAH BERRYHILL AND JASON KNOWLES TO THE SHADE TREE COMMISSION AND DECLARING AN EMERGENCY.

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

SECTION 1. That **REBEKKAH BERRYHILL** and **JASON KNOWLES** are hereby appointed to the **SHADE TREE COMMISSION**.

NAME

TERM

REBEKKAH BERRYHILL
JASON KNOWLES

Immediately -- 12/31/2023 (to fill unexpired term)
Immediately -- 12/31/2025

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

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

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

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

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

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

DRAFT ORDINANCE NO. 2022-030

AN ORDINANCE TO ACKNOWLEDGE THE RECEIPT OF INITIATIVE PETITIONS PRESENTED BY LAUREN MCKOWN, MICHAEL RODRIGUEZ, RENE MCKOWN, ALEXANDRIA AKIN, AND ADRIENNE DEVAULT TO PLACE THE SENSIBLE MARIJUANA ORDINANCE FOR THE CITY OF KENT, OHIO ON THE NOVEMBER 8, 2022 BALLOT, AND DECLARING AN EMERGENCY.

WHEREAS, Council of the City of Kent met in a regular meeting on April 20, 2022;

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

SECTION 1. Kent City Council hereby acknowledge the receipt of initiative petitions to place the Sensible Marijuana ordinance on the November 8, 2022 ballot for vote by the electorate of the city of Kent. The proposed Ordinance is attached as Exhibit A hereto.

SECTION 2. The Clerk is instructed to deliver a copy of this Ordinance to the Portage County Board of Elections for placement of the Initiative on said ballot.

SECTION 3. Ordinance 2022-003 is hereby repealed.

SECTION 4. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

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

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

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

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

THE SENSIBLE MARIHUANA ORDINANCE

513.15 . MARIHUANA LAWS AND PENALTIES.

(a) No person shall knowingly obtain, possess, or use marihuana or a compound, mixture, preparation, or substance containing marihuana other than hashish, whoever violates this section is guilty of possession of marihuana. The penalty for the offense shall be determined as follows:

(1) If the amount of the drug involved is less than two hundred grams, possession of marihuana is a minor misdemeanor drug abuse offense. Persons convicted of violating this section shall be fined \$0.00

(b) No person shall knowingly obtain, possess, or use hashish or a compound, mixture, preparation, or substance containing hashish, whoever violates this section is guilty of possession of hashish. The penalty for the offense shall be determined as follows:

(1) If the amount of the drug involved is less than ten grams of solid hashish or less than two grams of liquid hashish, possession of hashish is a minor misdemeanor drug abuse offense. Persons convicted of violating this section shall be fined \$0.00.

(c) No person shall knowingly cultivate or manufacture marihuana. The penalty for the offense shall be as follows:

(1) If the amount of the drug involved is less than two hundred grams, illegal cultivation of marihuana is a minor misdemeanor drug abuse offense. Persons convicted of violating this section shall be fined \$0.00.

(d) No person shall knowingly give or offer to make a gift of twenty grams or less of marihuana. The penalty for the offense shall be determined as follows:

(1) Whoever violates this section, anywhere inside city limits, is guilty of trafficking in marihuana, a minor misdemeanor drug abuse offense. Persons convicted of violating this section shall be fined \$0.00.

(e) No person shall possess, sell, manufacture or use marihuana or hashish paraphernalia. The penalty for the offense shall be as follows:

(1) Whoever violates this section shall be guilty of a minor misdemeanor drug abuse offense. Persons convicted of violating this section shall be fined \$0.00.

(f) All court costs shall be \$0.00 for violations of sections herein.

(g) Severability. The sections of this ordinance are severable. The invalidity of a section shall not affect the validity of the remaining sections. Invalid sections shall be revised to the minimum extent necessary to maintain validity and enforceability.

(h) Definitions

(1) "Marihuana" means all parts of a plant of the genus cannabis, whether growing or not; the seeds of a plant of that type; the resin extracted from a part of a plant of that type; and every compound, manufacture, salt, derivative, mixture, or preparation of a plant of that type or of its seeds or resin. "Marihuana" does not include the mature stalks of the plant, fiber produced from the stalks, oils or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from the mature stalks, fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination; except that it does not include hashish.

(2) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.

DRAFT ORDINANCE NO. 2022 - 022

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ADJUST THE APPLICATION REQUIREMENTS FOR FUNDING ASSISTANCE CURRENTLY UTILIZED FOR THE CELEBRATE KENT! AND THE NEIGHBORHOOD GRANT PROGRAM (NGP) TO SUPPORT MULTI-CULTURAL EVENTS AND ACTIVITIES THAT PROMOTE AWARENESS, INCLUSION AND DIVERSITY; AND DECLARING AN EMERGENCY.

WHEREAS, the Community Development Department is recommending to adjust the micro-grants for funding assistance to include diversity focused project, initiatives, and events; and

WHEREAS, the Community Development Department anticipates that larger community events focusing on promoting diversity will receive grant support through Celebrate Kent! Grant program and smaller projects and initiatives highlighting diversity that are \$250 or less can be supported through the NGP; and

WHEREAS, the Community Development Department is recommending the term diversity be applied broadly to include a myriad of focus areas, including but not limited to ethnicity, gender, disability, race, socio-economic status, national origin, religion, sexual orientation, culture, etc.

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

SECTION 1. the City Manager, or his designee, is authorized to adjust the application requirements for funding assistance currently utilized for the Celebrate Kent! and the Neighborhood Grant Program (NGP) to include diversity focused projects, initiatives and events.

SECTION 2. 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. 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. 2022-031

AN ORDINANCE AMENDING CHAPTER 1191 "PARK IMPACT FEES" OF THE CODIFIED ORDINANCES OF THE CITY OF KENT TO UPDATE OUTDATED LAND VALUATION CALCULATIONS, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent wishes to amend Chapter 1191 "Park Impact Fees" of the Codified Ordinances to update outdated land valuation calculations and complicated formulas for identifying the amount of "park fee" to be paid by owners and developers of residential dwelling units.

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

SECTION 1. Kent City Council does hereby amend Chapter 1191 "Park Impact Fees" of the Codified Ordinances of the City of Kent to update outdated land valuation calculations and complicated formulas for identifying the amount of "park fee" to be paid by owners and developers of residential dwelling units, as shown on "Exhibit A," attached hereto and made part thereof.

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

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

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

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

AMY WILKENS
CLERK OF COUNCIL
(SEAL)

Repeal of existing CHAPTER 1191 and Replace with New CHAPTER 1191

CHAPTER 1191

PARK IMPACT FEES

- 1191.01 Findings.
- 1191.02 Definitions.
- 1191.03 Park impact fees schedule.
- 1191.04 Assessment of park impact fees.
- 1191.05 Capital Improvement Fund matching amount.
- 1191.06 Exemptions.
- 1191.07 Credits and adjustments.
- 1191.08 Appeals.

- 1191.01 FINDINGS.

Kent City Council determines and finds as follows:

- A. In order to address new population growth and development activity, maintain park standards, and continue to promote and protect the public's health and safety, the City of Kent supports the expansion, preservation, and maintenance of its public parks, trails, open spaces, and recreational facilities, collectively known as "public park facilities."
- B. The City of Kent has not secured other financial commitments or sources sufficient to serve new population growth and development activity with public park facilities at the level of service established by the City.
- C. The imposition of park impact fees is a preferred method of ensuring that:
 - a. Adequate public park facilities are available to serve population growth and development.
 - b. New development that generates population growth pays a proportionate share of the cost of new public park facilities to align with such growth.
- D. Such payments may be used to address deficiencies in public park facilities that are reasonably related to the population growth and development.
- E. Accurate and equitable procedures for measuring the impact of new population growth and development activity on public park facilities, establishing the existing level of service provided by such public park facilities, and determining the cost to maintain the existing level of service have been developed by the City in its most currently adopted Parks & Recreation Department comprehensive planning effort. The fee schedule and other procedures established by this chapter are based upon those planning studies.
- F. In developing the schedule of park impact fees contained in this chapter, consideration has been given to taxes which have or will be paid by the new development activity into the

City's general fund and earmarked for the general maintenance and operations of all City services.

- G. The adoption of the park impact fee ordinance codified in this chapter is necessary for the support of City government and its institutions.
- H. The provisions of this chapter and its adoption fulfill an urgent need to assess new development activities with their proportionate share of public park facility impacts; to minimize any potential disruption to the development activity; and to ensure equitable treatment of all development activities subject to the assignment of a park impact fee.

Future adjustment of the park impact fee schedule, if any, should be based on the findings in subsections (A) through (H) of this section.

1191.02 DEFINITIONS

The following words and terms will have the following meanings for the purposes of this chapter unless the context clearly requires otherwise. Terms otherwise not defined herein shall be defined pursuant to the definitions contained within the City of Kent Planning and Zoning Code, then the Ohio Revised Code, or, if none of the aforementioned apply, given their usual and customary meaning.

- A. "City" means the City of Kent, Ohio.
- B. "Council" means the City Council of the City of Kent.
- C. "Development activity" means any construction or expansion of a residential building or structure that results in additional residential dwelling units within the City's jurisdictional boundaries.
- D. "Feepayer" means any person, corporation, partnership, incorporated association, or any other similar entity, or department or bureau of any governmental entity or municipal corporation, including the state or federal government, which commences a land development activity that is categorized as having a residential land purpose, in whole or in part, and requires the issuance of a building permit.
- E. "Park impact fee" means a payment of money imposed by the City on development activity pursuant to this chapter, as a condition of granting development site plan approval, in order to pay for the public park facilities needed to serve the new population growth and development activity. "Park impact fee" does not include reasonable development related permit fee(s), application fee(s), plan review fee(s), or administrative costs of carrying out the provisions of this chapter.
- F. "Public park facilities" means publicly owned parks, trails, open spaces, and recreational facilities.

1191.03 PARK IMPACT FEES SCHEDULE

The following fee schedule and assessment methods shall be used to determine the amount to be charged for park impact fees applicable to residential projects which result in population growth and development within the City limits:

Residential Dwelling Unit Type	Park Impact Fee
1) Each newly added single-family residential dwelling structure	\$500
2) Each newly added single-family residential dwelling unit in a two-family, multifamily, or apartment complex	\$500
3) Each newly added residential dwelling unit in a mixed use structure	\$500
4) Each newly added bedroom in each rooming house or boarding house	\$500
5) Each newly added manufactured or mobile home residential unit installed on a fixed foundation	\$500

1191.04 ASSESSMENT OF PARK IMPACT FEES

The City shall collect park impact fees based upon the schedule or methods outlined in this chapter, for all residential development activity within the jurisdictional boundaries of the City of Kent if such activity requires the issuance of a subdivision, conditional use, building, or other development-enabling permit, which will result in the construction of new residential dwelling unit(s) or any additional new residential principal use occupancy.

Collection of the park impact fee shall occur when application is made for a building or zoning permit. The appropriate park impact fee, as determined by this chapter, shall be added to the cost of the building or zoning permit for those development projects covered by the chapter.

1191.05 CAPITAL IMPROVEMENT FUND; MATCHING AMOUNT

There is hereby created a Parks and Recreation Development Fund. There shall be paid into the Parks and Recreation Development Fund such funds set forth and collected as indicated in Section 1191.03. The City of Kent shall provide a matching amount equal to the amount of fees collected as stated in Section 1191.03 or the amount of what would have been paid if the developer had not contributed real property to the City of Kent in lieu of fees. This matching amount shall be appropriated from the General Fund, or other municipal funds other than those collected under the terms of Section 1191.03. Expenditures made by the City of Kent from funds other than those collected under the terms of Section 1191.03 shall be considered to be a matching amount if expended for any of the purpose listed in Section 1191.01. The Director of Budget and Finance shall keep an accurate record of all matching amounts and expenditures considered to be a matching amount to ensure that the proper match occurs.

1191.06 EXEMPTIONS

The following are exempt from the payment of park impact fees:

- A. Building or other development permits for projects or developments assessed some form of mitigation payment or land dedication which said assessment preceded the effective date of this chapter.
- B. Alterations, expansions, enlargements, remodeling, rehabilitation, or conversion of an existing residential structure, if no additional residential dwelling unit(s) are added or created and the use is not changed.
- C. Demolition or moving of an existing structure.
- D. Replacement of a structure with a new structure of the same or similar size, same use, and the same number, or less, of residential dwelling units, when such replacement occurs within 12 months of the demolition or destruction of the prior structure.
- E. Dormitories or student-oriented housing owned by a State of Ohio public college or university.

1191.07 CREDITS AND ADJUSTMENTS

A feepayer may request and the City may determine, that a credit should be awarded for the value of dedicated land, improvements, or construction which has been provided by the feepayer and which has been accepted by the City as the result of the voluntary offer of the feepayer. In order to qualify for a credit, the City shall determine that such dedication, improvement, or construction is included in the City's adopted Capital Improvement Plan and will directly serve the goals and objectives of the most currently approved Parks & Recreation Department comprehensive plan.

For each request for a credit, the City shall, as appropriate, prepare an estimate and have an appraisal conducted to determine the value of the land or cost of the improvement or construction for which the credit is requested. The City shall choose the services of an independent appraiser and the cost of the appraisal shall be paid for by the feepayer. In the case of proposed improvements or construction, the City shall prepare estimates of the value utilizing appropriate City or other professional staff qualified to estimate value in the appropriate subject area. If fee-based professional consulting services are needed to prepare the estimate, the cost for such services shall be paid by the feepayer.

Any claim for credit must be made before the issuance of subdivision, conditional use, building, or other development-enabling permit is requested or not later than thirty (30) calendar days after the dedication of land or the completion of construction.

Credit shall only be given for the value of land dedication or project improvements directly related to those facilities covered by this chapter or otherwise determined to qualify by the City under the provisions of this chapter.

A feepayer may request an adjustment to the park impact fee assessed to a particular development activity based upon unusual circumstances or alternative methods of computing the park impact fee amount which can be justified by unusual or special circumstances, including but not limited to, publicly supported transitional housing residential units for at-need populations, emergency homeless shelter services, and/or supportive housing units. A request for an adjustment in the park impact fee amount or application shall not be made before the full amount of the park impact fee for the development activity has been calculated by the City. The feepayer must include a description of the unusual or special circumstances which serve as the basis for the request for adjustment and provide documentation supporting the adjustment request. The City shall consider any documentation, studies, or other data submitted by the feepayer which support alternative methods of computing the park impact fee to be assessed. The City shall base a determination on the information provided by the feepayer and notify the feepayer in writing of the determination.

Determinations made by the City pursuant to this section shall be subject to the appeals procedures set forth in this chapter.

1191.08 APPEALS

Any feepayer may pay the park impact fees imposed by this chapter under protest in order to obtain a subdivision, conditional use, building, or other development-enabling permit. Appeals regarding the park impact fee imposed on any development activity or the credit established by the City under this chapter may only be taken by the feepayer of the property where such development activity will occur. No appeal shall be permitted unless and until the park impact fee(s) at issue have been paid, the dedication of land or posting of a cash bond made, or other form of security acceptable to the City has been given. The amount of the bond or other security shall be equal to the value of land or construction of improvement claimed by the fee payer.

Appeals shall be made in conformance with and governed by the procedures set forth in KCO 1111.03(D)(1), except that said appeal shall be heard by the Planning Commission as dictated by KCO 1111.02(F) and the time period for filing the appeal shall be within ten (10) working days of the payment of the park impact fees, dedication of land, or posting of a cash bond or other acceptable form of security.

DRAFT ORDINANCE NO. 2022 - 032

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO CLOSE FRANKLIN AVENUE FROM ERIE STREET TO MAIN STREET TO ASSIST DOWNTOWN BUSINESSES, AND DECLARING AN EMERGENCY.

WHEREAS, the City is requesting the closure of Franklin Avenue from Erie Street to Main Street to assist the downtown businesses; and

WHEREAS, the closure will create an outdoor public “park” space which will provide additional outdoor seating for downtown customers to use; and

WHEREAS, the closure will start not before the first Saturday in May and end no later than the first Saturday in October, annually.

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

SECTION 1. The Kent City Council authorizes the City Manager or his designee to close Franklin Avenue from Erie Street to Main Street to assist downtown businesses.

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. 2022-033

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT WITH CITY OF KENT, OHIO (CITY) AND MAIN STREET KENT (MSK) FOR NEEDED MAINTENANCE SERVICES TO KEEP THE “OUTDOOR SEATING AREA” ON FRANKLIN AVENUE SANITARY AND ORDERLY, AND DECLARING AN EMERGENCY.

WHEREAS, the City has established an “Outdoor Seating Area” on Franklin Avenue, that is situated between East Main Street and West Erie Street; and

WHEREAS, the closure will start not before the first Saturday in May and end no later than the first Saturday in October.

WHEREAS, MSK will assist the City to manage the provision of services for the “Outdoor Seating Area” and other outdoor areas in the City of Kent downtown central business district in order to keep said areas sanitary and orderly; and

WHEREAS, MSK agrees to facilitate dialogue and coordinate volunteer efforts for the “Outdoor Seating Area”. The City will reimburse MSK in a timely manner for any and all costs associated with the payment of person(s) selected to maintain the “Outdoor Seating Area” on Franklin Avenue, as well as other outdoor areas in the City of Kent. The City can reimburse MSK in an amount not to exceed \$7,500.00.

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

SECTION 1. The City Manager, or his designee, is hereby authorized to enter into an agreement with the City and MSK for needed maintenance services to keep the “Outdoor Seating Area” sanitary and orderly in substantial compliance with the terms of Exhibit “A”, attached hereto.

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

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

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens

Clerk of Council

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

AMY WILKENS
CLERK OF COUNCIL
(SEAL)

**2022 MEMORANDUM OF AGREEMENT
BETWEEN
CITY OF KENT
AND
MAIN STREET KENT**

This Memorandum of Agreement is by and between the CITY OF KENT, with offices located at 930 Overholt Road, Kent, OH, hereinafter referred to as the "CITY," and MAIN STREET KENT, with offices located at 154 North Water Street, Kent OH, hereinafter referred to as "MSK."

SECTION 1: BACKGROUND

WHEREAS, the CITY has been committed to implementing programming that can facilitate increased sales activity in order to support the small businesses operating in the City of Kent downtown central business district; and

WHEREAS, in 2020 the CITY first established an "Outdoor Seating Area" on Franklin Avenue, to be situated between E. Main Street and W. Erie Street, and desires to continue installing the area, beginning on or around the first Saturday in May and keeping the area open daily through and including the first Saturday in October on an annual basis; and

WHEREAS, the CITY will need assistance from MSK to manage the provision of services for the "Outdoor Seating Area," and other outdoor areas in the City of Kent downtown central business district, during weekly peak periods in order to keep said areas sanitary and orderly;"

NOW, THEREFORE, by mutual agreement, the CITY and MSK enter into this Memorandum of Agreement with the terms as follows:

1. MSK, in support of its mission to support the small businesses operating in the City of Kent downtown central business district, agrees to supervise the management and payment of person(s) selected to maintain the "Outdoor Seating Area" on Franklin Avenue, as well as other outdoor areas in the City of Kent, in a sanitary and orderly manner, while the "Outdoor Seating Area" on Franklin Avenue is operational in 2022, and during the following weekly peak periods:
 - Friday evening (5:00-10:00 p.m.)
 - Saturday evening (5:00-10:00 p.m.)
 - Sunday afternoon-early evening (optional/dependent upon event(s))
2. MSK agrees to facilitate dialogue and coordinate volunteer efforts with area small businesses operating near the "Outdoor Seating Area" to assist with maintaining the area in a sanitary and orderly manner for periods of the week not specified above in "Item 1."
3. The City agrees to reimburse MSK in a timely manner for any and all costs associated with the payment of person(s) selected to maintain the "Outdoor Seating Area" on Franklin

Avenue, as well as other outdoor areas in the City of Kent in a sanitary and orderly manner, for the weekly peak periods listed above in "Item 1" at an agreed upon hourly rate not to exceed fifteen dollars and no cents (\$15.00) per hour. Documentation needed for such reimbursement will be in a format mutually agreed upon by the CITY and MSK.

4. At no time is any selected person(s) to be considered an employee of the CITY or MSK, but rather, must be paid as independent contractor(s) by MSK. MSK is solely responsible for the issuance of any IRS 1099 form(s) as is required by law.
5. The CITY agrees to reimburse MSK in a timely manner for any other reasonable and customary purchase(s) of necessary supplies or materials as long as both the CITY and MSK agree to such purchase(s) prior to acquisition and the request for reimbursement includes proof of invoice and payment by MSK.
6. The amount the CITY can reimburse MSK under this Memorandum of Agreement will not exceed seven thousand five hundred dollars and no cents (\$7,500.00).
7. This Agreement shall be binding upon the parties, their successors and assigns.

CITY OF KENT, OHIO

David Ruller, City Manager, City of Kent

Approved as to Form:

Hope Jones, Law Director, City of Kent

MAIN STREET KENT

Maggie McKendry, President,

Main Street Kent Board of Directors

CERTIFICATE OF DIRECTOR OF BUDGET AND FINANCE

It is hereby certified that the required amount of \$7,500.00 to meet the contract, agreement, obligation, payment or expenditure for the above has been lawfully appropriated or authorized or directed for such purposes in the 2022 City of Kent operating budget and is in the City Treasury or in the process of collection to the credit of the General Fund, free from any obligation or certificates now outstanding.

Rhonda Hall,

Director of Budget & Finance, City of Kent

DRAFT ORDINANCE NO. 2022-034

AN ORDINANCE ACCEPTING A DONATION OF FOLDING TABLES, FOLDING CHAIRS AND MONITOR SCREEN ESTIMATED IN THE AMOUNT OF \$1,500.00 TO THE CITY OF KENT'S HEALTH DEPARTMENT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent's Health Department has received a donation estimated in the amount of \$1,500.00 from the Wells Sherman House. The donation consists of three (3) folding tables, approximately eighteen (18) folding chairs, and a possible monitor screen; and

WHEREAS, the City wishes to accept said grant donation.

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

SECTION 1. Council does hereby authorize the City Manager on behalf of the City of Kent to accept the donation of folding tables, folding chairs and monitor screen estimated in the amount of \$1,500.00 from the Wells Sherman House.

SECTION 2. 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. 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. 2022-035

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT A GRANT FROM THE OHIO EPA IN THE AMOUNT OF \$25,000.00 TO BE USED TO FUND THE MOSQUITO CONTROL PROGRAM THROUGH APRIL 2023, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent's Health Department has been awarded \$25,000.00 from the Ohio EPA Grant Award program; and

WHEREAS, the awarded \$25,000.00 will be used to fund the mosquito control program through April 2023 and will be available in May 2022; and

WHEREAS, the City wishes to accept said grant.

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

SECTION 1. Council does hereby authorize the City Manager on behalf of the City of Kent's Health Department to accept the Ohio EPA grant award in the amount of \$25,000.00 for the mosquito control program, and for the Budget and Finance Director to appropriate the award into the proper fund.

SECTION 2. 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. 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. 2022- 036

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN AN ANNEXATION AGREEMENT WITH FRANKLIN TOWNSHIP AS PART OF THE ANNEXATION OF PARCEL NO. 12-049-00-00-012-000 (6700 STATE ROUTE 43) INTO THE CITY'S JURISDICTIONAL BOUNDARIES, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent and Franklin Township have cooperated in numerous matters in order to foster and promote harmony and development within each of their respective jurisdictional areas; and

WHEREAS, Davey Tree Expert Company ("Davey" or "Petitioner") purchased Permanent Parcel No. 12-049-00-00-012-000, 6700 State Route 43, (the "Annexation Parcel") with the intention of using the Annexation Parcel as a research and development site. The Annexation Parcel is currently located in Franklin Township. Davey has expressed a desire to annex the Annexation Parcel into the City by following the annexation procedure, commonly known as Expedited Type 1 Annexation, as set forth in Sections 709.021 and 709.022 of the Ohio Revised Code; and

WHEREAS, in order for the Annexation Parcel to be annexed into the City through the Expedited Type 1 Annexation procedure, the City and Township must enter into either an annexation agreement or a cooperative economic development agreement; and

WHEREAS, the City and Franklin Township have worked together to negotiate an annexation agreement which contains terms and conditions agreeable to both communities (the "Annexation Agreement"), a copy of said Annexation Agreement is attached hereto as Exhibit "A"; and

WHEREAS, this Council has reviewed the Annexation Agreement, approves its terms and conditions, and hereby authorizes the City Manager to execute the Annexation Agreement; and

WHEREAS, it is necessary that this Ordinance take immediate effect as an emergency measure in order to ensure that Davey may promptly file a fully executed certified copy of the Annexation Agreement along with its Petition for Annexation of the Annexation Parcel into the City, and to ensure that Davey can immediately begin to enjoy the benefits associated with the Annexation Parcel being located in the City.

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

SECTION 1. Kent City Council hereby authorizes the City Manager, or his designee, to execute the Annexation Agreement with Franklin Township, attached hereto as Exhibit "A."

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

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

declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

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

(SEAL)

AMY WILKENS
CLERK OF COUNCIL
(SEAL)

ANNEXATION AGREEMENT

This Annexation Agreement ("Agreement") is made and entered into on or as of the ____ day of March, 2022 (the "Effective Date" herein) by and between the Board of Trustees of Franklin Township, the legislative authority of and for Franklin Township, a political subdivision duly organized and validly existing under the laws of the State of Ohio ("Township" or "Franklin" herein), and the Council of the City of Kent, Ohio, the legislative authority of and for the City of Kent, Ohio, a municipal corporation duly organized and validly existing under its Charter and the Constitution and the laws of the State of Ohio ("City" or "Kent" herein, collectively with the Township, the "Parties" and each a "Party" hereto).

WHEREAS, the Township and City are political subdivisions located adjacent and contiguous to each other within Portage County, Ohio ("County" herein); and

WHEREAS, the Township and City have cooperated in numerous matters in order to foster and promote harmony and development within each of the Parties' respective jurisdictional areas; and

WHEREAS, Davey Tree Expert Company ("Davey" or "Petitioner") purchased Permanent Parcel No. 12-049-00-00-012-000, 6700 State Route 43, (the "Annexation Parcel") with the intention of using the Annexation Parcel as a research and development site. The Annexation Parcel is currently located in Franklin Township. Davey has expressed a desire to annex the Annexation Parcel into the City by following the annexation procedure, commonly known as Expedited Type 1 Annexation, as set forth in Sections 709.021 and 709.022 of the Ohio Revised Code; and

WHEREAS, in order for the Annexation Parcel to be annexed into the City through the Expedited Type 1 Annexation procedure, the City and Township must enter into either an annexation agreement or a cooperative economic development agreement ("CEDA"); and

WHEREAS, this Annexation Agreement is authorized under the provisions of Section 709.192 of the Ohio Revised Code and other applicable laws of the State of Ohio, and has been approved by the respective legislative authority of both Parties.

NOW, THEREFORE, in consideration for the mutual promises contained herein, the Parties covenant and agree as follows:

ARTICLE 1 PROCEDURE

Section 1.1. Procedure. The Parties agree and consent to the following procedure:

- a. The Petitioner will file an annexation petition to annex the Annexation Parcel into the City in compliance with the provisions of the Expedited Type I annexation procedure contained in Sections 709.021 and 709.022 of the Ohio Revised Code.

- b. Immediately upon the City's acceptance of the Annexation Parcel into its municipal boundaries, the City will petition the Board of County Commissioners to exclude the Annexation Parcel from the Township pursuant to R.C. 503.07.

The Parties agree that upon completion of this procedure, the Annexation Parcel shall be treated and viewed as a part of the City for all purposes, and as such the Annexation Parcel will no longer remain subject to the Township's real property taxes or other tax levies.

Section 1.2. Cooperative Efforts, Consent, and No Objections to Procedure. The Parties shall cooperate in good faith to facilitate the completion of the procedure described in this Article. Consistent with the Parties' good faith efforts in that regard, each Party agrees to refrain from taking any action that would directly or indirectly delay the procedure described in this Article. For the avoidance of doubt, Township and City both expressly consent to, and affirmatively agree that they shall not file objections related to, the Petitioners petition for annexation of the Annexation Parcel into the City and/or the City's exclusion of the Annexation Parcel from the Township, as set forth in this Article.

ARTICLE 2 SERVICES TO THE ANNEXATION PARCEL

Section 2.1. Contribution of Services. Upon completion of the procedure set forth in Article 1, the City shall furnish to the Annexation Parcel all of the customary governmental services furnished by the City to other areas of the City including, but not limited to, public utilities (water and sewer), street maintenance, police, fire, and Emergency Medical Technician resources.

The Parties further agree that, upon completion of the procedure set forth in Article 1, the Township shall have no obligation to provide any governmental services to the Annexation Parcel.

ARTICLE 3 REIMBURSEMENT AND REVENUE SHARING

Section 3.1. Reimbursement and Revenue Sharing. In consideration of the mutual promises contained herein and the Township's consent to the procedure set forth herein, the City shall reimburse the Township as follows:

- a. Reimbursement of real property taxes foregone as a result of annexation for the period of time between approval of Petitioner's annexation petition and when a certificate of occupancy is issued and income taxes begin to be collected. For context, the Parties understand that the amount of real property taxes that the Township would have received for 2020 on the Annexation Parcel, paid in 2021, was \$5,228.07. The Petitioner anticipates being fully operational on the Annexation Parcel in the second half of 2025.

- b. From the first full year that income taxes begin to be collected on the Annexation Parcel (likely 2026 tax year) and for the next nine years thereafter (for a total of ten years), City will reimburse Township an amount equal to forty five percent (45%) of the gross amount of income taxes actually collected by City from the net profits of any business located on and from persons working on the Annexation Parcel. Applying this formula to the estimates provided by Petitioner, the Parties estimate the annual sum paid by City to Township will be approximately \$22,500.00.

ARTICLE 4 TERM OF AGREEMENT

Section 4.1. Term. The obligations set forth within this Agreement shall terminate upon City's completion of the reimbursement obligations set forth in Article 3, except that the Parties' continued consent to the annexation of the Annexation Parcel into the City and the Annexation Parcel's exclusion from the Township shall survive in perpetuity.

ARTICLE 5 GENERAL PROVISIONS

Section 5.1. Support of Agreement. In the event that this Agreement, or any of its terms, conditions or provisions, is challenged by any third party or parties in a court of law, the Parties agree to cooperate with one another and to use their best efforts in defending this Agreement with the object of upholding this Agreement. Each Party shall bear its own costs in any such proceeding challenging this Agreement or any terms or provisions thereof.

Section 5.2. Signing Other Documents. The Parties agree to cooperate with one another and to use their best efforts in the implementation of this Agreement and to sign or cause to be signed, in a timely fashion, all other necessary instruments, legislation, petitions and similar documents, and to take such other actions as either Party may reasonably request in order to effectuate the purposes of this Agreement.

Section 5.3. Dispute Resolution. In the event the Parties have a dispute as to any of the terms of applicability of this Agreement, the Parties agree to use their best efforts to resolve the dispute prior to any party filing a lawsuit.

Section 5.4. Default. A failure to comply with the terms of this Agreement shall constitute a default hereunder. The Party in default shall have thirty (30) days, after receiving written notice from the other Party of the event of default, to cure that default. If the default is not cured within that time period, the non-defaulting Party may sue the defaulting Party for specific performance under this Agreement or for damages or both, or may pursue such other remedies as may be available.

Section 5.5. Character of Payments. Nothing in this Agreement is to be interpreted as the sharing of the proceeds of any tax levy by and between any Parties. No payments to be made under this Agreement are intended to be a sharing of proceeds of any tax levy proscribed by Section 709.192(D) of the Ohio Revised Code.

Section 5.6. Amendments. This Agreement may be amended only by a writing approved by the legislative authorities of all of the Parties by means of appropriate legislation authorizing such amendment. Any amendment, in order to be effective, must be authorized by appropriate legislation passed by each of the Parties.

Section 5.7. Immunities Preserved. By entering into this Agreement, none of the Parties intend to relinquish or waive any of the immunities they now have or may hereafter be accorded under state and/or federal laws, including, without the limitation of any such immunities, all those immunities accorded to governmental entities and their officers and employees under O.R.C. Chapter 2744.

Section 5.8. No Personal Liability. All covenants, obligations and agreements of the Parties contained in this Agreement shall be effective to the extent authorized and permitted by applicable law. No such covenant, obligation or agreement shall be deemed to be a covenant, obligation or agreement of any present or future member, officer, agent or employee of any Party in other than their official capacity, and no official or member of a legislative authority executing this Agreement on behalf of any Party or any present or future member, officer, agent or employee of any Party shall be liable personally by reason of the covenants, obligations or agreements of the Parties contained in this Agreement.

Section 5.9. Powers Preserved. This Agreement is not intended to be in derogation of the powers granted to municipal corporations by Article XVIII, Ohio Constitution, or any other provisions of the Ohio Constitution or of the Ohio Revised Code; nor is it intended to be in derogation of the powers granted to Township under any provisions of the Ohio Constitution or of the Ohio Revised Code. The Parties hereby acknowledge their belief as to the lawfulness of this Agreement and agree not to challenge or contest it, or any provisions contained herein.

Section 5.10. Beneficiaries. This Agreement shall inure to the benefit of and shall be binding upon the Parties and their respective successors. This Agreement shall not inure to the benefit of anyone other than as provided in the immediately preceding sentence. Except for the Parties, this Agreement is not intended to and does not create rights or benefits of any kind for any other persons or entities that are not a party to this Agreement.

Section 5.11. Agreement. The Parties acknowledge and agree that this Agreement is intended to and shall serve as an annexation agreement pursuant to Section 709.192 of the Ohio Revised Code.

Section 5.12. Liberal Construction. The Parties agree that just as Section 709.192 of the Ohio Revised Code is to be liberally construed to allow the Parties to enter into Annexation Agreements, the Parties further agree that this Agreement shall be liberally construed in order to facilitate the desires of each of the Parties to carry out this Agreement. Each provision of this Agreement shall be construed and interpreted so as to permit maximum advantage to the Parties allowed by Section 709.192 of the Ohio Revised Code.

Section 5.13. Notices. All notices, demands, requests, consents or approvals given, required or permitted to be given hereunder shall be in writing and shall be deemed sufficiently given if actually received or if hand-delivered or sent by recognized, overnight delivery service or by certified mail, postage prepaid and return receipt requested, addressed to the other Party at the address set forth in this Agreement, or to such other address as the recipient shall have previously notified the sender of in writing, and shall be deemed received upon actual receipt, unless sent by certified mail, in which event such notice shall be deemed to have been received when the return receipt is signed or refused. For purposes of this Agreement, notices shall be addressed to:

(a) The Township at: Franklin Township Board of Trustees
Attention: Township Administrator
218 Gougler Ave.
Kent, OH 44240

(b) The City at: City of Kent
Attention: City Manager
301 S. Depeyster Street
Kent, OH 44240

The Parties, by notice given hereunder, may designate any further or different address to which subsequent notices, consents, certificates, requests or other communications shall be sent.

Section 5.14. Captions and Headings. The captions and headings herein are for convenience only and in no way define, limit or describe the scope or intent of any provisions or Sections hereof.

Section 5.15. Counterparts. This Agreement may be executed in one or more counterparts or duplicate signature pages with the same force and effect as if all required signatures were contained in a single original instrument. Any one or more of such counterparts or duplicate signature pages may be removed from any one or more original copies of this Agreement and annexed to other counterparts or duplicate signature pages to form a completely executed original instrument.

Section 5.16. Governing Law and Choice of Forum. This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio or applicable federal law. All claims, counterclaims, disputes and other matters in question between the Parties or their respective agents and employees arising out of or relating to this Agreement or its breach will be decided in a court of competent jurisdiction within Portage County, Ohio.

IN TESTIMONY WHEREOF, the Parties have caused multiple counterparts hereof to be executed by their duly authorized officers on or as of the date first set forth above.

[Signature Page to follow]

ATTEST:

**THE CITY OF KENT,
PORTAGE COUNTY, OHIO**

Council Clerk

By: _____
Dave Ruller, City Manager

APPROVED AS TO FORM:

Hope Jones, Law Director

ATTEST:

**FRANKLIN TOWNSHIP
PORTAGE COUNTY, OHIO**

Scott Swan, Franklin Twp. Trustee

Kellie Kapusta, Franklin Twp. Trustee

Glenn Russell, Franklin Twp. Trustee

APPROVED AS TO FORM:

Brett R. Bencze, Assistant Prosecutor

FISCAL OFFICER CERTIFICATION

The undersigned Director of Finance of the City of Kent, Ohio hereby certifies that the moneys required to meet the financial obligations of the City under the foregoing Annexation Agreement have been appropriated lawfully for that purpose, and are in the treasury of the City or in the process of collection to the credit of an appropriate fund, free from encumbrances.

Rhonda Hall, Director of Finance
City of Kent

DRAFT ORDINANCE NO. 2022 - 024

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPROVE A NEW SPECIAL EVENT APPLICATION FOR MAIN STREET KENT ART & WINE FESTIVAL FOR SATURDAY, JUNE 4, 2022, AND DECLARING AN EMERGENCY.

WHEREAS, Main Street Kent is planning their 2022 Art & Wine Festival on June 4, 2022 from noon until 9:00 p.m.; and

WHEREAS, the organizers would like to temporarily close North Water Street beginning at Main Street and extending to Portage Street to include the Hometown Bank Plaza. Start set-up time will be at 8:00 a.m. and end cleanup will be at 11:00 p.m.; 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.

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

SECTION 1. That the Kent City Council authorizes the City Manager or his designee to execute the Special Event Application for the Main Street Kent Art & Wine Festival 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

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

NAME OF EVENT Main Street Kent Art & Wine Festival
ORGANIZATION SPONSORING EVENT Main Street Kent
APPLICANT NAME Heather Malarcik PHONE 330-677-8000
ADDRESS 154 N. Water St. 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:

Heather Malarcik 330-696-9117 Lesley Sickle 330-554-9586

DATE OF EVENT Sat., June 4, 2022 NO. OF PARTICIPANTS 3,000+
REQUESTED PERMIT TIME: Start Set up 8am Start Event 12pm
End Event 9pm End Cleanup 11pm
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? yes

(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 _____

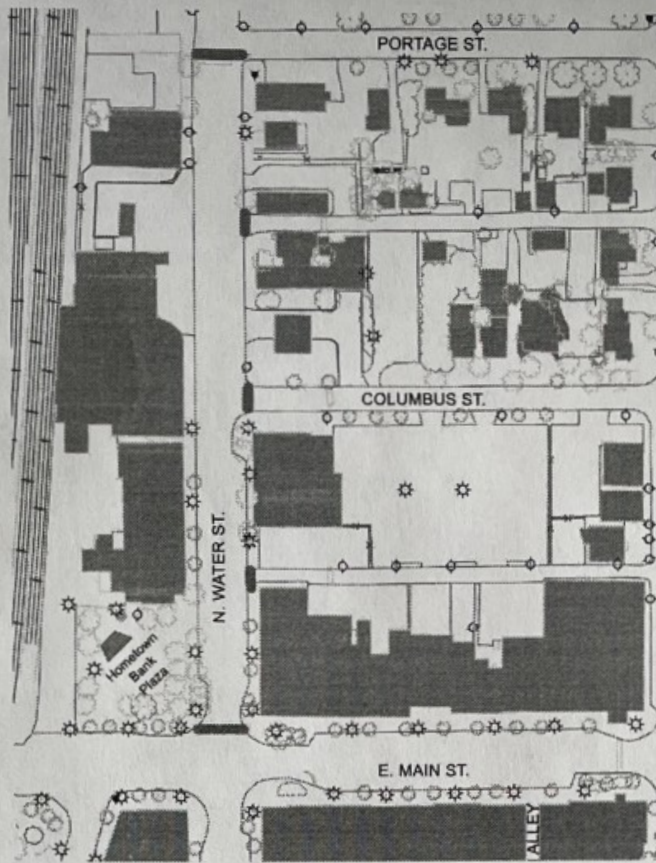
APPLICATION APPROVED _____ APPLICATION DISAPPROVED _____

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.



Main Street Kent is planning the 2022 Art & Wine Festival for Sat., June 4, noon to 9pm. The proposed event footprint is on N. Water St., beginning at Main St. and extending to Portage St., to include the Hometown Bank Plaza. We need to present this to Kent City Council in March, so we are asking for local business owners' approval. Please sign below if you do not oppose this road closure, which will last from approximately 8am to 11pm. We appreciate your support!

Name	<u>[Signature]</u> Each + Every	Date	<u>1/24/22</u>
Name	<u>[Signature]</u> Jacobson Woodworks	Date	<u>1/25/22</u>
Name	<u>Michael Lewis</u> Hometown Bank	Date	<u>1/26/22</u>
Name	<u>Jeff Ingram, SRCA</u>	Date	<u>1/27/22 email</u>
Name	<u>Beth Budzar, Scribbles</u>	Date	<u>1/27/22 email</u>
Name	<u>Matt McMinn, Dirty Skate Co.</u>	Date	<u>1/30/22 email</u>
Name	<u>Stacey Lasher, GRAZERS</u>	Date	<u>1/30/22 email</u>
Name	<u>Jim Tribuzzo, Brewhouse Pub</u>	Date	<u>2/1/22 phone</u>
Name	_____	Date	_____
Name	_____	Date	_____
Name	_____	Date	_____
Name	_____	Date	_____

DRAFT ORDINANCE NO. 2022 -025

AN ORDINANCE AUTHORIZING THE WATER TAP-IN FOR THE HUMAN BEAN LOCATED AT 1713 EAST MAIN STREE/STATE ROUTE 59, OUTSIDE THE CITY OF KENT, AND DECLARING AN EMERGENCY.

WHEREAS, Albrecht, Incorporated requests water service outside the City of Kent at 1713 East Main Street/State Route 59 located in Franklin Township (the "Property");

WHEREAS, the Property is within the Kent-Franklin JEDD Contract area and the owner did sign the contract, therefore, the Property is NOT subject to a 50% water surcharge;

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

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

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

SECTION 2. 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. 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. 2022-037

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPROVE A NEW SPECIAL EVENT APPLICATION FROM THE KENT JAYCEES KNOWN AS “KENT CRAFT BEER FESTIVAL” TO BE HELD ON SATURDAY, MAY 21, 2022, AND THE TEMPORARY CLOSURE OF NORTH WATER STREET BETWEEN MAIN STREET AND PORTAGE, AND DECLARING AN EMERGENCY.

WHEREAS, the Kent Craft Beer Festival is a way to enjoy the growing craft beer economy in Northeast Ohio and highlight the work of breweries in Kent and neighboring cities; and

WHEREAS, the Kent Jaycees would like to host the Kent Craft Beer Festival with breweries in a new location of Downtown Kent; and

WHEREAS, the Kent Craft Beer Festival will take place Saturday, May 21, 2022 from 2:00 p.m. until 8:00 p.m. The temporary closure of North Water Street between Main Street and Portage will begin Saturday morning at 9:00 a.m. until 10:00 p.m.; 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.

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

SECTION 1. That the Kent City Council authorizes the City Manager or his designee to execute the Special Event Application from The Kent Jaycees 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

DRAFT ORDINANCE NO. 2022 –026

AN ORDINANCE AUTHORIZING THE SALE BY INTERNET AUCTION OF SURPLUS PROPERTY NOT NEEDED FOR MUNICIPAL PURPOSES PURSUANT TO SECTION 721.15 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.

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

SECTION 1. That Council does hereby authorize the sale by internet auction of surplus property from the Parks and Recreation department pursuant to Section 721.15 of the Ohio Revised Code; said items are no longer needed for municipal purposes, and are described on the attached list, marked "Exhibit A" and incorporated herein.

SECTION 2. That Council authorizes that any items not sold by internet auction can be disposed of or donated by the Parks and Recreation Board without further authorization.

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

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

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

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

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

2022 Kent Parks and Recreation Public Auction Items

- (4) Precor 956i Experience Treadmill
- (2) Precor AMT 100I Elliptical
- (7) Precor Spinner® Ride Indoor Bike
- (1) Precor 846i-R Experience Recumbent Exercise Bike
- (1) Proform Sr30 Recumbent Bike
- (1) Concept 2 Indoor Rowing Machine
- (10) WaveMaster Kickboxing Pads
- (1) HOIST HD-1900 Dual Pulley System
- (1) Hoist Dual Series HD-3900
- (1) Hoist Dual Series HD-3403
- (1) Hoist Dual Series HD-3400
- (1) Hoist Dual Series HD-3200
- (1) Hoist Dual Series HD-3800
- (1) Hoist Dual Series HD-3600
- (1) Hoist Dual Series HD-3100
- (1) Hoist Dual Series HD-3300
- (1) Precor Angled Leg Press 601
- (1) GPR378 Pro Power Steel Squat Rack
- (2) Body Solid Adjustable Bench
- (1) Body Solid Olympic Plate Rack
- (2) Small Weight Dumbbell Storage Tower
- (1) Heavy Weight Dumbbell Storage Rack
- (1) Weight Storage Stairs
- (1) Weighted Bars Vertical Storage Rack
- (8) 5 lbs. plates.
- (10) 10 lb plates.
- (8) 25 lb plates.
- (2) 35 lb plates.
- (4) 45 lb plates.
- (8) 10 pound Kettlebells
- (4) 15 pounds Kettlebells
- (4) 5 lb Kettlebells
- (1) 20 lb kettlebell
- (4) 1 lb dumbbells
- (18) 2 lbs dumbbells
- (22) 3 lbs dumbbells
- (12) 4 lbs dumbbells
- (23) 5 lbs dumbbells
- (4) 6 lbs dumbbells
- (4) 7 lbs dumbbells
- (6) 8 lbs dumbbells
- (8) 9 lbs dumbbells
- (24) 10 lbs dumbbells
- (8) 12 lbs dumbbells
- (6) 15 lbs dumbbells
- (5) 20 lbs dumbbells
- (5) 25 lbs dumbbells
- (2) 30 lbs dumbbells
- (2) 35 lbs dumbbells
- (2) 40 lbs dumbbells
- (2) 45 lbs dumbbells
- (2) 50 lbs dumbbells
- (2) 55 lbs dumbbells
- (2) 60 lbs dumbbells
- (2) 65 lbs dumbbells
- (2) 70 lbs dumbbells
- (2) 75 lbs dumbbells
- (2) 80 lbs dumbbells
- (2) Medicine Ball Racks
- (2) 4 lb Hard Medicine balls
- (4) 1b Hard Medicine balls
- (2) 6 lb Hard Medicine balls

- (1) 10 lb Hard Medicine balls
- (5) 3 lb Soft Medicine balls
- (4) 5 Soft Medicine balls
- (1) 6 Soft Medicine balls
- (1) 8 Soft Medicine balls
- (1) 10 Soft Medicine balls
- (1) 15 Soft Medicine balls
- (1) Plyometric Platform Box-12"
- (1) Plyometric Platform Box -18"
- (1) Plyometric Platform Box- 24"
- (1) Plyometric Platform Box- 30"
- (1) Heavy Tractor Tire
- (1) 30' Indoor Battle Rope
- (1) Flat Bench Press
- (2) Olympic Classic 7' Weight Bar
- (1) Olympic Trap Bar
- (1) Olympic Curl Bar
- (1) Wall mounted Pull up Bar
- (3) 5 Lb. Padded Weight Bars
- (10) 9 Lb. Padded Weight Bars
- (10) 12 Lb. Padded Weight Bars.
- (5) 15 Lb. Padded Weight Bars
- (4) 18 Lb. Padded Weight Bars.
- (22) Stability Balls
- (17) Step Platforms
- (72) Step Platforms Risers
- (9) Yoga Blocks
- (5) Yoga straps
- (1) Agility ladder
- (1) Large Desk
- (1) Electric Open Sign
- (2) Flat Screen Televisions
- (2) TV Wall Mounts
- (5) Cubbie Towers
- (6) Steel trash cans
- (74) Steel padded chairs
- (2) small refrigerators
- (1) microwave.
- Black Padded Gym Flooring
- Brown Padded Gym Flooring
- (1) Mobile Trailer
- (30) Silver Sneakers Balls
- (2) Ball Bag
- (22) Large buckets
- (22) Cardio weighted drumming stix
- (5) Bosu balance trainer
- (2) Rotating Pushup handles
- (20) Kneepads sliders
- (9) Jump ropes
- (7) Very Light Round Resistance bands
- (5) Light Round Resistance bands
- (5) Medium Round Resistance bands
- (7) Heavy Round Resistance bands
- (5) Heavy Resistance bands
- (7) Medium Resistance bands
- (17) Light Resistance bands
- (13) Very light Resistance bands
- (2) Resistance band attachment bars
- (46) Heavy Zumba Shake Weights
- (14) Light Zumba Shake Weights
- (2) Gymnastics tri fold tumbling mats.
- (1) Gymnastics large ramp.
- (1) Gymnastics small ramp
- (1) Gymnastics cartwheel block
- (1) Gymnastics Springboard
- (1) Gymnastics mailbox tumbling aid
- (1) Gymnastics Octagon roller
- (6) Gymnastics hula hoops and standing blocks.
- (1) Gymnastics balance beam

DRAFT ORDINANCE NO. 2022-029

AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$875.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT TO BE USED FOR CHILDREN'S ACTIVITIES, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent Parks & Recreation Department has received a donation of \$875.00 from Mike Pechac, Dr. Sharmaine Pechac and the Dunaway Family to be used for Kent Parks and Recreation children's activities; and

WHEREAS, the City wishes to accept said grant donation.

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

SECTION 1. Council does hereby authorize the City Manager on behalf of the City of Kent to accept the donation of \$875.00 from Mike Pechac, Dr. Sharmaine Pechac and the Dunaway Family to be used for Kent Parks and Recreation children's activities, and for the Budget and Finance Director to appropriate the donation into the proper fund.

SECTION 2. 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. 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. 2022-038

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACCEPT THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) ENERGIZED COMMUNITY GRANT AWARD IN THE AMOUNT OF \$47,681.00, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent, Ohio is a member of the Northeast Ohio Public Energy Council ("NOPEC") and has been awarded a NOPEC Energized Community Grant Award in the amount of \$47,681.00; and

WHEREAS, the City would like to accept the funds but place them in escrow with NOPEC until a project meeting the criteria for the grant's use can be identified.

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

SECTION 1. Kent City Council hereby authorizes the City Manager, or his designee, to accept the NOPEC Energized Community Grant Award in the amount of \$47,681.00 and have the grant award placed in escrow with NOPEC.

SECTION 2. 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. 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. 2022- 039

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO DISPOSE OF THE POLICE DEPARTMENT'S OLD MOBILE DATA TERMINALS ON THE BASIS THAT THEY ARE NOT COMPATIBLE WITH THE OPERATING SYSTEM, ARE NOT NEEDED FOR MUNICIPAL PURPOSES, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent would like to dispose of 13 Panasonic Toughbook CF31 computers that were used as in-car computers; and

WHEREAS, these computers have been stored with no anticipation of future use and are not compatible with the operating system. The mobile data terminal are no longer needed for municipal purposes.

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

SECTION 1. Council does hereby authorize the City Manager, or his designee, to dispose of 13 Panasonic Toughbook CF31 computers that were used as in-car computers and are no longer compatible with the operating system.

SECTION 2. 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. 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. 2022-040

AN ORDINANCE AUTHORIZING THE CITY OF KENT TO SUBMIT A FUNDING APPLICATION FOR A REBUILDING AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY AND EQUITY (RAISE) FEDERAL GRANT TOTALING \$5.25 MILLION, AND TO ACCEPT THE GRANT, IF AWARDED, WITH CORRESPONDING APPROPRIATION OF FUNDS FOR THE EAST MAIN STREET AREA IMPROVEMENTS, AND DECLARING AN EMERGENCY.

WHEREAS, the RAISE discretionary grants were originally created under the American Recovery and Reinvestment Act as TIGER grants. The RAISE program received a 50% increase as part of the Bipartisan Infrastructure Law; and

WHEREAS, the current project budget has recently increased due primarily to inflation and has increased the project amount from \$20 million to \$25.5 million; and

WHEREAS, this grant request will represent the last significant funding piece required for the project.

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

SECTION 1. Kent City Council approves submission of the City's pre-application request for the RAISE grant funding totaling \$25.5 million and authorized that the Administration provide all information, funds, and documentation required in said applications for submission.

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

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

SECTION 4. it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 5. 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. 2022-041

AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$50.00 TO THE CITY OF KENT FIRE DEPARTMENT IN MEMORY OF JO KRUGER AND THE KRUGER FAMILY INCLUDING GLEN, JR, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent's Fire Department has received a donation of \$50.00 from Mary Kenneley in memory of Jo Kruger and the Kruger Family including Glen, Jr; and

WHEREAS, the City wishes to accept said donation.

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

SECTION 1. Council does hereby authorize the City Manager on behalf of the City of Kent to accept the donation of \$50.00 from Mary Kenneley in memory of Jo Kruger and Kruger Family including Glen, Jr; and for the Budget and Finance Director to appropriate the donation into the proper fund.

SECTION 2. 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. 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