City of Kent

Wednesday, June 15, 2022

Regular City Council Meeting

320 S. Depeyster Street, Kent, OH 44240

AMENDED AGENDA

7:25 P.M. Board of Control

7:30 P.M. Regular Council Meeting

1. Roll Call

2. Opening Remarks and Pledge of Allegiance - Ms. Shaffer Bish

3. Recognizing Cuyahoga River Survivors and Honoring Fire and Police

4. Introducing New Health/Fire Staff to Council

5. Approval of Minutes

   5.1. Regular Meeting Minutes from May 18, 2022

6. Communications

   6.1. Public Comment (Visitors wishing to address Council please sign up with the Clerk of Council prior to start of the meeting)

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

   1. Planning Commission Agenda and Staff Report for June 7, 2022 received on May 31, 2022
   2. An email from Mr. John Kuhar was received and forwarded to Council on May 31, 2022 in regards to a residents request to have a tree removed from her tree lawn, stating something should be done.
   3. Notification that the June 7, 2022 Architecture Review Board Meeting was canceled due to no agenda items was received on June 1, 2022.
   4. The draft Portage County Vision Plan was received and forwarded to Council on June 3, 2022.
   5. The Standing Rock Cemetery Board of Trustees Agenda for June 9, 2022 and the April and May meeting minutes were received on June 6, 2022.

   6.3. City Manager's Report

7. Standing Committees & Legislation

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

7.1.1. Committee Meeting Minute Approval of June 1, 2022

7.1.2. Action(s) Recommended: None

7.1.3. Voting on Boards and Commission Appointments

7.1.4. Authorization of Names Into Legislation

7.1.5. **Draft 2022-057** A RESOLUTION APPOINTING __________, __________, ____________, _________ AND ________ TO THE CITY FLAG REDESIGN COMMITTE, AND DECLARING AN EMERGENCY (AUTHORIZED)

7.1.6. **Draft 2022-058** A RESOLUTION APPOINTING __________ TO THE PORTAGE AREA REGIONAL TRANSIT AUTHORITY BOARD, AND DECLARING AN EMERGENCY (AUTHORIZED)

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

7.2.1. Committee Meeting Minute Approval of June 1, 2022

7.2.2. Action(s) Recommended:

1. Authorize the TREX liquor license for Aces Enterprise, LLC with the emergency clause

7.2.3. **Draft 2022-059** AN ORDINANCE AUTHORIZING THE TRANSFER OF A TREX LIQUOR LICENSE INTO THE CITY OF KENT BY THE ACES ENTERPRISE, LLC, AN OHIO LIMITED LIABILITY COMPANY, CONDITIONED UPON THE EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF KENT, OHIO AND ACES ENTERPRISE, LLC, AND DECLARING AN EMERGENCY (AUTHORIZED)

7.3. **Land Use Committee** Chair Ferrara/ Vice-Chair Shaffer Bish

7.3.1. Committee Meeting Minute Approval of June 1, 2022

7.3.2. Action(s) Recommended

1. Authorize the proposed Zoning Map updates for parcels 12-049-00-00-012-000,6700 State Route 43, and parcel 17-042-00-00-001-000, 6662 state route 43, with the emergency clause.

7.3.3. **Draft 2022-060** AN ORDINANCE AMENDING THE CITY'S ZONING DISTRICTS MAP FOR PARCEL #12-049-00-00-012-000 (6700 STATE ROUTE 43) TO BE

REZONED TO I-R: INDUSTRIAL RESEARCH AND OFFICE ZONING DISTRICT, EFFECTIVE DATE OF THE AMENDMENT SHALL BE UPON PORTAGE COUNTY'S ACCEPTANCE OF THE ANNEXATION AND MUNICIPAL BOUNDARY CHANGE, AND DECLARING AN EMERGENCY

7.3.4. **Draft 2022-061** AN ORDINANCE AMENDING THE CITY'S ZONING DISTRICTS MAP FOR PARCEL #17-042-00-00-001-000 (6662 STATE ROUTE 43) TO BE REZONED FROM R-1: LOW DENSITY RESIDENTIAL ZONING DISTRICT TO I-R: INDUSTRIAL RESEARCH AND OFFICE ZONING DISTRICT, AND DECLARING AN EMERGENCY (AUTHORIZED)

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

7.4.1. Committee Meeting Minute Approval of June 1, 2022

7.4.2. Action(s) Recommended

1. Authorize the proposed multi-party Transportation Improvement Agreement with the emergency clause.
2. Authorize the submission of the OPWC grant requests with the emergency clause.
3. Authorize the increase in the City's contribution to the Chamber of Commerce to cover the increased cost of fireworks, with the emergency clause.
4. Authorize the acceptance and allocation of $4,807.24 in grant funding to be used for the purchase of replacement body armor with the emergency clause.
5. Authorize the acceptance and use of the donated K-9 ballistic vest with the emergency clause.
6. Approve the 2022 budget appropriations amendment #3 with the emergency clause.

7.4.3. **Draft 2022-062** AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE SR59 ALTERNATIVE TRANSPORTATION IMPROVEMENT AGREEMENT BETWEEN THE CITY OF KENT, PARTA AND FRANKLIN TOWNSHIP TO PURSUE FUNDING FOR ACTIVE TRANSPORTATION IMPROVEMENTS ON STATE ROUTE 59, AND DECLARING AN EMERGENCY (AUTHORIZED)

7.4.4. **Draft 2022-063** AN ORDINANCE AUTHORIZING THE CITY OF KENT TO SUBMIT TWO (2) FUNDING APPLICATIONS TOTALING $947,000 AND TO EXECUTE THE SUBSEQUENT AGREEMENTS WITH THE OHIO PUBLIC WORKS COMMISSION (OPWC), AND TO ACCEPT THE GRANTS, IF AWARDED, WITH CORRESPONDING APPROPRIATION OF FUNDS AND DECLARING AN EMERGENCY (AUTHORIZED)

7.4.5. **Draft 2022-064** AN ORDINANCE AUTHORIZING THE CITY OF KENT TO COVER THE INCREASE IN COST OF THE FIREWORKS DISPLAY FOR THE

ANNUAL KENT HERITAGE FESTIVAL TO KENT AREA CHAMBER OF COMMERCE FOR THE YEARS 2022, 2023 AND 2024, AND DECLARING AN EMERGENCY (AUTHORIZED)

7.4.6. **Draft 2022-065** AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACCEPT GRANT FUNDING IN THE AMOUNT OF $4,807.24 THROUGH THE OHIO LAW ENFORCEMENT BODY ARMOR GRANT PROGRAM FOR THE PURCHASE OF EXPIRING BODY ARMOR, AND DECLARING AN EMERGENCY (AUTHORIZED)

7.4.7. **Draft 2022-066** AN ORDINANCE ACCEPTING A DONATION OF A K9 BALLISTIC VEST FROM BRADY'S K9 FUND TO THE CITY OF KENT'S POLICE DEPARTMENT, VALUED AT $1,500.00, AND DECLARING AN EMERGENCY (AUTHORIZED)

7.4.8. **Draft 2022-067** AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACCEPT GRANT FUNDING IN THE AMOUNT OF $1,841.05 FROM THE OHIO DEPARTMENT OF HEALTH'S FLUORIDATION ASSISTANCE PROGRAM (ODOH) TO REPLACE 2 (TWO) PUMPS, AND DECLARING AN EMERGENCY (UNAUTHORIZED)

7.4.9. **DRAFT 2022-068** 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 (AUTHORIZED)

7.4.10. **Draft 2022-069** AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A NEW ENERGIZED COMMUNITY GRANT AGREEMENT WITH NOPEC TO SECURE GRANT FUNDS THAT ARE AVAILABLE TO THE CITY TO USE FOR ENERGY SAVING RELATED INVESTMENTS, AND DECLARING AN EMERGENCY (UNAUTHORIZED)

8. Unfinished Business

9. New Business

10. Councilmembers' Comments

11. 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, May 18, 2022

Regular City Council Meeting

320 S. Depeyster Street, Kent, OH 44240

MINUTES

7:20 P.M. CHIP Public Hearing

Present:	Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Mr.Roger Sidoti, Mr.Robin Turner, Ms.Tracy Wallach
Also Present:	Mr. Dave Ruller, City Manager; Mr. Eric Fink, Assistant 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. Jerry T. Fiala, Mayor and President of Council, Ms.Gwen Rosenberg, Mr. Garret Ferrara, Ms. Heidi Shaffer Bish (arrived at 7:30 pm)

MOTION TO EXCUSE MS. ROSENBERG AND MR. FERRARA MADE BY Mr. Michael DeLeone, SECONDED by Mr.Roger Sidoti and CARRIED by a voice vote of 7-0-0.

Mr. Jack Amrhein, President Pro-Tem, called the CHIP public hearing to order and roll was taken. This is the second public hearing on the 2022 Community Housing Impact and Preservation (CHIP) Program for Program Year 2022 Application for Funding. Ms. Bridget Susel said the City has been the recipient of these funds for several decades and are permitted to apply for $250,000 which is used for an owner-occupied rehabilitation program for low to moderate income people.

There were no members of the public in the audience who wished to speak on the topic.

The Public Hearing was adjourned at 7:22 p.m.

7:25 P.M. CDBG Public Hearing

Present:	Mr. Jack Amrhein, Mr.Michael DeLeone, Mr. John Kuhar, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach

Also Present: Mr. Dave Ruller, City Manager; Mr. Eric Fink, Assistant 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. Jerry T. Fiala, Mayor and President of Council, Ms.Gwen Rosenberg, Mr. Garret Ferrara, Ms. Heidi Shaffer Bish (arrived at 7:30 pm)

MOTION TO EXCUSE MS. ROSENBERG AND MR. FERRARA MADE BY Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 7-0-0.

Mr. Jack Amrhein, President Pro-Tem, called the CDBG public hearing to order and roll call was taken. This is the second public hearing to allow for public comment on the Community Development Block Grant (CDBG) Program Year 2022 Action Plan. Ms. Bridget Susel stated the City received notification of receiving funding in the amount of $306,220, which is lower than the 2021 funding. The City plans on using a small amount of unappropriated funds to offset the project funding to ensure the projects Council reviewed in March are funded at that same level. The program is used to support projects in housing, social service delivery and infrastructure activities in low to moderate income households.

There were no members of the public who wished to speak on this topic and the public hearing adjourned at 7:26 p.m.

Board of Control

7:30 P.M. Regular Council Meeting

Present: Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach

Also Present: Mr. Dave Ruller, City Manager; Mr. Eric Fink, Assistant 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. Jerry T. Fiala, Mayor and President of Council, Ms. Gwen Rosenberg, Mr. Garret Ferrara

Opening Remarks and Pledge of Allegiance

Mr. Kuhar said good evening to all and started his comments by stating we are lucky to live in the United States and have the freedoms that we have. He added it is hard to come up with an opening statement. He discussed how he identifies people when he describes them, which should not be the norm. He pondered how not to describe people with identifiers, saying it would be easier if he personally knew them. He said if he went out and shook hands with a stranger every time he went out, he could call them by their first and last name. He said that might be a small step to take the division that is occurring in America. He referenced the Pit Stop restaurant owned by Mr. Dukes and asked people to visit his restaurant.

He asked all to stand for the Pledge of Allegiance.

Approval of Minutes

MOTION TO APPROVE THE APRIL 20, 2022 REGULAR COUNCIL MEETING MINUTES AND THE MAY 4, 2022 JOINT FRANKLIN TWP. AND KENT CITY COUNCIL MEETING MINUTES MADE BY Mr. Robin Turner, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 7-0-0.

Public Comment

Mr. Amrhein began by reading 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 Pro-Tem of Council, I reserve the right to end any public communication that is disruptive, embarrassing, harassing or otherwise objectionable. We ask you to give your name and address and limit comments to three (3) minutes."

Clerk of Council, Ms. Amy Wilkens, called the first member of the public, Mr. Fritz Seefeldt to the microphone to speak to Council.

Mr. Seefeldt, who resides in Brimfield, introduced himself to Council as a representative of Haymaker Farmers Market. He spoke in favor of the moratorium on food truck regulations being presented. He said the market has already been impacted by two of their vendors who said with the new regulations and the fees that would be incurred, they have chosen not to vend at the Farmers Market. There are vendors that bring prepared food, or who prepare food on site, who would be impacted as well. He stated it would have a negative impact on the Farmers Market and the city of Kent as well.

Mr. Amrhein thanked Mr. Seefeldt for his comments.

Clerk of Council, Ms. Amy WIlkens, called the next member of the public, Ms. Bobbi Ullinger, to the microphone to speak to Council.

Prior to the meeting, Ms. Ullinger had passed out miniature Hershey bars to members of Council and referenced that in her opening remarks, stating that her pronouns are her/she, just like the chocolate bar. She thanked Council for the letter that was written to the Ohio General Assembly, of which she received a copy. Ms. Ullinger read the attached letter to Council (**Attachment 1**). She concluded by thanking them.

Next, Ms. Wilkens called the final speaker, J. Michael Fiala, who read from the attached statement **(Attachment 2)**.

Written Communication

1. Email from Ms. Shirley Sobol, a resident on Lake Street, regarding interactions with Code Enforcement, received and forwarded to Council on April 27, 2022.
2. Email from J. Andrew Rome, Market Manager for the Haymaker Farmers Market, regarding Mobile Food Unit Regulations was received and forwarded to Council on May 2, 2022.
3. Audit Release Notification from the Ohio State Auditor notifying Kent that the data provided to the Ohio Public Employees Retirement System as of December 31,2021 is accurate and complete was received on April 18, 2022.
4. Civil Service Commission Meeting Agenda was received on May 1, 2022.
5. Email was received on May 2, 2022 from Mr. Nick Bellas notifying Council he will be moving out of town and will be resigning from the Planning Commission effective May 31, 2022.
6. Board of Health Agenda and Statistical Report for the May 10, 2022 meeting was received on May 5, 2022.
7. Standing Rock Cemetery Board Meeting Agenda for May 12, 2022 was received on May 5, 2022.
8. Notification of the NAACP Scholarship Reception being held on May 14, 2022 was received and forwarded to Council on May 11, 2022.
9. Brady’s Leap Riverwalk Dedication notification for Friday, May 20, 2022 at 11 a.m. on Main St. Bridge Trail Entrance Stairs was received and forwarded to Council on May 11, 2022.

MOTION TO APPROVE THE CITY MANAGER'S REPORT MADE BY Mr. Jack Amrhein, SECONDED by Ms. Heidi Shaffer Bish and CARRIED by a voice vote of 7-0-0.

1. Council asked for resolutions to be drafted stating concern about proposed HB 454 (restricting medical care to LGBTQ+) and HB 616 (restricting teaching on race, gender, and diversity in schools). (Draft# 2022-048, 2022-049)
2. Request for Council's authorization to submit a CHIP grant application to the Ohio Department of Development in the amount of $250,000 to be used to promote safe and decent housing for residents of low to moderate income. (Draft# 2022-050)
3. Request for Council's approval to temporarily suspend the recently adopted new food cart regulations, reverting back to the previous regulations, while the new regulations are further refined. (Draft #2022-054)
4. Request for Council's approval to accept and allocate a $1,500 donation from the Henry V. and Frances W. Christenson Foundation for beautification of City parks. (Draft #2022-056)
5. Request for Council to authorize time to schedule a public hearing for 2 proposed zoning map amendments at the start of the June Committee meeting.
6. Request for Council Committee of the Whole time to allow Council to interview prospective candidates for vacancies on City Boards and Commissions.
7. Request for Committee of the Whole time in June to further discuss the proposal for a new diversity liaison or commission.
8. Request for Community Development time to present a request for a new TREX Agreement for Aces Enterprises LLC.
9. Request for Land Use Committee time to present a proposed zoning map amendment for the recently annexed Davey Tree property.
10. Request for Land Use Committee time to present a proposed zoning map amendment for the former Franklin Elementary School property now owned by Davey Tree.
11. Request for Health & Safety Committee time to present proposed new legislation related to the residential use of fireworks.
12. Request for Finance Committee time to present a proposed Agreement among the City, Franklin Township, and PARTA to pursue alternative transportation funding for a joint project on SR59 from Horning Road to SR26l .
13. Request for Finance Committee time to ask for Council's authorization to submit City capital improvement projects for consideration of OPWC funding.
14. Request for Finance Committee time to share a request from the Kent Area Chamber of Commerce for additional funding for the annual Heritage Festival fireworks show.
15. Request for Finance Committee time to ask for Council's approval to submit a grant for funding the purchase of body armor.

Standing Committees & Legislation

Committee of the Whole

MOTION TO APPROVE COMMITTEE MEETING MINUTES FROM MAY 4, 2022 MADE BY Mr. Robin Turner, SECONDED by Mr. John Kuhar and CARRIED by a voice vote of 7-0-0.

There were no recommended actions to approve.

MOTION TO APPOINT MICHELLE SAHR TO THE BOAD OF ZONING APPEALS; MELISSA ZULLO TO THE HEALTH BOARD AND NASER MATAR TO THE PLANNING COMMISSION MADE BY Ms. Heidi Shaffer Bish, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 7-0-0.

MOTION TO AUTHORIZE THE INSERTION OF NAMES INTO LEGISLATION MADE BY Mr. Michael DeLeone, SECONDED by Mr. Robin Turner and CARRIED by a voice vote of 7-0-0.

DRAFT 2022-045 A RESOLUTION APPOINTING MICHELLE SAHR TO THE BOARD OF ZONING APPEALS, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-045 MADE by Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 7-0-0.

MOTION TO APPROVE DRAFT 2022-045 MADE BY Ms. Heidi Shaffer Bish, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 7-0-0.

RESOLUTION 2022-045 PASSED as stated by Clerk Wilkens.

DRAFT 2022-046 A RESOLUTION APPOINTING NASER MATAR TO THE PLANNING COMMISSION, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THREE READINGS OF DRAFT 2022-046 MADE BY Ms. Heidi Shaffer Bish, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 7-0-0.

MOTION TO ADOPT DRAFT 2022-046 MADE BY Mr. John Kuhar, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 7-0-0.

RESOLUTION 2022-046 PASSED as stated by Clerk Wilikens.

DRAFT 2022-047 A RESOLUTION APPOINTING MELISSA ZULLO TO THE BOARD OF HEALTH, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-047 MADE BY Ms. Heidi Shaffer Bish, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 7-0-0.

MOTION TO ADOPT DRAFT 2022-047 MADE BY Ms. Heidi Shaffer Bish, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 7-0-0.

RESOLUTION 2022-047 PASSED as stated by Clerk Wilkens.

DRAFT 2022-048 A RESOLUTION OF THE CITY OF KENT, OHIO EXPRESSING THE CONDEMNATION OF THE MAYOR AND CITY COUNCIL OF OHIO HOUSE BILL NO. 616, WHICH PROHIBITS AND CENSORS CONVERSATIONS ABOUT THE EXPERIENCES AND FAMILIES OF LGBTQ+ OHIOANS IN OUR SCHOOLS FROM GRADES K-12 AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-048 MADE BY Ms. Heidi Shaffer Bish, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 7-0-0.

MOTION TO ADOPT DRAFT 2022-048 MADE BY Ms. Heidi Shaffer Bish, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 6-1-0, with Mr. Kuhar voting 'No'.

Resolution 2022-048 PASSED as stated by Clerk Wilkens.

DRAFT 2022-049 A RESOLUTION OF THE CITY OF KENT, OHIO EXPRESSING THE CONDEMNATION OF OHIO HOUSE BILL NO. 454, WHICH PROHIBITS AFFIRMATIVE CARE FOR OHIO TRANSGENDER YOUTH, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-049 MADE BY Ms. Heidi Shaffer Bish, SECONDED by Ms. Tracy Wallach and CARRIED by a voice vote of 7-0-0.

MOTION TO ADOPT DRAFT 2022-049 MADE BY Ms. Heidi Shaffer Bish, SECONDED by Ms. Tracy Wallach and CARRIED by a voice vote of 6-1-0, with Mr. Kuhar voting 'No'.

RESOLUTION 2022-049 PASSED as stated by Clerk Wilkens.

Community Development

MOTION TO APPROVE COMMITTEE MEETING MINUTES FROM MAY 4, 2022 AND THE ACTIONS RECOMMENDED MADE BY Mr. John Kuhar, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 7-0-0.

Action(s) Recommended:

1. Authorize the continuation of the Davey Tree Enterprise Zone Agreement.

DRAFT 2022-050 AN ORDINANCE AUTHORIZING THE COMMUNITY DEVELOPMENT DEPARTMENT TO SUBMIT A PROPOSAL TO THE STATE OF OHIO DEVELOPMENT SERVICES AGENCY, OFFICE OF COMMUNITY DEVELOPMENT, TO PARTICIPATE IN THE PY2022 COMMUNITY HOUSING IMPACT AND PRESERVATION PROGRAM (CHIP) AND UPON AWARDING OF THE GRANT, AUTHORIZING APPROPRIATION OF FUNDS AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022- 050 MADE BY Mr. John Kuhar, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 7-0-0.

MOTION TO APPROVE DRAFT 2022- 050 MADE BY Mr. John Kuhar, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 7-0-0.

ORDINANCE 2022-050 PASSED as stated by Clerk Wilkens.

DRAFT 2022-051 AN ORDINANCE APPROVING A REQUEST FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ASSISTANCE FOR FISCAL YEAR 2022 UNDER TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, INCLUDING THE PY2022 ANNUAL ACTION PLAN AND AUTHORIZING THE EXECUTION AND FILING OF THE PY2022 ANNUAL ACTION PLAN, INCLUDING RELATED CERTIFICATIONS, AND UPON AWARDING OF THE GRANT, AUTHORIZING APPROPRIATION OF FUNDS AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-051 MADE by Mr. John Kuhar, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 7-0-0.

MOTION TO ADOPT DRAFT 2022-051 MADE by Heidi Shaffer Bish, SECONDED by Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr.

Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 7-0-0.

ORDINANCE 2022-051 PASSED as stated by Clerk Wilkens.

DRAFT 2022-052 AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO CONTINUE THE ENTERPRISE ZONE AGREEMENT WITH THE DAVEY TREE EXPERT COMPANY PROVIDING FOR A PROJECT AND REAL PROPERTY TAX EXEMPTION PURSUANT TO THE OHIO ENTERPRISE ZONE PROGRAM (EZ), AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-052 MADE by Mr. Roger Sidoti, SECONDED by Mr. John Kuhar. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 7-0-0.

MOTION TO ADOPT DRAFT 2022-052 MADE by Ms. Heidi Shaffer Bish, SECONDED by Mr. John Kuhar. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 7-0-0.

ORDINANCE 2022-052 PASSED as stated by Clerk Wilkens.

<u>Health & Safety Committee</u>

MOTION TO APPROVE COMMITTE MEETING MINUTES OF MAY 4, 2022 AND THE ACTIONS RECOMMENDED MADE BY Mr.Jack Amrhein, SECONDED by Mr.Michael DeLeone and CARRIED by a voice vote of 7-0-0.

Action(s) Recommended:

1. Authorize the changes to the City's Noise Ordinance.

DRAFT 2022-053 AN ORDINANCE AMENDING SECTION 509.12 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT TITLED "UNLAWFUL NOISE", AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-053 MADE by Mr. John Kuhar, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 7-0-0.

MOTION TO ADOPT DRAFT 2022-053 MADE by Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 7-0-0.

ORDINANCE 2022-053 PASSED as stated by Clerk Wilkens.

DRAFT 2022-054 AN ORDINANCE IMPOSING AN INDEFINITE MORATORIUM ON THE APPLICABILITY OF ORDINANCE NO. 2022-004 TITLED "MOBILE FOOD UNIT REGULATIONS" AS IT PERTAINS TO REGULATE VENDING, PEDDLING AND SOLICITING IN THE CITY, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-054 MADE by Ms. Heidi Shaffer Bish, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Michael DeLeone, Mr. Jack Amrhein, Mr. John Kuhar, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, , Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 7-0-0.

MOTION TO ADOPT DRAFT 2022-054 MADE by Ms. Heidi Shaffer Bish, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Michael DeLeone, Mr. Jack Amrhein, Mr. John Kuhar, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, , Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 7-0-0.

ORDINANCE 2022-054 PASSED as stated by Clerk Wilkens.

Finance Committee

MOTION TO APPROVE THE COMMITTEE MEETING MINUTES OF MAY 4, 2022 AND THE ACTION RECOMMENDED MADE BY Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 7-0-0.

Action(s) Recommended:

1. Authorize the acceptance and allocation of $80,000 in grant funding to be used for the purchase of Police body cameras.

DRAFT 2022-055 AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACCEPT GRANT FUNDING IN THE AMOUNT OF $80,000 FOR BODY CAMERAS, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-055 MADE by Mr. Michael DeLeone, SECONDED by Ms. Heidi Shaffer Bish. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr.John Kuhar, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 7-0-0.

MOTION TO ADOPT DRAFT 2022-055 MADE by Mr. Michael DeLeone, SECONDED by Mr. John Kuhar. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr.John Kuhar, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 7-0-0.

ORDINANCE 2022-055 PASSED as stated by Clerk Wilkens.

DRAFT 2022-056 AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF $1,500.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT FROM THE HENRY V. AND FRANCES W. CHRISTENSON FOUNDATION FOR KENT PARKS AND RECREATION BEAUTIFICATION, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-056 MADE by Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 7-0-0.

MOTION TO ADOPT DRAFT 2022-056 MADE by Ms. Tracy Wallach, SECONDED by Mr. Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 7-0-0.

ORDINANCE 2022-056 PASSED as stated by Clerk Wilkens.

Unfinished Business

NONE

New Business

NONE

Councilmembers' Comments

Mr. Sidoti mentioned the tragedy in Buffalo being another example of the types of conduct people have in this country with hate-filled rhetoric, and Mr. Kuhar's opening comments struck a nerve because he is absolutely correct. We have more freedoms, but that also means we have a staggering amount of responsibility. He believes both sides of the political spectrum today have lost the ability to speak eloquently about how each one of us is responsible for making sure we maintain these freedoms.

Mr. Turner comments on the newspaper's editorial comments and our last meeting that didn't properly contextualize what transpired. The article led its readers to believe the NAACP concluded there was systemic racism in the city. To interpose words from a councilmember months prior to last week's meeting was highly inaccurate. They gave a whole different feel to the discussion. This city has worked hard to do work that needs to be done. He thinks through the NAACP bringing this forward it brings us the ability to address the concerns of the community. It gave the impression that we are at "loggerheads" with the NAACP, which is not accurate. He doesn't want to cast dispersion on where we are as a community. We as a government and council have stepped up and he doesn't want to be portrayed as we are not standing up. We are working to try to do better and we have stepped up every opportunity to do so. The public has chosen us to represent the community and we do that. The article did not accurately portray what the administration, the mayor, the city manager and council said. The newspaper needs to be more accurate and relay more accurately what the city council has done. The NAACP is challenging us to do better and we are accepting that challenge. He asked us to please give them the opportunity to do the job we were chosen to do. He said him and the mayor hadn't always seen eye to eye, but mayor Fiala stepped up and did what he needed. He is very proud of the city staff.

Mr. Kuhar said he wanted to say in simple terms, the doors to Kent city hall are open and, instead of having special treatment for people, we have equal treatment for all people. The doors are open and everyone will be treated equally.

Mayor's Report

NONE

Executive Session

MOTION TO ENTER EXECUTIVE SESSION TO DISCUSS A COURT CASE MADE BY Mr. Jack Amrhein, SECONDED by Mr.Michael DeLeone and CARRIED by a voice vote of 7-0-0.

Present:	Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, , Ms. Heidi Shaffer Bish, Mr. Roger Sidoti,Mr. Robin Turner, Ms.Tracy Wallach
Absent:	Mr. Jerry T. Fiala, Mayor and President of Council, Ms. Gwen Rosenberg, Mr. Garret Ferrara

MOTION TO GO BACK INTO THE PUBLIC MEETING AT 8:58 PM. MADE by Mr. Amrhein SECONDED by Mr. Sidoti and CARRIED by a voice vote of 7-0-0.

MOTION TO APPROVE SETTLEMENT IN REGARDS TO THE COURT CASE INVOLVING LANDLORDS MADE by Mr. Sidoti SECONDED by Mr. DeLeone and CARRIED by a voice vote of 6-1-0 with Mr. Kuhar voting 'No'.

MOTION TO ADJOURN MADE BY Mr. Roger Sidoti, SECONDED by Mr. John Kuhar and CARRIED by a voice vote of 7-0-0.

With no further business, the City Council Regular Meeting adjourned at 8:59 p.m.

__________________ ____________________

Amy Wilkens	Jerry T. Fiala
Clerk of Council	Mayor & President of Council

CITY OF KENT, OHIO

April 28, 2022

Honorable Members of the Ohio General Assembly:

The Mayor and I are writing on behalf of the Kent City Council to urge your opposition to Ohio House Bills 616 and 454.

HB616 proposes to restrict teaching on race, gender and diversity in Ohio's K-12 schools which we view as an unprecedented use of public education to advance a political agenda through regulation of local curriculum and instruction. The bill undermines local control and takes steps down the slippery slope of using public education to promote exclusion and intolerance by suppressing dialogue and perpetuating an insular view of history.

As leaders in the Kent community, we stand united in our commitment to promote inclusion and to be a welcoming place for all. Legislation that seeks to marginalize people by restricting understanding of race, class, gender, sexuality, etc., must not be allowed to dismantle our community for political gain – and we ask for you to join us in opposition to HB616.

HB454 proposes to ban medical and mental health care for minors in the LGBTQ+ community. Withholding medical care for political purposes is contrary to our commitment to care for all individuals equally. In responding to 911 calls in our community, the singular goal is ensuring the best care, and we expect no less from our State laws. The idea of State based bigotry is reprehensible and we need you to join us in opposition to HB454

Legislation like HB454 and HB616 seek to erase valued members of our community from our classrooms and deny full access to life saving medical care, ultimately impairing our ability to fully embrace, support, and affirm all students and all members of our community. We need your help to make sure students and community members can learn, work and live with dignity, respect, free from fear and violence, and protected from prejudice by opposing HB616 and HB454.

We implore our State legislators to vote these bills down and to vocally speak up against the divisiveness they cause in Ohio. In these challenging times it is more important than ever that we work together to speak out against any attack on the foundational principles of our democracy.

Respectfully,

Jerry T. Fiala
Mayor, City of Kent

Dave Ruller
City Manager, City of Kent

Cc: Honorable Members of Kent City Council
Hope Jones, Law Director
Amy Wilkens, Clerk of Council

May 18, 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 encourage Council to vote in support of the moratorium of the new food truck ordinance; to rescind the current iteration of the ordinance, and restore the prior version of regulations for operating a mobile food business in the City of Kent until a new ordinance can be crafted that: 1) treats food trucks as a legitimate business through the removal of protectionist language; 2) does not burden the food truck business with extraneous administrative tasks, fees, and oppressive oversight from city departments; 3) justifies fees through an approved cost methodology; 4) treats all mobile food operations equally; and 5) views food trucks as a resource rather than a problem.

But as a city we have to face a few truths:

- Our downtown retail is dismal. Even prior to COVID, College Town Kent and Acorn Alley were having trouble filling spaces with anything, let alone retail options that would draw people in.

- Our food scene is quite monotonous. There are a handful of bar and grill spots that all have the same basic menu. The same goes for Mexican, Mediterranean, Asian, Taco joints, Sushi places, Coffee shops, and so on.

- We need KSU students and their families to support our businesses. It would be very difficult for city residents to purchase enough for most businesses to maintain a positive cash flow.

- Real Estate is expensive for small business, requires a lot of renovation and updating, and is generally unattainable for small start ups. This forces the city to rely on the deep pockets of a small group of individuals with the ability to take the risk.

Kent has a resource that if handled with care, would alleviate or cure many of these woes. By constructing laws that support food truck business, laws that draw them into your city, you increase the potential for a more vibrant living experience with increased food choices and flavors.

When first conceptualizing our food business, it was a brick and mortar. I inquired around town at a few locations that I thought would have fit our concept. One location was in College Town Kent. I was quoted 10-12k/month in rent alone. (That’s a lot of burgers.) Many of the older buildings I looked at required $500k just to make the space stable. (That's a lot more burgers.) By comparison, I was able to get into the food truck business for less than $5000 total.

The ordinance as it stands, makes the prospect of retail mobile vending (the type of food trucking that the city would benefit from the most) nearly not worth the trouble. In looking at our calendar, we are doing 3 Kent festivals, no brewery appearances (these were the things we wanted to do the most as food truckers). We quickly shifted our focus toward more guaranteed money, private parties because of laws like this. We also advise newbies to plan more private parties. By creating laws that hinder food truck operators, it pushes them away from the business segments that would most benefit the city.

One of the biggest pinch points for me is that paying this fee doesn't afford us any extra protections. We will potentially be inspected every time we set up. We potentially will be asked by multiple city personnel if we have the proper permits. We won't even experience a better law enforcement presence that could prevent muggings and theft. One of my biggest fears.

Without a doubt, Kent needs Food Trucks. We need food trucks that support and accentuate our downtown. We need food trucks that round out our brick and mortar food businesses. We need food trucks that draw people downtown for a bite to eat and shopping. With well constructed food laws, we could make Kent feel like there was a festival everyday in the summer.

Without a doubt, Kent needs Food Trucks.

City of Kent

Wednesday, June 1, 2022

City Council Committee Meetings

320 S. Depeyster Street, Kent, OH 44240

MINUTES

6:50 P.M. PUBLIC HEARINGS

At 06:50 PM, Mayor Jerry T. Fiala called the Public Hearing to order.

Present:	Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach
Also Present:	Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Service 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. Garret Ferrara

Mayor Fiala opened the first public hearing and Ms. Bridget Susel said it was for the proposed map amendment to add parcel 12-049-00-00-012-000,6700 State Route 43, to the City of Kent zoning district map and designate the zoning as I-R: Industrial Research and Office District.

There were no questions from the audience and the hearing adjourned.

Mayor Fiala opened the second public hearing and Ms. Bridget Susel said it was for the proposed map amendment to change the zoning of parcel no. 17-042-00-00-001-000, 6662 state route 43, from R-1 Low Density Residential to I-R: Industrial Research and Office District.

There were no questions from the audience and the hearing adjourned.

BOARD OF CONTROL

COUNCIL COMMITTEE MEETINGS

Committee of the Whole

Mayor Fiala opened the Committee of the Whole meeting, welcoming everyone and introducing the first topic of Board and Commission Interviews.

Board, Commission & Committee Interviews

Kenny Crookston was the first applicant called to the podium to interview for the City Flag Redesign Committee. He is a resident on Vine Street. He finds the opportunity to work as part of a team to redesign the flag exciting. He is interested in flag design and has been for a while. The flag could be something the city can be proud of and represent its values and people. He thanked the Council for considering him for the committee.

Mr. Michael DeLeone asked Mr. Crookston what parts of the flag design that was previously submitted he liked. Mr. Crookston said he really didn't like it. He thought having the bridge and trees on the flag was important, but the bridge is not a focal point of Kent. He thinks simplifying the design with something that is not a fad and finding something that is clean is important.

Mr. Turner asked what elements represented the city to him.

Mr. Crookston said the river, the historical significance of the city being part of the underground railroad, and the origin of the city being two different localities merging into one. He said then figuring out a way to integrate those into the flag to represent who we are.

Next up was Mr. Zach Garster, who resides on Fairchild Ave. He has ten years of graphic design experience and is looking for ways to help his community. Part of what he does every day at his job is to communicate a story in a graphical way. He had practiced doing this and when he saw there was a need, he applied.

Mr. DeLeone asked him what he liked about the previously proposed flag. Mr. Garster said he had not seen the previous flag but would love to see it.

Ms. Valerie Landis was called up to the microphone to tell Council why she would like to be on the committee. She reviewed with Council the five fundamentals of good flag design. She would like to get the community involved and stated that getting residents' input is the most important part.

Ms. Rosenberg asked if she viewed her role as designing the flag or soliciting ideas. Ms. Landis said she had design ideas she could contribute to, but believes community involvement is critical too. She has already reached out to members of the community and received input on ways residents can contribute.

Mr. Mario Morelos is interested in being a part of the redesign process. He is an entrepreneur and is hopeful to help facilitate a process for the city. He loves the city and would love to be a part of this committee.

There were no questions for Mr. Morelos.

Mr. Jonathan Ridinger resides on Harold Ave and has lived in Kent his whole life, spending some of his spare time developing the City of Kent Wikipedia page. He is a member of the Flag Institute in the United Kingdom and a past member of the Vexilogical Society. He said what we heard earlier of the five basic flag dimensions is very important. He thinks the committee should guide the design, picking the colors, symbols and then narrowing down the designs and making adjustments. He said that would be the best way to design a flag.

Mr. Sidoti asked what he would bring to the flag discussion. Mr.Ridinger has looked at many flags across cities and organizations. He said city and county flags are an obscure thing that you don't see very often and people don't know what they are. He gave the example of the City of Cleveland flag that flies at Cleveland Guardians games, with people usually mistaking it for the flag of France. He looked at the city of Chicago's flag, which is a really good flag design, which is very recognizable and used in any marketing they do. It is very visible in Chicago and is seen everywhere in the city.

Mayor Fiala said there is a resolution on the books concerning the current flag's design and Mr. Ridinger said he was aware of that and that it would need to be reviewed.

Mr. Turner said that being from Chicago, he had no clue as to what the stars on the flag mean. He asked if the committee could do outreach to explain the flag. Mr. Ridinger went into a few different examples of things that can be incorporated, including the river, the canal, and the university.

Mayor Fiala reminded the candidates they would vote on appointments at the next council meeting in two weeks.

The next opening is for the Portage Area Regional Transit Authority (PARTA) Board.

Stacey Wilson who resides on Majors Lane introduced herself, stating the PARTA Board would satisfy her desire to volunteer her time to helping with equal access. She said having bus access for people without transportation is extremely important. The other desire is to help with the climate crisis, stating we have solar, electric cars and buses and would like to help spearhead this effort with PARTA.

Mayor Fiala asked when was the last time she had ridden the bus. Ms. Wilson said she moved here two years ago from Philadelphia, and that she used the buses and trains there. She said she also used the bus every day to get to work while living in Houston.

There were no further questions and Mayor Fiala thanked all of the applicants.

Discussion on the Proposed Community Liaison

Mayor Fiala gave a brief overview of the work that has been done over the past few months and said the discussion would continue this evening. He asked who would want to start the discussion first.

Mr. Ruller, the City Manager, said he would like to start the discussion.

Mr. Ruller outlined the idea of hiring a part-time liaison. He said we spend a lot of time philosophizing about national issues, but in the end Council wanted to focus on what could be done locally. He said the NAACP, the InterFaith Alliance and other higher level conversation committees already do this and he does not believe we need another one of those. He said we have a lot of needs and have to prioritize those needs, and has discussed with City Department Heads ideas for this position. He wanted to float the idea to the Council before he began the work on creating this position. After the past few meetings where this was being discussed, he said many people came up to him afterwards mentioning they had no idea of all the City had been working on. He said his person could be the champion and help relay the City's work to the community. Mr. Ruller read through a list of ideas he had for this person to take on, which included working with senior housing, international, black, underrepresented communities; training opportunities; civil service testing; Title VI which deals with discrimination; mentoring and recruiting minority run businesses to bid on jobs; policy review; and HR onboarding and retention. He added that hiring people right now is quite difficult, so any help that can be provided would be appreciated. He welcomed Council members' comments.

Mayor Fiala said the staff and Mr. Ruller worked very hard on coming up with ideas of what could be done. He said we are not Akron or Cleveland, but we are Kent, Ohio and could have characteristics that could be different. He said Mr. Ruller had brought up the hiring process. The previous evening, the Fire Testing took place and there were seventy-two people signed up, fourteen no shows, two minorities and four females. He said we are either not getting the information out, or people are not interested enough to apply.

Mr. Ferrara asked if this position was a result of the NAACP's request for a committee. Mr. Ruller said it's not to appease an organization but is an organic conversation to raise this issue and bring it to the table. He said we wouldn't bring it to the Council because it is a politically correct thing to do. Mr. Ferrara asked who the position would report to. Mr. Ruller said those logistics still need to be worked out. He said it would be a cross over position that would work with all departments. Mr. Ferrara asked if there would be an issue with the unions. Mr. Ruller said there is nothing that would change contract terms, but one who would try to help fill jobs. Mr. Ferrara said there should be a defined chain of command.

Mr. Kuhar said he thinks this person is supposed to promote inclusion and equity throughout the city. He asked what the job description would be. Mr. Ruller said it needs to be developed and the social networking aspects of this job would need to be defined before we take this anywhere. Mr. Kuhar said he thought this was to make more people aware of what we have to offer.

Ms. Shaffer Bish said a job description needs to be developed as well as benchmarks. Engagement can be one of the benchmarks. This can also give a voice to our residents. She likes the idea of working with international families who come to the community to get the full American experience. They can help us be a more inclusive, engaging and diverse community. Our next focus needs to be building the social infrastructure and she thinks Kent can really be a leader in this.

Ms. Rosenberg wanted to touch on a couple of items. She is aware of the Police and Fire Service needs. This person can be a point person and, as a city, this is a great way to formalize it. She sees this working out really well for the City and thinks it is worth investing in a part-time way to dip our toe into it. She said this is an appropriate time for us to do this.

Mr. Sidoti says he struggles with the liaison concept but likes the ombudsman title better. He went back to when we first had this conversation with the NAACP and that we were all a little flabbergasted at the approach. He referenced the data that was brought before council to review. He asked if this position is laser focused on our staffing and is not representative of the community. If we don't clearly define what we are trying to do, we are doing what we've always done. He questioned whether having a liaison was the route we wanted to take. He said we need to know exactly what this person is going to do. He has been working on this for his whole career. We need to be clear about what our goals are and what we are putting our money towards to get things done. He is worried this position will be a vanilla rapport building position. One clear goal has to be using the data that has been laid out to Council in a clear and defined way.

Mr. Amrhein said he was impressed with what was said and this was the time to do it.

Mr. Turner said he waited to speak until everyone had spoken. He mentioned Mr. Ferrara's comments about special interests. Mr. Turner said there are no special interests and towards Mr. Sidoti's comments, we base all of this on hope. He said this is something that fits the value system of Kent. He added that Mr. Sidoti was right and that it needs to be locked down and, to the best of our ability, we create an opportunity for the community. He is not overly concerned and believes it is very reasonable and the staff are very competent and capable at getting the job done. He said this is for making Kent a better place to live and creating a better quality of life. He will continue to encourage forward movement and, however we get to this point, it is an opportunity. He said it was lemonade and lemons and we were going to take the opportunity. We are going to succeed.

Ms. Wallach agreed with Mr. Ruller and said that now is the time to connect the dots and that now is the time to do it. This person would really help get people involved.

Mr. Kuhar said meeting our numbers really wouldn't be a win. He said having a good representation of people at all of the social and educational events would be a good outcome.

Mr. Ferrara referred to Mr. Sidoti's comments and that we need qualified people.

Ms. Shaffer Bish said she thinks liaison is one of the elements of the position. She added research is another one and being a point person to support staff. She said recently that where she works, they put in for a DEI Officer whose job was to increase the number of minority staff and to help retain them. This position doesn't need to be boxed in but maybe prioritize the skills. She said this is not unusual and that we are jumping on a movement.

Mr. Sidoti said a liaison can be a role, but just one element of what is needed. An important skill set would be to help guide us to get in more applicants in an inclusive environment. How do we get quality candidates from the diverse community we live in? He added that there could possibly be grant money to help fund this position.

Mayor Fiala said the staff was looking for a direction.

Mr. Ruller said he appreciated the comments and the next step would be to define the goals of this position.

<u>Community Development Committee</u>

Mr. John Kuhar opened the Community Development Committee Meeting and asked Ms. Bridget Susel to come to the podium to speak.

TREX Agreement for ACES ENTERPRISE, LLC

Ms. Sussell referenced the TREX process that was established in 2013. The Secret Cellar came in 2013 and had a TREXed in liquor license, which then transitioned to the Franklin Hotel Bar. The proposed tenet is operating as Aces Enterprise. The type of permit will be the equivalent to a D5 permit. She introduced Andrew Diebold, who is a resident of Kent. He has a business model to take over the space.He gave an overview of his experience and background.

Mr. Ferrara asked about the TREX license. Ms. Sussel said the Franklin Hotel did not negotiate to transfer the license. This is not in addition to, but in place of.

Ms. Shaffer Bish asked what the name would be and Mr. Diebold replied " The Standard". He will be leasing the space.

Ms. Wallach asked what some items would be on their menu. He replied that bruschetta, salads, perogies, sandwiches, and brisket to start off.

Ms. Shaffer Bish asked who the target audience would be. He said there definitely would be an older clientele. He also plans on having a house band on Tuesdays, an open mic on Thursdays and a live band on Fridays.

Mr. Sidoti asked about why he thought others businesses failed. Ms. Rosenberg called "point of order". Mr. Sidoti then asked why he thinks his business would succeed. Mr. Diebold said he is coming to serve the community and that there are a number of groups of people that are being missed by current establishments.

MOTION TO APPROVE THE TREX AGREEMENT FOR ACES ENTERPRISE, LLC MADE BY Ms.Heidi Shaffer Bish, SECONDED by Mr.Jack Amrhein and CARRIED by a voice vote of 9-0-0.

The Community Development Committee Meeting concluded at 8:19 pm.

Action Recommended:

1. Authorize the TREX liquor license for Aces Enterprise, LLC with the emergency clause.

<u>Health and Public Safety Committee</u>

The item previously slated to be discussed on this date was moved to July, 2022.

<u>Land Use Committee</u>

At 8:20 p.m., Mr. Ferrara called the Land Use Committee to order.

Proposed Zoning Code Map Amendments

Ms. Susel began the discussion by stating this is one agenda item, but she will need two motions for the two parcels that will be discussed. She said the proposed annexation of the property where the Oak Knolls Golf course was brought before Council last month and the paperwork is being processed and almost finalized. In anticipation of this, it was taken in front of the Planning Commission and the parcel will be brought into the I-R Standard (Industrial Research). At the same time, discussions occurred with Davey about the site of the former middle school, which is zoned R-1. It is going to be consolidated with the parcel previously discussed, so this was taken to the Planning Commission as well. She added that the Planning Commission approved both map amendments but wanted to make clear that all of the permitted and conditionally permitted uses would be approved for this area.

Ms. Shaffer Bish asked about the I-R District and said she was not familiar with another area in Kent with this designation. Ms. Susel said this because it is the only one labeled this way. Ms. Susel said the Planning Commission will be reviewing a recommendation to change the name from Industrial, Research and

Office District, with the term industrial causing concern. A new name as been proposed, not changing any of the permitted or conditionally approved uses, but changing the name to "Research, Technology and Office Space". This will be taken to the Planning Commission next week. She added the "Industrial Use" would be equivalent to medical research, but not the type of industrial industry in the "I" district.

MOTION TO APPROVE PROPOSED ZONING CODE MAP AMENDMENTS FOR PARCEL 12-049-00-00-012-000 MADE BY Mr.John Kuhar, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 9-0-0.

MOTION TO APPROVE PROPOSED ZONING CODE MAP AMENDMENTS FOR PARCEL 17-042-00-00-001-000 MADE BY Mr. John Kuhar, SECONDED by Ms. Heidi Shaffer Bish and CARRIED by a voice vote of 9-0-0.

There was no further business to discuss and the Land Use Committee adjourned.

Action Recommended:

1. Authorize the proposed Zoning Map updates for parcels 12-049-00-00-012-000,6700 State Route 43, and parcel 17-042-00-00-001-000, 6662 state route 43, with the emergency clause.

<u>**Finance Committee**</u>

Mr. DeLeone called to order the Finance Committee Meeting at 8:25 p.m. and asked for the first presenter, Mr. Jim Bowling, to come to the podium to speak.

SR 59 Alternative Transportation Improvements Agreement

Mr. Bowling said in 2020 PARTA and Franklin Twp. did a study from Horning Road to Rt. 261 to help improve the area for pedestrians and bicyclists. The study essentially reallocates the land, taking away some of the pavement and assigns it to sidewalks and tree lawns. The cost was estimated at $4.2 million and the agreement would have all three parties working together to execute the agreement with the Twp. and PARTA to start the next steps of the project. He is before Council to request approval to enter into an agreement with PARTA and Franklin Twp.

Ms. Rosenberg asked if this was the result of the bus ride Council members took with PARTA to see how people used the bus. Mr. Bowling said that it was. She said, for mass transportation and safety, this is good stuff and thanked him.

Ms. Shaffer Bish said one of her concerns is people crossing the road. Mr. Bowling said the project also includes several mid-block crossing areas with islands located in the middle and would be paired with the bus stops in the area.

There were no further questions from council members or members of the audience.

MOTION TO APPROVE SR 59 ALTERNATIVE TRANSPORTATION IMPROVEMENTS AGREEMENT MADE BY Mr. John Kuhar, SECONDED by Ms.Heidi Shaffer Bish and CARRIED by a voice vote of 9-0-0.

Ohio Public Works Commission (OPWC) Grant Requests

Mr. Bowling said they are before Council to recommend approval to submit two proposals to the Ohio Public Works Commission to receive funding for the waste water plant reclamation facility. This grant would be seeking $700,000 in grants and $1.5 million in low interest rate loans.

The second project is on Summit Street, resurfacing from Rt. 43 to Willow Street. It would include the sidewalks, drive aprons and curbs.

Ms. Shaffer Bish said this will improve the look and safety of the street. She added it is the gateway to the university, so it is important to be looked at.

MOTION TO APPROVE OHIO PUBLIC WORKS COMMISSION (OPWC) GRANT REQUESTS MADE BY Ms. Heidi Shaffer Bish, SECONDED by Ms. Tracy Wallach and CARRIED by a voice vote of 9-0-0.

Heritage Fest Fireworks Funding

Mayor Fiala said that Ms. Michelle Hartman was not able to attend this meeting due to a scheduling conflict. He said this year there has been a price increase for the Heritage Fest fireworks. The cost will be $16,900 for a seventeen minute display. American Fireworks guaranteed the price for this year and the next two years.

Ms. Shaffer Bish asked if they had shopped around for the fireworks. Mayor Fiala said there are not a lot of firework vendors in the area and American Fireworks is a great company to work with. The Chamber has worked with the City over the past two years when the fireworks were canceled and allowed us to carry our deposit from one year to the next.

Ms. Shaffer Bish said she noticed they were not going to have food trucks. Mayor Fiala said they did not have them last year and residents really enjoyed it. He said the Chamber is going back to its original concept of local organizations and social groups selling food at the Heritage Fest.

There were no further questions from council or members of the audience.

MOTION TO APPROVE HERITAGE FEST FIREWORKS FUNDING MADE BY Mr. Garret Ferrara, SECONDED by Mr. Jack Amrhein and CARRIED by a voice vote of 9-0-0.

Mr. Ferrara said this is a fabulous event and one that is needed, especially after coming out of the COVID pandemic. It is an event that promotes the businesses downtown and is a win-win situation.

Mr. Sidoti added that this serves everyone and everyone enjoys them. He said as a local government we are doing everyone a service by sponsoring them.

Mayor Fiala asked if it is his understanding that the motion is for only this year, even though the price would be continued for two more years. Mr. Ferrara replied it would be for all three years.

Body Armor Grant

Chief Shearer is before council to ask for approval to apply for the body armor grant through the Ohio Attorney General's Office, and is funded through the Ohio Bureau of Worker's Compensation. The grant this year is for $4,807.24 and we are required to pay a twenty-five percent match, which is $1602.41. It is replacing body armor that is expiring for some officers and providing armor for new police.

Ms. Shaffer Bish asked if they had the money in the budget. Chief Shearer said they do.

Mr. Kuhar asked what is done with the old armor. Chief Shearer said it the old armor is used for training scenarios or given to departments that don't have funding.

Ms. Wallach asked how long body armor is good for. Chief Shearer said it is good for five years.

MOTION TO AUTHORIZE THE BODY ARMOR GRANT APPLICATION MADE BY Mr. Garret Ferrara, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 9-0-0.

K9 Ballistic Vest Donation

Chief Shearer said this is a new item for the police called the Brady K9 fund. They offered to donate a ballistic vest for a police canine, with the value being $1,500. He is before council to ask for approval to accept the donation.

Ms. Rosenberg asked if it is fitted specifically for each canine. Chief Shearer said "Yes, it is."

Mr. Ferrara asked if we've had donations in the past for canine vests. Chief Shearer said we have had donations, but not from this particular organization for this particular dog. Chief Shearer said they have two dogs on the force.

MOTION TO APPROVE THE K9 BALLISTIC VEST DONATION MADE BY Mr. Garret Ferrara, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 9-0-0.

Budget Appropriation Amendment #3

Ms. Rhonda Hall presented the last topic for the evening, a budget appropriation amendment. She referred Council to the memo in their packets dated May 23, 2022 for the third appropriation amendment requesting passage.

MOTION TO APPROVE BUDGET APPROPRIATION AMENDMENT #3 MADE BY Mr. John Kuhar, SECONDED by Ms.Gwen Rosenberg and CARRIED by a voice vote of 9-0-0.

There was no further business to discuss and the committee adjourned.

Actions Recommended:

1. Authorize the proposed multi-party Transportation Improvement Agreement with the emergency clause.
2. Authorize the submission of the OPWC grant requests with the emergency clause.
3. Authorize the increase in the City's contribution to the Chamber of Commerce to cover the increased cost of fireworks, with the emergency clause.
4. Authorize the acceptance and allocation of $4,807.24 in grant funding to be used for the purchase of replacement body armor with the emergency clause.
5. Authorize the acceptance and use of the donated K-9 ballistic vest with the emergency clause.
6. Approve the 2022 budget appropriations amendment #3 with the emergency clause.

MOTION TO ENTER EXECUTIVE SESSION MADE BY Mr. Jack Amrhein, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 9-0-0.

MOTION TO RETURN TO THE REGULAR COUNCIL MEETING MADE BY Mr. Robin Turner, SECONDED by Mr. John Kuhar and CARRIED by a voice vote of 9-0-0.

No further action was conducted and the meeting adjourned at 8:55 p.m.

Amy Wilkens
Clerk of Council

DRAFT RESOLUTION NO. 2022-057

A RESOLUTION APPOINTING __________, __________, ____________, _________ AND ________ TO THE CITY FLAG REDESIGN COMMITTE, AND DECLARING AN EMERGENCY.

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

SECTION 1. That ________, __________, ___________, ___________ AND _________ are hereby appointed to the CITY FLAG REDESIGN COMMITTEE.

NAME	**TERM**
	Ad hoc committee dissolved after recommendation is made

SECTION 2. The committee shall consist of five members and one, but no more than two, council members, to accumulate methods of getting a flag, selecting designs, prior to the end of the year, and submitting to City Council to vote on.

SECTION 3. 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 4. 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 5. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Resolution is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED_________________________
Date

____
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: ____________________
Date

ATTEST: ______________________
Amy Wilkens
Clerk of Council

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

____
AMY WILKENS
CLERK OF COUNCIL

DRAFT RESOLUTION NO. 2022-058

A RESOLUTION APPOINTING __________ TO THE PORTAGE AREA REGIONAL TRANSIT AUTHORITY BOARD, AND DECLARING AN EMERGENCY.

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

SECTION 1. That ___________ is hereby appointed to the PORTAGE AREA REGIONAL TRANSIT AUTHORITY BOARD.

NAME	TERM
	7/1/2022-6/30/2025

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_____.

____
AMY WILKENS
CLERK OF COUNCIL

DRAFT ORDINANCE NO. 2022 -059

AN ORDINANCE AUTHORIZING THE TRANSFER OF A TREX LIQUOR LICENSE INTO THE CITY OF KENT BY THE ACES ENTERPRISE, LLC, AN OHIO LIMITED LIABILITY COMPANY, CONDITIONED UPON THE EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF KENT, OHIO AND ACES ENTERPRISE, LLC, AND DECLARING AN EMERGENCY.

WHEREAS, ACES Enterprise, LLC has proposed the redevelopment of a portion of176 East Main Street, Kent, Ohio, property owned by Acorn at Kent, LLC into a wine bar/jazz club; and

WHEREAS, ACES Enterprise, LLC has asked Kent City Council to allow the transfer of a liquor license from outside of Kent, into the City, by the TREX process, for use at 176 East Main Street, Kent, Ohio; and

WHEREAS, the City of Kent, Ohio requires the approval of City Council to allow the transfer of a liquor license from outside of the City limits, for use within the City limits; and

WHEREAS, the City of Kent Council requires that certain economic development criteria be met and that a Development Agreement be executed, before Kent City Council will authorize the transfer of a liquor license into the City by the TREX process; and

WHEREAS, ACES Enterprise, LLC has indicated in its application to the City for the TREX liquor license transfer approval that it will do the following:

a) It will spend a minimum of $175.00 per square foot for the redevelopment of the basement of 176 East Main Street, Kent, Ohio, consisting of approximately 3,046 square feet of space, which includes leasehold improvements and furnishings; and

b) It will sell wine, beer, and spirituous liquor (D-2, D2X, D3, D3A, D6) as well as other non-alcoholic beverages; and

c) That it will not transfer the liquor license or licenses within the City without prior approval from Kent City Council.

WHEREAS, the City of Kent may approve the transfer of a liquor license into the City if the redevelopment of properties that are currently blighted, deteriorated or underdevelopment/underused will occur; and

WHEREAS, the City of Kent, Ohio will only approve the transfer of a TREX liquor license into the City of Kent, Ohio if City Council retains the right to approve the future transfer of said liquor license to a new location within the City and/or to a new owner at the same or new location within the City. ACES Enterprise, LLC may move the liquor license outside of the City limits without City Council's approval; and

WHEREAS, the Kent City Council also looks at the character of the principals of the applicant in making its decision to approve a TREX, as the City Council does not want applicants who will cause problems for the City in the future, negatively affecting economic development within the City.

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

<u>SECTION 1.</u> Kent City Council hereby approves the Development Agreement with ACES Enterprise, LLC, and the City Manager is hereby authorized to execute the Development Agreement on behalf of the City in substantial conformity with a copy of which is marked as Exhibit "A", attached hereto and incorporated herein.

<u>SECTION 2</u>. Conditioned upon the execution of the Development Agreement attached hereto, the Kent City Council hereby approves the transfer of D-2, D2X, D3, D3A, D6 liquor license into the City of Kent, Ohio via the TREX process, to be used by ACES Enterprise, LLC at 176 East Main Street, Kent, Ohio.

<u>SECTION 3</u>. 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 actions, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

<u>SECTION 4</u>. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of the City, and for the further reason that this Ordinance is required to be immediately effective in order to induce the redevelopment to proceed, thereby eliminating blighted conditions and preventing the recurrence of those conditions, for which reasons and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: ____________________________
Date

____
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: __________________________
Date

ATTEST: ____________________________
Amy Wilkens
Clerk of Council

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

(SEAL)

____
AMY WILKENS
CLERK OF COUNCIL
(SEAL)

DRAFT 6-8-22

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (the "Agreement") is made and entered into this ____ day of ______________, 2022, by and between the CITY OF KENT, OHIO, a municipal corporation duly organized and existing under and by virtue of the constitution and laws of the State of Ohio and a duly adopted Charter (hereinafter referred to as the "City"), and ACES ENTERPRISE, LLC, an Ohio limited liability company (hereinafter referred to as the "Redeveloper").

W I T N E S S E T H:

WHEREAS, the City has been active in the redevelopment and clearance of underdeveloped, blighted, and deteriorated areas in the City, and in this connection implemented the Downtown Urban Renewal Plan dated January 2001 (the "Urban Renewal Plan"); and

WHEREAS, Acorn At Kent, LLC currently owns the previously redeveloped property located at 176 East Main Street, Kent, Ohio (the "Property") which is an approximately 3,046 square foot retail/commercial space located in the basement, such improvements hereinafter referred to as the "Private Improvements;" and

WHEREAS, Acorn At Kent, LLC, as the owner of the Private Improvements, intends to enter into a lease with the Redeveloper for 176 East Main Street and the Redeveloper intends to use the space as a wine/beer jazz club bar; and

WHEREAS, the City believes that the redevelopment of the Property with the Private Improvements, pursuant to this Agreement and the fulfillment generally of this Agreement, are in the best interests of the City and its residents, and are necessary to provide for the productive development and reuse of property, to provide for the creation of jobs and employment opportunities, and to improve the economic and general welfare of the residents of the City; and

WHEREAS, the City has determined that it is in the best interests of the City and its citizens to aid the Redeveloper in its repurposing of the Private Improvements; and

WHEREAS, the Redeveloper needs to acquire liquor licenses in order to sell wine, beer and spirituous liquor at said location – specifically, D-2, D2X, D3, D3A, and D6 licenses, using the TREX liquor license provisions of Ohio Revised Code § 4303.29.

WHEREAS, the Redeveloper's use of the Private Improvements is dependent upon the City agreeing to accept a transfer of a liquor license from another location in the State to the City (TREX license); and

WHEREAS, the City has previously acknowledged that the Private Improvements at 176 East Main Street, Kent, Ohio is at a minimum amount of $175.00 per square foot for the completion of the build out of the space, the provided fixtures, a liquor license, inventory and supplies for the wine/beer jazz club bar; and

WHEREAS, pursuant to the provisions of Ohio Revised Code § 4303.29, the City of Kent will only agree to execute this agreement and approve the TREX liquor license, if its approval is required before Redeveloper may transfer the liquor license referred to above to another location and/or to another owner, whether at the same location or another location; and

WHEREAS, the Kent City Council considered the following criteria prior to consenting to entering into this Agreement:

a) The financial strength of the Redeveloper; and

b) The amount of monies previously invested into 176 East Main Street, Kent, Ohio; and

c) The amount of square foot space being repurposed by the Redeveloper; and

d) The character of the principals of ACES ENTERPRISE, LLC; and

e) That it is D-2, D2X, D3, D3A, and D6 licenses being requested.

WHEREAS, the Kent City Council authorized a TREX liquor license transfer policy based upon items listed above; and

WHEREAS, both parties acknowledge that the additions of new venues open for the sale of alcoholic beverages within the City, may cause additional work for the staffs of the Kent City Police Department and Fire Department.

NOW THEREFORE, in consideration of the premises and covenants contained herein, the City and the Redeveloper agree as follows:

Section 1. Redevelopment of the Property.

(a) The Redeveloper agrees to repurpose the Private Improvements thereon consistent with all Federal, State and local laws.

The Redeveloper shall commence the Private Improvements when it is ready to do so and has the necessary approvals from the City.

All of the redevelopment on the Property shall be made in accordance with the Redeveloper's approved Project Plans.

The City and the Redeveloper each shall proceed in good faith and diligently, and in cooperation with the other, to carry out its activities necessary to meet the conditions of the Commencement Date.

The Redeveloper shall give notice to the City within ten (10) days of the occurrence of the Commencement Date. If the Commencement Date has not occurred by the 180 day anniversary of the execution of this Agreement by both the City and the Redeveloper, this Agreement shall terminate, unless that date is further extended in writing by the City and the Redeveloper. Any such extension must be approved by City Council. If this Agreement terminates because the Commencement Date has not occurred within the permitted period, neither the City nor the Redeveloper shall be deemed to have defaulted hereunder and the sole remedy of the City and the Redeveloper is the termination or extension of this Agreement.

Section 2. Redevelopers Responsibilities.

In exchange for the approval of the transfer of the liquor license into the City by the City Council, described in Section 3 of this Agreement, the City shall permit the Redeveloper to use the property for a wine/beer jazz club bar. The Redeveloper shall:

a) Repurpose the space at 176 East Main Street, which the City acknowledges has Private Improvements valued at a minimum of $175.00 per square foot, which monies may include leasehold improvements, in the space consisting of approximately 3,046 square feet.

b) Continually follow and obey all local, state and federal laws in the redevelopment of the property and in the operation of the wine bar.

c) Receive the written permission of the City of Kent Council to transfer said license to a new location and/or to a new owner at the same or different location.

Section 3. Responsibilities of the City.

a) The City, in exchange for the Redeveloper performing the requirements listed in Section 2, above, shall conditionally approve the transfer of a liquor license into the City of Kent pursuant to Ohio Revised Code § 4303.29, in the name of the Redeveloper, for location at 176 East Main Street, Kent, Portage County, Ohio.

b) The City, upon written request from the Redeveloper, shall review any proposal to relocate the said liquor license to a different location within the City of Kent, or to transfer said liquor license to a different owner at the same or different location within the City of Kent. The City shall approve the transfer and/or relocation of the license within the City, if the City Council, after reviewing the following criteria, to see if the new owner will provide some or all of the following:

   i) The financial strength of the proposed new owner is adequate to complete the new redevelopment criteria; and

   ii) The amount of monies, if any, being invested into the new location in Kent, Ohio meet or exceed those expended by this Redeveloper; and

   iii) The amount of square foot space being redeveloped by the new owner; and

   vi) The character of the person or people constituting the new owner shall be upstanding; and

v) That it will sell wine, beer and spirituous liquor at said location – specifically, D-2, D2X, D3, D3A, and D6 licenses are being transferred.

Said consent shall not be unreasonably withheld.

Section 4. Assignment or Sale of Liquor License.

The liquor license in question may only be transferred by the Redeveloper with the consent of the City as outlined in Section 3.

Section 5. Remedies.

(a) General. Except as otherwise provided in this Agreement, in the event of any default in or breach of this Agreement, or any of its terms or conditions, by the Redeveloper, or any successor, the City may, upon written notice to the Redeveloper proceed to revoke the approval of the transfer of the liquor license into the Kent City limits within thirty (30) days after receipt of such notice. In case such action is taken by the City and the default or breach is not diligently pursued by the Redeveloper to cure the default or breach within a reasonable time, the City may institute such proceedings as may be necessary or desirable in its opinion to cure and remedy such default or breach, including, but not limited to, proceedings to compel specific performance by the party in default or breach of its obligations; or to revoke the approval of the transfer of the liquor license into the City, mandating the closing of the wine bar and the relocation of the liquor license to a location outside of the City limits.

(b) Force Majeure. Neither the City nor the Redeveloper shall be considered in default in its obligations to be performed hereunder, other than for the payment of money, if delay in the performance of such obligations is due to causes beyond its reasonable control and without its fault or negligence, including but not limited to, acts of God or of the public enemy, acts of the federal or State government, acts or delays of the other party, fires, floods, unusually severe weather, epidemics, freight embargoes, unavailability of materials, strikes or delays of contractors, subcontractors or materialmen due to any of such causes, or other events beyond the reasonable control of a party and without its fault or negligence; it being the purpose and intent of this paragraph that in the event of the occurrence of any such enforced delay, the time or times for performance of such obligations shall be extended for the period of the enforced delay; provided, however, that the party seeking the benefit of the provisions of this paragraph shall within 30 days after the beginning of such enforced delay, notify the other party in writing thereof and of the cause thereof and of the duration thereof or, if a continuing delay and cause, the estimated duration thereof, and if the delay is continuing on the date of notification, within 30 days after the end of the delay, notify the other party in writing of the duration of the delay.

Section 6. Conflict of Interest; City's Representatives not Individually Liable.

No member, official or employee of the City shall have any personal interest, direct or indirect, in this Agreement, nor shall any such member, official or employee participate in any decision relating to this Agreement which affects his/her personal interests or the interests of any corporation, partnership, or association in which he is, directly or indirectly, interested. No member, official or employee of the City shall be personally liable to the Redeveloper or any successor in interest, in the event of any default or breach by the City or for any amount which may become due to the Redeveloper or successor or on any obligations under the terms of this Agreement.

Section 7. Notice.

(a) A notice, demand, or other communication under this Agreement by either the City or the Redeveloper to the other shall be sufficiently given or delivered if it is dispatched by registered or certified mail, postage prepaid, return receipt requested, or delivered personally, and

(i) in the case of the Redeveloper is addressed to or delivered personally to the Redeveloper at:

ACES ENTERPRISE, LLC.
176 East Main Street
Kent, Ohio 44240
ATTENTION: Andrew Dible

(ii) in the case of the City, is addressed to or delivered personally to the City at:

City Manager
301 S. Depeyster Street
Kent, Ohio 44240

with a copy to the Law Director at 320 S. Depeyster Street, Kent Ohio.

or at such other address with respect to either the City or the Redeveloper may from time to time, designate in writing and forward to the other as provided in this Section.

Section 8. Counterparts.

This Agreement may be signed in several counterparts, each of which shall be an original but all of which shall constitute but one and the same instrument.

Section 9. Jurisdiction.

The parties hereto irrevocably (a) agree that any suit, action or other legal proceeding arising out of or relating to this Agreement may be brought in a court of record in Portage County, Ohio or in the courts of the United States of America located in such state or commonwealth.

Section 10. Captions.

The captions to the section of this Agreement are for convenience only and shall not be deemed part of the text of the respective sections and shall not vary, by implication or otherwise, any of the provisions of this Agreement.

Section 11. Severability.

The parties hereto intend and believe that each provision of this Agreement comports with all applicable local, state and federal laws and judicial decisions. However, if any provision or any portion of any provision contained in this Agreement is held by a court of law to be invalid, illegal, unlawful, void or unenforceable as written in any respect, then it is the intent of all parties hereto that such portion or provision shall be given force to the fullest possible extent that it is legal, valid and enforceable, that the remainder of this Agreement shall be construed as if such illegal, invalid, unlawful, void or unenforceable portion or provision was not contained therein, and the rights, obligations and interests of the City and Redeveloper under the remainder of this Agreement shall continue in full force and effect.

Section 12. No Oral Modification.

This Agreement may not be modified or discharged orally, but only by an agreement in writing signed by the City and Redeveloper.

Section 13. Costs of Enforcement.

Redeveloper agrees to pay the costs and expenses, including but not limited to reasonable attorneys' fees and legal expenses incurred by City in the exercise of any right or remedy available to the City under this Agreement.

IN WITNESS WHEREOF, the City of Kent, Ohio and ACES ENTERPRISE, LLC have each caused this Agreement to be duly executed in its behalf, on or as of the day and year first above written.

CITY OF KENT, OHIO

By ___________________________________
Dave Ruller, City Manager

ACES ENTERPRISE, LLC

By___________________________________,
Andrew Dible, Managing Member

STATE OF OHIO)
)SS:
COUNTY OF PORTAGE)

Before me a Notary Public in and for said County and State, personally appeared DAVID RULLER, the City Manager for the City of Kent, Ohio, who acknowledged that he signed the foregoing instrument as the fully authorized officer of said City of Kent, Ohio, a municipal corporation of the State of Ohio, and that the same is its free act and deed and his free act and deed, respectively, as such officer and individually.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at _________________, Ohio, this __________ day of ____________________, 2022.

____
NOTARY PUBLIC

STATE OF OHIO)
)SS:
COUNTY OF ______________)

Before me a Notary Public in and for said County and State, personally appeared _________________________________, Andrew Dible, the Managing Member of ACES ENTERPRISE, LLC, an Ohio limited liability company, who acknowledged that he did sign the foregoing instrument on behalf of such company as the free act and deed of himself and of the company.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at _________________, Ohio, this __________ day of ____________________, 2022.

____
NOTARY PUBLIC

APPROVED AS TO FORM:

____

Hope Jones, Law Director
City of Kent

DRAFT ORDINANCE NO. 2022-060

AN ORDINANCE AMENDING THE CITY'S ZONING DISTRICTS MAP FOR PARCEL #12-049-00-00-012-000 (6700 STATE ROUTE 43) TO BE REZONED TO I-R: INDUSTRIAL RESEARCH AND OFFICE ZONING DISTRICT, EFFECTIVE DATE OF THE AMENDMENT SHALL BE UPON PORTAGE COUNTY'S ACCEPTANCE OF THE ANNEXATION AND MUNICIPAL BOUNDARY CHANGE, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent Planning Commission is recommending a proposed amendment to the City's Zoning Districts Map to allow Parcel #12-049-00-00-012-000 (6700 State Route 43) to be re-zoned to I-R: Industrial Research and Office Zoning District pursuant to the annexation of said parcel; and

WHEREAS, on April 19, 2022, the Planning Commission voted unanimously to recommend the zoning map change.

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

SECTION 1. Kent City Council does hereby authorize the amendment to allow Parcel #12-049-00-00-012-000 (6700 State Route 43) to be re-zoned to I-R: Industrial Research and Office Zoning District effective date of the amendment shall be upon Portage County's acceptance of the annexation and municipal boundary change.

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. 2022-061

AN ORDINANCE AMENDING THE CITY'S ZONING DISTRICTS MAP FOR PARCEL #17-042-00-00-001-000 (6662 STATE ROUTE 43) TO BE REZONED FROM R-1: LOW DENSITY RESIDENTIAL ZONING DISTRICT TO I-R: INDUSTRIAL RESEARCH AND OFFICE ZONING DISTRICT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent Planning Commission is recommending a proposed amendment to the City's Zoning Districts Map to allow Parcel #17-042-00-00-001-000 (6662 State Route 43) to be re-zoned from R-1: Low Density Residential Zoning District to I-R: Industrial Research and Office Zoning District; and

WHEREAS, on April 19, 2022, the Planning Commission voted unanimously to recommend the zoning map change.

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

SECTION 1. Kent City Council does hereby authorize the amendment to allow Parcel #17-042-00-00-001-000 (6662 State Route 43) to be re-zoned from R-1: Low Density Residential Zoning District to I-R: Industrial Research and Office Zoning District.

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 - 062

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE SR59 ALTERNATIVE TRANSPORTATION IMPROVEMENT AGREEMENT BETWEEN THE CITY OF KENT, PARTA AND FRANKLIN TOWNSHIP TO PURSUE FUNDING FOR ACTIVE TRANSPORTATION IMPROVEMENTS ON STATE ROUTE 59, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent wishes to enter into an Agreement with PARTA and Franklin Township to pursue funding for active transportation improvements on State Route 59 from Horning Road to State Route 261; and

WHEREAS, the improvements include providing for a continuous sidewalk along the north side of SR59, a continuance side path along the south side of SR 59, several mid-block crossings and transit accessibility improvements in the project area.

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 execute the SR59 Alternative Transportation Improvement Agreement between the City of Kent, PARTA and Franklin Township to pursue funding for active transportation improvements on SR 59, and is more fully described in Exhibit "A" attached hereto and incorporated herein.

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

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

PASSED: ______________________
Date

____
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: ______________________
Date

ATTEST: ______________________
Amy Wilkens
Clerk of Council

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

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

SR 59 ALTERNATIVE TRANSPORTATION IMPROVEMENTS AGREEMENT

PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY
FRANKLIN TOWNSHIP
AND
CITY OF KENT

ALL PARTIES BEING IN THE COUNTY OF PORTAGE,
STATE OF OHIO

This Agreement, dated ________________________ 2022, is an agreement made and entered into between the Portage Area Regional Transportation Authority ("PARTA"), Franklin Township ("Township") and the City of Kent, Ohio, duly formed under the laws of the State of Ohio ("City").

WITNESSETH:

WHEREAS, East Main Street/State Route 59 ("SR 59") from Horning Road to SR 261 ("Project Area") is an automobile oriented corridor that has significant pedestrian and transit usage, poor alternative transportation facilities and a history of pedestrian and bicycle crashes; and

WHEREAS, One third (1/3) of the Project Area is located within the City of Kent and the remainder of the Project Area is located within the Township; and

WHEREAS, the portion of the Project Area that is located within the City of Kent is owned and maintained by the City and the portion of the Project Area that is located within the Township is owned and maintained by the Ohio Department of Transportation (ODOT); and

WHEREAS, All parties desire to improve the alternative transportation facilities on and along East Main Street/SR 59 from Horning Road to SR 261 ; and

WHEREAS, the City, PARTA and Kent State University are currently designing an improvement to East Main Street immediately west of the Project Area to improve safety and provide improved alternative transportation facilities; and

WHEREAS, PARTA and the Township have obtained a Connecting Communities Grant from the Akron Metropolitan Area Transportation Study (AMATS) to evaluate alternative transportation problems and potential solutions in the Project Area.

NOW THEREFORE, The Parties commit to collaborate and partner to initiate a corridor project, hereinafter called the "Project", that will require planning and the pursuit of funding for the eventual design, potential right-of-way acquisition and construction of improvements in the Project Area. The goal is to improve the alternative transportation facilities and to improve the safety for all users of the corridor. At this time each party agrees to the following:

City:

- Provide management services for the next step in the planning and funding plan process to complete the Project, at no cost to the Township and PARTA.
- Jointly with PARTA and the Township, select a consultant to assist in the planning and funding plan process.
- Hire the planning consultant selected by the parties.
- Fund 33.3% of the planning consultant's services, up to $10,000.
- Invoice PARTA and the Township for their respective shares, as defined below, of the consultant's costs.
- Provide the primary coordination with ODOT for the Project.
- Pursue outside funding for the completion of the project.

PARTA:

- Jointly with the City and the Township, select a consultant to assist in the planning and funding plan process.
- Assist the City in completing the planning and funding plan process, including attending meetings, performing reviews and providing direction pertaining to PARTA's jurisdiction.
- Reimburse the City 50% of the planning consultant's services, up to $15,000.
- Pursue outside funding for the completion of the project.

Township:

- Jointly with the City and the PARTA, select a consultant to assist in the planning and funding plan process.
- Assist the City in completing the planning and funding plan process, including attending meetings, performing reviews and providing direction pertaining to the Township's jurisdiction.
- Reimburse the City 16.7% of the planning consultant's services, up to $5,000.

In witness whereof, the Parties hereto have agreed and offered their hands and seals:

CITY OF KENT

Approved and Accepted by:

______________________________ Witness:______________________________

Dave Ruller
City of Kent, City Manager

Date: _________________________

Approved as to Form:

____

Hope Jones
City of Kent, Law Director

Date: _________________________

Certificate of Director of Budget and Finance

It is hereby certified that the amount Ten Thousand Dollars ($10,000) required to meet this commitment has been lawfully appropriated or authorized or directed for such purpose and is in the City Treasury or in the process of collection to the credit of the CAPITAL Fund free from any obligation or certificates now outstanding.

____

Rhonda Hall, Director of Budget and Finance

____

Date

PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY

Approved and Accepted by:

______________________________ Witness:_____________________________

Claudia Amrhein
General Manager
Portage Area Regional Transportation Authority

Date: __________________________

Approved as to Form:

____

Legal Counsel
Portage Area Regional Transportation Authority

Date: _________________________

FRANKLIN TOWNSHIP

Approved and Accepted by:

______________________________ Witness:______________________________

Lisé S. Russel
Fiscal Officer

Date: __________________________

Approved as to Form:

____

Legal Counsel
Franklin Township

Date: _________________________

Certificate of Director of Fiscal Officer

It is hereby certified that the amount Five Thousand Dollars ($5,000) required to meet this commitment has been lawfully appropriated or authorized or directed for such purpose and is in the Township Treasury or in the process of collection to the credit of the SR 59 Enhancement Fund #4301 free from any obligation or certificates now outstanding.

____

Lisé S. Russell, Fiscal Officer

____

Date

DRAFT ORDINANCE NO. 2022 - 063

AN ORDINANCE AUTHORIZING THE CITY OF KENT TO SUBMIT TWO (2) FUNDING APPLICATIONS TOTALING $947,000 AND TO EXECUTE THE SUBSEQUENT AGREEMENTS WITH THE OHIO PUBLIC WORKS COMMISSION (OPWC), AND TO ACCEPT THE GRANTS, IF AWARDED, WITH CORRESPONDING APPROPRIATION OF FUNDS AND DECLARING AN EMERGENCY.

WHEREAS, the first application submitted to OPWC will be for the WRF Digester Heat Exchanger Project, which includes the replacement of the heat exchangers at the Water Reclamation Facility (WRF). The replacement of the heat exchangers requires that the existing facility be brought up to current building and fire code standards. We are requesting $700,000 in grant funds and $1,500,000 in no interest loans from OPWC; and

WHEREAS, the second application submitted to OPWC will be for the East Summit Street Resurfacing, which includes resurfacing of East Summit Street from South Water Street (SR43) to Willow Street. We are requesting $247,000 in grant funds and $50,000 in no interest loans from OPWC.

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

SECTION 1. Kent City Council approves submission of the City's capital project pre-application requests for Ohio Public Works Commission grant and loan funding totaling $947,000, execution of the subsequent agreements, and authorized that the Administration provide all information, funds, and documentation required in said applications for submission.

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

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

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

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

PASSED: ________________________
Date

____
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: ____________________
Date

ATTEST: ________________________
Amy Wilkens
Clerk of Council

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

(SEAL)

____
AMY WILKENS
CLERK OF COUNCIL

DRAFT ORDINANCE NO. 2022 -064

AN ORDINANCE AUTHORIZING THE CITY OF KENT TO COVER THE INCREASE IN COST OF THE FIREWORKS DISPLAY FOR THE ANNUAL KENT HERITAGE FESTIVAL TO KENT AREA CHAMBER OF COMMERCE FOR THE YEARS 2022, 2023 AND 2024, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent, Ohio has been contributing funds to the Kent Area Chamber of Commerce Kent Heritage Festival each year for their fireworks display; and

WHEREAS, the American Fireworks has been the provider of the fireworks for the past fourteen (14) years and has increased their prices for this year; and

WHEREAS, the Kent Area Chamber of Commerce would like the City of Kent to increase their contribution from $13,200 to $16,900 to compensate for the increase from American Fireworks. This price will be good for three (3) years.

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 of Kent to increase their contribution from $13,200 to $16,900 per year to compensate for the increase in price from the American Fireworks for the Kent Heritage Festival fireworks display for the years 2022, 2023 and 2024.

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

EFFECTIVE: ____________________
Date

____
Jerry T. Fiala
Mayor and President of Council

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 -065

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACCEPT GRANT FUNDING IN THE AMOUNT OF $4,807.24 THROUGH THE OHIO LAW ENFORCEMENT BODY ARMOR GRANT PROGRAM FOR THE PURCHASE OF EXPIRING BODY ARMOR, AND DECLARING AN EMERGENCY

WHEREAS, the City of Kent Police Department has received a grant in the amount of $4,807.24 through the Ohio Law Enforcement Body Armor Grant Program; and

WHEREAS, the grant monies will replace expiring body armor and provide body armor to newly hired or appointed police officers.

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 grant funding in the amount of $4,807.24 through the Ohio Law Enforcement Body Amor Grant Program for the purchase of expiring body armor for the City of Kent Police Department, and for the Budget and Finance Director to appropriate the award into the proper fund.

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

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

PASSED: ______________________________
Date

EFFECTIVE: ___________________________
Date

____
Jerry T. Fiala
Mayor and President of Council

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. 2022-066

AN ORDINANCE ACCEPTING A DONATION OF A K9 BALLISTIC VEST FROM BRADY'S K9 FUND TO THE CITY OF KENT'S POLICE DEPARTMENT, VALUED AT $1,500.00, AND DECLARING AN EMERGENCY

WHEREAS, the Brady's K9 Fund has donated a K9 ballistic vest to the City of Kent's Police Department to be used for our newest K9 Shaw and his handler, Officer Carnahan. The vest is valued at $1,500.00; 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, or his designee, on behalf of the City of Kent Police Department to accept the K9 ballistic vest donation valued at $1,500.00.

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

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

PASSED: ______________________________
Date

____
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: ______________________________
Date

ATTEST: ______________________________
Amy Wilkens
Clerk of Council

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

(SEAL)

____
AMY WILKENS
CLERK OF COUNCIL

DRAFT ORDINANCE NO. 2022 - 067

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACCEPT GRANT FUNDING IN THE AMOUNT OF $1,841.05 FROM THE OHIO DEPARTMENT OF HEALTH'S FLUORIDATION ASSISTANCE PROGRAM (ODOH) TO REPLACE 2 (TWO) PUMPS, AND DECLARING AN EMERGENCY

WHEREAS, the City of Kent Service Department has received grant money in the amount of $1,841.05 from the Ohio Department of Health's Fluoridation Assistance Program (ODOH);

WHERAS, this grant money will be used to replace two (2) pumps that are part of the fluoride process at the Water Treatment Plant; and

WHEREAS, the City wishes to accept said grant.

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 grant funding in the amount of $1,841.05 from the Ohio Department of Health's Fluoridation Assistance Program (ODOH) to replace two (2) pumps at the Water Treatment Plant, and for the Budget and Finance Director to appropriate the award into the proper fund.

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

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

PASSED: ______________________________
Date

____
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: ______________________________
Date

ATTEST: ______________________________
Amy Wilkens
Clerk of Council

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

(SEAL)

____
AMY WILKENS

CLERK OF COUNCIL

DRAFT ORDINANCE NO. 2022 - 068

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.

WHEREAS, it is necessary to amend current appropriations, transfers and advances for the expenses and other expenditures for the City of Kent, Ohio, for the fiscal year ending December 31, 2022.

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

SECTION 1. the current appropriations Ordinance No. 2021-133 passed December 15, 2021, as amended by Ordinance No. 2022-19, passed 2/26/22, and also amended by Ordinance 2022-028, passed 4/6/22, be amended as set forth in Exhibit "A", attached hereto and incorporated herein, so as to increase appropriations in Fund 001, General; Fund 106 Parks & Recreation; Fund 128, Fire & EMS; Fund 138, ARPA; Fund 201, Water; Fund 301, Capital Improvements; and Fund 303, Police Station Levy; and to decrease appropriations in Fund 001, General; Fund 201, Water; and Fund 303, Police Station Levy; and Declaring an Emergency.

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 formation action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

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

PASSED: ________________________
Date

EFFECTIVE: ____________________
Date

ATTEST: _________________________
Amy Wilkens
Clerk of Council

____
Jerry T. Fiala
Mayor and President 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

Exhibit A

2022 ORIGINAL APPROPRIATIONS

Fund - Department/Division	Personnel & Benefits	Other than Personnel & Benefits	Capital	Reserve/ Debt Service	Contingency	Fund & Department Total
General Fund (001)						
City Council	$ 179,605	$ 28,625	$ -	$ -	$ -	$ 208,230
Mayor	13,487	3,400				16,887
Community Support		103,000				103,000
City Manager	346,579	56,925				403,504
New City Hall Facility						-
Information Technology	119,334	236,200				355,534
Urban Renewal		60,700				60,700
Human Resources	107,023	15,310				122,333
Civil Service	32,445	32,925				65,370
Law	337,667	78,405				416,072
Budget & Finance	472,834	137,700				610,534
Community Development	716,473	228,025				944,498
Economic Development	132,602	34,650				167,252
Health	556,562	262,506				819,068
Public Parking		89,200				89,200
Main Street Program		66,500				66,500
Service Administration	252,748	397,875				650,623
Shade Tree		100,875	10,000			110,875
Adjunct Facilities						-
Building	371,590	57,275				428,865
Land banking		8,000				8,000
Engineering	100,279	97,100				197,379
Miscellaneous & Sundry		428,150				428,150
Contingency					100,000	100,000
Fund Total	3,739,228	2,523,346	10,000	-	100,000	6,372,574
West Side Fire (101)						
Fire	291,203	14,300				305,503
Fund Total	291,203	14,300	-	-	-	305,503
Street Construction Maintenance & Repair (102)						
Service	1,234,295	1,013,894				2,248,189
Contingency					25,000	25,000
Fund Total	1,234,295	1,013,894	-	-	25,000	2,273,189
State Highway (103)						
Service		60,000				60,000
Fund Total	-	60,000	-	-	-	60,000
Recreation (106)						
Parks & Recreation	1,437,322	677,800	190,000			2,305,122
Fund Total	1,437,322	677,800	190,000	-	-	2,305,122
Food Service (107)						
Health	113,187	19,900				133,087
Fund Total	113,187	19,900	-	-	-	133,087
Income Tax (116)						
Budget/Finance/IncTaxAdmin	136,034	487,650				623,684
Managed Reserve				25,540		25,540
Fund Total	136,034	487,650	-	25,540	-	649,224

2022 ORIGINAL APPROPRIATIONS

Fund - Department/Division	Personnel & Benefits	Other than Personnel & Benefits	Capital	Reserve/ Debt Service	Contingency	Fund & Department Total
Revolving Housing (120)						
Health	157,819	19,650				177,469
Fund Total	157,819	19,650	-	-	-	177,469
State & Local Forfeits (121)						
Police						-
Fund Total	-	-	-	-	-	-
Drug Law Enforcement (122)						
Police		11,000				11,000
Fund Total	-	11,000	-	-	-	11,000
Enforcement & Education (123)						
Police		6,000				6,000
Fund Total	-	6,000	-	-	-	6,000
Income Tax Safety (124)						
Police	7,609,509	682,700				8,292,209
Fund Total	7,609,509	682,700	-	-	-	8,292,209
Law Enforcement Trust (125)						
Police						-
Fund Total	-	-	-	-	-	-
Community Development Block Grant (126)						
Community Development	7,193	225,224	160,000			392,417
Fund Total	7,193	225,224	160,000	-	-	392,417
Fire & E.M.S. (128)						
Fire	5,152,958	587,500	670,983			6,411,441
Fund Total	5,152,958	587,500	670,983	-	-	6,411,441
Wireless 911 (129)						
Safety						-
Fund Total	-	-	-	-	-	-
Swimming Pool Inspections (130)						
Health	9,286					9,286
Fund Total	9,286	-	-	-	-	9,286
Police Pension (132)						
Police	120,000					120,000
Fund Total	120,000	-	-	-	-	120,000
Fire Pension (133)						
Fire	120,000					120,000
Fund Total	120,000	-	-	-	-	120,000
UDAG / EDA-RLF (134)						
City Manager/C.D.		75,000				75,000
Fund Total	-	75,000	-	-	-	75,000
CHIP Grant (136)						
City Manager/C.D.		200,000				200,000
Fund Total	-	200,000	-	-	-	200,000

2022 ORIGINAL APPROPRIATIONS

Fund - Department/Division	Personnel & Benefits	Other than Personnel & Benefits	Capital	Reserve/ Debt Service	Contingency	Fund & Department Total
Local American Rescue Plan Act (138)						
ARPA	390,000	50,000	2,698,700			3,138,700
Fund Total	390,000	50,000	2,698,700	-	-	3,138,700
Water (201)						
Service	1,873,013	801,963	659,150			3,334,126
Service (Capital Facilities)			1,791,000			1,791,000
Admin. Support	452,096	77,860	1,986			531,942
Budget & Finance (Debt)				61,173		61,173
Contingency					50,000	50,000
Fund Total	2,325,109	879,823	2,452,136	61,173	50,000	5,768,241
Sewer (202)						
Service	1,772,223	758,788	3,379,762			5,910,773
Service (Capital Facilities)			487,546			487,546
Admin. Support	389,482	75,260	1,986			466,728
Budget & Finance (Debt)				364,569		364,569
Contingency					50,000	50,000
Fund Total	2,161,705	834,048	3,869,294	364,569	50,000	7,279,616
Utility Billing (204)						
Budget & Finance		89,900				89,900
Fund Total	-	89,900	-	-	-	89,900
Solid Waste (205)						
Admin Support	71,000	176,125				247,125
Service	360,772	34,400	36,400			431,572
Fund Total	431,772	210,525	36,400	-	-	678,697
Storm Water Utility (208)						
Service	360,772	53,030	166,400			580,202
Service (Capital Facilities)			523,900			523,900
Admin. Support	279,421	54,150	1,986			335,557
Budget & Finance (Debt)				9,968		9,968
Fund Total	640,193	107,180	692,286	9,968	-	1,449,627
Guaranteed Deposits (230)						
Budget & Finance		1,000				1,000
Fund Total	-	1,000	-	-	-	1,000

2022 ORIGINAL APPROPRIATIONS

Fund - Department/Division	Personnel & Benefits	Other than Personnel & Benefits	Capital	Reserve/ Debt Service	Contingency	Fund & Department Total
Capital Projects (301)						
Safety			369,570			369,570
Service			734,100			734,100
Service (Capital Facilities)			5,795,620			5,795,620
Administrative	401,112		173,986			575,098
Budget & Finance (Debt)		125,000		534,117		659,117
Contingency					25,000	25,000
Fund Total	401,112	125,000	7,073,276	534,117	25,000	8,158,505
Municipal Public Improvement Tax Increment Equivalent (302)						
Service (Capital Facilities)						-
Budget & Finance (Debt)		9,000		427,215		436,215
Fund Total	-	9,000	-	427,215	-	436,215
Police Facility (303)						
Safety (Capital Facilities)			657,250			657,250
Budget & Finance (Debt)		64,000		807,609		871,609
Fund Total	-	64,000	657,250	807,609	-	1,528,859
Debt Service (402)						
Budget & Finance (Debt)						-
Fund Total	-	-	-	-	-	-
Internal Service (807)						
Health Insurance		4,000,000				4,000,000
Fund Total	-	4,000,000	-	-	-	4,000,000
Total Appropriations	$ 26,477,925	$ 12,974,440	$ 18,510,325	$ 2,230,191	$ 250,000	$ 60,442,881
Original Appropriations	$ 26,360,173	$ 12,511,168	$ 12,443,270	$ 2,230,191	$ 250,000	$ 53,794,802
Amendment #1	109,000	280,824	4,705,355			5,095,179
Amendment #2	26,000	68,300	157,000			251,300
Amendment #3 w/donation ord.	(17,248)	114,148	1,204,700			1,301,600
Amendment #4						-
Amendment #5						-
Amendment #6						-
Amendment #7						-
Amendment #8						-
	$ 26,477,925	$ 12,974,440	$ 18,510,325	$ 2,230,191	$ 250,000	$ 60,442,881

2022 ORIGINAL APPROPRIATIONS - SCHEDULE OF OPERATING TRANSFERS AND TEMPORARY ADVANCES

Paying Fund	Original	Request	Change	Receiving Fund
Operating Transfers				
Fund 116 - Income Tax	$ 3,600,000			Fund 001 - General
Fund 116 - Income Tax	500,000			Fund 102 - St Const Maint & Repair
Fund 116 - Income Tax	3,585,560			Fund 124 - Income Tax Safety
Fund 116 - Income Tax	3,585,560			Fund 128 - Fire & E.M.S.
Fund 116 - Income Tax	2,977,460	$ 3,284,002	$ 306,542	Fund 301 - Capital Projects
Fund 116 - Income Tax	1,792,730	1,936,107	143,377	Fund 303 - Police Facility
Fund 116 - Income Tax	-			Fund 402 - Debt Service
Total Fund 116 Income Tax	16,041,310	5,220,108	449,918	
Fund 201 - Water	45,000			Fund 204 - Utility Billing
Fund 202 - Sewer	45,000			Fund 204 - Utility Billing
Fund 001 - General	4,700,000			Fund 124 - Income Tax Safety
Fund 001 - General	2,740,000			Fund 128 - Fire & EMS
Subtotal - Total Operating Transfers	7,530,000	0	0	
Grand Total - All Transfers	$ 23,571,310	$ 5,220,108	$ 449,918	

DRAFT ORDINANCE NO. 2022 - 069

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A NEW ENERGIZED COMMUNITY GRANT AGREEMENT WITH NOPEC TO SECURE GRANT FUNDS THAT ARE AVAILABLE TO THE CITY TO USE FOR ENERGY SAVING RELATED INVESTMENTS, AND DECLARING AN EMERGENCY

WHEREAS, NOPEC is requiring the City of Kent, Ohio to execute a new Energized Community Grant Agreement to secure grant funds that will be used for energy saving related investments; and

WHEREAS, the agreement will be from January 31, 2022 through December 31, 2022 with annual renewal as long as the City stays in good standing with NOPEC or the program no longer exists; and

WHEREAS, the City would like to use the funds to upgrade pump replacements at the Water Reclamation facility and improving the City's existing roadway lighting system.

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 a new Energized Community Grant Agreement to secure grant funds from the NOPEC Energized Community (NEC) 2022 Program.

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

NOPEC 2022 ENERGIZED COMMUNITY

GRANT AGREEMENT

This Grant Agreement (the "Agreement") is made and entered into by and between NOPEC, Inc. ("Grantor"), and ___________________, ______________ County, Ohio ("Grantee"; "Grantor" and "Grantee," the "Parties") regarding a grant by Grantor to Grantee to be used primarily for energy efficiency or energy infrastructure updates in accordance with NOPEC Energized Community Grant criteria, guidelines and requirements ("NOPEC Policy").

NOW, THEREFORE, in consideration of the foregoing and the mutual promises and covenants hereinafter set forth, the Parties hereby agree as follows:

1. **Grant of Funds**. Grantor hereby grants a NOPEC Energized Community Grant ("NEC Grant") to Grantee in the amount calculated by Grantor based on the number of natural gas and/or electric accounts served by Grantor in Grantee in accordance with NOPEC Policy in the amount determined by Grantor ("Funds"), for the purposes set forth in Grantee's Grant Disbursement Request, as amended, and incorporated by reference into this Agreement.

2. **Use of Funds.** Grantee shall use the Funds granted by Grantor for qualified use as outlined in the program policies. Funds shall be paid in accordance with NOPEC Policy. NEC Grant disbursements shall be accompanied by a completed Disbursement Request Form with the expenditures supported by contracts, invoices, vouchers, and other data as appropriate as supporting documents. All disbursements for qualified use in accordance to the program policies must be submitted by November 30, 2024. If Grantee does not request disbursements by Grantor on or before such date, Grantee shall forfeit any unused Funds for the NOPEC 2022 Grant year.

3. **Accounting of Funds.** Grantee shall keep all Funds and make all disbursements and expenditures consistent with the manner in which all public funds are kept by Grantee in accordance with applicable law.

4. **Term.** The Parties agree that this Agreement shall begin on January 1, 2022, and shall expire on December 31, 2022, and shall be automatically renewed annually unless Grantor discontinues the NEC Grant program for any subsequent year or Grantee is no longer a NOPEC member in good standing, as defined herein.

5. **Renewable Energy Credits.** Grantee shall be entitled to claim Renewable Energy Credits, carbon credits, or NOx allowances and/or allowances arising under other trading programs that may be established in the future for the work completed using grant funding. Grantor reserves the right to claim/apply for such allowances if Grantee does not claim such allowances or this Agreement terminates. Grantee must notify Grantor if Grantee does not wish to trade or sell any such credits or assets.

6. **Records, Access and Maintenance.** Grantee shall establish and maintain all records associated with the Funds in accordance with the Ohio Public Records Act and shall promptly make available to Grantor all of its records with respect to matters covered by this Agreement, and for Grantor to audit, examine and make copies from such records. Grantee agrees to share and release all of its utility and other data with NOPEC, Inc. and Grantor and its

consultant(s) in order to measure, verify and otherwise track savings from energy efficiency and for such other related uses as Grantor shall require.

7. **Property and Equipment Purchases.** All items purchased by Grantee from the Funds granted herein are and shall remain the property of Grantee.

8. **Inability to Perform.** In the event that Grantee does not or cannot complete or perform its obligations under this Agreement, Grantee shall immediately notify Grantor in writing. Grantor, with the approval of the Committee formed to award NEC Grants (the "Committee"), and Grantee shall jointly identify amendments or suitable uses that meet NOPEC Policy.

9. **Dispute Resolution.** In the event Grantee desires clarification or explanation of, or disagrees with, any matter concerning the Agreement, or the interpretation or application of any and all federal or state statutes, rules, regulations, laws or ordinances, the matter must be submitted in writing to Grantor, which shall convene the Committee to review and decide the matter. All decisions of the Committee shall be final and binding upon Grantee, and non-appealable.

10. **Termination.**

(a) If Grantor determines that Grantee has failed to perform any requirements of this Agreement, or if Grantee is in default under any provision of this Agreement, or upon just cause, as shall be determined by the Committee, Grantor, upon approval by the Committee, may terminate the Agreement at any time after providing Grantee with written notice and a period of at least thirty (30) days to cure any and all defaults under this Agreement. During such thirty day cure period, Grantee shall incur only those obligations or expenditures which are necessary to enable Grantee to continue to achieve compliance with the terms of this Agreement.

(b) This Agreement shall automatically terminate if Grantee is not a NOPEC member in good standing. A NOPEC member in good standing means a Northeast Ohio Public Energy Council ("NOPEC" or "Northeast Ohio Public Energy Council") member whose residents are receiving service from Northeast Ohio Public Energy Council's natural gas or electric aggregation program and which has not provided written notice to withdraw from such Northeast Ohio Public Energy Council's natural gas or electric aggregation program.

11. **Effects of Termination.**

(a) Within sixty (60) days after termination of this Agreement, Grantee shall surrender all reports, data, documents, and other materials assembled and prepared pursuant to this Agreement which shall become the property of Grantor.

(b) The Committee also may withhold final installment payment of the Funds or require Grantee to return all or any part of the Funds awarded if Grantee is found to have violated the provisions of this Agreement. Notwithstanding any other provision in this Agreement, if Grantee either withdraws from membership in the Northeast Ohio Public Energy Council or from its electric or natural gas aggregation program(s), Grantee shall no longer be eligible for any NEC Grants. The provisions of this paragraph are in addition to the termination provisions of this Agreement and to any payments required under the Northeast Ohio Public Energy Council Bylaws and the Northeast Ohio Public Energy Council of Governments Agreement with its member communities in connection with any such withdrawal.

12. **Liability.** Grantee shall maintain, or cause any vendors or subcontractors to maintain, all required liability and property insurance to cover actionable legal claims for liability or loss which are the result of injury to or death of any person, damage to property caused by the negligent acts or omissions, or negligent conduct of the Grantee. To the extent permitted by law, in connection with activities conducted in connection with this Agreement, Grantee agrees to defend Grantor and pay any judgments and costs arising out of such negligent acts or omissions, and nothing in this Agreement shall impute or transfer any liability of any nature whatsoever from Grantee to NOPEC, Inc. or the Northeast Ohio Public Energy Council.

13. **Compliance with Laws.** Grantee agrees to comply with all applicable federal, state, and local laws in the performance of the funding. Grantee is solely responsible for payments of all unemployment compensation, insurance premiums, workers' compensation premiums, all income tax deductions, social security deductions, and any and all other taxes or payroll deductions required for all employees engaged by Grantee on the performance of the work authorized by this Agreement.

14. **Miscellaneous.**

(a) Governing Law. The laws of the State of Ohio shall govern this Agreement. All actions regarding this Agreement shall be venued in a court of competent subject matter jurisdiction in Cuyahoga County, Ohio.

(b) Entire Agreement. This Agreement and any documents referred to herein constitute the complete understanding of the Parties and merge and supersede any and all other discussions, agreements and understandings, either oral or written, between the Parties with respect to the subject matter hereof.

(c) Severability. Whenever possible, each provision of this Agreement shall be interpreted in such manner as to be effective and valid under applicable law, but if any provision of this Agreement is held to be prohibited by or invalid under applicable law, such provision shall be ineffective only to the extent of such prohibition or invalidity, without invalidating the remainder of such provisions of this Agreement.

(d) Notices. All notices, consents, demands, requests and other communications which may, or are required to be, given hereunder shall be in writing and delivered to the addresses set forth hereunder or to such other address as the other party hereto may designate from time to time:

In case of NOPEC, to:

Charles W. Keiper, II
President
NOPEC, Inc.
31360 Solon Road
Suite 33
Solon, OH 44139

In case of Grantee, to:

Title: City Manager
Name: Dave Ruller
301 S. Depeyster
Kent, Ohio 44240

(e) Amendments or Modifications. Either party may at any time during the term of this Agreement request amendments or modifications. Requests for amendment or modification of this Agreement shall be in writing and shall specify the requested changes and justification therefor. The Parties shall review the request for modification in terms of the funding uses and NOPEC Policy. Should the Parties consent to modification of the Agreement, then an amendment shall be drawn, approved, and executed in the same manner as the original Agreement.

(f) Headings. Section headings contained in this Agreement are inserted for convenience only and shall not be deemed to be a part of this Agreement.

(g) Assignment. Neither this Agreement nor any rights, duties or obligations described herein, shall be assigned or subcontracted by Grantee without the prior express written consent of Grantor.

(h) Authority. The undersigned represents and warrants to the other that each has all the necessary legal power and authority to enter into this Agreement.

(i) Determinations by Grantor Final. All determinations as to eligibility of any uses of an award of any NEC Grant, and the amount and payment schedule of a NEC Grant, will be made by Grantor and its Committee, which shall be final, conclusive and binding upon Grantee.

(j) Designation of Grantee Representative. Grantee hereby designates its [Fiscal Officer or other position] to take all actions with respect to the NEC Grant and this Agreement as may be required and Grantor shall be entitled to rely on the authority of such designated representative of Grantee in connection with this Agreement.

(k) Marketing Consent. Grantee hereby authorizes NOPEC, Inc. and Grantor to use information about Grantee's grant(s) and work funded in any marketing they may conduct, and agrees to cooperate with Grantor in connection with such marketing.

[*Signature Page to Follow*.]

IN WITNESS WHEREOF, the Parties hereto have executed this Grant Agreement on the last date set forth below.

GRANTEE:	**NOPEC, INC.**:
______________________________, Ohio	
Individual Authorized by Grantee's Legislation	
By:________________________________	By:___________________________________
Title:______________________________	Title:__________________________________
Date:______________________________	Date:__________________________________

[Signature page to NOPEC 2022 Energized Community Grant Agreement.]