



City of Kent
Wednesday, August 17, 2022
Regular City Council Meeting
320 S. Depeyster Street, Kent, OH 44240

AGENDA

7:25 P.M. Board of Control

7:30 P.M. Regular Council Meeting

1. Roll Call
2. Opening Remarks and Pledge of Allegiance- Mr. DeLeone
3. Approval of Minutes
 - 3.1. July 20, 2022 Special Committee Meeting Minutes
July 20, 2022 Regular Council Meeting Minutes
4. Communications
 - 4.1. Public Comment - **Anyone wishing to address Council must submit their written comments to the Clerk of Council at councilclerk@kent-ohio.org by 4:30 p.m. on the day of the meeting. If also requesting to speak at the meeting, comments are limited to three (3) minutes.**
 - 4.2. Written Communication (All placed on file in the Clerk of Council's office)
 1. Individual emails from Kent residents Jenna Rinaldi, Tiffany Holler, Michele K. Keith, Iris Meltzer, Diane Stresing, Rebecca Moyseenko, Sandy Dettis, and John Avouris were sent to councilmember Gwen Rosenberg in July in regards to the Supreme Court decision to overturn Roe v Wade and Ohio's heartbeat bill. All emails were shared with councilmembers at the July 20th Regular Council Meeting.
 2. The Special Board of Zoning Appeals Meeting Agenda for August 1, 2022 for cases that were continued from May 2020 was received on July 21, 2022.
 3. The Planning Commission meeting agenda and staff report for August 2, 2022 was received on July 26, 2022.
 4. The Architecture Review Board Meeting Agenda for August 2, 2022 was received on July 29, 2022.
 5. Standing Rock Cemetery Board of Trustees Agenda for August 11, 2022 was received on August 4, 2022.
 6. Board of Zoning Appeals agenda and staff report for the meeting on August 15, 2022 was received on August 9, 2022.
 7. Planning Commission meeting agenda and staff report for August 16, 2022 was received on August 9, 2022.
 8. Civil Service Commission Agenda for August 15, 2022 received August 10, 2022.

9. Notice to Legislative Authorities regarding objections to renewal of liquor permits set to expire on October 1, 2022 was received and forwarded to Council and Chief Shearer on August 8, 2022.
10. Liquor License STOCK request from Kent ABCHoldings, LLC, DBA Treno Ristorante & Patio 152 Franklin Ave. 1st. Floor and Basement, Kent, was received on August 5, 2022.

4.3. City Manager's Report

5. Standing Committees & Legislation

5.1. **Committee of the Whole**

5.1.1. Committee Meeting Minute Approval for August 3, 2022

5.1.2. Action(s) Recommended

1. Authorize the Civil Service lateral testing rule change allowing for a lateral transfer for City Civil Service vacancies, with an emergency clause.

5.1.3. **DRAFT 2022- 080** AN ORDINANCE AUTHORIZING THE CIVIL SERVICE COMMISSION TO CHANGE THE CIVIL SERVICE TESTING RULES TO ALLOW FOR LATERAL TRANSFERS WITHOUT REQUIRING A FULL CIVIL SERVICE RE-TEST, AND DECLARING AN EMERGENCY (Authorized)

5.1.4. **DRAFT 2022-094** A RESOLUTION IN SUPPORT OF WOMENS' REPRODUCTIVE RIGHTS IN DISSENT OF THE U.S. SUPREME COURT DECISION OVERTURNING ROE v. WADE, AND DECLARING AN EMERGENCY (UNAUTHORIZED)

5.2. **Community Development**

5.2.1. Committee Meeting Minute Approval for August 3, 2022

5.2.2. Action(s) Recommended

1. Authorize Development Agreement and TREX Liquor License for Board & Bevy, with an emergency clause.

5.2.3. **DRAFT 2022-081** AN ORDINANCE AUTHORIZING THE TRANSFER OF A TREX LIQUOR LICENSE INTO THE CITY OF KENT BY THE WULFJAM, LLC, AN OHIO LIMITED LIABILITY COMPANY, CONDITIONED UPON THE EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF KENT, OHIO AND WULFJAM, LLC, AND DECLARING AN EMERGENCY (AUTHORIZED)

5.3. **Health & Safety Committee**

5.3.1. Committee Meeting Minute Approval for August 3, 2022

5.3.2. Action(s) Recommended

1. Authorize Health Department lease extension in the PARTA Central Gateway, with an emergency clause.
2. Authorize the School Resource Officer contract renewal for the 2022-2023 academic year, with an emergency clause.

5.3.3. **DRAFT 2022-082** AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO AMEND THE LEASE AGREEMENT WITH PARTA AND THE CITY OF KENT HEALTH DEPARTMENT TO CONTINUE TO LEASE 201 EAST ERIE STREET AND TO INCLUDE BOTH SUITE G AND E TO THE LEASE WHICH IS THE 2ND FLOOR AND GROUND FLOOR FOR CLINICAL PURPOSES, AND DECLARING AN EMERGENCY (AUTHORIZED)

5.3.4. **DRAFT 2022-083** AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPROVE AND EXECUTE AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF KENT, OHIO AND THE KENT CITY BOARD OF EDUCATION REGARDING THE SCHOOL RESOURCE OFFICER PROGRAM, EXTENDING THIS AGREEMENT UNTIL JUNE 3, 2023, AND DECLARING AN EMERGENCY (AUTHORIZED)

5.4. **Streets, Sidewalks and Utilities**

5.4.1. Committee Meeting Minute Approval for August 3, 2022

5.4.2. Action(s) Recommended

1. Authorize the emergency bid waiver for the damaged Fairchild Water Tank, with an emergency clause.
2. Authorize the City/KSU Erie St. closure for the community ice rink project, with an emergency clause.

5.4.3. **DRAFT 2022-084** AN ORDINANCE APPROVING THE EMERGENCY REPAIRS TO THE FAIRCHILD WATER TOWER COMPLETED BY KENMORE CONSTRUCTION COMPANIES, WAIVING COMPETITIVE BIDDING, AND DECLARING AN EMERGENCY (AUTHORIZED)

5.4.4. **DRAFT 2022-085** AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ALLOW THE SERVICE DEPARTMENT TO ENTER INTO A CONTRACT WITH KENMORE CONSTRUCTION COMPANIES TO COMPLETE THE REPAIRS TO THE FAIRCHILD WATER TOWER, WAIVING COMPETITIVE BIDDING, AND DECLARING AN EMERGENCY (AUTHORIZED)

5.4.5. **DRAFT 2022-086** AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPROVE A NEW SPECIAL EVENT APPLICATION FOR KENT STATE UNIVERSITY AND THE CITY OF KENT FOR AN ICE RINK THAT WILL START ON NOVEMBER 1st AND RUN THROUGH MARCH 15th OF EACH YEAR, AND DECLARING AN EMERGENCY (AUTHORIZED)

5.5. **Finance Committee**

5.5.1. Committee Meeting Minute Approval for August 3, 2022

5.5.2. Action(s) Recommended

1. Authorize the City of Kent to participate in the Community, University, Educational (CUE) Purchasing Agreement, with an emergency clause.
2. Authorize, accept, allocate and distribute the State of Ohio First Responder Retention Grant for Kent Police, with an emergency clause.
3. Authorize and allocate grant funding to be used for the purchase of replacement body armor, with an emergency clause.
4. Certify and authorize submission of property tax liens to Portage County, with an emergency clause.
5. Approve the 2022 budget appropriations amendment, with an emergency clause.

5.5.3. **DRAFT 2022-087** AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT ESTABLISHING THE COMMUNITY UNIVERSITY EDUCATION PURCHASING REGIONAL COUNCIL OF GOVERNMENTS, AND DECLARING AN EMERGENCY (AUTHORIZED)

5.5.4. **DRAFT 2022-088** AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACCEPT GRANT FUNDING IN THE AMOUNT OF \$376,771.20 THROUGH THE OHIO VIOLENT CRIME REDUCTION GRANT PROGRAM TO PAY SWORN OFFICERS AND DISPATCHERS A 10% BONUS, AND DECLARING AN EMERGENCY (AUTHORIZED)

5.5.5. **DRAFT 2022-089** AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACCEPT GRANT FUNDING IN THE AMOUNT OF \$801.43 THROUGH THE 2022-2023 OHIO LAW ENFORCEMENT BODY ARMOR GRANT PROGRAM FOR THE PURCHASE OF EXPIRING BODY ARMOR, AND DECLARING AN EMERGENCY (AUTHORIZED)

5.5.6. **DRAFT 2022-090** AN ORDINANCE AUTHORIZING THE CERTIFICATION OF NON-PAYMENT OF BILLS FOR RESIDENTS RESULTING FROM THE 2021 HARRIS STREET REHABILITATION OF UNPAID STREET REHABILITATION PROGRAM, TO THE COUNTY AUDITOR IN ORDER TO ALLOW FOR THE PLACEMENT OF THE CERTIFIED AMOUNT ON THE REAL PROPERTY TAX LIST AND DUPLICATE AGAINST THE PROPERTY FOR THE NON-PAYMENT OF STREET REPAIRS, AND DECLARING AN EMERGENCY (AUTHORIZED)

5.5.7. **DRAFT 2022-091** AN ORDINANCE AUTHORIZING THE CERTIFICATION OF NON-PAYMENT OF BILLS FOR RESIDENTS RESULTING FROM THE 2021 ANNUAL CONCRETE REPAIR PROGRAMS OF UNPAID CONCRETE SIDEWALK REPAIR ACCOUNTS, TO THE COUNTY AUDITOR IN ORDER TO ALLOW FOR THE PLACEMENT OF THE CERTIFIED AMOUNT ON THE REAL PROPERTY TAX LIST AND DUPLICATE AGAINST THE PROPERTY FOR THE NON-PAYMENT OF SIDEWALK REPAIRS, AND DECLARING AN EMERGENCY (AUTHORIZED)

5.5.8. **DRAFT 2022-092** AN ORDINANCE AUTHORIZING THE CERTIFICATION OF NON-PAYMENT OF WATER USE CHARGES, WASTEWATER USE CHARGES, STORM WATER UTILITY CHARGES AND RECYCLING/SOLID WASTE COLLECTION CHARGES TO THE COUNTY AUDITOR IN ORDER TO ALLOW FOR THE PLACEMENT OF THE CERTIFIED AMOUNT ON THE REAL PROPERTY TAX LIST AND DUPLICATE AGAINST THE PROPERTY FOR THE NON-PAYMENT OF WATER USE CHARGES, WASTEWATER USE CHARGES, STORM WATER UTILITY CHARGES AND RECYCLING/SOLID WASTE COLLECTION CHARGES, AND DECLARING AN EMERGENCY (AUTHORIZED)

- 5.5.9. **DRAFT 2022-093** AN ORDINANCE ACCEPTING OPIOID SETTLEMENT FUNDS AND DIRECTING PLACEMENT OF SUCH FUNDS IN A SEPARATE FUND, AND DECLARING AN EMERGENCY (UNAUTHORIZED)
- 5.5.10. **DRAFT 2022-095** AN ORDINANCE AUTHORIZING THE CERTIFICATION OF DELINQUENT MOWING BILLS, PROPERTY MAINTENANCE VIOLATIONS-CITATIONS, ZONING VIOLATIONS-CITATIONS, AND HEALTH DEPARTMENT VIOLATIONS-CITATIONS TO THE COUNTY AUDITOR IN ORDER TO ALLOW FOR THE PLACEMENT OF THE CERTIFIED AMOUNT ON THE REAL PROPERTY TAX LIST AND DUPLICATE AGAINST THE PROPERTY SERVED BY THE MOWING SERVICES, PROPERTY MAINTENANCE VIOLATION-CITATIONS, ZONING VIOLATIONS-CITATIONS, HEALTH DEPARTMENT VIOLATIONS-CITATIONS, AND DECLARING AN EMERGENCY (AUTHORIZED)
- 5.5.11. **DRAFT 2022-096** 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)

6. Unfinished Business
7. New Business
8. Councilmembers' Comments
9. 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, July 20, 2022
City Council Committee Meetings
320 S. Depeyster Street, Kent, OH 44240

MINUTES

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

Also Present: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Service Director; 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

At 7:20 p.m., Mayor Jerry T. Fiala called the City Council Special Committee Meetings to order.

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

Chair Sidoti opened the Streets, Sidewalks & Utilities Committee by acknowledging Ms. Melanie Baker, who will be presenting the topic this evening in place of Mr. Bowling.

ODOT Final Legislation for Paving SR 43 & Bridge Repairs on Haymaker Parkway

Ms. Baker discussed the roadwork that is to be completed on SR 43 as well as completing bridge repairs on Haymaker Parkway. The project will be bid on in August and will have a completion date expected in September 2023. An additional appropriation is needed due to an increase in prices for asphalt since 2015. Ms. Baker asked for approval of the legislation for the project along with approval of the budget appropriation.

MOTION TO APPROVE ODOT FINAL LEGISLATION FOR PAVING SR 43
MADE BY Mr. Garret Ferrara, SECONDED by Ms. Heidi Shaffer Bish and
CARRIED by a voice vote of 9-0-0.

The Special Committee Meeting adjourned at 7:02 p.m.

DRAFT

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, July 20, 2022
Regular City Council Meeting
320 S. Depeyster Street, Kent, OH 44240

MINUTES

7:30 P.M. Regular Council Meeting

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

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

Also Present: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Service Director; 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

Mr. Mike DeLeone asked that everyone stand for the Pledge of Allegiance.

Recognition of Citizens Acts of Kindness and Heroism

Mayor Fiala and Mr. Jack Amrhein presented certificates of appreciation to eleven children who helped assist a local, partially paralyzed landscaper, who had overturned his riding lawnmower in their neighborhood. Ms. Dalisa Dunaway, mother of two of the children, briefly described the incident and how she urged the children to assist the man. Ms. Dunaway was presented with flowers from Mayor Fiala and certificates were given to Case Fortson, Codey Fortson, Joshua Thomas, Allen Tidmore, Raiden Felding, Tyler Ellington, Mack Antwan, Omar Lawler, Deshawn Thomas, and Keith and Chase Stewart. Lieutenant Mike Lewis presented an envelope to each of them which contained a cash donation from a citizen, thanking them for being good neighbors. Lieutenant Lewis and the owner of Penn Station Subs, Mr. Nelson, presented each with gift certificates; each receiving one submarine sandwich a day for one year.

A member from the audience stood and thanked Council for inviting all of the children to the meeting tonight. She also asked that a prayer be sent out to the landscaper's family. She learned today that he had died in an unexpected accident at his home the previous evening. Mayor Fiala asked for a moment of silence from everyone.

Mayor Fiala thanked the group and said they are what makes Kent the best.

Approval of Minutes

MOTION TO APPROVE THE JUNE 15, 2022 REGULAR MEETING MINUTES AND THE JULY 6, 2022 REGULAR MEETING MINUTES MADE BY Mr. Michael DeLeone, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 9-0-0.

Communications

Public Comment

Mayor Fiala read the following statement:

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

Ms. Yana Kryvyak of Trenton Trail, approached the podium to speak about the Tobacco Retail License Legislation being presented this evening. She read from a prepared statement (**Attachment #1**)

Mr. Christopher Myers, who is a resident on Elm Street in Kent, was next to address Council. He talked about a time recently when he was protesting in front of the Franklin Square Deli, stating that open borders equals fentanyl, which equals death. He described an experience with a person making accusations against him and then spat at him. He said tobacco addiction is terrible but does not agree with the City charging \$400 for a license. He said the Ukraine war is terrible and the US support is really sad. He thanked Council.

Ms. Heidi Summerlin, who resides on Rose Ct., asked Council to do something about the new fireworks law in Ohio. She said this past Fourth of July many of her neighbors were setting off commercial grade fireworks, sometimes past 11pm. She had her windows closed, the air conditioner on, the television on, but nothing helped drown out the sounds. She said there is a nice show downtown for the residents to enjoy. She asked Council to vote to ban fireworks in the city of Kent again. She is concerned about safety and fires being started.

Mayor Fiala said Council is going to be taking a look at this in the next month or so.

Written Communication

1. An email from Sandra Reid, who resides on Rustic Knoll, Kent, Ohio, urging City Council to pass a strong and comprehensive tobacco retail license law was received and forwarded to Council on
2. An email from Wendy Hyde, Regional Director for the Preventing Tobacco Addiction Foundation, urging City Council to establish a Tobacco Retail Licensing (TRL) program for the city of Kent was received on June 21, 2022.
3. Notice from the Portage County Board of Elections regarding the Primary Election being held on August 2, 2022 was received on June 17, 2022.
4. A letter from the Ohio Environmental Protection Agency regarding plan approval for the Kent Well #9 Rehabilitation was received on June 15, 2022.

5. The Architecture Review Board Agenda for July 5, 2022 was received on June 29, 2022.
6. The Standing Rock Cemetery Board Minutes from their June meeting and Agenda for the July 14, 2022 meeting was received on June 30, 2022.
7. Liquor License STOCK request was received on June 27, 2022 for Hump & Hustle Brewing Co. LLC, DBA North Water Brewing Co. & Patio, 101 Crain Ave., Kent. Chief Shearer had no objections.

MOTION TO RETURN WITH NO OBJECTION MADE BY Mr. John Kuhar, SECONDED by Ms. Heidi Shaffer Bish and CARRIED by a voice vote of 9-0-0.

Ms. Gwen Rosenberg asked what the stock liquor license was for. Ms. Wilkens replied it was filed due to a change in ownership.

Ms. Wilkens stated Ms. Gwen Rosenberg received a written letter from a resident she wanted to read into the record. Ms. Rosenberg read the letter she received to Council **(Attachment #2)**

City Manager's Report for July 20, 2022

1. Angela has asked for Council's approval to accept and allocate a \$350 donation from Hippie Fox Rocks Inc., to Kent Parks and Recreation Youth Cheerleading. (Draft# 2022-078)
2. Joan has asked Council to authorize the acceptance of homecare products donated to the Kent Health Department by the Portage County Developmental Disabilities Agency with an estimated value of \$100. (Draft# 2022-079)
3. The Staff have requested Committee of the Whole time in August to present a draft of the new Civic Engagement Coordinator position.
4. The City Manager has asked for Committee of the Whole time for Council to receive an update from Dana regarding the status of town gown initiatives.
5. Melanie has asked for Committee of the Whole time to provide Council with a brief update on the status of the new City Hall construction project.
6. Bridget has asked for Community Development Committee time to present a new request for a TREX liquor license for the new business ("Board & Bevy") which would go in the old Sparkle Market property on Summit Street.
7. Joan and Hope have asked for Health & Public Safety Committee time to request the renewal of the Health Department lease at the Kent Central Gateway.
8. Chief Myers and the City Manager has asked for Health & Public Safety Committee time to allow representatives from University Hospital (UH) to present their proposal for a new medical unit (ambulance) and to ask for a financial contribution from the City.
9. Chief Shearer has asked for Health & Public Safety Committee time to request Council's renewal of the annual contract with Kent City Schools for the School Resource Officer.
10. Jim and Hope have asked for Streets, Sidewalks & Utilities Committee time to ask for Council's approval to waive the competitive bidding requirement for the repairs at the Fairchild Avenue Water Tank.

MOTION TO APPROVE THE CITY MANAGER'S REPORT MADE BY Mr. Jack Amrhein, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 9-0-0.

Mr. Ruller informed everyone that the City of Kent was officially recognized as one of the best home towns in Ohio by Ohio Magazine. He talked to the editor about the decision-making process, who said it was easy in Kent. Reporters interviewed residents in the

community and learned a lot of great things. Mr. Ruller said he will get hard copies for councilmembers when the edition comes out.

Standing Committees & Legislation

Committee of the Whole - Chair Mayor Fiala

MOTION TO APPROVE COMMITTEE MEETING MINUTES FROM JULY 6, 2022 MADE BY Mr. Jack Amrhein, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 9-0-0.

Action(s) Recommended- NONE

Community Development Chair Kuhar/ Vice-Chair Rosenberg

MOTION TO APPROVE COMMITTEE MEETING MINUTES AND RECOMMENDED ACTION FROM JULY 6, 2022 MADE BY Mr. John Kuhar, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 9-0-0.

Action(s) Recommended:

1. Authorize the amendment to the City's housing rehabilitation loan program to align with the State's owner-occupied housing assistance program policy.

Health & Safety Committee Chair Amrhein/ Vice-Chair Sidoti

MOTION TO APPROVE COMMITTEE MEETING MINUTES AND ACTION RECOMMENDED FROM JULY 6, 2022 MADE BY Mr. Jack Amrhein, SECONDED by Ms. Heidi Shaffer Bish and CARRIED by a voice vote of 8-1-0. Mr. Kuharvoted 'No'.

Action(s) Recommended:

1. Authorize changes to the City's Tobacco Ordinance by approving a Tobacco Retail License (TRL) policy

Draft 2022- 071 AN ORDINANCE ADOPTING CHAPTER 771 OF THE KENT CODIFIED ORDINANCES TO ESTABLISH THE TOBACCO PRODUCTS SALES LICENSING PROGRAM, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF Draft 2022- 071 MADE by Mr. Garret Ferrara, SECONDED by Ms. Gwen Rosenberg, On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-1-0. Mr. Kuhar voted 'No' to suspend the three readings.

Mr. Kuhar said this was government overreach. He said the goal is good and he believes in what is trying to be done, but thinks the approach is wrong. We allowed for ordinances that made it illegal for young people to get the product, but kids are still getting them. He added this should be done through education and that no matter what law there is, it will come

down to complaints from parents about establishments that are selling products to kids. He said when there is a problem, we pass a law that costs people money that does next to nothing. He said there are probably other ways of doing it.

Ms. Shaffer Bish said for those who have been following the rules, they may take this as a chance to level the playing field. She said this helps to elicit good behavior and not sell a product that is harmful to not only individuals but also to our society.

Mr. Turner said he supports it because it creates a structure and the Health Department has said this has been problematic. He said, by the end of the day, by creating this for young people, the opportunity and tool is a positive thing and is not government overreach. He said this will be tracked and, depending on the evidence, we will see if it works.

Mr. Kuhar said we all know vaping is bad and if we want to make laws, why don't we ban vaping and ban the product?

Mr. Sidoti said the important thing is that we are consistent. We expect those who sell alcohol to obey the law, and people who sell food to have a license. He said if you are going to be responsible for selling tobacco in the community, you will be held accountable for holding enforcement of the laws. We don't have anything on the books to do so right now. He said it's laughable to think we wouldn't hold the store responsible for selling alcohol. He said it is a consistent way of doing business in Kent.

Mr. Ferrara asked if the state does not regulate liquor and tobacco sales. Mr. Ferrara asked if the City charges purveyors of alcohol licensing fees. He said you cannot have it both ways and you can't charge one and not the other.

Ms. Shaffer Bish said that the majority of cities in Ohio do not have this in place, but most legislation starts at the local level. We have had many presentations that made a strong argument in favor of it. We are considered both an educational and leadership community. She said we can't just wait around for some state or federal law to drop out of the sky and thinks it is important to show that we are a community that is paying attention to this issue and setting a new standard.

Mr. Kuhar asked if the ordinance passed to 21 for vaping products, did we not include a penalty for that. Ms. Seidel said there is a penalty but that this would give the Health Department help in enforcing it.

Ms. Rosenberg said that from her understanding, the federal government hasn't done anything to regulate vape products, so things like Juul haven't been regulated at all and they haven't made any effort to curb advertising to children. The nicotine levels in a vape can be anything. To have a completely unregulated industry that has been consistently marketed to our own Kent children, asking for a permit to have spot inspection to make sure they are not selling to children is absolutely reasonable and appropriate. She said this is long overdue and wishes the federal government and the FDA would have stepped in sooner. She thinks this will prevent a lot of addiction and heartache.

Mr. Turner said Kent has decided to do something regarding this issue which is appropriate for a governmental body. He said this is not overreach and is totally appropriate.

MOTION TO ADOPT DRAFT 2022- 071 MADE by Mr. Roger Sidoti SECONDED by Ms. Gwen Rosenberg . On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 7-1-1. Mr. Kuhar voted 'No' to adopt ordinance 2022-071. Mr. Ferrara voted 'Abstain'.

ORDINANCE 2022-071 PASSES.

Streets, Sidewalks and Utilities Chair Sidoti/ Vice-Chair Wallach

MOTION TO APPROVE COMMITTEE MEETING MINUTES FROM JULY 6, 2022 MADE BY Mr. Roger Sidoti, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 9-0-0.

Action(s) Recommended:

1. Authorize updates to the language in the local limits section of the City's Sanitary Sewer Ordinance.

Draft 2022-072 A FINAL RESOLUTION AND APPROVAL AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A CONTRACT WITH THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION (ODOT) PROJECT (PID 11270) FOR THE RESURFACING OF NORTH MANTUA STREET (SR43) IN KENT, FROM HAYMAKER PARKWAY TO THE NORTH CORPORATION LIMITS AND PERFORM MINOR BRIDGE REPAIRS; AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF Draft 2022-072 MADE by Mr. John Kuhar, SECONDED by Ms. Gwen Rosenberg. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 9-0-0.

MOTION TO ADOPT Draft 2022-072 MADE by Mr. John Kuhar, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 9-0-0.

ORDINANCE 2022-072 PASSES.

Draft 2022- 073 AN ORDINANCE AMENDING CHAPTER 915 "SANITARY SEWER USE" OF THE CODIFIED ORDINANCES SPECIFICALLY SECTION 915.11 "LOCAL LIMITS" OF THE CITY OF KENT, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF Draft 2022- 073 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 9-0-0.

MOTION TO ADOPT Draft 2022- 073 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 9-0-0.

ORDINANCE 2022-073 PASSES.

Finance Committee Chair DeLeone/ Vice-Chair Wallach

MOTION TO APPROVE COMMITTEE MEETING MINUTES FROM JULY 6, 2022 MADE BY Mr. Michael DeLeone, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 9-0-0.

MOTION TO APPROVE ACTION(S) RECOMMENDED MADE BY Mr. Michael DeLeone, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 9-0-0.

Action(s) Recommended:

1. Accept and authorize use of the EPA Grant for Vector Control, Tobacco Use 2023 Grant, Healthy Eating and Active Learning Grant and Staying Active and Independent Living Grant received by the Kent City Health Department.
2. Authorize disposal of the Police Department's Call Recorder Server.
3. Authorize sale of surplus Self-Contained Breathing Apparatus by the Fire Department.
4. Authorize submission of the City's 2023 Tax Budget to the Portage County Auditor.
5. Approve the 2022 budget appropriation amendments.

Draft 2022-074 AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACCEPT GRANT FUNDING FOR THE KENT HEALTH DEPARTMENT NOT TO EXCEED \$171,000 FOR SPECIFIC PROGRAMS, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF Draft 2022-074 MADE by Mr. Garret Ferrara, SECONDED by Mr. Robin Turner. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 9-0-0.

MOTION TO ADOPT Draft 2022-074 MADE by Heidi Shaffer Bish, SECONDED by Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 9-0-0.

ORDINANCE 2022-074 PASSES.

Draft 2022-075 AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO DISPOSE OF THE POLICE DEPARTMENT'S CALL RECORDER SERVER ON THE BASIS THAT IT IS NO LONGER REQUIRED BY RETENTION POLICIES OR USE BY THE CITY, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF Draft 2022-075 MADE by Mr. Garret Ferrara, SECONDED by Ms. Gwen Rosenberg. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 9-0-0.

MOTION TO ADOPT Draft 2022-075 MADE by Garret Ferrara, SECONDED by Michael

DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 9-0-0.

ORDINANCE 2022-075 PASSES.

Draft 2022-076 AN ORDINANCE ALLOWING THE KENT FIRE DEPARTMENT TO SELL SELF CONTAINED BREATHING APPARATUSES (SCBA) TO LOCAL FIRE DEPARTMENTS; AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF Draft 2022-076 MADE by Mr. Garret Ferrara, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 9-0-0.

MOTION TO ADOPT Draft 2022-076 MADE by Michael DeLeone, SECONDED by Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 9-0-0.

ORDINANCE 2022-076 PASSES.

Draft 2022-077 AN ORDINANCE AMENDING ORDINANCE NO. 2021-133, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 15, 2021; SO AS TO ADJUST APPROPRIATIONS, TRANSFERS AND ADVANCES FROM THE VARIOUS FUNDS OF THE CITY OF KENT TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES OF THE CITY FOR THE FISCAL YEAR ENDING DECEMBER 31, 2022; AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF Draft 2022-077 MADE by Mr. Garret Ferrara, SECONDED by Ms. Gwen Rosenberg. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 9-0-0.

MOTION TO ADOPT Draft 2022-077 MADE by Garret Ferrara, SECONDED by Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 9-0-0.

ORDINANCE 2022-077 PASSES.

Draft 2022- 078 AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$350.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT TO BE USED FOR YOUTH CHEERLEADING, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF Draft 2022- 078 MADE by Mr. Garret Ferrara, SECONDED by Ms. Gwen Rosenberg. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach.

The motion CARRIED by a roll call vote of 9-0-0.

Ms. Rosenberg thanked the company for making the donation to Kent Parks and Recreation.

MOTION TO ADOPT Draft 2022- 078 MADE by Mr. Michael DeLeone, SECONDED by Mr. Garret Ferrara. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 9-0-0.

ORDINANCE 2022-078 PASSES.

Draft 2022- 079 AN ORDINANCE ACCEPTING A DONATION OF HOMECARE PRODUCTS FROM PORTAGE COUNTY DEVELOPMENTAL DISABILITIES AGENCY ESTIMATED IN THE AMOUNT OF \$100.00 TO THE CITY OF KENT'S HEALTH DEPARTMENT, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF Draft 2022- 079 MADE by Garret Ferrara, SECONDED by Roger Sidoti. On Roll Call Voting "Yes" Jack Amrhein, Michael DeLeone, Garret Ferrara, John Kuhar, Gwen Rosenberg, Heidi Shaffer Bish, Roger Sidoti, Robin Turner, Tracy Wallach. The motion CARRIED by a roll call vote of 9-0-0.

MOTION TO ADOPT Draft 2022- 079 MADE by Garret Ferrara, SECONDED by Roger Sidoti. On Roll Call Voting "Yes" Jack Amrhein, Michael DeLeone, Garret Ferrara, John Kuhar, Gwen Rosenberg, Heidi Shaffer Bish, Roger Sidoti, Robin Turner, Tracy Wallach. The motion CARRIED by a roll call vote of 9-0-0.

ORDINANCE 2022-079 PASSES.

Unfinished Business

NONE

New Business

Ms.Gwen Rosenberg read the following statement:

I have received many letters from Kent residents, which I have provided to Council and the Mayor, expressing fear, concern and horror at the potential for harm directed at Ohio's childbearing population. Removing a person's right to bodily autonomy and reproductive freedom by denying access to reproductive healthcare and education is a matter that concerns all of us. The recent Supreme Court decision means legislation regarding this issue is being pushed on to local governments- we'll face discussions in the future about our response to draconian laws coming from the Ohio Statehouse. Other cities have already taken action to protect the rights of their residents.

As one Kent resident states in her letter to us, "Elected officials are elected to protect the rights of all people...By restricting or eliminating reproductive rights we know that women will suffer and even die."

The United States already has one of the poorest infant and maternal mortality rates in the developed world, disproportionately affecting Black women and those living in poverty. As a City we have spoken out against racism and our health department has affirmed that racism is a public health

crisis. Additionally, the Ohio bill is particularly barbaric: there are no exceptions for rape, incest or even age. Our state and federal elected officials have demonstrated a lack of basic understanding of human biology, healthcare and reality in enacting this law. It will, and already has inflicted pain and suffering on Ohioans.

In response, I'd like to make two motions, or if Council approves we can combine them into one:

I move to make a resolution opposing the Supreme Court's decision to upend 50 years of established precedent, sowing chaos in courts, local governments and fear in residents being stripped of their right to bodily autonomy.

I move to make a resolution opposing Ohio's inaccurately named "Heartbeat Bill" on the grounds that it does not consider medical science, strips Ohioans of basic bodily autonomy, is abusive to victims of rape and incest and disproportionately threatens the lives of Black and minority Ohioans and those living in poverty.

Ms. Shaffer Bish SECONDED the motion for the resolution.

Mayor Fiala asked if the motion was to move it to committee for discussion. Ms. Rosenberg said we could vote to move to committee or could vote on it right now.

Mayor Fiala said this needs to go to committee and asked for comment. Ms. Shaffer Bish asked why this had to move to a committee. Mayor Fiala said there may be public comment on this issue.

Ms. Roseberg said we have written letters before, especially in the case of state legislation. She said she stands by the motion she made and it's up to Council to discuss it.

Mr. Turner said the motion was for a resolution and not anything where we are implementing laws. He said if this is a resolution, it would be council as a body making a statement.

Mr. Ferrara said this is a contentious and divisive issue and he doesn't see how it behooves Council to write a letter when there are so many people so passionate on either side of the issue. The Supreme Court ruling is to allow states to decide how they want to rule on abortion. Rights are given to you at the ballot based on who you want to vote for and what they stand for with regards to this issue. He sees Council getting themselves in trouble with one side or the other to pass legislation. He said if you feel too strongly about the issue, you should write to your state legislature. He doesn't want to speak on either side of this, so he is not in favor of a resolution.

Mr. Kuhar said he agrees with Mr. Ferrara and is not sure how his constituents feel on this issue.

Ms. Shaffer Bish said we are called leaders for a reason and right now there are some of us that are really angry about this decision to take rights away from people. Taking our ability to manage our own bodies away. It is unprecedented to have rights taken away. Our legislator in our gerrymandered state is going to decide for all of us what we can and can't do on this issue. It is appropriate for our council to make it known and there are a lot of angry women who have not had the chance to speak out in a formal way. She said our voices are louder when we make a statement together and it is our job to be leaders.

Mr. Turner said he supports a woman's right to choose and we can take a vote to see where everyone stands. Voting on this resolution will show where we stand on this issue.

Ms. Rosenberg said that this conversation would not be happening if the Supreme Court didn't vote to do so. Sending it down to the states and cities and there will be more conversations about whether our police department is going to arrest people, if our fire department is going to be trained on self-induced abortions, and then we will need to have conversations about arresting women and young girls who are victims of rape and how that is going to work. We are going to have to have these future conversations whether we want to or not. She added that the Ohio law is an abomination and a

cruelty to a degree that is incomprehensible. Children can be raped by a family member and forced to carry the child to full term. The state legislature doesn't state the harm this will do to many people. You can oppose a poorly written law and, as a council, we have done so, frequently.

Mr. Sidoti said there are too many elements in the motion. He would favor a resolution against a poorly worded law. He said this forces him to decide whether it's all or nothing. He said he totally disagrees that morals are being forced on us. We hold our own morals. He said he could support a statement that says the law is poorly worded, but to be so specific, he cannot vote for it. He added that is why he suggested it go to committee because he thinks there are many nuances to people's beliefs.

Mr. Kuhar asked if the morning after pill had been banned. Many replied 'No'.

Mr. Ferrara said it is already to the point of trying to assume what people believe about abortion. He is just speaking about the anxiety and level of passion people have on either side and, as a body, we cannot speak for either side. He said you should write to your state legislature. He said this is convoluting the issue to promote a cause. Voting matters and said to make it count there.

Mr. Turner said it is not inconsistent to make a statement as a body. It is a resolution and is not making a law and is not inconsistent as a body that we support or don't support something. Right now we are just talking about a body's opinion.

Ms. Wilkens clarified the original motion was to write a resolution. Ms. Rosenberg would like to keep the original resolution she read. She is comfortable letting the administration craft a letter based on what was discussed.

MOTION TO APPROVE A RESOLUTION OPPOSING THE SUPREME COURT'S DECISION TO UPEND 50 YEARS OF ESTABLISHED PRECEDENT, SOWING CHAOS IN COURTS, LOCAL GOVERNMENTS AND FEAR OF RESIDENTS BEING STRIPPED OF THEIR RIGHT TO BODILY AUTONOMY AND OPPOSING OHIO'S INACCURATELY NAMED "HEARTBEAT BILL" ON THE GROUNDS THAT IT DOES NOT CONSIDER MEDICAL SCIENCE, STRIPS OHIOANS OF BASIC BODILY AUTONOMY, IS ABUSIVE TO VICTIMS OF RAPE AND INCEST AND DISPROPORTIONATELY THREATENS THE LIVES OF BLACK AND MINORITY OHIOANS AND THOSE LIVING IN POVERTY MADE BY Ms. Gwen Rosenberg, SECONDED by Ms. Heidi Shaffer Bish and CARRIED by a voice vote of 6-3-0. Mr. Ferrera, Mr. Kuhar and Mr. Sidoti voted 'No'.

Mayor Fiala asked who would sign this resolution. Clerk Wilkens said it could be written in a way to have each who approved it sign their names to it, if they wish.

Mayor Fiala asked if there was any more new business.

Ms. Shaffer Bish said she has heard from the community that the new Ohio fireworks law is exacerbating an already challenging issue of enforcement and now we have no grounds. She said she thinks it is worthy of a discussion. Mr. Amrhein agreed that he didn't want to be woken at 2 o'clock in the morning (by fireworks). If everyone was responsible, it would be a reasonable law.

Mr. Kuhar said for some reason it was not bad in his neighborhood.

MOTION TO SEND TO COMMITTEE TO DISCUSS OPTING OUT OF THE STATE OF OHIO'S NEW FIREWORKS LAW MADE BY Ms. Heidi Shaffer Bish, SECONDED by Mr. Jack Amrhein and CARRIED by a voice vote of 9-0-0.

Mr. Sidoti said housing has been brought up multiple times and asked Ms. Bridget Susel about the housing study and asked if part of it was identifying developable land in Kent. Ms. Susel we don't have enough areas that even meet the subdivision requirements. It would have to be multi-unit housing. There are not a lot of green fields. Mr. Sidoti thanked Ms. Susel.

Mr. Sidoti says he receives a lot of comments from residents that they can't find affordable housing, but he is not sure how to respond to that because we don't have buildable land. Ms. Susel said we have a minor subdivision that is going in on Newcomer and Fairchild, which is literally one of the last areas to build housing. Mr. Sidoti said when we say "housing" we need to narrow it down. Ms. Susel said she had the study from 2016 and would get the information to him.

Councilmembers' Comments

Mr. Kuhar said we have a resignation problem and inflation. He said it is spreading. Canada has the same problem as the United States. He said the people who are causing this all went somewhere and made their own secret country.

Ms. Wallach replied we do know what is causing this- the pandemic and the war in Ukraine.

Ms. Shaffer Bish said we have shut down on borders and this may help.

Mr. DeLeone added we cannot solve all of our problems here tonight.

Mayor's Report

Mayor Fiala said the Blues Fest was a huge success in Kent last weekend. He also stated that the quarterly Mayor, City Manager, Service Director meeting will be hosted tomorrow by the City of Kent for the first time in over two years.

Adjourn

Amy Wilkens
Clerk of Council

Jerry T. Fiala
Mayor & President of Council

Hello everyone, my name is Yana and I am interning with Tobacco 21, and today I wanted to give the council a testimony highlighting my experience with underage tobacco use as an underage individual myself. Back in my sophomore year of high school, my best friend and I had friends that were older that did use vape products casually around us. At such a young age, it is hard to say this didn't ignite our curiosity. As a student that planned to go into the medical field, I knew better than to get myself involved with tobacco products of any kind, although my best friend on the other hand didn't have the same thought process. I remember our first time going to the vape shop together, we walked in their confidently because peers had assured us that we wouldn't even get carded, and sure enough they were right.

Today, that same friend of mine has officially been vaping for 5+ years. We are both going into our senior year of college, and to this day there hasn't been one time where she was denied service at a vape shop or questioned about her age. She is in the process of trying to quit vaping, but considering the fact that she had started so young, and that nicotine is a painfully addicting chemical, the 'quitting' process has been far less than productive.

If she had not had the access to the vape products early on, odds are she would not be facing this addiction in the present. As a college student, I have heard a similar story line from a lot of my friends who too struggle with their nicotine addiction and started from an early age, with 2 of my roommate going on her 6th year of vaping.

The addiction is easy to start, but hard to let go of. If my friends hadn't had access to these products at such an early age, they wouldn't be dependent on them today. All of them have turned 21 only in this past year; yet they have more than 5 years of addiction under their belt already, an addiction that is likely to follow them for years to come. For this reason, speaking from personal experience, I believe tobacco retail licensing is a crucial part in holding retailers accountable and preventing nicotine addiction in youth.

July 12, 2022

To: whom this my concern/ City Council

On behalf of the Collaborative Community Committee, Historical South End, and members of community, we would like to send Thanks to The city of Kent, Parks and Rec, Mark Frisone – Kent Social Services, and Chief Nick Shear and Chief Bill Myers for support and participation in this year's Juneteenth celebration at Plum Creek Park. The community feed and love we have received have been very overwhelming and positive. With everything going on in the world and the rising tension between communities and government we are glad we are all able to come together as a sign of solidarity and togetherness. We are especially grateful for the Police and Fire department officers that participated in this year's kickball game. Hail to Bill Myers and the Fire Department and community participants for winning this year's game. We truly would love to have this event and kickball game to become an annual event that can grow and be an olive branch that we all can stand on together here in our beloved city of Kent. Once again, we just want to say Thanks and we look forward to working the city and officials for future events.

Sincerely

CCC- Fanette Reed & Neil Dukes



City of Kent
Wednesday, August 3, 2022
City Council Committee Meetings
320 S. Depeyster Street, Kent, OH 44240

MINUTES

6:55 P.M. BOARD OF CONTROL

Only one member of the Board of Control was present, so the meeting was not held due to not having a quorum.

7:00 P.M. COUNCIL COMMITTEE MEETINGS

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

Present: Mr. Jack Amrhein, 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; Ms. Suzanne Stemnock, Human Resource Manager; Mr. Jim Bowling, City Engineer; Ms. Joan Seidel, Health Commissioner; Mr. John Seidel, Civic Service Coordinator; 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. Michael DeLeone, Mr. Garret Ferrara

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

Proposed Draft of the New Civic Engagement Coordinator Position

Mr. Ruller referenced the draft included in the packet for the new Civic Engagement Coordinator Position. He said he is not before the Council to ask for approval this evening, but to have a discussion on what is in the works. Similar positions in other cities were reviewed to compare duties. He said new positions are generally included in the new budget in January every year, unless they wish to fast track the position due to its importance. He asked Council for their questions.

Mr. Kuhar asked if this new person would need to be trained coming into the position. Mr. Ruller said they would certainly need to be trained in regards to the city administration. Mr. Ruller said this person will need to take ownership of their position.

Ms. Shaffer Bish said she hoped the job offers benefits. Mr. Ruller said this hasn't been discussed, but generally part-time workers are not. Mr. Ruller verified with Ms. Suzanne Stemnock, Human Resource Manager.

Ms. Shaffer Bish asked about the necessary education and asked to change it to "preferred" education that would encompass other skill sets they are looking for. She suggested thinking about what the priorities of the person and they would be working on in the first 90 days. She applauded Mr. Ruller for the comprehensive job description.

Mr. Turner agreed with Ms. Shaffer Bish and said we have to make it doable and establish metrics we have in place without overwhelming the person hired. He said this person will need to be a self-starter and proactive to build a network in the community. He added that what we are doing is a tremendous asset to our city and the position will grow in time.

Mr. Sidoti said there are 18 essential functions and feels that when everything is a priority, then there are none. It tends to happen frequently. He suggested looking at the description and identifying 5 primary functions and then secondary duties.

Mr. Kuhar asked if this would be an in-house or a home position. Mr. Ruller said it would be an in the office job with some flexibility needed due to the nature of the position.

Christy Anderson of South Blvd in Kent approached the microphone and thanked Council and Mr. Ruller for putting this together. She offered suggestions stating she hopes the city allows for public input into the creation of the position.

Ms. Renee Ruchotzke of Highland Ave said she has gratitude for the position and suggested they not require a bachelor's degree and thinks the most important skill is interpersonal, deep listening, counseling background or community organizing. It would open up the possibilities.

Mr. Ruller thanked everyone for the feedback and said the points were spot on and has made note of everything said tonight. He hopes the person coming in will contribute to their duties after they've been in the position for a while.

Kent State University, Town Gown Update

Dr. Dana Lawless Andrick addressed the Council and provided updates for the upcoming school year at Kent State University. **(Attachment #1)** She also highlighted important dates for the KSU Fall 2022 semester and two awards received, the Award for Excellence in Integrating International Education and the 2022-2023 Best Hometown by Ohio Magazine, which was an award shared with the city. **(Attachment #2)**

Ms. Shaffer Bish mentioned the U-Hauls in her neighborhood and students moving back to Kent for school. She asked if there were plans for returning students who live in a residential neighborhood. Dr. Lawless Andrick said they canvassed door to door with Todd Kamenish to be proactive with distributing information to students living in neighborhoods. Ms. Shaffer Bish suggested visiting edge neighborhoods and Ms. Andrick said they are open to doing.

Ms. Gwen Rosenberg asked if 4200 students was a return to pre-pandemic numbers. Dr. Lawless Andrick said the numbers of students this year are comparable to 2019, but is very similar to 2021. She said commuter and transfer numbers are down a little but they are anticipating a large student population.

Mr. Turner said the aspect of edge neighborhoods is where we run into elevated situations.

He suggested integrating meetings held in edge neighborhoods and those in student housing neighborhoods so they have interaction. This will help create a greater sense of community. Councilmembers would love to be engaged because they represent those people also.

Dr. Lawless Andrick said this is a great time to think about what this could be. She will circle back with Todd Kamenish and circle back with council to share ideas.

Mr. Kuhar asked if campus activities were going to be masked. Dr. Lawless Andrick said they follow the State of Ohio and when the County turns "red", masks are required indoors. Mr. Kuhar asked if incoming students were aware of this, and she said they were.

Mayor Fiala asked if brochures could be given to Council to pass out in their neighborhoods. Dr. Lawless Andrick said they could get information and said hopefully by August 20th they would get the fliers.

New City Hall Construction Project Update

Ms. Melanie Baker gave an update on the status of the new city hall building being constructed. The first slide of her presentation showed the new sign the architects and contractor created to hang outside the work area. **(Attachment #3)**

She referred Council to a drawing of the progress so far **(Attachment #4)**. With the availability of concrete, they are allowed one pour per week. The elevator pit and stairwell will be up next week, and she is hoping two crews will be able to work on it. She has reviewed the carpet, tiles, laminates, doors, cabinets, etc. Late that afternoon, she received floor plans for the remaining staff to pick out furniture.

Ms. Shaffer Bish asked about the glazing, Ms. Baker said this is due to supply of the product.

Changes in Lateral Transfers for Civil Service

Mr. Ruller said Chief Shearer spearheaded this effort to improve the idea of getting more candidates. Mr. John Seidel, Civil Service Coordinator for the City of Kent, discussed changes that were made regarding lateral transfers. This enables the city to have a lateral transfer list and is not police specific. Departments are able to use this as it fits their needs. Lateral transfers would save the city money, as testing costs \$700 per test. Some local municipalities use this, as seen in Stow and Hudson, and said Twinsburg is looking at this.

Mr. Sidoti asked what the advantages are. John said it's more efficient and attracts quality candidates. Chief Shearer added that a major advantage is during the hiring process. It gives the City a little bit more control over the process and provides the leading way in recruiting candidates. This is one more tool to get qualified candidates.

Ms. Shaffer Bish asked if this would help attract minority candidates. The chief said he hoped it would and a comment Ms. Shaffer Bish said last year spurred him to look into it.

Mr. Sidoti said this isn't restricted to just police. The chief said it is an option for other departments and is not something they have to do.

MOTION TO AUTHORIZE CHANGES IN LATERAL TRANSFERS FOR CIVIL SERVICE
MADE BY Mr. Roger Sidoti, SECONDED by Ms. Gwen Rosenberg and CARRIED by a

voice vote of 7-0-0.

Community Development Committee (Chair Kuhar/Vice-Chair Rosenberg)

New TREX Request for "Board & Bevy"

Ms. Bridget Susel presented a new TREX Liquor License request to City Council for the Board and Bevy. Haley and Cody Bennet purchased the former Sparkle Market property to convert it into a business and are requesting a TREX for a liquor license. They meet all requirements to do so.

Haley and Cody Bennet of Wolcott Ave., owners of Board and Bevy, introduced their new business, which is a board game lounge with drinks and snacks. Their goal is to work with local businesses to bring food in, as there will not be a kitchen but will use a convection oven. They are asking for a liquor license. There will also be mocktails and an old-style soda fountain. There will be a cover fee, which is \$5 for the entire evening. They are hoping to work closely with the community.

Ms. Shaffer Bish asked about the license. They confirmed it was D5, which is all types of alcohol. She asked about the house. They said the house would be an annex of the business for inventory and office space. Shaffer Bish asked about parking. Haley said there would be a parking lot behind it.

Ms. Wallach said she is really happy to see this building being rehabbed and used. She asked if gluten free options would be offered and Ms. Bennet said they would.

Mr. Amrhein asked about the hours of the operation. She said they would be open to the public Thursday through Sunday, Noon- 11pm, and early in the week they plan on doing more things with the university.

MOTION TO APPROVE NEW TREX REQUEST FOR "BOARD & BEVY" MADE BY Ms. Heidi Shaffer Bish, SECONDED by Ms. Tracy Wallach and CARRIED by a voice vote of 7-0-0.

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

Proposed Renewal of the Health Department Lease at PARTA

Ms. Joan Seidel and Ms. Hope Jones discussed the renewal of the Health Department's lease in the PARTA Building. She said they have finalized a lease and are asking for approval.

Mr. Sidoti asked if the space had met or exceeded their expectations. Ms. Joan Seidel said it has met and in many ways exceeded their expectations.

Ms. Wallach asked if it was for both floors. Ms. Seidel said Ms. Hope Jones worked hard to get both on the same cycle.

Mr. Ruller said PARTA likes to have the Health Dept as a tenant and that the rent has increased, but we can afford it.

Mr. Turner asked if the square footage would be conducive to growth and Ms. Seidel said there is room for growth.

Mr. Kuhar asked what percentage of the building is owned by the City. Jim Bowling said PARTA owns the whole building.

Mr. Wallach asked if a sign would be put on the first floor. Ms. Seidel said she would make that a priority.

Ms. Shaffer Bish says she is happy they are now in a place and looks forward to working with innovative programming.

Mr. Sidoti said now they have found a home, signage is critical and he thinks it is a source of pride for the community.

MOTION TO AUTHORIZE PROPOSED RENEWAL OF THE HEALTH DEPARTMENT LEASE MADE BY Mr. Roger Sidoti, SECONDED by Ms. Heidi Shaffer Bish and CARRIED by a voice vote of 7-0-0.

School Resource Officer Contract Renewal

Chief Shearer asked for the Council's approval for a School Resource Officer for the 2022-2023 school year.

Mr. Kuhar asked if we originally had state or federal assistance. Chief Shearer said we currently do not have any supplemental funding.

Mr. Turner said it would seem that this would be something that would be advanced due to the current climate. Chief Shearer said, unfortunately, they have seen the opposite happening.

MOTION TO APPROVE SCHOOL RESOURCE OFFICER CONTRACT RENEWAL MADE BY Mr. John Kuhar, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 7-0-0.

Fireworks Law

Mr. Ruller introduced Chief Myers to speak on the topic of the new fireworks law and the public's reaction to it this past July 4th.

Mr. Myers reviewed the new rules, which were completed on June 22, 2022, which was a couple of weeks before the fourth of July. They chose to wait and see how things would go. He reviewed the rules that were included in the council packet. He said he worked with Ms. Hope Jones on legislation and that the sale of fireworks in the city is not permitted.

Ms. Rosenberg said she is torn on this issue because she thought there would be a lot more fireworks. She said state legislation looks pretty ample. She asked if there was an uptick in injuries or if it was mostly noise. From July 1- July 10, dispatchers received 10 calls per evening in regards to fireworks. Chief Shearer said those calls included questions about fireworks and if they are allowed. He said it's important to note they have responded twice and summoned someone who shot off fireworks in a park.

Ms. Wallach asked about how it compared to last year. Chief Shearer said it was similar to last year.

Mr. Kuhar asked about being specific about times in our ordinance.

Mr. Turner asked if the changes will reduce the out-of-line usage of fireworks and if we have the resources to deal with this. He asked if this would detract from the ability to respond to other calls. He said it doesn't take away and may be a drain on resources, but it is not something that is a significant problem, as we have been in this situation before with enforcing state law. He asked if he thought there would be an increase that would be taxing. Chief Shearer said he does not.

Mr. Kuhar asked about the upcoming fireworks holidays, and members mentioned all of the holidays fireworks are now permitted.

Ms. Shaffer Bish said people are tolerant of fireworks happening in a certain time frame and that she gets a lot of comments from residents. This affects people's pets. Enforcement is an issue and she does not understand why we would make this more lenient. She said it sounded like bombs were going off in her neighborhood. She says going back to the old way would be truly better than opening it up.

MOTION TO AUTHORIZE OPTING OUT OF THE NEW FIREWORKS LAW MADE BY Ms. Heidi Shaffer Bish, **SECONDED** by Ms. Tracy Wallach and **FAILED** by a voice vote of 2-4-0. Mr. Amrhein did not vote.

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

Fairchild Tower Repair - Waiver of Competitive Bidding Request

Mr. Bowling said they are requesting Council approval to waive the competitive bidding for two aspects of the repair to the tower. He said the first is retroactive for the emergency repairs to the foundation of the tower and the other is to replace the damaged piping. They have been told it will take sixty to seventy weeks to get an iron pipe and the company they are using has access to it sooner.

Ms. Hope Jones added that state law does allow for waiving of the competitive bidding requirement for these reasons so the project can begin.

Mr. Kuhar asked why we were looking at a contract in August when it broke down in April, and how much longer would the competitive bidding take. Mr. Bowling said they have been working on the repairs since the day it happened. They have been working on the best approach to repair the tower and a specialized contractor needed to come in due to asbestos. He added that every time things come up, it takes time to get someone in. He said the competitive bidding process would take, at a minimum, three to six months longer. It could be much longer if the person who gets the work cannot get the pipe or equipment.

MOTION TO APPROVE FAIRCHILD TOWER REPAIR - WAIVER OF COMPETITIVE BIDS MADE BY Mr. John Kuhar, **SECONDED** by Ms. Gwen Rosenberg and **CARRIED** by a voice vote of 7-0-0.

Kent Skates - Road closure of Erie Street

Mr. Ruller started by saying that when approval was given last year, they only gave approval for the street closure for that one year. He suggested making this a permanent event so approval is not needed every year.

Ms. Wallach asked about the cost and use of energy in running the ice rink.

Ms. Baker does not have the energy figures at the top of her head and would have to look them up. The energy bill for the last year was \$6300.

Ms. Shaffer Bish says she is concerned about energy use but likes the city having outdoor activities.

Ms. Rosenberg was impressed by the number of families who used the rink and thanked Ms. Melanie Baker for all of the work that went into this.

Mr. Amrhein congratulated Ms. Melanie Baker on her hard work.

Mr. Turner said it brings people to our downtown and has become a destination for people outside of the community.

Ms. Baker thanked KSU and PARTA for working with the City of Kent, which helped make the ice rink a success.

MOTION TO APPROVE KENT SKATES - ROAD CLOSURE OF ERIE STREET MADE BY Ms. Heidi Shaffer Bish, **SECONDED** by Ms. Gwen Rosenberg and **CARRIED** by a voice vote of 6-1-0. Ms. Wallach voted 'No'.

Finance Committee (Chair DeLeone/Vice-Chair Wallach)

Community University Education Purchasing Regional Council of Governments Agreement

Ms. Melanie Baker introduced the topic and The City of Kent has been a part of the CUE (Community University Education) Cooperative Program administered by the University of Akron for over 15 years. This cooperative has allowed the City to participate in various contract bidding, such as salt and vehicles. The purpose of the CUE is to obtain quality merchandise, materials and services for its members at a lower cost through pooled purchasing and competitive bidding. In the past 4 to 6 years, this program has lagged behind and suffered a bit due to the amount of work it took to gather information, provide specifications and to do the bidding. The University of Akron has run the program for many years and, unfortunately, staff who helped facilitate service were unable to keep up with the demands and during Covid this became even more strained. The City of Kent, along with several other communities, took the lead to assist in setting up a more formal agreement, with requirements for membership and expectations of process, meetings, and decision making for purchasing.

There were no questions from Council or from the audience.

MOTION TO AUTHORIZE COMMUNITY UNIVERSITY EDUCATION PURCHASING REGIONAL COUNCIL OF GOVERNMENTS MADE BY Ms. Gwen Rosenberg, **SECONDED** by Mr. Roger Sidoti and **CARRIED** by a voice vote of 7-0-0.

Retention Bonus Grant

Chief Shearer is before Council for approval of a retention bonus grant. They are approved to pay officers a 10% bonus for all officers and all dispatchers.

MOTION TO AUTHORIZE RETENTION BONUS GRANT MADE BY Mr. John Kuhar, **SECONDED** by Mr. Jack Amrhein and **CARRIED** by a voice vote of 7-0-0.

Body Armor Grant

Chief Shearer said this is the final payment of the grant and he is requesting permission to accept the grant.

MOTION TO AUTHORIZE THE BODY ARMOR GRANT MADE BY Mr. Roger Sidoti, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 7-0-0.

Certification of Liens to the County for Outstanding Payments

Ms. Rhonda Hall said according to the Kent Codified Ordinances, we certify on an annual basis any bills that are due to the City to Portage County to be added to the property owners' tax bill. She referenced the three memos presented to council. one for certifying unpaid concrete bills, one for delinquent non-utilities and the last is for delinquent utility bills. She asked City Council to approve the emergency.

MOTION TO APPROVE CERTIFICATION OF LIENS TO THE COUNTY FOR OUTSTANDING PAYMENTS MADE BY Mr. Jack Amrhein, SECONDED by Ms. Rosenberg and CARRIED by a voice vote of 7-0-0.

Budget Appropriation

Ms. Rhonda Hall referenced her memo submitted to the City Manager requesting a budget appropriation and respectfully asked for the Council's approval.

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

Seeing no further business, the Council Committee Meetings adjourned at 8:52 P.M.

Amy Wilkens
Clerk of Council

Notes for Council Kent State Update, August 3, 2022:

- It's August – whew! And, we are gearing up to welcome new and returning students to campus in a few weeks.
 - Kent State is experiencing similar challenges as other higher education institutions in Ohio and nationally. While our entering class of first-year students is strong and nearing pre-pandemic levels (approx. 4200), we do expect a smaller number of new transfer and graduate students. This coincides with historical patterns related to economic conditions. When employment/wages/opportunity exists, fewer students look to upskill and/or go back to school. This is a consistent pattern over time. Overall, our fall enrollment at Kent Campus is expected to be down approx 2% from last year. We are working toward stabilizing and ideally beginning to see some positive growth in the next few years.
 - We have several dates coming up and an exciting event during KSU Kickoff that start last year, Kent Connections. This is planned for Tuesday, August 23, 4pm to 7pm and we hope you will all stop by. We have over 50 community agencies, businesses, etc. planning to attend along with food trucks, DJ and more. This is the official welcome for our students to the City! We will also hold the Kent State's Farmer's Market held in partnership with Haymaker on that same date, same location.
 - We also shared several dates for the Fall – see handout, our Town & Gown website and the list serv.
- Kent Fire Department to conduct fire training on our two Lincoln Street properties and we are excited to partner on Sustainability efforts.
- Kent State's Culinary Services continues to prioritize pathways for local businesses to be involved with dining. This has included the launch of Downtown Dining Dollars as part of one of our meal plans; a RFP for the restaurant space in the basement of the student center; and, continuing some of the efforts from last year including Food Truck events and guest chef/restaurant gigs.
- Kent Skates planning is well underway, we look forward to building new partnerships – potentially involving Kent Parks & Rec and building on the success from last year. More to come!
- The "Tree City" can boast a new honor. The city of Kent, Ohio, has been selected by Ohio Magazine as a 2022-2023 Best Hometown. The Best Hometown honor recognizes Kent as a great place to live, work and visit. The magazine's editors chose Kent for its vibrant downtown, strong campus-community connection and focus on supporting residents and students alike.

- Kent State University is the sole university in the U.S. to receive the prestigious 2022 Senator Paul Simon Award for Comprehensive Internationalization from [NAFSA: Association of International Educators](#). The honor recognizes Kent State for overall excellence in integrating international education throughout all facets of the university and its campuses. Named after the late Sen. Paul Simon of Illinois, the NAFSA Simon Awards recognize outstanding innovation and accomplishment in campus internationalization, defined by NAFSA as “a conscious effort to integrate and infuse international, intercultural and global dimensions into the ethos and outcomes of their students’ education.”
- Kent State will adopt a new academic calendar in Fall 2023, we will share those details with Council and others. Highlights include:
 - Fall classes will begin the second-to-last Monday in August
 - Winter Break continues to be four weeks
 - Summer Term will be reduced by one-week

Kent State Upcoming events – Fall 2022:

Early move-in & orientation programs:

- Kupita Transiciones – August 18 – 21 (<https://www.kent.edu/smc/kt-schedule>)
- International Student Orientation – August 19 (<https://www.kent.edu/iss>)
- Graduate Student Orientation – August 18 – 19
(<https://www.kent.edu/graduatecollege/fall-2022-graduate-student-orientation-scheduled-august-18-19>)

Summer Graduation – August 20 (<https://www.kent.edu/commencement>)

All student move-in & welcome activities:

- Move-in information (<https://www.kent.edu/housing/move-information>)
- KSU Kickoff, August 22 – 24 (<https://www.kent.edu/kickoff>)
 - Kent Connects, August 23 – if you want to participate, please contact Jenn Bishop at jgehrin1@kent.edu (for those that did not sign-up yet)
 - Blastoff, August 24 – this is an annual tradition and **will end with Fireworks**

Key Fall academic dates (<https://www.kent.edu/academic-calendar>):

- Fall semester begins, August 25
- Fall break: Oct. 13 – 16
- Fall classes end: Dec. 11
- Fall commencement: Dec. 15 - 16

Parent & Family Appreciation Week, September 12 – 17
(<https://www.kent.edu/parents/parent-family-appreciation-week>)

Homecoming Week, Sept 26 – Oct. 1 (<https://www.kent.edu/homecoming>)

- Downtown Rally, Friday, September 30
- More details to follow

Bowman Breakfast, October 11

- Annual Town & Gown event, more details to follow

Kent Skates opens, November 19 (<https://www.kent.edu/kentskates>)

There are a host of other events – you can always visit <https://www.kent.edu/calendars> to see the variety of amazing things coming up! We also have a full schedule of Athletic events – visit <https://kentstatesports.com/> for more details.

KENT STATE WINS AWARD FOR EXCELLENCE IN INTEGRATING INTERNATIONAL EDUCATION THROUGHOUT UNIVERSITY

Kent State University is the sole university in the U.S. to receive the prestigious 2022 Senator Paul Simon Award for Comprehensive Internationalization from NAFSA: Association of International Educators (<https://www.nafsa.org/>). The honor recognizes Kent State for overall excellence in integrating international education throughout all facets of the university and its campuses.

Named after the late Sen. Paul Simon of Illinois, the NAFSA Simon Awards recognize outstanding innovation and accomplishment in campus internationalization, defined by NAFSA as “a conscious effort to integrate and infuse international, intercultural and global dimensions into the ethos and outcomes of their students’ education.”

“The Senator Paul Simon Award is our nation’s top prize for excellence in global education,” Kent State President Todd Diacon said. “It is a richly deserved award that highlights our excellent education-abroad programs and our ongoing success in enrolling and graduating international students.”

Kent State’s global reach has been expansive, with educational centers in Florence, Italy, and Curitiba, Brazil, along with boasting more than 200 education-abroad programs. Along with globe-spanning international partnerships, it has outreach centers in China and India.

Kent State’s long history of international collaboration includes being among the first to exchange students with the Soviet Union during the Cold War and hosting Iranian students prior to Iran’s revolution in 1978-1979. Hosting international students and scholars has always been a priority for Kent State as demonstrated by its continued standing among the top 100 destinations for international students, according to Open Doors (<https://opendoorsdata.org/>), a comprehensive information resource on international students and scholars studying or teaching at higher education institutions in the United States, and U.S. students studying abroad for academic credit at their home colleges or universities.

“The Senator Paul Simon Award recognizes the internationalization efforts of our university and showcases how important it is for the development of students to have international experiences,” said Melody Tankersley, Ph.D., Kent State’s senior vice president and provost. “The award also recognizes the diversity of our university and brings global recognition to Kent State.

“I would like to thank Vice President for Global Education Marcello Fantoni for his visionary leadership to help us get to where we are – to the point where we could win this impressive award,” Tankersley continued.

Kent State's commitment to internationalization is embedded in its mission and strategic plan and is entrenched in the university's identity through competitive research, comprehensive education-abroad programs, international curriculum and robust international student and scholar programs.

"At Kent State University, we are committed to granting access to students from all around the world and to make the whole world available for our students," said Marcello Fantoni, Ph.D., Kent State's vice president for global education. "We want to graduate students ready for the global world as active participants in a democratic society."

Kent State's student body includes 1,370 international students from nearly 100 countries. In 2019-2020, Kent State sent nearly 1,500 students abroad. Since resuming its international programming in July 2021, Kent State has returned to its full operations abroad and is already projected to surpass its previous record-setting enrollment in education-abroad programs by fall 2022.

This year marks the 20th anniversary of the annual awards program. Serving more than 10,000 members and international educators worldwide, NAFSA is the largest nonprofit association dedicated to international education and exchange. Kent State will be featured in NAFSA's report, "[Internationalizing the Campus: Profiles of Success at Colleges and Universities](\"http://www.nafsa.org/itc\") ([http://www.nafsa.org/itc](\"http://www.nafsa.org/itc\"))," that will be published this fall. The university also will be honored during the virtual and in-person programming as part of NAFSA's 2022 Annual Conference and Expo this spring. To learn more about NAFSA's Senator Paul Simon Awards, visit [www.nafsa.org/SimonAward](\"http://www.nafsa.org/SimonAward\") ([https://www.nafsa.org/about/about-nafsa/senator-paul-simon-award-campus-internationalization](\"https://www.nafsa.org/about/about-nafsa/senator-paul-simon-award-campus-internationalization\")).

For more information about Kent State's Office of Global Education, visit [www.kent.edu/globaleducation](\"http://www.kent.edu/globaleducation\") ([/globaleducation](\"http://www.kent.edu/globaleducation\")).

#

Media Contact:

Emily Vincent, [evincen2@kent.edu](\"mailto:evincen2@kent.edu\") ([mailto:evincen2@kent.edu](\"mailto:evincen2@kent.edu\")), 330-672-8595

POSTED: TUESDAY, FEBRUARY 22, 2022 - 2:44PM

UPDATED: FRIDAY, MARCH 11, 2022 - 2:32PM

WRITTEN BY: EMILY VINCENT



Kent Named a 2022-2023 Best Hometown by Ohio Magazine

The “Tree City” can boast a new honor. The city of Kent, Ohio, has been selected by Ohio Magazine as a 2022-2023 Best Hometown. The Best Hometown honor recognizes Kent as a great place to live, work and visit. The magazine’s editors chose Kent for its vibrant downtown, strong campus-community connection and focus on supporting residents and students alike.

Kent is a college town and more – a thriving community of families, students, locally owned businesses, and industries. Home to Kent State University and situated along the banks of the scenic Cuyahoga River, Kent boasts a revitalized, vibrant downtown offering a unique mix of restaurants, specialty shops, live entertainment, downtown living, festivals, art galleries and more.



“The city shares this honor with [Kent State](#), the [Kent Area Chamber of Commerce](#), [Main Street Kent](#) and our other partners who make Kent the special place that it is,” said Dave Ruller, Kent city manager. “We all work together through a shared purpose to bring new opportunities for educational and business growth and a true sense of community.”

To determine this year’s honorees, Ohio Magazine solicited nominations in the spring and conducted visits across the state over the summer. The editors evaluated finalists in six categories — Community Spirit, Education, Entertainment, Health and Safety, Business Environment, and Culture and Heritage — to help make their selections.

“We enjoyed our visit to Kent and are excited to share your story with our readers and online visitors,” said Jim Vickers, editor of Ohio Magazine, upon notifying the city of its selection as a Best Hometown. “Communities like yours are what make our state a special place to live.”

According to the 2020 Census, the resident population of Kent is more than 28,000, with the Kent State student body adding another 25,600. The community is home to an internationally diverse population, an aspect that is strongly valued by residents. The population has remained steady during the past decade, and Kent has an unusually high level of education per capita, nearly twice the national average.

“We have always known that Kent is a remarkable place to call home, but it’s great when a panel of experts reach the same conclusion and name Kent one of the best hometowns in the entire state,” shared Jerry Fiala, mayor of Kent. “After learning more about Kent, we hope readers of Ohio Magazine will be inspired to come visit and experience Kent for themselves.”

Kent will be featured in Ohio Magazine’s annual Best Hometowns issue, which will be published Nov. 1. The city will also be featured in the magazine’s July/August 2023 issue and online at ohiomagazine.com.



THE CITY OF
Kent, Ohio

DESIGN TEAM



**BRANDSTETTER
CARROLL INC**
ARCHITECTS ENGINEERS PLANNERS



tecinc.
engineering & design

GENERAL CONTRACTOR

THOMARIOS[®]

Kent City Hall



COMING 2024

so that the building and slope can be seen from



LEADERSHIP CHAIRMAN: CARRIE ANN DAVIS

Council Presentation 8/3/2022



- Walls formed and poured
- Walls formed ready to pour
- Walls to be formed
- Elevator and Stairwell ready to come out of the ground
Mason on site next week.

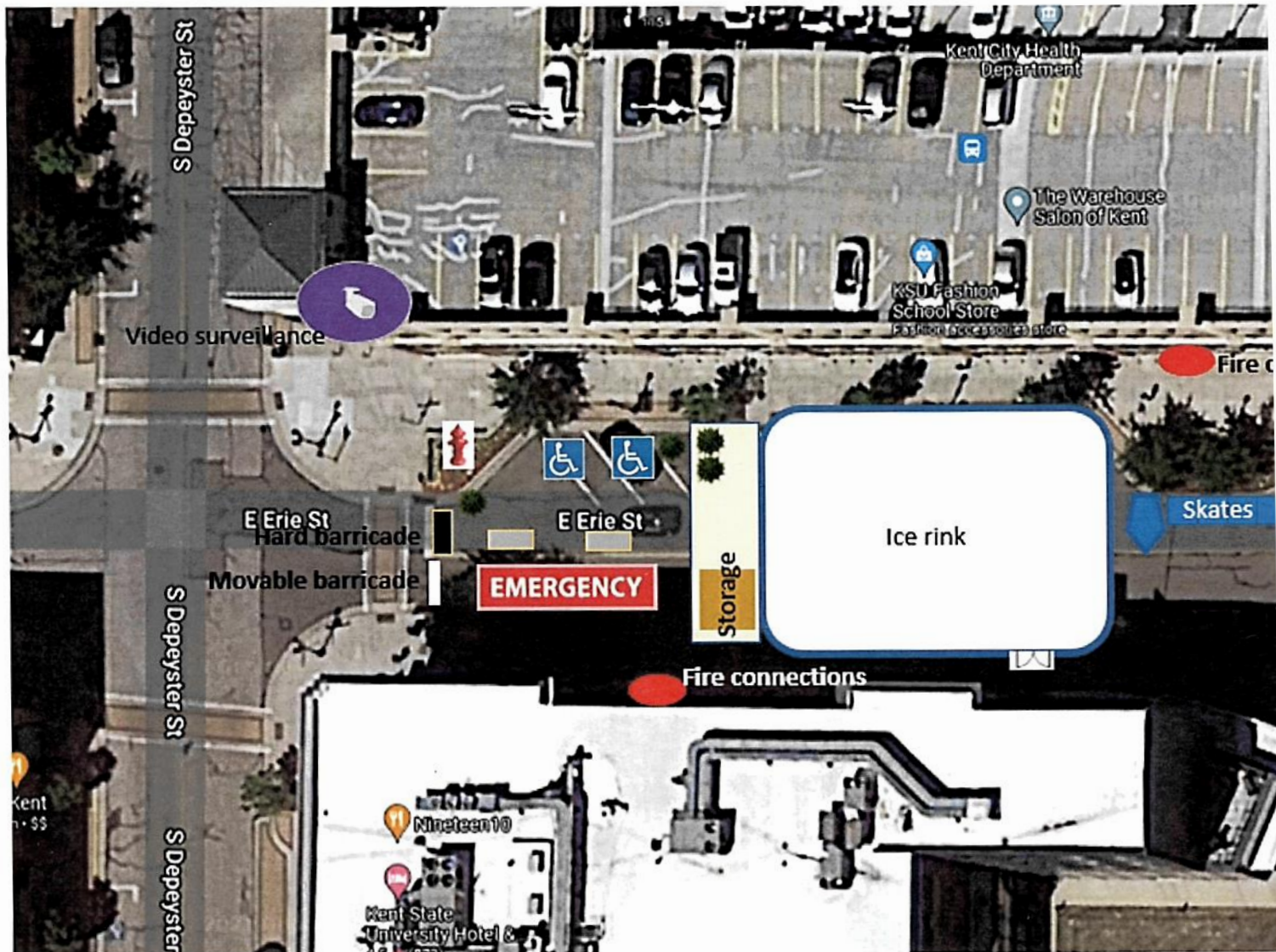
Carpet, tiles, laminates, doors, cabinets, paint, acoustical tiles have all been reviewed and finalized as per review 1 year ago by staff and Council. Will work with staff to locate furniture paint colors, carpet etc.

1 LEVEL 1 DIMENSION FLOOR PLAN



Kent City Hall 319 S. Wolfe Street Kent, Ohio 44240	
REVISIONS: NUMBER DATE DESCRIPTION ISSUE DATE:	PROJECT NO. A-111
LEVEL 1 DIMENSION FLOOR PLAN	
18023	

Erie Street - Ice Skating



Current Layout of Ice Rink and support items.

Erie is completely barricaded off. There are 2 mobile barricades at either end to allow deliveries to the hotel and access to the rink. These barricades should be opened for drop-off and pick-up. The hotel is responsible to move the barricades for their deliveries and patrons. These barricades should be opened for drop-off and pick-up.



There is only two temporary handicapped space available (at Erie and Depeyster.) The space is tight for access.

EMERGENCY

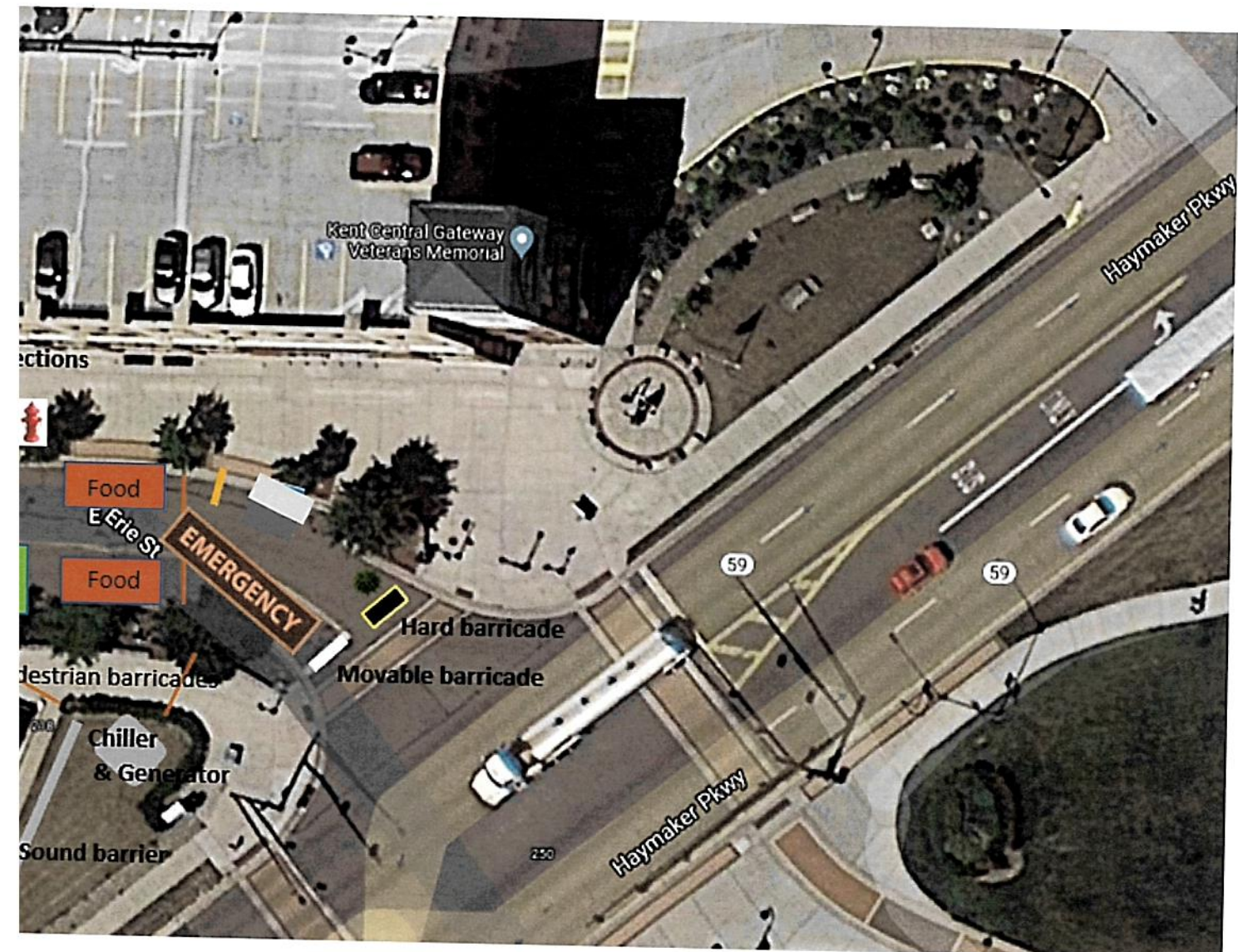
There is access off of Depeyster for emergency vehicles and access to the hotel's fire connection.

EMERGENCY

Additional Emergency access is off of Haymaker should there be a need to access the fire connection. There will be a lot of congestion at this end with people, tables, and food trucks.

There is video surveillance for the safety of the rink and activities in the area.

g Rink - Layout



the salons off of Depeyster and for food trucks, access will be off of Haymaker. It is agreed that the hotel and salons
' delivery and closed after drop off or delivery is complete.

turning. Should there become an issue with maneuverability and pedestrians, we will need to revisit and evaluate.

anticipated this spot will be the best spot for access to the ice rink and injuries.

or hydrant to the PARTA Parking garage. This should not be used for emergency injury access as

DRAFT ORDINANCE NO. 2022 - 080

AN ORDINANCE AUTHORIZING THE CIVIL SERVICE COMMISSION TO CHANGE THE CIVIL SERVICE TESTING RULES TO ALLOW FOR LATERAL TRANSFERS WITHOUT REQUIRING A FULL CIVIL SERVICE RE-TEST, AND DECLARING AN EMERGENCY.

WHEREAS, the Civil Service Commission would like to amend Rule 5, specifically 5.01 – Notice of Examination, to allow for lateral transfers without requiring a full Civil Service re-test; and

WHEREAS, the Civil Service Commission has voted in favor of the proposed lateral testing rule change. The change will help recruit more qualified candidates for Civil Service vacancies.

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

SECTION 1. That Kent City Council hereby authorizes the Civil Service Commission to allow for lateral transfers with the requirement of re-testing, and is more fully set forth 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 *RESOLUTION NO.* _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20____.

(SEAL)

AMY WILKENS
CLERK OF COUNCIL



CIVIL SERVICE COMMISSION

CITY OF KENT ■ 930 OVERHOLT RD. ■ KENT, OHIO 44240 ■ 330-678-8101

The Civil Service Commission would like to amend its rules to allow for lateral transfers. Below are proposed changes (in red) to Rule 5 – Examinations of the Civil Service Commission Rules and Regulations.

5.01 Notice of Examination

- a. Entrance Examination – Notice of competitive entrance examinations shall be given through a newspaper or local circulation and by posting notices conspicuously on the City Hall bulletin boards, in the Human Resources Office, the city's website, and in such places as may be deemed advisable, not less than two (2) weeks prior to the last day on which applications shall be accepted for the examination. Examinations shall be held at such places as the Commission deems advisable and shall be administered under its direction.
- b. Lateral Examination- Notice of lateral competitive entrance examinations shall be given through a newspaper or local circulation and by posting notices conspicuously on the City Hall bulletin boards, in the Human Resources Office, the city's website, and in such places as may be deemed advisable, not less than two (2) weeks prior to the last day on which applications shall be accepted for the examination. Examinations shall be held at such places as the Commission deems advisable and shall be administered under its direction.
- c. Promotional Examination (when applicable) – Notice of competitive promotional examinations to be held shall be given by posting bulletins in conspicuous places in the departments whose employees may be interested or by individual communication to the employees eligible for such promotion. Such notice shall be given not less than two (2) weeks prior to the last day on which applications will be accepted for the examination except for in the fire department and the police department (see Rule 5.06 and 5.07)

The commission may conduct an entrance examination, a lateral examination, or both. Each type of examination will have its own separate and independent eligibility list.

Both entrance and lateral examinations may be collectively referred to herein as “original entry level appointment.” Examinations shall be oral and/or written and such in character and relate to such matters as will in the opinion of the commission fairly test the relative fitness of the persons examined to discharge the duties of the positions to which they seek appointment.

DRAFT RESOLUTION 2022 -094

A RESOLUTION IN SUPPORT OF WOMENS' REPRODUCTIVE RIGHTS IN DISSENT OF THE U.S. SUPREME COURT DECISION OVERTURNING ROE v. WADE, AND DECLARING AN EMERGENCY

WHEREAS, 50 years ago the Supreme Court ruled in favor (7-2) of a woman's right to exercise control of her reproductive functions, declaring them to be guaranteed and protected by the U.S. Constitution; and

WHEREAS, in an unprecedented subversion of that landmark ruling, the U.S. Supreme Court on June 24, 2022, took away that Constitutional right, returning abortion protections, regulations, or bans to the individual states; and

WHEREAS, statistics demonstrate that banning abortions doesn't reduce abortions but rather leads to continued abortions with worse public health outcomes; and

WHEREAS, records show that 1 in 4 women report having an abortion in the United States, and unsafe abortions were responsible for 1 in every 6 pregnancy-related deaths; and

WHEREAS, in certain situations there is a need for intervention to terminate a pregnancy in order to save a woman's life, or to manage other medical conditions, as deemed necessary by a licensed health care provider; and

WHEREAS, laws restricting access to abortion disproportionately impact poor, working-class women, and women of color who often lack the resources to obtain necessary reproductive healthcare; and

WHEREAS, this recent decision by the Supreme Court is a contradiction of the values and beliefs for many in the City of Kent; and

WHEREAS, the Kent City Council adamantly stands behind the rights and freedoms of every individual and especially supports the rights of women to control the autonomy of their own bodies; and

WHEREAS, City Council further calls for the Ohio's state legislature to listen to the majority of our state's residents and repeal the ban on abortions after 6 weeks that is currently in effect, restoring access to abortion in Ohio; and

WHEREAS, City Council also encourages all residents to contact their local and state representatives and express their opinions on this reversal in Constitutional rights,

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

SECTION 1. That Kent City Council does hereby rebuke the U.S. Supreme Court decision to overrule Roe v. Wade.

SECTION 2. That Kent City Council believes that all people should have the ability to make medical decisions about their own body and we support the rights of pregnant persons in Ohio to have equal access to the full spectrum of reproductive healthcare, including abortions.

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 *ORDINANCE NO.* _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20_____.

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

DRAFT ORDINANCE NO. 2022 -081

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

WHEREAS, Wulfjam, LLC (dba Board and Bevy) has proposed the redevelopment of a portion of 141 East Summit Street, Kent, Ohio, into a gathering place for family and friends to play board games; and

WHEREAS, Wulfjam, LLC will offer a limited menu of food selections, non-alcoholic beverages and signature alcoholic drinks; and

WHEREAS, Wulfjam, 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 141 East Summit 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, Wulfjam, 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 \$251.00 per square foot for the redevelopment of 141 East Summit Street, Kent, Ohio, consisting of approximately 3,754 square feet of space, which includes leasehold improvements and furnishings; and
- b) It will sell spirituous liquor (D-5) 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. Wulfjam, 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:

SECTION 1. That Kent City Council hereby approves the Development Agreement with Wulfjam, 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.

SECTION 2. That Conditioned upon the execution of the Development Agreement attached hereto, the Kent City Council hereby approves the transfer of the D-5 liquor license and other non-alcoholic beverages into the City of Kent, Ohio via the TREX process, to be used by Wulfjam, LLC at 141 East Summit Street, Kent, Ohio.

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

SECTION 4. That this Ordinance is 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)

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 Wulfjam, LLC, an Ohio limited liability company (hereinafter referred to as the "Redeveloper").

WITNESSETH:

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

WHEREAS, the Redeveloper intends to develop the property currently owned by Wulfjam, LLC, located at 141 East Summit Street, Kent, Ohio (the "Property") by constructing an addition and completing interior and exterior renovations to 3,754 square feet of commercial space, such improvements hereinafter referred to as the "Private Improvements;" 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 people of the City; and

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

WHEREAS, the Redeveloper needs to acquire a permit in order to sell spirituous liquor at said location, specifically, a Class D-5 permit, using the TREX liquor permit provisions of Ohio Revised Code § 4303.29.

WHEREAS, the renovation and use of the Private Improvements is dependent upon the City agreeing to accept a transfer of a Class D-5 permit from another location in the State to the City (the "TREX liquor permit"); and

WHEREAS, Redeveloper has agreed to complete the Private Improvements at 141 East Summit Street, Kent, Ohio for a minimum amount of \$251.00 per square foot; 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 permit, if its approval is required, before Redeveloper may transfer the permit 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 being invested into 141 East Summit Street, Kent, Ohio; and
- c) The amount of square foot space being redeveloped by the Redeveloper; and
- d) The character of the principals of Wulfjam, LLC; and
- e) That it is a Class D-5 permit being requested.

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.

The Redeveloper agrees to redevelop the Property by completing the Private Improvements thereon consistent with all federal, State, and local laws.

The City and the Redeveloper each shall proceed in good faith and diligently, and in cooperation with the other, to carry out the activities necessary to cause the Private Improvements to begin within 180 days of the execution of this Agreement (the "Commencement Date").

If the Commencement Date has not occurred by the one year 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 permit into the City by the City Council, described in Section 3 of this Agreement, the Redeveloper shall:

- a) Use its best efforts to begin the Private Improvements by the Commencement Date by investing a minimum of \$251.00 per square foot for the redevelopment of 141 East Summit Street, for approximately 3,754 square feet of commercial space, and to complete the interior renovation in a timely manner.
- b) Continually follow and obey all local, State, and federal laws in the redevelopment of the property and in the operation of the commercial space.

- c) Receive the written permission of the City of Kent Council prior to transfer of said permit 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 Class D-5 permit into the City of Kent pursuant to Ohio Revised Code § 4303.29, in the name of the Redeveloper, for location at 141 East Summit Street, Kent, Portage County, Ohio.
- b) The City, upon written request from the Redeveloper, shall review any proposal to relocate the said permit to a different location within the City of Kent, or to transfer said permit 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 permit 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 is a Class D-5 permit being transferred.

Said consent shall not be unreasonably withheld.

Section 4. Assignment or Sale of Liquor Permit.

The Class D-5 permit 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, withdraw its approval of the transfer of the Class D-5 permit into the Kent City limits and take whatever steps are necessary to cause the liquor permit to be revoked, 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 permit in the City, mandating the closing of the establishment and the relocation of the permit 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, by e-mail with e-mail response acknowledging receipt, or by return e-mail or delivered personally, and

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

Wulfjam, LLC
141 East Summit Street
Kent, Ohio 44240

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

City Manager
c/o Community Development Dept.
930 Overholt Road
Kent, Ohio 44240

with a copy to the Law Director, at the same address.

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 attorney 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 Wulfjam, 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 _____
David Ruller, City Manager

WULFJAM, LLC

By _____
Authorized Member

Print Name

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 PORTAGE)

Before me a Notary Public in and for said County and State, personally appeared _____, the Authorized Member of Wulfjam, 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, Ohio

DRAFT ORDINANCE NO. 2022 -082

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO AMEND THE LEASE AGREEMENT WITH PARTA AND THE CITY OF KENT HEALTH DEPARTMENT TO CONTINUE TO LEASE 201 EAST ERIE STREET AND TO INCLUDE BOTH SUITE G AND E TO THE LEASE WHICH IS THE 2ND FLOOR AND GROUND FLOOR FOR CLINICAL PURPOSES, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent Health Department would like to continue to lease the office space at 201 East Erie Street and would like to include Suite G and E to the lease which is the 2nd floor and ground floor for clinical purposes of the PARTA Central Gateway in downtown Kent through 2028.

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

SECTION 1. That Kent City Council hereby authorizes the City Manager, or his designee, to amend the lease agreement with PARTA and the City of Kent Health Department to continue to lease 201 S. Erie Street, Kent, Ohio and to add to the lease Suite G and E which is the 2nd Floor and the ground floor for clinical purposes through 2028 and is more fully described in Exhibit "A", attached hereto and made a part thereof.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code. In addition, allowing Budget & Finance to appropriate an additional \$5,000.00 for the increase cost of said lease for the remainder of 2022.

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

LEASE

This Lease Agreement (“Lease” or “Contract”) entered into on this _____ day of August, 2022 by and between **PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY** (“PARTA” or "Landlord") and **THE KENT CITY HEALTH DEPARTMENT** (“Health Department” or "Tenant"). Landlord and Tenant hereby agree as follows:

1. PROPERTY AND COMMON AREAS.

Landlord hereby leases to Tenant and Tenant hereby leases from Landlord Suite G and Suite E known as 201 S. Erie Street, Suite G, Kent, Ohio 44240 (the “Property”) in the building known as Kent Central Gateway (the “Building”). The Premises shall also include the “bull pen” secured area at the top of the ramp on the third level of the attached parking deck of the Building and the ground-level, exterior storage area located on the Erie Street side of the building. Tenant shall secure all permits and approval for proper signage at the outside entrance of the Property.

2. TERM.

This lease shall end in 2028. The first Lease term shall begin on July 1, 2022 and end on March 31, 2021. Each additional term shall begin on April 1st and end the following year on March 31st. Either party shall have the right to terminate this Lease upon providing the other party with sixty (60) days prior written notice of said termination. Pursuant to Section 15(T) of this Lease, the Term of this Lease may be extended up to an additional five (5) years.

3. RENT.

During the Term, Tenant agrees to pay to Landlord, at its office or other place as Landlord may from time to time designate, as "Rent" for the Property, each month the following amounts:

First Lease Term: July 1, 2022 through March 31, 2023

Suite E: \$1,833.33 monthly rent + \$50.00 common area clean up + tenant will pay electric bill for Suite E.

Total for first lease term: \$1,883.33 + electricity.

Suite G: \$2,218.10 monthly rent + \$50.00 common area clean up + \$150.00 electricity

Total for first lease term: \$2,418.10

Each subsequent lease year, the monthly rent will be increased by a rate equal to the average of the last 5 year CPI Indexes.

4. UTILITIES/CLEANING/SNOW REMOVAL

Landlord will be responsible for the following utilities associated with the leased space of the Property including water and sewer, gas, trash and disposal. Any fees assessed to the Tenant for these utilities will be covered by the Rent paid by the Tenant.

Tenant will pay One Hundred Fifty Dollars (\$150.00) per month for electricity for Suite G. Tenant will pay for the actual cost of electricity for Suite E. Tenant shall pay Fifty Dollars (\$50.00) per month each Suite for common area clean up. Landlord shall be responsible for the removal of snow and ice from the driveway serving the Property.

Tenant will be responsible for payment of any Cable and Internet and phone service at the Property. Landlord shall provide security for the Property such as access cards, keys, working security cameras in common areas (if already in place).

5. USE OF PROPERTY AND BUILDING BY TENANT.

Tenant's Use of Property. Tenant shall continuously occupy and use the Property only for public-health related services in compliance with all applicable laws. During the Term of this Lease, Tenant is granted the nonexclusive license in common with other tenants in the Building to permit its customers and invitees to use the sidewalks, parking areas, the entrance and exit ways designated by Landlord for ingress and egress to and from the Property from a public street or highway, loading docks, delivery areas, landscaped areas and all other areas or improvements which may be provided by Landlord for the common use of tenants of the Building (hereinabove and hereinafter collectively referred to as the "Common Areas"). However, Landlord shall have the right, at any time and from time to time, without notice to or consent of Tenant, to change the size, location, elevation and nature of any of the stores in the Building or of the Common Areas, or any part thereof. All Common Areas shall be subject to the exclusive control and management of Landlord, and Landlord shall have the right at any time, and from time to time, to establish, modify, amend and enforce reasonable rules and regulations for the Common Areas. Tenant shall observe such rules and regulations on notice thereof and shall cause its employees, agents, concessionaires, invitees and licensees to do the same. Landlord may temporarily close parts of the Common Areas for such periods of time as may be necessary for (a) temporary use as a work area in connection with the construction of buildings and other improvements within the Building or contiguous property; (b) repairs or alterations in or to the Common Areas or to any utility facilities; (c) preventing the public from obtaining prescriptive rights in or to the Common Areas; (d) emergency or security reasons; or (e) doing and performing such other acts as Landlord shall determine to be appropriate for the Building.

6. LANDLORD'S RENOVATION OF THE PROPERTY

Tenant accepts the Property in its "AS-IS" "WHERE-IS" condition. Landlord shall not make any improvements to the Property except for the Landlord's Work as defined herein. Prior to Tenant's occupancy of the Property, Landlord shall estimate the cost of all renovation or build out requested by the Tenant and perform the work upon mutual written agreement (the "Landlord's Work"). The Landlord's Work is outlined in Exhibit A,

attached hereto and by this reference incorporated into this Lease.

7. TENANT'S COVENANTS WITH RESPECT TO OCCUPANCY.

Tenant agrees:

- (A) To occupy the Property in a safe and careful manner and in compliance with all laws, ordinances, rules, regulations and orders of any governmental bodies having jurisdiction over the Tenant's use and occupancy of the Property, and without committing or permitting waste;
- (B) To neither do nor suffer anything to be done or kept in or about the Property which contravenes Landlord's insurance policies;
- (C) To permit no sound(s) or reproduction of sounds which are unreasonably audible outside of the Property nor permit odors to be unreasonably dispelled from the Property;
- (D) To place no sign on the exterior of the Property or on the interior surface of any windows of the Property without obtaining Landlord's prior written consent, such consent not to be unreasonably withheld. Tenant shall be responsible for any approval needed from the City or other governing body for such signs. Landlord may choose to provide the interior signage at its discretion.
- (E) To permit Landlord free access to the Property upon at least twenty-four (24) hours' written notice, except in the case of emergency, for the purpose of examining the same or making alterations or repairs to the Property that Landlord may deem necessary for the safety or preservation thereof; Landlord agrees to make reasonable efforts not to interfere with or interrupt the conduct and operation of Tenant's business in the Property;
- (F) To comply with all reasonable rules and regulations which Landlord may from time to time establish for the use and care of the Common Areas and Property, if any;
- (G) To not permit the accumulation (unless in sealed metal containers) or burning of any trash, rubbish, refuse, garbage or waste materials in, on, or about any part of the Property that is not part of the business operations of the Tenant;
- (H) To not subject any fixtures, in or on the Property which are affixed to the realty, to any mortgages, liens, conditional sales agreements, security interests or encumbrances;

8. REPAIRS AND ALTERATIONS.

- (A) Repairs by Landlord. Once Tenant has taken occupancy of the Property, Landlord shall be notified in writing of any maintenance that needs to be performed to any portion of the Property. Landlord shall be responsible for maintenance of the HVAC,

electric, water, gas, elevator and roof. If such repairs or replacements are required because of acts of Tenant or its employees, agents, invitees, licensees or contractors, Tenant shall pay all costs thereof to Landlord upon demand.

- (B) Repairs by Tenant. Tenant shall keep the Property and every part thereof and any fixtures, facilities or equipment contained therein, in good order and condition and broom clean condition, and shall return the Property to the Landlord in the condition that existed when the Tenant took occupancy minus normal wear and tear.
- (C) Alterations or Improvements by Tenant. Tenant shall not, without Landlord's prior written consent, make, nor permit to be made, any alterations, additions or improvements to the Property. Any alterations which may be permitted by Landlord shall be upon the condition that Tenant shall promptly pay all costs, expenses, and charges thereof, shall make such alterations and improvements in accordance with all applicable laws, building codes and ordinances, in a good and workmanlike manner. Tenant shall promptly repair any damages to the Property, or to the buildings of which the Property are a part, caused by any alterations, additions or improvements to the Property by Tenant.
- (D) Removal of Improvements. All of Tenant's trade fixtures, equipment, furniture, inventory and other personal property owned by Tenant and located at the Property, shall remain the personal property of Tenant. Tenant shall have the right at any time to remove Tenant's personal property provided that Tenant repairs any damage to the Property caused by such removal. If Tenant fails to remove such items from the Property prior to the expiration or earlier termination of this Lease, all such trade fixtures, furniture, furnishings, and signs shall be deemed abandoned by Tenant and shall become the property of Landlord.

Tenant further agrees that all personal property of every kind or description which may at any time be in the Property shall be so located at the Tenant's sole risk. Landlord shall not be responsible or liable to Tenant for any loss or damage that may be occasioned by the acts or omissions of persons occupying any space adjacent to or adjoining Tenant's Property, or any part thereof. Landlord shall not be responsible or liable to Tenant for any loss or damage resulting to Tenant or its property from water, gas, steam, fire, or the bursting, stoppage, or leaking of sewer pipes, or from any heating or plumbing fixtures, or from electric wires, or from gas or odors, or caused in any manner whatsoever.

9. INSURANCE.

- (A) Public Liability Insurance. During the Term, Tenant agrees to carry public liability insurance covering the Property and Tenant's use thereof with minimum limits of Five Hundred Thousand Dollars and 00/100 (\$500,000.00) on account of bodily injuries to or death of one person, Two Million and 00/100 Dollars (\$2,000,000.00) on account of bodily injuries to or death of more than one person as a result of any occurrence and One Hundred Thousand and 00/100 Dollars (\$100,000.00) coverage for property damage, and to deposit said policy or policies (or certificates thereof)

with Landlord prior to the date of and use or occupancy of the Property by Tenant; said policy or policies shall name Landlord as additional insureds, and shall bear endorsements to the effect that the insurer agrees to notify Landlord not less than thirty (30) days in advance of any modification or cancellation thereof. At or prior to the commencement of this Lease, Tenant shall deliver to Landlord a copy of each fully paid policy properly authenticated by the insurer evidencing the foregoing insurance and meeting the requirements of this Lease or, if Landlord approves in writing after Tenant's written request, Tenant may furnish Landlord a certificate of insurance certifying the issuance of the foregoing insurance. If Tenant fails to obtain or maintain such insurance, Landlord may obtain the insurance and Tenant agrees to pay on demand any amount paid by Landlord for such purposes, and, in case of Tenant's failure to so pay, the amount due shall be included in Rent and become due upon the installment of Rent next due under this Lease.

- (B) Landlord's Liability. Landlord shall not be liable (i) for any damage to Tenant's personal property located in the Property, including acts performed by Landlord's employees, agents, invitees, contractors, customers and officers, (ii) for any acts or omissions of other tenants of the Property, nor (iii) for any condition of the Property whatsoever unless Landlord is responsible for the repair thereof, and has failed to make such repair after notice from Tenant of the need therefor, and expiration of a reasonable time for the making of such repair.
- (C) Fire and Extended Coverage Insurance. During the Term, Tenant agrees to carry insurance against fire and such other risks as are, from time to time, included in standard extended coverage endorsements, insuring Tenant's stock-in-trade, trade fixtures and all other items of personal property of Tenant located on or within the Property. At or prior to the commencement of this Lease, Tenant shall deliver to Landlord a copy of each fully paid policy properly authenticated by the insurer evidencing the foregoing insurance and meeting the requirements of this Lease or, if Landlord approves in writing after Tenant's written request, Tenant may furnish Landlord a certificate of insurance certifying the issuance of the foregoing insurance. If Tenant fails to obtain or maintain such insurance, Landlord may obtain the insurance and Tenant agrees to pay on demand any amount paid by Landlord for such purposes, and, in case of Tenant's failure to so pay, the amount due shall be included in Rent and become due upon the installment of Rent next due under this Lease.
- (D) Mutual Waiver of Subrogation. All insurance policies carried by either party covering the Property, including but not limited to contents, fire, and casualty insurance, shall to the extent permitted by law expressly waive any right on the part of the insurer against the other party. The parties hereto agree that their policies will include such waiver clause or endorsement so long as the same shall be obtainable without extra cost, or if extra shall be charged therefore, so long as the other party pays such extra cost. If cost shall be chargeable therefore, each party shall advise the other thereof and of the amount of extra cost, and the other party, at its election, may pay the same, but shall not be obligated to do so. The failure of any insurance policy to include such waiver clause or endorsement shall not affect the validity of this

Lease. To the extent that the policy of insurance of each party so provides, Tenant and Landlord further agree to waive all claims, causes of action and rights of recovery against the other, and their respective agents, officers, and employees; for any damage or destruction of persons, property or business which shall occur on or about the Property originating from any cause whatsoever including the negligence of either party and their respective agents, officers, and employees.

10. ASSIGNING AND SUBLETTING.

Tenant shall not sublet the Property or any part thereof, assign this Lease, or permit any business to be operated in, on or from the Property by any concessionaire or licensee without in each case the prior written consent of Landlord.

11. RETURN OF PROPERTY.

Tenant shall return said Property in at least as good as condition as existed at commencement of this Lease, minus normal wear and tear.

12. DEFAULT BY TENANT.

If any one or more of the following events occur, that event or events shall hereby be classified as a "Default" under this Lease If:

- (i) Tenant fails to pay Rent or any other charges required to be paid by Tenant when the same shall become due and payable, and Tenant fails to remedy such Default within ten (10) days after written notice from Landlord;
- (ii) Tenant fails to perform or observe any terms, conditions, or obligations of this Lease, and Tenant fails to remedy such Default within (30) days after written notice from Landlord (or, in the event such Default cannot be reasonably cured within the (30) day period, Tenant fails to commence to cure such Default within the (30) day period and thereafter fails to promptly and diligently pursue the cure thereof within a reasonable time);
- (iii) A receiver of any personal property of Tenant on the Property is appointed;
- (iv) Tenant's interest in the Property is levied upon by legal process;
- (v) Tenant is adjudged bankrupt and Tenant fails within thirty (30) days to cause the vacation of such appointment, levy or adjudication; or,
- (vi) Tenant files a voluntary petition in bankruptcy, disposes of all or substantially all of its assets in bulk, or makes an assignment for the benefit of its creditors.

Should a Default occur under this Lease, then the obligations of Landlord hereunder shall cease, and Landlord may pursue any or all of the following:

- (a) Landlord may terminate this Lease as of the date of such Default by giving written notice of such election to Tenant and thereupon the Term of this Lease shall terminate and come to an end with the same force and effect (except as to Tenant's liability) as if such date had been the expiration date of the term herein originally granted. In such case, Tenant shall immediately surrender the

Property, Landlord may either with or without process of law, using self-help, and without being deemed a trespasser or being liable to Tenant for any damages therefor dispossess Tenant or other occupant and remove all of Tenant's or occupant's personal property from the Property and in addition may recover from Tenant immediately upon demand: (1) the cost of restoring the Property to that condition which is in accordance with Tenant's obligations as provided in the Lease; (2) Landlord's costs of recovering possession of the Property and Landlord's costs of removing and storing any personal property of Tenant left in the Property or Building which action may be done at Landlord's sole discretion; (3) all accrued and unpaid Rent due from Tenant to Landlord under this Lease as of the date of termination. No failure of Landlord to enforce its right or remedies upon default of Tenant shall prejudice or affect the rights of Landlord upon any subsequent or similar default.

- (b) Landlord may without terminating this Lease recover possession of the Property by legal process or through use of self-help and relet the Property, or any part thereof, to another tenant or tenants for a term different from the term of this Lease or for the balance of the term of this Lease as of the Default.

In such event, Landlord may repair or alter the Property in such manner as Landlord may deem necessary or advisable to prepare it for such further letting. Landlord may, but need not, relet the Property to a tenant with business operations different from those of Tenant. Landlord shall not be required to accept a tenant which does not meet a reasonable standard of managerial or operational skills or which does not have financial resources and credit rating commensurate with the obligations to be assumed in any reletting. Tenant shall pay the Landlord immediately upon demand, per annum from the date of demand, the difference between the Rent under this Lease as of the date of the Default, and the rentals and other tenant payments as received by Landlord pursuant to any lease from a subsequent reletting of the Property. Landlord shall also be entitled to recover from Tenant immediately upon demand: (1) Landlord's cost of preparing the Property for reletting; (2) Landlord's costs of recovering possession of the Property and Landlord's costs of removing and storing any personal property of Tenant left in the Property or Building which action may be done at Landlord's sole discretion; (3) all accrued and unpaid Rent due from Tenant to Landlord under this Lease;

- (c) In addition to the foregoing remedies, Landlord may pursue any other remedy available at law or in equity and the election of the remedies under this subsection of the Lease or otherwise available at law or in equity shall not prejudice the right of Landlord subsequent thereto to elect one or more of the remedies provided in another subsection of the Lease or otherwise available at law or in equity. Tenant hereby expressly waives any and all rights or redemption granted by or under any present or future laws in the event of Tenant being evicted or dispossessed for any cause, or in the event of Landlord obtaining possession of the Property, by reason of the violation by Tenant of any of the covenants and conditions of this Lease or otherwise.

13. NOTICES.

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

To Landlord:
General Manager
PARTA
2000 Summit Rd.
Kent, OH 44240

And:

To Tenant:
City Manager
301 S. DePeyster St
Kent, Ohio 44240

And

Law Director
320 S. DePeyster Street
Kent, Ohio 44240

14. QUIET ENJOYMENT.

Landlord covenants that if and so long as Tenant pays the Rent and all other charges provided in this Lease or that may become due by Tenant, and Tenant performs all of its obligations provided in this Lease, Tenant shall at all times during the Term of this Lease have peaceable quiet enjoyment and possession of the Property without any interruption of disturbance from Landlord or any person or persons lawfully claiming the Property, subject, however, to the terms and conditions of this Lease, and to any mortgages, ground or underlying leases, deeds, and encumbrances of record to which this Lease is or may be subordinated. The occurrence of a foreclosure or a sale without prior written consent from Tenant shall be deemed a material breach of Landlord's covenant of quiet enjoyment.

15. MISCELLANEOUS PROVISIONS.

- (A) Accord and Satisfaction. No payment by Tenant or receipt by Landlord of a lesser amount than the Rent payments herein stipulated shall be deemed to be other than on account of the earliest stipulated Rent, nor shall any endorsement or statement on any check or any letter accompanying any check or payment as Rent be deemed an accord and satisfaction, and Landlord may accept such check or payment without

prejudice to Landlord's right to recover the balance of such Rent or pursue any other remedy provided for in this Lease or available at law or in equity.

- (B) Waiver. No waiver of any condition or legal right or remedy shall be implied by the failure of Landlord to declare forfeiture, or for any other reason, and no waiver of any condition or covenant shall be valid unless it is in writing and signed by Landlord. No waiver by Landlord with respect to one or more tenants or occupants of the Property shall constitute a waiver in favor of any other tenant, nor shall the waiver of a breach of any condition be claimed or pleaded to excuse a future breach of the same condition or covenant.
- (C) Broker's Commission. Landlord and Tenant each warrant to the other that there are no claims for broker's commissions or finder's fees in connection with the execution of this Lease.
- (D) Relationship of Parties. Nothing herein contained shall be deemed or construed by the parties hereof, nor by any third party, as creating a relationship of principal or agent or of partnership or of joint venture between the parties hereto, it being understood and agreed that neither the method of computation of Rent, nor any other provision contained herein, nor any acts of the parties hereto, shall be deemed to create any relationship between the parties hereto other than the relationship of Landlord and Tenant.
- (E) Section Headings. The section headings herein are inserted only as a matter of convenience and for reference and in no way define, limit or describe the scope or intent of this Lease or in any way affect this Lease.
- (F) Lease Inures to the Benefit of Assignees. This Lease and all of the covenants, provisions, and conditions herein contained shall inure to the benefit of and be binding upon the heirs, personal representatives, successors and assigns respectively, of the parties hereto, provided, however, that no assignment by, from, through, or under Tenant in violation of the provisions hereof shall vest in the assigns any right, title, or interest whatever.
- (G) Entire Agreement. This Lease and the exhibits attached hereto set forth all the covenants, promises, agreements, conditions, and understandings between Landlord and Tenant concerning the Property. All prior discussions, negotiations or representations concerning the terms and conditions of this Lease are specifically superseded by this Lease. Except as herein otherwise provided, no subsequent alteration, amendment, change or addition to this Lease shall be binding upon Landlord or Tenant unless reduced to writing and signed by both parties.
- (H) Surrender and Holding Over. Tenant shall deliver up and surrender to Landlord possession of the Property upon the expiration of the Lease, or its termination in any way, in as good condition and repair as the same shall be at the commencement of said term (damage by fire and other perils covered by standard fire and extended coverage insurance and ordinary wear and decay only excepted). Should Tenant

remain in possession of the Property after any termination of this Lease without first obtaining a renewal, no tenancy or interest in the Property shall result therefrom, but such holding over shall be an unlawful detainer and all such parties shall be subject to immediate eviction and removal, and Tenant shall upon demand pay to Landlord, as liquidated damages, a sum equal to one hundred twenty-five percent (125%) of the rent payable during the calendar month immediately preceding the termination of this Lease, pro-rated on a per diem basis, for any period during which Tenant shall hold the Property after the stipulated term of this Lease may have terminated.

- (I) Severability. In the event that any provision or section of this Lease is rendered invalid by the decision of any court or by the enactment of any law, ordinance or regulation, such provision of this Lease shall be deemed null and void, and the balance of this Lease shall continue in effect in accordance with its terms.
- (J) Force Majeure. In the event that Landlord or Tenant is delayed, hindered in or prevented from the performance of any act or obligations required hereunder (other than the payment of Rent and other charges payable by Tenant), or prevented from using the Property as intended, by reason of strikes, lockouts, labor troubles, inability to procure materials, failure of power, riots, insurrection, subsequent regulation or legislation restricting the intended use of the Property, the act, failure to act or default of the other party beyond that party's reasonable control, war or any other reason beyond the reasonable control of the party who is seeking additional time for the performance of such act, then performance of such act shall be excused for the period of the prohibition or delay.
- (K) Subsequent Sale or Transfer. If Landlord sells the Property, Landlord shall take reasonable measures to ensure a resulting purchase agreement preserves Tenant's leasehold interest in the Property for the duration of the Term of this Lease, such that the purchaser assumes the same covenants and responsibilities as Landlord under this Lease. Should Landlord sell or assign its interests in the Property for the benefit of creditors, either by voluntary or involuntary proceedings, or if otherwise a receiver should be appointed by any court of competent jurisdiction, the occurrence of such an event shall be deemed a material breach of this Lease unless prior written consent is provided by Tenant or Tenant's leasehold interest remains intact.
- (L) Governing Law. This Agreement shall be governed by, enforced under, and construed in accordance with, the laws of the State of Ohio.
- (M) Property Taxes. During each Lease year, in addition to Rent, Tenant shall pay Landlord its proportionate share of Taxes (as defined below), which become payable during each Lease year. The term "Taxes" means the total of all taxes and assessments, general and special, ordinary and extraordinary, real and/or personal, foreseen and unforeseen, including assessments for public improvements and betterment, assessed, levied or imposed with respect to the land

and improvements included within the Building. The term "Taxes" also includes all costs (including attorney's fees) reasonably incurred in any proceeding brought by Landlord to reduce or contest the Taxes. If at any time during the Term of this Lease the present method of taxation shall be changed so that in lieu of or in addition to the whole or any party of any Taxes levied, assessed or imposed on the real estate and the improvements thereon or imposed upon any personalty used in connection therewith or upon the collection of rents or other sums due hereunder, there shall be levied, assessed or imposed on Landlord a capital levy or other tax directly on the rents received therefrom and/or a franchise tax, assessment, levy or charge measured by or based, in whole or in part, upon such rents for the present or any future building or buildings in the Building, then all such taxes, assessments, levies or charges, or the part thereof so measured or based, shall be deemed to be included within the term Taxes. Tenant's proportionate share of Taxes shall be calculated as the number of square feet in the Property divided by the overall number of square feet in the Building owned by Landlord. In addition, Landlord may in its sole discretion require Tenant to pay Landlord or the taxing authority during each Lease year, one hundred percent (100%) of any Taxes which can be reasonably attributable to Tenant's work, improvements, any additions, alterations, or improvements to the Property made by Tenant ("Tenant's Improvements"). If the records of the taxing authority for the Building do not specifically designate which portion of Taxes are attributable to Tenant's Improvements, Tenant shall, upon Landlord's request, furnish to Landlord a list of the Tenant's Improvements.

- (O) Estoppel Statement. Within five (5) days after request by Landlord, Tenant shall complete an estoppel certificate stating: (a) that this Lease and any modifications or amendments to this Lease are in full force and effect, (b) the commencement date and expiration date of the Term of this Lease; (c) that Rent and any other additional charges that may become payable and due by Tenant are paid currently without any off-set or defense thereto; (d) the amount of any other payments such as Taxes, if any, paid in advance and the amount of any Security Deposit under the Lease; (e) that there are no uncured defaults by Landlord or stating those claimed by Tenant; and (f) such other information as Landlord may reasonably request; provided that, in fact, such facts are accurate and ascertainable.
- (P) Hazardous Materials. Tenant shall not place, hold, or dispose of any Hazardous Material (as defined herein) in, on, under or at the Property or Building, and Tenant shall not use the Property or any other portion of the Building as a treatment, storage or disposal (whether permanent or temporary) site for any Hazardous Material. Tenant shall not cause or allow any asbestos to be incorporated into any improvements or alterations which it makes or causes to be made to the Property. If any Hazardous Material is discovered on or about the Property which must be removed, encapsulated or otherwise abated under any present or future law, rule or regulation Tenant, at its expense, shall promptly remove and/or encapsulate the Hazardous Material as required by such law, rule or regulation and replace and restore the affected area of the Property to

substantially the same condition as existed before the removal and/or encapsulation.

For purposes of this Lease, "Hazardous Material" means and includes any hazardous substance or any pollutant or contaminant defined or referenced in the Comprehensive Environmental Response, Compensation and Liability Act, the Toxic Substances Control Act, or any other federal, state or local statute, law, ordinance, code, rule, regulation, order or decree relating to any hazardous, toxic or dangerous waste, substance or material, as now or at any time hereafter in effect or any other hazardous, toxic or dangerous waste, substance or material.

- (Q) Destruction of the Property. If the Property is partially or totally destroyed by fire or other casualty covered by the insurance maintained under this Lease, the damage to the Property shall be promptly repaired after Landlord's receipt of insurance proceeds, unless Landlord elects not to rebuild or repair as hereinafter set forth. If more than twenty-five percent (25%) of the Property or of the leaseable area or Common Areas of the Building are damaged or destroyed by fire or other casualty, Landlord may elect to repair or rebuild the Building and/or the Property, as the case may be, or, at its sole discretion, terminate this Lease by giving written notice to Tenant of its election to terminate, which notice will be given within ninety (90) days after the occurrence of such damage or destruction. Landlord shall repair or rebuild the Property to a condition substantially the same as of the commencement of this Lease, in addition to the changes made under Landlord's Work, but Landlord shall not be obligated to expend for such repair or rebuilding more than the proceeds received from insurance maintained under this Lease. Upon substantial completion of Landlord's repair or rebuilding work, Tenant shall promptly repair, restore, replace or rebuild those items in the Property which originally constituted Tenant's Improvements together with any additional improvements, trade fixtures, furniture, equipment, merchandise or other property installed by Tenant or located in the Property, so that the Property shall be restored by Tenant to the condition equal or better than the condition immediately prior to the occurrence of such casualty.
- (R) Eminent Domain. If more than twenty-five percent (25%) of the floor area of the Property or of the leaseable area or Common Areas of the Building shall be taken or condemned by any competent government authority or transferred by deed in lieu of such a taking, either Landlord or Tenant may elect to terminate this Lease by giving notice to the other party not more than sixty (60) days after the date on which such title to portion of the Property or Building taken shall vest in the authority. If by any such taking or condemnation the parking facilities at the Building are reduced below the minimum parking requirements imposed by applicable authorities, Landlord may elect to terminate this Lease by giving Tenant notice within sixty (60) days after such taking. In case of any taking or condemnation, whether or not the Term of this Lease shall cease and terminate, the entire award shall be the property of Landlord; provided, however, Tenant shall be entitled to any award which may be specifically allowed above Landlord's award for Tenant's trade fixtures and other equipment which under the terms of

this Lease would not have become the property of the Landlord at the end of the Term of this Lease and for Tenant's moving expenses. Tenant shall have no claim against Landlord or the condemning authority for the value of any unexpired term of this Lease.

(S) Waiver of Jury Trial and Counterclaim. **LANDLORD AND TENANT HEREBY WAIVE TRIAL BY JURY IN ANY ACTION, PROCEEDING OR COUNTERCLAIM BROUGHT BY EITHER OF THEM AGAINST THE OTHER ON ANY MATTERS WHATSOEVER ARISING OUT OF OR IN ANY WAY CONNECTED WITH THIS LEASE, THE RELATIONSHIP OF LANDLORD AND TENANT, TENANT'S USE OR OCCUPANCY OF THE PROPERTY AND/OR ANY CLAIM OF INJURY OR DAMAGE.**

(T) Option to Renew. Tenant shall have the option to extend the Lease Term (the "Renewal Option") for five (5) additional periods of one (1) year (the "Renewal Term") upon the following terms: (i) Tenant is not in default under this Lease; (ii) Tenant has not assigned nor sublet any portion of the Lease or Property; and (iii) Tenant is occupying the Property. Tenant shall exercise the Renewal Option by giving Landlord written notice ("Renewal Notice") at least sixty (60) calendar days prior to the then expiration date of the Lease. Failure to provide the Renewal Notice to Landlord with the above periods shall result in a forfeit of the Renewal Option. The Renewal Option is personal to Tenant and is not severable from the Lease. If the Renewal Option is exercised, during the Renewal Term, all references to the "Term" shall mean the "Renewal Term", and all Lease terms shall remain the same, except that (a) no Landlord's Work, tenant allowances, concessions or options, if any, for the prior Term shall apply to the Renewal Term; (b) the new Rent shall be the "Fair Net Effective Market Rate" and (c) there is no additional renewal option. After the Renewal Option is exercised by Tenant, if at all, Landlord will provide Tenant in writing the prevailing market rate plus annual increases upon which Landlord is currently offering for comparable renewal space at the Property or within a five (5) mile radius of the Property ("Fair Net Effective Market Rate"). The new Rent for the Renewal Term shall not be less than the Rent at the end of the then expiring Term. Tenant shall accept or reject the new Fair Net Effective Market Rate within ten (10) business days of receiving notice of the new Rent amount. If Tenant rejects or fails to accept the new Fair Net Effective Market Rate, then Tenant's exercise of its Renewal Option shall be null and void. If Tenant accepts, then the parties shall execute a Lease amendment extending the Term, amending the base Rent and including any additional terms agreed to by the parties.

[Remainder of Page Intentionally Blank]

IN WITNESS WHEREOF, Landlord and Tenant have caused this Lease to be signed,
as of the date and year first written.

LANDLORD: PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY

By: _____
Claudia B. Amrhein
GENERAL MANAGER

Date: _____

TENANT: CITY OF KENT, OHIO

By: _____
Dave Ruller
City Manager

Date: _____

and

By: _____
Christopher Woolverton
Chairman, Board of Health
City of Kent, Ohio

Date: _____

CERTIFICATE OF THE LAW DIRECTOR

Approved as to form.

Hope L. Jones
Director of Law
City of Kent, Ohio

Date: _____

CERTIFICATE OF DIRECTOR OF BUDGET AND FINANCE

It is hereby certified that the funds required to meet the contract, agreement, obligation, and/or payment of expenditure, for the above, has been lawfully appropriated or authorized or directed for such purposes and is in the City Treasury or in the process of collection to the credit of the _____ funds free from any obligation or certificates now outstanding.

Rhonda Hall, Director of Budget and Finance
City of Kent, Ohio

Date: _____

Landlord Acknowledgment

State of _____
County of _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2020,
by **Claudia B. Amrhein**, the General Manager and authorized representative of Portage Area
Regional Transit Authority (PARTA), on behalf of PARTA.

Notary Public
My commission expires: _____

(Notary Seal)

Tenant Acknowledgment

State of _____
County of _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2020,
by **Dave Ruller**, the City Manager and authorized representative of the City of Kent, Ohio, on
behalf of the City of Kent, Ohio.

Notary Public
My commission expires: _____

(Notary Seal)

State of _____
County of _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2020,
by **Christopher Woolverton**, the Chairman, Board of Health, and authorized representative of the
Kent City Health Department, on behalf of Tenant.

Notary Public
My commission expires: _____

(Notary Seal)

EXHIBIT A

MAKE READY RENOVATION MADE BY PARTA (LANDLORD'S WORK)

Landlord, at Landlord's expense, agrees to make the following improvements to the Property ("Landlord's Work"):

1. ADD FIRE SAFE GLASS WINDOW TO WEST ENTRANCE INTERIOR DOOR
2. ADD BACKDROP AND SIGNAGE TO EAST BUILDING FAÇADE, ERIE STREET SIDE ABOVE FIRST FLOOR:

"KENT CITY HEALTH DEPARTMENT
SECOND FLOOR"

3. ADD WALL DIRECTORY SIGNAGE TO EAST AND WEST END EXTERIOR BUILDING FAÇADE:
"KENT CITY HEALTH DEPARTMENT
LOCATED ON THE SECOND FLOOR"

4. REMOVE EXISTING SECURITY CAMERAS FROM 2ND FLOOR SPACES AND RELOCATE TO STAIRWELL AREAS

5. ENCLOSE THE GROUND-LEVEL, EXTERIOR STORAGE AREA LOCATED ON THE ERIE STREET SIDE OF THE BUILDING IN ORDER FOR FREEZERS AND OTHER SMALL ITEMS TO BE STORED SECURELY (TENANT SHALL NOT BLOCK ACCESS TO UTILITIES IN THE SPACE).

6. PROVIDE LABOR SUPPORT AND COORDINATE WITH TENANT'S CONTRACTOR TO COMPLETE ELECTRICAL UPGRADES AND INSTALL INFORMATION TECHNOLOGY INFRASTRUCTURE AT TENANT'S EXPENSE.

Any and all alterations beyond Landlord's Work provided above will be at Tenant's sole cost and expense, and shall be completed in good and workmanlike manner with Landlord's prior written approval.

EXHIBIT A

MAKE READY RENOVATION MADE BY PARTA (LANDLORD'S WORK)

Landlord, at Landlord's expense, agrees to make the following improvements to the Property ("Landlord's Work"):

1. ADD FIRE SAFE GLASS WINDOW TO WEST ENTRANCE INTERIOR DOOR
2. ADD BACKDROP AND SIGNAGE TO EAST BUILDING FAÇADE, ERIE STREET SIDE ABOVE FIRST FLOOR:

"KENT CITY HEALTH DEPARTMENT
SECOND FLOOR"

3. ADD WALL DIRECTORY SIGNAGE TO EAST AND WEST END EXTERIOR BUILDING FAÇADE:
"KENT CITY HEALTH DEPARTMENT
LOCATED ON THE SECOND FLOOR"

4. REMOVE EXISTING SECURITY CAMERAS FROM 2ND FLOOR SPACES AND RELOCATE TO STAIRWELL AREAS

5. ENCLOSE THE GROUND-LEVEL, EXTERIOR STORAGE AREA LOCATED ON THE ERIE STREET SIDE OF THE BUILDING IN ORDER FOR FREEZERS AND OTHER SMALL ITEMS TO BE STORED SECURELY (TENANT SHALL NOT BLOCK ACCESS TO UTILITIES IN THE SPACE).

6. PROVIDE LABOR SUPPORT AND COORDINATE WITH TENANT'S CONTRACTOR TO COMPLETE ELECTRICAL UPGRADES AND INSTALL INFORMATION TECHNOLOGY INFRASTRUCTURE AT TENANT'S EXPENSE.

Any and all alterations beyond Landlord's Work provided above will be at Tenant's sole cost and expense, and shall be completed in good and workmanlike manner with Landlord's prior written approval.

DRAFT ORDINANCE NO. 2022 - 083

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPROVE AND EXECUTE AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF KENT, OHIO AND THE KENT CITY BOARD OF EDUCATION REGARDING THE SCHOOL RESOURCE OFFICER PROGRAM, EXTENDING THIS AGREEMENT UNTIL JUNE 3, 2023, AND DECLARING AN EMERGENCY.

WHEREAS, as of May 21, 2014, the City of Kent, Ohio and the Kent City Board of Education agreed to participate in a School Resource Officer program; and

WHEREAS, a Memorandum of Understanding (MOU) between the parties which clarifies the roles of the parties and how the school resource officer will be utilized was executed by the parties; and

WHEREAS, the Kent City Council wants to grant the City Manager the authority to execute a written amendment to the MOU document, which extends the agreement until June 3, 2023; and

WHEREAS, due to time deadlines in the school year process, time is of the essence in signing the MOU.

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

SECTION 1. That the City Manager, or his designee, be and hereby is authorized to approve and execute a written amendment to the MOU with the City of Kent, Ohio and the Kent City Board of Education which adopted a School Resource Officer program, in order to extend the agreement until June 3, 2023, is fully set forth 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 *RESOLUTION NO.* _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20_____.

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

KENT CITY - KENT CITY SCHOOL DISTRICT MEMORANDUM OF UNDERSTANDING FOR THE SCHOOL RESOURCE OFFICER PROGRAM

This agreement made and entered into between the City of Kent, a municipal corporation, organized and existing by virtue of the laws of the State of Ohio and the Kent City Board of Education by its duly acting and qualified Superintendent, George Joseph.

Whereas the City and the Board are interested in entering into a contract for the establishment of a school resource officer to provide a more complete liaison between the City of Kent Police Department and the Kent City School System in a cooperative effort to prevent crime and crisis and provide safety and a law enforcement presence.

Therefore the parties, each in consideration for the mutual promises and obligations assumed by the other, agree as follows:

1. The Primary Function of the School Resource Officer (SRO) is to act as a liaison between the City's Police Department and the Kent City School District, residents and businesses impacted by the educational institutions through development and implementation of Public Education and Awareness Program: and to maintain a healthy and productive working rapport with intermediate and secondary level students, parents, and school administrators in the capacity of law enforcement education.
2. The Objective of the School Resource Officer (SRO) is to provide and instill a sense of safety through officer presence. The School Resource Officer (SRO) will focus on developing a rapport with students primarily at the Roosevelt High School and Stanton Middle school to create and maintain a safe educational environment for the students, faculty and staff.
3. The Duties of the School Resource Officer shall be assigned to one full time officer of the Kent Police Department. The officer's assignment will be to fulfill the outlined objectives and functions outlined above, to carry out his duties as further outlined in the School Resource Officer Program Manual and carry out the duties governed by the City of Kent and State of Ohio as a certified peace officer.
4. The position of the SRO is being funded 100% by the Kent Board of Education during the regular school year (approximately August through June) unless the school year has been altered or adjusted due to the COVID-19 Pandemic. The City of Kent will fund 100% of the position during the non-school summer quarter when the officer is not performing SRO duties or during the non-school times due to the COVID-19 Pandemic.

If unique circumstances require extending the SRO presence in the schools beyond the regular academic year, the Kent BOE will assume those costs on a pro rata basis. If unique circumstances result in an extended absence (greater than 3 weeks in succession) of the SRO during the regular academic year, the City and Kent City School staff have the authority to negotiate an adjusted pro rata share of funding.

The funding includes base pay, overtime (as requested by the schools) and benefits as listed below and as applicable based on the FOP collective bargaining agreement:

- Longevity Pay (if applicable to the officer)
- Pension and retirement contributions
- Merit pay (if applicable to the officer)
- Medical examinations
- Holiday pay (for holidays worked by the officer not recognized by the BOE)
- Uniforms and equipment
- Group insurance
- Training specific to this position or as requested by the BOE

The City and Kent BOE agree to collaborate to pursue grant opportunities to offset the funding requirements of the position. Grant funds received specifically for SRO function will be used to reduce the Kent BOE contribution during the regular academic year. Any local match required for SRO grants will be paid by the Kent BOE.

The City of Kent agrees to fund the cost of the officer's regular time or overtime on behalf of the City during emergencies, departmental requested trainings or voluntary overtime shifts the officer chooses to work.

5. The Kent City School's share of expenses for the SRO shall be paid quarterly. At the end of each calendar year quarter (March 31, June 30, September 30 and December 31st.) the City shall send the KCS's an invoice for the costs of the SRO attributable to the KCS's. The invoices shall be payable within thirty (30) days of the date of the invoice. Should the invoice not be paid within the thirty (30) day time period, interest will accrue at five percent (5%) per annum on the balance due beginning on the 31st day after the date of the invoice.

6. The Term of Agreement shall be for one year commencing on the 15th day of August, 2022 and terminating on the 2nd day of June, 2023. Negotiations for a new agreement shall commence no sooner than three (3) months prior to the expiration date of this agreement and no later than two (2) months before the agreement's expiration date.

This agreement may be terminated by either of the Parties upon one hundred twenty days (120) written notice to the other party.

It is understood that the contents of the Kent School Resource Officer Manual shall be agreed upon and made a part of the Agreement as if fully rewritten herein.

City Manager Dave Ruller
City of Kent



Superintendent George Joseph
Kent City Schools, Board of Education

DRAFT ORDINANCE NO. 2022 -084

AN ORDINANCE APPROVING THE EMERGENCY REPAIRS TO THE FAIRCHILD WATER TOWER COMPLETED BY KENMORE CONSTRUCTION COMPANIES, WAIVING COMPETITIVE BIDDING, AND DECLARING AN EMERGENCY.

WHEREAS, on April 24, 2022, the tower failed and released its supply of water causing damage to the tower and surrounding area; and

WHEREAS, Kenmore Construction Companies was called for an emergency repair to the tower to stabilize the foundation; and

WHEREAS, the Service Department is requesting approval for the payment to Kenmore Construction Companies for the completion of the emergency repairs.

WHEREAS, pursuant to R.C 743.11 such emergency work is permitted without competitive bidding or advertising.

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

SECTION 1. That the Kent City Council authorizes the City Manager or his designee to pay Kenmore Construction Companies for the emergency repairs to the Fairchild Water Tower and the competitive bidding requirements are hereby waived.

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 - 085

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ALLOW THE SERVICE DEPARTMENT ENTER INTO A CONTRACT WITH KENMORE CONSTRUCTION COMPANIES TO COMPLETE THE REPAIRS TO THE FAIRCHILD WATER TOWER, WAIVING COMPETITIVE BIDDING, AND DECLARING AN EMERGENCY.

WHEREAS, on April 24, 2022, the tower failed and released its supply of water causing damage to the tower and surrounding area; and

WHEREAS, Kenmore Construction Companies was called for an emergency repair to the tower to stabilize the foundation; and

WHEREAS, the Service Department is requesting to enter into a contract with Kenmore Construction Companies to complete the repairs to the Fairchild Water Tower due to the their knowledge of the site and availability of materials which other contractors would have to order and there is significant lead times because of supply chain demands.

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

SECTION 1. That the Kent City Council authorizes the City Manager or his designee to allow the Service Department to enter into a contract with Kenmore Construction Companies to finish the repair to the Fairchild Water Tower and waive the competitive bidding requirements.

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 -086

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPROVE A NEW SPECIAL EVENT APPLICATION FOR KENT STATE UNIVERSITY AND THE CITY OF KENT FOR AN ICE RINK THAT WILL START ON NOVEMBER 1st AND RUN THROUGH MARCH 15th OF EACH YEAR, AND DECLARING AN EMERGENCY.

WHEREAS, the Kent State University and the City of Kent would like to install a temporary ice rink each year for the benefit of residents and others; and

WHEREAS, the organizers would like to temporarily close East Erie Street from Haymaker Parkway to Depeyster beginning November 1st through March 15th each year; and

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

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

SECTION 1. That the Kent City Council authorizes the City Manager or his designee to execute the Special Event Application for the Kent State University and City of Kent, Ohio in substantial conformance with the Special Event Application attached hereto as Exhibit "A", as long as the City Manager or his designee believes the safety and security of Kent's citizens are adequately projected.

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

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

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

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

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

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

NAME OF EVENT Kent Skates - Ice Rink - Erie Street

ORGANIZATION SPONSORING EVENT KSU / City of Kent

APPLICANT NAME Doug Pearson, AVP, FPO Kent State University PHONE 330-488-7566

Melanie Baker, Service Director, City of Kent 330-351-5404
ADDRESS 615 Loop Road, Suite 101, Kent Ohio 44240
930 Overholt, Kent Ohio 44240

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

Doug Pearson, 330488-7566
Melanie Baker, 330-351-5404

DATE OF EVENT November 19, 2022 to February 26, 2023 NO. OF PARTICIPANTS _____

REQUESTED PERMIT TIME: Start Set up 11/1/2022 Start Event 11/19/2022

Road closure for Ice Rink End Event 2/26/2023 End Cleanup 3/15/2023

IF PARADE: STARTING POINT Erie St. / Depeyster ENDING POINT Erie St. / Haymaker

USE OF CITY WATER NEEDED? Yes to fill Ice Rink

(IF YES, PLEASE EXPLAIN)

USE OF CITY ELECTRIC NEEDED? Yes to run Ice machine - Agreement to split cost for season

(IF YES, PLEASE EXPLAIN)

In addition to the application please submit the following information:

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

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

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

Doug Pearson, AVP, FPO
Melanie Baker, Service Director Melanie A Baker
Name of Applicant Signature of Applicant

Office Use. Do not write below this line. Sent to:

Safety, Service, Fire, Police, and Health Departments for review and approval

via _____ on _____.

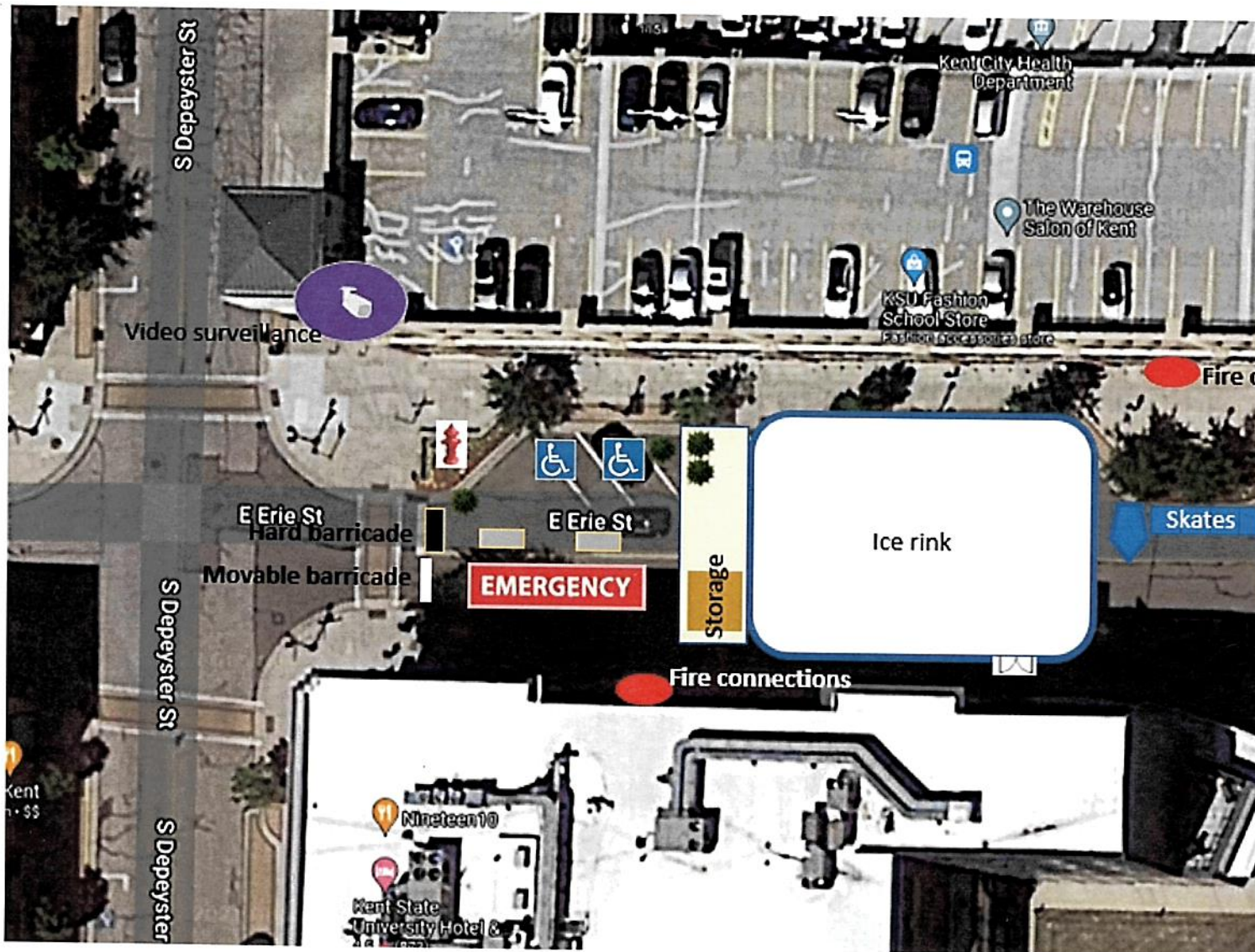
MEMORANDUM AGREEMENT _____ YES _____ NO
APPLICATION APPROVED _____ APPLICATION DISAPPROVED _____

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

Law Director Date

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

Erie Street - Ice Skating



Current Layout of Ice Rink and support items.

Erie is completely barricaded off. There are 2 mobile barricades at either end to allow deliveries to the hotel and access to the rink. These barricades should be opened for drop off and pick up. These barricades should be opened for drop off and pick up. These barricades should be opened for drop off and pick up.



There is only two temporary handicapped space available (at Erie and Depeyster.) The space is tight for access.

EMERGENCY

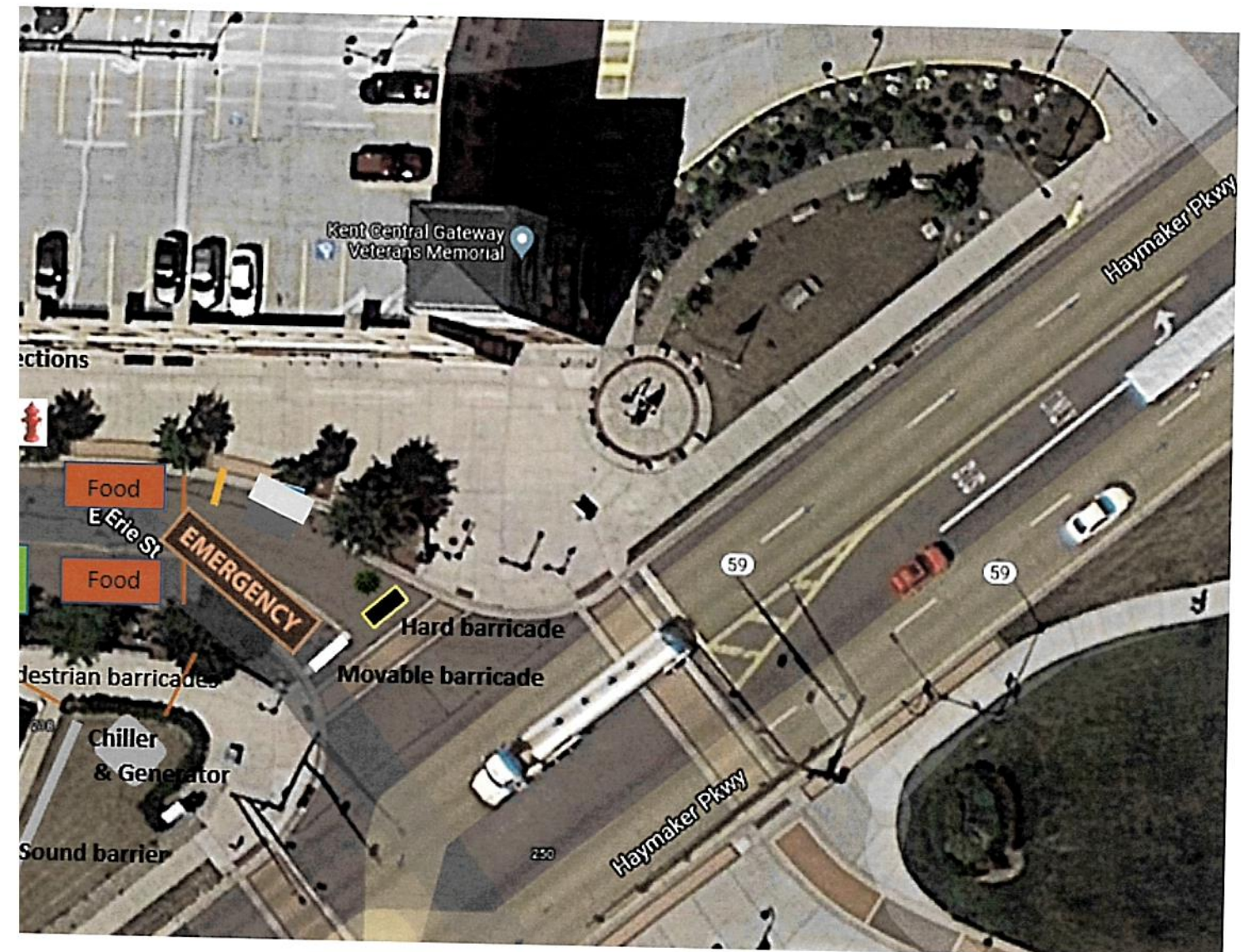
EMERGENCY

There is access off of Depeyster for emergency vehicles and access to the hotels fire connection.

Additional Emergency access is off of Haymaker should there be a need to access the fire connection. There will be a lot of congestion at this end with people, tables, and food trucks.

There is video surveillance for the safety of the rink and activities in the area.

g Rink - Layout



the salons off of Depeyster and for food trucks, access will be off of Haymaker. It is agreed that the hotel and salons
' delivery and closed after drop off or delivery is complete.

turning. Should there become an issue with maneuverability and pedestrians, we will need to revisit and evaluate.

anticipated this spot will be the best spot for access to the ice rink and injuries.

or hydrant to the PARTA Parking garage. This should not be used for emergency injury access as

As of 7/25/2022
Updated 8/3/2022

DRAFT ORDINANCE 2022 -087

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT ESTABLISHING THE COMMUNITY UNIVERSITY EDUCATION PURCHASING REGIONAL COUNCIL OF GOVERNMENTS, AND DECLARING AN EMERGENCY

WHEREAS, the City of Kent has been a member of the Community University Education Purchasing Cooperative (“CUE”) for over 15 years for the purpose of participating in a pooled purchasing program with other local governments in order to obtain cost savings on goods and materials; and

WHEREAS, the Executive Committee of CUE has recommended to CUE members that the cooperative be reorganized as a regional council of governments under Chapter 167 of the Ohio Revised Code in order to modernize the organization and to provide legal structure provided to council of governments under Chapter 167; and

WHEREAS, pursuant to Section 167.01 of the Ohio Revised Code, the governing bodies of any two or more counties, municipal corporations, townships, special districts, or other political subdivisions may enter into an agreement with each other for the establishment of a regional council consisting of such governmental units; and

WHEREAS, the City of Kent desires to establish and join a regional council of governments to modernize and replace CUE for the purposes of obtaining quality merchandise, materials and services at lower cost through pooled purchasing and competitive bidding; and

WHEREAS, the City of Kent desires to enter into an agreement to establish the Community Education Purchasing Regional Council of Governments (“CUE COG”) as a regional council of governments under Chapter 167, which agreement is in the form attached hereto as Exhibit “A” (the “Agreement”).

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

SECTION 1. That the Kent City Council is hereby authorized and directed to execute and deliver, by and on behalf of the City, the Agreement in the form attached hereto as Exhibit “A”, attached hereto and incorporated herein, which Agreement shall create the CUE COG as a regional council of governments under Chapter 167 of the Ohio Revised Code.

SECTION 2. That upon the execution of the Agreement by all parties, the City shall become a Member of the CUE COG.

SECTION 3. That the following individuals shall be designated as the initial Representative and alternate Representative (as defined in the Agreement):

_____ Representative

_____ Alternate Representative

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

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

**AGREEMENT ESTABLISHING THE COMMUNITY UNIVERSITY EDUCATION
PURCHASING REGIONAL COUNCIL OF GOVERNMENTS**

among

and

and

Dated as of _____, 2022

ROETZEL & ANDRESS
A LEGAL PROFESSIONAL ASSOCIATION

TABLE OF CONTENTS

	<u>Page</u>
ARTICLE I. DEFINITIONS	2
Section 1.1. Use of Defined Terms	2
ARTICLE II. MEMBERSHIP AND REPRESENTATION	3
Section 2.1. Council.....	3
Section 2.2. Rights of Members.....	3
Section 2.3. Reserved Powers	3
Section 2.4. Withdrawal of Members	3
Section 2.5. Liability of Members	3
Section 2.6. Duration	4
ARTICLE III. MANAGEMENT.....	5
Section 3.1. Governing Board.....	5
Section 3.2. Additional Members	5
ARTICLE IV. PURPOSE.....	6
ARTICLE V. POWERS OF THE COUNCIL.....	7
Section 5.1. Powers.....	7
Section 5.2. Additional Powers.....	7
Section 5.3. Limitation on Powers.....	7
ARTICLE VI. MEETINGS, VOTING AND PROCEDURES	8
Section 6.1. Regular Meetings	8
Section 6.2. Bylaws.....	8
Section 6.3. Voting	8
ARTICLE VII. FINANCIAL SUPPORT	9
Section 7.1. Funding	9
Section 7.2. Contributions of Additional Members	9
ARTICLE VIII. MISCELLANEOUS	10
Section 8.1. Extent of Agreements; No Personal Liability.....	10
Section 8.2. Binding Effect.....	10
Section 8.3. Counterparts.....	10
Section 8.4. Governing Law	10

**AGREEMENT ESTABLISHING THE COMMUNITY UNIVERSITY EDUCATION
PURCHASING REGIONAL COUNCIL OF GOVERNMENTS**

This **AGREEMENT ESTABLISHING THE COMMUNITY UNIVERSITY EDUCATION PURCHASING REGIONAL COUNCIL OF GOVERNMENTS** (this “Agreement”) is entered into among the _____, a _____ duly organized and validly existing under the laws of the State of Ohio (“[MEMBER1]”), _____, a _____ duly organized and validly existing under the laws of the State of Ohio (“[MEMBER2]”) and _____, a _____ duly organized and validly existing under the laws of the State of Ohio (“[MEMBER3]”) under the circumstances described below:

A. Pursuant to Section 167.01 of the Revised Code, the governing bodies of any two or more counties, municipal corporations, townships, special districts, or other political subdivisions may enter into an agreement with each other for the establishment of a regional council consisting of such governmental units.

B. [MEMBER1], [MEMBER2] and [MEMBER3] (collectively, the “Cooperative Parties”) desire to enter into this Agreement to establish a regional council of governments for the purposes of obtaining quality merchandise, materials and services at lower cost through pooled purchasing and competitive bidding.

NOW, THEREFORE, IN CONSIDERATION of the mutual agreements contained herein, and for other good and valuable consideration, the receipt of which is acknowledged, the Cooperative Parties hereto agree and bind themselves as follows.

ARTICLE I. DEFINITIONS

Section 1.1. Use of Defined Terms. In addition to the words and terms elsewhere defined in this Agreement, each capitalized word or term used herein shall have the following meaning, unless the context or use indicates another or different meaning or intent, and those definitions shall be equally applicable to both the singular and plural forms of any of the words and terms so defined:

“Act” means Chapter 167 of the Revised Code, as enacted and amended.

“Agreement” means this Agreement Establishing the Community University Education Purchasing Regional Council of Governments, as amended or supplemented from time to time.

“Bylaws” means the Bylaws of the Council adopted by the Governing Board of the Council pursuant to Section 167.04 of the Act and Section 6.2 of this Agreement.

“Cooperative Parties” means collectively, [MEMBER1], [MEMBER2] and [MEMBER3].

“Council” or means the Community University Education Purchasing Regional Council of Governments.

“CUE” means the Council.

“Governing Board” means the Governing Board of the Council established in Section 3.1 of this Agreement.

“Legislative Authority” means, as applicable, the council, board of trustees, board of directors or any other board or council acting as a legislative authority of a Member.

“Member” means municipal corporations, townships, counties, universities, colleges, special districts, or other political subdivisions admitted to membership to the Council in accordance with this Agreement and the Bylaws, initially the Cooperative Parties.

“Representative” means the representative of the Member appointed pursuant to Section 3.1 of this Agreement.

(End of Article I)

ARTICLE II. MEMBERSHIP AND REPRESENTATION

Section 2.1. Council. Pursuant to the Chapter 167 of the Act and this Agreement, the Cooperative Parties hereby establish a regional council of governments, which shall be known as the Community University Education Purchasing Regional Council of Governments (the “Council” or “CUE”). Members of the Council shall include the Cooperative Parties and any other political subdivision admitted as a Member pursuant to the terms of this Agreement or the Bylaws (an “Additional Member”).

Section 2.2. Rights of Members. Except for the rights specifically granted to Members as Reserved Powers, the sole right of the Members shall be to appoint and remove its Representatives to the Governing Board in accordance with the Bylaws. The Members hereby authorize the Governing Board to exercise all of the rights and privileges of the Members regarding management and operation of the Council.

Section 2.3. Reserved Powers. The following powers (the “Reserved Powers”) shall be effective only upon the approval of the Legislative Authority of all of the Members:

- (a) Adopting or amending this Agreement.
- (b) Approving any merger, consolidation or reorganization of the Council.
- (c) Terminating the Council

Section 2.4. Withdrawal of Members. Any Member may withdraw from the Council by formal action of the Legislative Authority of that Member and upon 30 days notice to the Council after such action. Such withdrawal shall be effective no more than 90 days after notice of such withdrawal is received by the Council, such effective date to be determined by resolution of the Council.

Section 2.5. Liability of Members. The Members shall not be liable for the debts, expenses, liabilities or other obligations of the Council, except to the extent of the Member’s financial contributions to the Council.

Section 2.6. Duration. The Council shall become effective on the date of this Agreement first written above, and its existence shall be perpetual, unless and until the Council is terminated pursuant to this Agreement.

(End of Article II)

ARTICLE III.
MANAGEMENT

Section 3.1. Governing Board. Except as otherwise provided in this Agreement, the powers of the Council shall be exercised by and under the direction of the Governing Board. The Governing Board shall consist of the Representatives of the Members. The Members hereby appoint the following individuals as the initial Representatives:

- (a) [MEMBER1] – _____
- (b) [MEMBER2] – _____
- (c) [MEMBER3] – _____

Section 3.2. Additional Members. Representation of Additional Members admitted to the Council shall be determined in accordance with the Bylaws. If the Bylaws fail to establish a method for determining such Representative, the Representative of the Additional Member shall be the individual appointed by formal action of the Legislative Authority of the Additional Member.

(End of Article III)

ARTICLE IV. PURPOSE

: The Purpose of the Council is to obtain quality merchandise, materials and services for its Members at lower cost through pooled purchasing and competitive bidding. In furtherance thereof, the Council shall take the following actions to accomplish its general purposes:

(i) To select items of common use where lower prices may be obtained through pooled purchasing than can be obtained by members acting independently.

(ii) To prepare requests for competitive quotations containing terms, conditions, and specifications for submitting to prospective vendors.

(iii) To prepare conservatively and submit promptly, estimates of quantities of merchandise needs, to the product committees when requested, for use in soliciting quotations. Purchases during an agreement term by any Member shall be no less than those percentages noted in the given agreement for the given commodity purchase in accordance with the bidding documents.

(iv) To cooperate with vendors to hold their costs at a minimum.

(End of Article IV)

ARTICLE V.
POWERS OF THE COUNCIL

Section 5.1. Powers. The Council shall have all of the powers granted to regional council of governments under the Act as amended from time to time, including, but not limited to Section 167.03(A) and (B) of the Act.

Section 5.2. Additional Powers. In addition to the powers described in Section 5.1 of this Agreement, the Council may, by appropriate action of the Legislative Authority of the Members, perform such other functions and duties as are performed or capable of performance by the Members and necessary or desirable for dealing with mutual cooperative bidding or purchasing issues.

Upon approval of the Legislative Authority of each Member of this Agreement, the Council shall have the following additional powers:

- (a) Acquire by purchase, lease, gift, or otherwise, on such terms and in such manner as it considers proper, real and personal property, including any intellectual property rights, or any estate, interest, or right therein.
- (b) Fix, alter, impose, collect and receive service and user fees, rentals, and other charges from Members.
- (c) Employ such employees as may be appropriate in the exercise of the rights, powers and duties conferred upon it, prescribe the duties and compensation for such persons, require bonds to be given by any such persons and by officers of the authority for the faithful performance of their duties, and fix the amount and surety therefor; and pay the same.
- (d) Make and enter into all contracts and agreements and execute all instruments relating to the authorized purposes of the Council.
- (e) Apply for and accept grants, loans or commitments of guarantee or insurance, from the United States, the state, or other public body or other sources, and provide any consideration which may be required in order to obtain such grants, loans or contracts of guarantee or insurance.

Section 5.3. Limitation on Powers. In compliance with Section 167.03(D) of the Revised Code, the powers granted to the Council under this Agreement shall not displace any existing municipal, county, regional, or other planning commission or planning agency in the exercise of its statutory powers.

(End of Article V)

ARTICLE VI.
MEETINGS, VOTING AND PROCEDURES

Section 6.1. Regular Meetings. The Governing Board shall hold a minimum of four meetings annually, one of which shall be designated as the annual meeting (the “Annual Meeting”).

Section 6.2. Bylaws. The manner in which the Governing Board shall act and the procedures used by the Governing Board for the management and conduct of the Council shall be set forth in the Bylaws. The Governing Board shall adopt the Bylaws at the first meeting of the Council. Such Bylaws shall be consistent with this Agreement and shall provide for:

- (a) Notice of meetings to its Members and the general public as required by Section 121.22 of the Revised Code.
- (b) The number of members of the Governing Board necessary to constitute a quorum at any meeting of the Governing Board.
- (c) The nomination, qualification, powers, duties and terms of officers of the Council and the method of selection thereof. The Governing Board shall elect such officers at the Annual Meeting.
- (d) Appointment of a fiscal officer (the “Fiscal Officer”) of the Council, who may hold any other office or employment with the Council. The Fiscal Officer shall receive, deposit, invest and disburse the funds of the Council in the manner authorized by the Bylaws or other appropriate action of the Council. The Fiscal Officer shall also make an annual report of the activities of the Council to the Members in compliance with Section 167.06(C) of the Revised Code.
- (e) A provision requiring the Governing Board to adopt an annual budget.

Section 6.3. Voting. Any vote taken at a meeting of the Governing Board where a quorum is present shall require only a simple majority of the Governing Board present to affirm passage of an issue, resolution or action, except a motion to amend the Bylaws, which shall require a unanimous vote of the full membership of the Governing Board.

(End of Article VI)

ARTICLE VII.
FINANCIAL SUPPORT

Section 7.1. Funding. The Legislative Authority of the Members may appropriate funds to meet the expenses of the Council. Services of personnel, use of equipment, and office space and other necessary services may be accepted from Members as part of their financial support.

Section 7.2. Contributions of Additional Members. Any Member admitted to this Council as an Additional Member shall make a contribution of such funds, grants, gifts or services as approved by the Governing Board.

(End of Article VII)

ARTICLE VIII.
MISCELLANEOUS

Section 8.1. Extent of Agreements; No Personal Liability. All obligations and agreements of the Members of the Council contained in this Agreement are and shall be deemed obligations and agreements of the Members of the Council. No obligation or agreement of any present or future officer, agent or employee of the Members of the Council in other than that person's official capacity. No officer, agent or employee of the Members of the Council shall be subject to personal liability or accountability by reason of this Agreement.

Section 8.2. Binding Effect. This Agreement shall inure to the benefit of the Cooperative Parties and shall be binding upon the Cooperative Parties, subject, however, to the conditions contained herein.

Section 8.3. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be regarded as an original and all of which shall constitute but one and the same instrument. Signatures delivered by facsimile or electronic means shall be treated as original signatures.

Section 8.4. Governing Law. This Agreement shall be deemed a contract made under the laws of the State of Ohio and for all purposes shall be governed and construed in accordance with the laws of the State of Ohio.

IN WITNESS WHEREOF, the Cooperative Parties have caused this Agreement to be executed in their respective names and capacities by their duly authorized officers, all as of the date first written above.

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

17872507 _1

DRAFT ORDINANCE NO. 2022 -088

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACCEPT GRANT FUNDING IN THE AMOUNT OF \$376,771.20 THROUGH THE OHIO VIOLENT CRIME REDUCTION GRANT PROGRAM TO PAY SWORN OFFICERS AND DISPATCHERS A 10% BONUS, AND DECLARING AN EMERGENCY

WHEREAS, the City of Kent Police Department has been notified by the Ohio Office of Criminal Justice Services that the department has been granted funding through the Ohio Violent Crime Reduction Grant Program in the amount of \$376,771.20; and

WHEREAS, the grant money will be used to pay the departments sworn officers and dispatchers a 10% bonus. The bonus will be paid in two installments, one upon receipt of the money and one in June of 2023; and

WHEREAS, the City wishes to accept said grant.

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

SECTION 1. That Kent City Council hereby authorizes the City Manager, or his designee, to accept the grant funding in the amount of \$376,771.20 through the Ohio Violent Crime Reduction Grant Program 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

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 - 089

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACCEPT GRANT FUNDING IN THE AMOUNT OF \$801.43 THROUGH THE 2022-2023 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 \$801.43 through the 2022-2023 Ohio Law Enforcement Body Armor Grant Program; and

WHEREAS, the grant monies will replace one ballistic vest; and

WHEREAS, since the Police Department has been receiving grant monies since 2018 from this program, we have reached the maximum amount possible (\$40,000). The program requires 25% match from the City, but because of the maximum amount received, the City will have to pay approximately 27% of the cost.

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

SECTION 1. That Kent City Council hereby authorizes the City Manager, or his designee, to accept the grant funding in the amount of \$801.43 through the 2022-2023 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

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 2022 –090

AN ORDINANCE AUTHORIZING THE CERTIFICATION OF NON-PAYMENT OF BILLS FOR RESIDENTS RESULTING FROM THE 2021 HARRIS STREET REHABILITATION OF UNPAID STREET REHABILITATION PROGRAM, TO THE COUNTY AUDITOR IN ORDER TO ALLOW FOR THE PLACEMENT OF THE CERTIFIED AMOUNT ON THE REAL PROPERTY TAX LIST AND DUPLICATE AGAINST THE PROPERTY FOR THE NON-PAYMENT OF STREET REPAIRS, AND DECLARING AN EMERGENCY.

WHEREAS, there are 11 street repair bills that remains unpaid after attempts to collect have been made; and

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

SECTION 1. That Kent City Council does hereby authorize the certification of the 2021 Harris Street Rehabilitation of Unpaid Street Rehabilitation program listed in Exhibit “A”, attached hereto and made a part hereof, on the real estate tax list and duplicate against the properties listed. It is the intent of Council that the amounts certified to the County Auditor shall be a lien on the property served by the services listed.

SECTION 2. That the amounts shown are hereby assessed upon the properties shown and such assessments shall be certified by the Clerk of Council to the County Auditor for collection in the same manner as general taxes. The Clerk of Council shall also certify that the unpaid charges have arisen pursuant to services made directly with the owner or tenant who occupied the property served.

SECTION 3. That Council does hereby find that the certification of the unpaid bills meets all of the requirements of Section 521.06 and is further authorized by the Ohio Revised Code and authorizes the Budget and Finance Director to amend Exhibit “A” in the event of payment before the actual certification to the County.

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

2021 HARRIS STREET REHABILITATION

Ohio Revised Code 715.261
Kent Codified Ordinance 521.06

	PARCEL I.D.	ADDRESS	PROPERTY OWNER	AMOUNT
1	17-012-20-00-199-000	249 Harris St.	Marcus Wright	\$ 726.44
2	17-012-20-00-226-000	321 Harris St.	Jeremy Yonker & Eva Heckert	707.35
3	17-007-10-00-029-000	332 Harris St.	M & L Hurd Rentals LLC	475.45
4	17-012-20-00-224-000	333 Harris St.	Vernon & Carla Bachtel	1,928.35
5	17-012-20-00-244-000	439 Harris St.	Ian Slaymaker & Tara Goode	848.12
6	17-012-20-00-255-000	515 Harris St.	Harry & Jacquie Dukes	450.00
7	17-008-10-00-002-000	532 Harris St.	Michael Carver, Jr.	250.00
8	17-008-10-00-003-000	540 Harris St.	Lashelle R. Corsi	290.00
9	17-008-10-00-004-000	546 Harris St.	Francis J. Miller	455.00
10	17-011-20-00-005-000	551 Harris St.	Holly Bloom	400.00
11	17-007-10-00-044-000	vacant land	Robert & Linda Johnstone	525.00

\$7,055.71

DRAFT ORDINANCE 2022 –091

AN ORDINANCE AUTHORIZING THE CERTIFICATION OF NON-PAYMENT OF BILLS FOR RESIDENTS RESULTING FROM THE 2021 ANNUAL CONCRETE REPAIR PROGRAMS OF UNPAID CONCRETE SIDEWALK REPAIR ACCOUNTS, TO THE COUNTY AUDITOR IN ORDER TO ALLOW FOR THE PLACEMENT OF THE CERTIFIED AMOUNT ON THE REAL PROPERTY TAX LIST AND DUPLICATE AGAINST THE PROPERTY FOR THE NON-PAYMENT OF SIDEWALK REPAIRS, AND DECLARING AN EMERGENCY.

WHEREAS, there are 15 concrete sidewalk repair bills that remain unpaid after attempts to collect have been made; and

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

SECTION 1. That Kent City Council does hereby authorize the certification of the 2021 Annual Concrete Repair Programs of Unpaid Concrete Sidewalk Repair accounts listed in Exhibit “A”, attached hereto and made a part hereof, on the real estate tax list and duplicate against the properties listed. It is the intent of Council that the amounts certified to the County Auditor shall be a lien on the property served by the services listed.

SECTION 2. That the amounts shown are hereby assessed upon the properties shown and such assessments shall be certified by the Clerk of Council to the County Auditor for collection in the same manner as general taxes. The Clerk of Council shall also certify that the unpaid charges have arisen pursuant to services made directly with the owner or tenant who occupied the property served.

SECTION 3. That Council does hereby find that the certification of the unpaid bills meets all of the requirements of Section 521.06 and is further authorized by the Ohio Revised Code and authorizes the Budget and Finance Director to amend Exhibit “A” in the event of payment before the actual certification to the County.

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

2021 ANNUAL CONCRETE REPAIR PROGRAM

Ohio Revised Code 715.261

Kent Codified Ordinance 521.06

	PARCEL I.D. #	ADDRESS	PROPERTY OWNER	AMOUNT
1	17-042-10-00-022-000	416 Needham Ave.	Joseph & Kaitlin Detmer	\$ 176.40
2	17-042-10-00-030-000	437 Needham Ave.	John A. Nehrer	470.40
3	17-042-10-00-029-000	443 Needham Ave.	Elizabeth Peterson	946.68
4	17-042-10-00-027-000	446 Needham Ave.	Jeremy & Camille Strain	452.76
5	17-043-30-00-068-000	455 Needham Ave.	Michelle Geisinger	511.56
6	17-043-30-00-063-000	479 Needham Ave.	Theresa Voneida	494.29
7	17-043-30-00-044-000	482 Needham Ave.	Joseph Snyder	345.45
8	17-043-30-00-045-000	486 Needham Ave.	Jacquelyn Lovelace	191.10
9	17-043-30-00-060-000	487-489 Needham Ave.	David Russell	2,940.00
10	17-043-30-00-058-000	507 Needham Ave.	Paul & Penny Young	2,375.52
11	17-043-30-00-053-000	518 Needham Ave.	Edward & Mary Klasa	604.17
12	17-043-30-00-054-000	522 Needham Ave.	Timothy Oberholtzer	706.34
13	17-025-10-00-042-000	415 Earl Ave.	Joel A. McAdams	566.54
14	17-025-10-00-087-000	452-454 Earl Ave.	Janet M. Hayes	143.33
15	17-025-10-00-035-000	505 Earl Ave.	Maxim & Irina Dzero	341.04

TOTAL \$11,265.58

DRAFT ORDINANCE NO. 2022 -092

AN ORDINANCE AUTHORIZING THE CERTIFICATION OF NON-PAYMENT OF WATER USE CHARGES, WASTEWATER USE CHARGES, STORM WATER UTILITY CHARGES AND RECYCLING/SOLID WASTE COLLECTION CHARGES TO THE COUNTY AUDITOR IN ORDER TO ALLOW FOR THE PLACEMENT OF THE CERTIFIED AMOUNT ON THE REAL PROPERTY TAX LIST AND DUPLICATE AGAINST THE PROPERTY FOR THE NON-PAYMENT OF WATER USE CHARGES, WASTEWATER USE CHARGES, STORM WATER UTILITY CHARGES AND RECYCLING/SOLID WASTE COLLECTION CHARGES, AND DECLARING AN EMERGENCY.

WHEREAS, there are a number of water use, wastewater use, storm water utility, and recycling/solid waste collection that remain unpaid after attempts to collect have been made.

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

SECTION 1. That Kent City Council does hereby authorize the certification of the water use, wastewater use, storm water utility, and recycling/solid waste collection listed in Exhibit "A", attached hereto and made a part hereof, on the real estate tax list and duplicate against the properties listed. It is the intent of Council that the amounts certified to the County Auditor shall be a lien on the property served by the services listed.

SECTION 2. That the amounts shown are hereby assessed upon the properties shown and such assessments shall be certified by the Clerk of Council to the County Auditor for collection in the same manner as general taxes. The Clerk of Council shall also certify that the unpaid charges have arisen pursuant to services made directly with the owner or tenant who occupied the property served.

SECTION 3. That Council does hereby find that the certification of the unpaid bills meets all of the requirements of Sections 913.07, 915.72, 921.24 and 935.14 and is further authorized by the Ohio Revised Code and authorizes the Budget and Finance Director to amend Exhibit "A" in the event of payment before the actual certification to the County.

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

City of Kent: Delinquent Fines and Unpaid Fees Dept - Utility Billing

Owner Name	Address	Parcel #	Amount	Date Delinquent	Description of Fine/unpaid fee	Loc. ID
1763 Property Group, LLC	1763 E Main	17-022-00-00-063-000	\$ 45.74	10/15/2021	water/sewer	60540
Abdo, Matt	561 E School	17-013-20-00-294-000	63.26	12/7/2021	water/sewer	5409-49150
Adams, David	730 Mae	17-014-10-00-031-000	51.65	5/16/2022	water/sewer	22455-31240
Badraik, Mohsen	1228 Garth	17-028-2000-097-000	78.63	6/15/2021	water/sewer	42060
Begue, Lynette	320 McKinney	17-043-20-00-029-000	31.77	10/25/2021	water/sewer	85642
Bixenstein, V. Edwin	407 Wilson	17-023-10-00-024-000	7.60	1/14/2022	water/sewer	14111-64270
Boyer, Don	399 Garrett	17-027-10-00-080-000	77.89	12/7/2021	water/sewer	3655-45450
Boyer, Don	375 Irma	17-027-10-00-108-000	38.98	2/15/2022	water/sewer	6703-81160
Carbone, Laura (Deceased)	242 Lake	17-031-22-00-151-000	86.53	8/25/2021	water/sewer	69190
Constellation Ohio, LLC	1588 E Summit	17-004-00-00-006-015	48.06	7/19/2021	water/sewer	85588
Delta Bravo Properties, LLC	313 Woodard	17-030-20-00-032-000	66.57	9/13/2021	water/sewer	58400
Delta Bravo Properties, LLC	309 Woodard	17-030-20-00-032-000	96.60	10/25/2021	water/sewer	58380
Downing, Katherine	1110 Middlebury	17-009-10-00-017-000	142.07	10/25/2021	water/sewer	23560
Frampton, Mike	437 Longmere	17-026-20-00-023-000	111.29	5/16/2022	water/sewer	45617-17440
Fritz, Lawrence	715 E Main	17-023-10-00-199-000	91.08	12/7/2021	water/sewer	17275-63070
Garrett Townhomes	429 Garrett	17-027-10-00-085-000	64.60	11/25/2021	water/sewer	45983-45500
Hansford, Robert	416 Earl	17-025-10-00-081-000	40.71	1/28/2022	water/sewer	30469-58110
Hansford, Robert	306 N Mantua	17-025-10-00-081-000	184.89	1/28/2022	water/sewer	23997-34470
Harper, Sandy	904 Stonewater	17-029-20-00-009-007	31.77	11/15/2021	water/sewer	46701-87408
Helfinstine, Shannon	1409 Loop	17-004-00-00-006-012	24.70	8/25/2021	water/sewer	85490
Hillebrecht, Luke	203 E Williams	17-013-10-00-037-000	81.05	7/19/2021	water/sewer	49590
Hollis, Diane	221 Valleyview	17-006-11-00-032-000	162.48	9/13/2021	water/sewer	32260
Hornyak, Frank	124 Crain	17-031-22-00-207-000	42.28	9/13/2021	water/sewer	66780
Hornyak, Frank	124 Brady	17-024-20-00-076-000	31.06	11/15/2021	water/sewer	48685-66180
Husseini Yusef	115 E Hall	17-013-20-00-010-000	106.78	3/4/2022	water/sewer	49629-49330
Johnson, Mark	1181 Norwood	17-010-60-00-040-000	38.22	10/25/2021	water/sewer	21510
Kelley, Dorothy	319 Robert	17-043-10-00-010-000	30.15	4/15/2022	water/sewer	9413-77490
Kirschenmann, Curtis	239 Cherry	17-007-10-00-081-000	70.22	4/15/2022	water/sewer	49883-6700
Leblanc, Kim	1012 Kevin	17-044-10-00-024-000	67.12	8/10/2021	water/sewer	77060
Lindsey Jr, Robert	1541 Franklin	17-007-20-00-006-000	110.56	12/27/2021	water/sewer	46865-10340
Lynydol, Louk	1245 Denise	17-028-10-00-103-000	51.60	6/15/2021	water/sewer	42470
McKeown, Michael	647 S Water	17-013-20-00-009-000	357.07	11/15/2021	water/sewer	45915-1200
Muscatleb, Joseph	307 N Lincoln	17-024-33-00-063-000	855.31	10/25/2021	water/sewer	63270
Paigemax Development	438 E Summit	17-013-10-00-093-001	101.26	10/25/2021	water/sewer	27560
PayPay Properties, LLC	614 Fairchild	17-030-20-00-055-000	67.36	2/15/2022	water/sewer	46023-86646
PayPay Properties, LLC	618 Fairchild	17-030-20-00-055-000	60.58	2/15/2022	water/sewer	46023-57550
Plymale, Shands	759 Akron	17-009-20-00-021-000	229.54	11/15/2021	water/sewer	16385-22980
Prosen, Angela	621 N Willow	17-031-22-00-109-000	57.86	11/15/2021	water/sewer	47907-67330
Regula, Lis	1433 Cedar	17-007-10-00-056-000	282.93	4/15/2022	water/sewer	39871-8380
RHS Development C/o Chris Smeili	431 Wolcott	17-030-10-00-049-000	43.24	10/25/2021	water/sewer	51740
Schmidt, David	927 Meloy	45-004-00-00-025-000	22.02	9/13/2021	sewer	2051
Shannon, Linn	715 Paulus	17-011-20-00-031-000	64.89	7/19/2021	water/sewer	16290
Skymount Solutions, INC.	1687 Olympus	17-004-00-00-027-003	55.35	7/19/2021	water/sewer	27979
Stephanopoulos, George	1575 Athena	17-007-00-00-006-013	18.61	7/19/2021	water/sewer	85538
Vanags, John	1017 N Mantua 1	17-031-10-00-045-000	40.78	5/16/2022	water/sewer	10737-35425
Vonstein, Heidi	1420 Franklin	17-007-10-00-088-002	122.32	9/13/2021	water/sewer	10820
Waller, Wendy	147 Lake	17-031-21-00-010-000	179.87	8/25/2021	water/sewer	68770
Watkins, David	419 Rockwell	17-00-220-00-140-000	32.24	10/25/2021	water/sewer	57790
Wemyss, Bruce	132 Linden	17-023-10-00-204-000	298.46	9/27/2021	water/sewer	63940
Wright, Michael	344 Dodge	17-012-20-00-217-000	1,209.07	1/28/2022	water/sewer	39273-8180
TOTAL			<u>\$ 6,274.67</u>			



CITY OF KENT, OHIO
DEPARTMENT OF BUDGET AND FINANCE
Rhonda C. Hall, CPA, Director

To: Dave Ruller, City Manager
From: Rhonda C. Hall, CPA, Director of Budget and Finance
Date: August 8, 2022
Re: New OneOhio Opioid Settlement Fund

Dave,

In accordance with the Ohio Auditor of State Bulletin 2022-003 – attached, I would like to request Council's permission to create a new fund for the OneOhio Opioid Settlement funding. This new fund will be called OneOhio Opioid Settlement Fund #140. It will also have to follow the guidelines as to the purposed the funding can be used for.

Thank you.

A handwritten signature in blue ink that reads "Rhonda Hall".

OHIO AUDITOR OF STATE KEITH FABER



Auditor of State Bulletin Bulletin 2022-003

DATE ISSUED: March 10, 2022

TO: All County, City, Township, Village Officials and Independent Public Accountants

FROM: Keith Faber
Ohio Auditor of State

SUBJECT: OneOhio Opioid Settlement

Ohio reached an \$808 million agreement with the three largest distributors of opioids. The state developed the OneOhio plan, a mechanism to ensure that any money from a negotiated settlement is distributed fairly to the communities hit hardest by the opioid crisis.

The settlement agreement allocates 30% to local governments (LG Share), 55% to a foundation that will distribute funds to projects, and 15% to the Office of the Ohio Attorney General as Counsel for the State of Ohio. This bulletin will focus on the allocation of settlement proceeds provided directly to local governments in the LG Share.

The purpose of this bulletin is to emphasize the separate accountability and accounting guidance for the LG Share of the OneOhio Opioid Settlement Funds (OneOhio Funds).

Approved Uses of the Local Government Share

OneOhio Funds must be utilized in a manner consistent with the “Approved Purposes” definition in the OneOhio memorandum of understanding (MOU). According to the MOU, the Funds must be used for “evidence-based forward-looking strategies, programming and services used to (i) expand the availability of treatment for individuals affected by substance use disorders, (ii) develop, promote and provide evidence-based substance use prevention strategies, (iii) provide substance use avoidance and awareness education, (iv) decrease the oversupply of licit and illicit opioids, and (v) support recovery from addiction services performed by qualified and appropriately licensed providers[.]”

Additionally, Exhibit A of the MOU sets forth agreed Ohio Opioid Abatement Strategies.

The Ohio Opioid Abatement Strategy includes three main components:

1. Strategies for Community Recovery: Included but not limited to prevention, treatment, recovery support and community recovery projects (examples include child welfare, law enforcement strategies and other infrastructure supports). These strategies have a hyper-local focus that allows communities to collaborate and expand necessary services to their community.
2. Strategies for Statewide Innovation & Recovery: Included but not limited to strategies included in Community Recovery Component but also projects that promote statewide change and regional development for prevention, treatment, recovery supports and community recovery (examples include regional treatment hubs, drug task forces, data collection and dissemination). This component also includes research and development to understand how to better serve individuals and families in Ohio.
3. Strategies for Sustainability: Ohio's addiction and mental health epidemic was not created overnight, and it will not go away immediately. By collaborating to share resources and knowledge, Ohio's state and local communities can build a sustainable financing strategy and infrastructure to reverse the damage that has been done and prevent future epidemics and crises.

The LG Share of the OneOhio Funds can also be used for past expenditures that are consistent with the approved purposes definition.

Accounting for the Local Government Share

Ohio Rev. Code §5705.09(F) requires subdivisions to establish separate funds for each class of revenue derived from a source other than the general property tax, which the law requires to be used for a particular purpose. Additionally, Ohio Rev. Code §5705.10(I) states that money paid into a fund must be used only for the purposes for which such fund is established.

Before the local government receives its portion from the state, the Auditor of State (AOS) recommends that each participating subdivision accepting the Funds provide by a written ordinance or resolution that the LG Share of the OneOhio Funds shall be placed in a separate fund and used only for the approved purposes as required by the OneOhio MOU. As the special fund is created under Ohio Rev. Code § 5705.09(F), local governments do not need to seek AOS approval for establishing this new fund.

AOS recommends that each participating subdivision accepting OneOhio Funds clearly document their rationale for each expenditure. This documentation is best provided by legislation adopted by the entity's legislative body explaining how the expenditure meets the approved purposes definition of the OneOhio MOU. To aid in our future audit work, we also ask that each expenditure be carefully tracked and adequate documentation of the expenditure be maintained.

For any expenditures previously made by a local government that are eligible for reimbursement with moneys from the LG Share, the local government must pass an ordinance or resolution that identifies

the prior expenditures and explains its determination that expenditures are for approved purposes consistent with the OneOhio MOU.

If local governments are using OneOhio Opioid Settlement dollars to reimburse expenditures from another fund, local governments have two options:

Reallocation method - Local governments should receipt the OneOhio Opioid Settlement dollars into the special revenue fund. If the original expenditure was made in the same fiscal year, the local government can reallocate the original expenditure from the original fund to the special revenue fund. Local governments should maintain documentation to support the reallocation. Local governments on the Uniform Accounting Network (UAN) system should refer to UAN for information on how to properly handle reallocations of expenditures in the UAN system. For guidance UAN provided to users to reallocate/reimburse receipts and expenditures using Coronavirus Relief Fund awards, click [here](#). Similar steps will apply to OneOhio Opioid Settlement dollars.

Invoice method - Local governments should receipt the OneOhio Opioid Settlement dollars into the special revenue fund. Management should prepare a detailed invoice documenting the fund that reported the original expenditure of allowable cost(s) (Original Fund), charge the invoice to the OneOhio Opioid Settlement Fund, and record a reduction of the appropriate expenditure if the reimbursement is within the same fiscal year as the original expenditure. Miscellaneous revenue may be a better choice if the reimbursement relates to a prior fiscal year. Some judgment may be needed to determine the best presentation of these amounts in each particular circumstance. Local governments should charge the appropriate functions/objects within the OneOhio Opioid Settlement Fund based on the billing received from the Original Fund. This method is most useful when the original expenditures were made in one year and receipt of the OneOhio Opioid dollars money didn't occur until the following year.

The AOS encourages recipients of OneOhio Funds to consult with their legal counsel as they plan to utilize the Funds.

Questions

This bulletin is not intended to answer all questions that local governments may have. AOS will continue to provide updated guidance.

If you have any questions regarding the information presented in the Bulletin, please contact the Center for Audit Excellence at the Auditor of State's Office at (800) 282-0370.



Keith Faber
Ohio Auditor of State

DRAFT ORDINANCE NO. 2022 - 093

AN ORDINANCE ACCEPTING OPIOID SETTLEMENT FUNDS AND DIRECTING PLACEMENT OF SUCH FUNDS IN A SEPARATE FUND, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent has been notified by the Ohio Attorney General that the first payment of funds from the OneOhio Settlement with the opioid distributors McKesson Corporation, Cardinal Health, Inc. and AmerisourceBergen Corporation is being distributed to eligible local governments including the City of Kent; and

WHEREAS, the State Auditor has recommended that the City of Kent accept the Settlement Funds from the OneOhio Subdivision Settlement with McKesson Corporation, Cardinal Health, Inc. and AmerisourceBergen Corporation ("Settlement Funds") subject to the adoption of an Ordinance that the local government's share of the Ohio Settlement Funds be placed in a separate fund and be used only for the approved purposes as required by OneOhio MOU.

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

SECTION 1. That the City of Kent hereby agrees to accept the OneOhio Opioid Settlement Funds pursuant to the OneOhio MOU and that such Settlement Funds be placed in a separate fund called the OneOhio Opioid Settlement Fund and used only for the approved purposes required by the OneOhio MOU.

SECTION 2. That prior to expending any of the Settlement Funds in the OneOhio Opioid Settlement Fund the City of Kent official requesting use of such Settlement Funds shall provide a written explanation how the expenditure meets the approved purposes definition of the OneOhio MOU, Kent Council approval shall first be obtained, and that each expenditure be tracked and adequate documentation of the expenditure be maintained by the Finance Director of the City of Kent.

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

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

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

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

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

DRAFT ORDINANCE 2022 –095

AN ORDINANCE AUTHORIZING THE CERTIFICATION OF DELINQUENT MOWING BILLS, PROPERTY MAINTENANCE VIOLATIONS-CITATIONS, ZONING VIOLATIONS-CITATIONS, AND HEALTH DEPARTMENT VIOLATIONS-CITATIONS TO THE COUNTY AUDITOR IN ORDER TO ALLOW FOR THE PLACEMENT OF THE CERTIFIED AMOUNT ON THE REAL PROPERTY TAX LIST AND DUPLICATE AGAINST THE PROPERTY SERVED BY THE MOWING SERVICES, PROPERTY MAINTENANCE VIOLATION-CITATIONS, ZONING VIOLATIONS-CITATIONS, HEALTH DEPARTMENT VIOLATIONS-CITATIONS, AND DECLARING AN EMERGENCY.

WHEREAS, there are a number of delinquent mowing bills which have been deemed uncollectible after numerous attempts to collect; and

WHEREAS, there are a number of property maintenance violations-citations that remain unpaid after attempts to collect have been made; and

WHEREAS, there are a number of zoning violations-citations that remain unpaid after attempts to collect have been made; and

WHEREAS, there are a number of Health Department violations-citations that remain unpaid after attempts to collect have been made.

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

SECTION 1. That Kent City Council does hereby authorize the certification of the delinquent mowing bills, property maintenance violations-citations, and zoning violations-citations listed in Exhibit “A”, attached hereto and made a part hereof, on the real estate tax list and duplicate against the property served by the mowing, property maintenance, and/or zoning. It is the intent of Council that the amounts certified to the County Auditor shall be a lien on the property served by the services listed.

SECTION 2. That the amounts shown are hereby assessed upon the properties shown and such assessments shall be certified by the Clerk of Council to the County Auditor for collection in the same manner as general taxes. The Clerk of Council shall also certify that the unpaid charges have arisen pursuant to services made directly with the owner or tenant who occupied the property served.

SECTION 3. That Council does hereby find that the certification of delinquent mowing, property maintenance violations-citations, zoning violations-citations, and Health Department violations-citations meets all of the requirements of Sections 551.03 and 1405.03 and is further authorized by the Ohio Revised Code (including but not limited to Section 731.51) and authorizes the Budget and Finance Director to amend Exhibit “A” in the event of payment before the actual certification to the County.

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

Owner Name	Address	Parcel Number	Amount	Date(s) Incurred	Description
KIERSTEAD MARGARET ROS	1039 Davey	17-032-10-00-065-000	\$ 340.00	5/4/22	551.01 grass
COOPER MARY L (TOD) (MAF331 W Elm		17-012-20-00-098-000	335.00	5/10/22	551.01 grass
LEADER HOMES LLC	928 Franklin	17-012-20-00-085-000	900.00	4/6/22, 5/23/22	1103.11b oper rooming house
PROCHASKA BRIAN J	1157 Hampton	17-010-20-00-040-000	340.00	5/27/22	551.01 grass
MILLER FRANCIS J	546 Harris	17-008-10-00-004-000	300.00	5/23/22	1367.01a unlic. rental
CONSTELLATION OHIO LLC	210 Highland	17-024-34-00-019-000	150.00	10/25/21	521.13 upholstered furniture
HERSHBERGER CHERYL R	437 Longmere	17-026-20-00-023-000	344.00	6/1/22	551.01 grass
BLUESTAR LLC	602 Longmere	17-010-03-00-096-000	1,925.00	7/2/21,10/28/21,5/10/22	551.01 grass
LOVE DENNIS A	740 W Main	17-026-20-00-065-000	317.10	6/8/22	1414.01 trash
PRUSZYNSKI ALEK	920 W Main	17-026-20-00-007-000	311.50	3/25/22	1414.01 trash
TROMCZYNSKI MARLENE A	925 W Main	17-026-10-00-013-000	317.02	4/28/22	1414.01 trash
GUSKA MATTHEW J	134 E Oak	17-013-20-00-075-000	9,300.00	1/12/21, 3/1/21, 4/1/21, 5/3/21, 6/8/21, 7/28/21, 9/2/21, 10/7/21, 11/9/21, 12/14/21,	1367.01(a) unlic. rental; 1315.01 work w/o permit
KOOGLE KEVIN W & LUCY E	519 Park	17-025-10-00-098-000	300.00	8/16/21	769.02 yard sale duration
AHMAD BASSAM	1110/1112 Silver Meadow	17-028-10-00-116-000	344.00	6/1/22	551.01 grass
SWEENEY PAUL D II	1062 Graham	17-041-10-00-031-000	2,025.00	8/26/20, 10/1/20, 11/2/20, 12/2/20, 1/5/51, 2/23/21, 3/25/21, 4/26/21, 5/26/21, 6/28/21	1367.01a unlic. rental
SWEENEY PAUL D II	543 E School	17-013-20-00-289-003	2,025.00	8/26/20, 10/1/20, 11/2/20, 12/2/20, 1/5/51, 2/23/21, 3/25/21, 4/26/21, 5/26/21, 6/28/21	1367.01a unlic. rental
BROWN TREVOR C & DORIE	627 Yacavona	17-009-20-00-042-000	344.00	6/14/22	551.01 grass
CONSTELLATION OHIO LLC	210 Highland	17-024-34-00-019-000	1,800.00	11/16/20, 12/16/20	1367.01a unlic. rental
CONSTELLATION OHIO LLC	1588 E Summit	17-004-00-00-006-015	1,800.00	11/16/20, 12/16/20	1367.01a unlic. rental
CONSTELLATION OHIO LLC	1592 E Summit	17-004-00-00-006-015	1,800.00	11/16/20, 12/16/20	1367.01a unlic. rental
CONSTELLATION OHIO LLC	1400 Vine	17-006-12-00-008-000	1,800.00	11/16/20, 12/16/20	1367.01a unlic. rental
CONSTELLATION OHIO LLC	1402 Vine	17-006-12-00-008-000	1,800.00	11/16/20, 12/16/20	1367.01a unlic. rental
CONSTELLATION OHIO LLC	508 N Willow	17-031-22-00-123-000	1,800.00	11/16/20, 12/16/20	1367.01a unlic. rental
SM DICKERSON LLC	752 Cuyahoga	17-030-20-00-066-000	2,700.00	8/26/20,10/9/20, 11/9/20, 12/9/20	1367.01a unlic. rental
SM DICKERSON LLC	476 Needham	17-043-30-00-043-000	2,700.00	8/26/20,10/9/20, 11/9/20, 12/9/20	1367.01a unlic. rental
S M NIGHMAN LLC	330 College Ct	17-024-40-00-093-000	2,700.00	8/26/20,10/9/20, 11/9/20, 12/9/20	1367.01a unlic. rental
S M NIGHMAN LLC	1150A Leonard Blvd	17-010-30-00-034-000	2,700.00	8/26/20,10/9/20, 11/9/20, 12/9/20	1367.01a unlic. rental
S M NIGHMAN LLC	1150B Leonard Blvd	17-010-30-00-034-000	2,700.00	8/26/20,10/9/20, 11/9/20, 12/9/20	1367.01a unlic. rental
S M NIGHMAN LLC	1160 Leonard Blvd	17-010-30-00-033-000	2,700.00	8/26/20,10/9/20, 11/9/20, 12/9/20	1367.01a unlic. rental
S M NIGHMAN LLC	311A E Summit St	17-024-40-00-075-000	2,700.00	8/26/20,10/9/20, 11/9/20, 12/9/20	1367.01a unlic. rental
S M POULTON LTD	326 E College Ct	17-024-40-00-094-000	2,700.00	8/26/20,10/9/20, 11/9/20, 12/9/20	1367.01a unlic. rental
S M POULTON LTD	333 E College Ct	17-024-40-00-092-000	2,700.00	8/26/20,10/9/20, 11/9/20, 12/9/20	1367.01a unlic. rental
S M POULTON LTD	1086 Leonard Blvd	17-010-30-00-044-000	2,700.00	8/26/20,10/9/20, 11/9/20, 12/9/20	1367.01a unlic. rental
S M TEMPLETON LTD	244A Columbus	17-024-34-00-069-000	2,700.00	8/26/20,10/9/20, 11/9/20, 12/9/20	1367.01a unlic. rental
S M TEMPLETON LTD	244B Columbus	17-024-34-00-069-000	2,700.00	8/26/20,10/9/20, 11/9/20, 12/9/20	1367.01a unlic. rental
S M TEMPLETON LTD	1015 Leonard	17-010-80-00-009-000	2,700.00	8/26/20,10/9/20, 11/9/20, 12/9/20	1367.01a unlic. rental
S M TEMPLETON LTD	243 E Summit Down	17-024-40-00-072-000	2,700.00	8/26/20,10/9/20, 11/9/20, 12/9/20	1367.01a unlic. rental
S M TEMPLETON LTD	243 E Summit Up	17-024-40-00-072-000	2,700.00	8/26/20,10/9/20, 11/9/20, 12/9/20	1367.01a unlic. rental
Total to Port Co.			\$71,217.62		

City of Kent: Delinquent Fines/Unpaid Fees: Dept of Health 2022

Address	Parcel Number	Owner Name	Complaint Number	Date Fine Issued	Amount Due
120 E School	17-013-20-00-156-000	Craig Murgatroyd	21-35	5/21/2021	\$ 20.00
540 S Depeyster	17-013-10-00-015-000	Hexham LLC	21-58	9/3/2021	40.00
506 S Lincoln	17-013-10-00-092-000	Terry Hronek	21-67	10/1/2021	60.00
535 S Lincoln	17-013-10-00-105-000	County Kent Properties	21-68	10/1/2021	40.00
648 Woodside	17-031-22-00-063-000	Tyler Peacock	21-69	10/5/2021	80.00
719 Akron Blvd	17-009-20-00-010-003	Rahmani Mostafa	21-81	12/10/2021	160.00
735 Akron Blvd	17-009-20-00-014-000	Edward Thur	21-82	12/10/2021	60.00
403 Louise	17-027-10-00-141-000	Constellation Ohio	22-25	3/21/2022	60.00
1660 Olympus	17-004-00-00-019-000	Sanj Verma	22-37	4/21/2022	40.00
911 Walnut	17-012-20-00-073-000	John Schassar	22-68	6/2/2022	60.00
Updated 7/7/22				Total	<u>\$ 620.00</u>

DRAFT ORDINANCE NO. 2022-096

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:

SECTION 1. That the current appropriations Ordinance No. 2021-133 passed December 15, 2021, as amended by Ordinance No. 2022-19, passed 2/26/22, as amended by Ordinance 2022-028, passed 4/6/22, as amended by Ordinance 2022-068, passed 6/15/22, and as amended by Ordinance 2022-77, passed 7/20/22, be amended as set forth in Exhibit "A", attached hereto and incorporated herein, so as to increase appropriations in Fund 001, General; increase, Fund 102, SCMR; increase Fund 106, Parks & Recreation; increase Fund 124, Income Tax Safety; increase Fund 128, Fire & E.M.S.; Fund 201, Water; increase Fund 202, Sewer; and Fund 301, Capital Improvements; and to decrease appropriations in Fund 001, General; and Declaring an Emergency.

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

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

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

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

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

Exhibit A

2022 ORIGINAL APPROPRIATIONS

<u>Fund - Department/Division</u>	<u>Personnel & Benefits</u>	<u>Other than Personnel & Benefits</u>	<u>Capital</u>	<u>Reserve/Debt Service</u>	<u>Contingency</u>	<u>Fund & Department Total</u>
<u>General Fund (001)</u>						
City Council	\$ 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		391,700				391,700
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	463,034	137,700				600,734
Community Development	691,473	255,525				946,998
Economic Development	132,602	34,650				167,252
Health	556,562	262,606				819,168
Public Parking		89,200				89,200
Main Street Program		66,500				66,500
Service Administration	252,748	397,875				650,623
Shade Tree		104,375	10,000			114,375
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	3,704,428	2,885,446	10,000	-	100,000	6,699,874
<u>West Side Fire (101)</u>						
Fire	291,203	14,300				305,503
Fund Total	291,203	14,300	-	-	-	305,503
<u>Street Construction Maintenance & Repair (102)</u>						
Service	1,234,295	1,163,894				2,398,189
Contingency					25,000	25,000
Fund Total	1,234,295	1,163,894	-	-	25,000	2,423,189
<u>State Highway (103)</u>						
Service		60,000				60,000
Fund Total	-	60,000	-	-	-	60,000
<u>Recreation (106)</u>						
Parks & Recreation	1,437,322	683,150	190,000			2,310,472
Fund Total	1,437,322	683,150	190,000	-	-	2,310,472
<u>Food Service (107)</u>						
Health	113,187	19,900				133,087
Fund Total	113,187	19,900	-	-	-	133,087
<u>Income Tax (116)</u>						
Budget/Finance/IncTaxAdmin	133,234	487,650				620,884
Managed Reserve				25,540		25,540
Fund Total	133,234	487,650	-	25,540	-	646,424

2022 ORIGINAL APPROPRIATIONS

<u>Fund - Department/Division</u>	<u>Personnel & Benefits</u>	<u>Other than Personnel & Benefits</u>	<u>Capital</u>	<u>Reserve/ Debt Service</u>	<u>Contingency</u>	<u>Fund & Department Total</u>
<u>Revolving Housing (120)</u>						
Health	157,819	19,650				177,469
Fund Total	157,819	19,650	-	-	-	177,469
<u>State & Local Forfeits (121)</u>						
Police						-
Fund Total	-	-	-	-	-	-
<u>Drug Law Enforcement (122)</u>						
Police		11,000				11,000
Fund Total	-	11,000	-	-	-	11,000
<u>Enforcement & Education (123)</u>						
Police		6,000				6,000
Fund Total	-	6,000	-	-	-	6,000
<u>Income Tax Safety (124)</u>						
Police	7,609,509	732,700				8,342,209
Fund Total	7,609,509	732,700	-	-	-	8,342,209
<u>Law Enforcement Trust (125)</u>						
Police						-
Fund Total	-	-	-	-	-	-
<u>Community Development Block Grant (126)</u>						
Community Development	7,193	225,224	160,000			392,417
Fund Total	7,193	225,224	160,000	-	-	392,417
<u>Fire & E.M.S. (128)</u>						
Fire	5,152,958	606,500	670,983			6,430,441
Fund Total	5,152,958	606,500	670,983	-	-	6,430,441
<u>Wireless 911 (129)</u>						
Safety						-
Fund Total	-	-	-	-	-	-
<u>Swimming Pool Inspections (130)</u>						
Health	9,286					9,286
Fund Total	9,286	-	-	-	-	9,286
<u>Police Pension (132)</u>						
Police	120,000					120,000
Fund Total	120,000	-	-	-	-	120,000
<u>Fire Pension (133)</u>						
Fire	120,000					120,000
Fund Total	120,000	-	-	-	-	120,000
<u>UDAG / EDA-RLF (134)</u>						
City Manager/C.D.		75,000				75,000
Fund Total	-	75,000	-	-	-	75,000
<u>CHIP Grant (136)</u>						
City Manager/C.D.		325,000				325,000
Fund Total	-	325,000	-	-	-	325,000

2022 ORIGINAL APPROPRIATIONS

<u>Fund - Department/Division</u>	<u>Personnel & Benefits</u>	<u>Other than Personnel & Benefits</u>	<u>Capital</u>	<u>Reserve/ Debt Service</u>	<u>Contingency</u>	<u>Fund & Department Total</u>
<u>Local American Rescue Plan Act (138)</u>						
ARPA	390,000	50,000	2,698,700			3,138,700
Fund Total	390,000	50,000	2,698,700	-	-	3,138,700
<u>Water (201)</u>						
Service	1,873,013	816,963	659,150			3,349,126
Service (Capital Facilities)			1,791,000			1,791,000
Admin. Support	449,096	77,860	1,986			528,942
Budget & Finance (Debt)				61,173		61,173
Contingency					50,000	50,000
Fund Total	2,322,109	894,823	2,452,136	61,173	50,000	5,780,241
<u>Sewer (202)</u>						
Service	1,772,223	776,788	3,379,762			5,928,773
Service (Capital Facilities)			487,546			487,546
Admin. Support	386,682	75,260	1,986			463,928
Budget & Finance (Debt)				364,569		364,569
Contingency					50,000	50,000
Fund Total	2,158,905	852,048	3,869,294	364,569	50,000	7,294,816
<u>Utility Billing (204)</u>						
Budget & Finance		109,900				109,900
Fund Total	-	109,900	-	-	-	109,900
<u>Solid Waste (205)</u>						
Admin Support	70,200	176,125				246,325
Service	360,772	34,400	36,400			431,572
Fund Total	430,972	210,525	36,400	-	-	677,897
<u>Storm Water Utility (208)</u>						
Service	360,772	53,030	166,400			580,202
Service (Capital Facilities)			523,900			523,900
Admin. Support	278,621	54,150	1,986			334,757
Budget & Finance (Debt)				9,968		9,968
Fund Total	639,393	107,180	692,286	9,968	-	1,448,827
<u>Guaranteed Deposits (230)</u>						
Budget & Finance		1,000				1,000
Fund Total	-	1,000	-	-	-	1,000

2022 ORIGINAL APPROPRIATIONS

<u>Fund - Department/Division</u>	<u>Personnel & Benefits</u>	<u>Other than Personnel & Benefits</u>	<u>Capital</u>	<u>Reserve/ Debt Service</u>	<u>Contingency</u>	<u>Fund & Department Total</u>
<u>Capital Projects (301)</u>						
Safety			377,670			377,670
Service			734,100			734,100
Service (Capital Facilities)			6,178,692			6,178,692
Administrative	401,112		258,986			660,098
Budget & Finance (Debt)		125,000		534,117		659,117
Contingency					25,000	25,000
Fund Total	401,112	125,000	7,549,448	534,117	25,000	8,634,677
<u>Municipal Public Improvement Tax Increment Equivalent (302)</u>						
Service (Capital Facilities)						-
Budget & Finance (Debt)		9,000		427,215		436,215
Fund Total	-	9,000	-	427,215	-	436,215
<u>Police Facility (303)</u>						
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
<u>Debt Service (402)</u>						
Budget & Finance (Debt)						-
Fund Total	-	-	-	-	-	-
<u>Internal Service (807)</u>						
Health Insurance		4,000,000				4,000,000
Fund Total	-	4,000,000	-	-	-	4,000,000
Total Appropriations	\$ 26,432,925	\$ 13,738,890	\$ 18,986,497	\$ 2,230,191	\$ 250,000	\$ 61,638,503
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 w/donation ord.	(20,000)	491,350	8,100			479,450
Amendment #5	(25,000)	273,100	468,072			716,172
Amendment #6						-
Amendment #7						-
Amendment #8						-
	\$ 26,432,925	\$ 13,738,890	\$ 18,986,497	\$ 2,230,191	\$ 250,000	\$ 61,638,503

2022 ORIGINAL APPROPRIATIONS - SCHEDULE OF OPERATING TRANSFERS AND TEMPORARY ADVANCES

<u>Paying Fund</u>	<u>Original</u>	<u>Request</u>	<u>Change</u>	<u>Receiving Fund</u>
<u>Operating Transfers</u>				
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	<u>16,041,310</u>	<u>5,220,108</u>	<u>449,918</u>	
 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	<u>7,530,000</u>	<u>-</u>	<u>-</u>	
 Grand Total - All Transfers	 <u><u>\$ 23,571,310</u></u>	 <u><u>\$ 5,220,108</u></u>	 <u><u>\$ 449,918</u></u>	