



City of Kent
Wednesday, September 21, 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 (Ms. Gwen Rosenberg)
3. Approval of Minutes
 - 3.1. Regular Council Meeting Minutes from August 17, 2022
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. Please sign in with the Clerk of Council prior to the start of the meeting.
 - 4.2. Written Communication (All placed on file in the Clerk of Council's office)
 1. Council member Tracy Wallach submitted the Portage County Solid Waste Management Policy Committee Meeting Minutes from January 23, 2019 on June 27, 2022.
 2. Standing Rock Cemetery Board August Meeting minutes and Agenda for the September 8, 2022 meeting received on September 1, 2022.
 3. City Flag Committee Agenda for the September 14, 2022 meeting received on September 8, 2022.
 4. The Parks and Recreation Board Packet for the September 15, 2022 meeting was received on September 9, 2022.
 5. Board of Zoning Appeals Agenda and Staff report for September 19, 2022 was received on September 12, 2022.
 6. Letter from First Energy in regards to the Ohio Edison Efficiency Safety Incentive Program for streetlighting service was received on September 13, 2022.
 7. Civil Service Commission Agenda for September 19, 2022 received on September 14, 2022.

8. Email from Paul Sellman resigning from the Board of Zoning Appeals effective immediately was received on September 13, 2022.

4.3. City Manager's Report

5. Standing Committees & Legislation

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

5.1.1. Committee Meeting Minute Approval for September 7, 2022

5.1.2. Action(s) Recommended

1. Authorize the update of the annual replacement pages to the City Ordinance Book with an emergency clause.

5.1.3. **DRAFT 2022-097** AN ORDINANCE APPROVING THE CURRENT REPLACEMENT PAGES TO THE CITY OF KENT CODIFIED ORDINANCES AND DECLARING AN EMERGENCY (AUTHORIZED)

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

5.2.1. Committee Meeting Minute Approval for September 7, 2022

5.2.2. Action(s) Recommended:

1. Authorize the proposed text amendment to the City's Zoning Code, with the emergency clause.

5.2.3. **DRAFT 2022-098** AN ORDINANCE AUTHORIZING THE FILING OF A PETITION WITH THE BOARD OF COUNTY COMMISSIONERS OF PORTAGE COUNTY, OHIO TO CHANGE THE FRANKLIN TOWNSHIP BOUNDARY LINES IN ORDER TO REMOVE 174.828 ACRES OF TERRITORY FROM FRANKLIN TOWNSHIP AND MAKE THE TOWNSHIP LINES IDENTICAL WITH THE LIMITS OF THE CITY OF KENT, OHIO, AS A RESULT OF REMOVING SAID TERRITORY FROM THE TOWNSHIP, AND DECLARING AN EMERGENCY (**AUTHORIZED 4/20/2022**)

5.2.4. **DRAFT 2022-099** AN ORDINANCE AUTHORIZING AMENDMENTS TO THE CITY OF KENT'S ZONING CODE IN ORDER TO GREATER CLARIFY TEXT OR CORRECT ERRORS IN THE CODE, AND DECLARING AN EMERGENCY (AUTHORIZED)

5.3. **Streets, Sidewalks and Utilities** Chair Sidoti/ Vice-Chair Wallach

5.3.1. Committee Meeting Minute Approval for September 7, 2022

5.3.2. Action(s) Recommended

1. Approve the North Mantua Street Improvements Agreement with the emergency clause.

5.3.3. **DRAFT 2022-100** AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NORTH MANTUA STREET IMPROVEMENTS AGREEMENT BETWEEN THE CITY OF KENT, KENT CITY SCHOOL DISTRICT AND THE DAVEY TREE EXPERT COMPANY TO ADDRESS EXISTING NEEDS ALONG THE ROADWAY, AND DECLARING AN EMERGENCY (AUTHORIZED)

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

5.4.1. Committee Meeting Minute Approval for September 7, 2022

5.4.2. Action(s) Recommended

1. Authorized the certification of tax rates to the Portage County Auditor's Office, with an emergency clause.
2. Authorize the purchase of the proposed utility billing software with an emergency clause.
3. Authorize the current budget appropriations as presented, with an emergency clause.

5.4.3. **DRAFT 2022-101** RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR. (AUTHORIZED)

5.4.4. **DRAFT 2022-102** AN ORDINANCE AUTHORIZING THE CITY OF KENT'S BUDGET & FINANCE DEPARTMENT TO ENTER INTO AN AGREEMENT WITH CIVICA AUTHORITY TO UPDATE THE UTILITY BILLING SOFTWARE, AND DECLARING AN EMERGENCY (AUTHORIZED)

5.4.5. **DRAFT 2022-103** 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)

5.4.6. **DRAFT 2022-104** AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$5,000.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT FROM ADAM HAMILTON MEMORIAL ACADEMIC & ATHLETIC SCHOLARSHIP FUND FOR KENT PARKS AND RECREATION

YOUTH TACKLE FOOTBALL AND CHEER PROGRAM, AND DECLARING AN
EMERGENCY.(UNAUTHORIZED)

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

Executive Session

1. To Discuss Employee Evaluation and Compensation

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

MINUTES

7:25 P.M. Board of Control

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. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Service Director; Mr. Jim Bowling, City Engineer; Mr. Nick Shearer, Chief of Police; Mr. Bill Myers, Fire Chief; Ms. Amy Wilkens, Clerk of Council

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

MOTION TO APPROVE JULY 20, 2022 SPECIAL COMMITTEE MEETING MINUTES AND JULY 20, 2022 REGULAR MEETING MINUTES MADE BY Mr. Michael DeLeone, SECONDED by Ms. Tracy Wallach 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. Wilkens called the first speaker to the microphone. Matthias Hoefler of S. Water Street

introduced himself and said it was important for him to come before Council to say he was pro-life.

Mr. Raymond Adamek read from a prepared statement (Attachment #1)

Ms. Allie Frazier , Executive Director of Right to Life, Akron, OH, read from a prepared statement (Attachment #2)

Ms. Carole Pheneger of Boulder Blvd, came to the microphone and stated she noticed that everyone here tonight has already been born, so let's give the next generation a chance.

Written Communication

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 ABC Holdings, LLC, DBA Treno Ristorante & Patio 152 Franklin Ave. 1st. Floor and Basement, Kent, was received on August 5, 2022.

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

Ms. Wallach asked about minutes she submitted to Clerk Wilkens from a meeting held in 2019. Ms. Wilkens stated she thought that was just an FYI. Mayor Fiala said it would be discussed after the meeting.

City Manager's Report

1. Rhonda Hall has asked for Council to approve the creation of a new budget fund to be designated for the Opioid Settlement funds that the City will be receiving.

2. The staff have prepared a resolution at Council's request responding to the recent changes in court rulings and legislation affecting women's reproductive choices.
3. State Representative Gail Pavliga has asked for an opportunity to update City Council during the Committee of the Whole on the status of the City's State Capital Budget grant request.
4. The Staff have requested Committee of the Whole time in August to present an update on the draft of the new Civic Engagement Coordinator position.
5. Melanie Baker 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. Hope Jones has requested Committee of the Whole time to seek Council's approval of the Ordinance replacements for 2022.
7. Chief Myers 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.
8. Rhonda Hall has requested Finance Committee time to ask Council to certify the City tax rates to the County for 2023.
9. Rhonda Hall has asked for Finance Committee time to present a proposed new utility billing contract for Council's approval.
10. Rhonda Hall has asked for Finance Committee time to present a 2022 Budget Appropriations Amendment for Council's approval.

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

Standing Committees & Legislation

Committee of the Whole

MOTION TO APPROVE COMMITTEE MEETING MINUTES FOR AUGUST 3, 2022 AND ACTIONS RECOMMENDED 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 the Civil Service lateral testing rule change allowing for a lateral transfer for City Civil Service vacancies, with an emergency clause.

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 was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022- 080 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- 080 MADE by Mr. Michael DeLeone, 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 2020-080 PASSED.

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 was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO MOVE THE FIRST READING OF DRAFT 2022-094 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Garret Ferrara, Mr. Roger Sidoti. On Roll Call Voting "No" Mr. Amrhein, Mr. DeLeone, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Turner and Ms. Wallach. The motion **FAILED** by a roll call vote of 2-7-0.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-094 MADE by Ms. Heidi Shaffer Bish, SECONDED by Mr. Robin Turner. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner, Ms. Tracy Wallach. On Roll Call Voting "No"; Mr. Ferrara, Mr. Kuhar, Mr. Sidoti. The motion **CARRIED** by a roll call vote of 6-3-0.

MOTION TO AMEND DRAFT 2022-094 TO ADDRESS STATE LEGISLATURES TO TAKE AGGRESSIVE ACTION TO REWRITE THE OHIO "HEARTBEAT" BILL TO MAKE NECESSARY EXCEPTIONS MADE by Mr. John Kuhar, SECONDED by Mr. Garret Ferrara. On Roll Call Voting "Yes", Mr. Ferrara, Mr. Kuhar and Mr. Sidoti. On Roll Call Voting "No" Mr. Jack Amrhein, Mr. Michael DeLeone, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner, Ms. Tracy Wallach. The motion **FAILED** by a roll call vote of 2-7-0.

Mr. Kuhar said the motion he just made goes against his religious beliefs even though there are some really rough circumstances. If we say we are a compassionate city, we need to protect the most vulnerable people in the city.

Mr. Ferrara says there are so many varying opinions, feelings and emotions on this issue that if someone really wants to make their voice known, they should write their state legislature and let them deal with it.

Mr. Sidoti said he would like to see the conversation changed, with both sides against each other. There needs to be honest conversations to discover common ground, which is hard to find. He said he does not have the wisdom to decide important issues that are being discussed. They are tough issues and said we need to back away and have real conversations on how to protect all life with a reasonableness that does not go as far as the state legislature. He said he would rather see directives sent to our state legislature that we take a step back and have an honest conversation.

Mr. Turner said he respects his colleagues on council's position and the majority have determined they want to make a statement on Roe v. Wade. He said this was a resolution and not a law, but rather a basic statement coming from the body of the Council. He said this is reasonable and consistent with what we've done in the past.

Mr. Kuhar says he does not want his name attached to the resolution if the amendment fails.

Ms. Rosenberg said she is not in favor of the amendment and that the resolution is based on facts, it's not a sweeping generalization of legalizing abortion, but rather that this is bad legislation. She heard from many residents in the city of Kent and feels it reflects what they feel.

MOTION TO ADOPT DRAFT 2022-094 MADE by Ms. Rosenberg, SECONDED by Ms. Heidi Shaffer Bish. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner, Ms. Tracy Wallach. On Roll Call Voting "No"; Mr. Ferrara, Mr. Kuhar and Mr. Sidoti. The motion **CARRIED** by a roll call vote of 6-3-0.

RESOLUTION 2022-094 PASSED

Community Development

MOTION TO APPROVE COMMITTEE MEETING MINUTES FOR AUGUST 3, 2022 AND ACTIONS RECOMMENDED 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 Development Agreement and TREX Liquor License for Board & Bevy, with an emergency clause.

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 was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-081 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 2022-081 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.

ORDINANCE 2022-081 PASSED

Health & Safety Committee

MOTION TO APPROVE COMMITTEE MEETING MINUTE FOR AUGUST 3, 2022 AND ACTIONS RECOMMENDED MADE BY Mr. Jack Amrhein, SECONDED by Mr. Garret Ferrara and **CARRIED** by a voice vote of 9-0-0.

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.

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) was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-082 by Mr. Garret Ferrara, SECONDED by Mr. John Kuhar. 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 2022-082 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" 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. On Roll Call Voting "Abstain"; Mr. Amrhein. The motion **CARRIED** by a roll call vote of 9-0-0.

ORDINANCE 2022-082 PASSED.

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 was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-083 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 2022-083 MADE by Ms. Tracy Wallach, SECONDED by Mr. Garret Ferrara. 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.

Mr. Ferrara thanked the work the school resource officer does and is happy to fund this position.

Streets, Sidewalks and Utilities

MOTION TO APPROVE COMMITTEE MEETING MINUTES FOR AUGUST 3, 2022 AND ACTIONS RECOMMENDED MADE BY Mr. Roger Sidoti, SECONDED by Mr. Garret Ferrara and **CARRIED** by a voice vote of 9-0-0.

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.

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 was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-084 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 2022-084 MADE by Mr. Michael DeLeone, 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 2022-084 PASSED

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 was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-085 MADE by Mr. Garret Ferrara, SECONDED by Ms. Heidi Shaffer Bish. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion **CARRIED** by a roll call vote of 9-0-0.

MOTION TO ADOPT DRAFT 2022-085 MADE by Ms. Heidi Shaffer Bish, 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 2022-085 PASSED

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 was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-086 MADE by Ms. Gwen Rosenberg, SECONDED by Ms. Heidi Shaffer Bish. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen

Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner. The motion **CARRIED** by a roll call vote of 8-1-0.

MOTION TO ADOPT DRAFT 2022-086 MADE by Ms. Heidi Shaffer Bish, 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. On Roll Call Voting "No"; Ms. Wallach. The motion **CARRIED** by a roll call vote of 8-1-0.

Ms. Wallach said she said she is voting no because we need to start acting like global warming is a reality and we need to reign in our energy consumption.

ORDINANCE 2022-086 PASSED

Finance Committee

MOTION TO APPROVE COMMITTEE MEETING MINUTES AND ACTIONS 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. 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.

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 was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-087 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 2022-087 MADE by Mr. Garret Ferrara, SECONDED by Mr. John Kuhar. 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 2022-087 PASSED

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 was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-088 MADE by Mr. John Kuhar, 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 2022-088 MADE by Mr. John Kuhar, 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 2022-088 PASSED

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 was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-089 MADE by Mr. John Kuhar, 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 2022-089 MADE by Mr. John Kuhar, 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 2022-089 PASSED

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 was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-090 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.

MOTION TO ADOPT DRAFT 2022-090 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 2022-090 PASSED

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 was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-091 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 2022-091 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 2022-091 PASSED

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 was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-092 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, Mr. 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 2022-092 MADE by Mr. Roger Sidoti, 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, Mr. 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 2022-092 PASSED

DRAFT 2022-093 AN ORDINANCE ACCEPTING OPIOID SETTLEMENT FUNDS AND DIRECTING PLACEMENT OF SUCH FUNDS IN A SEPARATE FUND, 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 2022-093 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 2022-093 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 2022-093 PASSED

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 was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-095 MADE by Mr. Michael DeLeone, 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 2022-095 MADE by Mr. Michael DeLeone, 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.

ORDINANCE 2022-095 PASSED

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) was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-096 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 2022-096 MADE by Mr. Michael DeLeone, 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 2022-096 PASSED

Unfinished Business

Ms. Shaffer Bish said she wanted to discuss the state fireworks legislation and the decision about whether to opt out or not. She was going to propose something different, but it had come to her attention that there was a possibility of moving the topic back into committee to reconsider.

Ms. Hope Jones said a motion for reconsideration had to be made at the session when the subject was voted on.

Mr. Ruller said there also had to be a motion from the side who voted in the majority.

MOTION TO EDUCATE CITIZENS ABOUT THE STATE'S NEW FIREWORKS LAW MODELED ROUGHLY ON THE BACKYARD FIRE ORDINANCE MADE BY Ms. Shaffer Bish and SECONDED by Ms. Wallach and CARRIED by a voice vote of 8-1-0.

Ms. Shaffer Bish said very few households have the land to meet the conditions of the law. She does not think people would know this. She would like to put out training and require people to contact the Fire Department if they plan on setting off fireworks, similar to what we do when we want to have a backyard fire.

Ms. Hope Jones said the second part of the motion is what we were running into last week. Any change to the State Law in regards to fireworks in an ordinance would be "opting out". Ms. Jones said it is ok to educate the public.

Ms. Shaffer Bish said she is OK with modifying her motion, but this needs to be done expeditiously, including in the Tree City Bulletin, so people can comply with the law. She is asking for the administration to come back to the Council with educational materials.

Mr. Kuhar thought this was already published in the Tree City Bulletin. Mr. Ruller said it was not in the Tree City Bulletin.

Ms. Tracy Wallach asked if it had been a year since she last brought up the no-idling ordinance. Mayor Fiala said Ms. Wilkens will look into this and let Ms. Wallach know.

New Business

MOTION TO TO REFER TO COMMITTEE TO REVIEW THE YARD WASTE POLICY FOR RENTAL PROPERTY OWNERS New Business MADE BY Mr. Garret Ferrara, SECONDED by Mr. John Kuhar and CARRIED by a voice vote of 9-0-0.

Councilmembers' Comments

Ms. Rosenberg said she is excited to see the Kent State students returning to campus. She is also excited about also seeing their parents and the faculty and staff. She said they made an excellent choice of higher education at Kent State University and a phenomenal choice of where to live. She welcomed them and said she looked forward to seeing them.

Mr. Kuhar said most of the time he is proud to say he is a councilmember, but cannot say that today. Some of the actions did not represent all of the citizens of Kent but, added, his conscience is clear.

Mr. Sidoti said he had gotten a number of phone calls about coyotes and it appeared along the river on the southwest side, there must be a den of coyotes. He said we will probably be hearing about

this again as they are running in large packs.

Mayor's Report

Mayor Fiala reminded everyone about the Dog Days of Summer event that is being held this weekend from 11 a.m. to 4 p.m. He also said the Police Academy is going to start September 1st, and highly suggested people take the time and go through the course.

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

MOTION TO RETURN TO THE REGULAR MEETING MADE BY Mr. DeLeone, SECONDED by Mr. Sidoti and CARRIED by a voice vote of 9-0-0.

No further action was taken and the meeting adjourned at 9:25 p.m.

Amy Wilkens
Clerk of Council

Jerry T. Fiala
Mayor & President of Council



City of Kent
Wednesday, September 7, 2022
City Council Committee Meetings
320 S. Depeyster Street, Kent, OH 44240

MINUTES

6:55 Public Hearing- In accordance with Chapter 1111.01(b)(2) of the Kent Codified Ordinances, notice was given on August 30, 2022, that the Kent City Council will conduct a Public Hearing to allow for public comment on proposed text amendments to the City of Kent Zoning Code.

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

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

Absent: Mr. Garret Ferrara; Ms. Tracy Wallach

MOTION TO EXCUSE MS. WALLACH MADE BY Mr. Jack Amrhein, **SECONDED** by Ms. Gwen Rosenberg and **CARRIED** by a voice vote of 8-0-0.

Mayor Fiala called the Public Hearing to order for proposed text amendments to the City of Kent Zoning Code. He introduced the Community Development Director, Ms. Bridget Susel to speak on the topic.

Ms. Susel said there are proposed changes to update the language in the Kent Zoning Code. There were no members of the public who wished to speak on the topic.

The Public Hearing concluded at 6:56 pm.

Board of Control and Council Committee Meetings

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

Committee of the Whole

Gail Pavliga, District 75, Ohio House of Representatives

Ms. Pavliga introduced herself to City Council and began with her legislative update. She highlighted funding for Kent in the Capital Budget for the segment of the Bike and Hike Trail. She thanked Mr. Dave Ruller and Jim Bowling for the work they did on this project. She continued by discussing legislative issues at the state level, and stated she tends to continue her focus on mental health issues. She highlighted her work with the

Opioid Settlement. Ms. Pavliga reviewed the work and success she has had with the Court Appointed Advocacy Program, having arranged the initial funding. There are now 30 court-appointed advocates. She is also the joint sponsor of the affordable housing bill, (not low income housing), with tax credits to offer equity in affordable housing. She highlighted the third bill she helped pass- House Bill 25, which designates a memorial highway, designating portions of I-76 as the Corporal Dillon Memorial Highway. She complimented Chief Myers and Chief Shearer and thanked Chief Myers for the experience of the firefighter training she participated in. She thanked Chief Shearer for keeping the Resource Officers in the schools to ensure safety for the community. She thanked everyone for the time and the work that they did.

Mr. Ruller said he wanted to thank Ms. Pavliga publicly for her help with Kent receiving the funding they received from the State of Ohio.

Ms. Shaffer Bish said she would like to explore the concept of affordable housing with Ms. Pavliga. Ms. Pavliga encouraged her to reach out to her office.

Action(s) Recommended:

1. Received an informational update from Representative Gail Pavliga and no action was necessary.

Community Engagement Coordinator Revision and Update

Mr. Ruller said he tried to capture the comments that were made in the previous meeting to help further craft the job description. He highlighted the updates, specifically to the required qualifications. He said this was the starting point and we would work from there. He said he wants to cast as wide a net as possible due to the state of the current job market. This position will start in January with the new budget.

Ms. Shaffer Bish said that Mr. Ruller did a really good job and that person coming in will really help develop the job.

Mr. Sidoti asked if when the person starts they would revisit the job description. Mr. Ruller said they will revisit the priorities of the job on an ongoing basis.

Actions Recommended:

1. Receive the staff update on the Community Engagement Coordinator Position. No action is necessary at this time.

City Hall Construction Update

Ms. Melanie Baker said the concrete foundation walls will be completed next week and the waterproofing to begin the week of September 19th. Beginning October 1st, phase 1 of the structural steel will begin. She said it had been two years since looking at the mini samples of flooring and paint. She referenced her handout (Attachment #1) and focused on the council chambers, with carpeting in neutral beige and a green accent wall. She thanked Nick Cecil for his work on all the technology in the Council room.

Ms. Shaffer Bish asked about the triangular shaded form on the drawing and Ms. Baker explained the layout of the carpeting.

Mr. Ferrara asked if the ceiling in the room and if it was slanted. She said it is not.

Ms. Shaffer Bish asked about having a living plant wall. Ms. Baker said they are looking at that and it has not been forgotten. She said it would be done after the fact and is still under consideration.

Action Recommended:

1. Receive staff updates on the progress of the City Hall Construction; no action necessary.

Ordinance Replacement Pages

Ms. Hope Jones said this is the annual update to the Codified Ordinances of Kent, Ohio and includes updated State of Ohio laws and legislation passed over the past year in the City of Kent. She said she needed approval from City Council to include these updates in the code book.

MOTION TO APPROVE ORDINANCE REPLACEMENT PAGES MADE BY Ms. Gwen Rosenberg, SECONDED by Mr. Jack Amrhein and CARRIED by a voice vote of 8-0-0.

Action Recommended:

1. Authorize the update of the annual replacement pages to the City Ordinance Book with an emergency clause.

Health and Public Safety Committee

University Hospital Med Unit Proposal

Mayor Fiala said this item was not ready to be presented to Council and would not be discussed at this meeting.

Land Use Committee

Zoning Code Updates

Ms. Susel said when the changes in the zoning code were operationalized last year there was a list of items they were keeping that needed to be cleaned up. These items were taken to the Planning Commission for approval. She said there are six to seven pages of text updates and asked if the Council wanted her to read them all. Mr. Ferrara said she would not have to do that.

There were no questions from the council or the public.

MOTION TO APPROVE THE ZONING CODE UPDATES MADE BY Ms. Gwen Rosenberg, SECONDED by Ms. Heidi Shaffer Bish and CARRIED by a voice vote of 8-0-0.

Actions Recommended:

1. Authorize the proposed text amendment to the City's Zoning Code, with the emergency clause.

Streets, Sidewalks & Utilities Committee

North Mantua Street Improvements Agreement

Mr. Ruller said that he had met with different groups of people, along with Mr. Bowling to come up with a solution to North Mantua Street. Mr. Bowling is moving forward after those discussions and this is the agreement that starts that process.

Mr. Bowling said this has been a long-standing problem and he is very happy with all who came together, which shows how they will work together on the funding and design phase to the changes on North Mantua Street.

Ms. Shaffer Bish said that Coleman's CEO moved to Kent and lives in the Riverbend development and asked if there could be a round about there. Bowling said they are looking at ways to turn out of Riverbend and how to improve it. They are looking at ways to make it easier and a roundabout has been discussed, but they need to talk to everyone to see what the needs are of the community.

Ms. Shaffer Bish asked if residents would be involved. Mr. Bowling said they will move forward with getting the residents together in the near future.

Ms. Rosenberg asked about the timeline of the project. Mr. Bowling said the planning, public involvement and design phase will be done by October 2023, which is important because that is when they will be applying for grants.

Mr. Ferrara asked if Davey Tree could provide lobbying for the project. Mr. Bowling said this has been started and the conversations and commitments will increase once things are approved. Letters of support from different entities will be solicited from many different offices.

Mr. DeLeone asked if this project would impact the cemetery walls. Mr. Bowling said it would and said they are stuck with limitations.

Mr. Ruller asked Mr. Bowling about the Safe to Schools projects, Mr. Bowling said the first is Safe Roads for All, which competes at the national level. A Safety Plan is needed and AMATS has agreed to do this for the region. The other one is a Safe Routes to School Grant funded program, which is a school travel plan with school districts. ODOT will help with the plan.

Ms. Rosenberg asked if this was going to be a potential gateway to the city. Mr. Bowling said it would definitely create a gateway.

Mr. DeLeone asked if ODOT would have any pushback on reducing the speed limit from 45 to 25. He said as long as it is done in a way that would allow for this to be a transitional period.

Mr. Kuhar asked about traffic backups and what causes them. Mr. Bowling said they did preliminary traffic analysis and that this will be looked at in more detail. He said the signals cause the backups. He said the signal at Kent Roosevelt High School would need to be replaced.

Ms. Shaffer said she thinks this is wonderful.

There were no further questions from the Council and no questions from the public.

MOTION TO APPROVE THE NORTH MANTUA STREET IMPROVEMENTS

AGREEMENT MADE BY Ms. Heidi Shaffer Bish, **SECONDED** by Ms. Gwen Rosenberg and **CARRIED** by a voice vote of 8-0-0.

Action Recommended:

1. Approve the North Mantua Street Improvements Agreement with the emergency clause.

Finance Committee

Certifying Tax Rates to County

Ms. Rhonda Hall said every year the tax rates and amounts need to be certified to the Portage County Auditor She provided a draft of what the ordinance would look like.

There were no questions from the Council or the audience.

MOTION TO AUTHORIZE CERTIFYING TAX RATES TO THE COUNTY MADE BY Mr. Garret Ferrara, **SECONDED** by Mr. John Kuhar and **CARRIED** by a voice vote of 8-0-0.

Action(s) Recommended:

1. Authorized the certification of tax rates to the Portage County Auditor's Office, with an emergency clause.

Request for New Utility Billing Software

Ms. Rhonda Hall said the funding for the new utility billing software is in next year's capital plan but she is asking to move to this year. She said they'd received three quotes and demonstrations from three vendors and is here this evening to request Council's approval of a new Utility Billing Software program – Civica Authority Utility. She said they determined the current billing software is out of date and is difficult and time consuming to extract information from the utility billing, engineering, and other departments. they looked at 3 vendors: MuniLink, Civica Authority Utility and New World Utility Billing. They had all 3 vendors perform demos of their products, and not only did we include Utility Billing and Budget & Finance personnel in those demos, we also included Melanie Baker, Jim Bowling, Rhonda Boyd, Cori Finney and Cathy Wilson in those demos, since they will also be using the program. We collectively felt that New World Utility Billing was not user-friendly and, since we now know that they are no longer taking on new customers, we quickly eliminated them from the running. Once we determined that the two vendors would be Civica Authority Utility and MuniLink, we received quotes from both and I have completed an analysis, attached, to show that Civica Authority Utility is much more cost effective for the City. Another benefit of Civica Authority Utility is that we can expand our services with them to include both the Finance and Payroll programs when and if New World stops supporting our current products. MuniLink is a stand-alone service for Utility Billing only, which is similar to what we currently have and would prefer not to have for our next program. She attached a quote from the Civica Utility Authority that will give information about the project and what is included.

Ms. Hall and Brian Huff both liked the software and what it could offer. They are asking to budget this in this year's appropriations and need approval this month to save the rates.

Mr. Ferrara asked if we had budgeted for the new accounting system. She said they have not.

Mr. Sidoti asked if this system is expandable. She said if they purchase the accounting software in the future, it can be interfaced with utility billing software.

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

MOTION TO APPROVE THE REQUEST FOR NEW UTILITY BILLING SOFTWARE MADE BY Mr. John Kuhar, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 8-0-0.

Action(s) Recommended:

1. Authorize the purchase of the proposed utility billing software with an emergency clause.

Budget Appropriations Amendment

Ms. Rhonda Hall referenced her memo and exhibit in the packet requesting current approval of budget appropriations.

There were no questions from the Council or the audience.

MOTION TO APPROVE THE BUDGET APPROPRIATIONS AMENDMENT MADE BY Mr. Garret Ferrara, SECONDED by Mr. Jack Amrhein and CARRIED by a voice vote of 8-0-0.

Action(s) Recommended:

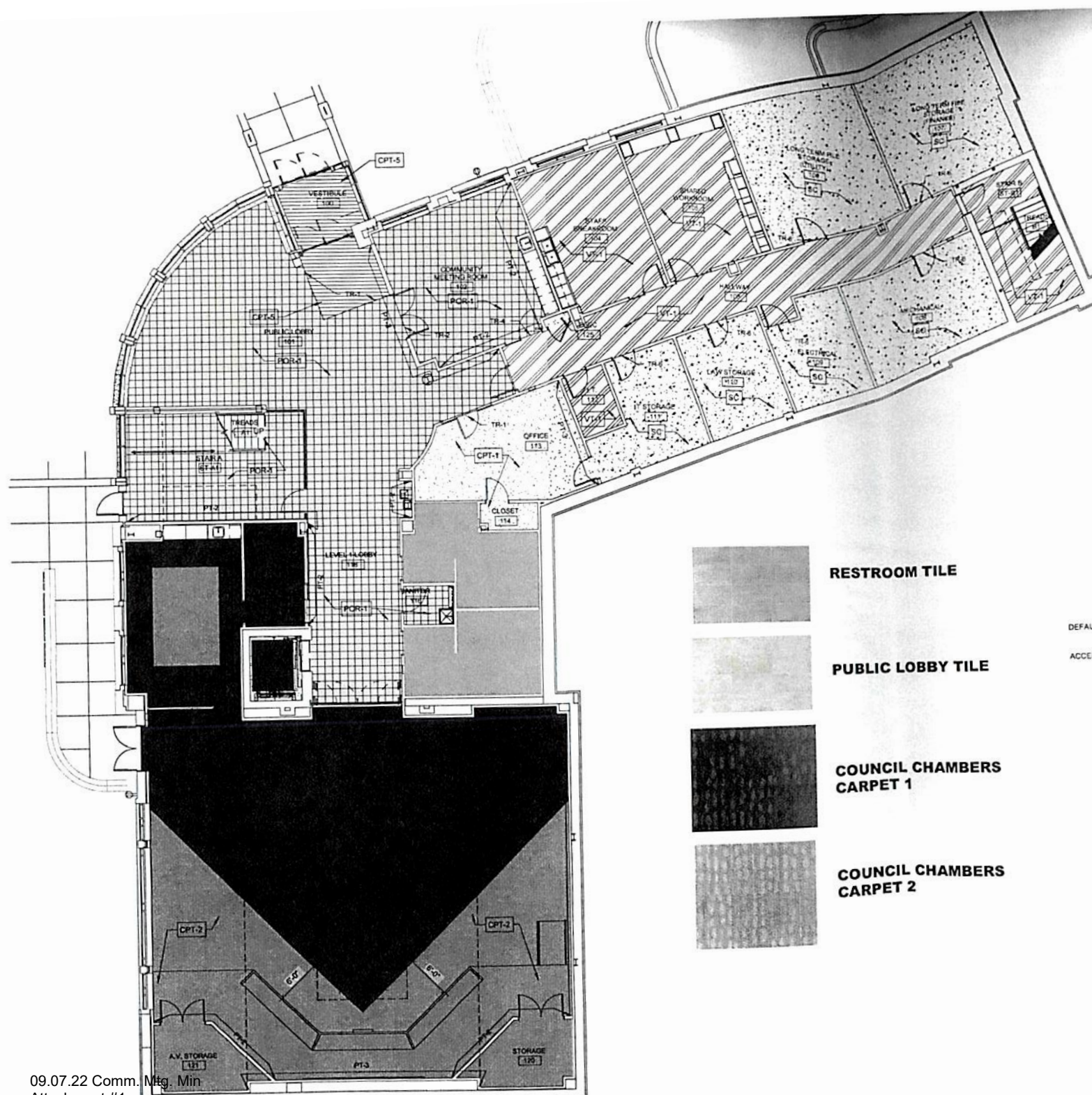
1. Authorize the current budget appropriations as presented, with an emergency clause.

MOTION TO ENTER EXECUTIVE SESSION MADE BY Mr. Jack Amrhein, SECONDED by Mr. Garret Ferrara and CARRIED by a voice vote of 8-0-0.

MOTION TO RETURN TO THE REGULAR COUNCIL MEETING MADE BY Mr. Jack Amrhein, SECONDED by Mr. Garret Ferrara and CARRIED by a voice vote of 8-0-0.

No further action was taken and the meeting adjourned at 9:28 p.m.

Amy Wilkens
Clerk of Council



RESTROOM TILE



PUBLIC LOBBY TILE



COUNCIL CHAMBERS CARPET 1

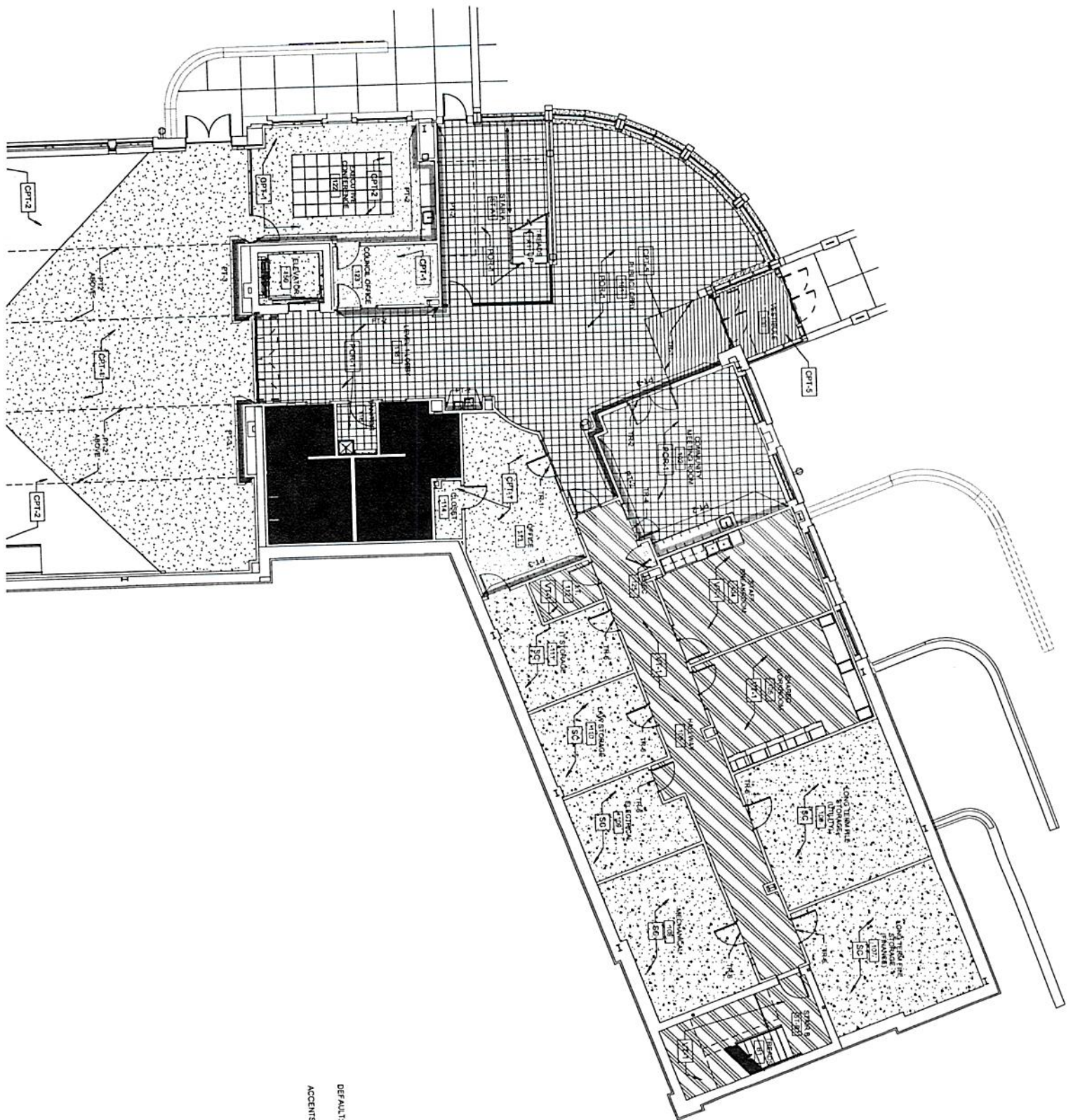


COUNCIL CHAMBERS CARPET 2



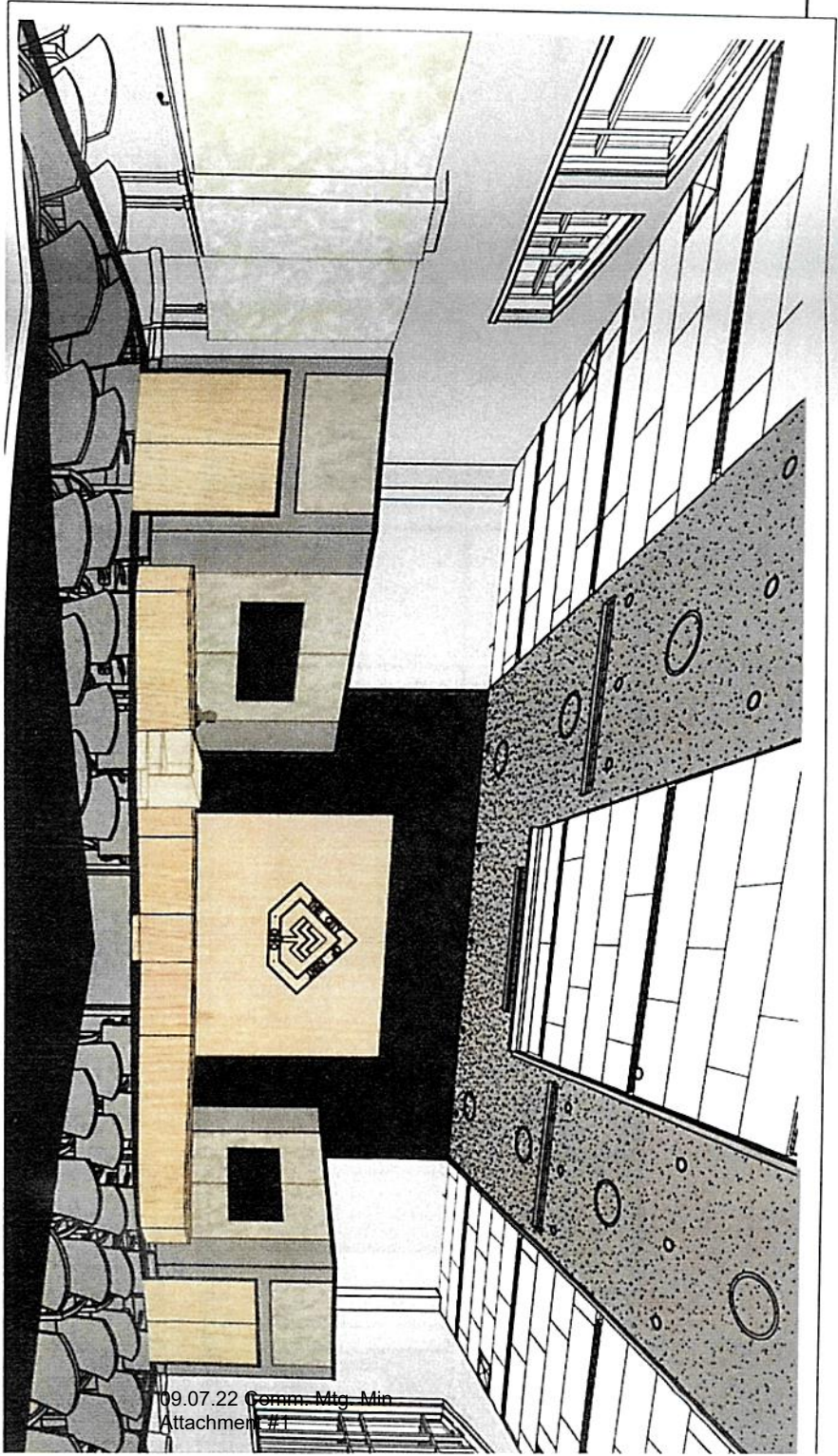
WALL FINISH LEGEND

DEFAULT:	PT-1	SW 7036 ACCESSIBLE BEIGE
ACCENTS:	PT-2	SW 6074 SPALDING GRAY
	PT-3	SW 6461 ISLE OF PINES



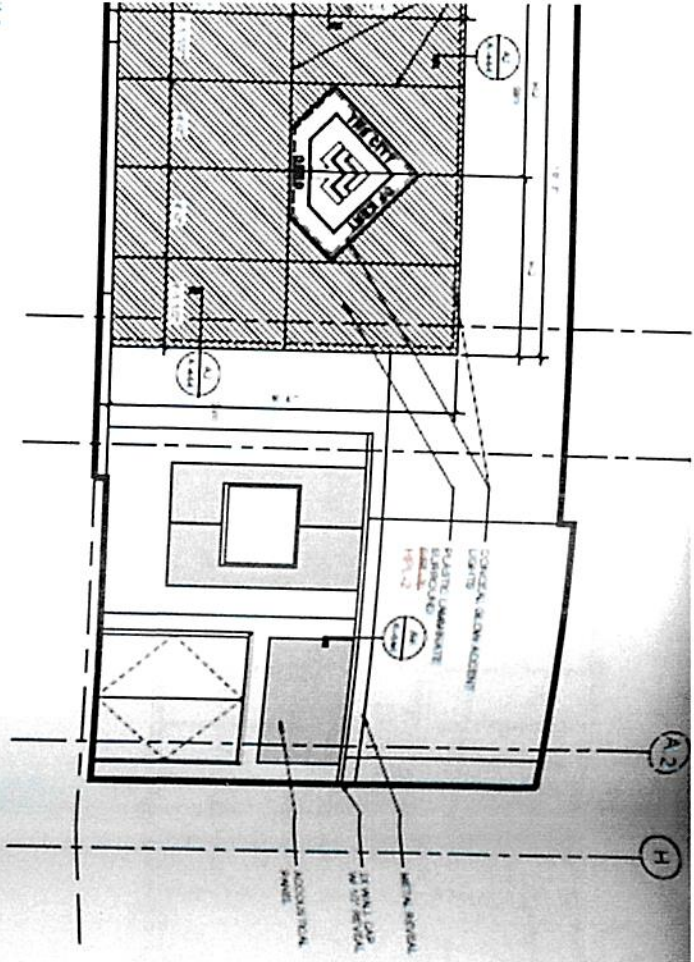
PT-1 SW 703/AC
 PT-2 SW 6074/SF
 PT-3 SW 6461/S
 ACCENTS:

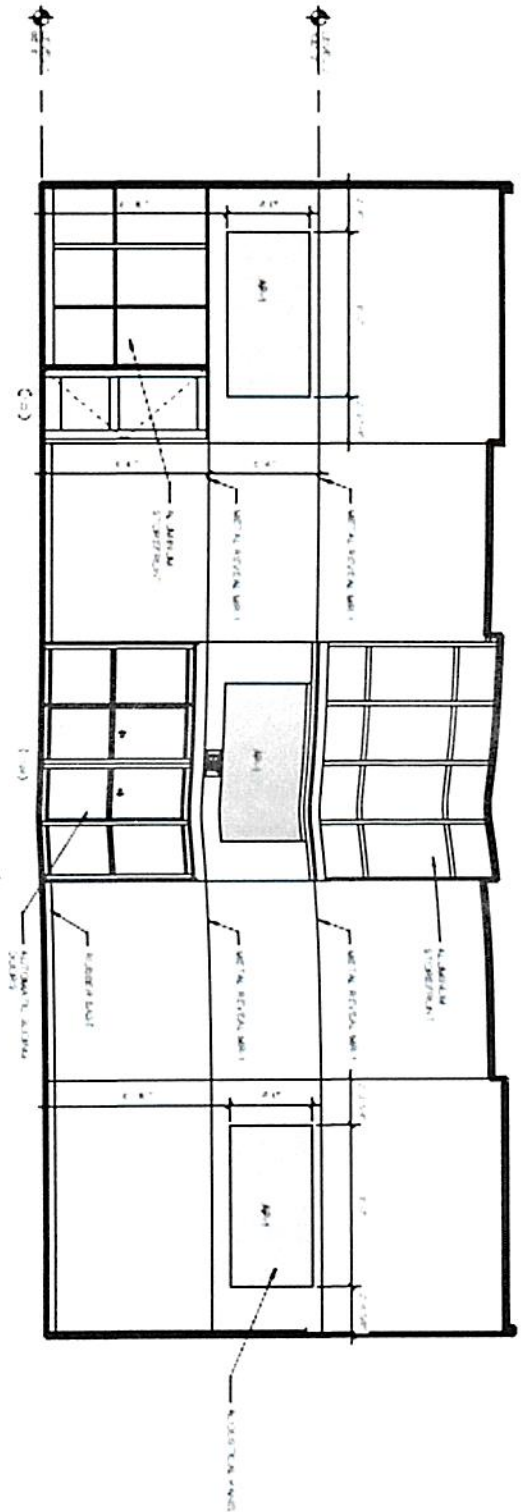
WALL FINISH L



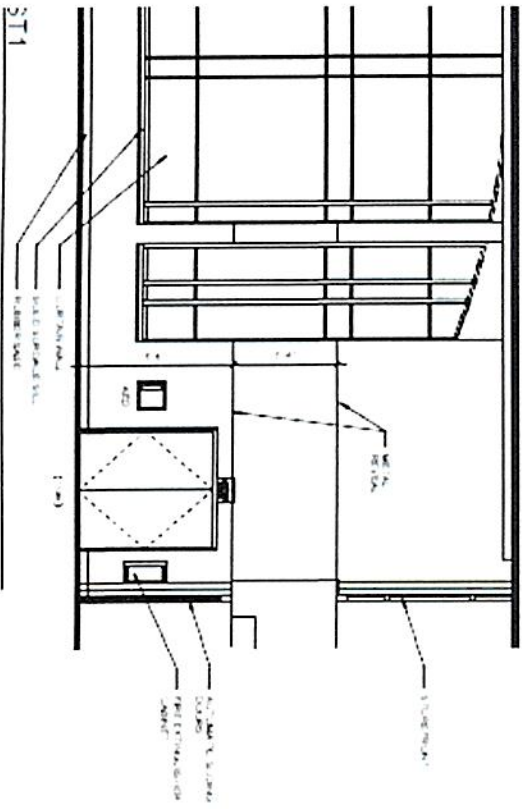
09.07.22 Comm. Mtg. Min
Attachment #1

I

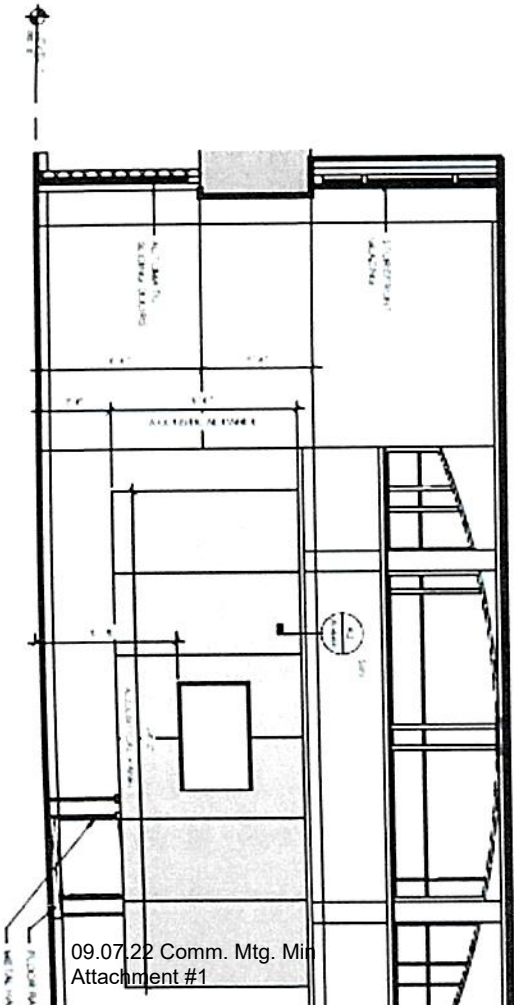




1 #119 COUNCIL CHAMBER NORTH



2 #119 COUNCIL CHAMBER EAST



DRAFT ORDINANCE NO. 2022 - 097

AN ORDINANCE APPROVING THE CURRENT REPLACEMENT PAGES TO THE CITY OF KENT CODIFIED ORDINANCES AND DECLARING AN EMERGENCY.

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

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

SECTION 1. That the ordinances of the City of Kent, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2022 Replacement Pages to the City of Kent Codified Ordinances are hereby approved and adopted and are on file in the Clerk of Council's office and can be reviewed during regular business hours.

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

DRAFT ORDINANCE NO. 2022-098

AN ORDINANCE AUTHORIZING THE FILING OF A PETITION WITH THE BOARD OF COUNTY COMMISSIONERS OF PORTAGE COUNTY, OHIO TO CHANGE THE FRANKLIN TOWNSHIP BOUNDARY LINES IN ORDER TO REMOVE 174.828 ACRES OF TERRITORY FROM FRANKLIN TOWNSHIP AND MAKE THE TOWNSHIP LINES IDENTICAL WITH THE LIMITS OF THE CITY OF KENT, OHIO, AS A RESULT OF REMOVING SAID TERRITORY FROM THE TOWNSHIP, AND DECLARING AN EMERGENCY.

WHEREAS, on March 22, 2022, by Resolution No. 2022-14, the Board of Trustees of Franklin Township, Portage County, Ohio, authorized the execution of an Annexation Agreement ("Agreement") relating to the annexation of 174.828 acres of territory from Franklin Township to the City of Kent; and

WHEREAS, on April 20, 2022, by Ordinance No. 2022-036, the City of Kent, Portage County, Ohio, authorized the execution of the Agreement; and

WHEREAS, that Agreement provides for the annexation of the 174.828 acre territory to the City of Kent and when the annexation becomes effective, the exclusion of the annexation territory from Franklin Township pursuant to R.C. Chapter 503 including R.C. Section 503.07; and

WHEREAS, on June 20, 2022 a petition for the annexation of a 174.828 acre territory in Franklin Township with the consent of all parties, was duly filed by Davey Tree Expert Company, utilizing the special annexation procedure of Ohio Revised Code Section 709.022, et seq. commonly referred to as an "Expedited Type 1" annexation, which petition was approved by the Portage County Commissioners on June 30, 2022, and accepted by the City of Kent on September 21, 2022 by Ordinance; and

WHEREAS, the Agreement also provides that, upon exclusion of the 174.828 acre territory from Franklin Township, the City of Kent shall make certain compensation payments to Franklin Township and the 174.828 acres annexed shall no longer be subject to Franklin Township's real property taxes, which Agreement is binding upon the county auditor by law, including R.C. 709.19(B); and

WHEREAS, Ohio Revised Code Section 503.07(A) authorizes the legislative authority of a municipal corporation, by a vote of a majority of its members, to petition a board of county commissioners to change the township boundaries in order to make them identical, in whole or part, with the limits of the municipal corporation; and

WHEREAS, the City of Kent desires to petition the Board of County Commissioners of Portage County to change the boundaries of Franklin Township to reflect that 174.828 acres of Franklin Township in Portage County are wholly situated within the City of Kent, to reflect that said acreage is now and forever excluded from Franklin Township, and to make the Franklin Township boundary lines identical with the limits of the City of Kent.

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

SECTION 1. That the City Law Director, or her authorized representative, is hereby authorized and directed, on behalf of this Council, to prepare and present to the Board of County Commissioners of Portage County, Ohio a petition praying for a change in the boundary lines of Franklin Township as is necessary to accomplish the removal of the recently annexed 174.828

acres of territory from Franklin Township, Portage County, Ohio and place said territory exclusively in the City of Kent, Portage County, as provided by law.

SECTION 2. That the 174.828 acre territory within the municipal limits of the City of Kent and Franklin Township that is to be removed from Franklin Township was annexed to the City of Kent by Ordinance No. _____, as described in Exhibit A hereto.

SECTION 3. That the Clerk of Council is hereby authorized and directed to prepare two certified copies of this Ordinance, together with two certified copies of the minutes of the meeting at which this Ordinance was adopted, showing its adoption by a vote of the majority of the members of the Kent City Council, being the legislative authority of the City of Kent and forward those documents to the City Manager or his authorized representative for filing with 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 an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare and shall take effect and be in force from and after its passage. The reason for said declaration of emergency is to facilitate the city providing the annexation area with city services at the earliest possible time period, to relieve Franklin Township of any obligation to serve the territory, to allow for the immediate change of township boundaries as provided by the Annexation Agreement of the parties, and to permit the inhabitants of the territory to receive services and vote in the appropriate jurisdiction.

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 - 099

AN ORDINANCE AUTHORIZING AMENDMENTS TO THE CITY OF KENT'S ZONING CODE IN ORDER TO GREATER CLARIFY TEXT OR CORRECT ERRORS IN THE CODE, AND DECLARING AN EMERGENCY.

WHEREAS, on June 16, 2021, Council adopted an updated Zoning Code in order to make the Code more understandable and user friendly; and

WHEREAS, on June 7, 2022 and August 2, 2022, staff met with the Planning Commission to discuss the proposed text amendments and voted unanimously to approve the proposed changes; and

WHEREAS, the following chapters will be amended:

- 1) Chapter 1102: Definitions;
- 2) Chapter 1103: Zoning Districts, Land Use, and Zoning Map;
- 3) Chapter 1106: General Provisions;
- 4) Chapter 1107: Parking, Loading, and Access Management;
- 5) Chapter 1109: Signs;
- 6) Chapter 1110: Nonconformities; and
- 7) Chapter 1111: Administrative Boards and Commissions.

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 amendments of the City of Kent's Zoning Code, 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

CHAPTER 1102: DEFINITIONS

(20) Bar, Tavern, Night Club or Saloon: An area primarily devoted to the sale and serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages.

~~**(34) Business, Commercial Entertainment:** A facility for any profit-making activity which is generally related to providing entertainment such as theaters, carnivals, nightclubs, cocktail lounges, and similar entertainment activities, but excluding sexually-oriented businesses.~~

(34) Business, Non-retail: Commercial establishments that provide medical care services, personal care services, or specialized professional services on an appointment or walk-in basis, including, but not limited to:

- Physicians, dentists, orthodontists, optometrists, physical therapists, chiropractors, or any similar medical personnel who provide treatment and examination of patients solely on an outpatient basis, provided that no patients are kept on the premises overnight;
- Beauty salons, barber shops, tattoo parlors, indoor movie theaters, dry cleaning services, mailing/shipping, copying, printing, small appliance or furniture repair, or similar activities, but excluding sexually-oriented businesses;
- Professionals offering services in an area of specialty, including but not limited to, accounting services, legal services, banking/financial services, real estate, insurance, engineering, or architectural services.

~~**(35) Business, Medical Professional Office:** Services provided by medical professionals on an appointment or walk-in basis including, but not limited to:~~

- Physicians;
- Dentists, orthodontists;
- Physical therapists, chiropractors;
- Optometrists;
- Similar medical personnel who provide treatment and examination of patients solely on an outpatient basis, provided that no patients are kept on the premises overnight.

~~**(36) Business, Personal Service:** Commercial establishments that provide personal services on an appointment or walk-in basis including, but not limited to:~~

- Beauty salons, barber shops, tattoo parlors;
- Dry cleaning, alterations, shoe repair services;
- Mailing/shipping, copying, printing services;
- Small appliance repair, furniture repair;
- Other similar activities, but excluding sexually-oriented businesses.

~~(37) Business, Professional Office: Services provided by professionals, typically licensed or certified in an area of specialty, on an appointment or walk-in basis including, but not limited to:~~

- ~~• Accounting services;~~
- ~~• Legal services;~~
- ~~• Banking, financial services;~~
- ~~• Real estate, insurance services;~~
- ~~• Engineering, architectural services.~~

~~(45) Commercial Entertainment Facilities: See “Business, Commercial Entertainment.”~~

(167) Open Space, Usable: The required portion of a lot, ~~excluding the required setback areas~~, which is unoccupied by principal or accessory buildings and available to all occupants of the building for use for recreational and other leisure activities normally carried on outdoors. ~~Open space calculation can include required rear and side yard setback areas as long as such areas are maintained as green space and/or incorporates amenity(s) associated with outdoor recreation and leisure purposes. Open space must~~ ~~should~~ be unobstructed to the sky and must not include any driveways or off-street parking and loading areas. See [hyperlink to Figure 9](#)

CHAPTER 1103: ZONING DISTRICTS, LAND USE, AND ZONING MAP

- **SECTION 1103.21: ~~I-R: INDUSTRIAL RESEARCH AND OFFICE DISTRICT~~**
R-T-O: RESEARCH, TECHNOLOGY, AND OFFICE DISTRICT
(The zoning district name change will be applied throughout the Zoning Code so R-T-O will be substituted for I-R.)
- **SECTION 1103.21: (E) Dimensional Regulations:** Lot and Building Height Standards
Max. Building Height ~~45 ft.~~ 50 ft.
- Delete from “Permitted Principal Uses” Section 1103.22 (B) ~~12. Storage Units and Storage Locker Facilities~~
Note: This is a “Conditionally Permitted Use” and is correctly listed under Section 1103.22 (C).

CHAPTER 1106: GENERAL PROVISIONS

SECTION 1106.09 (B) Shrubs and other landscape features permitted within this Code may be permitted in the clear vision triangle area provided that they are trimmed and maintained so that they are not more than thirty (30) inches above grade and ~~must not extend into the right-of way~~.

SECTION 1106.11: OUTDOOR SWIMMING POOLS

Public or private in-ground or above ground swimming, wading or other pools ~~containing one and one-half (1 ½) feet~~ capable of a water depth of more than 24 inches are considered structures for the purpose of permits. The following restrictions apply to such structures as defined above:

- (A) Such structure must not be located within a front or side yard area.
- (B) Such structure must not be located closer than fifteen (15) feet to any side or rear property line.
- (C) Every such structure must be completely ~~surrounded~~ enclosed by ~~a wall or~~ fence or other permanent barrier not less than four (4) feet in height, measured from the ground, and compliant with the Ohio Building Code, as amended. Such fence will not have poles, openings or gaps larger than four (4) inches in any dimension. All fence access doors and gates must be equipped with working locking devices so as to prevent unauthorized intrusion.
- (D) ~~An accessory building may be located within or directly contiguous to such enclosure. Any such building which is not completely located within the confines of the enclosure must comply with any and all other applicable sections of this Code.~~ A pool access gate(s) must open outward from the pool, must be self-closing and have a self-latching device equipped to accommodate a locking device.
- (E) Any ~~a~~ Above ground pools that ~~are~~ is four (4) feet or more above surface grade with a removable ladder or which has a lockable barrier around the ladder or access stairs, is exempt from the permanent barrier requirement in Section 1101.01 (C). ~~are required to have a fence or gate at all points of access to the pool such as from a deck, ladder, or stairs.~~ Non-removal ladders must have a barrier around the ladder and have a self-latching device equipped to accommodate a locking device.

SECTION 1106.12: FENCES AND WALLS

Fences and walls are permitted in a yard or along the edge of any yard provided:

- (A) **Fences and walls.** No fence or wall in a front yard area exceeds four (4) feet in height in front of the primary structure.
 - (1) Fences or walls extending along any side or rear property lines must not exceed a height of six (6) feet above the grade.
 - (2) ~~Informal plantings~~ Shrubs and other landscape features may be higher than six (6) feet along any side, rear or front property line, but any such plantings must be well maintained, not extend into the right-of-way, and must not be hazardous or disturbing to existing or future abutting uses.
 - (3) All fences, walls, and barriers (collectively referred to as a fence) of any nature or description must conform to the following:
- (B) **Permit and Approving Authority.** The erection, construction or alteration of any fence or wall requires a permit and must be approved by the Zoning Inspector for compliance with the provisions of this Code.

(1) The Community Development Director may in his/her sole discretion, determine what qualifies as fencing and/or waive the permit fee. Factors to be considered prior to waiving the permit fee include, but are not limited to:

- (a) The fence is designed to delineate the location of a driveway;
- (b) The fence is a single panel primarily designed for privacy;
- (c) The replacement or repair of an existing fence with one of similar size and material;
- (d) The fence is primarily designed to provide screening for garbage containers, recycling containers, or a rainwater collection system;
- (e) Any other factor deemed relevant by the Community Development Director;
- (f) A vegetative fence, such as arborvitae or a row of pine trees, does not require a permit.

(C) Clear Vision Triangle Area. Walls, ~~and~~ fences, and informal plantings must be in compliance with [1106.09 \(hyperlink\)](#).

(D) Maintenance. Walls and fences must be maintained in good condition. Rotten, crumbled, or broken material or compound must be replaced, repaired, or removed.

(E) Orientation of Finished Side. ~~Where a fence or wall has a single finished or decorative side, it must be oriented to face outward toward adjacent parcels or road rights-of-way (i.e., away from the interior of the lot to which the fence or wall is associated).~~ Any solid fence must be installed so that the finished side presents (faces) the abutting property(s) and/or road right-of-way. Finished side is defined as the side without any visible supports and/or brackets.

(F) Security Fencing. Unless explicitly permitted elsewhere in this Code, barbed wire, spikes, nails, or any other sharp instrument of any kind are prohibited on top of or on the sides of any fence, except that barbed wire cradler may be placed on top of fences enclosing public utility buildings or equipment in any district. Electric fences and similar energized fences that could cause injury are prohibited, except that low voltage fences are permitted on a commercial farm that meets all of the requirements of the Ohio Right to Farm Law. This Section does not apply to underground invisible fences designed for household pets. The Planning Commission may permit barbed wire, spikes, nails, or any other sharp instrument on top of or on the sides of a fence in the I-R, and I Districts, provided the Planning Commission determines that the barbed wire, spikes, nails, or other sharp instrument is necessary for the safety and security of the site.

(G) Maximum Height. No fence or wall hereafter erected may be in excess of six (6) feet in height above the grade of the surrounding land, except that the Planning Commission may approve a height of up to eight (8) feet if the Planning Commission determines that a higher fence is necessary for the safety and security of the site based on the use of the site or any use of an adjoining site.

(H) Fence Material and Design. A fence must be constructed of a material or compound customarily manufactured for such a purpose, including, but not limited to pressure treated wood, vinyl, galvanized and/or coated chain link, or ornamental metal. The use of scrap lumber, plywood, snow fence, chicken wire, wood pallet, plastic material less than 1", tarp, or other unapproved material is prohibited.

CHAPTER 1107: PARKING, LOADING, AND ACCESS MANAGEMENT

SECTION 1107.15 DRIVEWAYS.

Driveways ~~may~~ must comply with the following:

(a) Not exceed twenty-four (24) feet in width;

(b) ~~and~~ Must be of equal width from the traveled portion of the public or private road right-of-way to the driveway terminus ~~of the improved area~~.

~~(a)~~ (c) In R-1, R-2, R-3, R-3A and R-4 Zoning Districts, driveways must not exceed forty percent (40%) of the total required front yard on the lot.

~~(b)~~ (d) An applicant may seek a zoning permit from the Community Development Department if the applicant is only seeking to expand the width of the driveway at the terminus only in order to service a multicar garage.

~~(e)~~ (e) In R-1, R-2, R-3, R-3A, and R-4 Zoning Districts, an applicant may seek a zoning permit from the Community Development Department if the applicant is only seeking to install a "bump-out" or "turn-around" in the applicant's driveway.

~~(d)~~ (f) The Community Development Department is not obligated to grant such a zoning permit requested under Section 1107.15(b) or Section 1107.15(c) and must review

applications in accordance with any standards set forth by the Community Development Director. If an application is denied, the applicant may seek a variance.

CHAPTER 1109: SIGNS

SECTION 1109.07: EXEMPT SIGNS.

- (I) Electronic menu and order summary boards primarily visible to the person(s) placing an order in a drive-thru lane.

SECTION 1109.08 PROHIBITED SIGNS.

- (F) Any sign, structure, support, or frame that was previously part of an on-premise commercial sign, but no longer supports or contains a sign relating to a commercial activity, business, or usage on the premises, which has been discontinued for ~~one hundred eight (180) days~~ at least ninety (90) days must be removed in accordance with Section 1109.165 (hyperlink) or brought into compliance with this Chapter.

SECTION 1109:10(C) Wall Signs. Amend the maximum area in the table from the current two (2) square feet per linear foot of building frontage to “one (1) sq. ft. per linear foot of building frontage to a maximum of sixty (60) square feet” (applies in the C, C-D, N-C, IC-R and C-R Zoning Districts).

SECTION 1109:10(D) Wall Signs. Amend the maximum area in the table from the current two (2) square feet per linear foot of building frontage to “one (1) sq. ft. per linear foot of building frontage to a maximum of sixty (60) square feet” (applies in the I-R (to be amended to R-T-O) and I Districts).

CHAPTER 1110: NONCONFORMITIES

SECTION 1110.05 (E): Previously Approved Construction. Nothing in this Code prohibits the completion of construction and use of a nonconforming structure for which a zoning permit was issued prior to the effective date of this Code, or any amendment thereto, provided that the occupancy permit is obtained within ~~four (4)~~ two (2) years of the Planning Commission granting the site plan approval.

SECTION 1110.06 (D) Discontinuance or Abandonment. In the event a dispute over the lapse of a nonconforming use arises, a presumption is hereby created that a lapse has occurred. The individual or entity claiming the nonconforming use then bears the burden of proving the use has been continuous by a preponderance of the evidence. Continuous use is defined as no interruption of use for more than two (2) consecutive calendar years.

CHAPTER 1111: ADMINISTRATIVE BOARDS AND COMMISSIONS

SECTION 1111.01 (A)(2) Maintenance of Records.

(d) Zoning Code and Text Amendments. An original or master copy of the Code must be retained by the Community Development Department, maintained current with amendments, and must be available to the public. All revisions or amendments must be incorporated into the original master text within a period of two (2) weeks from the effective date of the revision or amendment. Copies of each revision or amendment must be retained.

(e) Zoning Map and District Amendments. The original or master of the Zoning Map must be retained by the Community Development Department, maintained current with amendments, and must be available to the public. All revisions or amendments must be incorporated on the master map within a period of two (2) weeks from the effective date of the revision or amendment.

Section 1111.01 (B)(2) Procedures for Zoning Code Text Amendment Public Hearings.

SECTION 1111.01(4): Zoning Permit Expiration. The Zoning Permit becomes void at the expiration of ~~one (1)~~ two (2) years after the date of issuance, unless construction has begun. If no construction is started within ~~one (1)~~ two (2) years of the date of the Permit, a new permit is required and reapplication must be made.

DRAFT ORDINANCE NO. 2022 - 100

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NORTH MANTUA STREET IMPROVEMENTS AGREEMENT BETWEEN THE CITY OF KENT, KENT CITY SCHOOL DISTRICT AND THE DAVEY TREE EXPERT COMPANY TO ADDRESS EXISTING NEEDS ALONG THE ROADWAY, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent wishes to enter into an Agreement with the Kent City School District and The Davey Tree Expert Company to address existing needs along North Mantua Street near Roosevelt High School; and

WHEREAS, the improvements include pedestrian facilities, reduce higher vehicular speeds, improve ingress and egress and replacement of existing signal at Roosevelt High School.

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

SECTION 1. That Council does hereby authorize the City Manager, or his designee, to execute the North Mantua Street Improvements Agreement between the City of Kent, the Kent City School District and the Davey Tree Expert Company to address existing needs along the roadway, and is more fully described in Exhibit "A" attached hereto and incorporated herein.

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

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

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

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

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

NORTH MANTUA STREET IMPROVEMENTS AGREEMENT

**THE DAVEY TREE EXPERT COMPANY
KENT CITY SCHOOL DISTRICT
AND
CITY OF KENT**

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

This Agreement, dated _____ 2022, is an agreement made and entered into between The Davey Tree Expert Company (“Davey”), Kent City School District (“School District”) and the City of Kent, Ohio, duly formed under the laws of the State of Ohio (“City”).

WITNESSETH:

WHEREAS, Davey is constructing a new Science and Learning Campus focused on specialized training and research facilities on the east side of North Mantua Street across North Mantua Street from Davey’s Main Campus in the City; and

WHEREAS, Davey desires to improve vehicular and pedestrian access to both the Main Campus and the new Science and Learning Campus by aligning the entrances to intersect North Mantua Street at one intersection; and

WHEREAS, the City desires to improve safety and reduce congestion for vehicles turning left from River Bend Boulevard onto North Mantua Street; and

WHEREAS, the City and School District desire to provide a safe pedestrian crossing of North Mantua Street at River Bend Boulevard in conjunction with Roosevelt High School and a future bike and hike trail in the area; and

WHEREAS, the City and School District desire to upgrade the existing signalized intersection and pedestrian crossings located at the intersection of North Mantua Street and the Roosevelt High School entrance; and

WHEREAS, the City desires to improve the aesthetics entering the City on North Mantua Street; and

WHEREAS, the City has begun an investigation to determine the transportation needs and potential alternates on North Mantua Street from the Roosevelt High School entrance to the Davey Science and Learning Campus, herein referred to as the “Project Area”.

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

City:

- Manage the Project from planning through construction, including design and potential right-of-way acquisition.
- Jointly with Davey and the School District, select a consultant to assist in the planning and design process.
- Hire the consultant selected by the parties.
- Undertake the planning and design of the Project in a workmanlike manner.
- Fund 50% of the consultant’s services, up to \$400,000.
- Invoice Davey for their share of the consultant’s services as defined below.
- Provide the primary coordination with the Ohio Department of Transportation (ODOT) for the Project.
- Pursue outside funding for the completion of the project.

Davey:

- Jointly with the City and the School District, select a consultant to assist in the planning and design process.
- Undertake the planning and design of the Project in a workmanlike manner.
- Shall be active in the development and review of the preliminary alternatives, the selection of the preferred alternative, review of the detailed design plans and attendance and participation at regular project meetings.
- Reimburse the City 50% of the consultant’s services, up to \$400,000.
- Donate the permanent and temporary right-of-way located on Davey property as determined as part of the design process. up to 3.4 acres of permanent right-of-way.

School District:

- Jointly with the City and Davey, select a consultant to assist in the planning and design process.
- Shall be active in the development and review of the preliminary alternatives, the selection of the preferred alternative, review of the detailed design plans and attendance and participation at regular project meetings.
- Convey the permanent and temporary right-of-way located on School District property as determined as part of the design process, up to 0.8 acres of permanent right-of-way.
- This agreement does not require any out-of-pocket costs for the School District.

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

CITY OF KENT

Approved and Accepted by:

Dave Ruller
City of Kent, City Manager

Date: _____

Witness: _____

Approved as to Form:

Hope Jones
City of Kent, Law Director

Date: _____

Certificate of Director of Budget and Finance

It is hereby certified that the amount four hundred thousand dollars (\$400,000) required to meet this commitment has been lawfully appropriated or authorized or directed for such purpose and is in the City Treasury or in the process of collection to the credit of the Capital Fund (301) free from any obligation or certificates now outstanding.

Rhonda Hall, Director of Budget and Finance

Date

THE DAVEY TREE EXPERT COMPANY

Approved and Accepted by:

Name:
Title:

Witness: _____

Date: _____

KENT CITY SCHOOL DISTRICT

Approved and Accepted by:

George Joseph
Superintendent

Witness: _____

Date: _____

**RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY
THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX
LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR
(CITY COUNCIL)**

Revised Code, Secs. 5705.34 & 5705.35

The Council of the City of Kent, Portage County, Ohio, met in
Regular session on the 21st day of September, 2022 at the
office of Kent City Council with the following members present:

Mr. _____ moved the adoption of the following Resolution:

WHEREAS, This Council in accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1st, 2023 ; and

WHEREAS, The Budget Commission of Portage County, Ohio has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within, the ten mill tax limitation; therefore, be it

RESOLVED, By the Council of the City of _____, Portage County, Ohio, that the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

OFFICIAL CERTIFICATE OF ESTIMATED RESOURCES

Rev. Code Sec. 5705.34 & 5705.35

Office of the Budget Commission, Portage County, Ravenna, Ohio

To the Taxing Authority of:

KENT CITY

SCHEDULE A

**SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED
BY BUDGET COMMISSION AND COUNTY AUDITOR'S ESTIMATED TAX RATES**

FUND	AMOUNT APPROVED BY BUDGET COM- MISSION INSIDE 10 M. LIMITATION	AMOUNT APPROVED BY BUDGET COM- MISSION OUTSIDE 10 M. LIMITATION	COUNTY ESTIMATE RATE TO INSIDE 10 M. LIMIT	AUDITOR'S OF TAX BE LEVIED OUTSIDE 10 M. LIMIT
	Column I	Column II	III	IV
General	\$ 1,644,166	\$ 328,603	3.6 & 0.9	1.16
Police Pension	141,554		0.30	
Fire Pension	141,554		0.30	
West Side Fire Station		258,576		0.73
Recreation		1,190,208		3.45
TOTAL	\$ 1,927,274	\$ 1,777,387	4.2 & 1.5	5.34

\$3,704,661

COUNTY AUDITOR'S ESTIMATE

\$471,845,460

COUNTY AUDITOR'S ESTIMATE Kent City	OF RATE IN MILLS Field LSD	Kent CSD
LEVIES INSIDE OF 10 MILL	LIMITATION	
County	2.00	2.00
City	1.50	4.20
School	6.50	3.80
JVS		
TOTAL:	10.00	10.00
LEVIES OUTSIDE OF 10 MILL	LIMITATION	
County	12.12	12.12
City	5.34	5.34
School	58.93	105.81
JVS	4.00	0.00
Library	0.00	1.80
Portage Park District	0.50	0.50
TOTAL:	80.89	125.57
TOTAL LEVIES:	90.89	135.57

Tax estimates as they will appear on the 2023 Official Certificate of Estimated Resources.

General Fund	\$ 1,972,769
Police Pension	141,554
Fire Pension	141,554
Westside Fire Station	258,576
Recreation	<u>1,190,208</u>
Tax Revenue Estimate	\$ <u>3,704,661</u>

SCHEDULE B

LEVIES OUTSIDE 10 mill limitation

Levy Purpose	Date of Vote & Duration of Levy		Maximum Rate Authorized to be Levied	County Auditor's Estimate of Yield of Levy
General	03/17/20	5 years	1.16	\$ 328,603
West Side Fire Station	11/03/20	5 years	0.73	258,576
Recreation	11/03/15	Cont	1.00	354,214
Recreation	11/03/15	Cont	0.43	152,312
Recreation	11/03/09	Cont	0.50	178,064
Recreation	11/07/06	Cont	1.52	505,618

and be it further RESOLVED, That the Clerk of this Council be, and is hereby directed to certify a copy of this Resolution to the County Auditor of said County.

Mr. _____ seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

Mr. _____ , _____

Mr. _____ , _____

Mr. _____ , _____

Mr. _____ , _____

Mr. _____ , _____

Mr. _____ , _____

Mr. _____ , _____

Mr. _____ , _____

Mr. _____ , _____

Adopted the _____ day of _____, _____

President of Council

Clerk of Council

CERTIFICATE OF COPY
ORIGINAL ON FILE

The State of Ohio, Portage County.

I, _____, Clerk of the Council of the City of _____,
in said County, and in whose custody the Files and Records of said Council are required by the
laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from
the original _____

now on file, that the foregoing has been compared by me with said original document, and that the
same is a true and correct copy thereof.

WITNESS my signature, this _____ day of _____, _____

Clerk of Council

Portage County, Ohio

City

RESOLUTION ACCEPTING THE
AMOUNTS AND RATES AS DETERMINED
BY THE BUDGET COMMISSION AND
AUTHORIZING THE NECESSARY TAX
LEVIES AND CERTIFYING THEM TO THE
COUNTY AUDITOR.

(City Council)

Filed _____, _____

County Auditor

DRAFT ORDINANCE NO. 2022 -102

AN ORDINANCE AUTHORIZING THE CITY OF KENT'S BUDGET & FINANCE DEPARTMENT TO ENTER INTO AN AGREEMENT WITH CIVICA AUTHORITY TO UPDATE UTILITY BILLING SOFTWARE, AND DECLARING AN EMERGENCY.

WHEREAS, the Budget & Finance Department would like to update the Utility Billing software because it is outdated and is difficult and time consuming to extract information; and

WHEREAS, the department has received quotes from Civica Authority Utility and MuniLink and have determined that Civica Authority Utility is more cost effective for the City and can expand more to meet the needs of the City.

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

SECTION 1. That Kent City Council authorizes the Kent's Budget & Finance Department to enter into an agreement with Civica Authority Utility to update their utility billing software 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 *ORDINANCE No.* _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20____.

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

DRAFT ORDINANCE NO. 2022 - 103

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, and as amended by Ordinance 2022-96, passed 8/17/22 be amended as set forth in Exhibit "A", attached hereto and incorporated herein, so as to increase appropriations in Fund 001, General; increase, Fund 138, ARPA; increase Fund 201, Water; increase Fund 202, Sewer; increase Fund 205, Solid Waste; increase Fund 208, Storm Water; and increase Fund 301, Capital Improvements; and to decrease appropriations in Fund 138 ARPA; and Fund 301, Capital Improvements; 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	287,606				844,168
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	2,910,446	10,000	-	100,000	6,724,874
<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	688,150	190,000			2,315,472
Fund Total	1,437,322	688,150	190,000	-	-	2,315,472
<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	1,298,700			1,738,700
Fund Total	390,000	50,000	1,298,700	-	-	1,738,700
<u>Water (201)</u>						
Service	1,873,013	816,963	659,150			3,349,126
Service (Capital Facilities)			2,041,000			2,041,000
Admin. Support	449,096	77,860	51,986			578,942
Budget & Finance (Debt)				61,173		61,173
Contingency					50,000	50,000
Fund Total	2,322,109	894,823	2,752,136	61,173	50,000	6,080,241
<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	51,986			513,928
Budget & Finance (Debt)				364,569		364,569
Contingency					50,000	50,000
Fund Total	2,158,905	852,048	3,919,294	364,569	50,000	7,344,816
<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	12,500			258,825
Service	360,772	34,400	36,400			431,572
Fund Total	430,972	210,525	48,900	-	-	690,397
<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	14,486			347,257
Budget & Finance (Debt)				9,968		9,968
Fund Total	639,393	107,180	704,786	9,968	-	1,461,327
<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)			5,535,620			5,535,620
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	6,906,376	534,117	25,000	7,991,605
<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	\$ 13,768,890	\$ 17,318,425	\$ 2,230,191	\$ 250,000	\$ 60,000,431
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		30,000	(1,668,072)			(1,638,072)
Amendment #7						-
Amendment #8						-
	\$ 26,432,925	\$ 13,768,890	\$ 17,318,425	\$ 2,230,191	\$ 250,000	\$ 60,000,431

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	16,041,310	5,220,108	449,918	
Fund 201 - Water	45,000			Fund 204 - Utility Billing
Fund 202 - Sewer	45,000			Fund 204 - Utility Billing
Fund 001 - General	4,700,000			Fund 124 - Income Tax Safety
Fund 001 - General	2,740,000			Fund 128 - Fire & EMS
Subtotal - Total Operating Transfers	7,530,000	-	-	
Grand Total - All Transfers	<u>\$ 23,571,310</u>	<u>\$ 5,220,108</u>	<u>\$ 449,918</u>	

DRAFT ORDINANCE NO. 2022-104

AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$5,000.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT FROM ADAM HAMILTON MEMORIAL ACADEMIC & ATHLETIC SCHOLARSHIP FUND FOR KENT PARKS AND RECREATION YOUTH TACKLE FOOTBALL AND CHEER PROGRAM, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent Parks & Recreation Department has received a donation of \$5,000.00 from Adam Hamilton Memorial Academic & Athletic Scholarship Fund for the Kent Parks and Recreation Youth Tackle Football and Cheer Program; and

WHEREAS, the City wishes to accept said grant donation.

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

SECTION 1. That Council does hereby authorize the City Manager on behalf of the City of Kent to accept the donation of \$5,000.00 from Adam Hamilton Memorial Academic & Athletic Scholarship Fund for the Kent Parks and Recreation Youth Tackle Football and Cheer Program, and for the Budget and Finance Director to appropriate the donation into the proper fund.

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

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

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

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

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

TO: Dave Ruller
FROM: Angela Manley, Parks and Recreation Director
DATE: August 26, 2022
RE: Kent Parks and Recreation Donation

The Kent Parks & Recreation Department has received the following donation to be used for the Kent Parks and Recreation Youth Tackle Football and Cheer program:

Adam Hamilton Memorial Academic & Athletic Scholarship Fund - \$5,000.00

The check has been forwarded to Budget and Finance and will be held until Council formally accepts the donation. Please request the necessary authorization from City Council to accept this donation and to allow Budget & Finance to appropriate the same amount to this account number (106-03-53-305-7420) in the Parks & Recreation Fund. Your attention to this matter is greatly appreciated!

CC:
Budget & Finance
Amy Wilkens, Clerk of Council
Kent Parks & Recreation Board