



City of Kent
Wednesday, October 19, 2022
Regular City Council Meeting
320 S. Depeyster Street, Kent, OH 44240

AGENDA

7: 25 P.M. Public Hearing

1. On October 5, 2022, notice was given that the Kent City Council was conducting a Public Hearing to allow for public comment on the PY2021 Consolidated Annual Performance and Evaluation Report (CAPER)

Board of Control and Regular Council Meeting Immediately Following Public Hearing

1. Roll Call
2. Opening Remarks and Pledge of Allegiance- Mr. Sidoti
3. Police Officer Commendation- Chief Shearer
4. Approval of Minutes
 - 4.1. September 21, 2022 Regular Council Meeting
5. Communications
 - 5.1. 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.
 - 5.2. Written Communication (All placed on file in the Clerk of Council's office)
 1. Planning Commission Agenda and Staff Report for the October 4, 2022 meeting was received on September 27, 2022.
 2. Architectural Review Board Agenda for the October 4, 2022 meeting was received on September 29, 2022.
 3. Notification that both the Planning Commission and ARB meeting on October 4, 2022 were canceled was received on October 3, 2022.
 4. Standing Rock Cemetery Board of Trustees meeting agenda for October 13, 2022 was received on October 5, 2022.
 5. Board of Zoning Appeals Agenda and Staff Report for October 17, 2022 was received on October 10, 2022.
 - 5.3. City Manager's Report

6. Standing Committees & Legislation

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

6.1.1. Committee Meeting Minute Approval for October 5, 2022

6.1.2. Action(s) Recommended

1. Authorize appointment of candidates to appropriate Boards and Commissions.
2. Authorize the agreement with KSU to create a new part-time City Sustainability position, with the emergency clause.

6.1.3. **DRAFT 2022-105** A RESOLUTION APPOINTING _____ AND _____ TO THE BOARD OF ZONING APPEALS AND DECLARING AN EMERGENCY (Authorized)

6.1.4. **DRAFT 2022- 106** AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF KENT AND KENT STATE UNIVERSITY TO CREATE A NEW SHARED SUSTAINABILITY COORDINATOR POSITION AND DECLARING AN EMERGENCY (Authorized)

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

6.2.1. Committee Meeting Minute Approval for October 5, 2022

6.2.2. Action(s) Recommended: NONE

6.3. **Health & Safety Committee** Chair Amrhein/ Vice-Chair Sidoti

6.3.1. Committee Meeting Minute Approval for October 5, 2022

6.3.2. Action(s) Recommended

1. Authorize a Resolution in support of the Medicare for All initiative.

6.3.3. **Draft 2022-107** A RESOLUTION OF THE CITY OF KENT, OHIO ENDORSING THE MEDICARE FOR ALL ACT OF 2022 (S.4204); AND DECLARING THAT ACCESS TO QUALITY AFFORDABLE HEALTHCARE IS A HUMAN RIGHT, AND DECLARING AN EMERGENCY (Authorized)

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

6.4.1. Committee Meeting Minute Approval for October 5, 2022

6.4.2. Action(s) Recommended

1. Authorize repeal of ordinance 2022-098.

2. Authorize approval of accepting land from Franklin Township as part of the annexation process.

6.4.3. **Draft 2022- 108** AN ORDINANCE REPEALING ORDINANCE NO. 2022-098, PASSED SEPTEMBER 21, 2022, AND DECLARING AN EMERGENCY (Authorized)

6.4.4. **Draft 2022-109** AN ORDINANCE ACCEPTING AN ANNEXATION OF 174.828 ACRES OF LAND, MORE OR LESS, FROM FRANKLIN TOWNSHIP, PORTAGE COUNTY TO THE CITY OF KENT, OHIO, AND DECLARING AN EMERGENCY (Authorized)

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

6.5.1. Committee Meeting Minute Approval for October 5, 2022

6.5.2. Action(s) Recommended

1. Authorize the resurfacing agreement for Hudson Road with Franklin Township and approve the submission of grant funding with OPWC.
2. Authorize the renewal of the bridge safety inspection services agreement with the Ohio Department of Transportation (ODOT).

6.5.3. **Draft 2022-110** AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SUBMIT ON BEHALF OF THE CITY OF KENT AND FRANKLIN TOWNSHIP, AN APPLICATION TO THE OHIO PUBLIC WORKS COMMISSION (OPWC) FOR THE HUDSON ROAD PHASE V WIDENING AND RESURFACING PROJECT, AND DECLARING AN EMERGENCY (Authorized)

6.5.4. **Draft 2022- 111** AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO RENEW AN AGREEMENT GIVING CONSENT TO THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR PARTICIPATION IN THEIR BRIDGE INSPECTION PROGRAM SERVICES FOR THE YEAR 2023; PID 117554; AND DECLARING AN EMERGENCY (Authorized)

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

6.6.1. Committee Meeting Minute Approval for October 5, 2022

6.6.2. Action(s) Recommended

1. Approve the 2022 budget appropriation.
2. Authorize Employment Contract between the City of Kent and Dave Ruller.

6.6.3. **DRAFT 2022- 112** AN ORDINANCE AMENDING ORDINANCE NO. 2021-133, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 15, 2021; SO AS TO ADJUST APPROPRIATIONS, TRANSFERS AND ADVANCES FROM THE VARIOUS FUNDS OF THE CITY OF KENT TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES OF THE CITY FOR THE FISCAL YEAR ENDING DECEMBER 31, 2022; AND DECLARING AN EMERGENCY (Authorized)

6.6.4. **Draft 2022-113** AN ORDINANCE AUTHORIZING THE CITY BUDGET & FINANCE DIRECTOR AND LAW DIRECTOR, OR THEIR DESIGNEES, TO SIGN AN EMPLOYMENT CONTRACT BETWEEN THE CITY OF KENT AND DAVID RULLER, AND DECLARING AN EMERGENCY (Authorized)

7. Unfinished Business

8. New Business

9. Councilmembers' Comments

10. Mayor's Report

11. Executive Session

11.1. 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, September 21, 2022
Regular City Council Meeting
320 S. Depeyster Street, Kent, OH 44240

MINUTES

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. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach

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

Absent: Ms. Gwen Rosenberg

MOTION TO EXCUSE MS. ROSENBERG MADE BY Mr. Jack Amrhein, SECONDED by Mr. Garret Ferrara and CARRIED by a voice vote of 8-0-0.

Mayor Fiala provided the evening's opening remarks, reminding everyone that Kent was named one of Ohio Magazine's Best Hometowns and passed out buttons for all council members. He asked everyone to stand for the Pledge of Allegiance.

Approval of Minutes

MOTION TO APPROVE REGULAR COUNCIL MEETING MINUTES FROM AUGUST 17, 2022 MADE BY Mr. Robin Turner, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 7-0-1. Ms. Wallach voted 'abstain'.

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.

Mr. Max Brockwell of N. Willow Street in Kent approached the microphone and introduced himself to Council. He read from a prepared statement (**Attachment #1**)

Mr. Michael Massey approached the microphone next and read his prepared statement regarding Medicare for All. (**Attachment #2**)

Next, Ms. Lauren Genco of Alpha Drive, in Kent approached the microphone and read her prepared statement regarding Medicare for All (**Attachment \$3**)

Mr. Rayhon Asif of S. Prospect St. in Kent, Ohio read his remarks regarding support of Medicare for All (**Attachment #4.**)

Mr. James Moore then approached the microphone , stating he resides on N. Mantua Street and is in support of City Council writing a resolution in support of Medicare for All (**Attachment #5**)

Ms. Diane Smith approached the microphone next and stated there was another round of layoffs at the Record Courier. She said Gannett informed its employees in August that there would be a round of layoffs. She explained the actions of the Local News Guild. The Manager Editor of the Record Courier was the only person at that paper laid off. She added that there has to be local news and if anyone has anything of interest, go to her. She said they will be there advocating for their communities as long as they can. She invited all to attend an Alternate Town Hall on October 6, 2022. The link to the event will be shared on social media.

Lastly, Mr. Jon Ridinger of Harold Avenue in Kent, gave a brief update regarding the work of the City Flag Committee. He said they had received many submissions, with some people sending in multiple versions. The hope of the Committee is to bring something before Council before the end of the year, and definitely before the finishing of the new City Hall building.

Written Communication

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.

Communication received after the agenda was published:

1. Email from Max Brockwell received on September 14, 2022 requesting City Council to consider passing a resolution in support of medicare for all.
2. Revised BZA Agenda for the September 19, 2022 meeting was received on September 16, 2022
3. Email from Ms. Jalessa Caples in regards to the upcoming Health Equity Task Force Meeting on October 20, 2022 was received on September 19, 2022
4. Email from Kent City Health Commissioner, Ms. Joan Seidel, sharing the recently passed Board of Health Resolution supporting Medicare for all, was received and forwarded to Council members on September 19, 2022.

MOTION TO APPROVE THE RESIGNATION BY MR. PAUL SELLMAN FROM THE BOARD OF ZONING APPEALS MADE BY Mr. Jack Amrhein, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 8-0-0.

City Manager's Report

1. Request for Council's authorization to accept and allocate a \$5,000 donation to the Kent Parks and Recreation Youth Tackle Football and Cheer program from the Adam Hamilton Memorial Fund.
2. Request Council's authorization to accept and allocate a \$50 donation to the Kent Police Department to be used to purchase Halloween candy to hand out to kids.
3. Request Council's authorization to allocate \$750 to be used to provide food and beverages to support the public safety staff working the Halloween night shifts.
4. Request Council's authorization to accept and allocate a \$5,000 donation from the Estate of Carol A. Lockhart to the Kent Fire Department.
5. Request Council's authorization to accept and allocate a \$150 payment received from the Deerfield Township Fire Department for the purchase of the City's used fire equipment.

6. Request Council's authorization to accept and allocate a \$50 donation from William and Marilyn McCandless to be used by the Kent Fire Department for the Paramedicine Program.
7. Request Council's authorization to schedule the annual Democracy Day session prior to the October 5th Committee meeting.
8. Asked for Community Development Committee time to review the status of the Design Guidelines update with Council.
9. Requested Community Development Committee time to provide an opportunity for the consulting firm selected to complete the City's Climate Action Plan to provide an overview of their work and solicit Council/public input.
10. Request for Committee of the Whole time to allow Council to interview prospective candidates for vacant positions on City Boards and Commissions.
11. Request for Committee of the Whole time to provide Council with a brief update on the status of the new City Hall construction project.
12. Request for Community Development Committee time to present a proposed new part time sustainability position to work on the City's Climate Action Plan and Sustainability Goals.
13. Request for Committee of the Whole time to discuss possible changes to the eligibility requirements to fill long-term vacant Board positions.
14. Request for Streets, Sidewalks & Utilities Committee time to present an overview of the City's yard waste facility use and options to provide an opportunity for landlords to be eligible to use the site.
15. Request for Streets, Sidewalks & Utilities Committee time to request Council's approval of the new Hudson Road Resurfacing Agreement and associated OPWC funding request.
16. Request for Streets, Sidewalks & Utilities Committee time to request Council's authorization to renew the bridge inspection agreement with ODOT.

MOTION TO APPROVE City Manager's Report MADE BY Mr. Jack Amrhein, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 8-0-0.

Standing Committees & Legislation

Committee of the Whole Chair Mayor Fiala

MOTION TO APPROVE COMMITTEE MEETING MINUTES FROM SEPTEMBER 7, 2022 MADE BY Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 7-0-1. Ms. Wallach voted 'abstain'.

MOTION TO APPROVE ACTION(S) RECOMMENDED MADE BY Mr. Michael DeLeone, SECONDED by Mr. Garret Ferrara 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.

DRAFT 2022-097 AN ORDINANCE APPROVING THE CURRENT REPLACEMENT PAGES TO THE CITY OF KENT CODIFIED ORDINANCES 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 2022-097 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. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022-097 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. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

Ordinance 2022-097 passed.

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

MOTION TO APPROVE COMMITTEE MEETING MINUTES FROM SEPTEMBER 7, 2022 MADE BY Mr. Garret Ferrara, SECONDED by Mr. John Kuhar and CARRIED by a voice vote of 7-0-1. Ms. Wallach voted 'abstain'.

MOTION TO APPROVE ACTION(S) RECOMMENDED MADE BY Mr. Garret Ferrara, SECONDED by Ms. Heidi Shaffer Bish and CARRIED by a voice vote of 8-0-0.

Action(s) Recommended:

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

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**) was read by title only by Clerk

Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-098 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. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022-098 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. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

Ordinance 2022-098 passed.

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

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-099 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. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

Mr. Sidoti commented that they appreciate the hard work and dedication that goes into these things and that we avoid problems that could come about if the code isn't written correctly.

MOTION TO ADOPT DRAFT 2022-099 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. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

Ordinance 2022-099 passed.

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

MOTION TO APPROVE COMMITTEE MEETING MINUTES FOR SEPTEMBER 7, 2022 MADE BY Mr. Roger Sidoti, SECONDED by Mr. Jack Amrhein and CARRIED by a voice vote of 7-0-1. Ms. Wallach voted 'abstain'.

MOTION TO APPROVE ACTION(S) RECOMMENDED MADE BY Mr. Roger Sidoti, SECONDED by Mr. Jack Amrhein and CARRIED by a voice vote of 8-0-0.

Action(s) Recommended

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

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

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-100 MADE by Ms. Heidi Shaffer Bish, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022-100 MADE by Ms. Heidi Shaffer Bish, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

ORDINANCE 2022-100 passed.

Finance Committee Chair DeLeone/ Vice-Chair Wallach

MOTION TO APPROVE COMMITTEE MEETING MINUTES FOR SEPTEMBER 7, 2022 MADE BY Mr. Michael DeLeone, SECONDED by Mr. Jack Amrhein and CARRIED by a voice vote of 7-0-1. Ms. Wallach voted 'abstain'.

MOTION TO APPROVE ACTION(S) RECOMMENDED MADE BY Mr. Michael DeLeone, 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.
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.

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

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-101 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. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022-101 MADE by Ms. Tracy Wallach, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

ORDINANCE 2022-101 passed.

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

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-102 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. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022-102 AN ORDINANCE 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. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

ORDINANCE 2022-102 passed.

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

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-103 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. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022-103 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. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

ORDINANCE 2022-103 passed.

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

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-104 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. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

Ms. Wallach stated that if Ms. Rosenberg were there, she would have said thank you for the donation to Parks and Recreation.

MOTION TO ADOPT DRAFT 2022-104 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. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

ORDINANCE 2022-104 passed.

Unfinished Business

NONE

New Business

MOTION TO SEND TO COMMITTEE A DISCUSSION ON A RESOLUTION IN SUPPORT OF MEDICARE FOR ALL MADE BY Ms. Heidi Shaffer Bish, SECONDED by Ms. Tracy Wallach and CARRIED by a voice vote of 8-0-0.

Ms. Shaffer Bish stated the students speaking on the topic this evening were incredibly well spoken and she is so happy they have taken up this cause. She added that as a grant writer, most of the grants she writes are often for the underinsured, who are usually people with private insurance. She said these initiatives really do come from the bottom up.

Ms. Wallach says it just makes sense and is a win-win for everyone, helping people and that we should do it.

Mr. Sidoti commended the speakers on the topic and said while they were talking, he looked up the amount of money spent on the Ukrainian War, which has been \$8.2 billion, with another \$12 billion on the way. He said that is 20 billion dollars and yet the argument against Medicare for All is the cost. He said the reality of it is when we put our minds to it, we come up with the money in this country. He said he thinks it is more of an issue of people thinking it moves us away from a capitalist society into a socialist society, but the reality is that the only way we can have a strong capitalist society, we have to have healthy people who can work and produce, so it just makes good sense.

Mr. Robin Turner said that due to the expansion of Medicaid by a Republican governor he saved his life. There are many people who have to choose whether to receive healthcare or not due to insurance. He said he would be proud to make a motion.

Mr. Amrhein thanked them all for the information. He said for the United State of America to be finishing last in many of these areas is simply unacceptable.

Councilmembers' Comments

Mr. Kuhar said it is very refreshing to see the progress on the new city administration building.

Mayor Fiala said he sat in the new council chambers already. There was a round of laughter.

Mayor's Report

Mayor Fiala said Clerk Wilkens asked the Mayor to remind everyone about all of the positions opening up on Boards and Commissions. He explained how to apply, both online or by paper application.

Executive Session

MOTION TO ENTER EXECUTIVE SESSION TO DISCUSS EMPLOYEE EVALUATION AND COMPENSATION 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. Michael DeLeone and CARRIED by a voice vote of 8-0-0.

MOTION TO APPROVE 5% INCREASE IN SALARY TO CITY MANAGER DAVE RULLER, RETROACTIVE TO JUNE 15, 2022 MADE BY Mr. Garret Ferrara, SECONDED by Mr. Jack Amrhein and CARRIED by a voice vote of 7-0-1. Ms. Wallach voted 'abstain'.

The public meeting adjourned at 9:10 p.m.

Amy Wilkens
Clerk of Council

Jerry T. Fiala
Mayor & President of Council

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.

Max Brockwell:
534 N Willow St, Kent OH

Hello members of the City Council. I'm Max Brockwell, and I may have spoken to some of you already, but for those who I haven't met yet I'm a second-year medical student at NEOMED. Myself and a few other medical students have come here today so we can discuss an issue that is significantly intertwined with our profession: health insurance. We are all members of Students for a National Health Program, and while our local chapter was only founded last year, we have 114 members supporting our cause.

Many of our members joined SNaHP because through our work in the healthcare field we've discovered an unfortunate truth: the system is broken. Currently, the US spends more money on our healthcare system than other countries with universal coverage, and this number has been increasing in the past few years leading to record high spending. Despite the government spending more, worker and employee contribution has been significantly increasing as well. Sadly, even though we spend the most compared to similar countries, our healthcare system is ranked 11 out of 11. Last place. The US has the lowest life expectancy of these countries, the highest infant mortality rate, and the highest maternal mortality rate (and this is increasing whereas in other countries this statistic is decreasing). All of this leads to delayed care and worse health outcomes.

I would like to share a personal experience with you. Before I started medical school I worked in a skin cancer clinic in Columbus dealing mostly with melanoma and other metastatic skin cancers. Skin cancer is the most common form of cancer in the US, and it is unique in that it is one of the most treatable if identified early. Removal of the tumor in early stages is often curative. However, we have no shortage of patients. Far too often I would hear stories of people who delayed care until the disease had spread, because they were worried about the cost of therapy. And this is a fair concern. While doctors should be able to focus on providing patients care, the reality is that we consistently had to have financial conversations with patients. During initial appointments as we discussed treatment options, patients would hesitantly ask how much therapy would cost. The response is sobering, and I quote: "without insurance, about the cost of a nice small home." You can imagine that this leaves patients distressed and facing huge financial burdens.

For far too long patients have struggled with paying for medications, treatment and preventative care. This is why we are urging the Kent City Council to pass a resolution supporting S.4204, the Medicare for All Act of 2022. We recognize this is a complex issue, and we would love to discuss the specific logistics and statistics at greater length. If we would be able to present briefly at the next subcommittee meeting to explain our stance further, we would be happy to do so. We also have provided a packet with some information, links to our YouTube lectures on the topic, and a copy of our resolution.

I would also like to let the council know that all the students present today have a major exam Friday, but they felt this issue was important enough to take time away from studying to express their support of this policy. Thank you for your time, and we hope the council will add this issue to the agenda for the October subcommittee meeting.

Michael Massey
6010 Pebblebrook Lane, Kent OH

Hello members of the city council. My name is Michael Massey, I am also a second year medical student like Max, and I wanted to share a quick story with you about why I became such a staunch advocate for Medicare for All as a medical student.

A few years ago, I was shadowing a physician in Columbus, Ohio on the night shift where I met a patient who would change my entire outlook on medicine going forward. The patient was a woman in her late-30's/early-40's. When I entered her room at 3am, the patient was crying and contorting on the hospital bed. As it turns out, she was diagnosed with early-onset Multiple Sclerosis (or MS) as a teenager. Unfortunately for her, her family never had health insurance growing up. Even when I met her, she did not have insurance even as her husband worked two jobs and she now worked from home mainly making phone calls.

I bring up her lack of insurance, because all effective medications for MS cost over \$70,000 dollars per year. So she could never afford treatment. Because of that, as the doctor told me, her MS ravaged her nervous system multiple decades before it would have with the medication. So she was actually immobilized to a wheelchair from her condition as a young mother of two.

You may be thinking why this patient was in the hospital if she knew she couldn't afford treatment for MS? Well she was actually in the hospital because her motorized wheelchair malfunctioned and careened her into a vending machine shattering both of her knees. I can still picture her grimacing through tears- telling me and the physician that she needs to get out of the hospital as soon as possible, because she knew that her stay would bankrupt her family.

This story does not happen in a vacuum. I have seen dozens of similar stories in my clinical experience since then, and we know that 26 million Americans are uninsured and millions more are underinsured with sky-high deductibles. Medical debt is also the highest cause of bankruptcy in the US. I support Medicare For All, because these stories would no longer exist in my profession.

Medicare For All, according to over 24 studies, would save billions of dollars per year while saving an estimated 45,000 to 68 thousand Americans who die every year due to a lack of health insurance. It provides full medical, dental, vision and hearing, mental, and long term health coverage to everyone in the country without any out of pocket expenses except for a \$200 cap on prescription drug fees per year.

I'll defer to our handout and any questions for more details on the financial and health benefits. I just want to say that last week, the Kent Board of Health passed a resolution urging the City Council to take action on this issue. We implore you to introduce our resolution in support of Medicare For All. If it is passed here, the Kent City Council would join over 100 cities, 5 states, and 15 national medical societies in calling upon congress to pass Medicare For All.

Lauren Genco:
6800 Alpha Dr, Kent OH

Hi, I'm Lauren Genco. I'm also a resident of Kent and a second-year medical student at NEOMED. I'm here to advocate for Medicare For All, a Single Payer Universal Healthcare system to service all who live in America, because it would be right for Kent.

Over the past 60 years, 58 other countries established similar systems and pay half of what the US pays for healthcare. Why can't we in the US do the same? Think about it. Rigorous scientific studies show that with Medicare For All we can make healthcare a right for all of our people while saving billions of taxpayers' dollars and saving countless lives. As the richest nation in the world, we should have Medicare For All because:

1. It's right for our communities. It would include all medications, dental, vision, long term care, mental health and addiction treatment, with no co-pays or deductibles, or other hidden charges. We could stop worrying that a single illness or accident will bankrupt us.
2. It's right for our businesses. Medicare For All unties healthcare from employment. Workers are free to change jobs, or start their own businesses. It means no extra medical liabilities for Workers Comp or property insurances. It will make America globally competitive once again.
3. And finally, it's right for Kent. Under Medicare For All, public agencies, such as the City of Kent, would save significant amounts of money due to decreased cost of health insurance for its employees. There has never been an easier decision for this city council to make. It's time for us to demand Medicare For All, because it's the right thing to do for our families, our businesses, and especially for our city. Thank you for your time.

Rayhan Asif:

4782 S Prospect Street, Ravenna OH

I support this Resolution endorsing the Medicare 4 All bill because universal healthcare is the most practical and fair method of providing care to people of any socioeconomic status. I grew up in an upper middle-class family where my father was luckily earning enough to be able to pay for all of our health expenses. Around and after the Great Recession in 2007, he had trouble finding a job, working at different places, even around the country. His top priority was to get us quality healthcare, but oftentimes the private insurance that came from his employer was limited and had issues with what they would cover, especially in terms of dental and vision care. In the years that my father was unemployed in, I was able to get the best health coverage of my life through the state Medicaid program. I got glasses as I was otherwise unable to read the boards in school, impacting my performance, and braces to correct an impacted tooth, which almost every private insurance company would deem as "cosmetic" even though it can cause nerve damage to the area and is at higher risk of getting infected. When I was on my father's company's insurances, I had numerous instances where the insurance company refused to pay, and we had to pay out of pocket. For my family, the out-of-pocket costs were inconvenient but manageable and I was able to have a favorable health outcome. Others are not so lucky to have a financial cushion for medical costs. To me, universal healthcare represents stability, efficiency, quality, and equity: ideals which we should all aspire to achieve in society.

DRAFT

James Tyler Moore:
345 N Mantua, Kent OH

Good evening members of the city council, Mayor, and everyone in the audience who's listening. My name is James Tyler Moore and I'm a long-term resident of our fair city. I am the 3rd generation in my family to graduate from Kent State University. Now, I'm the first generation in my family to earn a medical doctorate over at NEOMED. Right out of college, I worked all over our county as a behavioral health case manager at Coleman Health Services. And I bring all this up because I have seen firsthand how the disparities and the inefficiencies in our current health system affect the lives of our local citizens.

As a case manager, I spent literally dozens and dozens of hours sitting down at Jobs and Family Services and in my own office helping struggling people fill out forms to obtain Medicaid coverage, to obtain Medicare coverage, and even to deal with the problems of supposedly "good" private insurance plans that universally refuse to cover case management services no matter how obvious it is that it is a direly needed service. When clients weren't covered by pre-existing Medicaid coverage, someone had to eat the cost. That someone is the county, it's the organization itself, and in some cases it's the city of Kent directly. To put the scale of this issue in perspective, according to recent numbers from Data USA, 18.1% of Kent residents currently rely on Medicaid as their primary health insurance.

If, God willing, my clients stabilized enough to find gainful employment and begin to rise out of poverty, they had the prospect of getting kicked off their medical insurance and having to navigate the marketplace alongside premiums, deductibles, co-pays, co-insurance, and healthcare providers whose hands are tied by the stringent prior authorization requirements that for-profit insurance companies use to buffer their margins.

As someone who is dedicating their career to medicine as a future psychiatrist, this system is maddening. Our people deserve better, and right now as leaders of our city government, you have an opportunity to add our community to the growing number of cities in Ohio that are taking a stand to demand something better. A system, perhaps, like those that every other highly developed nation has somehow achieved before us.

I'd like to end by just pointing out that the authors of Medicare as we know it originally intended for it to begin as a program for the elderly and then to expand its coverage to all citizens from there once the infrastructure was in place. Obviously, that hasn't happened. Special interests killed that vision—some of whom, ashamedly, were part of my profession.

This is obviously an uphill battle, but it is one that will eventually be won. I believe it will happen in my lifetime, but it is up to the people, city by city, taking every opportunity that we have to make the push to complete the unfinished business that was started when President Johnson signed Medicare into law in 1965. It's 2022 now, and passing local resolutions like the one presented to you today is a critical step in realizing this goal. I thank you for your time and attention.



City of Kent
Wednesday, October 5, 2022
City Council Committee Meetings
320 S. Depeyster Street, Kent, OH 44240

MINUTES

At 06:00 PM, Mayor Jerry T. Fiala called the Democracy Day Public Hearing and City Council Committee Meetings to order.

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

MOTION TO EXCUSE MS. WALLACH MADE BY Ms. Heidi Shaffer Bish, **SECONDED** by Mr. Roger Sidoti and **CARRIED** by a voice vote of 8-0-0.

Mayor Fiala welcomed everyone to the Democracy Day public hearing and asked Clerk Wilkens if there was anyone signed in to speak on the topic. Ms. Wilkens called the first speaker, Mr. Lee Brooker to speak.

Mr. Brooker of Hudson Road, Kent, thanked Council for holding a discussion on big money influence and elections. He also thanked the City for reminding Congress that the voters in the city of Kent have requested a Constitutional amendment saying that corporations are not people and that money is not speech. He thanked Council for providing the minutes to Congress.

Ms. Wilkens called Ms. MaryJane Stone to speak next. Ms. Stone spoke on the topic of light pollution and read from a prepared statement. **(Attachment #1)**

Ms. Wilkens called Mr. Greg Coleridge to speak next. Mr. Coleridge spoke on the topic of abolishing corporate constitutional rights and money as speech. He read from a prepared statement **(Attachment #2)**

There were no further citizens signed in. Mayor Fiala said the comments presented tonight will be sent to our state political leaders and thanked everyone for attending.

The Public Hearing adjourned at 6:21 p.m.

At 06:22 PM, Mayor Jerry T. Fiala called the City Council Committee Meetings to order.

Community Development Committee

Chair Kuhar opened the Community Development Committee meeting and introduced the first topic: Updated to Design Guidelines.

Update to Design Guidelines

Ms. Bridget Susel reminded Council of the previous work with the consultants, who had returned to finish the presentation they began a few months ago. Alisa Duggey Rogers stated that tonight's slide deck was large and asked Council to allow her to get through the presentation and to save questions for the end.

She began the powerpoint (**Attachment #3**) by stating that we are in phase one of the project, the information gathering phase. In phase 2 they will draft standards and guidelines and in phase 3 those will be presented to Council.

Ms. Duggey Rogers covered the basics of urban design on slides four, five and six, stating the art of designing the public environment of a city, including the interface between private properties and the public environment. We are proposing shifting the paradigm to focus on urban design and the public realm. It is the design of the public realm. It is comprised of more than just independent buildings. We have to think carefully about how the buildings interface. She continued by going in depth about what the public realm does. People need to feel comfortable and they need to be active.

Ms. Duggey Rogers then went into the goals of the existing design guidelines (slides ten and eleven). During the public sessions, all of the goals were listed and by and large everyone agreed except for number 2 (Ensure that visual identity remains cohesive). She asked if the focus on the public realm changes things.

She said the existing goals can be supplemented by the Design Principles shown on the screen (slide 13). She went through pictures of downtown Kent and places the public felt identified Kent (slides 14-15) She said she thinks #2 could be changed to : ensure that visual identity creates a sense of place.

Slide 17 reviewed the difference between design guidelines and design standards. Standards are objective criteria and are mandatory, whereas guidelines guide the conversation but are not mandatory.

Slides 19- 27 cover the Intent, Standards, and Guidelines for the Uses, Building Placement, Transparency of Storefront Design and Building Materials

Ms. Duggey Rogers stated they were writing a report on phase one and getting that to Council and concluding phase one of the project. She said two key things to think about are what we think of this proposed paradigm shift to thinking about Urban Design and the Public Realm and if they found the examples helpful.

Ms. Heidi Shaffer Bish began by stating that she did find this helpful to conceive of things in a different way. She likes to think of how it uses space and gives it a sense of place. She asked about transparency in the building- especially the photo of Huntington Bank. She asked about business owners putting offices on the first floor.

Ms. Duggey Rogers stated that at certain intersections you have to have something

besides offices. Other communities say they don't want to constrain themselves. These standards and guidelines can be tailored to Kent. She explained that an arcade would be where you have a cover and is much more prevalent in other parts of the country where the storefronts are set back from the first and second floor and you walk by under a covered area.

Ms. Shaffer Bish asked if you could see into the bank and see people working if that would be considered a more transparent kind of blended use. Ms. Duggey Rogers said you need to think seriously from a policy level where you want retail experience and if you even think it's necessary. You may think it's not necessary at all. She said depending on what you want to see going in on the inside is where thought will need to be put into thinking about which streets are most important.

Mr. Ferrara asked how you deal with theory and reality. He asked if we should create a standard that says we'd like to have transparency as a guideline, but a business doesn't want to do that. Are we going to turn them away because they don't meet the guidelines?

Ms. Duggey Rogers replied that's why she said we have to think tactically and strategically about where you want transparency. She said in the appeals process, whoever is reviewing them should be allowed to give modifications. Ms. Susel stated that we already have standards and the requirement is setbacks in the CD district and you can't have windows tinted, so we are operating under those standards every day with every developer that comes in. What we are trying to do now is to try to decide what we want as a guideline versus what we have in the zoning code. What happened is the guidelines that have been adopted are guidelines that have been codified so you are assigning subjective guidelines to statutory authorities, and that has resulted in many conflicts and challenges. We now need to figure out which of those guidelines we want to reflect in our community, so the standards are already there for the developers we talk to.

Mr. Ferrara then asked if we failed with the design of the police station, but said she didn't have to answer that question. She thanked him for not making her answer that question.

Ms. Duggey Rogers then asked about the term "diversity in the public realm" and what they didn't like about using that term. She said if they didn't like the idea of a diverse public walkway, to think about it as diverse would be the opposite of cohesive. It would be uniqueness. Those are just examples of ways to start thinking differently. Mr. Sidoti asked if the word 'contrast' would be better. She said no, I don't think we want to use the word contrast, but what we are attempting to say with that statement is that they do not all have to look alike. She said she understands that words connote things to people and we have to think about that.

Ms. Rosenberg asked how we balance the public realm concept with the rights of private property. She said she noticed by standards there is nothing there to respect the private property owner. She also thought it was remarkable that those attending the work session in July agreed on almost everything they find important, except for one.

Ms. Duggey Rogers said those were goals and are at a theoretical level right now, so we have to consider the goals of many. It was very telling that many of the existing goals were respected by and liked by the people attending the workshop. She added that if it had come back differently, it would have made for a much longer and more difficult conversation with Council.

Mr. Sidoti stated he noticed there was no mention of the word "preservation". He added that those places identified as distinctive Kent were older established buildings and may be reflective of a greater time. He asked if there is any room for developing the standards and guidelines for using the term preservation.

Ms. Susel answered by saying the city has a preservation ordinance that allows for a property owner to become designated as a local or state historic building. She added when Kent attempted to establish a historic district, which was after they already codified the guidelines, none of the property owners in that district wanted it. By having the historic preservation ordinance separate and distinct, anyone who wants to seek historic preservation has that opportunity without putting any restrictions or limitations on property owners that do not. She said she prefers ordinances and guidelines that actually match what we've been doing versus the challenges the Community Development department has been juggling for ten years.

Mr. Sidoti asked if somewhere the guidelines address the concept of preservation. Ms. Susel said preservation should be addressed in the preservation ordinance and if a property owner is interested in following that historic preservation, they can do so. She said they do not want to go about reflecting or mentioning historic preservation in the guidelines and definitely not in the standards.

Ms. Susel stated that one of the cohesive issues that has come up repeatedly in the Planning Commission and the Architecture Review Board is mass and size. Many issues in regards to Franklin Ave. and putting six-story buildings next to two stories. One of the Planning Commission members pointed out that when you look at Main Street, the hotel was always six stories higher than the two stories. That is what we are trying to point out why you can have a downtown that has variety and diversity and different approaches to the mass and the building structure, because everything on the block has to be two stories only.

Mr. Ruller mentioned there had been a lot of internal dialogue and help from consultants early on when the downtown was being redeveloped. All the principles used for our share of the public realm are very much in line with what is being talked about here tonight. One thing that is important is that when you really dig into the Kent "brand", what you hear a lot is that you have a unique personality that is human centered. Those are really high value points for visitors, residents and tourists. We have struggled with how you have cohesion but still have personality. He added they really do not want to lose our personality by making everything so homogeneous, because that is what distinguishes us from everyone else. Kent has a very diverse population. He said people don't come back to Kent because of its brick and mortar, but rather its personality.

Ms. Rosenberg responded to the questions asked of them, stating she likes the paradigm shift and how it was stated. She liked the way it moved the discussion forward. She thought the examples were helpful and offered another example of defining office space and added that if someone wanted to come into Acorn Alley and turn that into an entire office building, we have a guideline that prohibits something like this on Main Street. Mrs. Duggey Rogers said we are currently working at a higher level and will come back to Council in the future and suggest to Council where we think those intersections are so important that they need to have a higher level of choices made. She added that the design guidelines will most likely not be the same throughout the city. She does not anticipate things being the same across all levels, but there will be differences based on key intersections and key blocks and streets.

Mr. Turner asked about Mr. Ferrara's concern about the use of the word 'diverse' and wanted to get an answer from his point of view about what he meant. Mr. Ferrara answered that we try to manufacture diversity in building design and that it felt artificial. You have to let it evolve naturally with regards to the differences between buildings. He said he would talk to Mr. Turner after the meeting.

Ms. Shaffer Bish asked how we define downtown. In regards to the Overlay District, she asked if these are just applicable to the downtown as defined today. Ms. Duggey Rogers replied that would be another key policy choice. She added the existing Overlay District is

downtown as well as west of the river. Initial discussions occurred back in July about whether the standards should apply only in the areas zoned CD, which is your commercial downtown district. This will be another policy choice that will need to be made. We could not get to all of that tonight and limited this discussion to show you what the paradigm shift is. That is one of the large policy choices of whether Kent needs to narrow its district and not include the area west of the river.

Ms. Susel added that the addition of the term "Overlay District" was added when they were trying to decide if they wanted a historic district. The configuration of the buildings that were included was based on what was considered historic at that time. That is the other thing we have to remember. We call it the overlay, but that was based on the original design guidelines that were done for Main Street Kent on the premise that there was going to be a historic district, so even that needed to be evaluated. It also included many residential properties, and we have never in practice applied it to residential areas. The district didn't align with the guidelines and the guidelines were codified, so it's been a challenge to unbuckle. We need to change the use of some terms and decide on what area we want to apply this to.

Mr. Sidoti asked if it would be possible to get rid of the term "Overlay District" and just designate that CD district as where the standards and guidelines would apply. Ms. Susel said yes, and that the application to the CD district is logical in identifying standards that would apply to a street level approach and would expand upon this Urban Realm we are trying to make where people would come and want to stay. The overlay district as a concept really doesn't apply if you move things to standards and set guidelines for this downtown district.

Mr. Sidoti asked if this would change the responsibilities of the ARB. Ms. Susel said that is another thing that would need to be looked at. The ARB was created for a process that is unbundled, then we will have to look at that. She said once we get what we want codified as standards and come up with guidelines, then the next step would be to take a look at the ARB. She said preservation should be reviewed by the Committee on Design and Preservation, because that is what the Certified Local Government requirement is for the State of Ohio.

Mr. Sidoti said it was important to ask these questions to get information out so that people hear the complexities of what we're trying to do in our city collectively. Ms. Susel added, "we have to do what's best to promote the community as a whole going forward and put the authority for certain realms where they belong."

Mr. Kuhar thanked the consulting group and added he is looking forward to future discussions.

KERAMIDA Consultants for City's Climate Action and Response Plan

The Keramida Consultants provided a PowerPoint presentation covering their qualifications and the steps they are taking to develop a Climate Action Plan for the City of Kent.

Mr. McCreary, Senior Sustainability Manager at Keramida, introduced many people at the company working on research and also those present at this evening's presentation. He introduced his team, which included himself and Emilee Brown, the Sustainability Analyst on the project. Their goal is to introduce greenhouse gas reduction strategies that are in line with the 2015 Paris Climate Accord. He reviewed terms such as greenhouse gas reductions, sustainability and climate action. Their scope of work is climate action and that is specifically looking at greenhouse gas emissions. He added that this plan needs to be actionable and implemented in the community. They will not be coming in and telling

everyone what to do. Kent has a long record of environmental advocacy and action, so they are here to learn from Kent and shine a light on all of the amazing work already done, and frame action moving forward. The action is going to be based on science. This action plan will allow Kent to thrive in an ever changing world. The plan addresses both resilience and mitigation.

In regards to benchmarking, they are reviewing what other towns and communities are doing in climate action both in Ohio and the midwest- Toledo, Athens, Oberlin, Bloomington, Lincoln. They will be looking at both what they are doing and what they are not doing.

The next step of the process is community engagement. This is the step they are on right now, meeting with as many stakeholders in the community to get an idea about what will work for Kent and to be excited about doing it. A community event is going to be held on October 6, 2022.

Mr. McCreary next reviewed their Mitigation Matrix, which is where technical work begins to make recommendations and put data behind them. It's not just a scatter plot. There is a lot that goes into this.

Finally, there is the feasibility study, which you can think of as another layer of trouble shooting. They want to make sure it is feasible from a labor perspective and work with those carrying out the recommendation.

Next Steps

Keramida will begin taking input from community engagement and combine it with technical expertise and will bring back the feasibility study and create the plan and bring it back to Kent.

Ms. Shaffer Bish said she is really excited about this and that we are taking this seriously. She is a little disappointed that she just heard about this and is not able to attend the meeting tomorrow night. She is concerned about not being able to attend and wants to connect with people who might not be able to connect. Bridget Susel recommended she get information to Ms. Susel and Patti Long. She enforced the idea that this is a climate action plan, not the broad term of sustainability.

Mr. Turner asked about outreach and the educational component to the residents of the community. Mr. McCreary stated that education will be a key area addressed and will be integrated into the strategies of the why and the benefits of it.

Mr. Turner asked about the measurability and how success would be identified and communicated to the community. Mr. McCreary clarified if he was asking what the measurables are for the project. The measurements will be in metric tons of CO2 equivalent. They will determine a baseline and continually update the baseline. He said it varies based on information that is available. Through utility bills, we can evaluate greenhouse gas inventories. They use an emission factor based on grill capacity.

Mr. McCreary said they are very cognizant of needing to explain these technical terms to someone who knows little about the subject and thanked the Council for the time to introduce themselves.

Committee of the Whole

Board and Commission Interviews

Clerk Wilkens introduced Jeff Forstner who was here to interview for the Board of Zoning Appeals. Mr. Forstner introduced himself as a Kent resident who wished to get more involved in the community. He has an MBA and is familiar with Robert's Rules of Order as a board member for his church. He would like to see the Kent community develop and has a vested interest in this.

Ms. Heidi Shaffer Bish thanked Mr. Forstner for stepping up and applying. She asked what his relationship was with rental housing and if he had any particular attitude towards rental housing in the city of Kent.

Mr. Forstner said he is currently renting a house for his son. He said it is something that is important to keep control over the rentals for college students and understand first hand that you know the importance of being in the right zone and having good control.

Ms. Rosenberg asked what it was specifically about the Board of Zoning Appeals that appealed to him. He said he would like to learn more about the process and wants to help the committee. He has not had any experience with this board.

The next applicant was Laura Scarnecchia, applying for the Board of Zoning Appeals. She introduced herself as being a resident of Kent who resides on Vine Street. She is a 24-year Kent resident, having purchased her house when she was in graduate school with the intent of selling it as an investment when she graduated. By watching the town revitalize and grow, after ten years she is still there, remodeling her house. She has learned a lot about zoning and permits and has a bit of a passion for zoning. She has attended a couple of zoning meetings. She just came off a year of Leadership Portage County and loved it so much that she wants to contribute to the town and stay there.

Ms. Roseberg asked if she had any experience working on a board of zoning appeals. She said she did not.

Ms. Shaffer Bish asked the same question about rental housing and Ms. Scarnecchia said she was aware that it does not necessarily fall under the purview of the BZA, but as a home owner she has balanced the concern of balancing family-friendly occupancies along with student housing. She said the city has made leaps and strides as far as attracting home owners and keeping families here.

Mayor Fiala said they would vote on appointments at the meeting on October 19, 2022 and thanked everyone for applying.

City Hall Project Update

Ms. Melanie Baker, Service Director, came to the podium wearing a construction hard hat. She said they are steadily making progress on this project. She said most of the walls that will need concrete are up. She didn't realize how small the site was until they started building. Retaining walls have been placed, put up and poured. We will work with structural engineers on backfilling and waterproofing of the council chambers to try to keep that part dry. The elevator is almost all completed. Epic Steel asked if we wanted to be a part of a topping out ceremony for us and community members to sign. That will then be the last piece of steel placed and she is really excited about this.

There were no questions from the audience or from Council and Mayor Fiala thanked Ms. Baker for the updates.

Proposed Sustainability Part-Time Position

Mr. Ruller said there have been conversations with Kent State University about continuing to devote attention to sustainability and with the increase in action comes an increase in workload for staff. He said it is also an opportunity to continue the tradition of partnering with KSU. He said they feel like they need boots on the street with the climate action plan. They are trying to have a shared position with this person being an employee of the university who would invoice the City for their share.

Ms. Susel discussed the amount of work and effort that went into the Greenhouse Gas inventory. She added that this new position will address behavioral change and education. A lot of this will be to incentivize people to do things.

Ms. Gwen Rosenberg asked about funds with part-time positions and when speaking with residents, she needed to know what the return is on this investment. Ms. Susel discussed the CDBG low income incentives. She is in need of someone to structure new programs, finance them, make sure they follow all the rules and then help residents through the process. This is something that low-income households will definitely benefit from. They will be seeking grants from things such as charging stations. Kent will work with KSU through this shared position.

Mr. Ruller added this will start as a part time position for one year and if, after that year, everybody feels like it is not being used, that will be the end of it. We are giving ourselves options, but he has a feeling this will build on its own.

Ms. Susel says this is really technical and we need someone who can look at plans and look at how we can get a program from implementation to success.

Mayor Fiala asked about the job description if it would be 50/50 Kent State. Mr. Ruller said the job description was in the packet. The employee will work at Kent State University and half of their time would be for the City of Kent, and they will have KSU benefits.

Ms. Shaffer Bish asked about KSU's Office of Sustainability and if they saw a need for an additional person. Melanie Knowles, Sustainability Manager at Kent State University, said she is full time and is looking forward to having another half-time person to help with initiatives. They are trying to make the most of the time put into sustainability and their own climate action plan. We will come out of this with a lot of action items and to have someone who can work on education and outreach will be great.

MOTION TO AUTHORIZE PROPOSED SUSTAINABILITY PART-TIME POSITION MADE BY Ms. Heidi Shaffer Bish, SECONDED by Ms Gwen Rosenberg and CARRIED by a voice vote of 8-0-0.

Ms. Shaffer Bish said it is fabulous that we are doing this at the same time as developing an action plan. She is grateful that the city staff and the university have come forward with this and it will be great for our region.

Ms. Rosenberg said initially she was a little skeptical about the position, but from what she is hearing, there is a tremendous amount of opportunity in this growing field and making this investment now is a great step in the direction of securing our low income residents so they can get the assistance they need and also addressing what's happening with the environment.

Mr. Turner said it is outstanding that the university and the city are seeing things in the same way and identifying goals and objectives and that it is kind of a symbiotic that we can come together to make a tremendous difference down the road. He commended the university for being willing to work jointly on just both other categories and aspects that we have to deal with as a community, and so, would wholeheartedly support what we're doing

here.

Health and Public Safety Committee

Medicare for All

Ms. Joan Seidel came to the podium to introduce the next topic and read from a prepared statement (**Attachment #4**)

Mr. Max Brockwell came to the podium and thanked Council for the time to speak about healthcare and thanked Joan Seidel and the Health Department for their help with this. He said there was a lot to get to so he would dive right into the presentation (**Attachment 5**)

Slide One: Mr. Brockwell reviewed the outline for their talk. He said they will cover why it is important for Kent to pass this resolution, the benefits of Medicare for All and then summarize and give time for questions and counter arguments.

Slide Two: He reviewed how changes in US law typically start at the local level to help build a larger coalition

Slide Three: The next slide gives an overview of national changes that began with local resolutions, such as the 17th Amendment, the Nuclear Freeze Campaign and the Women's Suffrage Movement.

Slide Four: He reviewed the cities in Ohio which have already passed a resolution and those cities which have efforts underway.

Slide Five: Reviewed the many medical societies and organizations that support single-payer healthcare

Slide Six: Map of all campaigns nationwide launching Medicare for All

Slide Seven: Part Two- The Vision and Benefits of Medicare for All

Slide Eight: Covered the details of what is in the Med-For-All Bill

Slide Nine: Expansion of Medicare to cover all services, eliminate out of pocket expenses and is truly universal

Slide Ten: Improved and Expanded Medicare for All

Slide Eleven: Discussed the economic side of the bill

Slide Twelve: Provided a Summary of the Medicare for All Act

Ms. Shaffer Bish asked if Medicare for All would have an impact on physician's pay. They responded it would, and it is a common myth that is brought up a lot. The Congressional Budget Office, which is a nonpartisan Federal Agency that works through every piece of legislation that comes through Congress and does budget analysis. They are estimating that providers would increase their revenue by five to nine percent. He said there would also be a lot less time for physicians negotiating with insurance companies or hiring billing clerks.

Ms. Shaffer Bish asked if the administrative costs would be reduced. They showed information of a hospital system's administrative costs, having a total of 957 beds throughout their entire system but employing 1600 billing clerks. That is where the biggest burden comes from, trying to navigate all of the health insurance plans that are out there.

Mr. Sidoti asked what would happen to those 1600 billing clerk jobs if there is a single-payer healthcare system. Part of the roll out plan would enable those people to have five years of full financial pay. He said part of the bill states those people would get preferential hiring if there were openings for positions.

Both Mr. Kuhar and Mr. Ferrara voiced concerns over the Medicare for All Bill and said they are not in support of the resolution. Mr. Kuhar knew a hospital administrator at University Hospitals that he had discussed this with, and hopes to have him come to the next meeting to explain his reasons as to why this is not a good idea. Mr. Ferrara said he

had heard of situations where care is delayed and people have to wait more than six months to receive an MRI.

Ms. Rosenberg voiced concerns and issues she has run into as a small business owner and is in favor of the resolution.

Mr. Turner voiced his concerns about affordability and receipt of healthcare for the benefit of all. He said we are all in this together.

Mr. Amrhein asked if there were any comments from the audience.

Mr. Jeff Maciano from Mentor, Ohio said this is really about eliminating waste in the healthcare system to free up doctors to be able to see more patients.

MOTION TO PASS A RESOLUTION IN SUPPORT OF MEDICARE FOR ALL MADE BY Ms. Gwen Rosenberg, SECONDED by Ms. Heidi Shaffer Bish and CARRIED by a voice vote of 6-2-0.

Land Use Committee

Repeal and Sequencing of Annexation Legislation

Mr. Ferrara opened up the Land Use Committee Meeting at 8:48 p.m. He introduced Ms. Hope Jones, Law Director.

Ms. Hope Jones said that at the last meeting the annexation ordinance was passed out of order. She said she needed two motions, one to rescind ordinance 2022-098 and then one to approve accepting the land.

MOTION TO REPEAL 2022-098 MADE BY Mr. Michael DeLeone, SECONDED by Mr. John Kuhar and CARRIED by a voice vote of 8-0-0.

MOTION TO APPROVE ACCEPTING ACREAGE FROM FRANKLIN TOWNSHIP MADE BY Mr. Roger Sidoti, SECONDED by Mr. John Kuhar and CARRIED by a voice vote of 8-0-0.

There were no questions from Council or from the audience and the Land Use Committee adjourned at 8:55 p.m.

Streets, Sidewalks & Utilities Committee

Hudson Road Resurfacing Agreement and OPWC Submittal

Mr. Bowling said they were contacted six weeks ago by the Portage County Engineers Office that Franklin Township would like to do a joint project to resurface Hudson Road. We are requesting approval to submit to OPWC with the township and execute a cooperative agreement.

Ms. Heidi Shaffer Bish asked if bike lanes would be added all the way to the bike trailhead. Mr. Bowling said it would go to Judson Road. This is phase 5. Ms. Shaffer Bish said that is a very dangerous stretch and should help.

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

MOTION TO AUTHORIZE HUDSON ROAD RESURFACING AGREEMENT AND OPWC

SUBMITTAL MADE BY Mr. John Kuhar, **SECONDED** by Mr. Jack Amrhein and **CARRIED** by a voice vote of 8-0-0.

ODOT - Municipal Bridge Inspection Renewal

Mr. Bowling said this is a renewal to perform our bridge inspections. This began in 2014.

There were no questions from Council nor the audience.

MOTION TO AUTHORIZE ODOT - MUNICIPAL BRIDGE INSPECTION RENEWAL MADE BY Mr. Jack Amrhein, **SECONDED** by Mr. John Kuhar and **CARRIED** by a voice vote of 8-0-0.

That concluded the Streets, Sidewalks and Utilities Committee.

Finance Committee

Budget Appropriation Amendment

Ms. Rhonda Hall came before Council to request their approval for this month's budget appropriations.

There were no questions from Council or the audience.

MOTION TO BUDGET APPROPRIATION AMENDMENT MADE BY Ms. Heidi Shaffer Bish, **SECONDED** by Mr. Jack Amrhein and **CARRIED** by a voice vote of 8-0-0.

Executive Session

MOTION TO ENTER EXECUTIVE SESSION TO DISCUSS AND EMPLOYEE EVALUATION AND COMPENSATION AND BOARDS AND COMMISSIONS MADE BY Mr. Jack Amrhein, **SECONDED** by Mr. Roger Sidoti and **CARRIED** by a voice vote of 8-0-0.

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

Absent: Ms. Tracy Wallach

MOTION TO RETURN TO REGULAR COUNCIL MEETING MADE BY Mr. Roger Sidoti, **SECONDED** by Mr. John Kuhar and **CARRIED** by a voice vote of 8-0-0.

MOTION TO AUTHORIZE an Employee receiving a one-time reconciliation of deferred compensation which will be a total amount from 2008 to 2022 equal to the percentage increase of Employee's salary each of those years **MADE BY** Mr. Garret Ferrara, **SECONDED** by Mr. Jack Amrhein and **CARRIED** by a voice vote of 8-0-0.

The Committee Meetings adjourned at 9:45 p.m.

Amy Wilkens
Clerk of Council

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.

DRAFT

The US spends \$3.3
Billion annually on
unnecessary
lighting,

Choose:

- PC Amber
- Dimmable
- Time and motion sensors
- Use shields

Changes made
NOW will last
20 years.

80% of Americans
cannot see the
Milky Way.

Brighter
does not =
safer

Millions of birds die
yearly by flying into
needlessly illuminated
buildings.

Overlighting is detrimental to plant and animal life, disrupts hunting/feeding, migration and nesting, pollination = species die-off.

Exposure puts
humans at risk for
cancer and other
diseases.

Lighting in the BLUE spectrum interrupts our circadian rhythm and hormones.

= 875 million
trees every year.

Releasing 21
million tons of
CO₂ a year,

Light Pollution is inappropriate or excessive use of artificial light, resulting in glare, skyglow, and light trespass.

Light Pollution is a
solvable
environmental
crisis.

 END CORPORATE RULE. LEGALIZE DEMOCRACY.
MOVE TO AMEND

KENT DEMOCRACY DAY TESTIMONY

Greg Coleridge, Co-Director, Move to Amend

October 5, 2022

I'm Greg Coleridge, Co-Director of the national Move to Amend campaign.

There is a Chinese proverb that says, *"Unless we change direction, we are likely to end up where we are going."*

If we're honest with ourselves about the direction of what little democracy we have, which truthfully was never as much as it should have been from day one in our country, then where we're headed is a monarchy, plutocracy and corpocracy – not to mention an autocracy – all rolled into one.

There is no single cause for this, but major factors are the more than century-long series of bizarre Supreme Court decisions anointing corporations with constitutional rights – corporate personhood some call it – and decades-long series of bizarre Supreme Court decisions anointing money in elections as equal to First Amendment-protected "free speech."

Abolishing corporate constitutional rights and money as speech are the two central components of HJR48, the We the People Amendment – now supported by 95 U.S. Representatives – including Tim Ryan – more than 650 organizations and over 700 communities that enacted either a municipal resolution or passed, like Kent, a citizen-driven ballot initiative.

The leadership of this national effort has come from the bottom-up – from people like Bill Wilen, Lee Brooker and others in Kent who educated, advocated and organized for passing the initiative calling on Congress to pass HJR48.

But people like you, elected officials – both individually and collectively – have an extremely important role – if you so choose – to complement this effort.

Here are six actions you can take to move this movement forward:

1. Publicly call out any “pay-to-play” instances – in which developers or others who want something in Kent donate (or, more accurately, invest) to political campaigns of one or more councilpersons just before or after they receive what they want.
2. Don’t be intimidated to pass ordinances that protect the health, safety or welfare of Kent residents by corporate threats that they will preempt the law by going to the state legislature or to court claiming their corporate constitutional so-called “rights” have been violated.
3. Encourage council colleagues you know in Ravenna and/or any other communities in Portage County and beyond to join the hundreds of other communities that have passed resolutions calling for abolishing money as free speech and corporate constitutional rights. Sample resolutions in support of the We the People Amendment are at <https://www.movetoamend.org/pass-local-resolution>
4. Introduce a resolution supporting passage of HJR48 to your County political party.
5. If Tim Ryan wins his race, pass a resolution encouraging him to introduce HJR48 in the U.S. Senate – since he already cosponsored the measure in the House.
6. Finally, personally, don’t accept large individual contributions and corporate PAC funds for your political campaigns. I realize that under the current political reality, it takes an increasing amount of money to run and the threat of so-called “independent” funding from Super PACs and dark money groups is real, but commit to working at collecting smaller donations from more individuals as much as you can – while at the same time calling for passing HJR48.

It’s time to abolish the corrupting influence of big money in elections – which is legalized bribery – and corporate rule. It’s a major way to change direction before we end up where we are headed.

Feel free to contact me at greg@movetoamend.org for any questions or ways I can assist any of you individually or Kent City Council collectively.

Thank you.

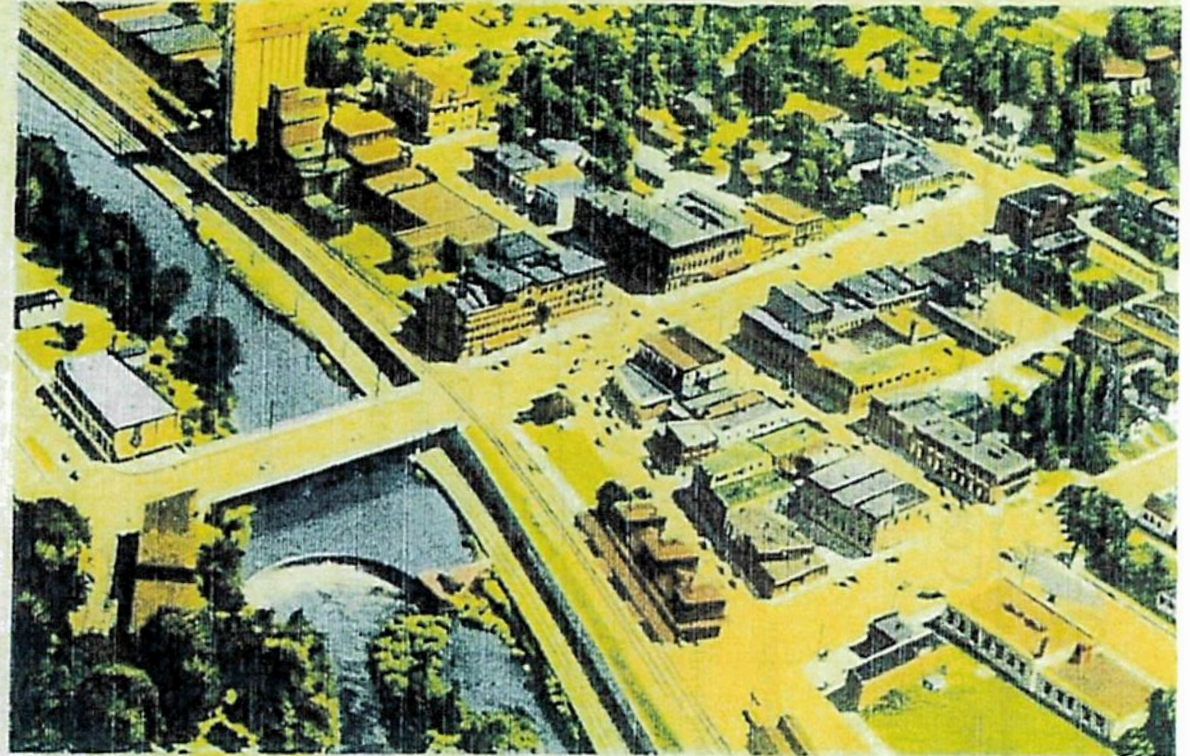
UPDATE TO DESIGN GUIDELINES

Kent, OH

10/5/2022



Aerial View of Business District, Kent, Ohio



ALISA DUFFEY ROGERS, AICP

KRIS HOPKINS, FAICP



LEADING THROUGH
the next 100 years





PHASE 1

Comprehensive evaluation of relevant planning documents and the existing built environment

PHASE 2

Develop the substance of the revised design guidelines, based on Phase 1

PHASE 3

Provide the revised Design Guidelines suitable for adoption

PROCESS FOR UPDATING THE DESIGN GUIDELINES

WHAT IS URBAN DESIGN?



6



THE ART OF DESIGNING
THE PUBLIC
ENVIRONMENT OF A
CITY, INCLUDING THE
INTERFACE BETWEEN
PRIVATE PROPERTIES AND
THE PUBLIC
ENVIRONMENT

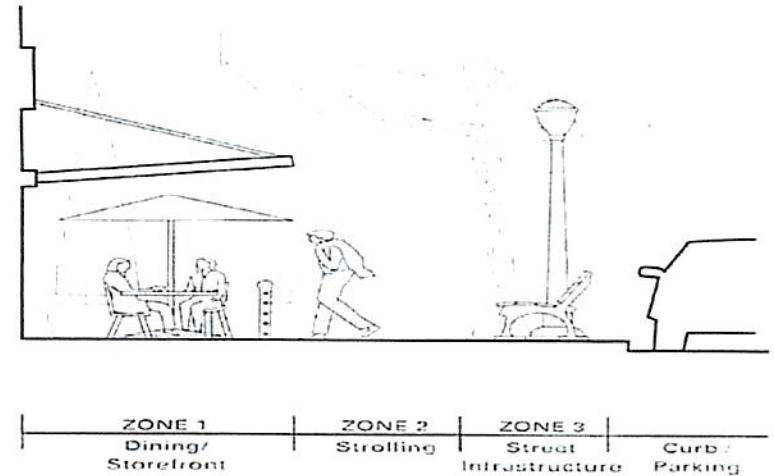


10

PUBLIC
REALM;
MORE THAN
INDIVIDUAL
BUILDINGS

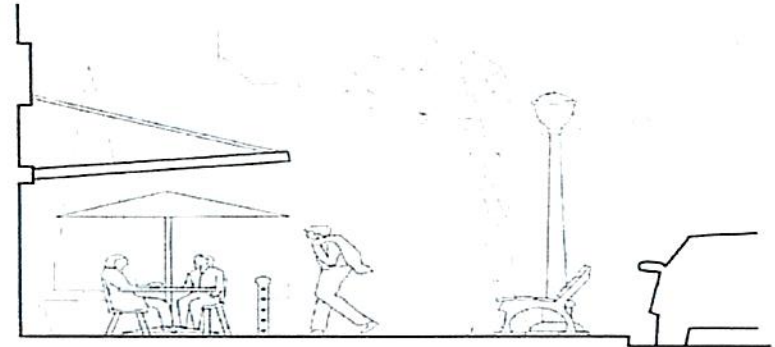
PACIFIC EAST Japanese & Malaysian Restaurant

Public Realm



The Public Realm belongs to everyone. It includes the streets, squares, parks, green spaces and other outdoor places that require no key to access and are available to everyone.

Public Realm



ZONE 1	ZONE 2	ZONE 3	
Dining/ Storefront	Strolling	Street Infrastructure	Curb/ Parking

- People prefer enclosed spaces
- The public realm is positive space defined by building edges
- Buildings define the limits of public space/realm
- Building form makes the public realm
- Street Enclosure: Define the outdoor room
- Activation – View the inside from the outside & vice versa

Achieve good design to help economic vitality and sustain property values.

Ensure that visual identity remains cohesive.

Facilitate connectivity with Kent State University.

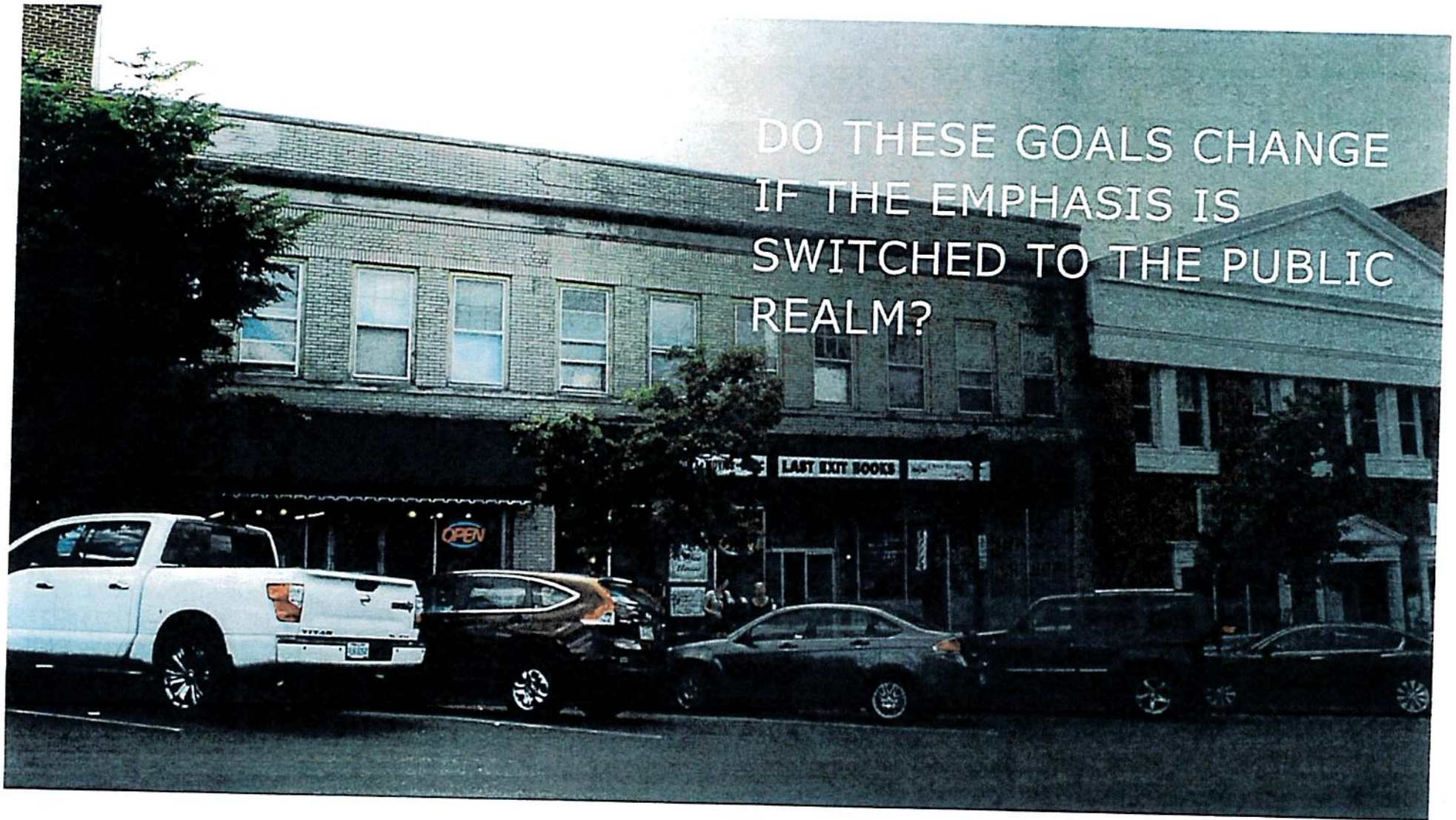
Assist developers with design guidance; educate the public about good design and incentives.

Make Kent a destination place for visitors.

Attempt to preserve significant structures, when possible and practical.

GOALS FOR EXISTING DESIGN GUIDELINES

1. The project is a high priority for the organization.		Depends Unsure
2. The project is a high priority for the organization.		
3. The project is a high priority for the organization.		
4. The project is a high priority for the organization.		
5. The project is a high priority for the organization.		
6. The project is a high priority for the organization.		
7. The project is a high priority for the organization.		Unsure Maybe



12



Which Downtown Building says "This is Kent"?



East side of Water Street



West side of S. Water Street



West side of N. Water Street



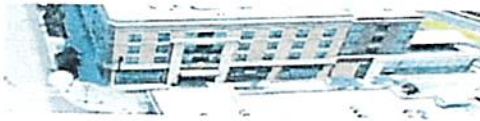
West side of Franklin Street between W. Main Street and W Erie Street



East side of Franklin Street between W. Main Street and W Erie Street

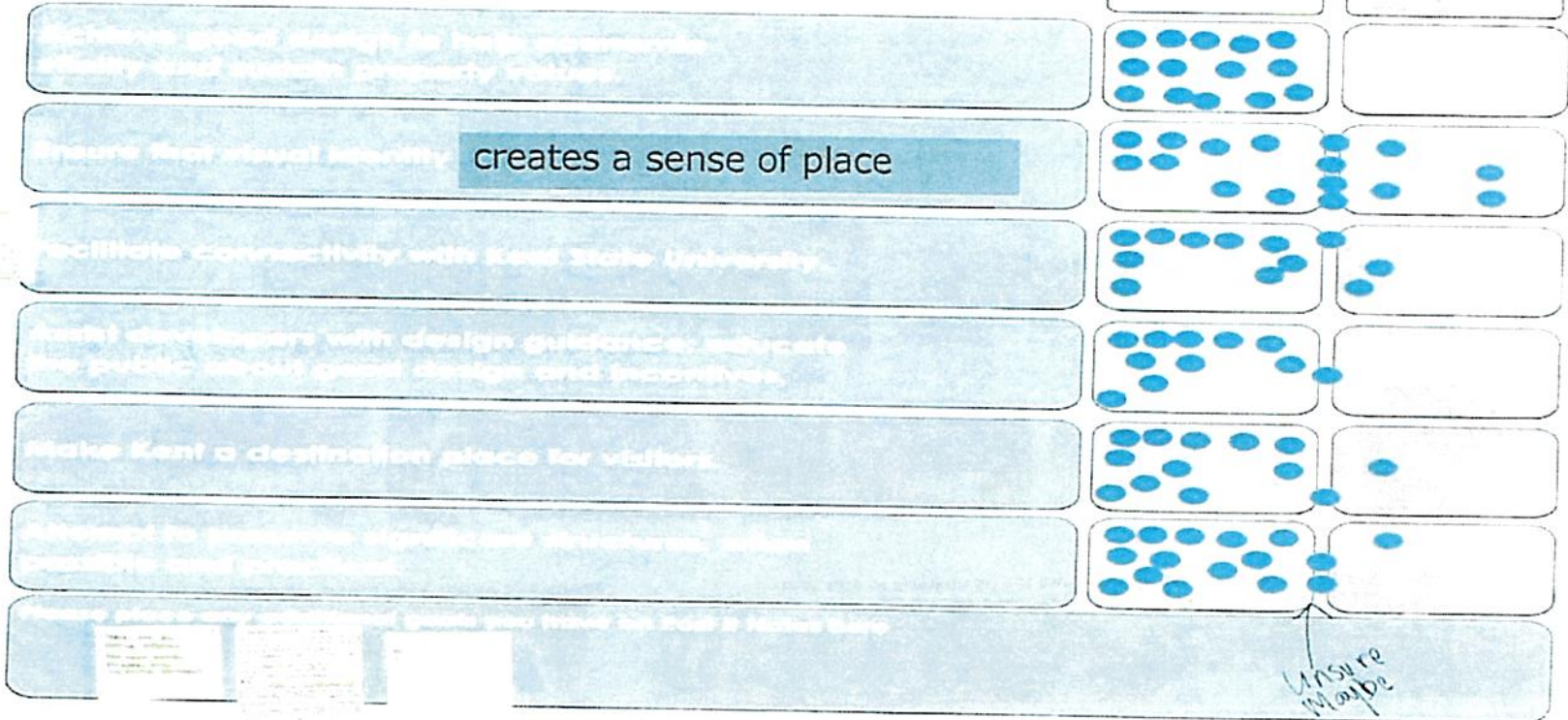


West side of S. Depeyster Street



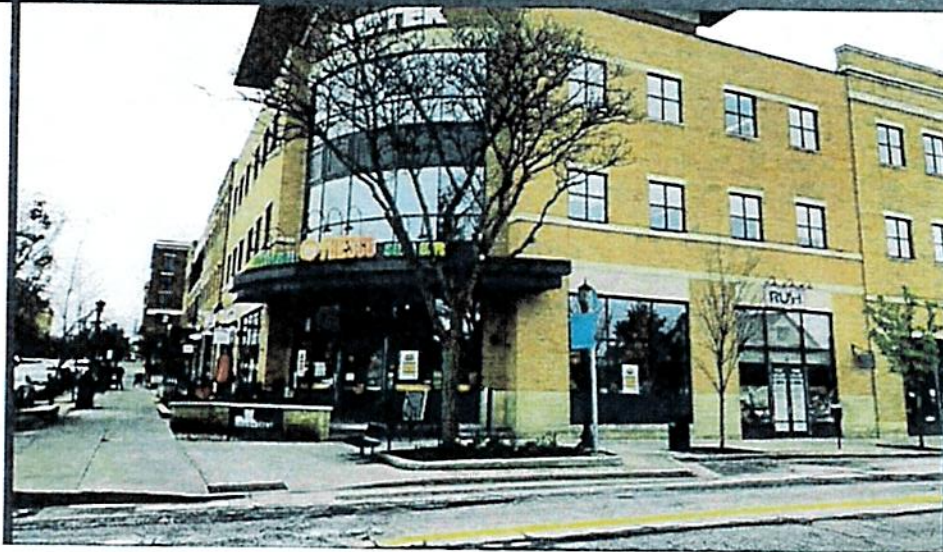
East side of S. Depeyster Street

Kent is a place where people want to live, work and play. It is a place where people want to be part of the future. Kent is a place where people want to be part of the future.



15

What are Design Guidelines/Standards?



Standards

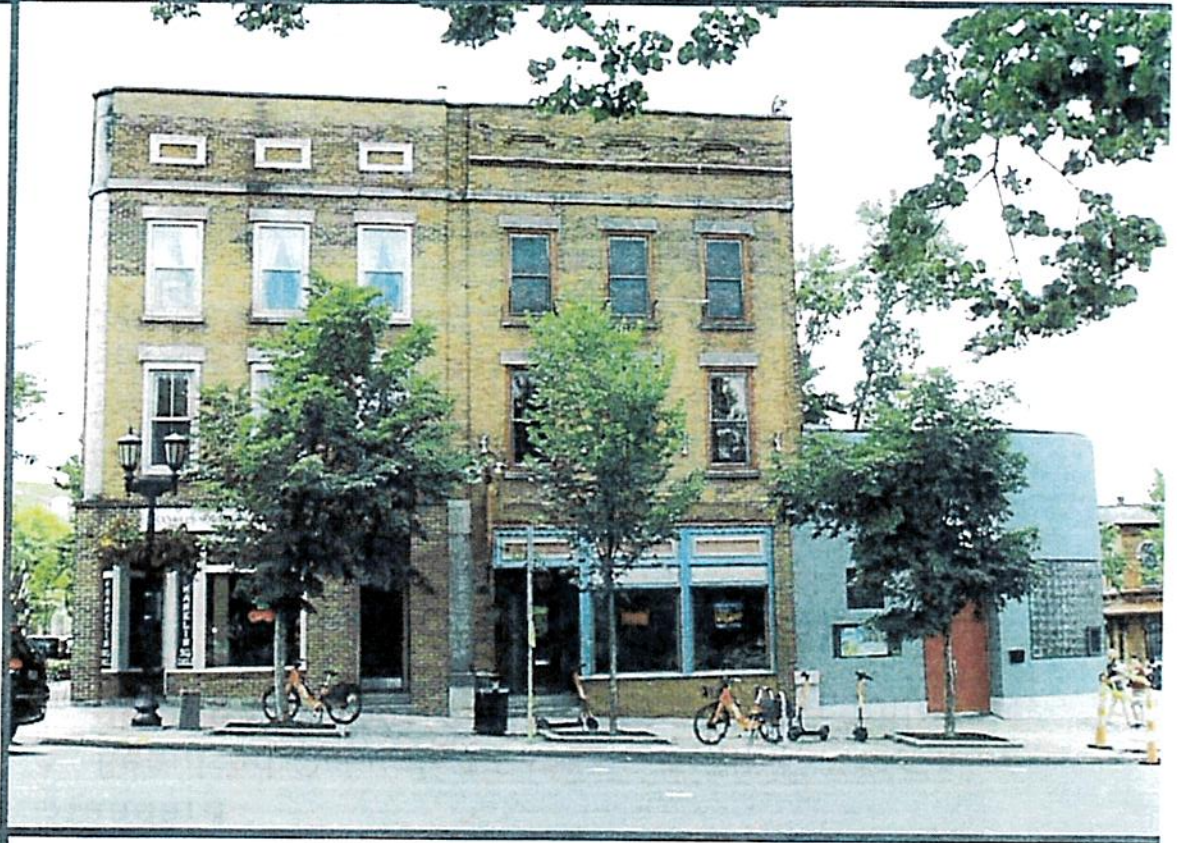
- Objective Criteria
- Mandatory

Guidelines

- Guide the Conversation
- Not Mandatory

Topics for Standards & Guidelines

- ☐ Building Placement
- ☐ Mass & Scale
- ☐ Pedestrian Oriented Design
 - Uses
 - Façade Articulation
 - Storefront Design
 - Awnings
- ☐ Building Materials
- ☐ Lighting
- ☐ Signs





Uses

Intent

- To activate the public realm through a variety of uses
- To encourage flexible street level designs that can accommodate a variety of uses over time
- To encourage street level design and uses that contribute to public safety

Standard

- Required Occupied Space – Minimum 30 feet deep on ground/first floor from the Building's façade

Guideline

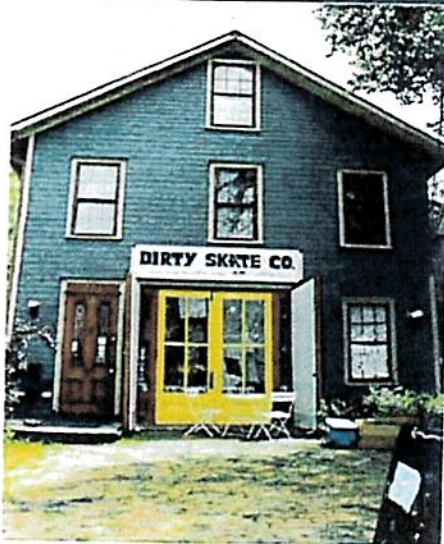
- On key streets, the street level should be developed with as much street-oriented commercial frontage as practicable.
- Designs that require shoppers to enter internal malls or lobbies before entering shops should be avoided.



Building Placement

Intent

- To promote active pedestrian-oriented streets
- To promote engagement between building uses & the Public Realm
- To encourage additional space for pedestrian activity and related amenities



Existing Zoning Standard - No setback from the front building line of a parcel is permitted except to allow for a pedestrian use area or for variations in entry features. Buildings must be built flush with the sidewalk and have their facades aligned with, and when possible, jointed to those of adjacent buildings.



Building Placement

Standards

- Minimum Primary Lot Line Coverage = 90%
- An Enhanced Commercial Setback shall be arranged to promote pedestrian activity and engagement of interior uses as follows:
 - Provide at least 5 feet but no more than 10 feet to extend the public realm between the sidewalk and building where significant pedestrian traffic or outdoor uses are anticipated, especially along key streets
 - Locate Enhanced Commercial Setback at grade with the adjacent sidewalk
 - Incorporate pedestrian-oriented design features, including public art, building entries, plazas, outdoor seating, landscaping, etc.

Guidelines

- Enhanced Commercial Setback areas should be located in areas where limited sidewalk width otherwise inhibits outdoor use areas.

Storefront Design - Transparency



Intent

- To provide a minimum level of transparency on all facades
- To ensure that building activities are visible from the Public Realm and vice versa
- To ensure that building facades do not cause glare or negative impacts to the Public Realm



Storefront Design - Transparency



Standards

- Storefronts shall contain transparent glazing that reveals the activities of the establishment.
- Commercial building façades fronting on public streets shall not be less than 70% clear glazing on the ground floor to reveal the activity of the building to pedestrians and to activate the street. All glazing shall have a minimum of sixty percent (60%) light transmittance factor at street level.
- No portion of the building façade shall have highly reflective glass (maximum reflectance factor of 0.25) and there shall be no reflective coatings on the first surface (i.e. exterior) of the glass.





Storefront Design - Transparency

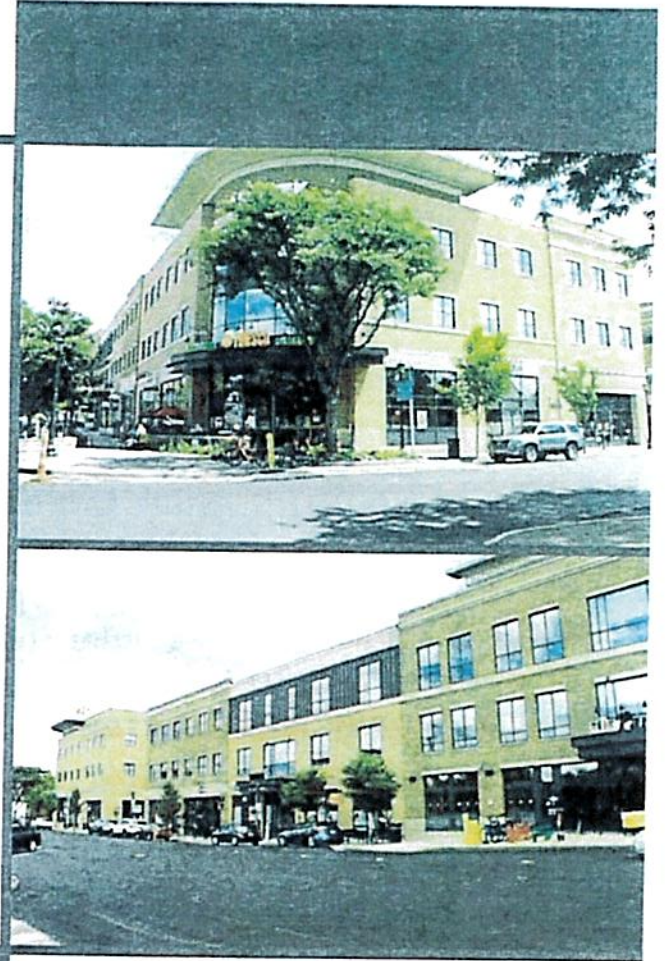
Guidelines

- Good visibility into retail spaces should be provided.
- A generous ground-floor-to-ceiling height should be provided to encourage an attractive retail space.
- Arcades are discouraged unless crafted as an integral part of the design of an entire block face.
- The location and patterns of glazing should enhance building function and scale.
- Recessed glazing, substantial glass framing and mullion patterns should be used to provide depth and visual character to building façades and should consider the play of sunlight across the façade.

Building Materials

Intent

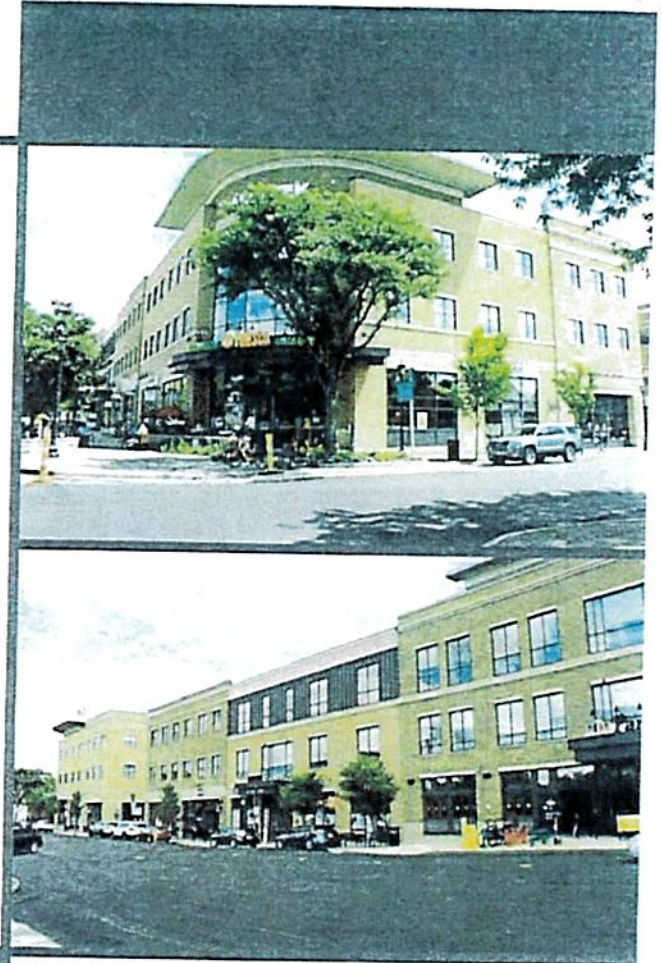
- To encourage use of well-detailed exterior materials with texture and depth that enhance the public realm
- To integrate changes in exterior building materials with the overall design and articulation of the building
- To promote use of a variety of high-quality durable exterior materials that enhance and reinforce the Overlay District's image
- To ensure the consistent use of quality materials appropriate to the pedestrian environment
- To encourage human-scaled buildings through the use of well-detailed and articulated materials, individually and in combination. This is to ensure that monolithic, monotonous walls are avoided.



Building Materials

Standards

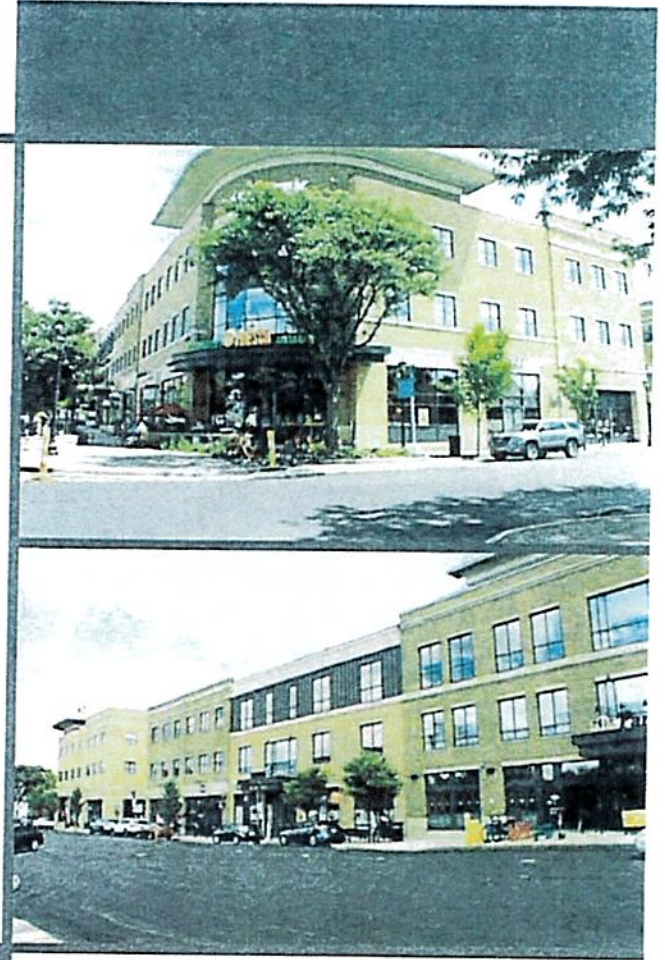
- Façades at street level that face the public right-of-way, private streets or open space shall be constructed of material that is durable and appropriate to pedestrian contact.
- Exterior building materials and finishes shall be detailed to articulate texture and depth.
- Architectural cast-in-place concrete shall incorporate textural detailing, color, and finish elements to ensure a high-quality final surface.
- Cementitious stucco, Exterior Insulating Finish Systems (EIFS), vinyl siding, and cinder blocks shall not be used on any visible facade. Mirrored glass shall not be used on the ground or first floor.



Building Materials

Guidelines

- All visible facades of a building should be treated equally in terms of materials, color, and design details.
- The use of highly reflective materials that generate glare and heat, especially at the street level, should be avoided.
- Synthetic materials should be used in ways that reflect their intrinsic characteristics and avoid application of imitation or false replication of natural materials.
- Changes in building materials should be coordinated with changes in building mass and articulation.
- Use materials that convey a sense of human scale; that is, meant to be experienced by the pedestrian, not the vehicular user.
- While excessive uniformity and monotony are discouraged, variations in materials and colors must be composed and balanced to create a unified whole.



FINAL COMMENTS



Ghandi said, "It is health that is the real wealth and not pieces of gold and silver." As I experience life I agree more and more with his statement.

Good health is the foundation for us to be productive, active members for society. Yet, optimal health is elusive for many. Good health is not just a factor of the daily choices we make, many, even those with insurance do not always have access to the care they need, or afford the medical care choices a diagnosis presents. Please understand I am not saying all people should have the exact same level of health, but instead I am saying social determinants must not be what holds individual back from achieving their best health.

Medicare for all is a plan that addresses much of what is lacking in health care currently. Our Senators and Representatives need to know there is local support for healthier communities. Most defiantly it is important to contact our legislators and let them know our concerns one to one. But to amplify our goals for a healthy Kent, we need to join with other cities who have already passed similar resolutions on Medicare for all.

Having access to preventative care would lend itself to healthier workforce which would make for a stronger economy. If you are fortunate enough to have employer provided healthcare you know there are still parameters set in place by the plan. What is in network and what is not influences our health. Personally, in other jobs I had the "choice" of a healthcare plan that had an annual \$10,000 deductible. Myself and those of my family covered by that plan had the minimum of interaction with providers because even with the high cost of healthcare and procedures, it was not possible to meet the deductible. Every visit was out of pocket. Choice, under these conditions, was an illusion.

Before I turn the microphone over to Max who will share more details that will be helpful in your deliberations on the resolution I just want to mention I sent out a memo on holding a flu vaccine drive through clinic here at station one for employees and their family on October 19th from 1100-1300. We will have high dose as well as standard quadrivalent flu vaccine.

Resolution to Support Medicare For All

Presented by medical students & Kent residents:

- Max Brockwell
- Michael Massey

Coming Up: Part One

- Part One→ 1. Why it is Important for Cities, like Kent, to Pass this Resolution
- Part Two 2. The Vision & Benefits of Medicare For All
3. Pause for Q&A - Summarize & Outline Common
- Part Three 4. Myths
5. Supplemental Slides: Addressing Counter-Arguments
6. Summary & a call to action!

Part One: Importance of a Grassroots Movement, with local resolutions

1. Large historical precedent for local organizing building towards large change
 - Most well-known changes in US law started with resolutions
 - Each local win builds a larger coalition; Closer to the end goal
2. Resolutions are more effective at shifting the narrative than individual advocacy; however, every avenue is being pursued
 - Resolutions across the country
 - Local Legislator Communication
 - Advocacy on the National Stage



1. Examples of Nat' Changes that Began w/ Local Resolutions

- The 17th Amendment - Direct Election of Senators
 - Was drafted and passed by congress, only after 25 states passed a resolution calling for this amendment
- The Nuclear Freeze Campaign - Grassroots campaign calling for the de-escalation of the Cold War
 - 1979: it started with public demonstrations and city resolutions.
 - 1982: A Freeze Resolution was passed in Cleveland, Akron, Youngstown, Columbus, and 24 other cities in Ohio before... **being passed right here in the City of Kent!**
 - 1982: Sens. Kennedy & Hatfield introduced a national resolution, which passed in the house.
 - By 1983: Freeze had been endorsed by 370 city councils, 71 county councils, and by one or more houses of 23 state legislatures.
 - 1984: it was supported by most of the Democrats and became part of their platform
 - 1988 & 1991: 2 treaties were signed between the US and Soviet Union to dismantle various nuclear weapons
- Both the Women's Suffrage Movement and the Civil Rights Movement involved grassroots campaigns in cities, within school districts, and state governments before gaining national momentum

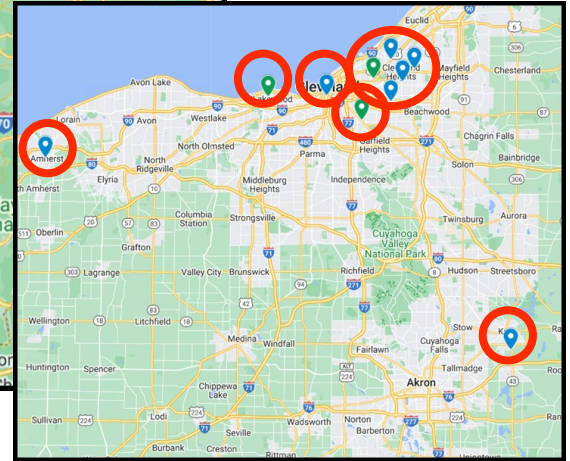
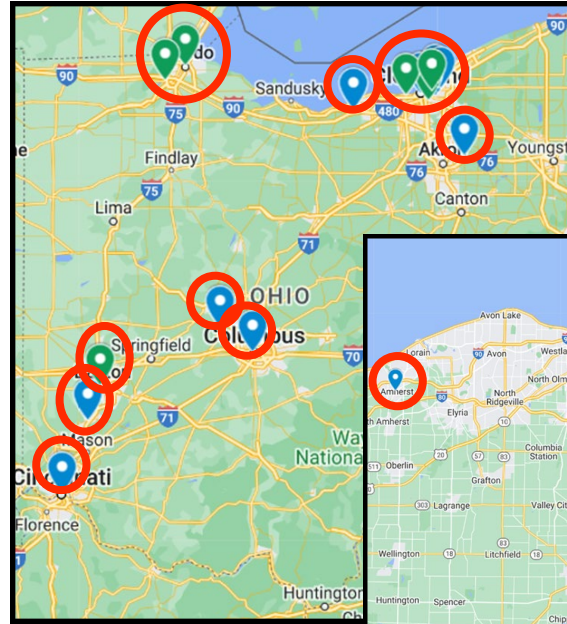
2. All Campaigns we are Launching to Pass Medicare For All

Passed Ohio Resolutions:

- Cleveland Heights
- Lakewood
- Newburgh Heights
- Toledo
- Dayton
- Lucas County

Resolutions Efforts Underway:

- **Kent**
- Cleveland
- East Cleveland
- South Euclid
- University Heights
- Shaker Heights
- Amherst
- Columbus
- Cincinnati
- Plain City
- Franklin County



2. All Campaigns we are Launching to Pass Medicare For All

Many Medical Societies and Organizations support Single Payer Healthcare

Passed Medical Society Resolutions

- Hawaii Medical Association
- New Hampshire Medical Society
- Vermont Medical Society
- Washington State Medical Association
- American Medical Student Association

Medical Society Resolutions Underway

- **Ohio State Medical Association**
- Pennsylvania Medical Society
- Indiana State Medical Association
- Michigan State Medical Society
- Illinois State Medical Society
- Wisconsin Medical Society
- Kentucky Medical Association
- ... AND MORE

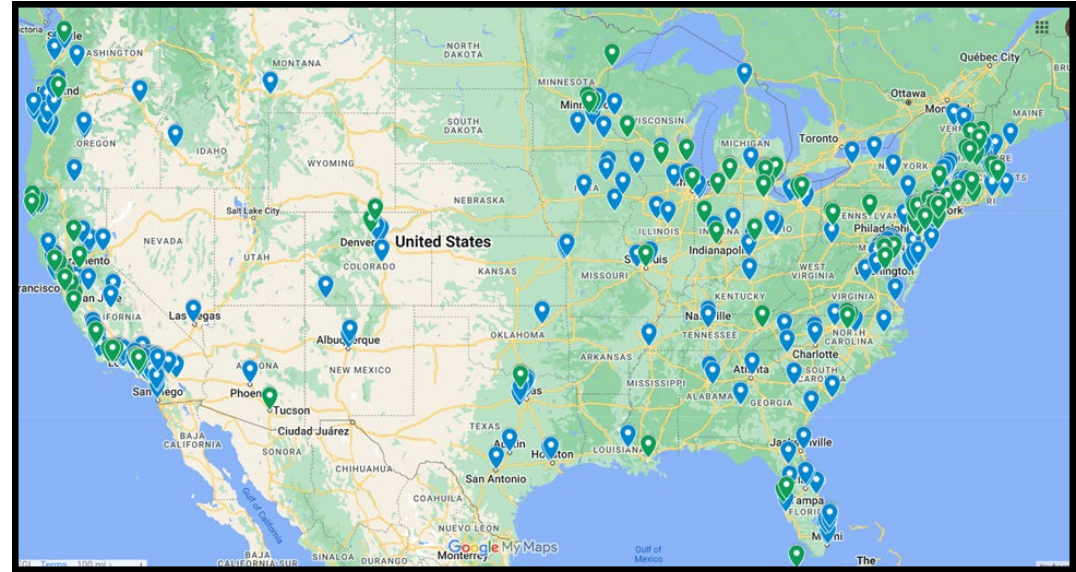


HEALTHCARE-NOW!



2. All Campaigns we are Launching to Pass Medicare For All

Truthfully, we could be here for hours discussing the details of national efforts of this movement



Coming Up: Part Two

- Part One
1. Why it is Important for Cities, like Kent, to Pass this Resolution
- Part Two→
2. The Vision & Benefits of Medicare For All
 3. Pause for Q&A - Summarize & Outline Common Myths
- Part Three
4. Supplemental Slides: Addressing Counter-Arguments
 5. Summary & a call to action!



1. What is actually in the new Med-For-All Bill? (Outline)

- TITLE I- Establishment of the Medicare For All Program; Universal Entitlement to Benefits; Enrollment
- TITLE II- Comprehensive Benefits, Including Benefits for Long-Term Care
- TITLE III- Provider Participation
- TITLE IV- Administration
- TITLE V- Quality of Care
- TITLE VI- National Health Budget; Provider Payments; Cost Containing Measures
- TITLE VII- Universal Medicare Trust Fund
- TITLE VIII- Conforming Amendments to the Employee Retirement Income Security Act of 1974
- TITLE IX- Additional Conforming Amendments
- TITLE X- Transition to Medicare for All
- TITLE XI- Miscellaneous



2. Comparing the Different Healthcare Proposals

Bernie Sanders' & Pramila Jayapal's bills are the only proposals that:

- ✓ Expands Medicare to cover all services
 - ❑ Others neglect vision/dental/mental/long-term care
 - ★ If these services are left uncovered, patient health suffers
- ✓ Eliminates all out-of-pocket expenses
 - ❑ Others keep some or all out-of-pocket expenses (premiums, etc.)
 - ★ Currently, Medicare only covers 80% of costs→ Still penalizes seeking care
- ✓ Is truly universal, everyone gets this expanded Medicare plan
 - ❑ Others keep private health insurance in place for much longer, or permanently
 - ★ Keeping a fractured payment system is one of the leading reasons for wasteful administrative spending in the US



3. Improved and Expanded Medicare for All

Comprehensive coverage

- Preventive services
- Hospital care
- Physician services
- Dental services
- Mental health services
- Medication expenses
- Reproductive health services
- Physical/Occupational Therapy
- Home Care/Nursing home care/Long term care

“All medically necessary services”

No co-pays or deductibles



3. Improved and Expanded Medicare for All

Economic Side

- Funded by progressive taxes based on ability to pay and modest taxes on Wall Street
 - (At least the lowest 80% of income earners save money)
- Provides immense administrative savings (estimated ~\$500 billion annually)
- Eliminates patient out of pocket expenses (co-pays, premiums, deductibles)
- Allows for more bargaining power for lower drug prices



4. Summary - The 2022 Medicare for All Act

- ✓ Implements universal, comprehensive healthcare coverage with a 4-year rollout plan
 - ✓ Automatically enrolls children and newborns into program
 - ✓ Creates a temporary Medicare-Buy-In and Public Option program
 - ✓ Improves Medicare for the 4-year transition period by:
 - ✓ Caps out-of-pocket expenses: \$1,500 Co-Insurance, \$305 Prescription, \$0 Deductibles
 - ✓ Improves access: Dental/Vision/Hearing Services & Enrolls people w/ disabilities
 - ✓ Provides 5 years of complete worker assistance to health insurance workers
- ✓ Drastically reduces out-of-pocket expenses for patients
 - ✓ Eliminates Co-Payments, Co-Insurance, Premiums, and Deductibles
 - ✓ \$200 cap for out-of-pocket payments on prescription drugs
- ✓ Covers all medically necessary procedures w/ an appeal process for experimental ones
- ✓ Allows the government to negotiate down drug and medical supply prices, which is not allowed under current Medicare law, and not possible for individual private health insurance company to do



Coming Up: Part Three

- Part One
1. Why it is Important for Cities, like Kent, to Pass this Resolution
- Part Two
2. The Vision & Benefits of Medicare For All
- Part Three →
3. Pause for Q&A - Summarize & Outline Common Myths
 4. Supplemental Slides: Addressing Counter-Arguments
 5. Summary & a call to action!

Open up for Q&A, We have more information on the following:

The common concerns of Medicare For All that we have slides to address are:

- Concerns that “Medicare For All would move us towards a socialist economy”
- Claims that “we cannot afford it”
- Addressing the line that “it increases taxes”, *while not addressing that people would pay less overall*
- Claims “it takes away freedom of choice in insurance by forcing everyone onto one plan”
- Claims that “hospitals would go bankrupt” or that “Doctors will get paid less and leave the US”
- False comparisons to other countries “worse” universal healthcare systems
- Readdressing why a universal plan is better than one that keeps the private health insurance in use

We also have slides that outline the Medicare For All bill at the very end, in case you want to learn more without reading the entire 134-page bill



DRAFT RESOLUTION NO. 2022-105

A RESOLUTION APPOINTING _____ AND _____ TO THE BOARD OF ZONING APPEALS AND DECLARING AN EMERGENCY.

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

SECTION 1. That _____ and _____ are hereby appointed to the **BOARD OF ZONING APPEALS**

NAME

TERM

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

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

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

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

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

AMY WILKENS
CLERK OF COUNCIL

(SEAL)

DRAFT ORDINANCE NO. 2022 - 106

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF KENT AND KENT STATE UNIVERSITY TO CREATE A NEW SHARED SUSTAINABILITY COORDINATOR POSITION AND DECLARING AN EMERGENCY.

WHEREAS, the City administration has been looking for opportunities to increase staffing to work on sustainability goals and the climate action and response plan developed for the City of Kent; and

WHEREAS, Kent State University has identified a need for the hiring of a staff person to work on sustainability goals and climate action and response plans developed for the University; and

WHEREAS, the City of Kent and Kent State University have identified that the creation of a new shared Sustainability Coordinator position will allow for the work to be evenly divided (50%-50%) between the City of Kent and Kent State University to benefit both organizations efforts to address sustainability goals and objectives; and

WHEREAS, the City of Kent and Kent State University would like to create a new full-time shared Sustainability Coordinator position to work jointly for the City of Kent and Kent State University and the two parties will enter into a services agreement for the cost of the shared Sustainability Coordinator position; and

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

SECTION 1. That Kent City Council hereby authorizes the City Manager, or his designee, to enter into a services agreement between the City of Kent and Kent State University to share the costs associated with a new shared Sustainability Coordinator position, which is more fully described in Exhibit "A", attached hereto and made a part thereof.

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

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

SERVICES AGREEMENT
between
KENT STATE UNIVERSITY
and
CITY OF KENT

This Services Agreement (“Agreement”) is entered into effective on November 1, 2022 (“Effective Date”) between Kent State University (“University”), a state institution of higher education located at 1125 Risman Dr., Kent, OH, 44242, and the City of Kent, (“City”), with administrative offices located at 301 South DePeyster Street, Kent, Ohio 44240, Attn City Manager.

WHEREAS, the University employs staff that are uniquely qualified for the services provided for under this Agreement; and

WHEREAS, the parties recognize that collaboration between public institutions of higher education in Ohio and the City of Kent is essential to ensure the most efficient use of services and resources to the direct benefit of the community; and

WHEREAS, the services provided for under this Agreement are consistent with the University’s mission to serve the communities surrounding the University and to serve as a leader in higher education services for the region; and

WHEREAS, the Site desires to engage the University to provide the services described in this Agreement, and the University is willing to provide such services in accordance with the terms and conditions set forth here;

NOW THEREFORE, in consideration of the mutual promises and covenants set forth below, the parties hereto agree as follows, intending to be legally bound:

1. Provision of Services.

- A. Services. The University shall, through its employees will provide the services at the Site in accordance with the terms and the schedule set forth in Schedule A or as otherwise agreed to in writing by the parties. All of the services described in Schedule A shall be collectively referred to in this Agreement as “Services.” The University, and such employees as appointed, agree to comply with all Site policies and procedures applicable to the Services that are provided to them by the Site.
- B. University Employment. At all times under this Agreement, the employee assigned by the University to perform services shall be considered an employee of the University. University shall have the duty and right to determine the salary and benefits to be provided to the employee assigned under this Agreement to perform the services, including without limitation vacation, sick and personal leave. Such employee will not be eligible to participate in any health insurance program of Site or other benefit plan of Site. University agrees to be solely responsible for the collection, reporting and payment of applicable federal, state and local payroll taxes with respect to the employee under this Agreement. University shall retain responsibility for assigning and supervising the assigned employee in relation to work performed on behalf of the University under this Agreement. Decisions pertaining to appointment, reappointment, promotion, salary merit increases, discipline and termination will be the sole responsibility of University. University will provide Worker’s Compensation benefits to the employee.

2. Site Obligations.

- A. Where necessary to complete the services provided for under this Agreement, Site shall provide the appropriate access to training space, technology, and other essential components necessary to facilitate the Services.
- B. Site shall be responsible for scheduling and internal communications associated with its own employees.
- C. Site shall be responsible for its own expenses (i.e. administrative, materials, communications, etc.) for any services performed in Attachment A, unless otherwise agreed to in writing by the Parties.

3. Term and Termination

- A. Term. This Agreement shall begin on the Effective Date and continue for one year after the Effective Date ("Initial Term"). The Initial Term may be extended upon the mutual consent of the parties for additional one (1) year terms, with such consent to be secured no later than 60 days prior to the expiration of the current Term.
- B. Termination.
 - i. Termination by Agreement. The parties may mutually agree to terminate this Agreement in writing at any time.
 - ii. Termination Without Cause. Either party may terminate this Agreement without cause by providing the other party with at least sixty (60) days prior written notice.
 - iii. Termination for Breach. Either party may terminate this Agreement upon the breach by the other party of any material provision of this Agreement, provided such breach has not been cured, or cannot be cured, within thirty (30) days after written notice thereof.
 - iv. Automatic Termination. Either party may terminate this Agreement immediately without notice upon the occurrence of any of the following events:
 - a. The filing of a petition under federal or state law related to the bankruptcy or insolvency of either party;
 - b. The appointment of a receiver, trustee, or other similar officer to operate or wind up the affairs of the other party;
 - c. The dissolution or termination of existence of either party;
 - d. Conduct by either party in connection with performing their respective obligations under this Agreement that amounts to fraud, dishonesty, or gross negligence; or
 - e. The failure of either party, or University's employees as assigned, to maintain all licenses, permits, certificates, privileges, and insurance

coverage related to providing the Services necessary to satisfy the obligations of each party under this Agreement.

- v. Effect of Termination. As of the effective date of termination of this Agreement. Neither party shall have any further obligation hereunder, except for (a) obligations accruing prior to the effective date of termination, or (b) obligations, promises, or covenants contained in this Agreement which by their nature or intent survive termination of the Agreement.

- 4. Insurance and Liability. The parties shall independently maintain and, upon request, provide to the other party evidence of Comprehensive General Liability Insurance in the amount of One Million Dollars (\$1,000,000.00) per occurrence and Three Million Dollars (\$3,000,000.00) and Professional Liability Insurance in the same amounts. Either party shall provide the other party with at least thirty (30) days prior written notice of any change, cancellation or termination of such insurance coverage. Either party shall, upon request from the other party, provide a certification of insurance.

To the extent permitted by Ohio law, each party agrees only to be liable for the acts and omissions of its own officers, employees and agents engaged in the scope of their employment arising under this Agreement, and each party hereby agrees to be responsible for any and all liability, claims, costs, expenses or damages arising from any claim with respect to that party's role in connection with this Agreement. The liability of Kent State University shall be subject in all cases to the immunities and limitations of the Ohio Court of Claims Act codified in Chapter 2743 of the Ohio Revised Code and Sections 9.86 and 9.87 of the Ohio Revised Code, as amended. The parties agree that nothing in this provision shall be construed as a waiver of the sovereign immunity of KSU and/or the State of Ohio beyond the waiver provided in Ohio Revised Code Section 2743.02.

LIMITED LIABILITY. IN NO EVENT SHALL EITHER PARTY BE LIABLE TO THE OTHER FOR ANY INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES ARISING UNDER OR IN CONNECTION WITH THIS AGREEMENT OR ANY BREACH THEREOF. EACH PARTY'S TOTAL LIABILITY TO THE OTHER, AND ITS TOTAL REMEDY FOR ANY AND ALL BREACHES OF THIS AGREEMENT AND/OR ITS OBLIGATIONS HEREUNDER, SHALL BE LIMITED TO THE TOTAL CONSIDERATION TO BE PAID TO UNIVERSITY FOR THE SERVICES.

- 5. Confidentiality. Each party, its agents and employees shall not at any time, either alone or in association with others, directly or indirectly, make or cause to be made any disclosure or other use not authorized by the other party of any information which in any way regards such other party or such other party's students, unless such information is or becomes, through no action of such party or any person associated with such party, disseminated or otherwise available to the public or required by law or court order.

Each party may learn of information, documents, data, records, or other material that is confidential in the performance of this Agreement to the other party. Neither party may disclose any information obtained by it as a result of this Agreement, without the written permission of the other party or unless required by law. Each party must assume that all information, documents, data, records or other material is confidential. Both parties further agree to abide by any and all pertinent federal, state and local laws and regulations.

- 6. Ownership of Intellectual Property. All rights in any materials previously developed or otherwise obtained by or for either party shall remain the sole property of the party providing the pre-existing

work. During the performance of the services, each party grants to the other party (and our contractors as necessary) a temporary, non-exclusive license to use any of its pre-existing work provided to the other party solely for the performance of such Services. This license does not provide either party with the right to reproduce, modify, or otherwise distribute the other's party's pre-existing work without the express written permission of the other party. It is the intent of this Agreement for each party to retain ownership of its own intellectual property rights and not to transfer any ownership to the other party. To be clear, the University retains at all times the exclusive right and ownership of any materials created during this engagement or pre-existing that may be provided to the Site, unless otherwise agreed to in writing by the parties.

7. Billing for Services. Unless otherwise provided by this Agreement, University shall have the right to bill and collect any available fees for the Services rendered herein in accordance with its normal billing practices. All invoices submitted to Site must be paid within thirty (30) days. In addition to the costs provided for in Schedule A, other expenses and reimbursements may be charged to Site by University with the prior written approval of the Site.
8. Each party covenants and agrees to obey all applicable federal, state and local laws, rules, regulations, and ordinances applicable to the services provided.
9. Disclaimer of warranties. To the maximum extent permitted by law, each party hereby specifically disclaims any and all representations and warranties whatsoever, whether express, implied or statutory, in connection with the performance of this Agreement, including any and all representations and warranties regarding merchantability, fitness for a particular purpose, except as provided for specifically in the Agreement. Both parties further understand that these services are being provided in accordance with the University's educational mission to its students and staff, and is not a professional service provider.
10. Fair Market Value. The parties acknowledge that the payments set forth in this Agreement are set at fair market value. The parties will, in good faith, periodically review the amount of the payments to ensure they remain at fair market value. In the event it is determined following such review that they payments must be adjusted to ensure they remain at fair market value, the payment shall be adjusted accordingly upon agreement of the parties.
11. Non-Solicitation. Site acknowledges that the University has a substantial investment in its employees. In consideration of this investment, Site agrees that during the term of this Agreement, and for a twelve-month period thereafter (regardless of the reason for termination), Site may not solicit for employment or contract with any employee who is providing services through this Agreement, except as otherwise agreed to in writing by both parties.
12. Use of Name. Neither party may use the other party's name, logo, trademarks, or other identifying marks without the prior written consent of the other party.
13. Notices.

Any notice required or permitted by this Agreement shall be sent by certified or registered mail, return receipt requested, and shall be deemed given upon receipt thereof.

All notices to Site shall be addressed to:

301 S. DePeyster Street
Kent, Ohio 44240

Attn: Dave Ruller

All notices to University shall be addressed to:
Kent State University – Kent Campus
1125 Risman Plaza
Kent, OH 44242
Attn:

14. General Terms.

- A. No Agency. Nothing herein shall be construed to create an agency relationship between the University and Site, or any employment relationship between Site and any staff member provided by University to perform the services under this Agreement. Site will not represent to be or hold itself out as an agent of the University at any time during the term of this Agreement.
- B. No Third Party Beneficiary. Nothing expressed or implied in this Agreement is intended or will be construed to confer upon or give to any person, other than the parties to this Agreement, any rights or remedies under or by reason of this Agreement. Without limiting the foregoing, no assigned employee shall have any rights as a third party beneficiary.
- C. Severability. Should any provision of this agreement be found to be invalid, illegal, or unenforceable for any reason, the invalidity or unenforceability of such provision shall not affect the validity of the remaining provisions hereof, unless such invalidity or unenforceability would defeat an essential business purpose of this Agreement, in which case either party may terminate this Agreement by giving sixty (60) days written notice. Such option to terminate expires sixty (60) days after the party receives notice of the invalidity.
- D. Non-waiver. Non-enforcement of any provision of this agreement by either party shall not constitute a waiver of that provision, nor shall it affect the enforceability of that provision or of the remainder of this agreement.
- E. Headings. The headings in this Agreement have been inserted for convenient reference only and shall not be considered in any questions of interpretation or construction of this Agreement.
- F. This Agreement is not assignable in whole or in part by either party, but is binding on any corporate successor of either.
- G. This Agreement shall be interpreted and construed in accordance with the laws of the State of Ohio.
- H. This Agreement is non-exclusive and both parties have the right to enter into similar agreements with other parties.

15. This Agreement shall constitute the entire agreement between the parties and fully supersedes any and all prior agreements or understandings, written or oral, between the parties pertaining to the matters set forth herein. This Agreement shall not be amended, modified, or changed unless agreed

such amendment is (i) in writing; (ii) refers to this Agreement; and (iii) executed by an authorized representative of each party.

INTENDING TO BE LEGALLY BOUND, the parties hereto have executed this Agreement as of the day and the year first above written.

CITY OF KENT

By _____

Date _____

Name: _____

Title: _____

KENT STATE UNIVERSITY

By _____

Date _____

Name:

Title:

SCHEDULE A

HOURS AND SCHEDULE:

- 20 hours per week
- Weekly schedule to be determined by the parties, and documented in writing prior to implementation.

PAYMENT: \$2,291 per month.

SERVICES TO BE PROVIDED: Community Engagement

- Work with the City of Kent to design, facilitate, and/or implement project and programs in support of the City of Kent's Sustainability Goals, Climate Action and Response Plan, and in coordination with Kent State University's Sustainability Plan.
- Facilitate adoption, implementation and tracking of sustainability goals with city administration at city facilities and the community at-large.
- Work collaboratively to identify best practices, emerging trends, and design mitigation solutions for local climate impacts.
- Work with community partners on local sustainability programming/initiatives.
- Increase educational programming and recommend incentives for broader adoption of alternative transportation practices, energy efficiency, and renewable energy.
- Assist in identifying and applying for grant funding to support community and campus sustainability projects and programs.
- Support the City's Sustainability Commission, providing research, reports, monthly agenda planning, and follow up as needed.

DRAFT RESOLUTION 2022 -107

A RESOLUTION OF THE CITY OF KENT, OHIO ENDORSING THE MEDICARE FOR ALL ACT OF 2022 (S.4204); AND DECLARING THAT ACCESS TO QUALITY AFFORDABLE HEALTHCARE IS A HUMAN RIGHT, AND DECLARING AN EMERGENCY.

WHEREAS almost 5% of residents in the city of Kent, over 1,300 people, do not have health insurance while many more are underinsured; and

WHEREAS almost 24% of residents in the city of Kent, over 6,500 people, live below the federal poverty threshold; and

WHEREAS every resident of Kent deserves affordable and convenient access to high quality healthcare, and everyone's health is at risk when our neighbors cannot receive care; and

WHEREAS preventative health models create a healthy population, ensuring a reliable workforce and productive business environment, thereby strengthening local business; and

WHEREAS in the state of Ohio over 700,000 people do not have health insurance, while many more are underinsured; and

WHEREAS many people delay seeking needed health care due to an inability to pay, leading to a sicker and poorer population in the long run; and

WHEREAS the number of Americans without health insurance before the COVID-19 pandemic was still nearly 30 million, with more than 40 million Americans underinsured, despite important gains made since the implementation of the Affordable Care Act; and

WHEREAS, such a population is significantly more likely to develop serious illness if exposed to COVID-19 and will subsequently face higher mortality rates from the disease; and

WHEREAS the ever-increasing costs of health care, which are further elevated due to the pandemic, may challenge our already strapped state and municipal budgets; and

WHEREAS in order to equitably and effectively address the health care burden of the COVID-19 crisis, we must urge the United States Congress to expand health insurance coverage to provide comprehensive coverage to every resident of the United States without any cost sharing; and

WHEREAS the Medicare for All Act of 2022 would provide national health insurance for every person in the United States for all necessary medical care including prescription drugs; hospital, surgical and outpatient services; primary and preventive care; emergency services; dental, vision, hearing, and mental health care; reproductive care; and long-term care; and

WHEREAS the Medicare for All Act of 2022 would provide coverage without copays, deductibles or other out-of-pocket costs, and would slash bureaucratic fees, protect the doctor- patient relationship and assure patients a free choice of doctors; and

WHEREAS recent polls show that a majority of Americans support Medicare for All; and

WHEREAS the Medicare for All Act of 2022 will guarantee that all residents of Kent will be fully covered for health care without copays, deductibles or other out-of-pocket costs, and would save millions in taxpayer dollars now spent on premiums that provide often inadequate health insurance coverage for government employees; and

WHEREAS the quality of life for the residents of Kent will vastly improve through increased access to ongoing care they need, instead of waiting until they have a medical emergency that could upend their lives as well as further burden local resources; and

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

SECTION 1. That Kent City Council members to support legislation to enact emergency legislation to provide universal, comprehensive health coverage with zero cost-sharing for patients during this crisis and enthusiastically supports the Medicare for All Act of 2022 (S. 4204) and calls on our federal legislators to work toward its immediate enactment, assuring appropriate and efficient health care for all residents of the United States.

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

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

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

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

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

DRAFT ORDINANCE NO. 2022 - 108

AN ORDINANCE REPEALING ORDINANCE NO. 2022-098, PASSED SEPTEMBER 21, 2022, AND DECLARING AN EMERGENCY.

WHEREAS, on September 21, 2022, this Council passed 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; and

WHEREAS, Ordinance No. 2022-098 was passed prematurely, and will become ripe for passage after Council formally accepts the annexation of the 174.828 Acres of Territory which are the subject of Ordinance No. 2022-098; and

WHEREAS, this Council desires to repeal Ordinance No. 2022-098, effective immediately, so that a new ordinance authorizing the filing of a petition to remove the 174.828 Acres of Territory from Franklin Township can be enacted by this Council after all steps requisite to complete the annexation of said territory have been performed.

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

SECTION 1. That Ordinance No. 2022-098 is hereby repealed, effective immediately.

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 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 ensure that all procedural requirements for the annexation of the 174.828 Acres of Territory into the City, and the corresponding removal of the same territory are followed, are completed in a prompt and expeditious manner, and for the further reason that the City desires to provide 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 - 109

AN ORDINANCE ACCEPTING AN ANNEXATION OF 174.828 ACRES OF LAND, MORE OR LESS, FROM FRANKLIN TOWNSHIP, PORTAGE COUNTY TO THE CITY OF KENT, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, an “Expedited Type 1” Annexation Petition for 174.828 acres of territory from Franklin Township, Portage County, Ohio to the City of Kent was filed in the offices of the Board of County Commissioners of Portage County on June 20, 2022 by Davey Tree Expert Company (“Petitioner”); and

WHEREAS, the Board of County Commissioners of Portage County approved the annexation petition on June 30, 2022; and

WHEREAS, on July 8, 2022, the Clerk of the Board of County Commissioners of Portage County delivered a certified copy of the entire record of the annexation proceedings, including all resolutions of the Board, the petition, map, and all other papers on file to the Clerk of Council, a copy of those documents are attached hereto as Exhibit “A;” and

WHEREAS, this Council wishes to accept the annexation of the area proposed for annexation.

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

SECTION 1. The petition for annexation of 174.828 acres of territory to the City of Kent is hereby accepted.

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, and for the further reason that it is necessary to ensure that the 174.828 acres of territory are promptly annexed into the City, and for the further reason that it is necessary that the property owner begin to enjoy the benefits associated with annexation into the City as soon as possible, and, as such, this Ordinance 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

174.828
dms

June 17, 2022

Via FedEx

Ms. Amy Hutchinson, Clerk
Portage County Board of Commissioners
449 South Meridian Street
Administration Building, 7th Floor
Ravenna, OH 44266

2022 JUN 21 A 10:55

Re: Petition for Annexation - Expedited Type 1

Dear Ms. Hutchinson:

Enclosed please find the original and 6 copies of the Petition for Annexation – Expedited Type 1 for consideration by the Portage County Board of Commissioners filed on behalf of The Davey Tree Expert Company and accompanied by our check in the amount of \$225.00 for the required filing fee.

Thank you for your assistance. If you need additional information, please feel free to contact me at (937) 443-6533.

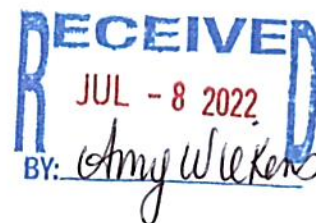
Very truly yours,


Steven J. Davis

SJD:pas

Enclosures

cc: Molly Senter (w/encl.)
Benjamin G. Chojnacki, Esq. (w/encl.)



PETITION FOR ANNEXATION - EXPEDITED TYPE 1

We, the undersigned, being all of the owners of real estate in the territory hereinafter described, hereby petition for the annexation of the following described territory to the City of Kent
(City/Village) (Name of City/Village)

Portage County, Ohio, being filed under Sections 709.021(A) & 709.022(A) of the Revised Code of Ohio.

Petitioners have attached hereto and made a part of this petition a legal description* of the perimeter of the territory sought to be annexed, marked as Exhibit "A".

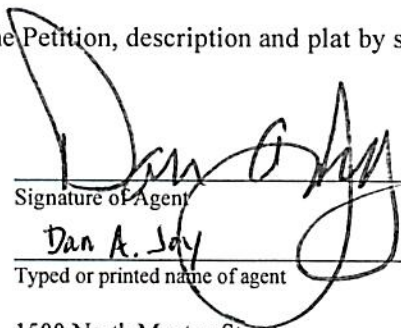
The described territory is contiguous with the City of Kent, Ohio.
(City/Village) (Name of City/Village)

Petitioners have attached hereto and made a part of this petition, an accurate map* or plat of the territory sought to be annexed, marked Exhibit "B".

Petitioners have also attached hereto and made a part of this Petition a certified copy of the Annexation Agreement dated March 22, 2022 between the Board of Trustees of Franklin Township and the Council of the City of Kent, Ohio with respect to the described territory, marked as Exhibit "C".

Dan A. Joy, Executive Vice President is hereby appointed agent for the
(Name) (Title)

undersigned Petitioners as required by Ohio Revised Code Section 709.02(C)(3), with full power and authority hereby granted to said agent to amend, alter, change, correct, withdraw, refile, substitute, compromise, increase or delete the area, to do any and all things essential thereto, and to take any action necessary for obtaining the granting of this Petition. Said amendment, alteration, change, correction, withdrawal, refile, substitution, compromise, increase or deletion or other things or action for granting of this Petition shall be made in the Petition, description and plat by said agent without further expressed consent of the Petitioners.


Signature of Agent

Dan A. Joy
Typed or printed name of agent

1500 North Mantua Street
Address

Kent OH 44240

330.673.9511
Phone Number/Fax Number

Dan.Joy@davey.com
Email Address (if applicable)

* No larger than 8 'A' x 14"

Return original to: Portage County Commissioners, 449 South Meridian Street, Administration Building
7th Floor, Ravenna, Ohio 43402 Annex Petition - Expedited Type 1 BLANK doc

"WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL ANY ACTION ON THE PETITION TAKEN BY THE BOARD OF COUNTY COMMISSIONERS. THERE ALSO IS NO APPEAL FROM THE BOARD'S DECISION IN THIS MATTER IN LAW OR IN EQUITY."

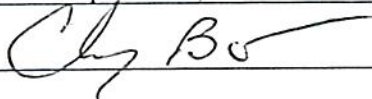
SIGNATURE OF PETITIONER, TYPED NAME AND ADDRESS

DATE

The Davey Tree Expert Company

06.01.2022

Christopher J. Bast, Vice President & Treasurer 1500 North Mantua Street, Kent OH 44240



LEGAL DESCRIPTION

Real property in the Township of Franklin, County of Portage, State of Ohio, described as follows:

Situated in the Township of Franklin, County of Portage and State of Ohio:

And known as being part of Lots 40, 41, 49, 50 and 51 in Franklin Township and further described as follows: Beginning at an iron pipe at the Southeast corner of Lot 49; Thence South 89 deg. 41' 24" West, 1,150.86 feet along the South line of Lot 49 to the centerline of State Route 43 and passing over an iron pipe 33.33 feet from the road center; thence North 25 deg. 30' 18" East, 698.35 feet along the centerline of State Route 43 to the Southwest corner of property in the name of Paoloni, Zalewski & Dauber as recorded in Deed Volume 1028, page 1087 in the Portage County Records; Thence South 69 deg. 10' East, 301.21 feet along the South line of Paoloni, Zalewski & Dauber to an iron pipe and passing over an iron pipe 30.10 feet from the road center; Thence the following 6 courses and distances along the Eastern side of Paoloni, Zalewski & Dauber;

North 20 deg. 50' East, 95.00 feet to an iron pipe;

North 8 deg. 40' West 44.57 feet to an iron pipe;

North 18 deg. 55' East 52.00 feet to an iron pipe;

South 71 deg. 05' East, 6.00 feet to an iron pipe;

North 17 deg. 23' East, 100.11 feet to an iron pipe;

North 4 deg. 02' East, 157.89 feet to an iron pipe in the South line of property in the name of J.C. Ellsworth, trustee (1015/107);

Thence North 83 deg. 30' East, 186.57 feet to an iron pipe at Ellsworth's Southeast corner;

Thence North 0 deg. 19' 42" West, 354.34 feet to an iron pipe at Ellsworth's Northeast corner;

Thence South 89 deg. 30' 18" West 221.76 feet along Ellsworth's North line to the centerline of State Route 43 and passing over an iron pipe 33.38 feet from the road center; Thence North 25 deg. 30' 18" East, 385.58 feet along the centerline of State Route 43 to the Southwest corner of

Elsie Chase's (602/483); Thence South 86 deg. 24' 04" East, 912.50 feet to an iron pipe at

Chase's Southeast corner, being the Southwest corner of property owned by C.A Williams III; Thence South 87 deg. 25' 45" East, 1,411.43 feet along Williams South line to an iron pipe;

Thence North 2 deg. 25' East, 623.04 feet along an East line of Williams to a tree; Thence South 89 deg. 57' East, 1,717.18 feet along Williams' South line and the South line of the City of Akron,

property to the center of the Cuyahoga River and passing over an iron pipe 106.78 feet from the river's center; Thence the following 27 courses and distances along the approximate center of

the Cuyahoga River;

South 48 deg. 31' West, 151.00 feet;

South 81 deg. 45' West, 151.00 feet

South 64 deg. West, 85.00 feet;

South 15 deg. West, 209.00 feet;

South 50 deg. East, 180.50 feet;

South 85 deg. East 202.50 feet;

North 43 deg. East, 94.00 feet;

South 81 deg. East, 107.00 feet;

South 34 deg. East 117.00 feet;

South 29 deg. 29' West, 131.00 feet;

South 56 deg. West, 220.00 feet;

South 42 deg. 30' West 350.00 feet;

South 31 deg. West, 180.00 feet;

South 18 deg. 35' West, 435.00 feet

South 24 deg. East, 107.00 feet

South 61 deg. 44' East, 230.00 feet;

South 14 deg. 37' East, 212.03 feet;

South 20 deg. West, 103.75 feet;

South 40 deg. 57' 30" West, 291.82 feet;

South 27 deg. 46' West, 342.45 feet;
South 69 deg. 50' 02" West, 185.46 feet;
North 74 deg. 20' West, 217.45 feet;
North 26 deg. 56' 18" West, 320.24 feet;
North 61 deg. 57' 58" West, 335.34 feet;
North 75 deg. 56' 27" West, 636.73 feet;
South 86 deg. 35' 33" West, 487.70 feet;
South 23 deg. 11' 12" West, 109.14 feet to South line of Lot 50; Thence South 89 deg. 56' West,
1,122.57 feet to an iron pipe at the Southwest corner of Lot 50, being the place of beginning and
passing over an iron pipe 100.00 feet from the river's center. Containing a total of 174.828 acres,
there being 5.789 acres in Lot 40, 1.867 acres in Lot 41, 23.924 acres in Lot 49, 106.8037 acres
in Lot 50 and 36.448 acres in Lot 51, be the same more or less, but subject to all legal highways,
as surveyed in July, 1991 by Edward J. Collier, Registered Surveyor No. 7141.

Franklin Township, Ohio
situated in the Township of Franklin, County of Portage
and State of Ohio and known as being part of
Original Franklin Twp. Lot Nos. 49, 50 and 51

Franklin Township, Ohio
situated in the Township of Franklin, County of Portage
and State of Ohio and known as being part of
Original Franklin Twp. Lot Nos. 49, 50 and 51

[illegible][illegible]

SEQUENCE	LENGTH	CHORD	CHORD BEARING	DELTA
C1	61.32°	526.00'	87.65°	46°13'37"
C2	203.84'	214.00'	213.47°	88°33'00"
C3	203.84'	206.00'	123.04°	17°23'45"
C4	51.22°	86.00'	86.00°	5°39'55.72" (1/2)
C5	253.84'	253.00'	258.02°	3°24'39.14" (1/2)
C6	253.84'	182.00'	214.04°	5°30'39.14" (1/2)
C7	46.30°	77.00'	68.31°	8°42'45.94" (1/2)
C8	336.83'	270.00'	336.86°	5°39'55.72" (1/2)
C9	271.77'	266.00'	247.04°	18°50'45.32" (1/2)
C10	271.77'	266.00'	251.20°	3°55'04.68" (1/2)

GENERAL LINE TABLE		
SLOPE	LENGTH	DEFLECTION
L1	33.68'	N 20°44'03" E
L2	44.37'	N 04°37'31" W
L3	12.87'	N 04°42'21" E
L4	8.09'	S 12°14'42" E
L5	70.48'	N 77°09'08" E
L6	83.37'	N 04°37'41" E
L7	83.23'	N 13°27'50" E
L8	23.76'	S 88°26'54" W

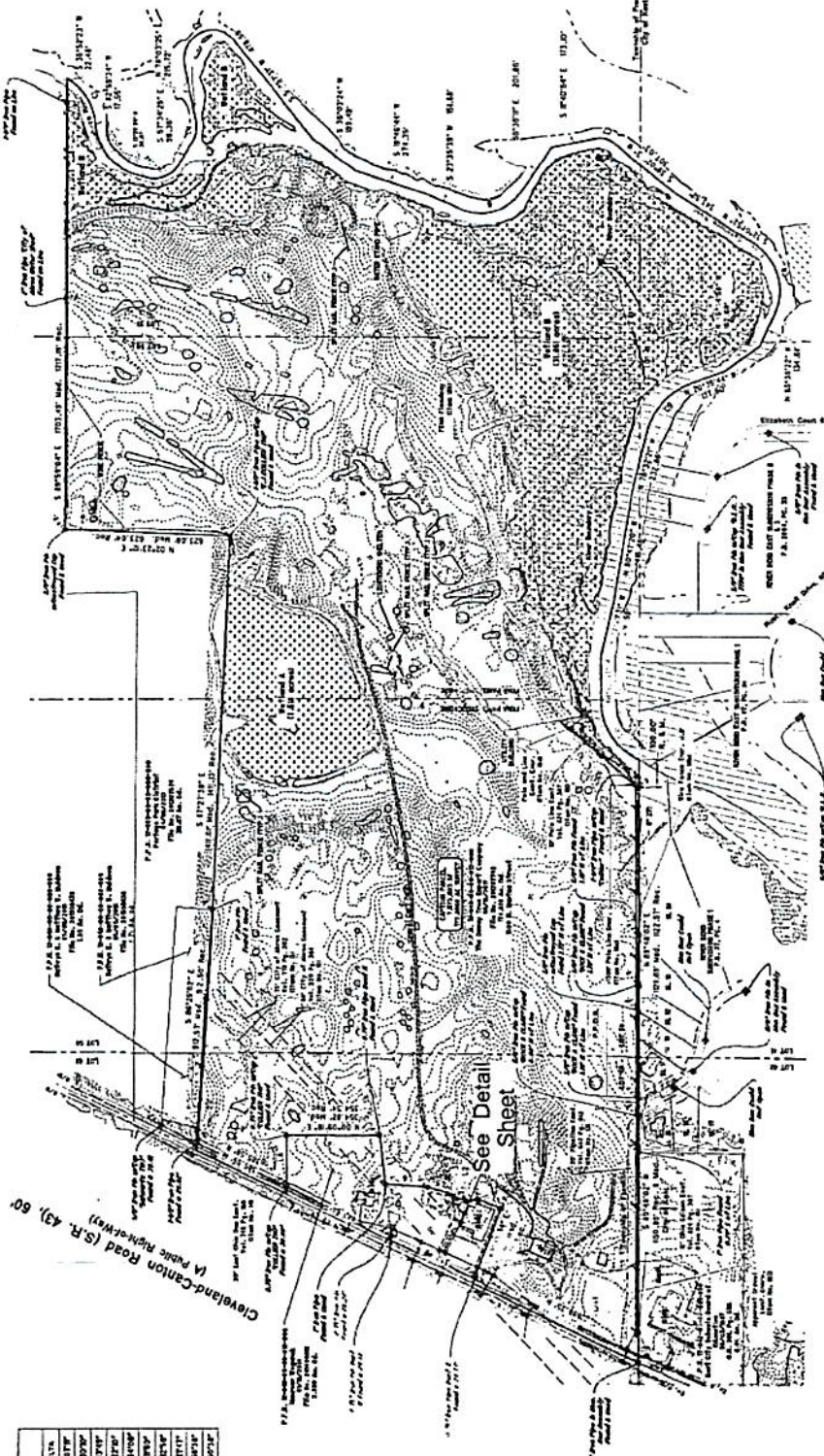
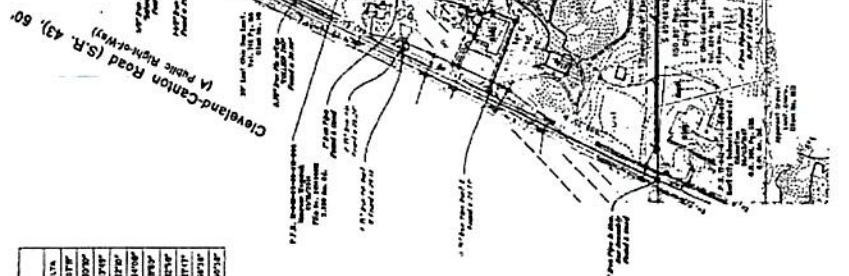


EXHIBIT C

ANNEXATION AGREEMENT

This Annexation Agreement ("Agreement") is made and entered into on or as of the 22nd day of March, 2022 (the "Effective Date" herein) by and between the Board of Trustees of Franklin Township, the legislative authority of and for Franklin Township, a political subdivision duly organized and validly existing under the laws of the State of Ohio ("Township" or "Franklin" herein), and the Council of the City of Kent, Ohio, the legislative authority of and for the City of Kent, Ohio, a municipal corporation duly organized and validly existing under its Charter and the Constitution and the laws of the State of Ohio ("City" or "Kent" herein, collectively with the Township, the "Parties" and each a "Party" hereto).

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

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

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

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

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

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

**ARTICLE 1
PROCEDURE**

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

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

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

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

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

ARTICLE 2 SERVICES TO THE ANNEXATION PARCEL

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

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

ARTICLE 3 REIMBURSEMENT AND REVENUE SHARING

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

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

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

ARTICLE 4

TERM OF AGREEMENT

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

ARTICLE 5

GENERAL PROVISIONS

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

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

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

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

Section 5.5. Character of Payments. Nothing in this Agreement is to be interpreted as the sharing of the proceeds of any tax levy by and between any Parties. No payments to be made

under this Agreement are intended to be a sharing of proceeds of any tax levy proscribed by Section 709.192(D) of the Ohio Revised Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Signature Page to follow]

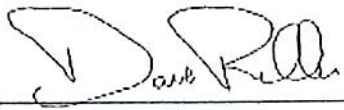
{04055033 - 1}

ATTEST:

THE CITY OF KENT,
PORTAGE COUNTY, OHIO

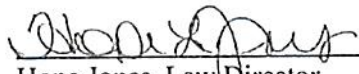


Council Clerk

By: 

Dave Ruller, City Manager

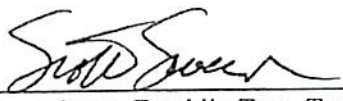
APPROVED AS TO FORM:



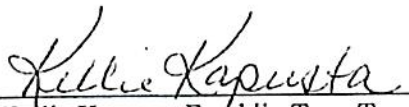
Hope Jones, Law Director

ATTEST:

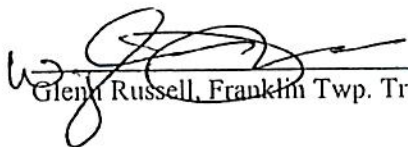
FRANKLIN TOWNSHIP
PORTAGE COUNTY, OHIO



Scott Swan, Franklin Twp. Trustee



Kellie Kapusta, Franklin Twp. Trustee



Glenn Russell, Franklin Twp. Trustee

APPROVED AS TO FORM:

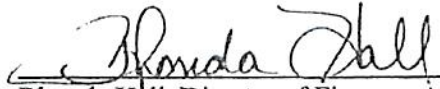


Bob L. Began

Brett R. Bencze, Assistant Prosecutor

FISCAL OFFICER CERTIFICATION

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


Rhonda Hall, Director of Finance
City of Kent

I, Lisé S. Russell, Fiscal Officer of Franklin Township, Portage County, Ohio, do hereby certify that the foregoing is a true and correct copy of the Annexation Agreement between the Franklin Township, Portage County, Ohio Board of Trustees and the Council of the City of Kent, Ohio for parcel 12-049-00-00-012-000 located at 6700 State Route 43 in Kent Ohio.


Lisé S. Russell, Fiscal Officer, Franklin Township, Portage County Ohio

Date June 15, 2022

NOTARY:

Sworn to and subscribed in my presence this 15TH day of June,
20 22 in Portage County, State of Ohio.

Signature of Notary Public Barbara A. Ruonavaara

My commission expires 1.26.27

BARBARA A. RUONAVAARA
Notary Public - State of Ohio
My Commission Expires Jan. 26, 2027

**RESOLUTION NO. 22-0422 - RE: IN THE MATTER OF GRANTING AN EXPEDITED
TYPE 1 ANNEXATION OF 174.828 ACRES FROM
FRANKLIN TOWNSHIP TO THE CITY OF KENT,
DAVEY TREE EXPERT COMPANY, AGENT FOR
PETITIONER: DAN A. JOY**

WHEREAS, a petition for the annexation of 174.828 acres, from Franklin Township to the City of Kent, was filed with the Clerk of Board of Commissioners of Portage County, Ohio on June 22, 2022 by Steven J. Davis, from Thompson Hine LLP, on behalf of the petitioner Dan Joy, Vice President of The Davey Tree Expert Company; and

WHEREAS, said petition was filed as an Expedited Type 1 Annexation, along with an Annexation Agreement dated March 22, 2022, between the Board of Trustees of Franklin Township and the Council of the City of Kent, Ohio; and

WHEREAS, said the petition was submitted as an Expedited Type 1 Annexation, and along with the Annexation Agreement, requires no hearing; and

WHEREAS, the petition has been signed by all owners, a map and legal description were received along with the name of the Statutory Agent and an Annexation Agreement; now therefore be it

RESOLVED, by the Board of Commissioners of Portage County, Ohio, that upon review of the documents submitted, the following findings are made:

1. The Petition contains the signatures of all the property owners in the territory to be annexed.
2. The Petition contains an accurate legal description of the perimeter of the territory proposed to be annexed.
3. The Petition contains an accurate map of the territory proposed to be annexed.
4. The Petition contains the name of the person acting as Statutory Agent for the petitioners.
5. Filed with the Petition is a list of all the tracts, lots or parcels in the territory proposed to be annexed together with all the tracts, lots or parcels located adjacent to the territory to be annexed or directly across the road, including the name and mailing address of each owner and the permanent parcel number of each parcel.
6. Filed with the Petition is an Annexation Agreement between the City of Kent and the Board of Trustees of Franklin Township; and be it further

RESOLVED, upon the findings that all of the conditions of annexation as contained in Revised Code Section 709.022 have been met, the Petition as presented is granted, incorporating the Annexation Agreement between the City of Kent and the Board of Trustees of Franklin Township.

- A. Herein the annex area will not be excluded from the Township.
- B. The Clerk is directed to enter the resolution upon the journal of the Board and send a certified copy of the record (including resolution, petition, the map and all other papers on file) to the Clerk of the City of Kent, Franklin Township Trustees, Regional Planning Commission, Portage County Engineer, Portage County Tax Map, Portage County Prosecutor's Office, Portage County Board of Elections, Portage County Water Resources, Portage County Recorder's Office, Portage County Building Department and the Portage County Auditor's Office; and be it further

RESOLVED, that the Board of Commissioners finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meeting open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Roll call vote as follows:

Vicki A. Kline, Yea; Sabrina Christian-Bennett, Yea; Anthony J. Badalamenti, Yea;

I, Clerk of the Board of County Commissioners do hereby certify that the foregoing is a true and correct copy of a resolution of the Board of Portage County Commissioners, duly adopted June 30, 2022, and appearing upon the official records of said Board, Volume 98.



Clerk, Portage County Board of Commissioners

174.828
acres

June 17, 2022

Via FedEx

Ms. Amy Hutchinson, Clerk
Portage County Board of Commissioners
449 South Meridian Street
Administration Building, 7th Floor
Ravenna, OH 44266

2022 JUN 21 A 10:55

Re: Petition for Annexation - Expedited Type 1

Dear Ms. Hutchinson:

Enclosed please find the original and 6 copies of the Petition for Annexation – Expedited Type 1 for consideration by the Portage County Board of Commissioners filed on behalf of The Davey Tree Expert Company and accompanied by our check in the amount of \$225.00 for the required filing fee.

Thank you for your assistance. If you need additional information, please feel free to contact me at (937) 443-6533.

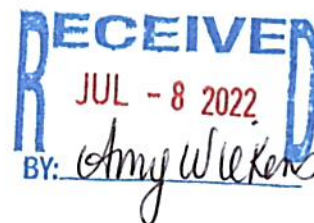
Very truly yours,


Steven J. Davis

SJD:pas

Enclosures

cc: Molly Senter (w/encl.)
Benjamin G. Chojnacki, Esq. (w/encl.)



PETITION FOR ANNEXATION - EXPEDITED TYPE 1

We, the undersigned, being **all** of the owners of real estate in the territory hereinafter described, hereby petition for the annexation of the following described territory to the City of Kent
(City/Village) (Name of City/Village)

Portage County, Ohio, being filed under **Sections 709.021(A) & 709.022(A)** of the Revised Code of Ohio.

Petitioners have attached hereto and made a part of this petition a legal description* of the perimeter of the territory sought to be annexed, marked as Exhibit "A".

The described territory is contiguous with the City of Kent, Ohio.
(City/Village) (Name of City/Village)

Petitioners have attached hereto and made a part of this petition, an accurate map* or plat of the territory sought to be annexed, marked Exhibit "B".

Petitioners have also attached hereto and made a part of this Petition a certified copy of the Annexation Agreement dated March 22, 2022 between the Board of Trustees of Franklin Township and the Council of the City of Kent, Ohio with respect to the described territory, marked as Exhibit "C".

Dan A. Joy, Executive Vice President is hereby appointed agent for the
(Name) (Title)

undersigned Petitioners as required by Ohio Revised Code Section 709.02(C)(3), with full power and authority hereby granted to said agent to amend, alter, change, correct, withdraw, refile, substitute, compromise, increase or delete the area, to do any and all things essential thereto, and to take any action necessary for obtaining the granting of this Petition. Said amendment, alteration, change, correction, withdrawal, refiling, substitution, compromise, increase or deletion or other things or action for granting of this Petition shall be made in the Petition, description and plat by said agent without further expressed consent of the Petitioners.


Signature of Agent

Dan A. Joy
Typed or printed name of agent

1500 North Mantua Street
Address

Kent OH 44240

330.673.9511
Phone Number/Fax Number

Dan.Joy@davey.com
Email Address (if applicable)

* No larger than 8 'A" x 14"

Return original to: Portage County Commissioners, 449 South Meridian Street, Administration Building
7th Floor, Ravenna, Ohio 43402 Annex Petition - Expedited Type 1 BLANK doc

"WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL ANY ACTION ON THE PETITION TAKEN BY THE BOARD OF COUNTY COMMISSIONERS. THERE ALSO IS NO APPEAL FROM THE BOARD'S DECISION IN THIS MATTER IN LAW OR IN EQUITY."

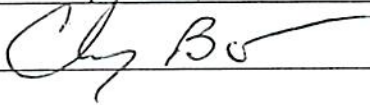
SIGNATURE OF PETITIONER, TYPED NAME AND ADDRESS

DATE

The Davey Tree Expert Company

06.01.2022

Christopher J. Bast, Vice President & Treasurer 1500 North Mantua Street, Kent OH 44240



LEGAL DESCRIPTION

Real property in the Township of Franklin, County of Portage, State of Ohio, described as follows:
Situating in the Township of Franklin, County of Portage and State of Ohio:

And known as being part of Lots 40, 41, 49, 50 and 51 in Franklin Township and further described as follows: Beginning at an iron pipe at the Southeast corner of Lot 49; Thence South 89 deg. 41' 24" West, 1,150.86 feet along the South line of Lot 49 to the centerline of State Route 43 and passing over an iron pipe 33.33 feet from the road center; thence North 25 deg. 30' 18" East, 698.35 feet along the centerline of State Route 43 to the Southwest corner of property in the name of Paoloni, Zalewski & Dauber as recorded in Deed Volume 1028, page 1087 in the Portage County Records; Thence South 69 deg. 10' East, 301.21 feet along the South line of Paoloni, Zalewski & Dauber to an iron pipe and passing over an iron pipe 30.10 feet from the road center; Thence the following 6 courses and distances along the Eastern side of Paoloni, Zalewski & Dauber;
North 20 deg. 50' East, 95.00 feet to an iron pipe;
North 8 deg. 40' West 44.57 feet to an iron pipe;
North 18 deg. 55' East 52.00 feet to an iron pipe;
South 71 deg. 05' East, 6.00 feet to an iron pipe;
North 17 deg. 23' East, 100.11 feet to an iron pipe;
North 4 deg. 02' East, 157.89 feet to an iron pipe in the South line of property in the name of J.C. Ellsworth, trustee (1015/107);
Thence North 83 deg. 30' East, 186.57 feet to an iron pipe at Ellsworth's Southeast corner;
Thence North 0 deg. 19' 42" West, 354.34 feet to an iron pipe at Ellsworth's Northeast corner;
Thence South 89 deg. 30' 18" West 221.76 feet along Ellsworth's North line to the centerline of State Route 43 and passing over an iron pipe 33.38 feet from the road center; Thence North 25 deg. 30' 18" East, 385.58 feet along the centerline of State Route 43 to the Southwest corner of Elsie Chase's (602/483); Thence South 86 deg. 24' 04" East, 912.50 feet to an iron pipe at Chase's Southeast corner, being the Southwest corner of property owned by C.A Williams III; Thence South 87 deg. 25' 45" East, 1,411.43 feet along Williams South line to an iron pipe;
Thence North 2 deg. 25' East, 623.04 feet along an East line of Williams to a tree; Thence South 89 deg. 57' East, 1,717.18 feet along Williams' South line and the South line of the City of Akron, property to the center of the Cuyahoga River and passing over an iron pipe 106.78 feet from the river's center; Thence the following 27 courses and distances along the approximate center of the Cuyahoga River;
South 48 deg. 31' West, 151.00 feet;
South 81 deg. 45' West, 151.00 feet
South 64 deg. West, 85.00 feet;
South 15 deg. West, 209.00 feet;
South 50 deg. East, 180.50 feet;
South 85 deg. East 202.50 feet;
North 43 deg. East, 94.00 feet;
South 81 deg. East, 107.00 feet;
South 34 deg. East 117.00 feet;
South 29 deg. 29' West, 131.00 feet;
South 56 deg. West, 220.00 feet;
South 42 deg. 30' West 350.00 feet;
South 31 deg. West, 180.00 feet;
South 18 deg. 35' West, 435.00 feet
South 24 deg. East, 107.00 feet
South 61 deg. 44' East, 230.00 feet;
South 14 deg. 37' East, 212.03 feet;
South 20 deg. West, 103.75 feet;
South 40 deg. 57' 30" West, 291.82 feet;

South 27 deg. 46' West, 342.45 feet;
South 69 deg. 50' 02" West, 185.46 feet;
North 74 deg. 20' West, 217.45 feet;
North 26 deg. 56' 18" West, 320.24 feet;
North 61 deg. 57' 58" West, 335.34 feet;
North 75 deg. 56' 27" West, 636.73 feet;
South 86 deg. 35' 33" West, 487.70 feet;
South 23 deg. 11' 12" West, 109.14 feet to South line of Lot 50; Thence South 89 deg. 56' West,
1,122.57 feet to an iron pipe at the Southwest corner of Lot 50, being the place of beginning and
passing over an iron pipe 100.00 feet from the river's center. Containing a total of 174.828 acres,
there being 5.789 acres in Lot 40, 1.867 acres in Lot 41, 23.924 acres in Lot 49, 106.8037 acres
in Lot 50 and 36.448 acres in Lot 51, be the same more or less, but subject to all legal highways,
as surveyed in July, 1991 by Edward J. Collier, Registered Surveyor No. 7141.

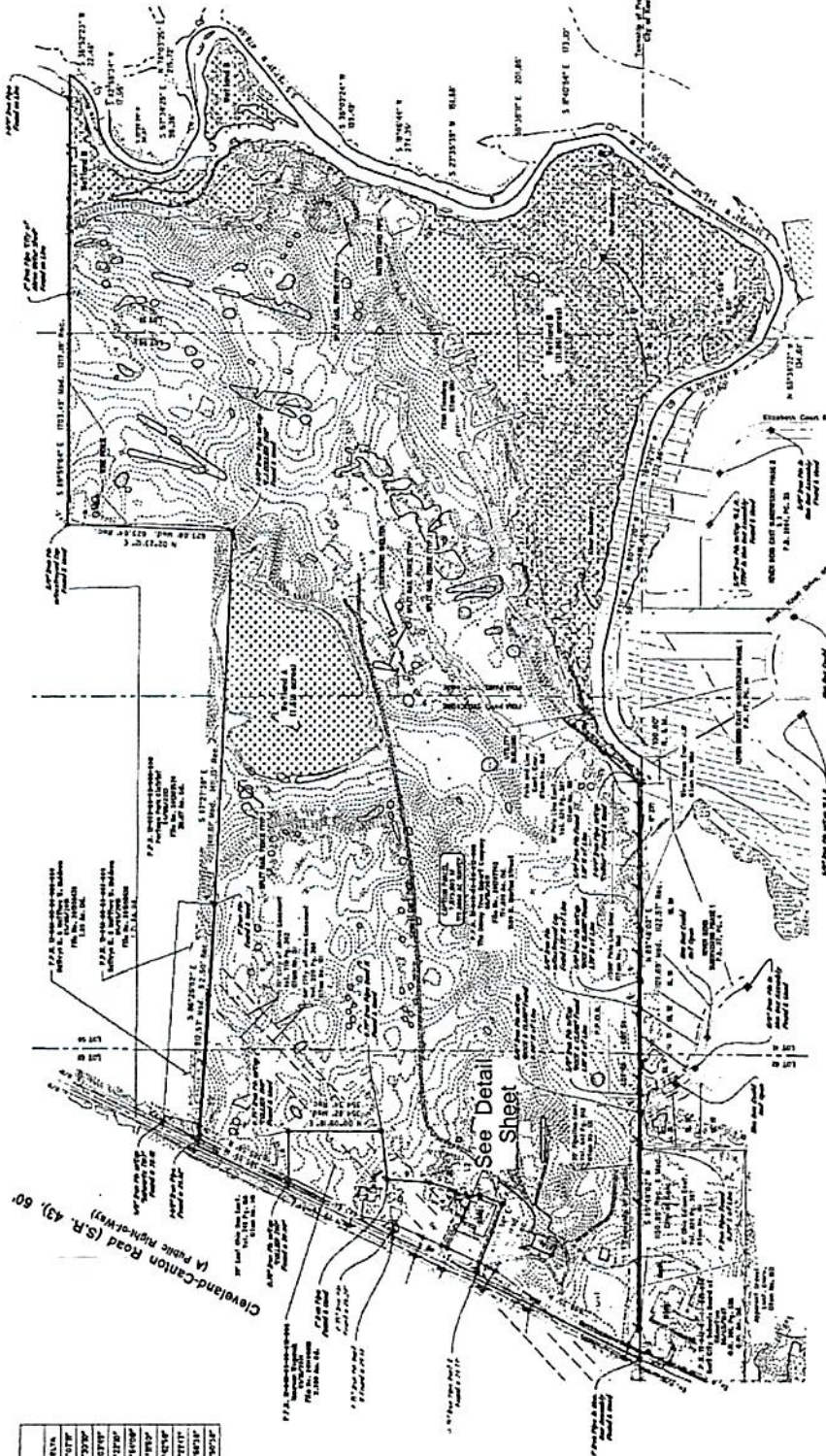
Franklin Township, Ohio
Sited in the Township of Franklin, County of Portage
and State of Ohio and known as being part of
Original Franklin Twp. Lot Nos. 49, 50 and 51

Franklin Township, Ohio
Sited in the Township of Franklin, County of Portage
and State of Ohio and known as being part of
Original Franklin Twp. Lot Nos. 49, 50 and 51

[illegible]

Curve	Length	Radius	Offset	Chords Between	Station
C1	16.32	225.00	87.67	5.915345345	50.75
C2	30.88	124.00	43.87	3.447778208	89.70
C3	45.44	86.00	31.00	2.794723457	127.97
C4	60.00	68.00	23.00	2.317735137	165.25
C5	74.56	56.00	18.00	1.957981145	202.53
C6	89.12	48.00	15.00	1.737544148	239.81
C7	103.68	42.00	13.00	1.573514148	277.09
C8	118.24	36.00	11.00	1.437544148	314.37
C9	132.80	32.00	10.00	1.317544148	351.65
C10	147.36	28.00	9.00	1.217544148	388.93

GENERAL LINE TABLE		
SEGMENT	LENGTH	ORIENTATION
L1	51.08'	N 20°44'02" E
L2	44.57'	N 04°27'31" W
L3	11.87'	N 10°42'21" E
L4	8.99'	S 12°14'42" E
L5	309.48'	N 17°00'00" E
L6	81.57'	N 04°01'44" E
L7	80.72'	N 53°27'00" W
L8	221.70'	S 89°16'00" W



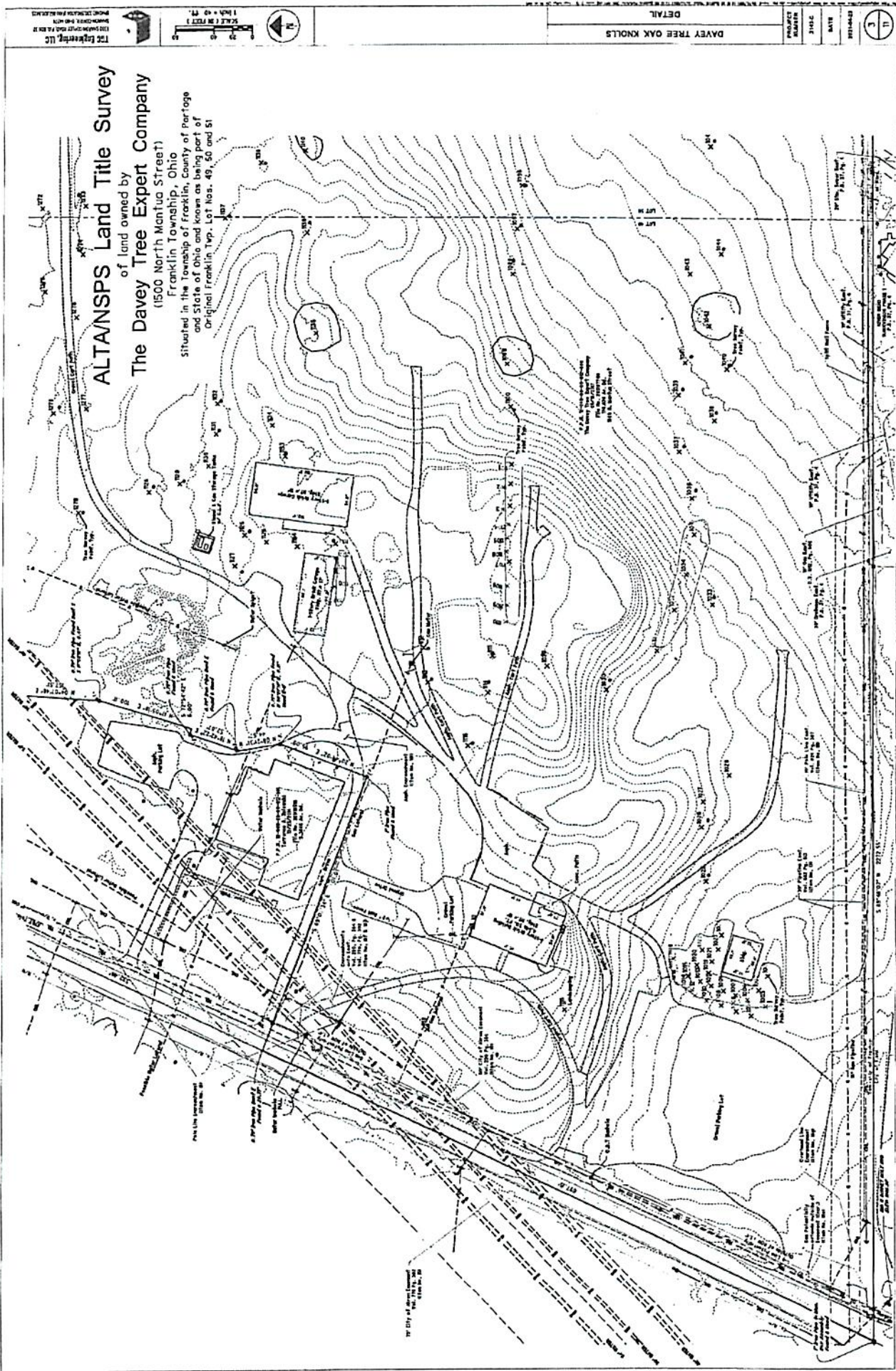


EXHIBIT C

ANNEXATION AGREEMENT

This Annexation Agreement ("Agreement") is made and entered into on or as of the 22nd day of March, 2022 (the "Effective Date" herein) by and between the Board of Trustees of Franklin Township, the legislative authority of and for Franklin Township, a political subdivision duly organized and validly existing under the laws of the State of Ohio ("Township" or "Franklin" herein), and the Council of the City of Kent, Ohio, the legislative authority of and for the City of Kent, Ohio, a municipal corporation duly organized and validly existing under its Charter and the Constitution and the laws of the State of Ohio ("City" or "Kent" herein, collectively with the Township, the "Parties" and each a "Party" hereto).

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

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

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

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

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

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

**ARTICLE 1
PROCEDURE**

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

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

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

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

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

ARTICLE 2 SERVICES TO THE ANNEXATION PARCEL

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

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

ARTICLE 3 REIMBURSEMENT AND REVENUE SHARING

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

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

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

ARTICLE 4 TERM OF AGREEMENT

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

ARTICLE 5 GENERAL PROVISIONS

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

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

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

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

Section 5.5. Character of Payments. Nothing in this Agreement is to be interpreted as the sharing of the proceeds of any tax levy by and between any Parties. No payments to be made

under this Agreement are intended to be a sharing of proceeds of any tax levy proscribed by Section 709.192(D) of the Ohio Revised Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

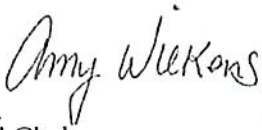
IN TESTIMONY WHEREOF, the Parties have caused multiple counterparts hereof to be executed by their duly authorized officers on or as of the date first set forth above.

[Signature Page to follow]

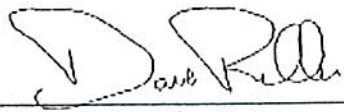
{04055033 - 1}

ATTEST:

THE CITY OF KENT,
PORTAGE COUNTY, OHIO

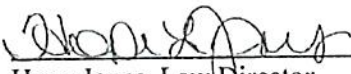


Council Clerk

By: 

Dave Ruller, City Manager

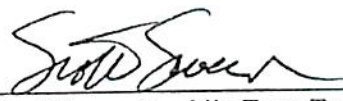
APPROVED AS TO FORM:



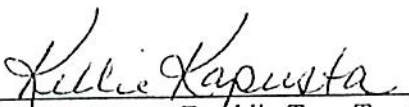
Hope Jones, Law Director

ATTEST:

FRANKLIN TOWNSHIP
PORTAGE COUNTY, OHIO



Scott Swan, Franklin Twp. Trustee

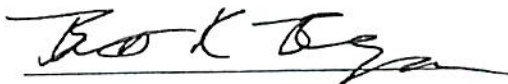


Kellie Kapusta, Franklin Twp. Trustee



Glen Russell, Franklin Twp. Trustee

APPROVED AS TO FORM:

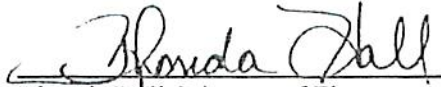


Bob K. Began

Brett R. Bencze, Assistant Prosecutor

FISCAL OFFICER CERTIFICATION

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


Rhonda Hall, Director of Finance
City of Kent

I, Lisé S. Russell, Fiscal Officer of Franklin Township, Portage County, Ohio, do hereby certify that the foregoing is a true and correct copy of the Annexation Agreement between the Franklin Township, Portage County, Ohio Board of Trustees and the Council of the City of Kent, Ohio for parcel 12-049-00-00-012-000 located at 6700 State Route 43 in Kent Ohio.


Lisé S. Russell, Fiscal Officer, Franklin Township, Portage County Ohio

Date June 15, 2022

NOTARY:

Sworn to and subscribed in my presence this 15TH day of June,
20 22 in Portage County, State of Ohio.

Signature of Notary Public 

My commission expires 1-26-27

BARBARA A. RUONAVAARA
Notary Public - State of Ohio
My Commission Expires Jan. 26, 2027



Board of Commissioners

Sabrina Christian-Bennett, President
Anthony J. Badalamenti, Vice President
Vicki A. Kline, Board Member

Annexation: Type 1 Expedited – Davey Tree Franklin Township to the City of Kent

June 21, 2022

Thompson Hine, LLP Check No. 190765, dated May 27, 2022, was received on June 21, 2022, in the amount of \$225.00 as required by the Commissioners' Resolution.

Expenses:

- No Advertisement costs due to Type 1 Expedited Annexation.
- Copies of the resolution approving the Type 1 Expedited Annexation were sent to all parties via email.

Total Expenses incurred: \$0.00

Check No. 190765 dated May 27, 2022, from Thompson Hine was returned to Thompson Hine, 10050 Innovation Drive, Suite 400, Dayton, Ohio 45342 on July 5, 2022.

Thank you.

A handwritten signature in blue ink, appearing to read "Amy Hutchinson".

Amy Hutchinson, Clerk
Portage County Commissioners' Office





Board of Commissioners

Sabrina Christian-Bennett, President
Anthony J. Badalamenti, Vice President
Vicki A. Kline, Board Member

July 5, 2022

Mr. Steven J. Davis
Thompson Hine, LLP
10050 Innovation Drive
Suite 400
Dayton, Ohio 45342

RE: Type 1 Expedited Annexation

Dear Mr. Davis,

I am returning Thompson Hine Check No. 190765, dated May 27, 2022, for the annexation petition filing fee as no expenses were incurred.

If you have any questions, please feel free to contact me at (330) 297-3600.

Thank you.

PORTAGE COUNTY COMMISSIONERS' OFFICE

A handwritten signature in cursive script that reads "Amy Hutchinson".

Amy Hutchinson
Clerk





Thompson Hine LLP
Discovery Place
10050 Innovation Drive Suite 400
Dayton, OH 45342-4934

KEY BANK
Dayton, Ohio

56-29/422

190765

Date: May 27, 2022

PAY Two hundred twenty-five and 00/100***** \$***225.00***

TO
THE
ORDER
OF
Portage County Board of Commissioners

Second signature required on checks over \$5,000

Memo:



⑈0000190765⑈ ⑈042200295⑈ 800772332⑈

Vendor ID: PORTAGEC Payee: Portage County Board of Commissioners

Check #: DAYI-190765

Check Date: 05/27/2022

Invoice Num	Invoice Date	Reference	Invoice Description	Payment Amt
FILING-052722	05/27/2022		Filing Fee - Annexation Petition	\$225.00
A/P Total:				\$225.00

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 - 110

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SUBMIT ON BEHALF OF THE CITY OF KENT AND FRANKLIN TOWNSHIP, AN APPLICATION TO THE OHIO PUBLIC WORKS COMMISSION (OPWC) FOR THE HUDSON ROAD PHASE V WIDENING AND RESURFACING PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent currently wishes to resurface and widen Hudson Road from McKinney Boulevard to Johnson Road; and

WHEREAS, the City of Kent and Franklin Township desire to make an application to the Ohio Public Works Commission for a grant estimated at \$370,400; and

WHEREAS, the City of Kent and Franklin Township are requesting 50% to be funded by the OPWC grant and the City and Township are anticipating \$370,300 contribution, with \$133,300 being funded by the City; and

WHEREAS, time is of the essence to continue progressing with this project in a timely fashion.

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

SECTION 1. That the City Manager, or his designee, be and hereby is authorized to submit on behalf of the City of Kent and Franklin Township, an application for a grant estimated at \$370,400 to the Ohio Public Works Commission for the Hudson Road Phase V widening and resurfacing project.

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 2022 - 111

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO RENEW AN AGREEMENT GIVING CONSENT TO THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR PARTICIPATION IN THEIR BRIDGE INSPECTION PROGRAM SERVICES FOR THE YEAR 2023; PID 117554; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent has determined the need for the described project:

Bridge Inspection Program Services, including, but not limited to routine inspections, element level inspections, critical-findings reports, fracture critical member inspections, load rating calculations and reports, weight limits posting sign recommendations, scour assessments, scour plan of actions, development of fracture critical plans, and underwater dive inspection reports if needed.

WHEREAS, the City of Kent, hereinafter referred to as the Legislative Authority/Local Public Agency (LPA), wishes to give consent to the Director of Transportation for participation in their Bridge Inspection Program Services; and

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

The State shall assume and bear 100% of all of the cost for Bridge Inspection Program Services requested by the City and agreed to by the State. Eligible Bridge Inspection Services are described in the Consultant's Scope of Services Task Order Contract (Exhibit "A"); and

WHEREAS, the LPA agrees to pay 100% of the cost of those features which are not included in Exhibit A; and

WHEREAS, the LPA agrees that all right-of-way required for the described project will be made available in accordance with current State and Federal regulations; and

WHEREAS, time is of the essence, requiring passage of this Ordinance on an emergency basis.

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 enter into an agreement giving consent to the State of Ohio Department of Transportation for participation in their Bridge Inspection Program services for the year 2023, PID No. 117554; said consent attached hereto as Exhibit "A".

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

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary to expedite the highway project and to promote highway safety for 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

LEGISLATION CONSENT

Rev. 8/5/2022

Ordinance/Resolution #: _____

ODOT Project Title: Municipal Bridge Inspection Program

The following is a/an _____ enacted by the _____ of _____
(Ordinance/Resolution) (Local Public Agency)
County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

SECTION I – Project Description

WHEREAS the (LPA) has determined the need for the described project:

Bridge Inspection Program Services, including, but not limited to routine inspections, element level inspections, critical findings report, fracture critical member inspections, load rating calculations and reports, weight limits posting sign recommendations, scour assessments, scour plan of actions, development of fracture critical plans, and underwater dive inspection reports if needed.

NOW THEREFORE, be it ordained by the _____ of _____ County, Ohio.
(LPA)

SECTION II – Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION III – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above-described project as follows:

The State shall assume and bear 100% of all the cost for Bridge Inspection Program Services requested by the City and agreed to by the State. Eligible Bridge Inspection Services are described in the Consultant's Scope of Services Task Order Contract (Exhibit A).

The LPA agrees to pay 100% of the cost of those features which are not included in Exhibit A. Those features may include but not limited to the purchasing and erecting the recommended weight limits postings signs, the implementation of critical findings reports such as partial or total bridge closures, the implementation of the scour plan of actions. When recommendations affect public safety, ODOT expects full implementation by the municipality As of October 2019, FHWA requires installing weight limits posting signs within 30 days from the official date of the approved recommendations. Timely implementation is essential to the success of this program.

SECTION IV – Utilities and Right-of-Way Statement

The LPA agrees that all right-of-way required for the described project will be made available in accordance with current State and Federal regulations.

SECTION V – Project Duration and Consent Applicability

The Project is based on the available funds provided by ODOT aimed at assisting the LPA in reaching compliance with State and Federal laws and policies for bridge inspection. The Project specifics (program duration, PID number, and consultant scope of services (Exhibit A)) shall be provided to the designated LPA Contractual Agent via email sent by ODOT Office of Structural Engineering (OSE).

ODOT will seek additional funds to renew the project in future years. If such funds are allocated, ODOT will send an email with the Project specifics to the designated LPA Contractual Agent seeking approval for the new Project. ODOT will not proceed with any Project that does not have written authorization via email from the designated LPA Contractual Agent.

SECTION VI – Authorization of Project

_____ of _____ is hereby empowered on behalf of the
(Contractual Agent – Designated Position) (LPA)
_____ to provide written authorization via email to the Director of Transportation to
(LPA)
complete the above-described project and any renewals.

Passed: _____, 2 _____.
(Date)

Attested: _____
(Clerk)

(Contractual Agent of LPA – title)

Attested: _____
(Title)

(President of Council)

The _____ is hereby declared to be an emergency measure to expedite the highway project and
(Ordinance/Resolution)
to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

CERTIFICATE OF COPY STATE OF OHIO

_____ of _____ County, Ohio
(LPA)

I, _____, as Clerk of the _____
(LPA)
of _____ County, Ohio, do hereby certify that the foregoing is a true and correct copy of
_____ adopted by the legislative Authority of the said
(Ordinance/Resolution)

_____ on the _____ day of _____, 2 _____.
(LPA)

That the publication of such _____ has been made and certified of record according to
(Ordinance/Resolution)

Law; that no proceedings looking to a referendum upon such _____ have been taken;
(Ordinance/Resolution)
and that such _____ and certificate of publication thereof are of record in _____,
Page _____ (Record No.) (Ordinance/Resolution)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable,
this _____ day of _____ 2 _____.

(Clerk)

(CITY SEAL)

_____ of _____ County, Ohio
(LPA)

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No Seal is required to accompany the executed legislation.")

The foregoing is accepted as a basis for proceeding with the project herein described.
For the _____ of _____ County, Ohio.
(LPA)

Attested: _____ Date _____
(Contractual Agent)

For the State of Ohio

Attested: _____ Date _____
(Director, Ohio Department of Transportation)

DRAFT ORDINANCE NO. 2022 - 112

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, as amended by Ordinance 2022-77, passed 7/20/22, as amended by Ordinance 2022-96, passed 8/17/22, and as amended by Ordinance 2022-103, passed 9/21/22 be amended as set forth in Exhibit "A", attached hereto and incorporated herein, so as to increase appropriations in Fund 001, General; Fund 107, Food Service; Fund 120, Revolving Housing; and Fund 128, Fire & EMS; 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	588,762	423,639				1,012,401
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	3,736,628	3,046,479	10,000	-	100,000	6,893,107
<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	20,125				133,312
Fund Total	113,187	20,125	-	-	-	133,312
<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	19,875				177,694
Fund Total	157,819	19,875	-	-	-	177,694
<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	5,342,958	611,700	1,570,983			7,525,641
Fund Total	5,342,958	611,700	1,570,983	-	-	7,525,641
<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						
	<u>\$ 26,655,125</u>	<u>\$ 13,910,573</u>	<u>\$ 18,218,425</u>	<u>\$ 2,230,191</u>	<u>\$ 250,000</u>	<u>\$ 61,264,314</u>
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	222,200	141,683	900,000			1,263,883
Amendment #8						-
	<u>\$ 26,655,125</u>	<u>\$ 13,910,573</u>	<u>\$ 18,218,425</u>	<u>\$ 2,230,191</u>	<u>\$ 250,000</u>	<u>\$ 61,264,314</u>

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 - 113

AN ORDINANCE AUTHORIZING THE CITY BUDGET & FINANCE DIRECTOR AND LAW DIRECTOR, OR THEIR DESIGNEES, TO SIGN AN EMPLOYMENT CONTRACT BETWEEN THE CITY OF KENT AND DAVID RULLER, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent has entered into an employment agreement initially in 2005 with David Ruller to be the City Manager of Kent; and

WHEREAS, the parties agree to grant a five percent (5%) pay increase that will be retroactive back to June 15, 2022; and

WHEREAS, time is of the essence.

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

SECTION 1. That Kent City Council hereby authorizes the Budget & Finance Director and the Law Director or their designees to execute the Employment Contract between the City of Kent and Dave Ruller, attached hereto as Exhibit "A", with David Ruller as City Manager of Kent.

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