



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

MINUTES

Council Present: Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Gwen Rosenberg, Heidi Shaffer Bish, Robin Turner, 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. Rhonda Hall, Budget and Finance Director; Mr. Bill Myers, Fire Chief; Ms. Amy Wilkens, Clerk of Council

Not Present: Mr. Roger Sidoti

MOTION TO EXCUSE MR. SIDOTI MADE BY Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 8-0-0.

Opening Remarks and Pledge of Allegiance

Mr. Garret Ferrara (Ward 1 Councilmen) said he had two brief comments. First, we just came off of an election and, as an elected official, it is a pleasure to work with everyone on Council. We have a great Council in Kent, putting people and projects above politics and thinks that now may be the time to have non-partisan elections. As we approach the Charter Review, perhaps it is time to bring this up again and get back to non-partisan elections. He thinks it would be good for the community. His second comment was in regards to the upcoming Thanksgiving holiday, wishing safe travels and good times with family and friends. He then asked all to stand for the Pledge of Allegiance.

Approval of Minutes

MOTION TO APPROVE THE REGULAR MEETING MINUTES FROM OCTOBER 19, 2022 MADE BY Mr. Garret Ferrara, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 8-0-0.

Communications

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. Amy Wilkens, Clerk of Council, called the first speaker to the microphone.

Mr. Joe Snyder of Needham Avenue introduced himself to Council to discuss broadband internet. He said there is \$42.5 billion dollars allotted from the Infrastructure Bill to provide for broadband networks to be built. He said 26% of Ohioans do not have access to high speed internet. The effect was seen throughout the pandemic with the scenes of children sitting in parking lots to do their homework. We are at a crossroads where, as a city, we can put out a request to get those funds approved and a new network built. He is with CWA and is the Local 4302 President and a member of CWA's Broadband Brigade trying to get the information out. He added it is a straightforward process, where municipalities need to put out a request for proposal and funds can come through and the network can get built, giving us 100% coverage. He said once we have the network up and running, there is a Federal program called the Affordable Connectivity Plan which is a qualified subsidy of \$30 per month for residential internet and \$75 for people on qualified tribal lands. He left a packet with Council and encouraged anyone to reach out to him to help navigate through this. **(Attachment #1).**

There were no other residents signed in for Public Comment.

Written Communication

1. A liquor license transfer request was received on October 28, 2022 from Community Building Strategies LLC, DBA Battle Ground, 425 Cherry Street, Kent to Battleground LLC DBA, the Battleground Taproom and Mexican Kitchen at the same address.
2. The agenda and health equity overview materials for the first Kent City Health Equity Task Force meeting were received on October 31, 2022.
3. The agenda and Meeting Minutes from the October and November Standing Rock Cemetery Board were received on November 1, 2022.
4. Planning Commission Agenda and Staff Report for the November 15, 2022 meeting was received on November 8, 2022.

Communication received after the agenda was published:

1. Minutes from the November 14, 2022 City Flag Committee were received on November 15, 2022.
2. The Board of Zoning Appeals Agenda and Staff Report for the November 21st meeting was received on November 14, 2022.
3. The Parks and Recreation Board Packet for November 17, 2022 was received on November 14, 2022. Received a phone call on November 15th that, due to illness, the meeting was going to be rescheduled.
4. Liquor License Transfer Request from Over Easy LLC DBA Over Easy at the Depot at 152 Franklin Ave on the 1st floor and basement, Kent received on November 16, 2023.
5. A contract for County Public Defender Service to a Municipal Corporation between the City of Kent and the Portage County Public Defender's Office was received and forwarded to the Law Department on November 16, 2022.

MOTION TO RETURN WITH NO OBJECTION THE LIQUOR LICENSE TRANSFER REQUEST FOR BATTLEGROUND TAPROOM MADE BY Mr.Garret Ferrara, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 8-0-0.

MOTION TO RETURN WITH NO OBJECTION THE LIQUOR LICENSE TRANSFER REQUEST FOR OVER EASY AT THE DEPOT MADE BY Mr.John Kuhar, SECONDED by Ms. Heidi Shaffer Bish and CARRIED by a voice vote of 8-0-0.

City Manager's Report

1. Chief Myers has requested Council's authorization to accept and allocate \$700 from the sale of retired self-contained breathing apparatus to Garfield Heights.
2. The City Manager has requested Council's authorization to reappoint Todd Loschelder in the business representative seat, and newly appoint Hope Jones to serve in the City staff seat on the Franklin-Kent JEDD board.
3. The City Manager has requested Council's authorization to reappoint Bridget Susel to the Brimfield-Kent JEDD.
4. Angela has requested Council's authorization to accept and allocate a \$100 donation from Scott Bromley to Kent Parks and Recreation to plant a Memorial Tree in honor of Lois A. Orlando.
5. Melanie has asked for Committee of the Whole time to provide Council with a brief update on the status of the new City Hall construction project.
6. Amy has requested Committee of the Whole time to allow the City Flag Subcommittee to present the progress of their work on evaluating City Flag options.
7. Bridget has requested Land Use Committee time to present a zoning item related to the Madcap property at 1422 Mogadore Road.
8. Hope has requested Finance Committee time for Council to consider the renewal of the City-Portage County Public Defender contract for 2023.
9. Rhonda has asked for Finance Committee time to present the Proposed 2023 Operating Budget for Council's consideration and approval.
10. Rhonda has asked for Finance Committee time for Council to authorize the year end 2022 Budget Appropriation Amendments, Transfers, and Advances.
11. Rhonda has for Finance Committee time for Council to approve the year end "Then and Now" policy exceptions for City audit purposes.

MOTION TO APPROVE THE CITY MANAGER'S REPORT MADE BY Mr.Jack Amrhein, SECONDED by Mr. Garret Ferrara 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 OF NOVEMBER 2, 2022 MADE BY Mr. Michael DeLeone, SECONDED by Mr. Garret Ferrara and CARRIED by a voice vote of 6-0-2. Mr. Amrhein and Ms. Wallach voted to abstain.

Action(s) Recommended

1. None

Community Development Chair Kuhar/ Vice-Chair Rosenberg

MOTION TO APPROVE COMMITTEE MEETING MINUTES OF NOVEMBER 2, 2022 MADE BY Mr. John Kuhar, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 6-0-2. Mr. Amrhein and Ms. Wallach voted to abstain.

MOTION TO APPROVE ACTION(S) RECOMMENDED MADE BY Mr. John Kuhar, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 8-0-0.

Action(s) Recommended

1. Authorize the Development Agreement and TREX liquor license for Redding Empowered LLC doing business as D.P. Dough.

Draft 2022- 114 AN ORDINANCE AUTHORIZING THE TRANSFER OF A TREX LIQUOR LICENSE INTO THE CITY OF KENT BY THE REDDING EMPOWERED, LLC (dba D.P. DOUGH), AN OHIO LIMITED LIABILITY COMPANY, CONDITIONED UPON THE EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF KENT, OHIO AND REDDING EMPOWERED, LLC, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022- 114 MADE by Mr. John Kuhar, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022- 114 MADE by Mr. Garret Ferrara, SECONDED by Mr. John Kuhar. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

ORDINANCE 2022-114 PASSED.

Land Use Committee Chair Ferrara/ Vice-Chair Shaffer Bish

No Committee Meeting Minutes to Approve.

Action(s) Recommended Previously Authorized April, 2022

Draft 2022-115 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 was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-115 MADE by Mr. John Kuhar, SECONDED by Mr. Garret Ferrara. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022-115 MADE by Mr. John Kuhar, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr.

Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

ORDINANCE 2022-115 PASSED.

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

MOTION TO APPROVE COMMITTEE MEETING MINUTES OF NOVEMBER 2, 2022

MADE BY Mr. Michael DeLeone, SECONDED by Mr. Garret Ferrara and CARRIED by a voice vote of 6-0-2. Mr. Amrhein and Ms. Wallach voted 'abstain'.

Action(s) Recommended- NONE

Finance Committee Chair DeLeone/ Vice-Chair Wallach

MOTION TO APPROVE COMMITTEE MEETING MINUTES OF NOVEMBER 2, 2022

MADE BY Mr. Michael DeLeone, SECONDED by Mr. John Kuhar and CARRIED by a voice vote of 6-0-2.

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(s) Recommended

1. Authorize the transfer of taxes in 2022 in advance of the normal settlement date, from the Portage County Auditor.
2. Approve the Portage County Funding Formula for 2022-2023.
3. Approve the City's submission of a Safe Routes to School grant request and allocation of funds if approved.

Draft 2022-116 A RESOLUTION REQUESTING THE COUNTY AUDITOR TO ADVANCE ANY PROPERTY TAXES THAT HAVE BEEN COLLECTED PRIOR TO THE NORMAL FEBRUARY SETTLEMENT DATE FROM THE PROCEEDS OF THE 2022 TAX YEAR COLLECTION PURSUANT TO SECTION 321.34 OF THE OHIO REVISED CODE was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-116 MADE by Mr. Michael DeLeone, SECONDED by Ms. Heidi Shaffer Bish. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022-116 MADE by Mr. Michael DeLeone, SECONDED by Ms. Heidi Shaffer Bish. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

RESOLUTION 2022-116 PASSED.

Draft 2022-117 AN ORDINANCE APPROVING AND ACCEPTING THE PORTAGE COUNTY BUDGET COMMISSION'S ALTERNATIVE METHOD OF APPORTIONING AND DISTRIBUTING THE LOCAL GOVERNMENT FUND; AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-117 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022-117 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

ORDINANCE 2022-117 PASSED.

Draft 2022- 118 AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO PREPARE AN APPLICATION FOR SRTS SCHOOL TRAVEL PLAN DEVELOPMENT TO THE OHIO DEPARTMENT OF TRANSPORTATION, 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 2022-118 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022-118 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

ORDINANCE 2022-118 PASSED.

Unfinished Business: NONE

New Business: NONE

Councilmembers' Comments

Mr. John Kuhar said he wished everyone a very good Thanksgiving.

Ms. Gwen Rosenberg thanked Scott Bromley for the donation to plant a memorial tree in honor of Louis Orlando. She said this was a lovely gesture and that Louis was a really lovely person and she was very sad to hear of her passing. She added that a tree in her honor is a fantastic gift to the City and a nice way for us to remember her.

Ms. Wallach said that idling your car for seven seconds uses the same amount of gas as turning your car on. If you are going to idle for more than seven seconds, you should turn your car off and then turn it back on when you are ready to go. That saves on gas and air pollution.

Mayor's Report

Mayor Fiala congratulated Clerk Amy Wilkens for completing her CMC and becoming a Certified Municipal Clerk. Mr. Kuhar asked if they are allowed to talk to her now, and Mayor Fiala said yes, but you'll have to make an appointment. There was some laughter from Council. Ms. Wallach asked if it had come in the mail and Ms. Wilkens said there was an email confirming completion and they are working on creating the certificate for her.

Mayor Fiala said that today is his Mom's birthday, and she is his guardian angel, so he had to say happy birthday to her. She would have been 110 years old.

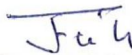
He said he has been bombarded by people asking why Kent doesn't have pickleball. He said he visited Hudson's new courts, which are very nice, and noticed young and old people playing. He said it looked like a combination of a ping pong game and a tennis court. He asked Ms. Rosenberg if the Park Board has discussed this. She confirmed they had been on numerous occasions. They are currently in the process of collecting input from residents. There was an opportunity for people to weigh in on this issue. Another one is coming up to speak with consultants and the Parks and Rec department. Mayor Fiala said this would be great for Kent's senior community. Ms. Rosenberg said she would ask Ms. Manley to forward the dates of the next open house meeting with the consultants. A small discussion occurred in regards to the game.

Mayor Fiala said Thanksgiving is a time to gather with family and be thankful for what you have. He asked everyone to remember there is still some people out there that need things, and if you have a little extra to help those in need.

There were no other items of business and the meeting adjourned at 7:51 p.m.



Amy Wilkens
Clerk of Council



Jerry T. Fiala
Mayor & President of Council

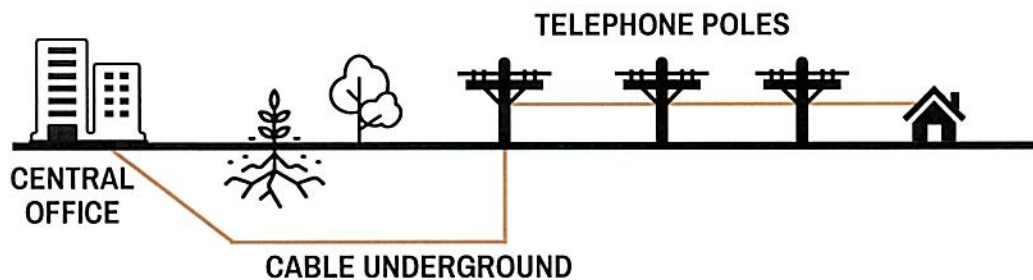
BROADBAND DELIVERY

DSL, CABLE MODEM, CELLULAR SERVICE, FIBER OPTICS

Internet speeds are measured in megabits per second (mbps). The higher the number of mbps a network can transmit, the faster/better the connection.

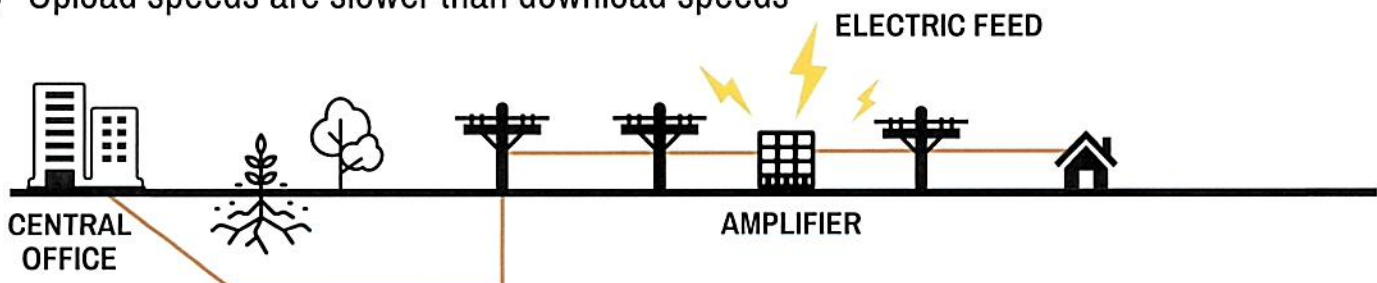
DSL (DIGITAL SUBSCRIBER LINE)

- (A) Dedicated Bandwidth to your house but...
- (B) Speeds are slow and fluctuate (most often between 10 and 40 mbps) and...
- (C) Service only available to those who live close to the providers Central Office
- (D) Upload speeds are slower than download speeds



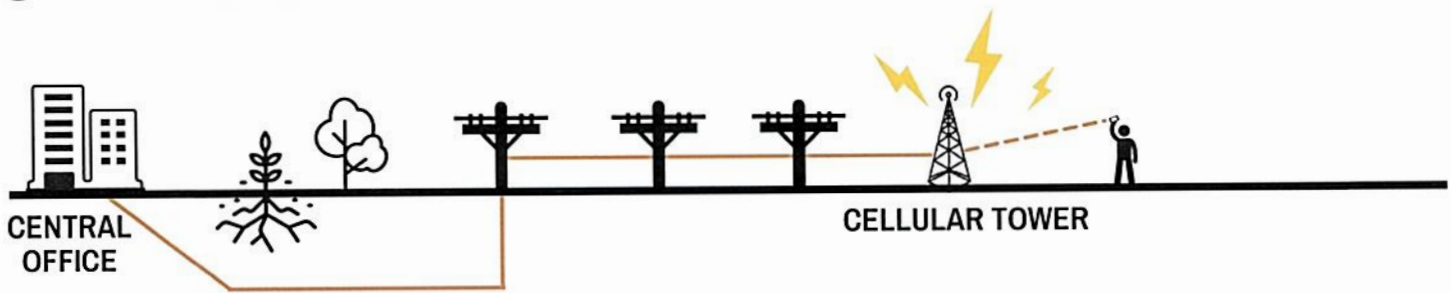
CABLE MODEM

- (A) Can provide service to areas further away from the central office but...
- (B) ...Does so with amplifiers mounted on telephone poles which draw power from the electrical grid increasing its carbon footprint and complicating repairs during storms and/or electrical outages
- (C) Provides relatively fast speeds (300 mbps advertised), but...
- (D) ...Bandwidth is shared so the more people that use it in a neighborhood, the slower it gets, causing problems when people need it most (pandemic/storms/etc)
- (E) Upload speeds are slower than download speeds



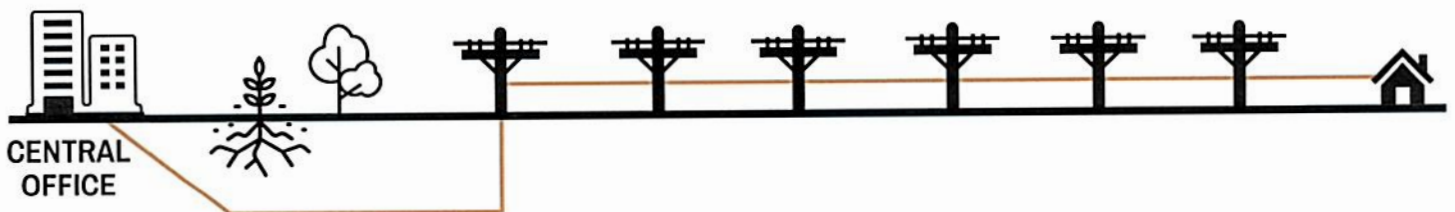
CELLULAR SERVICE

- (A) Provides service to wide areas via a cell tower which is connected to the landline network but...
- (B) Draws power from the electrical grid, increasing its carbon footprint and complicating repairs during storms/electrical outages
- (C) Provides relatively fast speeds (advertised as 4G/5G) but, the greater distance from the cell tower the less reliable the connection and...
- (D) ...bandwidth is shared by all users connected wirelessly to the cell tower...so speeds get slower as more people connect to that tower, causing problems when people need it most.
- (E) Upload speeds are slower than download speeds



FIBER OPTICS TO THE HOME/BUSINESS

- (A) Provides the fastest speeds (1000 mbps) available to areas a great distance from the Central office and can handle even faster speeds in the future
- (B) Does not need amplifiers on telephone poles to transmit signal...reducing its carbon footprint and simplifying repairs during storms/electrical outages
- (C) Bandwidth is dedicated to the home/business, so thousands of people in a neighborhood could use simultaneously without speeds being affected, so...
- (D) ...speeds are maintained when needed most (pandemic, storms, etc)
- (E) Upload and download speeds are the same. The connection is more reliable





A message from the Communications Workers of America



AFFORDABLE CONNECTIVITY PROGRAM

WHAT IS IT?

The Affordable Connectivity Program is an FCC program that helps connect families and households struggling to afford internet service.

The benefit provides:

- Up to \$30/month discount for internet service;
- Up to \$75/month discount for households on qualifying Tribal lands; and
- A one-time discount of up to \$100 for a laptop, desktop computer, or tablet purchased through a participating provider.

Some **no-cost plans** are available. For a list of participating companies visit [GetInternet.gov](https://www.getinternet.gov)

WHO IS ELIGIBLE?

A household is eligible for the Affordable Connectivity Program if the household income is at or below 200% of the Federal Poverty Guidelines, or if a member of the household meets at least one of the criteria below:

- Participates in any of the following assistance programs: SNAP, Medicaid, Federal Public Housing Assistance, Veterans Pension or Survivor Benefits, SSI, WIC, or Lifeline;
- Participates in any of the following Tribal specific programs: Bureau of Indian Affairs General Assistance, Tribal TANF, Food Distribution Program on Indian Reservations, or Tribal Head Start (income based);
- Participates in the Free and Reduced-Price School Lunch Program or the School Breakfast Program, including through the USDA Community Eligibility Provision;
- Received a Federal Pell Grant during the current award year; or
- Meets the eligibility criteria for a participating broadband provider's existing low-income internet program.

TWO STEPS TO ENROLL

1

Go to **AffordableConnectivity.gov** to submit an application or print a mail-in application

2

Contact your preferred participating provider to select an eligible plan and have the discount applied to your bill.

Some providers may have an alternative application that they will ask you to complete.

Eligible households must both apply for the program and contact a participating provider to select a service plan.

LEARN MORE



Call **877-384-2575**, or



Visit **fcc.gov/acp**



Communications Workers of America
Local 4302
AFL-CIO

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