City of Kent

Wednesday, January 18, 2023

Regular City Council Meeting

320 S. Depeyster Street, Kent, OH 44240

AGENDA

7:25 P.M. Board of Control

7:30 P.M. Regular Council Meeting

1. Roll Call

2. Opening Remarks and Pledge of Allegiance- Mr. Turner

3. Approval of Minutes

   3.1. December 14, 2022 Special Committee Meeting Minutes

   3.2. December 21, 2022 Regular Meeting Minutes

4. Communications

   4.1. Public Comment- Anyone wishing to address Council must submit their written comments to the Clerk of Council at councilclerk@kentohio.gov by 4 30 p.m. on the day of the meeting. If also requesting to speak at the meeting, comments are limited to three (3) minutes.

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

      1. Email from Erin Krebs in regards to a low frequency sound coming from a neighbor's house and the solution worked out between neighbors was received and forwarded to Council on January 4, 2023.
      2. Standing Rock Cemetery Board of Trustees meeting agenda for January 12, 2023 was received on December 28, 2022.

   4.3. City Manager's Report

5. Standing Committees & Legislation

   5.1. <u>**Committee of the Whole**</u> Chair Mayor Fiala

      5.1.1. Committee Meeting Minute Approval for January 4, 2023

      5.1.2. Action(s) Recommended:

1. Keep the following items on Council's Pending list

    - Sustainability Commission to come up with 10 action items to fend off global warming
    - Explore Senior Center Advisory Committee
    - Review and Discuss unattended vehicle idling in the city
    - Design Guidelines reorganization
    - Discussion with Franklin Twp. on sidewalk snow shoveling and/or plowing
    - Parameters for low frequency noises
    - Proactively dealing with racism
    - Flag Committee
    - Changes in Fireworks Law

2. Remove the following items from Council's Pending list

    - Conflict of Interest for Boards and Commissions
    - Review of noise ordinance and recommendation
    - Animal control equipment discussion
    - Yard waste site policies

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

5.2.1. Committee Meeting Minute Approval for January 4, 2023

5.2.2. Action(s) Recommended

1. Send Letter to Governor Mike Dewine requesting he veto HB 513 (letter not sent, Governor vetoed this bill on 1/5/23)

5.3. **Streets, Sidewalks and Utilities** (Sidoti/Wallach)

5.3.1. Committee Meeting Minute Approval : NONE

5.3.2. Action(s) Recommended: NONE

5.3.3. **DRAFT 2023-001** AN ORDINANCE AUTHORIZING THE CITY OF KENT TO SUBMIT AN EQUIPMENT GRANT APPLICATION REQUEST FOR $10,000.00 TO THE OHIO ENVIRONMENTAL PROTECTION AGENCY (OEPA) AND TO ACCEPT THE GRANT, IF AWARDED, AND EXECUTE THE SUBSEQUENT GRANT AGREEMENT WITH CORRESPONDING APPROPRIATION OF FUNDS, FOR PUBLIC WATER SYSTEMS, AND DECLARING AN EMERGENCY (Unauthorized)

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

5.4.1. Committee Meeting Minute Approval for January 4, 2023

5.4.2. Action(s) Recommended

1. Authorize the renewal of the IT Services contract with Quality IP, with the emergency clause.

5.4.3. **DRAFT 2023-002** AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO RENEW THE AGREEMENT WITH QUALITY IP AND THE CITY OF KENT TO HELP THE CITY'S TRANSITION TO MICROSOFT OFFICE 365, WAIVING COMPETITIVE BIDDING, AND DECLARING AN EMERGENCY (Authorized)

5.4.4. **DRAFT 2023-003** AN ORDINANCE AUTHORIZING THE SETTLEMENT & RELEASE AGREEMENT BETWEEN THE CITY OF KENT AND FIORITTO CONSTRUCTION, LLC, AND DECLARING AN EMERGENCY (Unauthorized)

6. Unfinished Business

7. New Business

8. Councilmembers' Comments

9. Mayor's Report

Adjourn

Any person who requires an auxiliary aid or service for effective communication or a modification of policies and procedures to participate in any City or City Council public meeting or event should contact the Clerk of Council at 330-676-7555 or councilclerk@kent-ohio.org. Any request for auxiliary aid or other accommodation should be made as soon as possible, but no later than forty-eight hours prior to the event.

City of Kent

Wednesday, December 14, 2022

Special City Council Meeting

320 S. Depeyster Street, Kent, OH 44240

MINUTES

President Pro Tem Jack Amrhein conducted the meeting in the absence of Mayor Fiala. He called the Special Committee Meeting to order at 6:00 p.m.

Present:	Mr. Jack Amrhein, Ms. Gwen Rosenberg, Mr. Michael DeLeone, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti
Also Present:	Ms. Amy Wilkens, Clerk of Council
Absent:	Mr. Robin Turner, Ms. Tracy Wallach, Mr. John Kuhar, Mr. Garret Ferrara

Committee of the Whole Chair Fiala/ Vice-Chair Amrhein

Board and Commission Interviews

Ms. Amy Wilkens, Clerk of Council, called the first candidate to the podium to speak to Council.

Board of Zoning Appeals

The first candidate was Mr. Jona Burton. City staff asked if he would reapply and serve for several months. Ms. Shaffer Bish asked if this was temporary. Mr. DeLeone asked how long he would serve and Mr. Burton replied until he started his PhD program. Mr. Sidoti if there were significant things learned during his time. Mr. Burton said there are many different types of cases that include different types of properties and uses. He's learned a lot about public safety and signage and lighting, especially in pedestrian parts of the community. He added that one of his favorite parts was visiting different parts of town that he otherwise would not have had the opportunity to visit. You feel like you know the community much better, which is really awesome.

Mr. Amrhein thanked Mr. Burton.

Board of Building Appeals

Mr. Greg Seifert came to the podium and introduced himself to Council as a dual resident. He resides in Stow, but is allowed to do service per the City's Charter. He stated he was an architect with over thirty years' experience. He has been on the board for ten years. He said they do not meet frequently due to the excellent job that is done by city staff. There were no questions from the City Council. Mr. Seifert said he heard a rumor that the Council may be considering opening other boards to non-residents. He said if that is something that has been considered, he'd strongly be interested in joining other boards. He enjoys the planning and zoning side of things and is very familiar with zoning appeals. Ms. Shaffer Bish asked if he had considered moving to Kent. Mr. Seifert said he came to Kent from upstate New York to attend school, so he considers Kent kind of like his ancestral home. He sits on the Board of Zoning and Building Appeals in the City of Stow.

Mr. Amrhein thanked Mr. Seifert.

Board of Health

Mr. Amrhein said the next applicant was Emily Mattern, who was unable to attend. She is a nurse at the Cleveland Clinic and was unable to get time off.

Mr. Amrhein clarified there are two vacancies on the board as one of the members resigned.

Dr. Evan Howe of Wilson Ave.came to the podium and introduced himself to Council. He is a new resident of the city of Kent and is employed at Akron City Hospital. He has been looking for an opportunity to serve the city in that capacity and integrate his experiences. Ms. Shaffer Bish asked if he had an interest in public health. He doesn't currently serve in any regard to public health and then reviewed his various public health interests. Ms. Rosenberg asked about his interest in working with the unhoused and he said it was an area of interest for him. In his current work with the residency program, they've played around with ways to take that into the teaching area in the residency program, but certainly here within the community, looking at the homeless population would be an interest.

Community Reinvestment Housing Council

Ms. Audrey Kessler of S. Lincoln St. is currently on the board and would like to continue her service. She said it is good to have citizen input on this as it is working.

Mr. Sidoti asked about the challenges that she has encountered over the past few years. She said Don Joseph not meeting the criteria they were supposed to meet was the one that came to her mind first. They believed they were making a good-faith effort to meet the criteria, so they were kept on. Mr. DeLeone asked how often they meet and she said once a year. She said they get a list of properties to drive by and see how they look on the outside. It's not a time-intensive position.

Design and Preservation Committee

Mr. William Dunick has been on the committee for the last three years and has enjoyed it. He reviewed his background and said he enjoys being a part of this community. Mr. Sidoti asked about the challenges of the committee. He said the last one was the south end historical district and found it interesting to learn about the history of Kent. He loves to volunteer and would be interested in other committees. Ms. Shaffer Bish asked if he had an opinion on various buildings. He said there are a lot of buildings, so that is a hard question. He likes 19th century buildings and tends to lean in that direction. Mr. Amrhein thanked him for attending.

Fair Housing Board

Mr. Amrhein said Ms. Jennifer Nichols and Ms. Laura Stephens was unable to attend and asked the third candidate to speak, Ms. Susan Roxurgh.

Ms. Susan Roxburgh said she has been on the Fair Housing Board before and on the Board of Health. Ms. Shaffer Bish asked if this was the only board she is interested in. She replied that she also applied to the Architectural Review Board, and saw they are not currently filling vacancies. Ms. Rosenberg asked what it is about this committee that is appealing. Ms. Roxburgh replied she is a sociologist, so she is interested in justice issues. She has studied mental health and stress and has done work on the relationship between housing literature and well-being.

Income Tax Board

Mr. Amrhein stated there were two applicants and that the first applicant was Ms. Denise Mote, who could not attend. He called Mr. James Maddox, the second candidate, to the podium.

Mr. Jim Maddox of Windward Lane introduced himself and stated he had recently retired and is looking for ways to give back to the community. He reviewed his experience, stating he has served on a lot of committees in the past, including the pension committee. He has a lot of committee experience. Ms. Heidi Shaffer Bish thanked him for applying and asked him if he was able to be empathetic to those coming before them with an appeal. He said he would be open-minded.

Loan Review Board

Mr. Amrhein stated there would be no interview of the candidate for the Loan Review Board.

Planning Commission

Ms. Alyssa Trivigno on Erin Drive is originally from upstate NY but has been called to return.She is interested in becoming more active in the community and would love to be a part of the potential of the town. Ms. Heidi Shaffer Bish thanked her for applying and said sometimes the Planning Commission can become a pressure cooker situation and asked how she would approach a situation and how she would do under stress. She works for a hospital system and has a high-stressed job. She is used to the stress and pressure of people trying to persuade her. Ms. Shaffer Bish said she noticed her BA in legal studies and said this may be helpful. Mr. Sidoti thanked the candidate and asked for specific guidelines and asked what the relationship should be . She said she thinks it is a balancing act. RS said we have to represent everyone in the community and in many instances the PC gets caught in tricky spots. Mr. DeLeone asked about the time commitment and Ms. Trivigno said she does have the time.

Mr. Salustro on Pearl Street is originally from upstate Ny as well. He is GM and partial owner of North Water brewery. He said there should be more of a connection between the people and the city. Ms. Shaffer Bish asked about experience balancing controversial topics. He replied there has to be a compromise and that everyone is not going to get what they want and they are bound by the law.

Shade Tree Commission

Mr. John Belfiore is a current member and said they are beginning some projects. Ms. Rosenberg asked what is your favorite tree and why. He said he likes redbuds because they are native and attractive. Ms. Heidi Shaffer Bish asked about tree removal and where he leans. He said he is opposed to cutting down living trees unless they become a hazard.

Mr. Tom Kiepura of Columbous Street said this has come up several times and never applied. He has been a public servant most of his career and sees this as a way to continue that. He highlighted his work experience. Mr. Sidoti asked about his career path. Ms. Rosenberg asked about his favorite tree and he replied there should be a mixture of trees. His favorite is a white oak. Mr. DeLeone asked how many trees he'd planted and he said maybe 600-700. Ms. Heidi Shaffer Bish asked about tree trimming and if he had any concerns about this too. He said you have to play the hand when you deal with trimming trees.

Sustainability Commission

Ms. Judy Nelson of Wetstone drive came to the podium to speak to Council. This is the second time she has applied for the commission. She said with the attention of the city and the university giving to the topic of sustainability, she thinks now is the time to be active, especially with the KERAMIDA consultants and the climate action plan. Ms. Heidi Shaffer Bish asked what she had enjoyed most in the past and what her contribution was. Judy said she enjoyed the networking in the City and collaborating with KSU. She enjoyed her work on the Ad Hoc committee. She brings her knowledge of where the committee has been.

Ms. Mary Starbuck of Woodard Ave. was the final candidate of the night. She is interested in serving on the commission. She is a member of the Kent Environmental Council. Ms. Heidi Shaffer Bish asked if she had an opportunity to interact with Keramida. She asked what she could bring- a good communicator. She is comfortable speaking to public, has passion.

Executive Session to Discuss Board and Commission Appointments

MOTION TO ENTER EXECUTIVE SESSION TO DISCUSS BOARD AND COMMISSIONS MADE BY Ms. Heidi Shaffer Bish, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 5-0-0.

Adjournment

MOTION TO RETURN TO THE REGULAR COUNCIL MEETING MADE BY Mr. Roger Sidoti, SECONDED by Ms. Heidi Shaffer Bish and CARRIED by a voice vote of 5-0-0.

There was no further business and the Special Committee Meeting adjourned at 6:47 p.m.

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Amy Wilkens
Clerk of Council

City of Kent

Wednesday, December 21, 2022

Regular City Council Meeting

320 S. Depeyster Street, Kent, OH 44240

MINUTES

At 07:30 PM, President Pro Tem, Mr. Jack Amrhein called the Regular City Council Meeting to order.

Present:	Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach
Also Present:	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. Bill Myers, Fire Chief; Ms. Amy Wilkens, Clerk of Council
Absent:	Mr. Jerry T. Fiala, Mayor and President of Council; Mr.John Kuhar

MOTION TO EXCUSE MAYOR FIALA AND MR. KUHAR MADE BY Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 8-0-0.

Opening Remarks and Pledge of Allegiance

Mr. Jack Amrhein, (Ward 2 Councilman) began his opening remarks by thanking the Fire, Police and Service departments for their work during the Mill fire that occurred on December 2, 2022. He said it could have been far worse than what it was if it weren't for the excellent work done by them. He recognized the other seven entities that came in to help fight the fire. There was a round of applause from the audience.

Mr. Amrhein continued by asking all to be careful during the next few days with the bad weather that is expected. He wished all a very happy holiday. He then asked that everyone stand for the Pledge of Allegiance.

MOTION TO ADOPT THE SPECIAL COMMITTEE AND REGULAR MEETING MINUTES FROM NOVEMBER 16, 2022 MADE BY Mr. Michael DeLeone, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 7-0-1. Ms.Wallach voted 'Abstain'.

Communications

Public Comment

Mr. Jack Amrhein asked if there were any members of the public signed in to speak to

Council. Ms. Amy Wilkens, Clerk of Council, called Dr. Michael Fricke, so speak.

Dr. Fricke, who resides on State Route 43, introduced himself to Council to speak about the decriminalization of marijuana in Kent. He provided a written statement, which he read into the record **(Attachment #1)**.

Written Communication

1. Parks and Recreation Board Packet for their rescheduled meeting being held on December 8, 2022 was received on November 30, 2022.
2. Planning Commission Agenda and Staff report for the December 6, 2022 meeting was received on November 29, 2022.
3. Request for an Updated List of City Elected Officials was received from the State of Ohio Ethics Commission on December 1, 2022.
4. Standing Rock Cemetery Board of Trustees December Meeting Agenda and November meeting minutes were received on December 2, 2022.
5. Letter from the Board of Elections regarding changes to laws governing property tax levies was received and forwarded to the Law and Budget and Finance departments on December 6, 2022.
6. Letter from Julie Kenworthy, Director of the Kent Historical Society and Museum in regards to historic preservation and the work being done on the City's Design Guidelines for the Overlay District was received on December 7, 2022.
7. Letter from Pamela Ferguson notifying Commissioner Seidel and City Council of her change in primary residence and resignation from the Board of Health effective January 1, 2023 was received on December 14, 2022.

MOTION TO APPROVE MS. PAMELA FERGUSON'S RESIGNATION FROM THE BOARD OF HEALTH MADE BY Mr. Michael DeLeone, SECONDED by Ms.Gwen Rosenberg and CARRIED by a voice vote of 8-0-0.

City Manager's Report

1. Request for Council's authorization to renew the City's agreement with ODOT to provide bridge inspection services for City bridges in Kent in 2023.
2. Request Council's authorization to accept and allocate a $100 donation from Pete Orlando to Kent Parks and Recreation to plant a Memorial Tree in honor of Lois A. Orlando.
3. Request Committee of the Whole time to provide Council with information on the City's migration to Microsoft Office 365.
4. Request Committee of the Whole time to review and update the status of the items on the Pending List.
5. Request Health and Public Safety Committee time to present an update on the status of Fire Department initiatives for Council's information.
6. Request Health and Public Safety Committee time to review Ohio HB513 (removing local government ability to restrict certain types of tobacco sales) and to suggest Council join the Kent Health Board in sending a letter opposing final passage of the bill.
7. Request Health and Public Safety Committee time to respond to Council's request to discuss the availability of the equipment necessary for the Police Department staff to provide animal control services.
8. Request Finance Committee time to request Council's renewal of the IT Services contract with Quality IP.

MOTION TO APPROVE CITY MANAGER'S REPORT MADE BY Mr. Roger Sidoti, SECONDED by Ms.Heidi Shaffer Bish and CARRIED by a voice vote of 8-0-0.

Standing Committees & Legislation

Committee of the Whole Chair Mayor Fiala

MOTION TO APPROVE THE COMMITTEE MEETING MINUTES FOR DECEMBER 7, 2022 MADE BY Mr. Michael DeLeone, SECONDED by Ms. Heidi Shaffer Bish and CARRIED by a voice vote of 8-0-0.

MOTION TO APPROVE THE ACTION 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 2023-2027 Capital Improvement Plan with the emergency clause. (Presented at November Special Mtg)

Voting on Board and Commission Appointments

MOTION TO APPOINT JONA BURTON TO THE BOARD OF ZONING APPEALS MADE BY Ms.Gwen Rosenberg, SECONDED by Ms.Tracy Wallach and CARRIED by a voice vote of 8-0-0.

MOTION TO APPOINT GREG SEIFERT TO THE BOARD OF BUILDING APPEALS MADE BY Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 8-0-0.

MOTION TO APPOINT EMILY MATTERN AND EVAN HOWE TO THE BOARD OF HEALTH MADE BY Ms. Gwen Rosenberg, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 8-0-0.

MOTION TO APPOINT AUDREY KESSLER TO THE COMMUNITY AREA REINVESTMENT HOUSING COUNCIL MADE BY Ms. Heidi Shaffer Bish, SECONDED by Ms. Tracy Wallach and CARRIED by a voice vote of 8-0-0.

MOTION TO APPOINT WILLIAM DUNICK TO THE DESIGN AND PRESERVATION COMMITTEE MADE BY Mr. Roger Sidoti, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 8-0-0.

MOTION TO APPOINT JENNIFER NICHOLS AND SUSAN ROXBURGH TO THE FAIR HOUSING BOARD MADE BY MADE BY Ms. Heidi Shaffer Bish, SECONDED by Ms. Tracy Wallach and CARRIED by a voice vote of 8-0-0.

MOTION TO APPOINT DENISE MOTE AND JAMES MADDOX TO THE INCOME TAX BOARD OF REVIEW MADE BY Ms. Tracy Wallach, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 8-0-0.

MOTION TO APPOINT KAREN MUELLER TO THE LOAN REVIEW BOARD MADE BY Ms. Gwen Rosenberg, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 8-0-0.

MOTION TO APPOINT ALYSSA TRIVIGNO AND DEREK SALUSTRO TO THE

PLANNING COMMISSION MADE BY Mr. Roger Sidoti, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 8-0-0.

MOTION TO APPOINT JOHN BELFIORE AND TOM KIEPURA TO THE SHADE TREE COMMISSION MADE BY Mr. Michael DeLeone, SECONDED by Ms. Heidi Shaffer Bish and CARRIED by a voice vote of 8-0-0.

MOTION TO APPOINT JUDY NELSON AND MARY STARBUCK TO THE SUSTAINABILITY COMMISSION MADE BY Ms. Heidi Shaffer Bish, SECONDED by Ms. Tracy Wallach and CARRIED by a voice vote of 8-0-0.

MOTION TO AUTHORIZE INSERTION OF NAMES INTO LEGISLATION MADE BY Mr. Michael DeLeone, SECONDED by Ms. Heidi Shaffer Bish and CARRIED by a voice vote of 8-0-0.

DRAFT 2022-119 A RESOLUTION APPOINTING JONA BURTON TO THE BOARD OF ZONING APPEALS AND DECLARING AN EMERGENCY. was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-119 MADE by Mr. Garret Ferrara, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022-119 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

RESOLUTION 2022-119 PASSES.

DRAFT 2022-120 A RESOLUTION APPOINTING GREG SEIFERT TO THE BOARD OF BUILDING APPEALS AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-120 MADE by Mr. Garret Ferrara, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022-120 MADE by Mr. Roger Sidoti, SECONDED by Mr. Garret Ferrara. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

RESOLUTION 2022-120 PASSES.

DRAFT 2022-121 A RESOLUTION APPOINTING EMILY MATTERN and EVAN HOWE TO THE BOARD OF HEALTH, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-121 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022-121 MADE by Michael DeLeone, SECONDED by Garret Ferrara. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

RESOLUTION 2022-121 PASSES.

DRAFT 2022-122 A RESOLUTION CONFIRMING THE CITY OF KENT MAYOR'S APPOINTMENT OF JUSTIN BERTHIAUME TO THE COMMUNITY REINVESTMENT AREA HOUSING COUNCIL, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-122 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022-122 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

RESOLUTION 2022-122 PASSES.

DRAFT 2022-123 A RESOLUTION APPOINTING AUDREY KESSLER TO THE COMMUNITY REINVESTMENT AREA HOUSING COUNCIL, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-123 MADE by Mr. Garret Ferrara, SECONDED by Ms. Heidi Shaffer Bish. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022-123 MADE by Mr. Garret Ferrara, SECONDED by Ms. Heidi Shaffer Bish. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

RESOLUTION 2022-123 PASSES.

DRAFT 2022-124 A RESOLUTION APPOINTING WILLIAM DUNICK TO THE COMMITTEE ON DESIGN AND PRESERVATION AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-124 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022-124 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0..

RESOLUTION 2022-124 PASSES.

DRAFT 2022-125 A RESOLUTION APPOINTING JENNIFER NICHOLS and SUSAN ROXBURGH TO THE FAIR HOUSING BOARD AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-125 MADE by Mr. Garret Ferrara, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022-125 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

RESOLUTION 2022-125 PASSES.

DRAFT 2022-126 A RESOLUTION APPOINTING DENISE MOTE and JAMES MADDOX TO THE INCOME TAX BOARD OF REVIEW AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-126 MADE by Mr. Garret Ferrara, SECONDED by Ms. Gwen Rosenberg. On Roll Call Voting "Yes" JMr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022-126 MADE by Mr. Garret Ferrara, SECONDED by Ms. Gwen Rosenberg. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

RESOLUTION 2022-126 PASSES.

DRAFT 2022-127 A RESOLUTION APPOINTING KAREN MUELLER TO THE LOAN REVIEW BOARD AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-127 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022-127 MADE by Mr. Garret Ferrara, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

RESOLUTION 2022-127 PASSES.

DRAFT 2022-128 A RESOLUTION APPOINTING ALYSSA TRIVIGNO and DEREK SALUSTRO TO THE PLANNING COMMISSION AND DECLARING AN EMERGENCY as read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-128 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022-128 MADE by Mr. Garret Ferrara, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

RESOLUTION 2022-128 PASSES.

DRAFT 2022-129 A RESOLUTION APPOINTING JOHN BELFIORE and TOM KIEPURA TO THE SHADE TREE COMMISSION AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-129 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022-129 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

RESOLUTION 2022-129 PASSES.

DRAFT 2022-130 A RESOLUTION APPOINTING JUDY NELSON and MARY STARBUCK TO THE SUSTAINABILITY COMMISSION AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-130 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022-130 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

RESOLUTION 2022-130 PASSES.

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

No Committee Meeting Minutes to Approve

No Actions Recommended

DRAFT 2022- 131 AN ORDINANCE OF LEGISLATION CONSENT FOR THE ODOT PROJECT TITLED: MUNICIPAL BRIDGE INSPECTION PROGRAM was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022- 131 MADE by Mr. Michael DeLeone, SECONDED by Mr. Garret Ferrara. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022- 131 MADE by Mr. Michael DeLeone, SECONDED by Mr. Garret Ferrara. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

ORDINANCE 2022-131 PASSES.

Land Use Committee Chair Ferrara/ Vice-Chair Shaffer Bish

MOTION TO APPROVE THE COMMITTEE MEETING MINUTES FOR DECEMBER 7, 2022 MADE BY Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 8-0-0.

MOTION TO APPROVE THE ACTION RECOMMENDED MADE BY Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 8-0-0.

Action(s) Recommended
Authorize amendment of Chapters 1103 and 1105 of the Kent Zoning Code with an emergency clause.

DRAFT 2022- 132 AN ORDINANCE AUTHORIZING AMENDMENTS TO THE CITY OF KENT'S ZONING CODE IN ORDER TO ESTABLISH A NEW LAND USE CATEGORY IN THE CODE, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022- 132 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, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022- 132 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, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

ORDINANCE 2022-132 PASSES.

<u>Finance Committee</u> Chair DeLeone/ Vice-Chair Wallach

MOTION TO APPROVE THE COMMITTEE MEETING MINUTES FOR DECEMBER 7, 2022 MADE BY Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 8-0-0.

MOTION TO APPROVE ACTIONS #1, 3, 4, 5, AND 6 MADE BY Mr. Michael DeLeone, SECONDED by Mr. Garret Ferrara and CARRIED by a voice vote of 8-0-0.

MOTION TO APPROVE ACTION #2 MADE BY Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 7-1-0. Ms. Wallach voted 'No'.

Action(s) Recommended:

1. Authorize the renewal of the Portage County Public Defender's contract for 2023 with an emergency clause.
2. Authorize the 2023 City Operating Budget, including the 9 % Water and Sewer rate increases, with the emergency clause.
3. Approve the 2022 Budget appropriation amendment with an emergency clause
4. Authorize the final year end budget reconciliation for 2022 with an emergency clause.
5. Approve "then and now" purchases incurred in 2022 over $3,000 with an emergency clause.
6. Approve the Position Allocation and General Compensation Plan with an emergency clause.

DRAFT 2022-133 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO CONTRACT, ON BEHALF OF THE CITY OF KENT, WITH THE OFFICE OF THE PUBLIC DEFENDER, PORTAGE COUNTY, FOR THE PROVISION OF LEGAL COUNSEL TO INDIGENT PERSONS CHARGED WITH POTENTIAL PENALTY OF INCARCERATION FOR OFFENSES COMMITTED IN VIOLATION OF THE ORDINANCES OF SAID CITY FOR THE PERIOD JANUARY 1, 2023 THROUGH DECEMBER 31, 2023, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-133 MADE by Mr. Michael DeLeone, SECONDED by Mr. Garret Ferrara. On Roll Call Voting "Yes" JMr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022-133 MADE by Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

ORDINANCE 2022-133 PASSES.

DRAFT 2022- 134 AN ORDINANCE AMENDING SECTION 913.05 OF THE KENT CODIFIED ORDINANCES, INCREASING THE WATER RATES OF THE CITY OF KENT, OHIO BY NINE PERCENT (9%) BEGINNING WITH THE FIRST BILLING CYCLE IN JANUARY, 2023, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022- 134 MADE by Mr.

Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 7-1-0 with Ms. Wallach voting 'No'.

Ms.Shaffer Bish commented they have been discussing this for many years and that nobody really wants to have to raise rates but that it is our fiduciary responsibility to ensure that these utilities pay for themselves. She added that we are not looking for a profit, but the utility is supposed to be self-funding. Grants and other offsets have helped in the past, but we have to make sure we stay on track to stay even and not slip behind like we were during the rate stabilization program. She added that the *Portager* published a very comprehensive and fair article about this and listed resources for low-income households. She did hope to delay this, but after consulting with City staff, realized this was the right thing to do.

Mr. Sidoti said a few years ago we were facing the same dilemma and we actually cut it in half knowing we were going to be in a difficult situation. We basically "kicked the can" down the road. When doing this, you get to a certain point where there is a problem. When you look at the issues such as the Fairchild water tower, the issues with our wellheads, and the issues of maintenance that need to be done, it is tough, but we need to address these issues and look to the future of how we are going to address the infrastructure.

Mr. Turner agreed with Ms. Shaffer Bich and Mr. Sidoti stated we do be dealing with malpractice if we do not implement policies that have been brought to us. "Kicking the can" down the road only adds cost in the future and create more problems for the people we represent. He said these are tough decisions but are ones that have to be made. They are being made in the interest of infrastructure and we are just doing what needs to be done. He hopes that people understand that they are doing what is in the interest of residents.

MOTION TO ADOPT DRAFT 2022- 134 MADE by Mr. Roger Sidoti, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 7-1-0 with Ms. Wallach voting 'No'.

ORDNINANCE 2022-134 PASSES.

DRAFT 2022-135 AN ORDINANCE AMENDING SECTION 915.72 OF THE KENT CODIFIED ORDINANCES, INCREASING THE SEWER RATES OF THE CITY OF KENT, OHIO BY NINE PERCENT (9%) BEGINNING WITH THE FIRST BILLING CYCLE IN JANUARY, 2023, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-135 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 7-1-0 with Ms. Wallach voting 'No'.

MOTION TO ADOPT DRAFT 2022-135 MADE by Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 7-1-0 with Ms. Wallach voting 'No'.

ORDINANCE 2022-135 PASSES.

DRAFT 2022-136 AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR, UPON THE ISSUANCE OF A CERTIFICATE OF AVAILABILITY OF FUNDS, TO PAY CERTAIN

PURCHASE ORDERS MADE THAT EXCEED $3000.00; AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-136 MADE by Mr. Garret Ferrara, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022-136 MADE by Mr. Garret Ferrara, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

ORDINANCE 2022-136 PASSES.

DRAFT 2022- 137 AN ORDINANCE AMENDING ORDINANCE NO.2022-138 THE POSITION ALLOCATION AND GENERAL COMPENSATION PLAN, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022- 137 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022- 137 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

ORDINANCE 2022-137 PASSES.

DRAFT 2022-138 AN ORDINANCE APPROPRIATING 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, 2023, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-138 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022-138 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

ORDINANCE 2022-138 PASSES.

DRAFT 2022-139 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 Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-139 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022-139 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

ORDINANCE 2022-139 PASSES.

Unfinished Business: NONE

New Business: NONE

Councilmembers' Comments

Ms. Shaffer Bish reminded all that winter was coming and, with that, snow. She reminded citizens and business owners that pedestrians are very important in our city. We have become a very walkable city, and we want it to remain that way year round. We have a responsibility to keep the walks clear as soon as possible. She saw a list of vendors on the City website that people can contact to hire to plow or shovel their driveways. She said the city has one code enforcer who tries to catch violations, but when people pile snow on sidewalks, it blocks the sidewalk for pedestrians. She said it is incumbent upon all of us to stay on top of this.

Mr. DeLeone thanked everyone that came to be interviewed at the previous Special Committee Meeting for vacancies on the Boards and Commissions. He was amazed at the people who attended, stating they were well qualified and a nice group. He thanked those who attended.

Mr. Sidoti said that the city looks beautiful with all of the holiday decorations and thanked those who put in the time and effort to make it look so great. He said it is part of who we are in Kent and speaks volumes to the leadership provided by Ms. Melanie Baker.

Mr. Turner said that, unfortunately, he missed the Special Meeting held during the previous week, but it was pointed out to him that we didn't have any minorities applying for our Boards and Commissions. He said he needed to put the onus on the minority communities' feet. He said we are dealing with issues where the City is making an attempt to ensure participation of individuals from the minority community, saying they want to be engaged and involved more, and yet when the opportunity exists, we're not seeing them in attendance. He asked what needed to be done in regards to outreach to be more inclusive as a community. We are asking for their participation and said if we are going to be a diverse community, we need you to participate. He said we are still working on creating a new position in one area, but we need your voices and some direction on how we can make the community more diverse and better. He is looking forward to hearing back from the community on how we can best do that. He said going into 2023 he is hoping for the opportunity to make this happen.

Mayor's Report

Mr. Jack Amrhein stated the Mayor is not here, and wanted to wish all the best to Mayor Fiala and his recuperation and to Mr. Kuhar and his recuperation. He said he saw Mayor Fiala the other day and he said the doctor said he was a couple of weeks ahead of where he needed to be, so he is doing well. He wished everyone a happy holiday and to please be careful the next few days.

Seeing no further business, the meeting adjourned at 8:15 p.m.

Amy Wilkens Clerk of Council	Jack Amrhein President Pro Tem Ward 2 Councilman

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.

Statement to Council 21DEC2022
Michael Fricke. Libertarian
7395 State Route 43
Kent, OH 44240

Hello again. For those of you who don't know me, I am Michael Fricke, the 2020 Libertarian candidate for US Congress in OH13 and more recently the campaign manager for Sensible Kent. I would like to start by congratulating the citizens of Kent for overwhelmingly supporting the end of the war on marijuana. This victory is especially important for the citizens of Kent because of our town's unique history. Marijuana was criminalized and heavily penalized by Richard Nixon as a way to villainize the anti-war voices in 1970. Nixon's eagerness to use his power to silence his opposition at any cost is directly responsible for the tragic loss of those four lives here in Kent that same year. Nixon ignored his own advisors when he decided to start this war. I celebrate that 8 out of 10 of my fellow residents of Kent have now taken this step and said enough is enough.

I would like to address this Council as an ally. You are the elected representatives of this community and this community has spoken. Many of you have already looked into this matter and are aware that in states that have legalized marijuana both the rate of smoking in youths and the incidence of driving under the influence of marijuana have declined. Criminalization only does one thing which is to make criminals out of members of our community. The residents of Kent have overwhelmingly decided that our municipal dollars should not be used to continue to fight Nixon's war.

Now we have some important business to discuss. I have to believe that this Council was surprised by our Police Chief's recent statements to NPR and Idea Stream that he is going ignore the results of the election and continue the war here in Kent. Many of you are probably still processing this statement and have not yet decided how to proceed and how to lead.

I will counsel you today to give the Chief some time. He is in denial which we all know is the first stage of grief. We have to remember that marijuana has been taught to our police as a tool to ignore the 4th amendment and proceed with otherwise unreasonable searches since all of our officers were trained as cadets. It's going to take some time for the police to learn how to police again.

Now many of you are rightly concerned about the next citizen that believes we have decriminalized cannabis here in Kent and what will happen to them when the Kent police charge them anyway. I want to reassure all of you that Nick Shearer's response is similar to many other Chiefs in cities across Ohio that have already decriminalized. Rest assured that at the end of the process after this first arrest will sit a municipal judge that can read municipal law. Now I know judges hate when anyone predicts what they are going to do so I will just leave you with the fact that in the entire state of Ohio there has never been a judge that has penalized a misdemeanor cannabis crime in a Sensible jurisdiction beyond: No Fine, No Time and No Court Costs.

Thank you for your time and consideration.

City of Kent

Wednesday, January 4, 2023

City Council Committee Meetings

320 S. Depeyster Street, Kent, OH 44240

MINUTES

Council Committee Meetings

At 7.p.m., Mayor Jerry T. Fiala called the 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. Robin Turner, Mr. Tracy Wallach
Also Present:	Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Melanie Baker, Service Director; Mr. Jim Bowling, City Engineer; Ms. Joan Seidel, Health Commissioner; Mr. Nick Shearer, Chief of Police; Mr. Bill Myers, Fire Chief; Ms. Sara Slanina, Paramedicine Provider; Ms. Amy Wilkens, Clerk of Council
Absent:	Mr. Garret Ferrara

Committee of the Whole Chair Fiala/ Vice-Chair Amrhein

Office 365 Migration

Mr. Ruller introduced the IT Director to speak on the first topic. Mr. Nick Cecil, IT Director, updated City Council on the new Office 365 Migration, specifically in regards to email. He will finish migrating the Police and then will work for the City Council. Council will have a new email address and he will be facilitating training as necessary.

Mr. Kuhar asked about losing past data. Mr. Cecil said the migration will move emails, folder structure and calendars.

Mr. Cecil said the Google licensing expires March 1st, so time is important. They can come in as a group or individually, whichever works best.

Ms. Shaffer Bish asked about coordinating this transition. She suggested Ms. Wilkens assist with scheduling a time for Council members to meet with Mr Cecil.

Mr. Cecil explained multi-functioning authentication and the necessity of having this for cyber security insurance purposes.

Ms Wallach asked about forwarding emails, Mr. Cecil explained that was no longer a possibility.

Mr. Sidoti asked if they could do this on their own. Mr. Cecil said there is a process he will need to complete the migration and would prefer them to meet with him.

Mr. Ruller said some of this is driven by cyber security and is a recommendation by auditors and several other audits.

Mr. DeLeone said he had 25,000 emails and asked if this was a problem. Mr. Cecil said it is an automatic process and can be done.

Mr. Kuhar asked about emailing city staff and if he was allowed to forward emails to his city email address. Mr. Cecil said you can manually forward any email that you wish, just that you cannot set it up to forward all emails to another address.

Mr. Ruller said that those who have email on their cell phones will need to download the app. He also said he would like the city to use laptops in the future for business use during the meeting.

Ms. Rosenberg said she is in full support of using laptops during the meeting.

There were no further questions and Mr. Cecil thanked City Council for their time.

Review and Update of the Pending List Items

Mr. Ruller went through each item on the Pending List individually and the following actions were taken:

1. Sustainability Commission to come up with 10 action items to fend off global warming: Keep on List
2. Explore Senior Center Advisory Committee: Keep on List
3. Conflict of Interest for Boards and Commissions: Remove **MOTION TO REMOVE CONFLICT OF INTEREST ITEM** MADE BY Ms. Heidi Shaffer Bish, SECONDED by Ms.Gwen Rosenberg and CARRIED by a voice vote of 8-0-0.
4. Review and Discuss Unattended Vehicle Idling in the City-Keep on List
5. Design Guidelines Reorganization- Keep on List
6. Review of Noise Ordinance and Recommendation- Remove **MOTION TO REMOVE REVIEW OF NOISE ORDINANCE** MADE BY Mr.John Kuhar, SECONDED by Ms. Heidi Shaffer Bish and CARRIED by a voice vote of 8-0-0.
7. Discussion with Franklin Township on Sidewalk Shoveling/Plowing - Keep on List
8. Parameters for Low Frequency Noises- Keep on List **MOTION TO KEEP LOW FREQUENCY NOISES ON PENDING LIST** MADE BY Ms. Tracy Wallach SECONDED by Ms. Heidi Shaffer Bish and CARRIED by a voice vote of 8-0-0. Ms. Wallach stated that a resident was to come in to speak but was not able to. Mr. Kuhar said the way business is done, a lot of problems solve themselves. Mr. Turner asked how we are able to define violations. Ms. Jones said, because this is such a new issue, she said we need to be very careful as a city. Mr. Kuhar encouraged Hope Jones to look into the federal government looking into noise. Ms. Jones said she would take a look at it.
9. Proactively Dealing with Racism- **MOTION TO KEEP PROACTIVELY DEALING WITH RACISM ON THE PENDING LIST** MADE BY Ms. Tracy Wallach SECONDED by Ms. Heidi Shaffer Bish and CARRIED by a voice vote of 8-0-0.
10. Flag Committee- Keep on Pending List

11. Animal Control Equipment Discussion- Remove **MOTION TO REMOVE ANIMAL EQUIPMENT DISCUSSION FROM PENDING LIST** MADE BY Ms. Heidi Shaffer Bish SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 8-0-0.
12. Changes in Fireworks Law- Keep on List **MOTION TO KEEP CHANGES IN FIREWORKS LAW ON PENDING LIST** MADE BY Ms. Heidi Shaffer Bish SECONDED by Ms. Tracy Wallach and CARRIED by a voice vote of 8-0-0. Ms. Shaffer Bish said she would like time to see how this goes.
13. Yard Waste Site Policies- Remove **MOTION TO REMOVE YARD WAST SITE POLICIES FROM PENDING LIST** MADE BY Ms. Heidi Shaffer Bish SECONDED by Ms. Tracy Wallach and CARRIED by a voice vote of 8-0-0.

New City Hall Construction Update

Ms. Melanie Baker, Service Director, said the steel for the new building will arrive on January 16th. She is planning an event on January 18th where Council members can sign the beams. She said we may have to close a lane on S. Water, but it won't be both lanes.

She added they are still working on getting the gas lines installed, which was supposed to be done before Christmas , but should be done by late January.

She met with the architect and will be sending the request for proposals for furniture selection. In regards to technology for the Council, she highly recommends getting aptops. Everything will be wireless and there will be large screens and TVs.

Mr. Ruller asked if they wanted other businesses and staff to attend the event on the 18th. Mayor Fiala said they would work on this.

Mr. Kuhar asked about wireless usage in the building and what would happen if it were to go out. Ms. Baker said they had things in place to help with that.

Ms. Rosenberg thanked Melanie Baker for the beam signing, and said she is excited about the opportunity.

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

Fire Department Update

Mr. Ruller introduced Fire Chief Myers to give an update on the mill fire and the paramedicine program.

Mr. Myers began by stating the investigation into the mill fire is ongoing. They are using all the sources available to them for the investigation and hope it can be wrapped up soon, and as soon as he knows anything, he will let everyone know.

He said we measure our success in ways we touch the lives of people. He thanked Joan Seidel because the paramedicine program would not have been there without her efforts. The Fire Prevention Bureau has changed into community risk reduction. He introduced Sara Slalina to discuss the work she was doing.

Sara Slalina reviewed her powerpoint presentation (**Attachment #1**)

Chief Myers said this is touching people's lives and all of her hard work is really benefiting those in the community. Having the Community Risk Reduction program has been a great benefit.

Ms. Rosenberg recognized her work arranging hospice services.

Mr. DeLeone asked if this was just in the city or other areas. Chief Myers said it was for the whole response area.

Mr. Kuhar said removing rugs is a very important thing to remove. He asked Chief Myers about water wetters for fires. He said they do have some, but it is very expensive and chose not to use them. It is used on occasion, especially with reburns.

Ms. Sidoti asked about the significance of the program and asked about increasing this program. Chief Myers said he would like to see that happen.

Ms. Rosenberg asked if there was any collaboration with the police. Sara said they have had discussions but they are not there yet.

Mr. Turner asked about the paramedicine program that has been instituted. Has there been any information given out regarding its impact and how it impacts the citizens? He hopes we get this information out and that there are these functions in the city.

Health Department Request to Oppose State HB513

Mr. Ruller said HB513 is currently on the Governor's desk and introduced Joan Seidel to speak on this item.

Ms. Seidel said this bill was passed during a lame duck session. The governor can sign , veto, or do nothing. Ms. Seidel, along with many others, signed onto this letter and sent it to the Governor. The next meeting to discuss it is January 9, 2023. Home rules have allowed Kent to enforce updates of policies. Ms. Seidel has given a suggested word document and encouraged Council to either sign the letter or send their own letters.

Mr. Kuhar asked about the justification of passing the bill, which was on taxes, and local policy making was tagged on at the last minute.

Mr. Turner asked what her recommendation was.

Ms. Shaffer Bish said she read the letter and it was really well written.

Police Department Update on Animal Control Services

Chief Shearer said this came up in regards to compliance officers attempting to capture animals on the loose. He has talked with his animal control officers, who suggested using net guns. He said feral cats are an issue that cannot be trapped as they have nowhere to take them.

Mr. Kuhar said a month ago, a rabid raccoon was in the neighbor's yard. Animal control was called and was unable to do anything. He felt something should have been done. Chief Shearer said the only mechanism is to euthanize with a firearm, and it can't be done in a tree. Mr. Kuhar said the net is a good option.

Mr. DeLeone asked if it was reloadable. Chief Shearer said it was.

Finance Committee (Chair DeLeone/Vice-Chair Wallach)

Information Technology Support Contract

Mr. Ruller said this is the new contract with Quality IP, which is a renewal with a slightly dimished amount.

Nick Cecil said the main difference is it is a three-year agreement.

Ms. Wallach asked about the security of our system. Mr. Cecil said they use a multi-system approach to watch for that. Part of the reason we are moving to Microsoft is to improve this. There is now a rolling cycle in place to replace items to keep everyone up to date.

Ms. Shaffer Bish asked what the total was. Mr. Cecil said it is a monthly expense. He said it is measured billing, and if there are services added, it is per machine, so if we get rid of some computers or add them, they are adapted to use current numbers using current, which are based on staffing numbers. Mr. Ruller said it is a little less because we are bringing an employee on board.

MOTION TO APPROVE THE INFORMATION TECHNOLOGY SUPPORT CONTRACT MADE BY Mr. Roger Sidoti, SECONDED by Mr. John Kuhar and CARRIED by a voice vote of 8-0-0.

Executive Session

An Executive Session was scheduled to confer with an attorney for the public body subject to pending imminent court action.

MOTION TO ENTER EXECUTIVE SESSION 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, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach
Also Present:	Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Melanie Baker, Service Director; Mr. Jim Bowling, City Engineer; Mr. Nick Shearer, Chief of Police
Absent:	Mr. Garret Ferrara

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

Hearing no further business, the meeting adjourned at 9:30 p.m.

____

Amy Wilkens
Clerk of Council

City of Kent Paramedicine Program

Kent Fire Department/Health Department

1

Mission Statement

To provide compassionate quality care and service built around the needs of the patients and communities we serve through effective partnerships.

What is a Community Paramedicine Provider (CPP)?

A CPP is a Paramedic/RN that works to increase access to primary and preventive care and increase the quality of life for the residents in our community.

What types of services will the CPP provide?

Assess home environment for fall and safety hazards
Provide health assessments and chronic disease monitoring and education
Coordinate health services
Determine need for and provide referrals to community resources
Educating on proper use of health care resources
Provide hospital follow-up care
Provide organization of new and current medications
Educating on identified health care goals

The City of Kent Fire and Health Departments work together to provide services to the residents to which we proudly serve. We have expanded our services to the community to better prevent illness and injury and increase quality of life.

2

- 76 home visits
- Worked with residents' physicians to find meaningful solutions to improved in-home healthcare
  - Working with local physicians to coordinate services
- Assisted with medication compliance
  - Resulting in decreased EMS calls and emergency room visits
- Establishing housing for the homeless
- Initiated hospice services for five residents
- Provided COVID vaccines in home to multiple residents
- Assisted in getting residents connected with in-home agencies to help with meals, cleaning, laundry, etc.
- Admitted two residents to detox
- Provides health screenings Kent Social Services weekly
- Assists with setting up new primary care providers
- Assists with dental, women's health, and eye exam appointments
- Attended five community events

3

RESIDENT WITH A CHRONIC MEDICAL CONDITION

- In previous 12 months-20 911 calls
- 5 calls since CPP visits initiated
- In home visits provided insight into medication non-compliance
  - Provided education in use of medication
- Assisted with getting homecare set up
- Assisted with getting transportation
- Establishing independence at home

4

01.04.23 Comm. Mtg. Min. Attachment #1

CITY OF KENT PARAMEDICINE PROVIDER

Mission Statement
To provide compassionate quality care and service built around the needs of the patients and communities we serve through effective partnerships.

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- Provide organization of new and current medications
- Educating on identified health care goals

The City of Kent Fire and Health Departments work together to provide services to the residents to which we proudly serve. We have expanded our services to the community to better prevent illness and injury and increase quality of life.

For more information contact 330-839-5261 or sara.slanina@kent-ohio.org

01.04.23 Comm. Mtg.
Min. Attachment #1

CITY OF KENT
DEPARTMENT OF PUBLIC SERVICE
DIVISION OF ENGINEERING

MEMO

TO: Dave Ruller
Amy Wilkens

FROM: Jim Bowling JB

DATE: January 6, 2023

RE: OEPA - Equipment Grant Application

The Service Department is requesting council approval to submit and execute the subsequent grant agreement for a $10,000 Equipment Grant for public water systems. The grant is required to be used for the following uses from the application:

"Ohio community public water systems that need equipment for valve exercising, leak detection, or meter accuracy testing are eligible to apply."

We are requesting to apply for equipment used in meter accuracy testing, i.e. clamp on flowmeters and/or hydrant flow gauges. The purchase of this equipment was included in the approved 2022 Capital Improvement Plan and will be included in the upcoming reappropriation request in February.

We appreciate council's consideration of this request.

C: Rhonda Hall
Hope Jones
Sandy Lance
Rhonda Boyd
Melanie Baker
Gary Labajetta
John Ellison
Cathy Wilson

I:\PROJECTS_WATER_PLAN\funding\2023 Equipment Grant Aplication\KCC_memo_1_2023.doc

DRAFT ORDINANCE NO. 2023 - 001

AN ORDINANCE AUTHORIZING THE CITY OF KENT TO SUBMIT AN EQUIPMENT GRANT APPLICATION REQUEST FOR $10,000.00 TO THE OHIO ENVIRONMENTAL PROTECTION AGENCY (OEPA) AND TO ACCEPT THE GRANT, IF AWARDED, AND EXECUTE THE SUBSEQUENT GRANT AGREEMENT WITH CORRESPONDING APPROPRIATION OF FUNDS, FOR PUBLIC WATER SYSTEMS, AND DECLARING AN EMERGENCY.

WHEREAS, the funding application was submitted to the Ohio Environmental Protection Agency (OEPA) requesting $10,000.00 in assistance through an Equipment Grant; and

WHEREAS, the City is seeking the grant to apply for equipment used in meter accuracy testing, i.e. clamp on flowmeters and/or hydrant flow gauges.

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

SECTION 1. That Kent City Council approves submission of the City's application request for OEPA'S Equipment Grant application totaling $10,000.00 and authorized that the Administration provide all information, funds, and documentation required in said applications for submission.

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

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

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

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

PASSED: ________________________
Date

EFFECTIVE: ____________________
Date

ATTEST: ________________________
Amy Wilkens
Clerk of Council

____
Jerry T. Fiala
Mayor and President of Council

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

(SEAL)

____
AMY WILKENS
CLERK OF COUNCIL

DRAFT ORDINANCE NO. 2023 - 002

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO RENEW THE AGREEMENT WITH QUALITY IP AND THE CITY OF KENT TO HELP THE CITY'S TRANSITION TO MICROSOFT OFFICE 365, WAIVING COMPETITIVE BIDDING, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent desires to renew the agreement with Quality IP to help the City's transition to Microsoft Office 365 and providing new emails for City Council and City employees; and

WHEREAS, it will be a thirty-six (36) month agreement and thereafter shall automatically renew for successive terms of twelve (12) months unless terminated within 15 days after notification; and

WHEREAS, the Administration did not seek any other bids or proposals for the reason that Quality IP has been a technology vendor for the City and Quality IP is familiar with the City's technology needs; therefore, competitive bidding is requested to be waived.

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 renew the agreement with Quality IP to update the City's help the City's transition to Microsoft Office 365 and is more fully described in Exhibit "A" attached hereto and incorporated herein. Competitive bidding is hereby waived.

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

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

PASSED: ________________________
Date

____
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____________________
Date

ATTEST: ________________________
Amy Wilkens
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS

OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE *No.* _______________, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON ___________________________, 20_________.

(SEAL)

____
AMY WILKENS
CLERK OF COUNCIL

QualityIP Knows IT

We have prepared a quote for you

IT Agreement Renewal

QUOTE # 010834 V1

PREPARED FOR

City of Kent

PREPARED BY

Ryan Markham

We know IT.

The evolution of your business is a journey like no other and it's essential that your technology evolves with it. Now, more than ever, you need robust IT solutions to stay competitive, expert advice to simplify your options, and best practices to tie it all together to streamline your systems. Our friendly technicians enjoy the challenge of combining their expertise to bring you the solution that's right for you.

You belong with us.

This purchase is just the beginning of our collaboration together. We'll be here with you every step of the way to make sure that your technology is advancing your boldest business goals. As CEO of Quality IP, I am proud of our team of experts. We consistently deliver unparalleled solutions, support, and customer service. **Quality IP—Knows IT. Put us to work for you.**

WE KNOW IT

Ryan Markham
CEO, QualityIp

QualityIP
Knows IT

QualityIP
Knows IT

Main: (330) 931-4141
Email: ryanm@qualityip.com
Web: https://www.qualityip.com

Thursday, December 22, 2022

City of Kent
Nick Cecil
930 Overholt Rd.
Kent, OH 44240
nicholas.cecil@kent-ohio.org

Dear Nick,

Our meeting was very helpful to establish the framework for our next IT agreement. We removed services that you provide, and we added email backup along with adjusting quantities as you requested. The biggest change is the addition of Mae Van Riper as a full time employee for City of Kent. As we discussed, losing a quality employee like Mae is difficult for us, but we appreciate the desire by her and you to work together full-time. We feel everyone wins with the right structure as defined in this agreement renewal.

We appreciate our relationship with City of Kent and we look forward to our continued success!!

Ryan Markham
CEO
QualityIP

QualityIP Knows IT

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Managed Security	Recurring	Qty	Ext. Recurring
Automated Change Management and Auditing	$50.00	1	$50.00
Managed Password Service for Administrators - Securely share, store, synchronize, and audit passwords - Meet strict compliance objectives - Keep your critical information safe from intruders - Monitor and report on the access permissions of your staff - Revoke access with the click of a button instead of manually changing passwords - Automate and synchronize password updates - Store and share dozens or hundreds of passwords among many people	$100.00	2	$200.00
		Recurring Subtotal	**$250.00**

Managed Services	Recurring	Qty	Ext. Recurring
Managed IT - Workstation + Encryption - Computer Cleanup with Optimization - Hardware/Software Asset Management - Hardware Resource Monitoring - HelpDesk Ticket Management - Technician Remote Access - Windows Patch Management - Managed BitLocker Full Disk Encryption	$22.00	195	$4,290.00
Managed IT for Servers - Drive Space Monitoring - Event Log Monitoring - Hardware/Software Asset Management - Hardware Resource Monitoring - HelpDesk Ticket Management - Technician Remote Access - Windows Patch Management	$50.00	19	$950.00
Managed Backup -- Veeam - Fast and Reliable Image Based Backups - Daily Review of Backup Software Alerts - Granular Recovery with Scalable Design	$50.00	12	$600.00
**these billing counts will automatically increase if we add devices*			
		Recurring Subtotal	**$5,840.00**

QualityIP Knows IT

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Web: https://www.qualityip.com

HelpDesk Support	Recurring	Qty	Ext. Recurring
Remote IT HelpDesk Services (24 hours per month)	$150.00	24	$3,600.00
**additional hours will automatically be invoiced at a discounted rate of $100 per hour*			
		Recurring Subtotal	**$3,600.00**

HelpDesk System	Recurring	Qty	Ext. Recurring
HelpDesk Ticketing System Licensing (per user) ConnectWise user	$150.00	2	$300.00
		Recurring Subtotal	**$300.00**

QualityIP Knows IT

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Web: https://www.qualityip.com

IT Agreement Renewal

Prepared by:

QualityIP
Ryan Markham
(833) KNOWS-IT
ryanm@qualityip.com

Prepared for:

City of Kent
930 Overholt Rd.
Kent, OH 44240
Nick Cecil
(330) 676-7506
nicholas.cecil@kent-ohio.org

Quote Information:

Quote #: 010834
Version: 1
Delivery Date: 12/22/2022
Expiration Date: 01/31/2023

Recurring Expenses Summary

Description	Amount
Managed Security	$250.00
Managed Services	$5,840.00
HelpDesk Support	$3,600.00
HelpDesk System	$300.00
Recurring Total:	**$9,990.00**

Summary of Selected Payment Options

Description	Amount
Term Options: Managed IT Agreement	
Selected Recurring Payment	$6,090.00

Taxes, shipping, handling and other fees may apply. We reserve the right to cancel orders arising from pricing or other errors.

QualityIP

Signature: Ryan Markham

Name: Ryan Markham

Title: CEO

Date: 12/22/2022

City of Kent

Signature:

Name: Nick Cecil

Date:

Main: (330) 931-4141
Email: ryanm@qualityip.com
Web: https://www.qualityip.com

QualityIP
Knows IT

Managed IT Agreement

Thank you for selecting QualityIP!

We are committed to providing you with the highest quality services. Please let us know if you have questions or concerns.

By this Monitoring/Managed IT Services Agreement ("Agreement"), Quality IP, LLC. ("QualityIP") and City of Kent ("Client") agree as follows:

1. Services. During the term of this Agreement QualityIP agrees to provide the services described in the attached Quote 010834 with respect to the Computer System identified in Quote 010834. "Computer System" means the computer hardware and the computer software listed in Quote 010834.

2. Term. This Agreement is effective as of the client signature date and shall continue for 36 months, and thereafter shall automatically renew for successive terms of 12 months unless terminated as provided herein.

3. Fees. Client shall pay QualityIP fees for the services described within 10 days of invoice.

4. Client Responsibilities: Within 5 business days of the occurrence of any of the following events Client will notify QualityIP of the occurrence of such event: (i) any change to the Computer System, including the addition, deletion, replacement, or damage to any hardware or the addition or deletion of any software; (ii) any change to Client's internet connection or provider; and (iii) any malfunctions of the Computer System or Client's internet connections.

5. Warranty Disclaimer. While QualityIP believes that the monitoring and management IT services described on Quote 010834 will help to maximize the performance of the Computer System and increase the likelihood of early detection of potential problems, QualityIP does not warrant that the products or services provided herein will achieve any particular results or prevent any particular problems or malfunctions. As such, QualityIP makes no warranties whatsoever, express or implied, including but not limited to warranties for merchantability or fitness for any particular purpose with respect to its products and services.

6. Limitation of Liability. Under no circumstances shall QualityIP have any liability for any losses, claims, demands, penalties, actions, causes of action, suits, obligations, liabilities, damages, delays, costs or expenses, including attorney's fees caused, directly or indirectly, in whole or in part, by (i) any acts or omissions of Client, its employees or contractors; (ii) a third party; (iii) abuse, misuse, alteration or use the Computer System by Client or others; (iv) causes beyond its control, including strikes, riots, earthquakes, epidemics, wars, terrorism, fires, floods, weather, heat, humidity, cold, power failures, telecommunications interruption, computer malfunctions, software malfunctions, acts of God and any other failure, interruption or error not directly caused by QualityIP. No action against QualityIP arising out of or concerning this Agreement (whether based in contract or tort) may be brought more than one (1) year after the termination of this Agreement. In all events and under all circumstances, QualityIP's liability is

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limited, in the aggregate, to the amount of fees actually paid to QualityIP for the services rendered. Under no circumstances shall QualityIP have any liability for any incidental, consequential, special, indirect, delay, economic or property damages whatsoever (including any damages for loss of business, loss of business profits, business interruption, loss of business information, or other pecuniary loss), even if QualityIP or its suppliers were advised of the possibility of such damage.

7. Interference. Client shall not, directly or indirectly, during the term of this Agreement and for 12 months following the termination of this Agreement, induce or influence any employee of QualityIP to terminate their relationship with QualityIP. Employing, granting an interest in any business to, or otherwise compensating an ex employee of QualityIP for services of any nature during the 12 months following the end of such person's employment with QualityIP is conclusively presumed to be a violation of this provision.

8. Confidentiality. Each party shall treat the information received from the other party that is designated as confidential ("Confidential Information") as a trade secret and strictly confidential. Neither party shall use any Confidential Information except in connection with performance of this Agreement. Neither party shall disclose any Confidential Information to any person except those persons within its organization who need to know such information to perform this Agreement. Upon termination of this Agreement, each party shall either return or destroy all of the other's Confidential Information in their possession.

9. QualityIP's Property. The software and programs installed by QualityIP to enable it to provide the services described in Quote 010834 are the sole and exclusive property of QualityIP (Management Software). The Management Software may only be possessed and used by Client in connection with this Agreement. Under no circumstances may any Management Software be copied or transferred. Upon termination of this Agreement, Client shall cease using the Management Software and shall immediately uninstall and return the Management Software to QualityIP (retaining no copies). Client shall, upon the termination of this Agreement, permit QualityIP to come onto its premises and have access to the Computer System for the purpose of removing the Management Software. Notwithstanding the termination of this Agreement, and in addition to any other remedy available to QualityIP, Client shall remain responsible for the payment of the fees set forth on Quote 010834 until such time as the Management Software is uninstalled and returned to QualityIP.

10. Client shall not subcontract, assign, or transfer any interest, obligation or right under this Agreement without prior written consent from QualityIP, and any such attempt shall be null and void. Any dissolution, merger, consolidation, reorganization or transfer of a majority of the assets or stock of Client shall constitute an assignment of this Agreement. Subject to the foregoing, this Agreement shall be binding upon and inure to the benefit of the parties and their successors or assigns.

11. Termination. By QualityIP. QualityIP may terminate this Agreement in the event Client: (i) fails to make payments as and when required; (ii) commits any other breach of this Agreement; (iii) is the subject of a dissolution or bankruptcy action; or (iv) suffers the appointment of a receiver or trustee. If any of these events occurs, in addition to all other remedies available to QualityIP,

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QualityIP may immediately cease providing services to Client and the entire amount of the fees identified in Quote 010834 accrued and unpaid together with the fees remaining to be paid through the end of the then existing term of this Agreement shall become immediately due and payable in full in a lump sum.

By Client. Client may terminate this Agreement if QualityIP notifies Client of an increase in fees or the discontinuance of any of the services identified in Quote 010834 (unless such services are proposed to be replaced by equal or better services) by notifying QualityIP within 15 days after QualityIP notifies Client of the fee or service change. In this event Client shall remain responsible to pay the fees identified in Quote 010834 through the effective date of the termination. If Client fails to terminate this Agreement within said period of time, Client shall be deemed to have accepted the changed terms.

By Either Party. Either QualityIP and Client may terminate this Agreement effective at the end of the then current term of this Agreement by providing the other written notice of termination not less than 60 days prior to the end of the existing term. In this event Client shall remain responsible to pay the fees identified in Quote 010834 through the effective date of the termination.

12. Remedies. In the event Client violates this Agreement, QualityIP shall have all rights and remedies set forth in this Agreement together with those available to it at law and in equity, specifically including the right to obtain temporary and permanent injunctive orders, to recover damages sustained as a result of such breach, and to recover all costs and expenses. Client shall pay all attorney's fees and court costs incurred by QualityIP with respect to enforcing or defending any claim arising out of or related to this Agreement, including attorney's fees and costs incurred to enforce or collect any judgment, order or award. Such attorney's fees and expenses shall be made part of any award, judgment or order entered in favor of QualityIP. All of QualityIP's rights and remedies are cumulative and may be exercised concurrently and/or consecutively and as often as the occasion therefore arises.

13. Law and Forum. This Agreement shall be construed and enforced in accordance with the laws of the State of Ohio, excluding its conflict of laws, and the laws of the United States of America. The forum for resolving any dispute arising out of or concerning this Agreement shall be the Portage County, Ohio Court of Common Pleas, or the United States District Court for the Northern District of Ohio Eastern Division, Akron, Ohio. QualityIP and Client consent to the jurisdiction and venue of said courts and waive any defense they may have to the jurisdiction or venue of said courts.

14. Severability. Each and every provision of this Agreement is severable from the other provisions. As such, if any provision of this Agreement is held to be invalid, such invalidity shall not affect any of the remaining provisions of this Agreement, all of which shall remain in full force and effect. Furthermore, it is expressly agreed that the invalid provision shall not be totally avoided if it is possible to modify such provision and make it valid. If it is possible to modify such provision, then such modification shall be made in a manner that maintains, to the greatest extent possible, the legal, economic and practical effect of such provision as it was originally written.

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15. Entire Agreement. This Agreement, including Quote 010834, constitutes the entire understanding of the parties with respect to its subject matter, and all prior agreements, understandings and representations are canceled in their entirety.

16. Taxes. Client shall be solely responsible for any taxes or similar charges arising out of this Agreement, including all applicable customs, duties, sales taxes, use taxes, value-added taxes, excise charges or brokerage fees. Client shall also be solely responsible for assessing and remitting payment for any such items to the appropriate authorities.

17. Modification. This Agreement may only be modified by written agreement of the parties. Except as otherwise provided in this Agreement, no course of dealing or the failure or delay of a party to enforce any provision of this Agreement shall constitute a modification of this Agreement or the waiver of any of its provisions.

18. Survival. The provisions of Sections 6, 7, 8, 9, 11, 12, 13, 14, 17, and 18 shall survive the termination of this Agreement and shall remain enforceable according to their terms.

19. Electronic or facsimile signatures are binding.

DRAFT ORDINANCE 2023 - 003

AN ORDINANCE AUTHORIZING THE SETTLEMENT & RELEASE AGREEMENT BETWEEN THE CITY OF KENT AND FIORITTO CONSTRUCTION, LLC, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent and Fioritto Construction, LLC, have reached a Settlement & Release Agreement mutually agreed upon by both parties in terms substantially comparable to the terms contained in the document attached as Exhibit “A”.

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

SECTION 1. Based upon the recommendation of City Council, the City of Kent and Fioritto Construction, LLC, have mutually agreed upon a Settlement & Release Agreement in terms substantially comparable to the terms contained in the document as Exhibit “A”, attached hereto and incorporated herein.

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

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

PASSED: ____________________
Date

____
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: ____________________
Date

ATTEST: ________________________
Amy Wilkens
Clerk of Council

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

(SEAL)

____
AMY WILKENS
CLERK OF COUNCIL