



City of Kent
Wednesday, July 19, 2023
Regular City Council Meeting
320 S. Depeyster Street, Kent, OH 44240

AGENDA

7:25 P.M. Board of Control

7:30 P.M. Welcome and Roll Call

1. Opening Remarks and Pledge of Allegiance- Mr. Sidoti
2. Approval of Minutes
 - 2.1. June 21, 2023 Regular Meeting Minutes
 - 2.2. July 5, 2023 Special Council Meeting Minutes
3. Communications
 - 3.1. 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.
 - 3.2. Written Communication (All placed on file in the Clerk of Council's office)
 1. The Standing Rock Cemetery Board of Trustees Agenda for July 13, 2023 was received on June 29, 2023.
 2. Board of Health Agenda and Staff Report for July 10, 2023 was received on July 6, 2023.
 3. Email from Rick Hawksley in regards to the Design Guidelines was received and forwarded to Council on July 5, 2023.
 - 3.3. City Manager's Report
4. Standing Committees & Legislation
 - 4.1. **Committee of the Whole** Chair Mayor Fiala/ Vice-Chair Amrhein
 - 4.1.1. July 5, 2023 Committee Meeting Minute Approval
 - 4.1.2. Action(s) Recommended

1. Approve updates to the City's Ordinance Book to reflect updated changes to its code.

4.1.3. **Draft 2023- 040** AN ORDINANCE APPROVING THE CURRENT REPLACEMENT PAGES TO THE CITY OF KENT CODIFIED ORDINANCES AND DECLARING AN EMERGENCY (Authorized)

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

4.2.1. July 5, 2023 Committee Meeting Minute Approval

4.2.2. Action(s) Recommended: None

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

4.3.1. July 5, 2023 Committee Meeting Minute Approval

4.3.2. Action(s) Recommended

1. Approve changes to the City's Noise Ordinance stipulating a trial period of 120 days to restrict loud noise in the DORA district Sunday through Thursday, after 11 pm and on Fridays and Saturdays after 12 am.

4.3.3. **Draft 2023- 041** AN ORDINANCE AMENDING SECTION 509.12 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT TITLED "UNLAWFUL NOISE", AND DECLARING AN EMERGENCY (Authorized)

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

4.4.1. July 5, 2023 Committee Meeting Minute Approval

4.4.2. Action(s) Recommended

1. Authorize submission of the OPWC grant requests for the WRF Primary Clarifier Project and Water Tank Rehabilitation.
2. Authorize submission for additional State ARPA funding to supplement public safety recruitment efforts, and if awarded, authorize acceptance and allocation of funds.
3. Authorize submission of the 2024 Tax Budget to the Portage County Auditor.
4. Approve the request for the 2023 budget appropriations.

4.4.3. **Draft 2023-042** AN ORDINANCE AUTHORIZING THE CITY BUDGET & FINANCE DIRECTOR AND LAW DIRECTOR, OR THEIR DESIGNEES, TO SIGN AN EMPLOYMENT CONTRACT BETWEEN THE CITY OF KENT AND DAVID RULLER, AND DECLARING AN EMERGENCY (Authorized)

- 4.4.4. **Draft 2023-043** AN ORDINANCE AUTHORIZING THE CITY OF KENT TO SUBMIT TWO (2) FUNDING APPLICATIONS TOTALING \$622,700 AND TO EXECUTE THE SUBSEQUENT AGREEMENTS WITH THE OHIO PUBLIC WORKS COMMISSION (OPWC), AND TO ACCEPT THE GRANTS, IF AWARDED, WITH CORRESPONDING APPROPRIATION OF FUNDS AND DECLARING AN EMERGENCY(Authorized)
- 4.4.5. **Draft 2023-044** AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACCEPT GRANT FUNDING FOR THE KENT POLICE AND FIRE DEPARTMENTS IN THE AMOUNT OF \$34,000 FROM THE ARPA FIRST RESPONDER WELLNESS, RECRUITMENT, RETENTION, AND RESILIENCY GRANT PROGRAM FOR THE PURPOSE OF RECRUITING AND HIRING OF FIRST RESPONDERS, AND DECLARING AN EMERGENCY (Authorized)
- 4.4.6. **Draft 2023-045** AN ORDINANCE AMENDING ORDINANCE NO. 2022-138, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 21, 2022; 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, 2023; AND DECLARING AN EMERGENCY (Authorized)
- 4.4.7. **Draft 2023-046** A RESOLUTION ALLOWING THE CITY MANAGER, OR HIS DESIGNEE, TO APPLY FOR FEDERAL CONGESTION MITIGATION/AIR QUALITY FUNDS PROGRAMMED BY THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY (AMATS) TO CONSTRUCT THE SR59 ALTERNATIVE TRANSPORTATION IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY (Unauthorized)

5. Unfinished Business

6. New Business

7. Councilmembers' Comments

8. Mayor's Report

9. Executive Session

- 9.1. To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official

10. Return to Pubic Meeting

- 10.1. **Draft 2023-047** AN ORDINANCE AMENDING ORDINANCE NO. 2022-137 THE POSITION ALLOCATION AND GENERAL COMPENSATION PLAN, AND DECLARING AN EMERGENCY (Unauthorized)

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, June 21, 2023
Regular City Council Meeting
320 S. Depeyster Street, Kent, OH 44240

MINUTES

Regular Council Meeting

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

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

Also Present: Mr. 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. Amy Wilkens, Clerk of Council

Absent: Mr. Jerry T. Fiala, Mayor and President of Council, Ms. Gwen Rosenberg

MOTION TO EXCUSE MAYOR FIALA AND MS. ROSENBERG MADE BY Mr. Garret Ferrara, SECONDED by Mr. John Kuhar and CARRIED by a voice vote of 8-0-0.

Opening Remarks and Pledge of Allegiance

Mr. Jack Amrhein welcomed everyone to the Council Meeting and asked all to stand for the Pledge of Allegiance.

Approval of Minutes

MOTION TO APPROVE MAY 17, 2023 REGULAR MEETING MINUTES MADE BY Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 8-0-0.

MOTION TO APPROVE MAY 31, 2023 SPECIAL MEETING MINUTES MADE BY Mr. Robin Turner, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 7-0-1. Ms. Wallach abstained.

Communications

Public Comment

Mr. Amrhein asked if there were any members of the public signed in to speak to Council. Ms. Wilkens stated there were no members of the public signed in to speak.

Written Communication

1. Certificate of Official Result of Election on Local Liquor Option Questions, Proof of Legal Ad Publication, and a sample of the Official Questions and issues ballot for May 2, 2023, were received from the Portage County Board of Elections on May 30, 2023.
2. A letter from Mr. Bernie Noble regarding the permitting process and the state of various properties around town was received on May 24, 2023.
3. Invitation to the Main Street Kent Annual Awards Celebration being held on June 13, 2023, was received and forwarded to Council on May 25, 2023.
4. The Standing Rock Cemetery Board of Trustees Agenda for the June 8, 2023 meeting was received on June 1, 2023.
5. Notification from the Portage County Board of Elections regarding the Special Election to be held Tuesday, August 8, 2023, was received on June 6, 2023.
6. Various emails from Kent residents and local musicians requesting City Council to consider allowing live music to continue in downtown Kent were received and forwarded to Council on June 6, 2023.
7. The Kent Board of Health Meeting Agenda and Statistical Report for June 13, 2023, was received on June 8, 2023.
8. The Board of Zoning Appeals Agenda for the June 19, 2023 meeting was received on June 12, 2023.
9. The Planning Commission Agenda for the June 20, 2023 meeting was received on June 12, 2023.
10. An email about new business development coming to the south end of Kent was received from Ms. Doria Daniels, Chairwoman of the Historic South End Association of Kent on June 13, 2023.

Additional Communication Received After Agenda Published:

1. Approved Meeting Minutes from Portage County Solid Waste Management Policy Committee Meeting held on June 16, 2022 was received on June 14, 2023.
2. Email from Joan Seidel was received on June 15, 2023 regarding the Kent South End Health Fair being held on June 24, 2023.
3. Board of Health Special Meeting Agenda for June 27, 2023 was received June 20, 2023.
4. Civil Service Commission Meeting Agenda for June 26, 2023 was received on June 21, 2023.

City Manager's Report

1. Request Council's approval to submit a NOPEC Foundation grant request for an amount of up to \$40,000 for a feasibility study for local interest in energy efficiency in residential properties in Kent. (Draft # 2023-038)
2. Request Council's authorization to accept a \$400 donation for the Parks and Recreation memorial tree program.
3. Request for Committee of the Whole time to provide an update on the status of the construction of the new City Hall building.
4. Request Community Development Committee time for Council's consideration of the proposed changes to the Ward maps based on the latest census data.

5. Request Community Development Committee time to provide an update on the status of the City's Design Guidelines review project.
6. Request Land Use Committee time to present a land dedication (Maple/Walnut) to Council for approval.
7. Request Council approval to submit the next round of Ohio Public Works Commission (OPWC) grant requests.
8. Request Finance Committee time to request Council's approval to submit a \$34,000 first responder grant request.
9. Request Finance Committee time to present the 2024 Tax Budget for Council's approval for submission to Portage County.
10. Request Finance Committee time to present a 2023 Budget Appropriations amendment for Council's approval.

MOTION TO APPROVE CITY MANAGER'S REPORT MADE BY Mr. Robin Turner, SECONDED by Mr. John Kuhar and CARRIED by a voice vote of 8-0-0.

Standing Committees & Legislation

Committee of the Whole

MOTION TO APPROVE JUNE 7, 2023 COMMITTEE MEETING MINUTES MADE BY Mr. Michael DeLeone, SECONDED by Mr. Garret Ferrara and CARRIED by a voice vote of 8-0-0.

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

Action(s) Recommended

1. Approve the new City of Kent Flag design.

MOTION TO APPOINT MATTHEW HATHAWAY TO THE CIVIL SERVICE COMMISSION MADE BY Mr. Michael DeLeone, SECONDED by Mr. Garret Ferrara and CARRIED by a voice vote of 8-0-0.

MOTION TO INSERT NAME INTO LEGISLATION MADE BY Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 8-0-0.

Draft 2023- 036 A RESOLUTION APPOINTING MATTHEW HATHAWAY TO THE CIVIL SERVICE 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 2023- 036 MADE by Mr. Garret Ferrara, SECONDED by Mr. John Kuhar. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2023- 036 MADE by Mr. John Kuhar, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

Resolution 2023-036 has passed as stated by Clerk Wilkens.

Draft 2023- 037 AN ORDINANCE ADOPTING THE NEW DESIGN FOR AN OFFICIAL FLAG FOR THE CITY OF KENT, OHIO, REPEALING RESOLUTION 1975-155, 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 2023- 037 MADE by Ms. Heidi Shaffer Bish, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2023- 037 MADE by Ms. Heidi Shaffer Bish, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

Ordinance 2023-037 has passed as stated by Clerk Wilkens.

Health & Safety Committee

MOTION TO APPROVE JUNE 7, 2023, COMMITTEE MEETING MINUTES MADE BY Mr. Roger Sidoti, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 8-0-0.

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

Actions Recommended:

1. Authorize staff to receive information regarding general, low-frequency noise heard within the city, not specific to one particular business, to determine if any future action is necessary and take no action at this time.
2. Authorize acceptance and distribution of bike helmets by the Kent City Health Department.

Finance Committee

Committee Meeting Minute Approval: NONE

Action(s) Recommended: NONE

Draft 2023-038 AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO SUBMIT AND ACCEPT ANY GRANT AWARD FROM THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) FOUNDATION NOT TO EXCEED \$40,000 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 2023-038 MADE by Mr. John Kuhar, SECONDED by Ms. Tracy Wallach. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2023-038 MADE by Mr. John Kuhar, SECONDED by Mr. Garret

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

Ordinance 2023-038 has passed as stated by Clerk Wilkens.

Unfinished Business: NONE

New Business

Mr. DeLeone stated it was just brought to his attention that the City Flag Committee was hoping to do something for the upcoming Heritage Festival and would need funding. Mr. Jon Ridinger and Mr. Kenneth Crookston from the Flag Committee addressed Council about the rollout of the new flag. Mr. Sidoti asked if we could get miniature flags delivered in time for the festival. Ms. Shaffer Bish said it would be nice if there would be a proposal and if members of the Flag Committee could attend the festival and man the booth. She suggested giving items to the public and encouraging the committee to order a large supply.

Mr. Ridinger said they could bring displays that were at the library and thought they could find stickers, pins, and small items to purchase prior to the event. Ms. Shaffer Bish asked if they had an idea of how much is needed.

Mr. Sidoti asked Ms. Hope Jones if a resolution could be passed to allow the committee to use up to \$1000 for this purpose, and designate the City Manager's office to do so. Mr. Sidoti clarified whose budget it would come from and it was decided to provide funding from Council's budget.

Mr. Turner said it would have to be an ordinance, not a resolution. Ms. Hope Jones clarified it could be handled by a voice vote and a resolution would not be necessary. Mr. Turner asked if things could be provided for the children. Mr. Amrhein suggested coloring pages.

Mr. Sidoti asked if there was a Chamber of Commerce member who does printing and if they could reach out to him.

Mr. Ruller asked about the color of the flag. Mr. Ridinger said this will be most important when an actual flag maker makes the final flag.

MOTION TO APPROVE \$1500 FOR THE CITY FLAG ROLLOUT MADE BY Mr. Roger Sidoti, SECONDED by Mr. Garret Ferrara, and CARRIED by a voice vote of 8-0-0.

Mr. Ferrara said he wanted to make a motion to refer to the Health and Safety Committee for a discussion about putting a moratorium on vape shops and medical marijuana shops. Mr. Ferrara said the proliferation of vape shops was depressing. They are selling nonregulated materials. There have been two crimes there and he feels they are the gateway to marijuana use. He thinks we need to get ahead of this.

Ms. Shaffer Bish said she is not sure we are able to put a moratorium on a business. Mr. Ferrara said this would be part of the discussion.

Mr. Sidoti said he seconded the motion because it stipulated putting it into a committee discussion.

Mr. Kuhar said he feels as if he is getting dragged off the track and is not sure we can do this. He thought it should be researched first.

Mr. Turner said he does not have an issue with education and discussion. He said they would do this through a discussion in committee. He thinks it is a good idea to be proactive and is something we

can do as a legislative body.

MOTION TO SEND TO COMMITTEE A DISCUSSION CONCERNING A MORATORIUM ON VAPE SHOPS AND MARIJUANA SHOPS MADE BY Mr. Garret Ferrara, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 8-0-0.

Councilmembers' Comments

Mr. Kuhar said as councilmembers and elected officials, we are governed by what we do and how we do it. He said they have ordinances, laws and procedures they have to go by. Sometimes, personal feelings may get in the way of the correct decisions to make. They get approached by eloquent speeches and empathetic people that try to pull us off the tracks. As elected officials, we need to stay on the tracks and cannot be swayed by popular opinion. We have to do what is right by the rules and regulations. He said sometimes the people we are servicing needed reminded of that.

Mr. Turner said he was not aware the Mr. Michael DeLeone had lost his mother and that is the most difficult thing to go through. He had met his mother and she was a brilliant lady. He said he was sorry for the loss.

Mayor's Report: NONE

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

Mr. Amrhein gave the audience five minutes to clear the room before closing the doors for the Executive Session.

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

MOTION TO APPROVE CITY MANAGER CONTRACT EXTENSION TO 2030, GIVE AN EXTRA WEEKS' VACATION AND INCREASE IN COMPENSATION BY 4.75% MADE BY Mr. Garret Ferrara, SECONDED by Ms. Heidi Shaffer Bish and CARRIED by a voice vote of 8-0-0.

There was no further business conducted and the meeting adjourned at 8:28 p.m.

Amy Wilkens, CMC
Clerk of Council

Jack Amrhein
Council President Pro Tem



City of Kent
Wednesday, July 5, 2023
Special City Council Meeting
320 S. Depeyster Street, Kent, OH 44240

MINUTES

At 08:13 PM, Mr. Jack Amrhein, President Pro Tem called the Special City Council Meeting to order.

Present: Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, 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. Nick Shearer, Chief of Police; Mr. Bill Myers, Fire Chief; Ms. Amy Wilkens, Clerk of Council

Absent: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. John Kuhar; Ms. Heidi Shaffer Bish

MOTION TO AUTHORIZE DRAFT NO. 2023-039 MADE BY Mr. Michael DeLeone, SECONDED by Mr. Garret Ferrara and CARRIED by a voice vote of 7-0-0.

Legislation

DRAFT 2023-039 A RESOLUTION ADOPTING THE TAX BUDGET OF THE CITY OF KENT, OHIO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2024, SUBMITTING THE SAME TO THE COUNTY AUDITOR, 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 2023-039 MADE by Mr. Michael DeLeone, SECONDED by Ms. Tracy Wallach. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion was CARRIED by a roll call vote of 7-0-0.

MOTION TO ADOPT DRAFT 2023-039 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, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion was CARRIED by a roll call vote of 7-0-0.

Resolution 2023-039 passes as stated by Clerk Wilkens.

Executive Session

MOTION TO ENTER EXECUTIVE SESSION TO CONSIDER THE APPOINTMENT, EMPLOYMENT, DISMISSAL, DISCIPLINE, PROMOTION, DEMOTION, OR COMPENSATION OF A PUBLIC EMPLOYEE OR OFFICIAL MADE BY Mr. Jack Amrhein, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 7-0-0.

AT 8:41 PM, A MOTION WAS MADE TO RETURN TO THE REGULAR COUNCIL MEETING BY Mr. Garret Ferrara, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 7-0-0.

MOTION TO APPROVE THE CITY MANAGER AND THE FINANCE DIRECTOR TO PAY OUT ACCRUED BUT UNUSED LEAVE BALANCES IN EXCESS OF THE AMOUNT PERMITTED BY THE GENERAL COMPENSATION PLAN IN ANTICIPATION OF CHIEF MEYER'S RETIREMENT/RESIGNATION MADE BY Mr. Garret Ferrara, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 7-0-0.

Hearing no further business, the Special Committee adjourned at 8:52 PM.

Amy Wilkens, CMC
Clerk of Council

Jack Amrhein
President Pro Tem

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City of Kent
Wednesday, July 5, 2023
City Council Committee Meetings
320 S. Depeyster Street, Kent, OH 44240

MINUTES

7:00 P.M. PUBLIC HEARING

At 07:00 PM, Mr. Jack Fiala, President Pro Tem, called the Public Hearing to order.

Present: Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, 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. Nick Shearer, Chief of Police; Ms. Amy Wilkens, Clerk of Council

Absent: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. John Kuhar, Ms. Heidi Shaffer Bish

MOTION TO EXCUSE MR. KUCHAR AND MS. SHAFFER BISH MADE BY Mr. Garret Ferrara, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 7-0-0.

Ms. Rhonda Hall said the public hearing was being conducted per ORC. 5705.28 which is required to approve and pass a tax budget for next year. This housekeeping item needs to be sent to the Portage County Auditor no later than July 20, 2023.

There were no members of the public signed in to speak at the hearing.

The hearing adjourned at 7:01 p.m.

Committee of the Whole

City Hall Update

Ms. Melanie Baker, Service Director, began her presentation by reviewing page one of her handout (**Attachment #1**), highlighting the different views of Council Chambers. Page two was a review of the steel installed on the third floor. Next was a review of the glass atrium

with a "floating" stairwell. Beginning next week, brick will be installed on the outside of the building. Next, there will be a meeting with the inside vendor regarding the IT needs of the building, including microphones. There are still some minor delays with the supply chain but the inside doors are in, and some items are backordered. She would like to take Council through chambers prior to the next meeting and asked that Council members RSVP to her.

There were no questions from Council members.

Codified Ordinance Book Replacement Pages

Ms. Hope Jones said they received updated codified ordinances from the publisher of Kent's Codified Ordinances. A vote is needed from Council for them to become law and be placed in the City's Ordinance Books.

MOTION TO APPROVE CODIFIED ORDINANCE BOOK REPLACEMENT PAGES MADE BY Mr. Roger Sidoti, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 7-0-0.

Community Development Committee

Design Guidelines Update

Ms. Susel said she is here tonight to take comments from the Council and the public. Within the next two weeks, they will work on editing the comments within the confines of the City. She is going through the list, but it is not extensive.

Ms. Susel went through each of the comments already collected:

1. Historic preservation not addressed;
2. Need to include guidelines for historic properties and new construction and define each;
3. Adaptive re-use not addressed;
4. Demolition not addressed;
5. The focus seems to be on addressing commercial developers and business owners, not historic preservation or adaptive re-use;
6. Move the glossary to the front of the document;
7. Simplify terminology so it can be understood by all (designers, business owners, public);
8. Headings need to be simpler. Remove one of the headings and realign;
9. Does not list what is discouraged (i.e. internally lit signs);
10. Proposed changes to reduce the boundaries of the existing "Downtown/West River Overlay District" by excluding the West River/Gougler Avenue corridor are not supported;
11. Expand the "Downtown/West River Overlay District" to include buildings north of Fairchild Bridge on Lake Street.
12. The photos are not aligned with the proposed guidelines in every instance. Photos that are not directly connected should be removed and/or replaced. Photos should be smaller;
13. Guidelines for sign lighting should encourage the use of energy-efficient sources (LEDs) and control illumination levels;
14. Regulations (standards) and guidelines for a project should be reviewed by the same board or commission;

15. Are colors to be identified as allowed or prohibited? Should colors be quantified (i.e. only a number of different colors can be used on the exterior of a property);
16. Numerous specific references to wording or phrases on specific pages that are difficult to understand, lack clarity, or that need editing or removed;
17. Questions on how the Architectural Review Board's roles and responsibilities will be affected by the update to the Design Guidelines;
18. Suggestion to group and number every building and assign certain buildings in numbered groups to certain design guidelines;
19. Allow for online accessibility and hyperlinks to related Zoning Code regulations

She added there are staff comments as well, which will be included. She will be taking comments all summer.

Mr. Ferrara asked about lighting and color. Ms. Susel said they will be coming to Council in August about vape shops in regards to the use of LED lights and coming forward to Council with recommendations.

Mr. Turner asked about the Architecture Review Board's comments and their thoughts on this. She said actual implementation has not occurred yet. She said every single comment may not be addressed, but consistent themes will be addressed.

Mr. Sidoti asked about terminology and if regulations are standards. She said she prefers the use of the term regulations because that is something that can be understood by all as law. Mr. Sidoti clarified that we are being consistent with our terminology. Ms. Susel agreed, stating that every word matters, especially according to the law/codes. Mr. Sidoti said we have a regulation for signage and the guidelines would make recommendations of how the sign should look. Ms. Susel went through an example of having something "generalized" be codified. Guidelines should be recommendations, but the specificity of regulations needs to be codified. The application of the law needs to be consistent.

Ms. Wallach asked about guidelines not being codified and how they are enforced. Ms. Susel said putting guidelines as an appendix to the zoning code has not been done before. Getting a certificate of appropriateness should not be a part of the zoning code. Guidelines should give them a sense of what style they are looking for.

There were no further questions from the Council.

Bridget Tipton, East Main Street, introduced herself. She is on the ARB and said the link between legislation and the guidelines is important. Her concerns about the current guidelines are very difficult to work with. In the current document, the pendulum has swung so far in the other direction. She mentioned the word HISTORY not being mentioned in the new document. She said there is no enforceable recommendation for historic buildings. She said without a link of being applied or enforced, she doesn't know why anyone would even review the guidelines, even with a certificate of appropriateness. She said there is a shift in the use of the public realm versus individual buildings. She said there is a lot of emphasis on economic vitality.

Health and Public Safety Committee

Business District Noise

Ms. Hope Jones said she wanted to have an additional discussion to see if there is some type of middle ground that could be agreed upon until we can tighten up our code. She

thinks there is possibly something we can do to allow Zephyr to have music outside. She was hoping to discuss it again. Her thought is to allow it up until 10 pm Sunday- Thursday and until midnight on Friday and Saturday.

Mr. Ruller said the Council can decide the times. He thought that 9 pm would be a little too early and wanted Council to discuss what seemed reasonable.

Mr. Turner said he wonders about the law on the books and whether the law is not a discretionary application. He said the complaint is another story. He questions if there is a variance in applying the law. Chief Shearer said when they get complaints, they ask if the person is willing to sign a complaint, and they are able to do that. The key word in the ordinance is reasonableness. If they do not sign the complaint, the officer has to go out and determine if it is reasonable.

Ms. Rosenberg said that based on the discussion from the previous meeting and Garret Ferrara's comments, Ms. Rosenberg said 11 pm on weeknights and midnight on weekends. She said making it too early then bands coming through may choose not to play in Kent. She said 11 pm on weekdays is important, there is a shift to what is considered a weeknight. She said if we are going to try this, she is a believer in erring on the side of being more liberal with it and then contracting if needed.

Mr. Ruller passed out a list of shows coming up this summer and the data seems to vouch for it.

Ms. Wallach asked about when festivals start and Ms. Malarcik (Main Street Kent) verified bands play late at them. Ms. Wallach likes the times Ms. Rosenberg suggested.

Matthew Young of Portage Street thanked Council. He works at the Zephyr Pub in downtown Kent and said they have had 42 concerts so far this year. He said this issue is important. He said they are good with 11 pm on weekdays and 12 am on weeknights.

Ms. Heather Malarcik of Westlake Blvd. said she liked it when the DORA came was a 90-day trial and it worked. She said she thinks this is something that could possibly be explored again.

Mr. Turner said his concern is that there is no distinction between downtown and neighborhoods. While we are doing these things, they seem to be more tangential than dealing with the noise ordinance. He thinks we need to look at how we fit our business districts versus neighborhoods.

Mr. Ferrara asked if we could put it in the Dora District. Ms. Jones said that is a good suggestion.

Mr. Sidoti said he contends the issue is the residential that abuts the downtown. The bigger issue is for these people. He thinks it is something that can be worked out.

MOTION TO APPROVE TRIAL NOISE ORDINANCE MADE BY Ms. Gwen Rosenberg, SECONDED by Mr. Garret Ferrara and CARRIED by a voice vote of 7-0-0.

Finance Committee

Ohio Public Works Commission Grant Requests

Mr. Bowling said he is requesting approval for two grants totaling \$380,000 which are efforts to supplement utility funds. These are for the WRF Primary Clarifier No. 1

Rehabilitation Project and the Water Tank Rehabilitation.

MOTION TO AUTHORIZE OHIO PUBLIC WORKS COMMISSION GRANT REQUEST MADE BY Mr. Roger Sidoti, SECONDED by Mr. Jack Amrhein and CARRIED by a voice vote of 7-0-0.

ARPA First Responder Grant

Chief Shearer said he was back to request approval for a grant application for recruitment services. He said they haven't officially approved it but could provide additional funding.

Ms. Rosenberg asked if it was earmarked in any way. Chief Shearer said that \$30, 000 would be used to hire a firm to help with recruitment.

Mr. Turner asked what are the expectations for bringing in a more qualified/diverse workforce. Chief Shearer said law enforcement recruitment and retention nationally is at an all-time low but this would be something they could focus on.

MOTION TO AUTHORIZE ARPA FIRST RESPONDER GRANT REQUEST MADE BY Mr. Garret Ferrara, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 7-0-0.

Tax Budget

Ms. Rhonda Hall referenced the 2024 Tax Budget that was included in the Council's packet. This is required by law to get to the Portage County Auditor and lays out what expectations are for the year.

Mr. Sidoti asked if this was a report that went to the County. Ms. Hall said it was. He asked if they sent the City a tax budget. She said they do not.

MOTION TO AUTHORIZE TAX BUDGET MADE BY Mr. Robin Turner, SECONDED by Mr. Garret Ferrara and CARRIED by a voice vote of 7-0-0.

Budget Appropriation Request

Ms. Rhonda Hall referenced her memo included in Council's packet and requested approval of a budget appropriation.

MOTION TO AUTHORIZE BUDGET APPROPRIATION REQUEST MADE BY Mr. Roger Sidoti, SECONDED by Mr. Robin Turner and CARRIED by a voice vote of 7-0-0.

Hearing no further business, the Committee Meetings concluded at 8:00 pm.

Amy Wilkens, CMC
Clerk of Council

DRAFT ORDINANCE NO. 2023 - 040

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

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

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

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

SECTION 1. That the ordinances of the City of Kent, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2023 Replacement Pages to the City of Kent Codified Ordinances are hereby approved and adopted and are on file in the Clerk of Council's office and can be reviewed during regular business hours.

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

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

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens, CMC
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, CMC
CLERK OF COUNCIL

DRAFT ORDINANCE NO. 2023-041

AN ORDINANCE AMENDING SECTION 509.12 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT TITLED "UNLAWFUL NOISE", AND DECLARING AN EMERGENCY.

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

SECTION 1. That Kent City Council does hereby amend Section 509.12 of the Codified Ordinances of the City of Kent titled "Unlawful Noise" per the 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, CMC
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____.

AMY WILKENS, CMC
CLERK OF COUNCIL
(SEAL)

EXHIBIT "A"

509.12 UNLAWFUL NOISE

(b) Unlawful Noise - Enumerated. The following acts, among others, are declared to be loud, disturbing, injurious and unnecessary and unlawful noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

(1) Horns and Signal Devices. The sounding of any horn or signal device on any automobile, motorcycle, bus or train, or any other vehicle while not in motion, except as a danger signal or to give warning of intent to get into motion, or, if in motion, only as a danger signal after or as brakes are being applied and decelerating of the vehicle has begun; the creation by means of such signal devices of any unreasonably loud or harsh sounds; and the sounding of any signal device for any unreasonable or unnecessary period of time.

(2) Radio, Stereo, Musical Instruments. The playing of any radio, stereo, television set, amplified or unamplified musical instruments, loudspeaker, tape recorder, or other electronic sound-producing devices, in such a manner or with such volume at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel, hospital or other type of residence, or of any persons in the vicinity.

(b) If the private property is included in the City's Designated Outdoor Refreshment Area then such radio, stereo or musical instruments as defined above being played outdoors shall be allowed from 7:00 a.m. to 11 p.m. Sunday through Thursday and 7:00 a.m. to 12:00 a.m. Friday and Saturday. Such outdoor music shall be played in the manner described above. This subsection will be in effect for 120 days from its adoption.

DRAFT ORDINANCE NO. 2023 - 042

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

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

WHEREAS, the parties agree to grant a 4.75% pay increase and an additional week of vacation that will be retroactive back to June 15, 2023; and

WHEREAS, time is of the essence.

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

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

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

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

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens, CMC
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, CMC
CLERK OF COUNCIL

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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, CMC
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, CMC
CLERK OF COUNCIL

DRAFT ORDINANCE NO. 2023 - 043

AN ORDINANCE AUTHORIZING THE CITY OF KENT TO SUBMIT TWO (2) FUNDING APPLICATIONS TOTALING \$622,700 AND TO EXECUTE THE SUBSEQUENT AGREEMENTS WITH THE OHIO PUBLIC WORKS COMMISSION (OPWC), AND TO ACCEPT THE GRANTS, IF AWARDED, WITH CORRESPONDING APPROPRIATION OF FUNDS AND DECLARING AN EMERGENCY.

WHEREAS, the first application submitted to OPWC will be for the WRF Primary Clarifier No. 1 Rehabilitation Project, which includes the rehabilitation of Primary Clarifier No. 1 at the Water Reclamation Facility (WRF). The rehabilitation of the Primary Clarifiers is part of the significant long-term improvements required. The Administration is requesting \$229,900 in grant funds and \$150,000 in no-interest loans from OPWC; and

WHEREAS, the second application submitted to OPWC will be for the 500k and 400k Water Tank Rehabilitations which includes the painting and minor rehabilitation of two water tanks located on Terrace Drive near Summit Street. The rehabilitation of the tanks is due, in part, to recent OEPA violations requiring the towers to be upgraded to meet current design standards. We are requesting \$392,800 in grant funds and \$150,000 in no-interest loans from OPWC.

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 capital project pre-application requests for Ohio Public Works Commission grant and loan funding totaling \$622,700, execution of the subsequent agreements, 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(s), 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 OPWC 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

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens, CMC
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, CMC
CLERK OF COUNCIL

DRAFT ORDINANCE NO. 2023 - 044

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACCEPT GRANT FUNDING FOR THE KENT POLICE AND FIRE DEPARTMENTS IN THE AMOUNT OF \$34,000 FROM THE ARPA FIRST RESPONDER WELLNESS, RECRUITMENT, RETENTION, AND RESILIENCY GRANT PROGRAM FOR THE PURPOSE OF RECRUITING AND HIRING OF FIRST RESPONDERS, AND DECLARING AN EMERGENCY

WHEREAS, the City of Kent Police and Fire Departments has received grant money in the amount of \$34,000 from the ARPA First Responder Wellness, Recruitment, Retention, and Resiliency Grant Program; and

WHEREAS, this grant money will be used for the purpose of recruiting and hiring of first responders; and

WHEREAS, the City wishes to accept said grant.

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

SECTION 1. That Kent City Council hereby authorizes the City Manager, or his designee, to accept the grant funding for the Kent Police and Fire Departments in the amount of \$34,000 from the ARPA First Responder Wellness, Recruitment, Retention, and Resiliency Grant Program for the purpose of recruiting and hiring of first responders, and for the Budget and Finance Director to appropriate the award into the proper fund.

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

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

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens, CMC
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, CMC
CLERK OF COUNCIL

DRAFT ORDINANCE NO. 2023 - 045

AN ORDINANCE AMENDING ORDINANCE NO. 2022-138, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 21, 2022; 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, 2023; AND DECLARING AN EMERGENCY.

WHEREAS, it is necessary to amend current appropriations, transfers and advances for the expenses and other expenditures for the City of Kent, Ohio, for the fiscal year ending December 31, 2023.

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

SECTION 1. That the current appropriations Ordinance No. 2022-138 passed December 21, 2022, as amended by Ordinance No. 2023-12, passed 2/15/23, as amended by Ordinance No. 2023-21, passed 4/19/23, and as amended by Ordinance No. 2023-34, passed 5/17/23 be amended as set forth in Exhibit "A", attached hereto and incorporated herein, so as to increase appropriations in Fund 001, General; Fund 106, Parks and Recreation; Fund 201, Sewer; Fund 301, Capital Improvement; Fund 303, Police Station Levy and decreasing appropriations in Fund 301, Capital Improvement; and Declaring an Emergency.

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

SECTION 3. 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 reason manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediate after passage.

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens, CMC
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, CMC
CLERK OF COUNCIL

Exhibit A

2023 ORIGINAL APPROPRIATIONS

<u>Fund - Department/Division</u>	<u>Personnel & Benefits</u>	<u>Other than Personnel & Benefits</u>	<u>Capital</u>	<u>Reserve/Debt Service</u>	<u>Contingency</u>	<u>Fund & Department Total</u>
<u>General Fund (001)</u>						
City Council	\$ 179,905	\$ 42,005	\$ -	\$ -	\$ -	\$ 221,910
Mayor	13,487	3,110				16,597
Community Support		106,000				106,000
City Manager	356,164	53,965				410,129
Community Engagement	51,325	24,100				75,425
Information Technology	103,987	478,915				582,902
Urban Renewal		37,700				37,700
Human Resources	111,798	16,787				128,585
Civil Service	41,730	31,476				73,206
Law	347,093	97,010				444,103
Budget & Finance	474,010	135,002				609,012
Community Development	735,990	181,737				917,727
Economic Development	147,197	33,850				181,047
Health	786,080	807,600				1,593,680
Public Parking		85,600				85,600
Main Street Program		70,000				70,000
Service Administration	259,665	371,087				630,752
Shade Tree		120,875	20,000			140,875
Sustainability		45,000				45,000
Building	381,605	56,120				437,725
Land banking		8,000				8,000
Engineering	218,488	86,189				304,677
Miscellaneous & Sundry		422,150				422,150
Contingency					100,000	100,000
Fund Total	4,208,524	3,314,278	20,000	-	100,000	7,642,802
<u>West Side Fire (101)</u>						
Fire	309,191	15,100				324,291
Fund Total	309,191	15,100	-	-	-	324,291
<u>Street Construction Maintenance & Repair (102)</u>						
Service	1,295,803	1,144,720	32,000			2,472,523
Contingency					25,000	25,000
Fund Total	1,295,803	1,144,720	32,000	-	25,000	2,497,523
<u>State Highway (103)</u>						
Service		67,200				67,200
Fund Total	-	67,200	-	-	-	67,200
<u>Recreation (106)</u>						
Parks & Recreation	1,438,973	647,405	249,000			2,335,378
Fund Total	1,438,973	647,405	249,000	-	-	2,335,378
<u>Food Service (107)</u>						
Health	116,231	24,340				140,571
Fund Total	116,231	24,340	-	-	-	140,571
<u>Income Tax (116)</u>						
Budget/Finance/IncTaxAdmin	136,370	505,890				642,260
Managed Reserve				25,540		25,540
Fund Total	136,370	505,890	-	25,540	-	667,800

2023 ORIGINAL APPROPRIATIONS

<u>Fund - Department/Division</u>	<u>Personnel & Benefits</u>	<u>Other than Personnel & Benefits</u>	<u>Capital</u>	<u>Reserve/ Debt Service</u>	<u>Contingency</u>	<u>Fund & Department Total</u>
<u>Revolving Housing (120)</u>						
Health	162,111	21,270				183,381
Fund Total	162,111	21,270	-	-	-	183,381
<u>State & Local Forfeits (121)</u>						
Police						-
Fund Total	-	-	-	-	-	-
<u>Drug Law Enforcement (122)</u>						
Police		15,000				15,000
Fund Total	-	15,000	-	-	-	15,000
<u>Enforcement & Education (123)</u>						
Police		11,000				11,000
Fund Total	-	11,000	-	-	-	11,000
<u>Income Tax Safety (124)</u>						
Police	8,038,500	841,319	33,600			8,913,419
Fund Total	8,038,500	841,319	33,600	-	-	8,913,419
<u>Law Enforcement Trust (125)</u>						
Police						-
Fund Total	-	-	-	-	-	-
<u>Community Development Block Grant (126)</u>						
Community Development	4,100	202,900	175,200			382,200
Fund Total	4,100	202,900	175,200	-	-	382,200
<u>Fire & E.M.S. (128)</u>						
Fire	5,721,980	891,676	564,650			7,178,306
Fund Total	5,721,980	891,676	564,650	-	-	7,178,306
<u>Wireless 911 (129)</u>						
Safety						-
Fund Total	-	-	-	-	-	-
<u>Swimming Pool Inspections (130)</u>						
Health	9,545					9,545
Fund Total	9,545	-	-	-	-	9,545
<u>Police Pension (132)</u>						
Police	140,000					140,000
Fund Total	140,000	-	-	-	-	140,000
<u>Fire Pension (133)</u>						
Fire	140,000					140,000
Fund Total	140,000	-	-	-	-	140,000
<u>UDAG / EDA-RLF (134)</u>						
City Manager/C.D.		75,000				75,000
Fund Total	-	75,000	-	-	-	75,000
<u>CHIP Grant (136)</u>						
City Manager/C.D.		200,000				200,000
Fund Total	-	200,000	-	-	-	200,000

2023 ORIGINAL APPROPRIATIONS

<u>Fund - Department/Division</u>	<u>Personnel & Benefits</u>	<u>Other than Personnel & Benefits</u>	<u>Capital</u>	<u>Reserve/ Debt Service</u>	<u>Contingency</u>	<u>Fund & Department Total</u>
<u>Local American Rescue Plan Act (138)</u>						
ARPA	329,950		5,784,400			6,114,350
Fund Total	329,950	-	5,784,400	-	-	6,114,350
<u>Water (201)</u>						
Service	1,924,171	1,021,396	1,639,298			4,584,865
Service (Capital Facilities)			796,900			796,900
Admin. Support	471,558	125,240	20,000			616,798
Budget & Finance (Debt)				100,921		100,921
Contingency					50,000	50,000
Fund Total	2,395,729	1,146,636	2,456,198	100,921	50,000	6,149,484
<u>Sewer (202)</u>						
Service	1,785,622	883,689	3,352,331			6,021,642
Service (Capital Facilities)			1,621,568			1,621,568
Admin. Support	410,314	122,440	18,000			550,754
Budget & Finance (Debt)				363,940		363,940
Contingency					50,000	50,000
Fund Total	2,195,936	1,006,129	4,991,899	363,940	50,000	8,607,904
<u>Utility Billing (204)</u>						
Budget & Finance		95,405				95,405
Fund Total	-	95,405	-	-	-	95,405
<u>Solid Waste (205)</u>						
Admin Support	241,108	243,025	6,000			490,133
Service	372,184	38,500	70,200			480,884
Fund Total	613,292	281,525	76,200	-	-	971,017
<u>Storm Water Utility (208)</u>						
Service	372,184	60,275	84,200			516,659
Service (Capital Facilities)			1,007,500			1,007,500
Admin. Support	131,056	50,150	6,000			187,206
Budget & Finance (Debt)				13,350		13,350
Fund Total	503,240	110,425	1,097,700	13,350	-	1,724,715
<u>Guaranteed Deposits (230)</u>						
Budget & Finance		1,000				1,000
Fund Total	-	1,000	-	-	-	1,000

2023 ORIGINAL APPROPRIATIONS

<u>Fund - Department/Division</u>	<u>Personnel & Benefits</u>	<u>Other than Personnel & Benefits</u>	<u>Capital</u>	<u>Reserve/Debt Service</u>	<u>Contingency</u>	<u>Fund & Department Total</u>
<u>Capital Projects (301)</u>						
Safety			512,000			512,000
Service			349,300			349,300
Service (Capital Facilities)			6,449,019			6,449,019
Administrative	339,314		181,500			520,814
Budget & Finance (Debt)				62,290		62,290
New City Hall (Debt)				460,000		460,000
Contingency					25,000	25,000
Fund Total	339,314	-	7,491,819	522,290	25,000	8,378,423
<u>Municipal Public Improvement Tax Increment Equivalent (302)</u>						
Service (Capital Facilities)						-
Budget & Finance (Debt)				436,135		436,135
Fund Total	-	-	-	436,135	-	436,135
<u>Police Facility (303)</u>						
Safety (Capital Facilities)			731,500			731,500
Budget & Finance (Debt)				815,000		815,000
Fund Total	-	-	731,500	815,000	-	1,546,500
<u>Debt Service (402)</u>						
Budget & Finance (Debt)						-
Fund Total	-	-	-	-	-	-
<u>Internal Service (807)</u>						
Health Insurance		4,000,000				4,000,000
Fund Total	-	4,000,000	-	-	-	4,000,000
Total Appropriations	\$ 28,098,789	\$ 14,618,218	\$ 23,704,166	\$ 2,277,176	\$ 250,000	\$ 68,948,349
Original Appropriations	\$ 27,626,691	\$ 13,874,613	\$ 17,231,600	\$ 2,277,176	\$ 250,000	\$ 61,260,080
Amendment #1	348,598	196,870	5,611,813			6,157,281
Amendment #2	(76,500)	345,685	417,000			686,185
Amendment #3	200,000	160,150	105,250			465,400
Amendment #4		40,900	338,503			379,403
Amendment #5						-
Amendment #6						-
Amendment #7						-
Amendment #8						-
	\$ 28,098,789	\$ 14,618,218	\$ 23,704,166	\$ 2,277,176	\$ 250,000	\$ 68,948,349

2023 ORIGINAL APPROPRIATIONS - SCHEDULE OF OPERATING TRANSFERS AND TEMPORARY ADVANCES

<u>Paying Fund</u>	<u>Original</u>	<u>Request</u>	<u>Change</u>	<u>Receiving Fund</u>
<u>Operating Transfers</u>				
Fund 116 - Income Tax	\$ 3,600,000			Fund 001 - General
Fund 116 - Income Tax	400,000			Fund 102 - St Const Maint & Repair
Fund 116 - Income Tax	3,984,364			Fund 124 - Income Tax Safety
Fund 116 - Income Tax	3,984,364			Fund 128 - Fire & E.M.S.
Fund 116 - Income Tax	3,526,164			Fund 301 - Capital Projects
Fund 116 - Income Tax	1,992,182			Fund 303 - Police Facility
Total Fund 116 Income Tax	17,487,074	0	0	
 Fund 201 - Water	 47,726			 Fund 204 - Utility Billing
Fund 202 - Sewer	47,725			Fund 204 - Utility Billing
Fund 001 - General	4,600,000			Fund 124 - Income Tax Safety
Fund 001 - General	3,050,000			Fund 128 - Fire & EMS
Subtotal - Total Operating Transfers	7,745,451	0	0	
 Grand Total - All Transfers	 \$ 25,232,525	 \$ -	 \$ -	

CITY OF KENT
DEPARTMENT OF PUBLIC SERVICE
DIVISION OF ENGINEERING

MEMO

TO: Dave Ruller
Amy Wilkens

FROM: Jim Bowling *JB*

DATE: May 16, 2022

RE: SR 59 Alternative Transportation Improvements CM/AQ Grant Request

The Service Department is requesting City Council's approval to submit to the Akron Metropolitan Area Transportation Study (AMATS) for a Congestion Mitigation/Air Quality (CM/AQ) Grant to help fund the SR 59 Alternative Transportation Improvements Project. This is the project that we are working on with PARTA and Franklin Township to provide active transportation improvements on SR 59 from Horning Road to SR 261. The improvements include providing for a continuous sidewalk along the north side of SR 59, a continuous side path along the south side of SR 59, several mid-block crossings and transit accessibility improvements. Currently, we have received \$666,000 from ODOT's Highway Safety Improvement Program for the design of the project and \$570,000 from ODOT's Paving Program for the construction phase. We are requesting to submit to AMATS for \$3,112,000 in CM/AQ funding for the Construction Phase. If successful, we will have received the maximum amount of federal funding possible for the construction phase, which is estimated to be \$4,480,000.

We appreciate Council's consideration of this request.

C: Melanie Baker
Jon Giaquinto
Rhonda Hall
Brian Huff
Cathy Wilson

DRAFT RESOLUTION NO. 2023 -046

TITLE: APPLICATION FOR FEDERAL CMAQ FUNDS

A RESOLUTION ALLOWING THE CITY MANAGER, OR HIS DESIGNEE, TO APPLY FOR FEDERAL CONGESTION MITIGATION/AIR QUALITY FUNDS PROGRAMMED BY THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY (AMATS) TO CONSTRUCT THE SR59 ALTERNATIVE TRANSPORTATION IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, the United States Congress has set aside monies for Congestion Mitigation and Air Quality (CMAQ) projects through the State of Ohio, Department of Transportation (ODOT) and administered by the Akron Metropolitan Area Transportation Study (AMATS); and

WHEREAS, Local Public Agencies (LPAs) can apply for these monies and be selected for funding by the Ohio Association of Regional Councils (OARC), who has been charged with the management of a statewide CMAQ program by ODOT; and

WHEREAS, the construction of bicycle/pedestrian used for transportation and transit service upgrades is a transportation activity eligible to receive federal CMAQ funding; and

WHEREAS, if requested funds are granted, the City of Kent, Ohio shall be responsible for at least twenty (20%) percent of the eligible costs.

WHEREAS, the SR 59 Alternative Transportation Improvement project is needed to provide safe, comfortable access for residents of all abilities that rely on non-vehicular transportation and reduce vehicle trips for travelers that do not feel comfortable/safe traveling this corridor outside of their vehicle; and

WHEREAS, this work will be accomplished by reducing vehicle lane widths that include relocating curbs and resurfacing the pavement to improve safety and provide improved alternative transportation facilities to the City and Franklin Township; and

WHEREAS, SR 59 is in need of facilities that facilitate, promote and improve safety for bicyclists, pedestrians and transit users.

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

SECTION 1. That the City Manager, or his designee, is hereby authorized to apply for Federal Congestion Mitigation/Air Quality (CMAQ) Funds programmed by the Akron Metropolitan Area Transportation Study (AMATS) for the following Bicycle/Pedestrian/Transit Service Project:

- (1) the SR 59 Alternative Transportation Improvement project - extending and connecting sidewalks, constructing a side path, median refuge islands and transit stops with shelters; SR 59 from Horning Road to SR 261; and the City will request \$3,112,000 in CMAQ funds for the construction of this project, which is estimated at \$4,480,000.

SECTION 2. That the City acknowledges and understands the AMATS 2017 CMAQ Guidance and confirms to the best of its knowledge that the information contained in the project application is accurate, that it intends to diligently pursue that project, and that a local share is required to match federal funds.

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

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

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens, CMC
Clerk of Council

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

AMY WILKENS, CMC
CLERK OF COUNCIL
(SEAL)

DRAFT ORDINANCE NO. 2023 -047

AN ORDINANCE AMENDING ORDINANCE NO. 2022-137 THE POSITION ALLOCATION AND GENERAL COMPENSATION PLAN, AND DECLARING AN EMERGENCY.

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

SECTION 1. That Council does hereby approve an amendment to the 2023 Position Allocation Ordinance, 2022-137 to update the, as set forth in Exhibit A, attached hereto and incorporated herein.

SECTION 2. That all existing ordinances which are in conflict with the provisions of this ordinance are hereby repealed.

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

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

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens, CMC
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, CMC
CLERK OF COUNCIL