



City of Kent
Wednesday, June 7, 2023
City Council Committee Meetings
320 S. Depeyster Street, Kent, OH 44240

MINUTES

Board of Control

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. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach

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

Committee of the Whole (Chair Fiala/ Vice-Chair Amrhein)

Boards and Commissions Interviews

Matt Hathaway introduced himself to Council stating he applied for the Civil Service Commission position to get more involved in the community. Mayor Fiala asked how he could make a difference to the committee. Mr. Hathaway replied he has educational and family experience.

Mr. Sidoti thanked the applicant for applying and asked him what interested him about this specific committee.

Ms. Shaffer Bish asked if he has been organizing in organized labor and how he feels about unions.

Mr. Ferrara asked if being a trustee would serve him well on the Civil Service Commission. Mr. Hathaway said it would. Mr. Sidoti asked about other volunteer work and he has

volunteered for Restore, Habitat for Humanity, and his church.

Mr. Turner apologized for being late and was wondering why he applied for the Civil Service Board. Matt Hathaway said, being a member of the community, he would always put it first which would be best for the position. He wants to get more involved in the community and it may be a learning curve. Mr. Turner asked about what interested him most about the position. Mr. Hathaway said he could help the community and that he has a stake in it.

Ms. Shaffer Bish mentioned she noticed he lived on Elm Street in her ward, and welcomed him.

Mayor Fiala said they would vote at the next meeting and thanked him for applying.

City Flag Committee Update (Flag Committee)

Mr. John Ridinger came to the podium and started his PowerPoint presentation. **(Attachment #1)**. He explained the process of the design of the flag and nearing the end of the project. He began by reviewing specifications for submissions of designs. He reviewed the process of elimination and revisions, coming up with the symbolism and colors of the flag. Designs leaned toward a cleaner design. They avoided the colors of Kent State or Kent Roosevelt. The committee decided the most prevalent colors used should be green, blue, and white. The committee came up with the final flag options; A, B, and C.

He then went into the Post Launch and the library display that has been up since March. The flag committee visited Stanton Middle School and presented it to the 6th grade. There have been many outreach activities in the press, website, and on the community sign asking for public feedback.

Mr. Ridinger then reviewed the survey results, going over the familiarity of those with the project, their relationship with the city of Kent, and whether they had read and understood the process. They then asked people taking the survey to rank their choices. Option A received 50% of the choices. He said comments were also interesting, with only 38% providing comments. He said they had a good number of positive comments, along with some negative but constructive ones.

The committee recommendation is Option A. He said the City Council has to make the decision, as it fits the symbolism and data and all of the factors together. He emphasized this was not a contest, going through several reviews. He said they will need to know whether they accept the flags. Once the flag is chosen, they recommend a rollout. City Council will need to decide what the committee needs to do about rolling it out. He gave examples, such as doing so at Heritage Fest, and displays around town.

Mr. Turner said he thinks it is an excellent idea to roll it out at the Heritage Festival and have it explained at the main stage, so residents have buy-in with what was selected. He said he is very supportive of the flag that was chosen and the story the flag tells with the symbolism is the hook. He commended the committee for its work.

Ms. Shaffer Bish said she was thinking along the lines of the city booth and had committee members there to talk about it. She said she likes the design and the process and all the steps taken to consult with the community.

Mayor Fiala said from the comments he has heard members of the community say they shouldn't have to read something to know what it stands for. Mr. Ridinger replied with his explanation of the American flag and Chicago's flag. He said there is a difference between a banner and a flag, and the goal is to have people associate it quicker, and that's what they

would work on with the rollout. He added that we have to understand there is no design that everyone is going to like.

Ms. Rosenberg commended the committee for all of the hard work and has been working for a year. She thinks it is very exciting and Mr. Ridinger's points have been well made.

Mr. Sidoti said he struggled with the design and asked if these could hang as banners on the main street bridge. Mr. Ridinger said they absolutely could. Mr. Sidoti said he could envision it hanging in the new city hall and making a statement that is what Kent is all about and commends the committee's efforts and speaks to the heart and soul.

Mr. Kuhar said on a scale of 1-10, the volunteers get an 11. They way exceeded his expectations and did a wonderful job.

Ms. Shaffer Bish thanked Mr. DeLeone, and Ms. Wallach for their work with the committee as well.

Mr. Turner thanked the Mayor for pushing for the redesign of the flag for years. He said the community members on the committee were up for the job.

Mr. Amrhein said he sees a link with the 3rd grade and educating them on what the symbols mean and thanked the committee.

MOTION TO APPROVE THE NEW CITY FLAG DESIGN MADE BY Mr. Michael DeLeone, SECONDED by Mr. John Kuhar, and CARRIED by a voice vote of 9-0-0.

Mr. DeLeone said they were a good group of people on the committee. Mr. Kuhar thanked the committee.

Update on the Construction of the New City Administration Building

Ms. Melanie Baker said the exterior framing would be completed by July. They are moving forward with HVAC and ductwork being placed on the roof. Conduits are being put in and water and sewer taps will be put in in June. It is on schedule and the doors and door frames are in. She invited Council to do a walk-through of the building site before the meeting in July.

Mr. Kuhar asked if there were going to be waterless urinals in the restrooms. Ms. Baker said no.

She concluded her update by saying there would be three flagpoles outside of the new building.

Pilot 4-Day Work Week at the Service Administration Complex

Ms. Susel said staff had always talked about having a four-day work week. Mayor Fiala brought the idea up during a retirement party. She said the entire first floor is doing 4 ten hour shifts.

Mr. Ruller said as a reminder, the building was closed during Covid and there were many ways people could pay their bills. He said they are looking at this as a way to stay competitive in the labor market. Ms. Susel said with Covid, they went to electronic permitting and will be transitioning to a new permitting program through New World. She said her entire department is on board with the change.

Ms. Baker said trying to retain employees is important. She said the service department would remain open five days a week. Engineering is looking at four, nine-hour shifts and a half day on Friday. Central Maintenance asked their department to remain the same.

Mr. Kuhar asked about phone calls on the days when no one is there. Ms. Susel said 90% of people contact them via email. She said most jobs are planned ahead and they know when they will be needed. Zoning permits for pools and sheds are all online.

Mr. Turner asked about vacations for those who go to work ten hours, and Ms. Susel said if she wanted to take a day off she would use ten hours of vacation/sick. He asked if there were any implications for the budget and she said no.

Mr. Ferrara asked about what would happen if there was an emergency. Ms. Susel said Bob Nitzsche, Building Supervisor, would be called in. In regards to the Community Development department, when work is done after business hours, the permits are issued and inspections are completed retroactively. Large commercial projects tend not to have emergencies. She said they have three business days to schedule inspections.

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

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

Business District Noise

Dave Ruller began the discussion by stating that no recommendations are expected tonight from City Council, they want to get a read from the community on where they want to go. He said, in the bicentennial plan, they wanted to see a vibrant downtown, with music, and that we were getting there. He said we need to take a deep breath and review this. He is asking for this to be an open discussion as a group about where we can go with this. He said music plays a role in Kent's history. He said this will take some time, but it is important to get this right. He told the chief he didn't need a presentation, but to facilitate starting the discussion by starting with what is currently in the noise ordinance.

Chief Shearer said the unlawful noise ordinance gives officers a clear way for officers to enforce the law. There is kind of an unwritten rule that nothing is done downtown, and we try to take a reasonable approach. He discussed how a noise issue is reported and handled by police officers. They try to gauge how far away they can hear the noise. He can not remember a time when they have ever cited a business and does not think it is the norm to get these complaints. He could only find one unlawful noise complaint in the past year in the system for a business. He said if it was a significant problem, he would be able to find more than one. He is not coming to them with a recommendation for a change.

Mr. Kuhar asked if the noise ordinance is enforceable downtown. Chief Shearer said the only exception is city-related events. Mr. Kuhar asked about how close the residence had to be. The Chief had said they had to take action against unreasonable noise. He understands the concern of both sides. Mr. Kuhar said there needs to be some type of guidance.

Chief Shearer explained the current noise ordinance and that the complaints they receive are in the evening hours and generally before 9 p.m. He said one call he received was at 9:16 pm, and some people playing music at 6 pm.

Mr. Turner said we are in the area of selective enforcement. Chief Shearer said it's not selective enforcement but more about the reasonableness of the noise where the complaint is at. Ms. Hope Jones said what the Chief was saying was he would go out and investigate, and police officers are allowed to read the law and use their discretion. He doesn't think it is

selective enforcement. It is trying to solve a problem within the enforcement of the law.

Chief Shearer also says there is a party registration process, and this helps them gauge the reasonableness up front and they can work one on one with the violators of the noise ordinance.

Ms. Shaffer Bish said she originally brought this up with City Council and that the downtown is pretty new, and we now have more people living downtown. She has successfully mediated with what is reasonable. It is usually the time of day issue. She said it's not reasonable to have loud music after midnight. She heard recently that the police said it doesn't apply to downtown. She wants to make sure that the reason for the success of the vibrancy of downtown, is there are a lot of reasons to live and recreate. She said we have to balance things and it is usually the time of day that noise becomes an issue. She wants to protect both the businesses and the residents. She said this is an issue of mediation and being good neighbors.

Mayor Fiala said he likes to sit on Franklin Avenue but can hear the music from his house. He said it is a problem in his neighborhood. He said it was just a comment.

Mr. Ferrara said everyone was making good points, but what we are trying to do is to establish a time so the bars, patrons, and businesses can operate and where he thinks we need to explore a timeframe and type of music that is allowed. Then people will be aware of when music is going to stop. He said nobody wants to stop live music but to set up expectations to follow.

Mr. Kuhar said the thing that concerns him is that now we are saying you can't entertain.

Mr. DeLeone asked where the business district was located. Chief Shearer said Haymaker to Brady. Depeyster to Gougler. Mr. DeLeone said he can hear music from his house and his neighbors don't complain.

Mr. Turner said the issue, ultimately, is subjective, not selective. He sympathizes with the business owners. He said they would be looking at what is over and beyond the pale. He said he doesn't think this will be an easy change to make, but that it's appropriate. He said this would take a while.

Mr. Sidoti said unpredictability is problematic with a lot of things. He talked about the changes in the fireworks laws. He said if there is some kind of structure in place and it is in a positive way. He said the goal is to begin the conversation and it does not need to be tortuous. He said part of this needs to be consistency.

Ms. Rosenberg said she appreciates the fact there is no immediacy and that setting hard and fast rules is hard because there may be exceptions. She does not know if having a hard rule would be hard to enforce. She is appreciative of those who have expressed their concerns. She said live music is hard to find and many people appreciate it.

Mr. Kuhar asked Chief Shearer if he thought a timeline to turn the volume down could work. Chief Shearer said it could be possible, but it may be hard to determine a distance from the noise. He said it would need to be clearly defined. He said one standard, whether indoor or outdoor, would need to be looked at at a certain facility.

Mayor Fiala said music was a big part of this community and asked why it is so hard to just turn down the sound of music.

Mr. Amrhein asked if there were any members of the public wishing to speak.

Edward Labbry of Horning Road said this issue is really important to him. He said everyone

made great talking points and was very excited about coming to his first City Council meeting. He didn't know that businesses needed to be enforced as residential and learned a lot this evening. He is a musician and a bartender at the Zephyr pub. The pandemic has affected music downtown and the economy of businesses is very important. The rich history of music in this city brings a lot of people downtown. He said detrimental things right now would drive people away. Having to end things early would affect business.

Tony Liotta of Carthage sold PA systems to local musicians. He said he was measuring the sound during tonight's meeting and it registered at 80 dbd. Ms. Rosenberg asked if it was her (there was laughter). He said sound being audible is not a good determinate. Regarding music, he knows everyone can be reasonable and adhere to rules.

Jason Misser of N. Depeyster said he would not have bought a house if it was not where it is. His house is close to downtown and what draws him in is walkability. He said most have an 11 pm cutoff. He works in research and development and thinks it should be a decibel amount at a certain distance. He said it needs to be quantified. If you stop the music too early, it will drive people away. He said that is the magic of downtown Kent.

Micheal Buber asked for two points to be considered; the level of artistry and the art of the community. You have to consider this and that community events don't exist like they used to. The level of artistry is seen with a high volume of artists coming into town.

Christopher Dum of Cuyahoga Falls said he lived downtown and wanted to drive home the aspect of the community. We need to find a solution that respects everyone. Measuring decibels would be hard.

Mr. Dzeda came to the podium next. He resides on Park Avenue. He said he had heard amazing things this evening. He said he was amazed to hear there was a noise ordinance. He said sound travels in this town. Most nights it's not a problem, but other nights you can hear it from far away. Families with babies may be trying to put them to sleep. He thinks they should go with time limits rather than decibel limits. He said they like where they live but there is a sense it is getting louder and longer. He was amazed by the number of people coming downtown.

Josh Sed of Massillon, runs the Zephyr. He started by saying the music scene in Kent is historical. He doesn't want to make people mad. Downtown shows bring in a lot of business. He said the outside shows will be inside until it is figured out. The music scene can't go away and the outdoor shows can't go away.

Ms. Heather Malarcik of Westlake Blvd. said when the music stops everyone leaves. When thinking about the Zephyr and the patio, if nothing is going on, people will go home. She said there is a lot to the calculation of making a decision.

Sarah Wilson of Cuyahoga Street said having bands inside is not viable. Shows are more fun when they are outside and the number of people won't fit inside.

Jay Geldhof came to the podium next, saying he can sometimes hear music from his house, and the sound of people having fun does not bother him.

There were no further questions from the audience or the City Council.

Low-Frequency Noises

Mr. Ruller said low-frequency noise is very hard to regulate. Ms. Hope Jones is trying to find

examples, but frequency is difficult. She said she has researched areas that have regulated low-frequency noise and cannot find anything. Kent would be the very first community to ever do so. She said it could be very difficult and she is looking for direction.

Mr. Ferrara said this seems to be centered on the Land of Lakes issue and suggests reviewing what comes from the work being done by the consultant they hired.

Ms. Jones said this is an issue that Ms. Wallach brought up a couple of times. Ms. Wallach said this happened at a few businesses in Kent and in one situation where a person had a hot tub with low-frequency noise.

Mr. Turner said that is almost exactly what's going on at Land O'Lakes. He said low-frequency noise impacts people. He is willing to wait to see what transpires with the noise consultant. He said residents are at their wit's end.

Mr. Ruller clarified this is a general discussion and not about Land O'Lakes. He said this was brand new and was hoping for directions on how they move forward. The question is whether a case-by-case should be handled.

Ms. Rosenberg said she is content to let this go and does not want to spend taxpayers' money.

Ms. Wallach said so far we have had companies that are good neighbors, but what if there were companies that were bad neighbors. This is why we should continue investigating this.

Mr. Sidoti said it is about science and it is pretty complex. He doesn't think they should do anything until we learn more about it.

Ms. Rosenberg called point of order. We are not talking about Land O'lakes.

Mr. Sidoti said we need to gather more information before legislating.

Ms. Shaffer Bish read the noise ordinance. Ms. Jones gave an example of police going to a business and asking where the noise came from.

Ms. Susel said it's hard to find the source when it's a low frequency. It's not regulated.

Mr. Turner said we are trying to educate ourselves on what the implications of low frequency are. He thinks it is better to be proactive rather than reactive. He would like to know the implications of low-frequency noise. He said what we have found out tonight is what we don't know.

Mr. DeLeone said we are looking for someone to teach us about this and suggested starting with the information received from the Land O'Lakes study. He said maybe they could give good advice. He suggested bringing them in as the next step in the review process.

Mr. Kuhar said you just wonder about the parameters and wonder if we are trying to create a vacuum around Kent. He said he feels train vibrations, where does it stop?

Ms. Shaffer Bish said she has had neighbors who have had to go to court about a base playing in her neighborhood and the court found in favor of those who filed the complaint. She wonders how it can be put into the noise ordinance in some way so those in the future that aren't willing to work with one another.

Mr. Ruller said people have recourse on their own. Ms. Jones said it was a criminal case and we knew the source. She said the issue would be the source. The city would need to get more information on how to collect the information. He said neighbor-to-neighbor

problems are the hardest to solve.

MOTION TO LET THE ISSUE GO MADE BY Mr. Garret Ferrara, SECONDED by Gwen Rosenberg.

Ms. Shaffer said she would be voting against the motion, stating that it's come up enough we need guidance and prefer we educate ourselves further.

There was a discussion about the motion and Mr. Ferrara said he would accept a friendly amendment to the motion.

MOTION TO AMEND THE MOTION TO LET THE ISSUE GO AND TO LET THE CITY PURSUE INFORMATION REGARDING LOW-FREQUENCY NOISE MADE BY Mr. John Kuhar, SECONDED by Mr. Mike DeLeone and CARRIED by a vote of 9-0-0.

MOTION TO APPROVE MOTION AS AMENDED MADE BY Mr. Garret Ferrara, SECONDED by Ms. Gwen Rosenberg, and CARRIED by a vote of 9-0-0.

Request to Accept Bicycle Helmet Donation (Joan Seidel)

Ms. Joan Seidel said they had received a large donation of bicycle helmets and these safety helmets will be distributed free of charge to Kent children during Health Fairs and other Health Department events. The value of the donated helmets is approximately \$600.00.

MOTION TO APPROVE REQUEST TO ACCEPT BICYCLE HELMET DONATION MADE BY Ms. Gwen Rosenberg, SECONDED by Mr. Roger Sidoti, and CARRIED by a voice vote of 9-0-0.

Executive Session to Discuss Board and Commission Appointments and Employee Evaluation

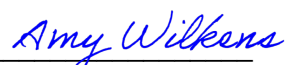
MOTION TO ENTER EXECUTIVE SESSION MADE BY Mr. Jack Amrhein, SECONDED by Mr. Roger Sidoti, and CARRIED by a voice vote of 9-0-0. Roll call was taken.

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

Also, Present: Mr. Jerry T. Fiala, Mayor and President of Council

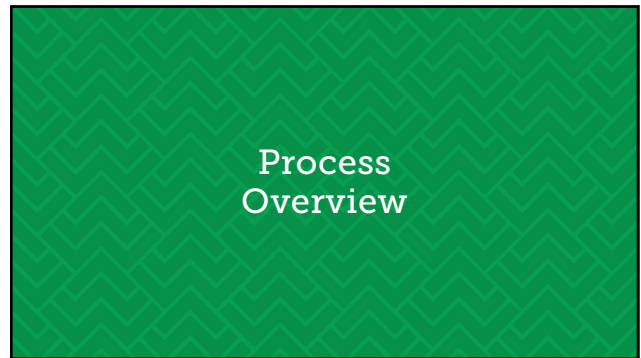
MOTION TO RETURN TO the REGULAR COUNCIL MEETING MADE BY Ms. Gwen Rosenberg, SECONDED by Mr. Jack Amrhein, and CARRIED by a voice vote of 9-0-0.

Hearing no further business, the regular meeting adjourned at 9:52 p.m.

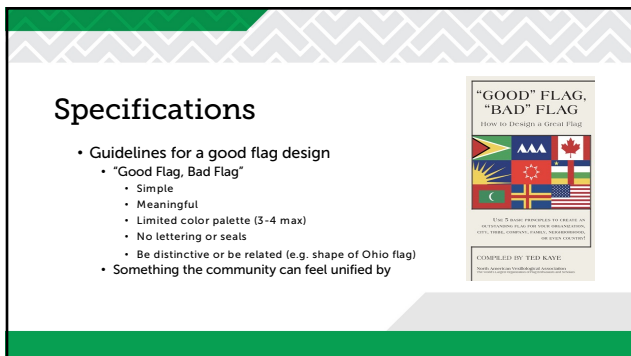

 Amy Wilkens
 Clerk of Council



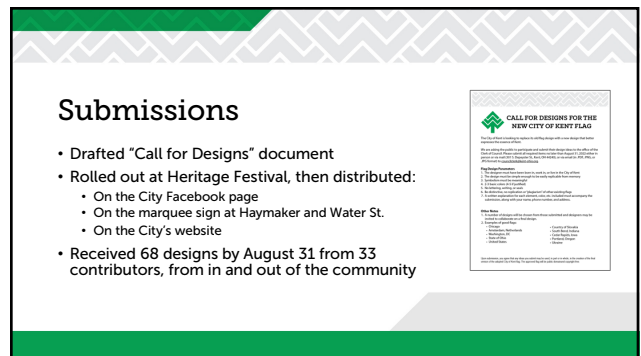
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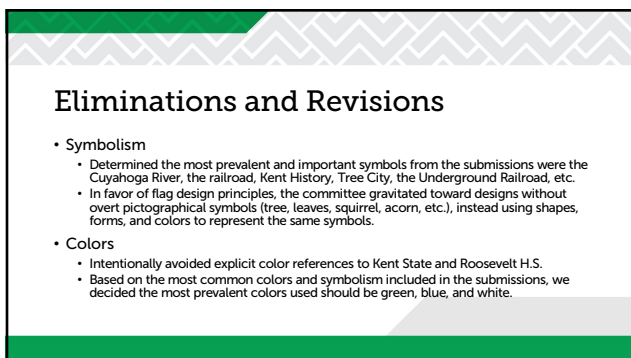
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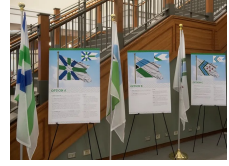
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Post-Launch Update

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Outreach Activities

- Library display was installed in March; survey launched same day
- Jon & Zach visited Stanton Middle School and presented to the 6th grade class; all took the survey
- Press releases in several area publications
- Main Street Kent has posters
- City Marquee sign, website updates
- Jon gave interview to the Record-Courier

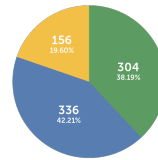


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Public Survey Results

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Question 1: How familiar are you with the City flag design project?



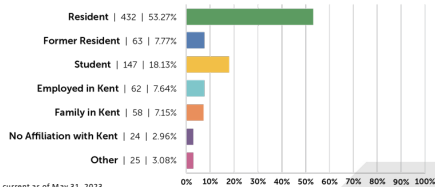
Total Answers: 796
Total Skips: 15

- This is the first I am hearing about it
- Vaguely familiar
- I have followed the project since it was announced

Note: Data current as of May 31, 2023

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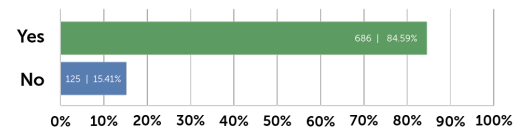
Question 2: What is your relationship to the City of Kent?



Note: Data current as of May 31, 2023

11

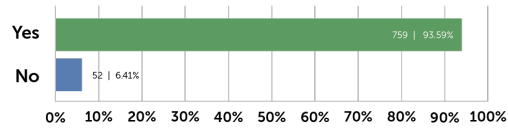
Question 3: Have you read and formed a strong understanding of the process the City Flag Committee followed to reach the three presented options?



Note: Data current as of May 31, 2023

12

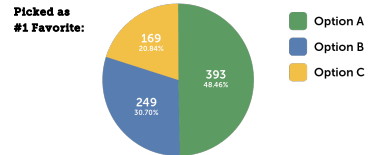
Question 4: Have you read and formed a strong understanding of the descriptions of each flag design and what they symbolize?



Note: Data current as of May 31, 2023

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Question 5: Please rank the three submissions from your FAVORITE to LEAST FAVORITE, with 1 being your most favorite and 3 being your least.



Note: Data current as of May 31, 2023

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Question 6: Comments | Summary of Written Feedback

Total Responses (with or w/o comments)	812	100%		
Responses with Comments	309	38%	Adjusted for "N/A" Comments	256 32%
Responses with No Comments	503	62%	Adjusted for "N/A" Comments	556 68%

Note: Data current as of May 31, 2023

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Question 6: Comments | Summary of Written Feedback

	Positive	Positive, Constructive	Neutral	Negative, Constructive	Negative	N/A, Disregard
Total Comments	106	65	17	42	26	53
Percent of Total Responses	13.1%	8%	2.1%	5.2%	3.2%	6.5%
Percent of Responses with Comments	34.3%	21%	5.5%	13.5%	8.4%	17.2%

Note: Data current as of May 31, 2023

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Question 6: Comments | Summary of Written Feedback

	Bird/ Ch.Swift	Black Squirrel*	Tree	Railroad	Schools/ Education
Mentions of symbols (not necessarily requests for)	5	26	9	6	6
Percent of Total Responses	0.6%	3.2%	1.1%	0.7%	0.7%
Percent of Comments	1.6%	8.4%	2.9%	1.9%	1.9%

*A popular mention particularly among Stanton Middle School survey respondents.
Note: Data current as of May 31, 2023

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Committee Recommendation

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Roll-Out to the Community

- Committee Involvement Going Forward
 - Committee recommends a robust public roll-out for both visibility and an increased buy-in from the community at large. Willing to continue meeting to lend our help and support in this effort.
- Heritage Festival
 - Flag raising ceremony
 - Booth? Distribution of small versions of flag
- Displays Around Town
 - Light pole banners
 - Flag poles
 - Displayed at homes around community



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Roll-Out to the Community

- Other Ideas
 - Public purchasing through online form
 - Merchandise through local businesses
 - Shirts, hats, drinkware, stickers, etc.
 - Public art commission/installation
 - Social Media
 - More



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NEW FLAG for the CITY OF KENT

Presented by the City Flag Committee



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