



City of Kent
Wednesday, August 2, 2023
City Council Committee Meetings
320 S. Depeyster Street, Kent, OH 44240

MINUTES

6:55 P.M. Special Council Meeting (Separate Agenda)

7:00 P.M. Public Hearing

At 07:00 PM, Mayor Jerry T. Fiala called the Public Hearing to order. Roll Call was taken.

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

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

Absent: Mr. John Kuhar, Ms. Tracy Wallach

In accordance with Chapter 1111.01(b)(2) of the Kent Codified Ordinances, notice was given on June 30, 2023, that the Kent City Council will conduct a Public Hearing to allow for public comment on proposed text amendments to the City of Kent Zoning Code:

- CHAPTER 1105: CONDITIONS APPLICABLE TO SPECIFIC LAND USES
- CHAPTER 1106: GENERAL PROVISIONS
- CHAPTER 1109: SIGNS
- CHAPTER 1111: ADMINISTRATIVE BOARDS AND COMMISSIONS

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

The hearing adjourned at 7:01 p.m.

Committee Meeting

Committee of the Whole

Mayor Fiala opened the Committee of the Whole meeting and introduced the first topic.

Kent State University Update

Dr. Dana Lawless Andric was introduced and approached the podium. She began her remarks by saying there were a lot of updates to provide to Council this evening. She wished everyone a happy August and said they are gearing up for another busy and exciting Fall semester. Here are some university updates:

- Overall enrollment will be comparable to last year; approximately 25,000 students on the Kent Campus. Growth in graduate and international student populations. On-campus housing is expected to be near 98-100% capacity.
- Kent State Summer Preview events were held on July 21 and July 28
 - 911 families visited across the two dates; an increase of 39% (+255) from last summer.
 - 83% of attendees were from Ohio, but we also had guests from 19 states and as far away as Greece.
- Overall, visits counted through the admissions office since January 1, 2023:
 - 5,936 students (guests would add on to this total) visited through a formal tour or event day (+7.6% over last year)
- The admission preview and visitation dates highlight the City of Kent with a great display and promotion pilot. In the Spring, families were provided with the Kent Card during Yield Events - generating almost \$3500 in additional support to local businesses.

Dining Partnerships:

- As you may recall, KSU has worked hard to support local restaurants and businesses through more formal partnerships with our Culinary Services. Last year, the new program - Dining Dollars - generated almost \$60,000 for participating locations in the City. Fall projections are well over \$100,000 based on student-chosen meal plans.
- Food Truck events on campus will continue and the local restaurant, Tahini MC, will continue to operate in the Rathskeller.

Construction Updates:

- Work continues on the Ambassador Crawford of Business building, and the Solar Array installation will begin in October. Future updates will be provided as they occur.

Other items coming up this month:

- New student move-in begins August 15 and KSU kickoff follows, starting August 17.
- Classes begin Monday, August 21.
- Summer graduation takes place on Saturday, August 19.

- There will be an expanded version of Kent Connects which is now called, Flashes First Thursday. This event is the official welcome back and welcome to the City of Kent for all new and returning students. It will take place throughout downtown Kent on August 24, from 4 pm to 8 pm - connecting to the Hometown Bank Concert Series as well with Michael Weber. We have over 50 restaurants, local businesses, nonprofits and more signed up to participate.

A few other items:

- Today, the Chief, Michelle Hartman and several Kent State folks participated in the Safe Bars Training Program. This is a state-funded grant to increase the safety of our bars.
- Fall sports are gearing up - we will share out a calendar on the Town & Gown list serv.
- Parent & Family weekend is planned for Sept. 29-30
- Homecoming is planned for Oct. 21 with a community rally on Oct. 20
- Additional Fall dates will be shared on the Town and Gown listserv.

Athletics Updates:

- Average GPA- 3.077
- Two MAC Tournament Titles, Four MAC Regular Season Champions or Co-Champions in Men's Basketball and Women's Golf
- New Football 'Grit' Era August 18, 2023

Mr. Ferrara asked about food trucks. She said they are every Wednesday in the center of campus and are open to the public. He said he took clients from out of town on campus and they were fascinated by how well done it was and they were very impressed. Dr. Lawless Andric said if anyone wants a tour of campus to ask, those are regularly given.

There were no further questions and Mayor Fiala thanked Dr. Lawless Andric for the updates.

New City Hall Construction Update

Ms. Melanie Baker, Service Director, began her presentation by saying a moisture barrier was added and some of the brick to the outside of the building. The HVAC system is almost completed. She sat down with IT to discuss connectivity and the ability to run meetings. Stone will be brought onto the site. She said things are moving right along and she is hoping to be enclosed by the end of August. Dominion Gas was out and will be getting gas hooked up. She is also working with First Energy. They will be taking staff out to tour the new building soon.

Mr. Turner asked about the target completion date. Ms. Baker said she is holding on to July 2024. She doesn't think it will be later than July. Mr. Turner said it would be great to have it done close to the festival. Ms. Baker said occupancy will be the concern but that is a great target date.

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

Ward Revisions-2020 Census

Ms. Bridget Susel, Community Development Director, said the Community Development Department has completed its review of the 2020 Census data and proposed adjustments to the six ward maps to comply with the City's charter. The 2020 Census data was issued to the City in October of 2021 and Community Development noticed that the Census Bureau had consolidated, modified, eliminated, and/or designated several new Census Tracts, Block Groups, and Block Group Blocks that resulted in substantive changes from the 2021 Census data, which was used to establish the current ward maps. It had reductions in certain areas of town that were known. They submitted revisions and those were not sent back until January of this year. Community Development sent them back three times. 28,203 is the population. The challenge with the wards is all of the revisions of the ward tracts. They went through each of the blocks and the ward population data to make sure it was meeting the requirements.

Ms. Shaffer Bish said the Ward 4 adjustments would affect someone who is running in the current election. Ms. Susel said we cannot move a neighborhood or a street, but a block group block. She asked if this item could be continued if adjustments are needed.

Mr. Turner asked if it affects this election. Ms. Susel said it does not.

Ms. Susel said the next step is to write legal descriptions for the wards. She requests it be continued for further review.

Mr. Amrhein asked for clarification if the person running would not be affected. Ms. Susel said it would not affect this election.

Ms. Shaffer Bish asked if the person elected would be able to serve four years, and Ms. Susel said yes and that she even confirmed this with the Attorney General.

Ms. Shaffer Bish said she would like to look at this and Ms. Susel said if changes were requested, a Charter amendment would be needed.

Ms. Shaffer Bish said we do have some discretion so there could be some movement.

Ms. Susel said the block group blocks determine the boundaries. The multi-unit high density makes a difference.

Mr. Turner said May Street was in his ward, and that he could sympathize as this street has a high student population. This is a population issue and not who turns out to vote. He said the issue was about this election cycle.

Ms. Susel said it does not affect this election cycle.

Mr. Turner said he wonders what the logic is regarding making changes for an individual.

Ms. Susel said she is not doing that.

Mr. Turner said he did not want to go down that rabbit hole.

Ms. Susel said it is the same thing as districting at the state and federal levels and is a straight population count.

Ms. Shaffer Bish said the issue isn't the people who are voting but the people that can commit to serving a term. She said maybe we could create an on-campus district. Mr. Garret Ferrara called point of order.

Ms. Susel said she can look at it if Council wishes and report back.

MOTION TO ACCEPT WARD REVISIONS FROM THE 2020 CENSUS MADE BY Mr. Roger Sidoti, **SECONDED** by Mr. Garret Ferrara and **FAILED** by a voice vote of 3-4-0. Ms. Shaffer Bish, Mr. Amrhein, Mr. Turner and Ms. Rosenberg voted 'No'.

Mr. Sidoti said there are valid concerns, however, it moves toward a political move rather than following the charter. He said Ms. Shaffer Bish could put into committee a future discussion and we need to move forward.

Mr. Ferrara said this has never been an issue and that the electorate gets to decide. He said it was a fair system.

Ms. Heidi Shaffer Bish said she was going to vote no and that it didn't hurt to take a second look at the wards.

Mr. Ferrara called point of order and said that it was not Ms. Susel's job to be aware of who is running for a Council position and what ward they are in. She is following the letter of the law and the letter of the Charter.

Ms. Shaffer Bish said the neighborhood in question keeps getting pushed back and forth every ten years, so it's a challenge.

Mr. Turner said he would vote no because he thinks it's not too much of a burden to take another look. But since the gentlemen got on the ballot, and if Ms. Susel can do this, they can make the accommodation.

Ms. Rosenberg asked if there was a deadline and Ms. Susel said there was no deadline.

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

Health and Public Safety Committee

Chair Amrhein opened the Health and Public Safety Committee Meeting at 7:47 pm.

Vape Density Proposal and Moratorium Options

Mr. Ruller said there were two items combined in the first item. Council had previously made a motion to impose a moratorium on vape shops, as some cities have done. Ms. Seidel was also working on a similar version of density as a way of managing control of these shops. If Ms. Seidel's concept is approved, it will cover both issues.

Ms. Joan Seidel, Health Commissioner, said the city of Kent is experiencing an explosion of new vape shops opening. While new businesses are crucial to the health of our local economy, the number of new shops is concerning. These shops are not opening to assist residents with quitting, but to make it easier to get started and continue vaping. Thus, they are a harmful addition to our citizens. Since Governor DeWine has recently vetoed the 2024 budget line item which would have eliminated home rule for tobacco legislation, we feel the time is right to address this growing concern. Kent City Council has been proactive on numerous occasions to restrict tobacco and vape products to those 21 and over, as well as enforce the licensing of tobacco retailers. She said the House could still turn over his line-item veto. She said the more shops that open the more people can become addicted.

Ms. Jalessa Caples said the city has twenty-one fast food restaurants but twenty-seven vape shops. She said we have more vape shops than fast food restaurants, and that is a little bit scary. The density and proximity provision aims to address many things, with the

current businesses grandfathered in. Retailer density will affect where they can open a new business. They are not knocking each other out of business. They would like to limit retailers allowed to twenty-one and not be able to operate near youth facilities.

Ms. Caples said she also wanted to give some quick TRL (Tobacco Retail License) updates. Right now there are twenty-seven active tobacco retailers and seventeen are completely in compliance. Ten are not in compliance and they are working to get them into compliance by the end of the month. This year has been a learning curve. Next year, we will be starting businesses earlier and plan on working with other city departments so new businesses know what their responsibilities are.

Mr. Ferrara asked for thoughts on why businesses are not participating in the TRL. Ms. Caples says it is hard to reach the business owners. Now we are getting the applications and we have their email addresses, so next year should be easier. He asked if there had been pushback and she said no, surprisingly.

Ms. Rosenberg asked about the time frame for this to take place (referring to the vape shop density). Ms. Joan Seidel said it would depend on when it passed and referenced the Law and City Clerk departments. She said businesses that were already established would be grandfathered in.

Ms. Rosenberg asked about vape flavors and if they could be banned at the local level. Ms. Seidel said she would love to bring that before Council in the future. She felt the urgency was on the density and the vape flavors would be next.

Mr. Ruller said it has been confirmed by the Law Department that the City has the legal authority to move forward with this measure of density.

Mr. Turner asked about a cap on fines for TRLs. Ms. Seidel said that was previously passed by the council and Ms. Caples ran through some of the fees. Mr. Turner said this should get the owners' attention regarding compliance.

Mr. Sidoti asked if this was legal because it is tobacco-related, or if we could do it with other businesses. Ms. Hope Jones said the State of Ohio has given us leeway and depends on the industry. Ms. Seidel replied that the city of Streetsboro has placed a moratorium on car washes due to the high number in their city.

Ms. Rosenberg said the last time we discussed vape shops they were completely unregulated and asked if this is still the case.

Ms. Caples said they are regulated by compliance checks but that is just to make sure they are not selling to underage youth. It does not have anything to do with ingredients.

Ms. Rosenberg said that, essentially, the State of Ohio is leaving it to municipalities to regulate and just wanted to make sure she was clear on that issue.

MOTION TO APPROVE THE VAPE DENSITY PROPOSAL MADE BY Ms. Gwen Rosenberg, SECONDED by Mr. Robin Turner, and CARRIED by a voice vote of 7-0-0.

Ms. Rosenberg said, because it has been intentionally marketed to children, it requires us to take action. She said in the future, if it becomes a more regulated substance, we could revisit the issue.

Mr. Ferrara said this was a great start and thanked them.

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

School Resource Officer Agreement Renewal

Chief Shearer said there was a request for a continued partnership with the Kent City Schools for the School Resource Officer Program. Police representatives have met with school representatives to discuss the 2023-2024 school year contract. The SRO salary will be the responsibility of the City of Kent when school is not in session.

The Kent Police Department and the Kent City Schools administration agree that Officer Dominic Poe will continue in his role as the resource officer. The only change is that the canine dog has been added to the contract.

MOTION TO APPROVE SCHOOL RESOURCE OFFICER AGREEMENT RENEWAL
MADE BY Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 7-0-0.

Mr. Ferrara said it is a great thing and there is great feedback regarding this program.

There were no questions from the audience or Council.

DORA Exception Request

Chief Shearer said his request for an exception to the downtown outdoor refreshment area (DORA) on Wednesday, August 16, 2023. Main Street Kent has requested this exception to host an event in conjunction with Budweiser. Budweiser will be bringing one or two Clydesdales to Kent and has requested to serve red aluminum Budweiser bottles for the event. The exception would allow for photos to be taken with participants holding the Budweiser cans and posing for photos with the Clydesdales.

Ms. Hope Jones said that if the Council allow, and approves the request, due to time constraints, they would like to approve this without an ordinance.

Mr. Sidoti asked about what would be allowed, and asked if we could specify a DORA cup along with a Budweiser aluminum bottle. He said we should have some discretion on what we would allow.

Ms. Rosenberg said she is fine with this.

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

Land Use Committee

Chair Ferrara opened the Land Use Committee meeting at 8:06 pm.

Zoning Code Text Updates

Ms. Bridger Susel said The Community Development Department has identified several sections in the City of Kent Zoning Code that need to be amended in order to incorporate clarifying language in certain existing sections and to add new regulations to address recent concerns reported by members of the community.

Staff met with the Planning Commission on June 20, 2023, to discuss the proposed text amendments and the Planning Commission voted unanimously to recommend Kent City Council approve all of the proposed text amendments. Attached is the details of the various

changes. Deleted language is shown as stricken/red and the addition of new language is shown in blue. In order to more clearly identify which Zoning Code chapters the amendments apply to, the chapter headings are listed in green.

The following chapters incorporate proposed text amendments:

- CHAPTER 1105: CONDITIONS APPLICABLE TO SPECIFIC LAND USES
 - Ms. Susel said a small business approached Community Development regarding "health and wellness" items in a store in the commercial/residential section. Community Development was informed such items were for sale at CVS and Walgreens, so the department wanted to establish parameters and staff reviewed these items in CVS and Walgreens. CD needed to specify the minimal use. Calculations were done and thirty square feet of retail space was established.
- CHAPTER 1106: GENERAL PROVISIONS
 - Light issues were addressed in this chapter, covering motion sensor lights shining on residential homes, clarifying area lighting and illuminating.
 - A new subsection (1106.05) was created to cover the bright LED lighting being used in business windows. Existing conditions cannot be changed. Wording for these changes was adopted from the City of Green, and if it is not part of a sign, it is prohibited. It could take effect now.
- CHAPTER 1109: SIGNS
 - Accessory buildings will be limited to two.
 - Changes to this chapter address neon signs that are lit. Neon signs are allowed, but some flash and scroll. This specifies that only two can be lit, and they cannot have motion. This will be going forward. Any new signs will not be able to have two lit. Oscillating is already in the code and is enforced.
- CHAPTER 1111: ADMINISTRATION BOARDS AND COMMISSIONS
 - This covers the Planning Commission packet. We can specify what is needed, and not require everything in the packet that is currently required.

Mr. Sidoti asked if these are standards and not guidelines. He asked if when the Planning Commission is looking at it they will be looking at these standards. He clarified that these would not be going to the Architecture Review Board. Ms. Susel confirmed that because they are standards (regulations), they would not.

MOTION TO APPROVE ZONING CODE TEXT AMENDMENTS MADE BY Mr. Jack Amrhein, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 7-0-0.

Streets, Sidewalks & Utilities Committee

Chair Sidoti opened the Streets, Sidewalks and Utilities Committee at 8:17 pm.

KSU "Flashes First" Downtown Street Closure Request

Mr. Eric Helmstedter, Economic Development Director, was introduced by Mr. Ruller. He said in conjunction with the Kent Area Chamber of Commerce and Main Street Kent, Kent State University will be hosting Flashes First Thursday, a welcome back event for all Kent State students, on Thursday, August 24, 2023. Originally called Kent Connections, Flashes First Thursday will be relocated from the University Esplanade to the downtown in the spirit of the Town and Gown relationship shared by the City and University. As part of the relocation of this event to downtown, a special event permit application was received by the City requesting the closure of North Water Street between East Main Street and Columbus Street. This will allow businesses and organizations to set up tables and engage with the approximately 4,000 students that may pass through the event, while simultaneously adding to the atmosphere created by the live music from Hometown Bank Plaza, a DJ, and guest appearances by Kent State University student-athletes.

He requested the Council's authorization, with emergency, for the street closure of North Water Street between East Main Street and Columbus Street on August 24, 2023, from 2:00 p.m. to 9:30 p.m.

Ms. Rosenberg clarified it would just be North Water Street that would be closed. Mr. Helmstedter said yes.

There were no further questions from the Council.

MOTION TO APPROVE FLASHES FIRST DOWNTOWN STREET CLOSURE REQUEST
MADE BY Mr. Robin Turner, SECONDED by Ms. Heidi Shaffer Bish and CARRIED by a voice vote of 7-0-0.

Stow/Summit Street Bridge and Pedestrian Improvements Agreement

Mr. Jim Bowling, City Engineer, said the Service Department is requesting approval to execute the Stow/Summit Bridge and Pedestrian Improvements Agreements. Copies were supplied in the packet prior to the meeting. The agreement is the framework for Portage County and the City to pursue funding for active transportation and bridge improvements on Stow/Summit Street. The improvements include providing for a wide continuous sidewalk along the south side of Summit/Stow Streets from Tannery Park to Franklin Avenue, widening the existing Stow Street Bridge over the Cuyahoga River to accommodate a sidewalk on the south side and new crosswalks at the Summit Street/Franklin Avenue Intersection. He said there are barrels on the bridge and the county is looking at making repairs to the bridge. The \$25,000 in funds required for this agreement is included in the 2023 annual budget.

Ms. Shaffer Bish asked if they are widening the bridge for bikes and he reviewed the changes to the crosswalks and confirmed the changes would accommodate bikes and pedestrian traffic.

MOTION TO APPROVE STOW/SUMMIT STREET BRIDGE IMPROVEMENTS AGREEMENT MADE BY Ms. Heidi Shaffer Bish, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 7-0-0.

SR 59 Alternative Transportation Improvements

Mr. Jim Bowling referenced the June 2022 formal agreement the City, Franklin Township, and PARTA entered into to pursue funding for the completion of the Alternative

Transportation Improvements on SR 59 from Horning Road to SR 261. He said they were successful in obtaining a Systemic Pedestrian Improvement grant from the Ohio Department of Transportation's Highway Safety Improvement Program. The grant provides 90% of the design fee up to \$666,000.

Ms. Shaffer Bish asked if this would include a citizen group. Mr. Bowling said when this project was in the beginning stages of development, citizens were invited to come during the study phase and open comment period. That work has been done already.

MOTION TO APPROVE SR 59 ALTERNATIVE TRANSPORTATION IMPROVEMENTS MADE BY Ms. Heidi Shaffer Bish, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 7-0-0.

Finance Committee

Chair DeLeone opened the Finance Committee meeting at 8:25 pm.

Tobacco Use Grant 2024

Ms. Joan Seidel said the Health Department has been notified our Tobacco Use Grant has been extended through 2024. She is asking City Council to approve the acceptance of and appropriate the following amounts to lines:

\$20,000.00 to offset a portion of Jalessa Caple's salary 001-02-520-206-7001
\$97,000.00 toward meeting grant deliverables 001-02-520-206-7420

Total award not to exceed \$117,000.00.

MOTION TO APPROVE TOBACCO USE GRANT 2024 MADE BY Mr. Robin Turner, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 7-0-0.

Drug Overdose Awareness Day Stipend

Ms. Joan Seidel said the State of Ohio has declared August 31, 2023, to be Drug Overdose Awareness Day. We applied for a stipend of \$2,000.00 for media, marketing, and other stipulated expenditures allowable under the award for our planned event in support of the State's focus on overdose prevention. She is asking that City Council approve the acceptance of the stipend and appropriation to line: 001-02-520-201-7370.

MOTION TO APPROVE DRUG OVERDOSE AWARENESS DAY STIPEND MADE BY Mr. Garret Ferrara, SECONDED by Mr. Jack Amrhein and CARRIED by a voice vote of 7-0-0.

Fire Department Ohio Ambulance Service Transportation Grant

Mr. Jamie Samels said he is here to request approval for the Kent Fire Dept. to apply, accept, and allocate funds for a grant through an HB 45 Ambulance Transportation Program for EMS/Covid "premium pay." The grant has been made available to first-line EMS responders through Covid State and Local Fiscal Recovery Funds distributed by the US Treasury. It is specific to those who provided assistance during Covid.

Mr. Samels said we could apply as Fire/EMS responders for the City of Kent and Franklin Twp. The potential grant money is up to \$20,253.37 (Kent) and \$20,000 (Franklin Twp.). This is considered premium pay and would be considered a bonus. The City is not required to match the funds. He spoke with the township trustees, who spoke highly of this. They have already applied due to the deadline being July 31, 2023.

MOTION TO APPROVE THE FIRE DEPARTMENT OHIO AMBULANCE SERVICE TRANSPORTATION GRANT MADE BY Mr. Garret Ferrara, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 7-0-0.

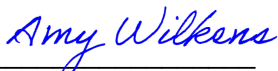
Certified Liens to the County for Outstanding Payments

Ms. Rhonda Hall, Director of Budget and Finance referenced her memos to Council dated July 24th in reference to unpaid utility debts, concrete repairs, and non-utility charges and asked for council's approval. The civil offense fines for Community Development are not being certified over to the County at this time, pending the finalization of a current civil court case.

This housekeeping needs to be done on an annual basis. Any fines paid before August 31st will be removed.

MOTION TO APPROVE CERTIFIED LIENS TO COUNTY FOR OUTSTANDING PAYMENTS MADE BY Mr. Garret Ferrara, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 6-0-1. Ms. Shaffer Bish abstained.

Hearing no further business, the Council Committee meetings adjourned at 8:33 pm.



Amy Wilkens
Clerk of Council