



City of Kent
Wednesday, August 16, 2023
Regular City Council Meeting
320 S. Depeyster Street, Kent, OH 44240

AGENDA (Amended 8/14/23)

7:25 P.M. Board of Control

7:30 P.M. Regular Council Meeting

1. Roll Call
2. Opening Remarks and Pledge of Allegiance- Mr. Ferrara
3. Approval of Minutes
 - 3.1. July 19, 2023 Regular Meeting Minutes
 - 3.2. August 2, 2023 Special Meeting Minutes
4. Communications
 - 4.1. Public Comment- Anyone wishing to address Council must submit their written comments to the Clerk of Council at councilclerk@kentohio.gov by 4:30 p.m. on the day of the meeting. If also requesting to speak at the meeting, comments are limited to three (3) minutes.
 - 4.2. Written Communication (All placed on file in the Clerk of Council's office)
 1. Kent Board of Health Agenda and Statistical Report for the August 8, 2023 meeting received on August 3, 2023.
 2. The agenda for the August 10, 2023 Parks and Recreation Board Meeting was received on August 4, 2023.
 3. Standing Rock Cemetery Board of Trustees Meeting Agenda for August 10, 2023 was received on August 4, 2023.
 - 4.3. City Manager's Report
5. Standing Committees & Legislation
 - 5.1. **Committee of the Whole** Chair Mayor Fiala/ Vice-Chair Amrhein
 - 5.1.1. August 2, 2023 Committee Meeting Minute Approval
 - 5.1.2. Action(s) Recommended

1. Authorize staff to further review Ward revisions and report back to Council with findings for future approval.

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

5.2.1. August 2, 2023 Committee Meeting Minute Approval

5.2.2. Action(s) Recommended

1. Authorize the Health Board's proposal to limit the number of retail stores selling tobacco and vape products, with an emergency clause.
2. Authorize the renewal of the School Resource Officer, with the emergency clause.
3. Authorize the temporary exception of allowing the use of Budweiser products in the DORA during the planned visit of Budweiser Clydesdales on August 16, 2023.

5.2.3. **Draft 2023-049** AN ORDINANCE ADOPTING CHAPTER 772 OF THE KENT CODIFIED ORDINANCES TO ESTABLISH TOBACCO RETAILER DENSITY AND PROXIMITY PROVISIONS, AND DECLARING AN EMERGENCY (Authorized)

5.2.4. **Draft 2023- 050** AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPROVE AND EXECUTE AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF KENT, OHIO, AND THE KENT CITY BOARD OF EDUCATION REGARDING THE SCHOOL RESOURCE OFFICER PROGRAM, EXTENDING THIS AGREEMENT UNTIL MAY 23, 2024, AND DECLARING AN EMERGENCY (Authorized)

5.3. **Land Use Committee** Chair Ferrara/ Vice-Chair Shaffer Bish

5.3.1. August 2, 2023 Committee Meeting Minute Approval

5.3.2. Action(s) Recommended

1. Authorize the proposed Zoning Text amendments, with the emergency clause.

5.3.3. **Draft 2023-051** AN ORDINANCE AUTHORIZING AMENDMENTS TO THE CITY OF KENT'S ZONING CODE IN ORDER TO INCORPORATE CLARIFYING LANGUAGE IN CERTAIN EXISTING SECTIONS AND TO ADD NEW REGULATIONS, AND DECLARING AN EMERGENCY (Authorized)

5.4. **Streets, Sidewalks and Utilities** Chair Sidoti/ Vice-Chair Wallach

5.4.1. August 2, 2023 Committee Meeting Minute Approval

5.4.2. Action(s) Recommended

1. Authorize the new street closure for the "Flashes First" student welcome event on August 24, 2023, with the emergency clause.
2. Approve the City/County project agreement for the Stow/Summit Street Bridge & Pedestrian improvement project, with the emergency clause.
3. Authorize the acceptance and allocation of the ODOT grant funds and approve the necessary agreements to administer and manage the SR 59 Alternative Transportation Improvement Project, with the emergency clause.

5.4.3. **Draft 2023-052** AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPROVE A NEW SPECIAL EVENT APPLICATION FROM JOE ROBINSON TO BE HELD ON THURSDAY, AUGUST 24, 2023, AND THE TEMPORARY CLOSURE OF NORTH WATER STREET BETWEEN EAST MAIN STREET AND COLUMBUS STREET, AND DECLARING AN EMERGENCY (Authorized)

5.4.4. **Draft 2023- 053** AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF KENT AND PORTAGE COUNTY FOR THE STOW/SUMMIT STREET BRIDGE AND PEDESTRIAN IMPROVEMENT PROJECT AGREEMENT, AND DECLARING AN EMERGENCY (Authorized)

5.4.5. **Draft 2023-054** AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACCEPT AND ALLOCATE AN ODOT GRANT FOR THE SR59 ALTERNATIVE TRANSPORTATION IMPROVEMENT PROJECT IN THE AMOUNT OF \$666,000 AND TO ENTER INTO A NEW LOCAL PUBLIC AGENCY AGREEMENT WITH ODOT FOR THE ADMINISTRATION OF THE GRANT, AND ALSO TO ENTER INTO AN AGREEMENT WITH PARTA AND FRANKLIN TOWNSHIP FOR THE NEW PROJECT DESIGN WORK, AND DECLARING AN EMERGENCY (Authorized)

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

5.5.1. August 2, 2023 Committee Meeting Minute Approval

5.5.2. Action(s) Recommended

1. Authorize the submission of the tobacco use grant and, if approved, authorize acceptance and allocation of the grant funds, with the emergency clause.
2. Authorize the submission of the Ohio Ambulance Service Transportation grant request and authorize its acceptance and allocation with the emergency clause.

3. Certify and authorize the submission of the proposed property tax liens, with the emergency clause.

- 5.5.3. **Draft 2023-055** AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACCEPT AND APPROPRIATE THE EXTENDED TOBACCO USE GRANT IN THE AMOUNT OF \$117,000 FOR THE CITY OF KENT HEALTH DEPARTMENT, AND DECLARING AN EMERGENCY (Authorized)
- 5.5.4. **Draft 2023-056** AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACCEPT AND APPROPRIATE A PROJECT DAWN STIPEND IN THE AMOUNT OF \$2,000 FOR DRUG OVERDOSE AWARENESS DAY DECLARED BY THE STATE OF OHIO ON AUGUST 31, 2023, FOR THE CITY OF KENT HEALTH DEPARTMENT, AND DECLARING AN EMERGENCY (Authorized)
- 5.5.5. **Draft 2023- 057** AN ORDINANCE AUTHORIZING THE CITY OF KENT TO APPLY FOR AN HB 45 AMBULANCE TRANSPORTATION PROGRAM FOR EMS/COVID "PREMIUM PAY" THROUGH COVID, STATE AND LOCAL FISCAL RECOVERY FUNDS DISTRIBUTED BY THE US TREASURY, AND TO ACCEPT THE GRANT, IF AWARDED, WITH CORRESPONDING APPROPRIATION OF FUNDS AND DECLARING AN EMERGENCY (Authorized)
- 5.5.6. **Draft 2023-058** AN ORDINANCE AUTHORIZING THE CERTIFICATION OF NON-PAYMENT OF WATER USE CHARGES, WASTEWATER USE CHARGES, STORM WATER UTILITY CHARGES AND RECYCLING/SOLID WASTE COLLECTION CHARGES TO THE COUNTY AUDITOR IN ORDER TO ALLOW FOR THE PLACEMENT OF THE CERTIFIED AMOUNT ON THE REAL PROPERTY TAX LIST AND DUPLICATE AGAINST THE PROPERTY FOR THE NON-PAYMENT OF SAID CHARGES, AND DECLARING AN EMERGENCY (Authorized)
- 5.5.7. **Draft 2023- 059** AN ORDINANCE AUTHORIZING THE CERTIFICATION OF DELINQUENT HEALTH DEPARTMENT VIOLATION CITATIONS TO THE COUNTY AUDITOR IN ORDER TO ALLOW FOR THE PLACEMENT OF THE CERTIFIED AMOUNT ON THE REAL PROPERTY TAX LIST AND DUPLICATE AGAINST THE PROPERTY SERVED BY THE HEALTH DEPARTMENT VIOLATIONS-CITATIONS, AND DECLARING AN EMERGENCY (Authorized)
- 5.5.8. **Draft 2023-060** AN ORDINANCE AUTHORIZING THE CERTIFICATION OF NON-PAYMENT OF BILLS FOR RESIDENTS RESULTING FROM THE 2022 ANNUAL CONCRETE REPAIR PROGRAMS OF UNPAID CONCRETE SIDEWALK REPAIR ACCOUNTS, TO THE COUNTY AUDITOR, IN ORDER TO ALLOW FOR THE PLACEMENT OF THE CERTIFIED AMOUNT ON THE REAL PROPERTY TAX LIST AND DUPLICATE AGAINST THE PROPERTY FOR THE NON-PAYMENT OF SIDEWALK REPAIRS, AND DECLARING AN EMERGENCY (Authorized)

6. Unfinished Business
7. New Business
8. Councilmembers' Comments
9. Mayor's Report

10. *Executive Session (Amended/Added 8/14/23)*

10.1. Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action

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

MINUTES

At 07:30 PM, Mayor Jerry T. Fiala called the Regular City Council Meeting 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; 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

Opening Remarks and Pledge of Allegiance

Mr. Sidoti welcomed Mayor Fiala back after his absence and thanked Mr. Amrhein for filling in. He then mentioned touring the new City Hall building and said the community would see that the building is money well spent and the building will stand the test of time. He then asked all to stand for the Pledge of Allegiance.

Approval of Minutes

MOTION TO APPROVE THE JUNE 21, 2023 REGULAR MEETING MINUTES MADE BY Mr. Michael DeLeone, **SECONDED** by Mr. Roger Sidoti and **CARRIED** by a voice vote of 7-0-2. Ms. Rosenberg and Ms. Wallach abstained.

MOTION TO APPROVE THE JULY 5, 2023 SPECIAL COUNCIL MEETING MINUTES MADE BY Mr. Michael DeLeone, **SECONDED** by Mr. Roger Sidoti and **CARRIED** by a voice vote of 7-0-2. Ms. Shaffer Bish and Ms. Wallach abstained.

Public Comment

Mayor Fiala read the following statement:

"While the law does not require Council to provide time for public comment, we have historically invited the public to make comments and we appreciate their input. This is the time when residents and others can comment on matters that concern them. However, we

will not engage in debate, and as President of the Council, I reserve the right to end any public communication that is disruptive, embarrassing, harassing, or otherwise objectionable. We ask you to give your name and address and limit comments to three (3) minutes."

Ms. Wilkens called the first speaker to the podium, Mr. Doug Fuller.

Mr. Fuller of River Edge Dr. introduced himself. He said he wished there had been more of a community discussion regarding the design guidelines. He said we are fortunate to have Bridget Tipton in our community and all that she does. He continued by saying he agreed with most of the changes in the design guidelines but said there were gaps in the items that have been made, reviewing those that Ms. Bridget Tipton previously reviewed. He said demolition needs to be addressed as well as the statement of the design guidelines not being mandatory, questioning this. He asked what the role of the Architecture Review Board would be. He said the ARB has never been sued and does not think this should be a problem. He reviewed past city projects that were successful and received a certificate of appropriateness from the ARB. He encouraged members of Council to get involved in this process. He thanked the City Council for their time.

Ms. Sherry Rose, of Elm Drive spoke next. She provided the following written verbatim statement:

"The League of Women Voters is a nonpartisan, grassroots organization working to **protect and expand voting rights** and ensure everyone is represented in our democracy. We **empower voters** and **defend democracy** through advocacy, education, and litigation at the local, state, and national levels."

While the times have certainly changed, our mission remains steadfast: to protect and expand voting rights, empower voters and defend democracy.

It is no secret our direct democracy is under attack. The sanctity of our elections is in peril. New voting regulations and laws threaten the rights of many registered Ohio voters and their access to the ballot box. Now, with the August 8 special election, the sacred principle of "one person, one vote" is being threatened. Special interests are trying to permanently rig Ohio's constitution in their favor. This is NOT a democracy. Allowing a small group of voters to make decisions for all citizens is NOT democracy.

As John Lewis stated in his final column in the *New York Times*, "The vote is the most powerful **non-violent change agent** you have in a democratic society." Our vote is our voice. Without majority rule, our precious democracy is in jeopardy.

The League of Women Voters of Kent currently has 209 members. At a recent meeting, more than 1/3 of those members gathered in person to write postcards, pick up yard signs, and volunteer for rally events to ensure Portage County residents know what is at stake in the August 8 election. At that same meeting, members donated money to support the Vote NO on August 8 campaign. The fervor for democracy is strong, and will only become more widely spread in the coming weeks.

Residents of the City of Kent take pride in its long history of democratic action and ideals. [John Brown signpost...Other examples?] May this legacy be honored and upheld, even through the challenges and threats we face today.

Therefore, with the unanimous support of the League of Women of Voters of Kent Board of Directors, I present this proclamation to the Kent City Council and request a vote of affirmation.

Thank you for listening. "

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

Written Communication

1. The Standing Rock Cemetery Board of Trustees Agenda for July 13, 2023, was received on June 29, 2023.
2. The Board of Health Agenda and Staff Report for July 10, 2023, was received on July 6, 2023.
3. Rick Hawksley's Email regarding the Design Guidelines was received and forwarded to City Council members on July 5, 2023.

Additional Items Received after Agenda Published

1. The Parks and Recreation Board Packet for their meeting on July 20th was received on July 14, 2023.
2. An email from Julie Morris, Sustainability Coordinator, regarding the Haymaker Farm Tour being held on Sunday, July 23rd was received and shared with City Council on July 18, 2023.

City Manager's Report

1. Request for Council's authorization to accept a \$180 donation from the Kent Jaycees for the Parks and Recreation teen scavenger hunt.
2. Request for Council's authorization to submit a Congestion Mitigation and Air Quality (CMAQ) grant application in the amount of \$3 million for the proposed joint City/Township/PARTA SR59 Alternative Transportation Project between Horning Road and SR261.
3. Request for Council's authorization to allow the Clerk to schedule a public hearing for proposed text changes to the Zoning Code.
4. Request for Committee of the Whole-time for Council's consideration of the proposed changes to the Ward maps based on the latest census data
5. Staff have asked for Committee of the Whole time to allow Dr. Dana Lawless-Andrec to present a Kent State University community update.
6. Request for Committee of the Whole time to provide an update on the status of the construction of the new City Hall building.
7. Request for Community Development time to present a recommendation to amend the Zoning Code.
8. Request for Health and Public Safety Committee time to discuss the Council referral for consideration of a moratorium on vape stores.
9. Request for Health and Public Safety Committee time for Council's consideration of the renewal of the School Resource Officer agreement with Kent City Schools.
10. Request for Streets, Sidewalks & Utilities Committee time to present a new street closure request from KSU for their "Flashes First" downtown event.
11. Request for Streets, Sidewalks & Utilities Committee time to request Council's approval of the Stow/Summit Street Bridget and Pedestrian Improvements Agreement with Portage County.

MOTION TO APPROVE THE CITY MANAGER'S REPORT MADE BY Mr. Jack Amrhein, SECONDED by Mr. John Kuhar and CARRIED by a voice vote of 9-0-0.

Ms. Gwen Rosenberg thanked the Kent Jaycees for the donation.

Standing Committees & Legislation

Committee of the Whole

MOTION TO APPROVE the JULY 5, 2023 COMMITTEE MEETING MINUTES MADE BY Mr. Robin Turner, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 7-0-2. Ms. Shaffer Bish and Ms. Wallach voted 'abstain'.

MOTION TO APPROVE ACTION(S) RECOMMENDED MADE BY Mr. Roger Sidoti, SECONDED by Mr. Jack Amrhein and CARRIED by a voice vote of 9-0-0.

Actions Recommended:

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

Draft 2023- 040 AN ORDINANCE APPROVING THE CURRENT REPLACEMENT PAGES TO THE CITY OF KENT CODIFIED ORDINANCES AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF Draft 2023- 040 MADE by Mr. Garret Ferrara, SECONDED by Ms. Gwen Rosenberg. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 9-0-0.

MOTION TO ADOPT Draft 2023- 040 MADE by Mr. Garret Ferrara, SECONDED by Ms. Gwen Rosenberg. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 9-0-0.

Ordinance 2023-040 has passed.

Community Development

MOTION TO APPROVE THE JULY 5, 2023 COMMITTEE MEETING MINUTES MADE BY Mr. John Kuhar, SECONDED by Mr. Jack Amrhein and CARRIED by a voice vote of 7-0-2. Ms. Shaffer Bish and Ms. Wallach abstained.

Action(s) Recommended: None

Health & Safety Committee

MOTION TO APPROVE THE JULY 5, 2023 COMMITTEE MEETING MINUTES MADE BY Mr. Jack Amrhein, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 7-0-2. Ms. Shaffer Bish and Ms. Wallach abstained.

MOTION TO APPROVE ACTION(S) RECOMMENDED MADE BY Mr. Jack Amrhein, SECONDED by Mr. Garret Ferrara and CARRIED by a voice vote of 9-0-0.

Action 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.

Ms. Shaffer Bish said she is grateful we are trying something different, but thought the time was at 10 pm, but said if it doesn't work, it can be adjusted. She said it is important to track complaints and survey businesses.

Mr. DeLeone said the Chief had said they didn't have very many calls they had tracked because there was a mix-up with the noise ordinance and he was wondering how it would be tracked. He wants to make sure it is documented who calls in the complaint.

Mr. Sidoti said it is important to get the data from any calls that come in. That can be used to see the effectiveness of the ordinance.

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 was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF Draft 2023- 041 MADE by Ms. Heidi Shaffer Bish, SECONDED by Mr. John Kuhar. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, and Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 9-0-0.

MOTION TO ADOPT Draft 2023- 041 MADE by Ms. Heidi Shaffer Bish, SECONDED by Mr. John Kuhar. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, and Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 9-0-0.

Ordinance 2023-041 has passed.

Finance Committee

MOTION TO APPROVE THE JULY 5, 2023 COMMITTEE MEETING MINUTES MADE BY Mr. Michael DeLeone, SECONDED by Mr. Garret Ferrara and CARRIED by a voice vote of 7-0-2. Ms. Shaffer Bish and Ms. Wallach abstained.

MOTION TO APPROVE ACTION(S) RECOMMENDED MADE BY Mr. Michael DeLeone, SECONDED by MR. Garret Ferrara and CARRIED by a voice vote of 9-0-0.

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.

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 was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF Draft 2023-042 MADE by Garret Ferrara, SECONDED by Gwen Rosenberg. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, and Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 9-0-0.

MOTION TO ADOPT Draft 2023-042 MADE by John Kuhar, SECONDED by Garret Ferrara. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, and Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 9-0-0.

Ordinance 2023-042 has passed.

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 was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF Draft 2023-043 MADE by John Kuhar, SECONDED by Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, and Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 9-0-0.

MOTION TO ADOPT Draft 2023-043 MADE by John Kuhar, SECONDED by Garret Ferrara. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, and Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 9-0-0.

Ordinance 2023-043 has passed.

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 was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF Draft 2023-044 AN ORDINANCE AUTHORIZING THE CITY MADE by Garret Ferrara, SECONDED by Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, and Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 9-0-0.

MOTION TO ADOPT Draft 2023-044 AN ORDINANCE AUTHORIZING THE CITY MADE by Garret Ferrara, SECONDED by Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, and Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 9-0-0.

Ordinance 2023-044 has passed.

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 was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF Draft 2023-045 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, and Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 9-0-0.

MOTION TO ADOPT Draft 2023-045 MADE by Mr. Garret Ferrara, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, and Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 9-0-0.

Ordinance 2023-045 has passed.

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 was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF Draft 2023-046 MADE by Ms. Heidi Shaffer Bish, SECONDED by Mr. John Kuhar. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, and Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 9-0-0.

MOTION TO ADOPT Draft 2023-046 MADE by Mr. John Kuhar, SECONDED by Mr. Garret Ferrara. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, and Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 9-0-0.

Ms. Shaffer Bish said she is looking forward to this project which is in desperate need for pedestrian safety.

Mr. Kuhar said "ditto".

Resolution 2023-046 has passed.

Unfinished Business

Ms. Wallach asked if she could get a Vote No on Issue 1 Button from the League of Women Voters.

Mayor Fiala said that could be done after the meeting.

New Business

MOTION TO ADOPT THE RESOLUTION PUT FORWARD BY THE LEAGUE OF WOMEN

VOTERS, OPPOSING ISSUE 1, MADE BY Mr. Jack Amrhein, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 7-1-1. Mr. Ferrara voted 'No' and Mr. Kuhar abstained.

Mr. Amrhein taught state and local government for many years and asked how many rights we are willing to give up as Ohioans. He said he taught his students the importance of the referendum, of initiative. These are sacred rights as citizens, giving us the power to introduce laws and remove them as well. Just months ago, voters voted to get rid of special elections and now having this special election is very hypocritical. Voters are being asked to get rid of the principle of one person, one vote, and replace it with minority control. Forty percent of voters will call the shots. How is that democracy? How is that fair? He is not willing to give up any of his rights as an Ohioan. He said President Lincoln said it best, "Government by the people and for the people".

Mr. Kuhar said he has mixed feelings about this. The one thing he likes is signatures are needed from all 88 counties, not just half the counties. When 60% of the vote is needed, that is not right. For those reasons, he is going to abstain.

Ms. Shaffer Bish said of the initiatives that have been brought to the voters, only 19 have passed. She asked what are they afraid of. She said they are afraid of people and she was very offended. This is not a partisan issue, but about our democracy and whether the citizens have power. These are people that are volunteers to be heard by their government. We have this right and this is a horrible thing to give up. She hopes people make it out to the polls, but this is very deceptive having it in August.

Mr. Sidoti said he has a statement on his desk that states "If I have to scream to be heard, then my message is wrong". He keeps hearing the legislature screaming and they have failed to get their message across. He doesn't understand how they are trying to take away the majority vote. This is not very American, and if you lose, you try to have a better message next time. He does not understand why we would take away the "one man, one vote".

Mr. Turner said people in power are acting in special interest. They are diminishing the capacity of one man for one vote. This is about people taking advantage while they have the power to do so. Ohioans need to be smart enough to look at the balance and the pendulum will shift. He hopes people will turn out and vote in their interests.

Mayor Fiala said it will take people to go vote.

MOTION TO SEND TO COMMITTEE THE ISSUE OF UNATTENDED CARS IDLING MADE BY Ms. Tracy Wallach, SECONDED by Ms. Heidi Shaffer Bish and CARRIED by a voice vote of 6-3-0. Mr. Ferrara, Mr. Kuhar, and Ms. Rosenberg voted 'No'.

Ms. Wallach said climate change is here, we can see it in the air coming from Canada. We need to do whatever we can, no matter how small it is, to combat it. She missed the discussion last time but would like to simplify the discussion the next time around.

Mr. Kuhar said this was researched already and that we already have an ordinance on the books for this.

Councilmembers' Comments : None

Mayor's Report

Mayor Fiala said it is beneficial for this board when the Mayor goes down for his second knee surgery to have Mr. Jack Amrhein there to stand in. He thanked him for a job well done.

At 8:14 pm a **MOTION TO ENTER THE EXECUTIVE SESSION** WAS MADE BY Mr. Jack Amrhein, SECONDED by Mr. John Kuhar.

Roll call was taken.

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

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

At 8:36 pm, a **MOTION TO RETURN TO THE REGULAR COUNCIL MEETING** MADE BY Mr. Roger Sidoti, SECONDED by Mr. Jack Amrhein, and CARRIED by a voice vote of 9-0-0.

Draft 2023-047 AN ORDINANCE AMENDING ORDINANCE NO. 2022-137 THE POSITION ALLOCATION AND GENERAL COMPENSATION PLAN, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF Draft 2023-047 MADE by Mr. Garret Ferrara, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, and Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 9-0-0.

MOTION TO ADOPT Draft 2023-047 MADE by Mr. John Kuhar, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, and Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 9-0-0.

Ordinance 2023-047 has passed.

Hearing no further business, the meeting adjourned at 8:37 pm.

Amy Wilkens, CMC
Clerk of Council

Jerry T. Fiala
Mayor & President of Council



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

MINUTES

At 06:55 PM, Mayor Jerry T. Fiala called the Special City Council Meeting 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; Mr. Jim Bowling, City Engineer; Ms. Joan Seidel, Health Commissioner; Ms. Rhonda Hall, Budget and Finance Director; Mr. Nick Shearer, Chief of Police; Ms. Jaleesa Caples Accreditation Coordinator; Mr. Eric Helmstedter, Economic Development Director; Mr. Jamie Samels, Fire Captain; Ms. Amy Wilkens, Clerk of Council

Absent: Mr. John Kuhar

MOTION TO EXCUSE MR. KUCHAR MADE BY Ms. Gwen Rosenberg, SECONDED by Mr. Ferrara and CARRIED by a voice vote of 8-0-0.

Legislation

Draft 2023-048 A RESOLUTION SUPPORTING THE LEAGUE OF WOMEN VOTERS TO VOTE "NO" ON ISSUE 1 ON AUGUST 8, 2023, TO MAINTAIN OHIOAN'S FREEDOM TO PLACE CONSTITUTIONAL AMENDMENTS ON THE BALLOT, UPHOLD THE SACRED PRINCIPLE OF "ONE PERSON, ONE VOTE", AND CURTAIL THIS BLATANT POWER GRAB BY POLITICIANS, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF Draft 2023-048 MADE by Ms. Gwen Rosenberg, SECONDED by Mr. Garret Ferrara. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, and Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2023-048 MADE by Mr. Roger Sidoti, SECONDED by Ms. Tracy Wallach. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, and Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

Resolution 2023-048 has passed.

Seeing no further business, the Special Council Meeting adjourned at 6:58 pm.

Amy Wilkens, CMC
Clerk of Council

Jerry T. Fiala
Mayor & President of Council

DRAFT



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

DRAFT ORDINANCE NO. 2023-049

AN ORDINANCE ADOPTING CHAPTER 772 OF THE KENT CODIFIED ORDINANCES TO ESTABLISH TOBACCO RETAILER DENSITY AND PROXIMITY PROVISIONS, AND DECLARING AN EMERGENCY

WHEREAS, every year tobacco products lead to the deaths of nearly one-half million Americans and drain more than \$268 billion in directly related healthcare and lost productivity costs; and

WHEREAS, studies have shown that tobacco use rates are affected by where tobacco retailers are located and how concentrated, or dense, they are in a given area; and

WHEREAS, studies have shown that increased availability of tobacco products is associated with increases in both youth and adult smoking rates.

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 establish the Tobacco Retailer Density and proximity provisions per the attached Exhibit “A”, attached hereto and made a part hereof.

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

EXHIBIT "A"

773.01 Definitions.

- (1) "Youth Facility" means any agency, organization, or school whose main purpose is directed at programing, care, activities, or education for those under 18 years of age. (for example childcare centers, recreation center, private and public schools).
- (2) "Business" means any facility that currently requires a tobacco license to sell these products.
- (3) "Retail Establishment" means any place of business where licensed products are available for sale to the general public. Retail Establishment includes but is not limited to grocery stores, tobacco products shops, convenience stores, liquor stores, gasoline service stations, bars, restaurants and establishment where licensed products are consumed on the premises, such as hookah bars.
- (4) "Sale" means any transfer of goods for money, trade, barter or other consideration.
- (5) "Person" means any natural person.

773.02 Tobacco Retailer Density

- (a) The total number of tobacco retailer licenses within the City of Kent shall be limited to one for each 1,300 people, or fraction thereof, inhabitants of the City of Kent, making a limit of 20 operating tobacco retailers.
- (b) For the purposes of this section, the total population of the City of Kent shall be determined by the most current published total available from the U.S. Census Bureau as of the date the license application is filed.
- (c) No new tobacco retail license shall be issued, nor an existing license transferred to another owner/lessee upon sale or change in business ownership if the existing number of tobacco retailer licenses equals or exceeds the total number of authorized tobacco retail licenses pursuant to this Section 773.02.
- (d) Notwithstanding subsections 772.01 (a) and (c), a tobacco retailer operating lawfully on the date this ordinance is adopted that would otherwise be eligible for a tobacco retailer license for the location for which a license is sought may receive or renew a license for that location so long as all of the following conditions are met:
 1. the license is timely obtained and is renewed without lapse or permanent revocation (as opposed to temporary suspension); and
 2. the tobacco retail establishment is not closed for business or otherwise suspends tobacco sales, whether voluntarily or due to license suspension for more than sixty (60) consecutive days; and

3. the tobacco retailer does not substantially change the business premises or business operation. A substantial change to the business operation includes, but is not limited to, the transferring of a location:
 - a. to a new Proprietor(s) in an Arm's Length Transaction; or
 - b. for which a significant purpose is avoiding the effect of violations of this ordinance; and
 - c. the tobacco retailer retains the right to operate under other applicable laws.
4. If the City of Kent determines that a tobacco retailer has substantially changed the business premises or operation and the tobacco retailer disputes this determination, the tobacco retailer bears the burden of proving by a preponderance of evidence that such change(s) do not constitute a substantial change.

773.03 Proximity of Tobacco Retail Establishments to Youth-Oriented Facilities

No license shall be granted to any person or entity for a tobacco retail establishment location that is within 1,000 feet of a youth-oriented facility, as measured by the shortest line from the property line of the space to be occupied by the proposed tobacco retail licensee to the nearest property line of a youth-oriented facility. This restriction does not apply to an existing tobacco retailer holding a current state tax license for the sale of tobacco products in that same location for at least one year before the date this section was enacted into law.

773.04 Proximity to Other Licensed Tobacco Retailers.

No tobacco retail license will be granted to a tobacco retailer for a tobacco retail establishment location that is within 1,000 feet of any other existing licensed tobacco retail establishment, as measured by the shortest line from the property line of the space to be occupied by the applicant for a license to the nearest property line of the existing licensee. This restriction does not apply to an applicant that holds a state tax license to sell tobacco products in the same location for at least one year before the date this section was enacted into law.

DRAFT ORDINANCE NO. 2023 - 050

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPROVE AND EXECUTE AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF KENT, OHIO, AND THE KENT CITY BOARD OF EDUCATION REGARDING THE SCHOOL RESOURCE OFFICER PROGRAM, EXTENDING THIS AGREEMENT UNTIL MAY 23, 2024, AND DECLARING AN EMERGENCY

WHEREAS, as of May 21, 2014, the City of Kent, Ohio, and the Kent City Board of Education agreed to participate in a School Resource Officer program; and

WHEREAS, a Memorandum of Understanding (MOU) between the parties which clarifies the roles of the parties and how the school resource officer will be utilized was executed by the parties; and

WHEREAS, the Kent City Council wants to grant the City Manager the authority to execute a written amendment to the MOU document, which extends the agreement until May 23, 2024; and

WHEREAS, due to time deadlines in the school year process, time is of the essence in signing the MOU.

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

SECTION 1. That the City Manager, or his designee, be and hereby is authorized to approve and execute a written amendment to the MOU with the City of Kent, Ohio, and the Kent City Board of Education which adopted a School Resource Officer program, in order to extend the agreement until May 23, 2024, is fully set forth in 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 *RESOLUTION NO.* _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20_____.

(SEAL)

AMY WILKENS, CMC
CLERK OF COUNCIL

DRAFT ORDINANCE NO. 2023 -051

AN ORDINANCE AUTHORIZING AMENDMENTS TO THE CITY OF KENT'S ZONING CODE IN ORDER TO INCORPORATE CLARIFYING LANGUAGE IN CERTAIN EXISTING SECTIONS AND TO ADD NEW REGULATIONS, AND DECLARING AN EMERGENCY.

WHEREAS, on June 16, 2021, Council adopted an updated Zoning Code in order to make the Code more understandable and user friendly; and

WHEREAS, on June 20, 2023, staff met with the Planning Commission to discuss the proposed text amendments and voted unanimously to approve the proposed changes; and

WHEREAS, the following chapters will be amended:

- 1) Chapter 1105: Conditions Applicable to Specific Land Uses;
- 2) Chapter 1106: General Provisions;
- 3) Chapter 1109: Signs;
- 4) Chapter 1111: Administrative Boards and Commissions.

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

SECTION 1. That Kent City Council does hereby authorize the amendments of the City of Kent's Zoning Code, and is more fully set forth in 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 *RESOLUTION NO.* _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20____.

(SEAL)

AMY WILKENS, CMC
CLERK OF COUNCIL

Chapter 1105: CONDITIONS APPLICABLE TO SPECIFIC LAND USES

SECTION 1105.57: SEXUALLY ORIENTED USES AND BUSINESSES

(A) Definitions.

(2) **Sexually-Oriented Business:** An establishment where a substantial portion of the use (i.e., ~~more than a minimal use but not necessarily a majority of the use which~~. A minimal use does not exceed one percent (1%) or 30 square feet, whichever is less, of the available retail display space) is distinguished or characterized by its emphasis on sexually-oriented materials. Sexually-oriented businesses include, but are not limited to the following uses: adult book stores, adult cabarets or nightclubs, adult motion picture theaters, sexually-oriented media stores, sexually-oriented motels, sexually-oriented encounter centers; sexually-oriented escort agencies; sexually-oriented spas; or sexually-oriented viewing booths.

Chapter 1106: GENERAL PROVISIONS

SECTION 1106.07: EXTERIOR LIGHTING AND GLARE

(A) ~~Commercial Parking~~ Areas Lighting.

- (1) **Shielding.** All outdoor lighting must be directed toward and confined to the ground areas. Full cut-off fixtures must be used to prevent light from projecting above a ninety (90) degree horizontal plane. See Error! Reference source not found.
- (2) **Light Trespass Limits.** Exterior lighting sources must be designed, constructed, located, and maintained in a manner that ~~minimizes~~ eliminates light trespass onto neighboring properties. The light trespass from a property must not exceed 0.0-foot candles at the property line, measured at grade.
- (3) **Up-lighting.** All up-lighting used for the external illumination of buildings must be placed and shielded so as to not interfere with the vision of persons off the property

(B) Prohibited Lighting.

- (1) **Flashing or Moving Lights.** All illumination of outdoor features of a flashing, moving, or intermittent type are prohibited.
- (2) **Recreational Facility Lighting.** No outdoor recreational facility, public or private, will be illuminated after 11:00 p.m., except to conclude a permitted recreational or sporting event or other activity already in progress prior to 11:00 p.m.
- (3) **Laser Source Light.** The use of laser source light or any similar intensity light for outdoor advertising or entertainment is prohibited.

(4) Searchlights. The operation of searchlights for advertising purposes is prohibited.

(5) Lighting for Advertising. The use of lighting for advertising and/or conspicuous purposes is prohibited, except where such lighting is approved by the Community Development Department, as part of a sign, and in compliance with all the requirements of this Zoning Code.

SECTION 1106.10: ACCESSORY BUILDINGS

An accessory building may be erected upon a lot on which a principal structure already exists. The use of the accessory building must be secondary and incidental to the principal use. An accessory building cannot exist without a principal building on the same lot.

(A) Accessory Buildings: Accessory buildings must not be located closer than fifteen (15) feet to the principal building and not less than ten (10) feet from the side and rear property lines. Subject to the following:

- (1) One or more accessory buildings must not occupy more than thirty (30) percent of a required rear yard. No more than two (2) detached accessory buildings are permitted per lot.
- (2) Accessory buildings must not be located in front of the primary structure.
- (3) Detached accessory buildings in residential zoning districts must not exceed fifteen (15) feet in height.
- (4) In all other zoning districts, the maximum height must not exceed the principal building height.

Chapter 1109: SIGNS

SECTION 1109.09: STANDARDS FOR SPECIFIC SIGN TYPES

(H) Window Signs. Window Signs are permitted in any non-residential zoning district and do not require a Sign Permit. However, unless further restricted in this Chapter, all window signs must meet the following conditions:

- (1) **Surface Coverage.** Window signs, both permanent and temporary, must not exceed fifty percent (50%) of the area within a single window pane, and the total area of window signs must not exceed fifty percent (50%) of the total window area per tenant.
- (2) **Illumination.** Window Signs may be internally illuminated. ~~internally illuminated.~~ Internally illuminated window signs are limited to no more than two (2) signs per tenant, and must be fixed lighting (i.e. no flashing, scrolling, dissolving, osculating, spinning, twirling, or any other type of motion).

Chapter 1111: ADMINISTRATIVE BOARDS AND COMMISSIONS

Section 1111.02: PLANNING COMMISSION

(D) Conducting Site Plan review and Issuing Permitted, Conditionally Permitted, or Specially Permitted Zoning Use Certificates.

(1) **Application Procedures for Minor Site Plan Review.** For a minor site plan review, the Community Development Department will ~~identify~~ specify what documentation is required.

(2) **Application Procedures for Major Site Plan Review.** An application for Major Site Plan Review must be submitted to the Community Development Department on forms provided for that purpose by the Community Development Department. Each application must be accompanied by the payment of any applicable fees. Applicants will be required to submit the following information, as specified by the Community Development Department, along with the completed application form:

(a) **Cover Letter.** The cover letter must provide a statement supported by substantiating evidence regarding the requirements enumerated in Error! Reference source not found. or Section 1101.01:(D)(2)(c) and include, where applicable, the following:

- Description of the proposed project;
- Solid Waste Management;
- Number of Parking Spaces;
- Hours of Operation;
- Lighting;
- Signage;
- Landscaping; and
- Number of Occupants (i.e., employees, tenants, etc.)

(b) **Proof of ownership or site control.**

(c) **Site Plan.** The applicant must submit the number of scaled sets of plans required by the Community Development Department for the proposed project showing the items, as specified by the Community Development Department in the table below:

DRAFT ORDINANCE NO. 2023 - 052

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPROVE A NEW SPECIAL EVENT APPLICATION FROM JOE ROBINSON TO BE HELD ON THURSDAY, AUGUST 24, 2023, AND THE TEMPORARY CLOSURE OF NORTH WATER STREET BETWEEN EAST MAIN STREET AND COLUMBUS STREET, AND DECLARING AN EMERGENCY.

WHEREAS, Joe Robinson is requesting a road closure for the Kent State University Flashes First Thursday event; and

WHEREAS, the event will take place Thursday, August 24, 2023. The temporary closure of North Water Street between East Main Street and Columbus Street will begin 2:00 p.m. to 9:30 p.m.; and

WHEREAS, the Kent City Council consents to authorize the City Manager or his designee to sign the Special Event Application as long as he is comfortable and believes the safety and security of the City's citizens will not be adversely affected.

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

SECTION 1. That the Kent City Council authorizes the City Manager or his designee to execute the Special Event Application from Joe Robinson in substantial conformance with the Special Event Application attached hereto as Exhibit "A", as long as the City Manager or his designee believes the safety and security of Kent's citizens are adequately projected.

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 - 053

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF KENT AND PORTAGE COUNTY FOR THE STOW/SUMMIT STREET BRIDGE AND PEDESTRIAN IMPROVEMENT PROJECT AGREEMENT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent wishes to enter into an agreement with Portage County to improve the Stow/Summit Street Bridge and Pedestrian project; and

WHEREAS, the agreement sets the framework for Portage County and the City to pursue funding for active transportation and bridge improvements on Stow/Summit Street; and

WHEREAS, the \$25,000 in funds required for this agreement is included in the 2023 annual budget.

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

SECTION 1. That Council does hereby authorize the City Manager, or his designee, to execute the agreement between the City of Kent and Portage County for the Stow/Summit Street Bridge and Pedestrian Improvement Project and is fully set forth in 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 *RESOLUTION NO.* _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20____.

(SEAL)

AMY WILKENS, CMC
CLERK OF COUNCIL

STOW/SUMMIT STREETS BRIDGE & PEDESTRIAN IMPROVEMENTS
AGREEMENT

**PORTAGE COUNTY
AND
CITY OF KENT**

**ALL PARTIES BEING IN THE COUNTY OF PORTAGE,
STATE OF OHIO**

This Agreement, dated _____, 2023, is an agreement made and entered into between Portage County ("County") and the City of Kent, Ohio, duly formed under the laws of the State of Ohio ("City").

WITNESSETH:

WHEREAS, the Stow Street Bridge over the Cuyahoga River is owned and maintained by the County and requires replacement of the south fascia concrete box beam; and

WHEREAS, an existing 10" Sanitary Sewer owned and maintained by the City hangs from the south fascia concrete box beam; and

WHEREAS, both parties desire to incorporate pedestrian facilities on the south side of the Stow Street Bridge; and

WHEREAS, the City desires to improve the pedestrian facilities along the south side of Stow/Summit Streets by connecting the existing sidewalk on Stow Street at Tannery Park to the existing sidewalk at the Summit Street/Franklin Avenue intersection;

NOW THEREFORE, The Parties commit to collaborate and partner to initiate a project to rehabilitate the Stow Street Bridge and to improve the pedestrian facilities along the south side of Stow Street/Summit Street, hereinafter called the "Project". The project will require planning and the pursuit of funding for the eventual design, potential right-of-way acquisition, railroad coordination and construction of improvements in the Project Area. At this time each party agrees to the following:

County:

- Provide management services for the next step in the planning and funding plan process to complete the Project.
- Serve as lead Project sponsor as applicable throughout the Project.
- Jointly with the City, determine the scope of needs for a consultant to assist in the planning and funding plan process, including the specific services and qualifications required.
- Utilizing input from the City, select a consultant most qualified to assist in the planning and funding plan process.

- Negotiate fair and reasonable compensation with the selected consultant, particularly in regard to the essential requirements of the work, the consultant's abilities, and the value, scope, complexity and nature of the services.
- Hire and manage the consultant selected by the parties.
- Fund 50% of the consultant's services, up to \$25,000. Budget for an appropriation not to exceed this amount, to be certified to the contract for the consultant's services.
- Invoice City the remaining 50% of the consultant's costs up to \$25,000. Send invoice for the consultant's contract amount when known, and subsequently for any approved change orders within the total amount listed herein.
- Partial payments to consultant, if any, shall be made from funding sources in proportion to their relative contribution.
- Required change orders are to be processed as needed after written notice to the City.
- Consultant costs beyond the amounts authorized herein is subject to written approval by the parties and responsibility is to be divided equally unless otherwise specified.
- Utilize input from the City when determining acceptability of consultant deliverables, and provide duplicate original or copy thereof to the City.
- Return any funds provided by the City for consultant services but not ultimately used for such services.
- Provide the primary coordination with ODOT for the Project.
- Serve as contracting party for future construction contracts related to the Project.
- Pursue outside funding for the completion of the Project.

City:

- Jointly with the County, determine the scope of needs for a consultant to assist in the planning and funding plan process, including the specific services and qualifications required.
- Assist the County in completing the planning and funding plan process, including attending meetings, performing reviews and providing direction pertaining to the City's jurisdiction.
- Reimburse the County 50% of the consultant's services, up to \$25,000. Invoice from the County to be paid within thirty (30) days of delivery.
- Pursue outside funding for the completion of the project.

Should the consultant services fail to be initiated within twelve (12) months from the date of this Agreement, then this Agreement shall be void and any funds paid by the City and not expended in accordance with this Agreement shall be returned.

In witness whereof, the Parties hereto have agreed and offered their hands and seals:

CITY OF KENT

Approved and Accepted by:

Dave Ruller
City of Kent, City Manager

Date: _____

Witness: _____

Approved as to Form:

Hope Jones
City of Kent, Law Director

Date: _____

Certificate of Director of Budget and Finance

It is hereby certified that the amount Twenty-Five Thousand Dollars (\$25,000) required to meet this commitment has been lawfully appropriated or authorized or directed for such purpose and is in the City Treasury or in the process of collection to the credit of the CAPITAL Fund free from any obligation or certificates now outstanding.

Rhonda Hall, Director of Budget and Finance

Date

PORTAGE COUNTY

Anthony J. Badalamenti - Commissioner

Sabrina Christian-Bennett - Commissioner

Mike Tinlin - Commissioner

Approved as to Form:

Approved:

Prosecuting Attorney
Portage County, Ohio

Larry D. Jenkins, Jr.
Portage County Engineer

DRAFT ORDINANCE NO. 2023 - 054

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACCEPT AND ALLOCATE AN ODOT GRANT FOR THE SR59 ALTERNATIVE TRANSPORTATION IMPROVEMENT PROJECT IN THE AMOUNT OF \$666,000 AND TO ENTER INTO A NEW LOCAL PUBLIC AGENCY AGREEMENT WITH ODOT FOR THE ADMINISTRATION OF THE GRANT, AND ALSO TO ENTER INTO AN AGREEMENT WITH PARTA AND FRANKLIN TOWNSHIP FOR THE NEW PROJECT DESIGN WORK, AND DECLARING AN EMERGENCY

WHEREAS, the City of Kent would like to accept and allocate an ODOT HSIP grant in the amount of \$666,000; and

WHEREAS, this grant money will be used for the SR59 Alternative Transportation Improvement Project; and

WHEREAS, the City of Kent would also like to enter into an agreement with PARTA and Franklin Township for the new project design work; and

WHEREAS, the City wishes to accept the 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 and allocate an ODOT grant in the amount of \$666,000 for the SR59 Alternative Transportation Improvement Project, enter into a new agreement with ODOT for the administration of the grant, and enter into an agreement with PARTA and Franklin Township for the new project design work, 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 - 055

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACCEPT AND APPROPRIATE THE EXTENDED TOBACCO USE GRANT IN THE AMOUNT OF \$117,000 FOR THE CITY OF KENT HEALTH DEPARTMENT, AND DECLARING AN EMERGENCY

WHEREAS, the City of Kent Health Department's Tobacco Use Grant has been extended through 2024 in the amount of \$117,000.00; and

WHEREAS, this grant money will be used to offset a portion of Jalessa Caple's salary and towards meeting grant deliverables; and

WHEREAS, the City wishes to accept said grant.

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

SECTION 1. That Kent City Council hereby authorizes the City Manager, or his designee, to accept the extended Tobacco Use Grant in the amount of \$117,000, and for the Budget and Finance Director to appropriate the award into the proper funds.

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 - 056

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACCEPT AND APPROPRIATE A PROJECT DAWN STIPEND IN THE AMOUNT OF \$2,000 FOR DRUG OVERDOSE AWARENESS DAY DECLARED BY THE STATE OF OHIO ON AUGUST 31, 2023, FOR THE CITY OF KENT HEALTH DEPARTMENT, AND DECLARING AN EMERGENCY

WHEREAS, the City of Kent Health Department has applied for a Project Dawn Stipend in the amount of \$2,000 for Drug Overdose Awareness Day declared August 31, 2023, by the State of Ohio; and

WHEREAS, this stipend will be used for media, marketing and other stipulated expenditures allowable under the award for the planned event in support of the State of Ohio's focus on overdose prevention; and

WHEREAS, the City wishes to accept said stipend.

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

SECTION 1. That Kent City Council hereby authorizes the City Manager, or his designee, to accept the Project Dawn Stipend in the amount of \$2,000, and for the Budget and Finance Director to appropriate the award into the proper funds.

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 -057

AN ORDINANCE AUTHORIZING THE CITY OF KENT TO APPLY FOR AN HB 45 AMBULANCE TRANSPORTATION PROGRAM FOR EMS/COVID “PREMIUM PAY” THROUGH COVID, STATE AND LOCAL FISCAL RECOVERY FUNDS DISTRIBUTED BY THE US TREASURY, AND TO ACCEPT THE GRANT, IF AWARDED, WITH CORRESPONDING APPROPRIATION OF FUNDS AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent Fire Department has applied for a HB 45 Ambulance Transportation Program grant through the US Treasury; and

WHEREAS, the grant will be for EMS/Covid “premium pay”, and monies have become available through Covid, State, and Local Fiscal Recovery funds; and

WHEREAS, the City of Kent Fire Department would potentially receive grant monies up to \$20,253.37 (Kent) and \$20,000 (Franklin Township).

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 application for the HB 45 Ambulance Transportation Program grant, execution of the subsequent agreement, and authorized that the Administration provide all information, funds, and documentation required in said applications for submission.

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

SECTION 3. That the Kent City Council hereby understands and agrees that participation in the 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 –058

AN ORDINANCE AUTHORIZING THE CERTIFICATION OF NON-PAYMENT OF WATER USE CHARGES, WASTEWATER USE CHARGES, STORM WATER UTILITY CHARGES AND RECYCLING/SOLID WASTE COLLECTION CHARGES TO THE COUNTY AUDITOR IN ORDER TO ALLOW FOR THE PLACEMENT OF THE CERTIFIED AMOUNT ON THE REAL PROPERTY TAX LIST AND DUPLICATE AGAINST THE PROPERTY FOR THE NON-PAYMENT OF SAID CHARGES, AND DECLARING AN EMERGENCY.

WHEREAS, there are a number of water use, wastewater use, stormwater utility, and recycling/solid waste collection that remain unpaid after attempts to collect have been made.

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

SECTION 1. That Kent City Council does hereby authorize the certification of the water use, wastewater use, stormwater utility, and recycling/solid waste collection listed in Exhibit “A”, attached hereto and made a part hereof, on the real estate tax list and duplicate against the properties listed. It is the intent of Council that the amounts certified to the County Auditor shall be a lien on the property served by the services listed.

SECTION 2. That the amounts shown are hereby assessed upon the properties shown and such assessments shall be certified by the Clerk of Council to the County Auditor for collection in the same manner as general taxes. The Clerk of Council shall also certify that the unpaid charges have arisen pursuant to services made directly with the owner or tenant who occupied the property served.

SECTION 3. That Council does hereby find that the certification of the unpaid bills meets all of the requirements of Sections 913.07, 915.72, 921.24, and 935.14 and is further authorized by the Ohio Revised Code and authorizes the Budget and Finance Director to amend Exhibit “A” in the event of payment before the actual certification to the County.

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

City of Kent: Delinquent Fines and Unpaid Fees Dept - Utility Billing

Owner Name	Address	Parcel #	Amount	Date Delinquent	Description of Fine/unpaid fee	Loc. ID
Efobi, Eric	231 W Oak	17-012-20-00-016-000	\$ 279.54	4/18/2023	water/sewer	12610
Dharti, Trivedi	209 1/2 Dodge	17-012-20-00-151-000	338.07	4/3/2023	water/sewer	7835
Gardner, Jeffrey	419 Earl	17-025-10-00-041-000	317.14	3/10/2023	water/sewer	57990
Frank, Chad	494 Marigold	17-013-30-00-002-000	70.21	2/23/2023	water/sewer	86580
Erdman, Rachel	529 Rockwell	17-030-20-00-128-000	499.91	6/26/2023	water/sewer	57910
Delta Bravo Properties, LLC	315 Woodard	17-030-20-00-032-000	28.29	6/26/2023	water/sewer	58410
Bluestar, LLC	602 Longmere	17-010-03-00-096-000	238.31	6/26/2023	water/sewer	17310
Arthur, Walter	213 Lake	17-031-21-00-059-000	65.51	11/15/2022	water/sewer	68790
Constellation Ohio, LLC	1588 E Summit	17-004-00-00-006-015	42.81	12/16/2022	water/sewer	85588
Adel, Al-Sherifi	526 Harris	17-008-10-00-001-000	24.79	11/8/2022	water/sewer	7480
Miller, Jessica	1213 Morris	17-014-10-00-017-000	55.99	11/8/2022	water/sewer	30750
Thompson, Margaret	212 N Willow	17-024-34-00-050-000	151.68	11/8/2022	water/sewer	67420
Frank, Chad	490 Marigold	17-013-30-00-003-000	61.93	11/8/2022	water/sewer	86718
Garofalo, Mikayla	1134 Jessie	17-010-10-00-127-000	53.44	11/8/2022	water/sewer	20350
Paigemax Development	318 E Summit Rear	17-013-10-00-057-000	266.36	10/17/2022	water/sewer	27410
Constellation Ohio, LLC	1600 E Summit	17-004-00-00-006-016	11.01	9/30/2022	water/sewer	85586
Paigemax Development	506 E Summit	17-013-10-00-105-000	60.28	9/30/2022	water/sewer	27570
Paigemax Development	203 N Lincoln	17-024-33-00-069-000	53.53	9/30/2022	water/sewer	63210
Froehlich, Thomas J.	863 Bryce	17-026-10-00-070-001	316.04	9/6/2022	water/sewer	38800
Paigemax Development	1170 Morris	17-013-20-00-296-000	89.95	9/6/2022	water/sewer	30400
Paigemax Development	558 S Lincoln	17-013-10-00-082-000	73.36	9/6/2022	water/sewer	47775
Paigemax Development	535 N Water A	17-013-22-00-212-000	65.51	9/6/2022	water/sewer	75340
One Rockmaddie, LLC	404 N Mantua Dow	17-025-10-00-048-000	15.27	8/15/2022	water/sewer	34510
TOTAL			<u><u>\$ 3,178.93</u></u>			

DRAFT ORDINANCE 2023 –059

AN ORDINANCE AUTHORIZING THE CERTIFICATION OF DELINQUENT HEALTH DEPARTMENT VIOLATION CITATIONS TO THE COUNTY AUDITOR IN ORDER TO ALLOW FOR THE PLACEMENT OF THE CERTIFIED AMOUNT ON THE REAL PROPERTY TAX LIST AND DUPLICATE AGAINST THE PROPERTY SERVED BY THE HEALTH DEPARTMENT VIOLATIONS-CITATIONS, AND DECLARING AN EMERGENCY.

WHEREAS, there are a number of Health Department violations-citations that remain unpaid after attempts to collect have been made.

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

SECTION 1. That Kent City Council does hereby authorize the certification of the delinquent trash citations listed in Exhibit “A”, attached hereto and made a part hereof, on the real estate tax list and duplicate against the property served. It is the intent of Council that the amounts certified to the County Auditor shall be a lien on the property served by the services listed.

SECTION 2. That the amounts shown are hereby assessed upon the properties shown and such assessments shall be certified by the Clerk of Council to the County Auditor for collection in the same manner as general taxes. The Clerk of Council shall also certify that the unpaid charges have arisen pursuant to services made directly with the owner or tenant who occupied the property served.

SECTION 3. That Council does hereby find that the certification of Health Department violations-citations meets all of the requirements of Sections 551.03 and 1405.03 and is further authorized by the Ohio Revised Code (including but not limited to Section 731.51) and authorizes the Budget and Finance Director to amend Exhibit “A” in the event of payment before the actual certification to the County.

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

City of Kent: Delinquent Fines and Unpaid Fees: Health Dept. 2023 Trash Citations

Address	Parcel Number	Owner Name	Complaint Number	Date Fine Issued	Amount Due
542 Longmere	17-010-80-00-111-000	Samuel Groff	23-6	3/6/2023	\$ 20.00
606 Marilyn	17-010-70-00-040-000	Gregory Knapp	23-8	2/24/2023	120.00
121 University	17-024-33-00-039-000	121 University LLC	22-137	10/6/2022	120.00
118 Sherman	17-024-33-00-050-000	Keith Kraus	22-136	10/6/2022	20.00
318 E Main	17-024-40-00-021-000	Adair Holdings	22-88	9/8/2022	80.00
238 E Main	17-024-40-00-007-000	Zeta Lambda	22-86	9/8/2022	60.00
218 N Lincoln	17-024-33-00-134-000	Gregg Ginther	22-79	8/24/2022	60.00
210 Highland	17-024-34-00-019-000	Constellation Ohio LLC	22-69	6/15/2022	160.00
Total					<u><u>\$ 640.00</u></u>

DRAFT ORDINANCE 2023 –060

AN ORDINANCE AUTHORIZING THE CERTIFICATION OF NON-PAYMENT OF BILLS FOR RESIDENTS RESULTING FROM THE 2022 ANNUAL CONCRETE REPAIR PROGRAMS OF UNPAID CONCRETE SIDEWALK REPAIR ACCOUNTS, TO THE COUNTY AUDITOR, IN ORDER TO ALLOW FOR THE PLACEMENT OF THE CERTIFIED AMOUNT ON THE REAL PROPERTY TAX LIST AND DUPLICATE AGAINST THE PROPERTY FOR THE NON-PAYMENT OF SIDEWALK REPAIRS, AND DECLARING AN EMERGENCY.

WHEREAS, there are 17 concrete sidewalk repair bills that remain unpaid after attempts to collect have been made; and

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

SECTION 1. That Kent City Council does hereby authorize the certification of the 2022 Annual Concrete Repair Programs of Unpaid Concrete Sidewalk Repair accounts listed in Exhibit “A”, attached hereto and made a part hereof, on the real estate tax list and duplicate against the properties listed. It is the intent of Council that the amounts certified to the County Auditor shall be a lien on the property served by the services listed.

SECTION 2. That the amounts shown are hereby assessed upon the properties shown and such assessments shall be certified by the Clerk of Council to the County Auditor for collection in the same manner as general taxes. The Clerk of Council shall also certify that the unpaid charges have arisen pursuant to services made directly with the owner or tenant who occupied the property served.

SECTION 3. That Council does hereby find that the certification of the unpaid bills meets all of the requirements of Section 521.06 and is further authorized by the Ohio Revised Code and authorizes the Budget and Finance Director to amend Exhibit “A” in the event of payment before the actual certification to the County.

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

2022 ANNUAL CONCRETE REPAIR PROGRAM

Ohio Revised Code 715.261

Kent Codified Ordinance 521.06

	PARCEL I.D. #	ADDRESS	PROPERTY OWNER	AMOUNT
1	17-044-10-00-017-000	Empty Lot	White Oak Hills Development Inc	\$ 492.48
2	17-044-10-00-019-000	982 Kevin	Anthony R. Guinta	486.00
3	17-044-10-00-020-000	988 Kevin	Kelly & Brandi Sekerhurst	324.00
4	17-044-10-00-022-000	1000 Kevin	Amy M. Simonovski	192.24
5	17-044-10-00-027-000	1030 Kevin	Brian J. Jaggars	172.66
6	17-044-10-00-029-000	1042 Kevin	Carlin Smith & Michael Norman	847.28
7	17-044-10-00-042-000	1053 Kevin	Christopher & Heather Syphrit	3,148.84
8	17-044-10-00-031-000	1054 Kevin	Amy R. Jaronowski	2,896.16
9	17-044-10-00-032-000	1060 Kevin	Nicholas D. Fleming	1,317.22
10	17-044-10-00-035-000	1078 Kevin	James & Mary Roberts	1,254.90
11	17-025-20-00-104-000	121 S. Prospect	James M Kirk	3,643.01
12	17-025-20-00-106-000	131 S. Prospect	Daniel & April Buck	2,160.28
13	17-025-20-00-110-000	209 S. Prospect	Kevin Coleman Mental Health Center	3,933.58
14	17-025-20-00-121-000	224-226 S. Prospect	Bradley T. Hensley	2,420.10
15	17-023-10-00-193-000	129 Sherman	Taraneh Meshkani	1,006.60
16	17-023-10-00-190-000	207 Sherman	Sarah Jane Horvath (Airgood)	1,955.25
17	17-024-33-00-058-000	218 Sherman	John & Debra Lipnos	1,171.21
Total				<u><u>\$ 27,421.81</u></u>