City of Kent

Wednesday, September 6, 2023

City Council Committee Meetings

320 S. Depeyster Street, Kent, OH 44240

MINUTES

7:00 P.M. Council Committee Meetings

Call to Order

Prior to the start of the meeting, Mayor Fiala announced that Mr. Sidoti's birthday was on September 6th, and he is now 74 years old. Mr. Sidoti recently underwent rotator cuff surgery. Despite the surgery, Mr. Sidoti reports that he is doing well, although he expects to experience some pain when the anesthesia wears off today. Also, there is a celebration of Gwen Rosenberg's anniversary, which is happening tonight. This anniversary marks 25 years.

Present:	Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Mr. Robin Turner, Ms. Tracy Wallach
Also Present:	Mr. Jerry T. Fiala, Mayor, and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Service Director; Ms. Rhonda Hall, Budget and Finance Director; Mr. Nick Shearer, Chief of Police; Ms. Amy Wilkens, Clerk of Council
Absent:	Ms. Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti

Committee of the Whole   Chair Fiala/ Vice-Chair Amrhein

Revised Ward Apportionment

Prior to Ms. Susel making her presentation to Council, Ms. Wallach asked about a timeline, asking if there was a set timeline. It was clarified that there is no specific timeline set for redistricting. The Ohio Revised Code mandates redistricting with every new decennial census. However, the Secretary of State advised that it should occur once the community is comfortable and has integrated the new census data.

Ms. Bridget Susel requests that the maps under consideration be adopted and approved during the meeting.

Council began to discuss the current charter requirement that wards should not vary by more than 10 percent. It was suggested that this variation could be increased to 15 percent, but this would require a charter amendment. The next charter review is scheduled for 2024, which means that any changes won't be implemented until 2026.

MOTION TO AMEND THE CHARTER TO REVISE THE WARD APPORTIONMENT FROM

10% TO 15% DIFFERENTIAL MADE BY Ms. Tracy Wallach, SECONDED by Mr. Garret Ferrara

Ms. Wallach said to expedite the ward variation change, it's suggested that the issue could be put on the ballot through Council in the spring or the coming fall. The cost for doing so was discussed, and it's noted that in major elections, the cost may not be significant.

A ballot initiative for Fall 2023 had passed, with a mention of an August deadline for the upcoming fall elections. The idea is to make the changes sooner rather than wait for the next charter review in 2025.

Ms. Susel mentioned that they were asked by Ms. Shaffer Bish to look at other college communities and their council structures. Among the six communities they examined, three have councils that are elected at large, and three have councils elected by wards. In the three communities that use wards, Ms. Susel notes that there are no specific percentage requirements in their charters. Instead, they use the term "substantially" in relation to the population. This means that ward populations can vary below 51%, providing flexibility in their ward boundaries. Ms. Susel said Kent's ward boundaries are very specific and do not allow for more than a 10% variation between wards. She said a table in their memo shows the small population range variation of only 235 people.

She suggested that Kent's charter could be amended to use the term "substantially" in relation to the population, which would provide more flexibility and avoid the need for precise percentage calculations. This change could be similar to what other college towns with ward-based systems have in place.

Example of Bowling Green: Bowling Green is mentioned as another college town with a ward-based system, but unlike Kent, its ward boundaries are not driven by population changes with each census. Instead, they are described in their charter with geographic boundaries that have remained unchanged.

Clarification of "Substantially": The term "substantially" is discussed in terms of its interpretation. Ms. Susel suggested that "substantially" could mean more than a majority, and the 15% range mentioned in the discussion would accommodate this interpretation. She said they could explore the possibility of amending the charter to use the term "substantially" in relation to the population, which would provide more flexibility in ward boundaries.

Ms. Wallach mentions that some of the wards, while technically contiguous in terms of geography, are not truly contiguous in practice. She provided examples of sections in Ward one and Ward two that are separated by the river but would be placed into different wards (Ward one and Ward three) under the current proposed boundary changes. Ms. Wallach concluded her point by stating that she wanted to bring up this issue for discussion.

Mr.Kuhar discussed the potential impact of ongoing developments on population distribution. He anticipates changes in population distribution due to ongoing developments. He mentioned that Summit Gardens will have a heavier population, and there is development happening downtown that will increase the population as well. Mr. Kuhar expressed a sense of uncertainty about how these population changes will affect the current ward boundaries, especially given the potential shifts in population within the next three years.

Ms. Susel said that the Ohio Revised Code restricts the assignment of wards by municipalities to the decennial census. This means that, regardless of any population changes or data from sources like the American Community Surveys (ACS), municipalities must wait for the official population counts from the next decennial census. She added that while there may be anecdotal evidence of population changes due to developments, municipalities are bound by the official census data for adjusting ward boundaries.

Mr. Turner said when we get away from the population, we start moving into politicizing how boundaries are made if we are not using the basis of the population. It should be done objectively. There is an aspect of compactness and the need to identify some things with more permanency.

Ms. Susel said the logic is the charter. ORC is based on the census. It's our charter that established the 10%, and this specificity is creating the charter. Other communities do not use a percentage.

Mr. Ferrara said there is a process and it has stood the test of time. He said it seemed like there was an ulterior motive. There are only a few hundred people who would be affected.

Ms. Wallach said this would make it a lot easier for the person redoing the maps every ten years.

There was much discussion on whether the rest of the Council should weigh in on this topic, as three members were not in attendance.

Mr. Amrhein acknowledges the various ideas and perspectives presented during the discussion and expresses openness to the diverse ideas and viewpoints that were shared during the meeting. He mentioned the importance of hearing from other Council members regarding the proposed changes and ideas. He said he appreciated the hard work put into the proposal, it makes sense to take the matter seriously and allow all Council members to provide their input. As a result, he proposed continuing the discussion to another committee meeting and bringing the map back for further consideration.

There was a discussion about withdrawing the motion, with Mr. Ferrara did not agree to withdraw the motion. There was not unanimous consent, so the motion stood.

Ms.Wilkens, Clerk of Council and Ms. Hope Jones asked for a brief recess to discuss the motions presented and the number of votes needed.

After the recess, Ms. Hope Jones said a majority of those present are needed to pass the motion. Ms. Wilkens added the issue will be brought forward to the full Council at the next meeting with a vote on an ordinance to send a charter amendment to the voters.

MOTION TO AMMEND THE CHARTER TO REVISE THE WARD APPORTIONMENT FROM 10% TO 15% DIFFERENTIAL MADE BY Ms. Tracy Wallach, SECONDED by Mr. Garret Ferrara and CARRIED by a voice vote of 4-2-0, with Mr. Ferrara and Mr. Kuhar voting "No".

Action Recommended:

1. SEND A CHARTER AMENDMENT TO THE VOTERS IN 2024 TO AMEND WARD DIFFERENTIAL FROM 10% TO 15%

City Administration Building Construction Update

Ms. Melanie Baker, Service Director, said that the construction of the building is proceeding well. She said the majority of the brickwork has been completed around the council chambers. There are plans to continue brickwork on the front of the wing and the backside of the administrative offices in the coming week. She added that interior framing on the second floor has been completed, and detailed work on the third floor is expected to be finished by the end of the week. The electrical and mechanical rough-ins have been completed on the second and third levels, with the remaining work in the main mechanical areas. The fire main connection, FDC (Fire Department Connection), and PIV (Post Indicator Valve) installation are in progress.

Ms. Baker stated there are plans to connect with gas, allowing for heating during the upcoming winter months once the building is enclosed. She said the work on the vapor barrier is almost completed.

The next tasks include starting the dumpster enclosure, setting up the electrical transformer, and bringing in electricity once the glass installation is complete.

Ms. Baker said she is excited about the possibility of enclosing the building before the arrival of winter, which is in line with the project's schedule for completion in July or possibly earlier. She mentioned that they've received a lot of positive comments from people who like the project. They've also received phone calls from individuals expressing their satisfaction with how the building blends in with the rest of the construction and buildings downtown. There's praise for the effort to provide transparency in the design, which was aligned with what the community desired. The project is described as blending well with the character of the old Kent area.

Ms. Baker then informed the Council about scheduled walkthroughs of the building with staff. She said a previous walkthrough on August 23rd and an upcoming one on September 20th, invited anyone interested to join the tour at noon. She added that staff members are excited to see how their offices are laid out in the new building.

There were no questions from the Council or the audience.

<u>Community Development Committee</u> Chair Kuhar/Vice-Chair Rosenberg

TREX Agreement: Fast Mex, LLC

Ms. Bridget Susel began the discussion on an agreement related to Fast Max LLC's lease to occupy the former Twisted Melt space in Acorn Alley. There are criteria set for this type of investment, including a minimum of $175 per square foot and other specific criteria. Since the original build occurred in 2010 and met these criteria, the attorney representing the company provided the required additional information.

Thomas, a representative of Fast Max LLC, provided an overview of the company and its plans for the restaurant in Kent. Thomas mentions that Fast Max operates multiple restaurants across Ohio, Iowa, and Massachusetts, and has plans to expand to Miami and Washington, D.C. Thomas confirms that the new restaurant will occupy the combined space of the former Twisted Melt, which included both the ice cream shop and the sandwich shop. The total investment for the project, including demolition and construction, is expected to be around $300,000, which includes equipment, permits, and leasehold improvements. Thomas mentions that they are waiting for approval from the city to proceed with construction.

There were no questions from Council.

MOTION TO APPROVE FAST MEX, LLC TREX AGREEMENT MADE BY Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 6-0-0.

Action Recommended:

1. Authorize TREX Liquor License request for Fast Mex LLC located at 164 East Main Street, with the emergency clause.

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

Kent State 5 K Road Closure

Ms. Bridget Susel said the City of Kent has received an application from Molly Speyer on behalf of Kent State University Athletics, to hold a 5K race on Saturday, September 16, 2023. Runners will stage on South Water Street between Main Street and Erie Street. At 9:00 a.m., the race will begin at the intersection of South Water Street and East Erie Street, following a route that connects Downtown, Kent State University, and The Portage Bike and Hike, where it will finish at Dix Stadium no later than 10:00 a.m. A number of street closures have been requested.

Molly from Kent State University Athletics said that Kent State University is organizing an event for their students and alumni. It is a 5K run to celebrate the first home game of the season. The event is expected to start at Water Street Tavern, proceed down Erie Street, cross Haymaker, and then run onto campus. Approximately 100 participants are expected to attend the event, and as of the meeting, around 35 have already registered. The event route should take less than a quarter of a mile on city streets, with participants expected to clear the streets within the first 15 minutes. Local businesses that might be affected have been notified, and they are in agreement with the event. While this is the first year for the event, there is hope to make it an annual occurrence.

Mayor Fiala added the event is being held on September 16th and the next Regular Council Meeting will not be held until September 20, 2023. Due to this oversight, tonight Council is being asked to approve the road closure without an ordinance.

MOTION TO APPROVE KENT STATE 5 K ROAD CLOSURE MADE BY Mr. John Kuhar, SECONDED by Mr. Garret Ferrara and CARRIED by a **roll call** vote of 6-0-0.

Action Recommended:

1. Approve Street Closure requests for the 5k race being held by Kent State University on September 16, 2023.

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

Proposed Text Amendment to Chapter 355: Municipal Parking Lots

Ms. Bridget Susel said the Community Development Department received an inquiry from a small business owner requesting the City consider adjusting the 3:00 AM to 6:00 AM no parking time period for the municipal parking lots in order to accommodate small business employees who arrive at work prior to 6 AM.Two small businesses on North Water Street, which park in the Columbus Street Municipal lot, contacted the city regarding parking regulations. The municipal lots currently prohibit parking from 3 to 6 a.m., but they allow all-day parking. The businesses arrive around 5:30 a.m., including Daisy Pops, a bakery, and other office workers who come to work in the office before leaving for meetings. The request was to modify the no-parking period. After discussions in the Traffic Engineering and Safety Committee, it was decided to shift the no-parking period half an hour earlier, making it from 2:30 to 5:30 a.m. A three-hour no-parking period is needed for clearing the lots for sweeping and snow removal.

This change would require re-signing the Columbus Street lot, the South Water Street lot (between the Amatek and Davey buildings), and the lot at the corner of Franklin and College. Chief Shearer has been consulted about the proposed change, and he indicated that the change shouldn't pose any issues, as there is usually a transition period after bars are let out before they start policing the municipal lots. The change applies to all three municipal lots.
Mr. Ferrara asked Ms. Susel her opinion on this change. She replied she is fine with it but thinks there needs to be a three-hour prohibition so people do not store their vehicles.

MOTION TO APPROVE PROPOSED TEXT AMENDMENT TO CHAPTER 355 MADE BY Mr. John Kuhar, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 6-0-0.

Action Recommended:

1. Approve text amendments regarding downtown parking, changing hours of parking restrictions from 2:30 am to 5:30 am., with the emergency clause.

Finance Committee Chair DeLeone/Vice-Chair Wallach

Disposal of Vehicles to Auction

Ms. Melanie Baker, Service Director, said there were two items that needed to be approved for auction. These items consist of 2 vehicles. The vehicles have been replaced with capital items from 2022 that took over a year and a half to receive and put into inventory. We will be utilizing the Edinburg Auctions (we currently work with them through online sales) for the disposal of these items.

MOTION TO APPROVE DISPOSAL OF VEHICLES TO AUCTION MADE BY Mr. Garret Ferrara, SECONDED by Mr. Jack Amrhein, and CARRIED by a voice vote of 6-0-0.

Action Recommended:

1. Authorize the sale at auction of surplus City vehicles, with the emergency clause.

Certifying Tax Rates to County

Ms. Rhonda Hall, Budget and Finance Director, referenced her memo and the draft resolution accepting the amounts and rates of the City's various tax levies as determined by the Portage County Budget Commission, and further authorizing the necessary tax levies and certifying them to the Portage County Auditor. This is an annual event that is required by Ohio Revised Code, Sections 5705.34 & 5705.35 to be submitted to the County Auditor before October 1st of each year.

MOTION TO APPROVE CERTIFYING TAX RATES TO COUNTY MADE BY Mr. Garret Ferrara, SECONDED by Mr. Jack Amrhein and CARRIED by a voice vote of 6-0-0.

Action Recommended:

1. Authorize and certify the tax rates and amounts for submission to the Portage County Auditor, with an emergency clause.

Budget Appropriation Amendment

Ms. Rhonda Hall referenced her memo dated August 29,l 2023 requesting a budget appropriation, and asking for Council's approval of the emergency clause. She explained that this amendment had been revised. The last amount on the first page of the amendment has been increased by $36,000.The increase in the appropriation is related to a grant received by the fire department. The granting agency initially intended for the grant to be non-pensionable. However, it has been determined that the grant is considered pensionable by the pension system. Due to this pensionable status, the city needs to approve an additional amount in the budget to cover the pension portion of the grant.

MOTION TO APPROVE BUDGET APPROPRIATION AMENDMENT MADE BY Mr. Jack Amrhein, SECONDED by Mr. Garret Ferrara, and CARRIED by a voice vote of 6-0-0.

Action Recommended:

1. Approve the 2023 budget appropriation amendments with an emergency clause.

Hearing no further business, the meeting adjourned at 7:44 p.m.

Amy Wilkens

Amy Wilkens, CMC
Clerk of Council