City of Kent

Wednesday, September 20, 2023

Regular City Council Meeting

320 S. Depeyster Street, Kent, OH 44240

AGENDA *(Amended 9/15/23)*

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. Jack Amrhein

3. Approval of Minutes

   3.1. August 16, 2023 Regular 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 meeting day. 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)

   - The Civil Service Commission Meeting Agenda for August 21, 2023, was received and posted on August 18, 2023.
   - An unsigned letter from a resident who resides on Mohawk Place in Kent in regard to Portage County not placing a recycling contract bid was received and forwarded to Council on August 29, 2023.
   - The Standing Rock Cemetery Board of Trustees Agenda for the meeting on September 14, 2023 was received on September 6, 2023.
   - Email from Christopher Myers in regard to the Shaw Drive/Land O'Lakes noise complaint received on September 6, 2023.
   - The Planning Commission Agenda for the meeting on September 19, 2023, was received on September 11, 2023.
   - Meeting minutes from the June 8, 2023, Portage County Solid Waste Management District Policy Committee Meeting were received on September 12, 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. September 6, 2023 Committee Meeting Minute Approval

5.1.2. Action(s) Recommended

1. Authorize sending a charter amendment to the voters in 2024 to amend ward differential from 10% to 15%.

5.1.3. **Draft 2023- 061** AN ORDINANCE PROVIDING AN AMENDMENT TO THE CHARTER OF THE CITY OF KENT, OHIO TO BE SUBMITTED AT THE PRIMARY ELECTION ON MARCH 19, 2024, WHICH WILL AMEND ARTICLE XII, SECTION 12.02 TITLED "VOTING WARD APPORTIONMENT," AND DECLARING AN EMERGENCY (Authorized)

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

5.2.1. September 6, 2023 Committee Meeting Minute Approval

5.2.2. Action(s) Recommended

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

5.2.3. **Draft 2023-062** AN ORDINANCE AUTHORIZING THE TRANSFER OF A TREX LIQUOR LICENSE INTO THE CITY OF KENT BY FAST MEX, LLC, AN OHIO LIMITED LIABILITY COMPANY, CONDITIONED UPON THE EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF KENT, OHIO AND FAST MEX, LLC, AND DECLARING AN EMERGENCY (Authorized)

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

5.3.1. September 6, 2023 Committee Meeting Minute Approval

5.3.2. Action(s) 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.

5.3.3. **Draft 2023- 063** AN ORDINANCE AMENDING CHAPTER 355 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT TITLED "MUNICIPAL PARKING LOTS", AND DECLARING AN EMERGENCY. (Authorized)

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

5.4.1. September 6, 2023 Committee Meeting Minute Approval

5.4.2. Action(s) Recommended

1. Street Closure for the KSU 5K race was authorized beforehand by voice vote at the September 6, 2023 meeting.

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

5.5.1. September 6, 2023 Committee Meeting Minute Approval

5.5.2. Action(s) Recommended

1. Authorize sale at auction of surplus City vehicles, with the emergency clause.
2. Authorize and certify the tax rates and amounts for submission to the Portage County Auditor, with an emergency clause.
3. Approve the 2023 budget appropriation amendments with an emergency clause.

5.5.3. **Draft 2023-064** AN ORDINANCE AUTHORIZING THE TRADE IN / AUCTION / DISPOSAL OF VEHICLES, LARGE EQUIPMENT AND TRAILERS NOT NEEDED FOR MUNICIPAL PURPOSES, AND DECLARING AN EMERGENCY (Authorized)

5.5.4. **Draft 2023- 065** RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR (Authorized)

5.5.5. **Draft 2023-066** AN ORDINANCE AMENDING ORDINANCE NO. 2022-138, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 21, 2022; SO AS TO ADJUST APPROPRIATIONS, TRANSFERS AND ADVANCES FROM THE VARIOUS FUNDS OF THE CITY OF KENT TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES OF THE CITY FOR THE FISCAL YEAR ENDING DECEMBER 31, 2023; AND DECLARING AN EMERGENCY (Authorized)

6. Unfinished Business

7. New Business

8. Councilmembers' Comments

9. Mayor's Report

10. Executive Session *(Amended 9/15/23)*

10.1. Discuss an employee's evaluation and compensation

10.2. Discussion 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, August 16, 2023

Regular City Council Meeting

320 S. Depeyster Street, Kent, OH 44240

MINUTES

7:30 P.M. Regular Council Meeting

Present: Mr. Jack Amrhein, Mr. Michael DeLeone, 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; Mr. Jim Bowling, City Engineer; Ms. Joan Seidel, Health Commissioner; Ms. Rhonda Hall, Budget and Finance Director; Mr. Nick Shearer, Chief of Police; Ms. Amy Wilkens, Clerk of Council

Absent: Mr. Garret Ferrara

MOTION TO EXCUSE MR. FERRARA MADE BY Mr.Jack Amrhein, SECONDED by Ms. Rosenberg and CARRIED by a voice vote of 8-0-0.

Opening Remarks and Pledge of Allegiance

Mayor Fiala began with opening remarks, mentioning that Mr. Ferrara was absent. He shared some historical events related to the date, including the American victory at the Battle of Lincoln in 1777, considered a turning point in the Revolutionary War, and the passing of Elvis Presley on August 16, 1977. The attendees were then invited to join in reciting the Pledge of Allegiance.

MOTION TO APPROVE JULY 19, 2023, AND AUGUST 2, 2023 MEETING MINUTES MADE BY Mr. Robin Turner, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 8-0-0.

Communications

Public Comment

Mayor Fiala addressed the public communications portion. It was noted that while the law does not mandate time for public communication, the council traditionally welcomes public comments and values their input. Attendees are given the opportunity to share their thoughts on matters of concern. However, it was emphasized that the council will not engage in debates during this time, and the council president reserves the right to halt any comments that are disruptive, embarrassing, harassing, or objectionable. Individuals were

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encouraged to approach the podium, use the microphone, state their name and address, and were allotted three minutes to speak. Additionally, it was clarified that the meeting's agenda had been established well in advance and discussions would be confined to the items on the agenda. Subsequently, Mayor Fiala introduced Amy Wilkens Clerk of Council, who was responsible for facilitating public comments. The first person was then invited to speak.

During this segment of the meeting, multiple individuals from the community expressed their concerns about the ongoing noise issue caused by Land O'Lakes, a local company. Residents from the neighborhood around Shaw Drive and Sunnybrook Road raised their voices to discuss the negative impact the noise has on their daily lives. Here's a summary of the points made by each speaker:

Candra Morrison (5185 Sunnybrook Road): Candra Morrison started by giving her name and address. She criticized Land O'Lakes for causing the noise and complained about the disruption it has caused to their quality of life. She urged the council to enforce the noise ordinance without specifying frequency or decibel levels.

Jerry Enos (238 Shaw Drive): Jerry Enos addressed a memo from Kent's economic development director regarding a noise study funded by Land O'Lakes. He pointed out flaws in the study, including the use of only four microphones and its inability to determine the source of the noise. He emphasized that the noise is traceable to Land O'Lakes rooftop evaporators.

Diane Hadaway (225 Shaw Drive): Diane Hadaway discussed her experiences during the time when Land O'Lakes shut down and the noise in the neighborhood subsided. She emphasized that the noise ordinance doesn't specify decibel limits or frequency types and called for action to enforce the ordinance. **(Attachment #1)**

Andrew Lentz (181 Majors Lane): Andrew Lentz expressed his observations as an outside observer. He criticized City Council for rapidly amending the noise ordinance for downtown businesses without similar considerations for the noise issue caused by Land O'Lakes. He questioned the council's hesitation in addressing the noise pollution problem and requested accountability from Land O'Lakes.

Del T Kelly (232 Shaw Drive): Del T Kelly spoke about the noise complaint tracker on the city's website and how Land O'Lakes sound consultants placed sensors in areas that didn't accurately represent the community's noise experience. He stressed the health impacts of chronic noise exposure and urged Lando Lakes to install sound abatement equipment.

Matt Morrison (5185 Sunnybrook Road): Matt Morrison addressed the issue of Land O' Lakes being exempt from noise regulations. He criticized the city's lack of experience in measuring sound and urged the council to apply the noise ordinance to the situation.

Robert Shafer (278 Shaw Drive): Robert Shafer shared his personal experiences of noise disturbances caused by Land O' Lakes. He highlighted the contrast between minor noise irritations and the continuous, disruptive noise from the factory. He urged Land O'Lakes to address the issue.

Carla Jessica (267 Shaw Drive): Carla Jessica emphasized the constant nature of noise, describing how it infiltrates their lives and disrupts their daily activities. She echoed the call for the city's help in addressing the issue.

Melissa Celko (545 Pioneer): Melissa Celko brought up a different matter, requesting a review of an ordinance related to vehicle parking on city streets. She argued that the current ordinance is outdated and doesn't account for modern living situations, such as limited driveway parking and remote work.**(Attachment #2)**

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Written Communication

- Kent Board of Health Agenda and Statistical Report for the August 8, 2023 meeting received on August 3, 2023.
- The agenda for the August 10, 2023 Parks and Recreation Board Meeting was received on August 4, 2023.
- The Standing Rock Cemetery Board of Trustees Meeting Agenda for August 10, 2023, was received on August 4, 2023.

Additional Comments Received After Agenda Published:

- Audit release notification from the Ohio Auditor of State, Keith Faber, was received on August 7, 2023.
- The Planning Commission Agenda for the August 15, 2023 meeting was received on August 10, 2023.
- The Board of Zoning Appeals Agenda and Staff Report for August 21, 2023, was received on August 14, 2023.
- An Email urging Council to inform residents about the federal home electrification incentives made available through the Inflation Reduction Act was received on August 15, 2023, from Kent resident, Kayla Adolph of Dale Dr.
- Email from Dianne Hadaway was received and forwarded to Council on August 16, 2023 regarding the noise heard in her neighborhood on Shaw Drive.
- Email from Alyssa Trivigno was received on August 16, 2023 notifying Council of her resignation from the Planning Commission due to temporarily relocating to another state.

City Manager's Report : NONE

Standing Committees & Legislation

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Committee of the Whole Chair Mayor Fiala/ Vice-Chair Amrhein

MOTION TO APPROVE AUGUST 2, 2023 COMMITTEE MEETING MINUTES MADE BY Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 6-0-2. Mr. Kuhar and Ms. Wallach voted 'abstain'.

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

Action(s) Recommended:

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

Health & Safety Committee Chair Amrhein/ Vice-Chair Sidoti

MOTION TO APPROVE THE AUGUST 2, 2023 COMMITTEE MEETING MINUTES MADE BY Mr. Jack Amrhein, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote

of 6-0-2. Mr. Kuhar and Ms. Wallach voted 'abstain'.

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

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.

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

MOTION TO SUSPEND THE THREE READINGS OF Draft 2023-049 MADE by Mr. John Kuhar, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr.John Kuhar, Ms. Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2023-049 MADE by Mr. John Kuhar, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr.John Kuhar, Ms. Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

Ordinance 2023-049 has passed.

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

MOTION TO SUSPEND THE THREE READINGS OF Draft 2023- 050 MADE by Mr. John Kuhar, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr.John Kuhar, Ms. Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2023- 050 MADE by Mr. John Kuhar, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr.John Kuhar, Ms. Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

Ordinance 2023-050 has passed.

Land Use Committee Chair Ferrara/ Vice-Chair Shaffer Bish

MOTION TO APPROVE THE AUGUST 2, 2023 COMMITTEE MEETING MINUTES MADE BY Ms. Heidi Shaffer Bish, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote

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of 6-0-2. Mr. Kuhar and Ms. Wallach voted 'abstain'.

MOTION TO APPROVE ACTION(S) RECOMMENDED MADE BY Ms. Heidi Shaffer Bish, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 8-0-0.

Action(s) Recommended:

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

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

MOTION TO SUSPEND THE THREE READINGS OF Draft 2023-051 MADE by Mr. John Kuhar, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr.John Kuhar, Ms. Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2023-051 MADE by Mr. John Kuhar, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr.John Kuhar, Ms. Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

Ordinance 2023-051 has passed.

Streets, Sidewalks and Utilities Chair Sidoti/ Vice-Chair Wallach

MOTION TO APPROVE THE AUGUST 2, 2023 COMMITTEE MEETING MINUTES MADE BY Mr. Roger Sidoti, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 6-2-0. Mr. Kuhar and Ms. Wallach voted 'abstain'.

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

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.

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

MOTION TO SUSPEND THE THREE READINGS OF Draft 2023-052 MADE by Mr. Michael DeLeone, SECONDED by Ms. Gwen Rosenberg. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr.John Kuhar, Ms. Gwen Rosenberg, Ms.Heidi

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Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2023-052 MADE by Mr. Michael DeLeone, SECONDED by Ms. Heidi Shaffer Bish. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr.John Kuhar, Ms. Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

Ordinance 2023-052 has passed.

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

MOTION TO SUSPEND THE THREE READINGS OF Draft 2023- 053 MADE by Ms. Gwen Rosenberg, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr.John Kuhar, Ms. Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2023- 053 MADE by Ms. Gwen Rosenberg, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr.John Kuhar, Ms. Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

Ordinance 2023-053 has passed.

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

MOTION TO SUSPEND THE THREE READINGS OF Draft 2023-054 MADE by Mr. John Kuhar, SECONDED by Ms.Gwen Rosenberg.On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr.John Kuhar, Ms. Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2023-054 MADE by Mr. John Kuhar, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr.John Kuhar, Ms. Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

Ordinance 2023-054 has passed.

Finance Committee Chair DeLeone/ Vice-Chair Wallach

MOTION TO APPROVE AUGUST 2, 2023 COMMITTEE MEETING MINUTES MADE BY Mr. Michael DeLeone, SECONDED by Mr. Jack Amrhein and CARRIED by a voice vote of 6-0-2. Mr. Kuhar and Ms. Wallach voted 'abstain'.

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

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.

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

MOTION TO SUSPEND THE THREE READINGS OF Draft 2023-055 MADE by Ms.Heidi Shaffer Bish, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr.John Kuhar, Ms. Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2023-055 MADE by Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr.John Kuhar, Ms. Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

Ordinance 2023-055 has passed.

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

MOTION TO SUSPEND THE THREE READINGS OF Draft 2023-056 MADE by Mr. Michael DeLeone, SECONDED by Ms. Tracy Wallach. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr.John Kuhar, Ms. Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2023-056 MADE by Ms. Heidi Shaffer Bish, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr.John Kuhar, Ms. Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

Ordinance 2023-056 has passed.

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

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MOTION TO SUSPEND THE THREE READINGS OF Draft 2023- 057 MADE by Mr. Michael DeLeone, SECONDED by Ms. Tracy Wallach.On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr.John Kuhar, Ms. Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2023- 057 MADE by Ms. Gwen Rosenberg, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr.John Kuhar, Ms. Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

Ordinance 2023-057 has passed.

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

MOTION TO SUSPEND THE THREE READINGS OF Draft 2023-058 MADE by Mr. Michael DeLeone, SECONDED by Ms. Tracy Wallach. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr.John Kuhar, Ms. Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2023-058 MADE by Ms. Gwen Rosenberg, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr.John Kuhar, Ms. Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

Ordinance 2023-058 has passed.

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

MOTION TO SUSPEND THE THREE READINGS OF Draft 2023- 059 MADE by Ms. Gwen Rosenberg, SECONDED by Ms. Tracy Wallach. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr.John Kuhar, Ms. Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2023- 059 MADE by Ms. Gwen Rosenberg, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr.John Kuhar, Ms. Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

Ordinance 2023-059 has passed.

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

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

MOTION TO SUSPEND THE THREE READINGS OF Draft 2023-060 MADE by Ms. Gwen Rosenberg, SECONDED by Mr.Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr.John Kuhar, Ms. Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2023-060 MADE by Ms. Gwen Rosenberg, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr.John Kuhar, Ms. Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

Ordinance 2023-060 has passed.

Unfinished Business

Ms. Shaffer Bish said it's a step in the right direction to address the ongoing issue in the Shaw Drive/ Sunnybrook area and involve all stakeholders in the discussion. Moving the matter to the committee will allow for a more thorough examination of the evidence and possible solutions.

MOTION TO SEND TO COMMITTEE A DISCUSSION ABOUT LAND O' LAKES AND SHAW AVE. RESIDENTS MADE BY Mr. Robin Turner, SECONDED by Ms. Tracy Wallach and CARRIED by a voice vote of 8-0-0.

The council members expressed empathy for the affected residents and recognized the need to work with both the company and the community to find a resolution. There were discussions about the emotional aspect of the issue, the need to invite representatives from Land O'Lakes to listen to the concerns directly, and the importance of involving legal experts to determine the city's role and potential actions.

New Business

Ms. Wallach began a discussion about 24-hour parking on the streets and the need to review its implementation, potential consequences, and whether there should be specific regulations or signage in place.

The council members shared their experiences and concerns regarding this issue, such as the possibility of abandoned vehicles, storage issues, and the impact on snowplowing during winter months.

The decision was made to move the discussion to the committee for further examination, allowing for a more comprehensive review of the implications of the 24-hour parking rule. Overall, the council members recognized the importance of finding a balance between accommodating residents' needs and preventing potential problems associated with long-term parking on streets.

MOTION TO SEND TO COMMITTEE A DISCUSSION ABOUT THE 24 PARKING LAW MADE BY Ms. Tracy Wallach, SECONDED by Ms. Heidi Shaffer Bish and CARRIED by a voice vote of 8-0-0.

Councilmember's Comments

Councilmember Sidoti commended the positive audit report received from the State Auditors. He

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highlighted the professionalism and thoroughness demonstrated by the auditors, particularly in scrutinizing the management of public funds. Mr. Sidoti praised the Administration and the finance department for their diligent work, emphasizing that the absence of any audit report findings reflects the high integrity within the City.

Councilmember Shaffer Bish expressed her enthusiasm for the recent event involving the Clydesdale horse in downtown Kent. She mentioned that she and her husband had the opportunity to witness the Clydesdale and the impressive crowd it attracted. Ms. Shaffer Bish noted that despite the event taking place on a Wednesday night rather than a typical weekend night, the turnout was significant. She highlighted the positive atmosphere and the number of people enjoying the downtown area, which she found heartening. Ms. Shaffer Bish concluded by remarking on the special and vibrant nature of the community in Kent.

Mayor's Report

Mayor Fiala announced an upcoming event called "Dogs Days of Summer" scheduled for the coming Saturday from 11 AM to 4 PM. He invited everyone to bring their dogs to the event, which would feature various activities for both dogs and their owners. The mayor emphasized that Kent still had a lot of ongoing activities that continued to attract people downtown and create an enjoyable atmosphere for the community.

MOTION TO ENTER EXECUTIVE SESSION MADE BY Mr. Jack Amrhein, SECONDED by Mr. Michael DeLeone and roll call was taken.

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

Absent: Mr. Garret Ferrara

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

MOTION TO RETURN TO REGULAR COUNCIL MEETING at 9:20 p.m. MADE BY Mr. Roger Sidoti, SECONDED by Mr. Robin Turner and CARRIED by a voice vote of 8-0-0.

No action, information only.

MOTION TO ACCEPT THE RESIGNATION OF ALISA TRIVIGO FROM THE PLANNING COMMISSION (PREVIOUSLY REPORTED DURING THE WRITTEN COMMUNICATION PORTION OF THE MEETING) MADE BY Mr. Amrhein seconded by Ms. Rosenberg and CARRIED by a voice vote of 8-0-0.

Hearing no further business, the meeting adjourned at 9:30 p.m.

_____ _____

Amy Wilkens , CMC
Clerk of Council

Jerry T. Fiala
Mayor & President of Council

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Statement for August 16, 2023 Council Meeting

During the Land O'Lakes shutdown in June, we had the peace and quiet we used to enjoy in our neighborhood. This is very incriminating evidence against LOL. Please stop treating this problem as a new mysterious frontier of low frequency noise. As Gwen Rosenberg said at a previous council meeting: noise is noise is noise. This noise is loud, and present only when LOL is operating, specifically when their oscillating evaporator fans are on.

It is important to note that the Kent noise ordinance does not specify decibel limits or frequency types. It does, however, specify that noise is unlawful if (1) the sound is audible during overnight hours past the property line on which the source of the sound is located and (2) if the noise disturbs, annoys, or endangers the comfort, health, peace, or safety of persons within the City. Each of these violations is occurring. This invasive noise is disturbing and present only when LOL is operating.

LOL refused to include any of our residents in their meetings with city officials and they declined invitations to the 2 meetings we had in our neighborhood. A good neighbor would want to listen to what we are experiencing and work with us to reach a resolution. A good neighbor would not create suspicion and mistrust through exclusion. A good neighbor would listen to our experiences and participate in a rational discussion on how to isolate and correct the problem.

It has been said that the "first step in solving any problem is recognizing there is one." LOL does not seem to believe there is a real problem. We cannot rely on incomplete and inconclusive results from one company when the health of residents is at stake. Please, vote to take this issue to a committee. Meet with us. We have compelling sound data, audio recordings, and photo evidence to present to council. We challenge LOL and the city administration to apply a common-sense approach. Please, come to our neighborhood both during the day and night. Experience the noise from outside and inside our homes when LOL is operating and hear the quiet when LOL is shutdown. Let us prove to you that LOL is the source of the noise, they are violating the noise ordinance, and abatement is required.

A path to resolution must be a priority. Because this is a health issue, we will not back down. Every time a property sells, new people are impacted. These homes are selling for over $300,000. Please do not let LOL continue to violate the noise ordinance and ruin the tranquility of our neighborhood.

Attachment #2 from Melissa Celko

August 16, 2023

Kent City Council

320 South Depeyster Street

Kent, Ohio 44240

This is a request for City Council to review ordinance 351.13 which applies to a 24 hour limit to vehicle parking on city streets.

351.13 TWENTY-FOUR HOUR PARKING LIMIT.

No person shall park or store any motor vehicle, vehicle or part thereof on any public street, alley, avenue, court, boulevard, drive or any other type of thoroughfare or right of way or part thereof within the City for more than twenty-four consecutive hours, which period shall include moving any vehicle or part thereof to another such public thoroughfare or right of way for parking or storage purposes. (Ord. 1964-19. Passed 4-6-64.)

This ordinance is currently only applied when a complaint is made and therefore is not applied evenly and consistently. Here are some considerations that should be reviewed relevant to the ordinance;

1. There appears to be no signage in Kent that would alert either residents or visitors to the time limit of parking.
2. The 24-hour time limit does not allow for circumstances that are common in Kent in 2023, including,
    a. Lack of sufficient driveway parking,
    b. More than one car per household,
    c. Work from home employees.
3. Visitors that decide to take a ride share home instead of driving while intoxicated, may need more that 24 hours to retrieve their vehicle and should not be penalized for making this choice.

Please consider the revision of this time limit to accommodate the common issues related to parking that were not present in 1964 when the ordinance was first adopted.

Thank you!

Melissa Celko

545 Pioneer Street

Kent, Ohio

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

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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,

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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

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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.

Community Development Committee 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:

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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

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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:

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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.

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Amy Wilkens, CMC
Clerk of Council

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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.

DRAFT ORDINANCE NO. 2023 –061

AN ORDINANCE PROVIDING AN AMENDMENT TO THE CHARTER OF THE CITY OF KENT, OHIO TO BE SUBMITTED AT THE PRIMARY ELECTION ON MARCH 19, 2024, WHICH WILL AMEND ARTICLE XII, SECTION 12.02 TITLED "VOTING WARD APPORTIONMENT," AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, three-fourths (3/4) of all members elected thereto concurring:

SECTION 1. That the question of the proposed amendment to the Charter of the City of Kent, Ohio, shall be submitted to the vote of the qualified electors of the City of Kent at the Primary Election to be held on March 19, 2024, at the regular places of voting in this City, during hours provided for by law. Such amendment being to amend Article XII, Section 12.02, in the form set for the in the ballot text appearing in Section 3 of this ordinance.

SECTION 2. That the ballots for said election shall, be entitled, with appropriate language for balloting to be determined by the Board of Elections.

SECTION 3. That the question be submitted on said ballot shall be as follows: Shall the Charter of the City of Kent, Ohio Article XII, Section 12.02 titled "Voting Ward Apportionment" be amended by allowing for a 15% population disparity between the wards, and the proposed Section shall provide as follows:

> **12.02 VOTING WARD APPORTIONMENT.**
>
> Commencing as early as practicable in the year 1971, and every ten years thereafter, Council shall determine by census the resident population of each ward, and shall apportion them equally, and, if necessary, shall redefine the boundaries thereof, so that there is no disparity, in resident population, of more than 15% between wards; provided, however, that this shall in no way limit, nor preclude, an increase in the number of wards, and further provided that each ward shall be comprised of compact and contiguous territory

SECTION 4. That the Clerk of this Council shall submit forthwith a certified copy of this ordinance to the Portage County Board of Elections.

SECTION 5. That the Board of Elections of Portage County shall cause an appropriate notice to be given of the election to be held on March 19, 2024, on the foregoing amendment to the Charter of this City and otherwise to provide for such election the manner provided by the general laws of the State of Ohio.

SECTION 6. That the Clerk of this Council shall cause the full text of this proposed Charter amendment to be published once a week for two consecutive weeks in a newspaper of general circulation in this City, with the first publication to be made at least fifteen days prior to the Primary Election to be held March 19, 2024.

SECTION 7. That there is hereby appropriated from the general fund a sufficient sum of money to pay the cost of compliance with Section 6 above.

SECTION 8. 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 pursuant to ORC Section 121.22, 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 including Chapter 107 of the Codified Ordinances of the City of Kent.

SECTION 9. 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 - 062

AN ORDINANCE AUTHORIZING THE TRANSFER OF A TREX LIQUOR LICENSE INTO THE CITY OF KENT BY FAST MEX, LLC, AN OHIO LIMITED LIABILITY COMPANY, CONDITIONED UPON THE EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF KENT, OHIO AND FAST MEX, LLC, AND DECLARING AN EMERGENCY.

WHEREAS, Fast Mex, LLC has proposed the redevelopment of a portion of 164 East Main Street, Unit B, Kent, Ohio, to expand its food service offerings to allow for the on-premise consumption and limited retail distribution of beer, wine and spirituous liquor; and

WHEREAS, Fast Mex, LLC has asked Kent City Council to allow the transfer of a liquor license from outside of Kent, into the City, by the TREX process, for use at 164 East Main Street, Unit B, Kent, Ohio; and

WHEREAS, the City of Kent, Ohio requires the approval of City Council to allow the transfer of a liquor license from outside of the City limits, for use within the City limits; and

WHEREAS, the City of Kent Council requires that certain economic development criteria be met and that a Development Agreement be executed, before Kent City Council will authorize the transfer of a liquor license into the City by the TREX process; and

WHEREAS, Fast Mex, LLC has indicated in its application to the City for the TREX liquor license transfer approval that it will do the following:

a) It will spend a minimum of $175.00 per square foot for the redevelopment of 164 East Main Street, Unit B, Kent, Ohio, consisting of approximately 1,500 square feet of space, which includes leasehold improvements; and

b) It will sell wine, beer and spirituous liquor (Class D-5) as well as other non-alcoholic beverages; and

c) That it will not transfer the liquor license or licenses within the City without prior approval from Kent City Council.

WHEREAS, the City of Kent may approve the transfer of a liquor license into the City if the redevelopment of properties that are currently blighted, deteriorated or underdevelopment/underused will occur; and

WHEREAS, the City of Kent, Ohio will only approve the transfer of a TREX liquor license into the City of Kent, Ohio if City Council retains the right to approve the future transfer of said liquor license to a new location within the City and/or to a new owner at the same or new location within the City. Fast Mex, LLC may move the liquor license outside of the City limits without City Council's approval; and

WHEREAS, the Kent City Council also looks at the character of the principals of the applicant in making its decision to approve a TREX, as the City Council does not want applicants who will cause problems for the City in the future, negatively affecting economic development within the City.

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

SECTION 1. That Kent City Council hereby approves the Development Agreement with Fast Mex, LLC, and the City Manager is hereby authorized to execute the Development Agreement on behalf of the City in substantial conformity with a copy of which is marked as Exhibit "A", attached hereto and incorporated herein.

SECTION 2. That Conditioned upon the execution of the Development Agreement attached hereto, the Kent City Council hereby approves the transfer of the D-5 liquor license into the City of Kent, Ohio via the TREX process, to be used by Fast Mex, LLC at 164 East Main Street, Unit B, Kent, Ohio.

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

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

PASSED: _____ _____
Date Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens, CMC
Clerk of Council

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

(SEAL)

_____
AMY WILKENS, CMC
CLERK OF COUNCIL

DRAFT 8-28-23

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (the "Agreement") is made and entered into this ____ day of _____, 2023, by and between the CITY OF KENT, OHIO, a municipal corporation duly organized and existing under and by virtue of the constitution and laws of the State of Ohio and a duly adopted Charter (hereinafter referred to as the "City"), and Fast Mex, LLC, an Ohio limited liability company (hereinafter referred to as the "Redeveloper").

W I T N E S S E T H:

WHEREAS, the City has been active in the redevelopment and clearance of underdeveloped, blighted, and deteriorated areas in the City, and in this connection implemented the Downtown Urban Renewal Plan dated January 2001 (the "Urban Renewal Plan"); and

WHEREAS, Acorn At Kent, LLC currently owns the previously redeveloped property located at 164 East Main Street, Unit B, Kent, Ohio (the "Property") which is an approximately 1,500 square foot commercial space, such improvements hereinafter referred to as the "Private Improvements;" and

WHEREAS, Acorn At Kent, LLC, as the owner of the Private Improvements, intends to enter into a lease with the Redeveloper for 164 East Main Street, Unit B, and the Redeveloper intends to use the space as a restaurant; and

WHEREAS, the City believes that the redevelopment of the Property with the Private Improvements, pursuant to this Agreement and the fulfillment generally of this Agreement, are in the best interests of the City and its residents, and are necessary to provide for the productive development and reuse of property, to provide for the creation of jobs and employment opportunities, and to improve the economic and general welfare of the residents of the City; and

WHEREAS, the City has determined that it is in the best interests of the City and its citizens to aid the Redeveloper in its repurposing of the Private Improvements; and

WHEREAS, the Redeveloper needs to acquire a liquor license in order to sell wine, beer and spirituous liquor at said location – specifically, a Class D-5 license, using the TREX liquor license provisions of Ohio Revised Code § 4303.29.

WHEREAS, the Redeveloper's use of the Private Improvements is dependent upon the City agreeing to accept a transfer of a liquor license from another location in the State to the City (TREX license); and

WHEREAS, the City has previously acknowledged that the Private Improvements at 164 East Main Street, Unit B, Kent, Ohio is at a minimum amount of $175.00 per square foot for the completion of the build-out of the space, the provided fixtures, a liquor license, inventory and supplies for the restaurant; and

WHEREAS, pursuant to the provisions of Ohio Revised Code § 4303.29, the City of Kent will only agree to execute this agreement and approve the TREX liquor license, if its approval is required before Redeveloper may transfer the liquor license referred to above to another location and/or to another owner, whether at the same location or another location; and

WHEREAS, the Kent City Council considered the following criteria prior to consenting to entering into this Agreement:

a) The financial strength of the Redeveloper; and

b) The amount of monies previously invested into 164 East Main Street, Unit B, Kent, Ohio; and

c) The amount of square foot space being repurposed by the Redeveloper; and

d) The character of the principals of Fast Mex, LLC; and

e) That it is D-5 license being requested.

WHEREAS, the Kent City Council authorized a TREX liquor license transfer policy based upon items listed above; and

WHEREAS, both parties acknowledge that the additions of new venues open for the sale of alcoholic beverages within the City, may cause additional work for the staffs of the Kent City Police Department and Fire Department.

NOW THEREFORE, in consideration of the premises and covenants contained herein, the City and the Redeveloper agree as follows:

Section 1. Redevelopment of the Property.

(a) The Redeveloper agrees to repurpose the Private Improvements thereon consistent with all Federal, State, and local laws.

The Redeveloper shall commence the Private Improvements when it is ready to do so and has the necessary approvals from the City.

Allof the redevelopment on the Property shall be made in accordance with the Redeveloper's approved Project Plans.

The City and the Redeveloper each shall proceed in good faith and diligently, and in cooperation with the other, to carry out its activities necessary to meet the conditions of the Commencement Date.

The Redeveloper shall give notice to the City within ten (10) days of the occurrence of the Commencement Date. If the Commencement Date has not occurred by the 180-day anniversary of the execution of this Agreement by both the City and the Redeveloper, this Agreement shall terminate, unless that date is further extended in writing by the City and the Redeveloper. Any

such extension must be approved by City Council. If this Agreement terminates because the Commencement Date has not occurred within the permitted period, neither the City nor the Redeveloper shall be deemed to have defaulted hereunder and the sole remedy of the City and the Redeveloper is the termination or extension of this Agreement.

Section 2. Redevelopers Responsibilities.

In exchange for the approval of the transfer of the liquor license into the City by the City Council, described in Section 3 of this Agreement, the City shall permit the Redeveloper to use the property for a restaurant. The Redeveloper shall:

a) Repurpose the space at 164 East Main Street, Unit B, which the City acknowledges has Private Improvements valued at a minimum of $175.00 per square foot, which monies may include leasehold improvements, in the space consisting of approximately 1,500 square feet.

b) Continually follow and obey all local, state and federal laws in the redevelopment of the property and in the operation of the restaurant.

c) Receive the written permission of the City of Kent Council to transfer said license to a new location and/or to a new owner at the same or different location.

Section 3. Responsibilities of the City.

a) The City, in exchange for the Redeveloper performing the requirements listed in Section 2, above, shall conditionally approve the transfer of a liquor license into the City of Kent pursuant to Ohio Revised Code § 4303.29, in the name of the Redeveloper, for location at 164 East Main Street, Unit B, Kent, Portage County, Ohio.

b) The City, upon written request from the Redeveloper, shall review any proposal to relocate the said liquor license to a different location within the City of Kent, or to transfer said liquor license to a different owner at the same or different location within the City of Kent. The City shall approve the transfer and/or relocation of the license within the City, if the City Council, after reviewing the following criteria, to see if the new owner will provide some or all of the following:

   i) The financial strength of the proposed new owner is adequate to complete the new redevelopment criteria; and

   ii) The amount of monies, if any, being invested into the new location in Kent, Ohio meet or exceed those expended by this Redeveloper; and

   iii) The amount of square foot space being redeveloped by the new owner; and

   vi) The character of the person or people constituting the new owner shall be upstanding; and

v) That it will sell wine, beer and spirituous liquor at said location – specifically, a D-5 license is being transferred.

Said consent shall not be unreasonably withheld.

Section 4. Assignment or Sale of Liquor License.

The liquor license in question may only be transferred by the Redeveloper with the consent of the City as outlined in Section 3.

Section 5. Remedies.

(a) General. Except as otherwise provided in this Agreement, in the event of any default in or breach of this Agreement, or any of its terms or conditions, by the Redeveloper, or any successor, the City may, upon written notice to the Redeveloper proceed to revoke the approval of the transfer of the liquor license into the Kent City limits within thirty (30) days after receipt of such notice. In case such action is taken by the City and the default or breach is not diligently pursued by the Redeveloper to cure the default or breach within a reasonable time, the City may institute such proceedings as may be necessary or desirable in its opinion to cure and remedy such default or breach, including, but not limited to, proceedings to compel specific performance by the party in default or breach of its obligations; or to revoke the approval of the transfer of the liquor license into the City, mandating the closing of the restaurant and the relocation of the liquor license to a location outside of the City limits.

(b) Force Majeure. Neither the City nor the Redeveloper shall be considered in default in its obligations to be performed hereunder, other than for the payment of money, if delay in the performance of such obligations is due to causes beyond its reasonable control and without its fault or negligence, including but not limited to, acts of God or of the public enemy, acts of the federal or State government, acts or delays of the other party, fires, floods, unusually severe weather, epidemics, freight embargoes, unavailability of materials, strikes or delays of contractors, subcontractors or materialmen due to any of such causes, or other events beyond the reasonable control of a party and without its fault or negligence; it being the purpose and intent of this paragraph that in the event of the occurrence of any such enforced delay, the time or times for performance of such obligations shall be extended for the period of the enforced delay; provided, however, that the party seeking the benefit of the provisions of this paragraph shall within 30 days after the beginning of such enforced delay, notify the other party in writing thereof and of the cause thereof and of the duration thereof or, if a continuing delay and cause, the estimated duration thereof, and if the delay is continuing on the date of notification, within 30 days after the end of the delay, notify the other party in writing of the duration of the delay.

Section 6. Conflict of Interest; City's Representatives not Individually Liable.

No member, official or employee of the City shall have any personal interest, direct or indirect, in this Agreement, nor shall any such member, official or employee participate in any decision relating to this Agreement which affects his/her personal interests or the interests of any corporation, partnership, or association in which he is, directly or indirectly, interested. No

member, official or employee of the City shall be personally liable to the Redeveloper or any successor in interest, in the event of any default or breach by the City or for any amount which may become due to the Redeveloper or successor or on any obligations under the terms of this Agreement.

Section 7. Notice.

(a) A notice, demand, or other communication under this Agreement by either the City or the Redeveloper to the other shall be sufficiently given or delivered if it is dispatched by registered or certified mail, postage prepaid, return receipt requested, or delivered personally, and

(i) in the case of the Redeveloper is addressed to or delivered personally to the Redeveloper at:

Fast Mex, LLC
c/o Thuy Pham
3137 W. Broad Street
Columbus, Ohio 43204

(ii) in the case of the City, is addressed to or delivered personally to the City at:

City Manager
301 S. Depeyster Street
Kent, Ohio 44240

with a copy to the Law Director at 320 S. Depeyster Street, Kent Ohio.

or at such other address with respect to either the City or the Redeveloper may from time to time, designate in writing and forward to the other as provided in this Section.

Section 8. Counterparts.

This Agreement may be signed in several counterparts, each of which shall be an original but all of which shall constitute but one and the same instrument.

Section 9. Jurisdiction.

The parties hereto irrevocably (a) agree that any suit, action or other legal proceeding arising out of or relating to this Agreement may be brought in a court of record in Portage County, Ohio or in the courts of the United States of America located in such state or commonwealth.

Section 10. Captions.

The captions to the section of this Agreement are for convenience only and shall not be deemed part of the text of the respective sections and shall not vary, by implication or otherwise, any of the provisions of this Agreement.

Section 11. Severability.

The parties hereto intend and believe that each provision of this Agreement comports with all applicable local, state and federal laws and judicial decisions. However, if any provision or any portion of any provision contained in this Agreement is held by a court of law to be invalid, illegal, unlawful, void or unenforceable as written in any respect, then it is the intent of all parties hereto that such portion or provision shall be given force to the fullest possible extent that it is legal, valid and enforceable, that the remainder of this Agreement shall be construed as if such illegal, invalid, unlawful, void or unenforceable portion or provision was not contained therein, and the rights, obligations and interests of the City and Redeveloper under the remainder of this Agreement shall continue in full force and effect.

Section 12. No Oral Modification.

This Agreement may not be modified or discharged orally, but only by an agreement in writing signed by the City and Redeveloper.

Section 13. Costs of Enforcement.

Redeveloper agrees to pay the costs and expenses, including but not limited to reasonable attorneys' fees and legal expenses incurred by City in the exercise of any right or remedy available to the City under this Agreement.

IN WITNESS WHEREOF, the City of Kent, Ohio and FAST MEX, LLC have each caused this Agreement to be duly executed in its behalf, on or as of the day and year first above written.

CITY OF KENT, OHIO

By _____
Dave Ruller, City Manager

Fast Mex, LLC

By_____,
Jose Alejandro Martinez, Manager

APPROVED AS TO FORM:

_____
Hope Jones, Law Director
City of Kent

DRAFT

DRAFT ORDINANCE NO. 2023 - 063

AN ORDINANCE AMENDING CHAPTER 355 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT TITLED "MUNICIPAL PARKING LOTS", AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent wishes to modify Chapter 355 titled "Municipal Parking Lots", specifically Section 355.02(e) of the Codified Ordinances to amend the specified off-street parking period from its current 3 a.m. to 6 a.m., to 2:30 a.m. to 5:30 a.m.; and

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

SECTION 1. That Council does hereby amend Chapter 355 titled "Municipal Parking Lots", specifically Sections 355.02(e) of the Codified Ordinances to amend the specified off-street parking period from its current 3 a.m. to 6 a.m., to 2:30 a.m. to 5:30 a.m. as listed on Exhibit "A", attached hereto and made a part thereof.

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

CHAPTER 355
Municipal Parking Lots

355.01 **Definitions.**
355.02 **Restrictions regulating off-street parking in Municipal Parking Lots.**
355.03 **Posting of parking restrictions.**
355.04 **Municipal facility parking lot regulations.**
355.05 **Removal of motor vehicles.**
355.99 **Penalty.**

355.01 DEFINITIONS.

(a) "Motor vehicle" means any device in, upon or by which any person or property is or may be transported upon a highway, except a device which is operated upon rails or tracks.

(b) "Operator" means and includes every individual who shall operate a vehicle as the owner thereof, or as the agent, employee or permittee of the owner or is in actual physical control of a vehicle.

(c) "Owner" means the record of ownership as shown in the clerk of courts office of the proper county and shall be prima-facie evidence that the owner placed the vehicle in the parking space at the time and place alleged in the complaint against him/her.

(d) "Park" or "parking" means the standing of a vehicle, whether occupied or not, upon a public parking lot other than temporarily for the purpose of, and while actually engaged in receiving or discharging passenger(s), loading or unloading merchandise, obedience to traffic regulations, signs or signals or an involuntary stopping of the motor vehicle by reason of causes beyond the control of the operator of the vehicle.

(e) "Person" means and includes any individual, firm, partnership, association, corporation or other recognized legal entity.

(f) "Municipal parking lot" means any property owned by the City of Kent which has been designed and improved expressly for the purpose of parking of motor vehicles by the general public, and which has signs identifying it as a municipal parking lot for general use of the public.

(g) Posting of parking restrictions means the visible posting of signs identifying the limitations on use of parking areas within a municipal parking lot.

(h) "Parking within designated spaces" means parking a motor vehicle within the painted lines used to identify the width and length of a parking area designated for a single parked motor vehicle.

(i) "Designated parking space" means a parking space the use of which is dedicated to a specific business, by virtue of contractual requirements at the time of municipal purchase of the property. Such designated spaces shall be identified by individual signs, and use of these spaces shall be by permitted issued to the property owner, or by specific authorization of the designated business.

(j) "Municipal facility parking" means parking lots dedicated to the specific use of a municipal facility or office, and such parking lot use is limited to official business being conducted at the facility.

(Ord. 2001-121. Passed 12-5-01)

355.02 RESTRICTIONS REGULATING OFF-STREET PARKING IN MUNICIPAL PARKING LOTS.

No owner or operator of a motor vehicle shall permit parking of a vehicle in a municipal parking lot in a manner not in compliance with the following restrictions:

(a) Park any vehicle across any line or marking of a parking space or in such a position that the vehicle is not entirely within the area designated by such line or marking; (parking within designated spaces)

(b) Parking within designated spaces is allowed for up to ten hours between the hours of 8:00 a.m. and 6:00 p.m., unless such space is a designated parking space for specific business permit use;

(c) Park in a designated space without a permit to qualify as a designated user of the space;

(d) Park in a space designated for handicapped only parking, without displaying a qualifying handicapped permit from the state of registration of the vehicle;

(e) **Park a vehicle in a city lot between the hours of ~~3 AM to 6 AM;~~ 2:30 AM to 5:30 AM;**

(f) Park a truck having an unloaded curb weight in excess of 5,000 pounds, trailer, or semitrailer or commercial tractor. (Ord. 2001-121. Passed 12-5-01; Ord. 2018-110. Passed 9-19-18.)

355.03 POSTING OF PARKING RESTRICTIONS

The Director of Public Service shall prominently post notice of the above restrictions in all municipal parking lots dedicated for public use and shall maintain all such postings in clearly readable form. (Ord. 2001-121. Passed 12-5-01)

355.04 MUNICIPAL FACILITY PARKING LOT REGULATIONS

(a) The regulation of parking at municipal facilities shall be limited in the same manner as those restrictions identified in Section 355.02.

(b) In addition to the above, use of parking spaces at municipal facilities shall be specifically limited to the purpose of conducting business at the municipal facility and shall be posted as such on the required signs.

(c) The Director of Public Service shall prominently post notice of the above restrictions in all municipal parking lots dedicated for municipal facility use and shall maintain all such postings on clearly readable form. (Ord. 2001-121. Passed 12-5-01)

355.05 REMOVAL OF MOTOR VEHICLES.

(a) Officers of the Police Department are hereby authorized, subject to the conditions set forth in the codified ordinances, to remove or cause to be removed, a motor vehicle parked on any public parking lot between the hours of 3:00 a.m. and 6:00 a.m. whenever, in the opinion of the officer, the presence of such parked motor vehicle in a municipal parking lot will interfere with street cleaning or maintenance of such parking lot or shall otherwise create a condition detrimental to the health, safety and welfare of the residents of the City.

(b) Officers of the Police Department are further authorized, subject to the conditions set forth in the codified ordinances, to remove or cause to be removed, a motor vehicle parked in a municipal parking lot that has excessive unpaid parking violations on file.

(c) Whenever an officer has removed or caused to be removed a motor vehicle from a public parking lot such removal shall be executed in compliance with Chapter 356 of these codified ordinances.

(d) Notice shall be posted on all city-owned parking lots advising that vehicles may be towed for parking during the above hours or for failure to pay outstanding parking violations. (Ord. 2001-121. Passed 12-5-01)

355.99 PENALTY.

(a) Whoever violates any section of this Chapter, except Section 355.02(a)(4), shall be subject to the penalties set out in Section 351.99(a) of the City of Kent Ohio Codified Ordinances.

(b) Whoever violates Section 355.02(a)(4) of this Chapter shall be subject to the penalty as set out in Section 351.99(c) of the City of Kent Ohio Codified Ordinances.

DRAFT ORDINANCE NO. 2023 –064

AN ORDINANCE AUTHORIZING THE TRADE IN / AUCTION / DISPOSAL OF VEHICLES, LARGE EQUIPMENT AND TRAILERS NOT NEEDED FOR MUNICIPAL PURPOSES, AND DECLARING AN EMERGENCY.

WHEREAS, the City has two (2) vehicles that have been replaced as per the Capital Plan already approved; and

WHEREAS, the Administration desires to sell the two (2) vehicles to auction.

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

SECTION 1. That Council does hereby authorize the City to trade in / auction/ dispose of vehicles no longer needed for municipal purposes and are described on the attached list, marked "Exhibit A" and incorporated herein.

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

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

PASSED: _____ _____
Date Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens, CMC
Clerk of Council

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

(SEAL)

_____
AMY WILKENS, CMC
CLERK OF COUNCIL

Trade In / Auction / Disposal List - City of Kent - All Departments

8/22/2023

Tag #	Dept/Div	Description	Qty.	Year	Manufacture	Model No.	Serial No.	Storage Location	Know Defects	Why Taken Out of Service	Auction / Trade in.
2017.000	Example	18 hp Lawn Tractor, 48 inch cut with snow plow with skids, electric start	1	1985	Kubota	ABC123	XYZ567	1220 Mog. Rd.	Missing key, dead battery & plow pins	Unable to obtain parts & Unit replaced in 2009	
	Vehicles										
2023.001	CM107	2011 Chevrolet 1500WT	1	2011	Chevrolet	1500	1GTN2TEA5BZ116179	890 Plum Street	Engine Bearings Knocking/ Mechical issues	Beyond useful life	Auction
2023.002	CM196	Ford F250	1	2003	Ford	F250	3FTNF201L93MB39961	800 Plum Street	Multiple issues / heavily rusted	Beyond useful life	Auction
Large Equipment											
Small Equipment											
	Misc.										
	Scrap										
	Disposal										

RESOLUTION NO. 2023-xxx

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR (CITY COUNCIL)
Revised Code, Secs. 5705.34 & 5705.35

The Council of the City of Kent, Portage County, Ohio, met in Regular session on the 20th day of September , 2023 at the office of Kent City Council with the following members present:

_____

_____

_____

_____

_____

_____

_____

_____

_____

Mr. _____ moved the adoption of the following Resolution:

WHEREAS, This Council in accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1st, 2024 ; and

WHEREAS, The Budget Commission of Portage County, Ohio has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within, the ten mill tax limitation; therefore, be it

RESOLVED, By the Council of the City of _____, Portage County, Ohio, that the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

OFFICIAL CERTIFICATE OF ESTIMATED RESOURCES
Rev. Code Sec. 5705.34 & 5705.35
Office of the Budget Commission, Portage County, Ravenna, Ohio

To the Taxing Authority of: **KENT CITY**

SCHEDULE A

SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION AND COUNTY AUDITOR'S ESTIMATED TAX RATES

FUND	AMOUNT APPROVED BY BUDGET COM-MISSION INSIDE 10 M. LIMITATION	AMOUNT APPROVED BY BUDGET COM-MISSION OUTSIDE 10 M. LIMITATION	COUNTY ESTIMATE RATE TO INSIDE 10 M. LIMIT	AUDITOR'S OF TAX BE LEVIED OUTSIDE 10 M. LIMIT
	Column I	Column II	III	IV
General	$ 1,698,218	$ 337,279	3.6 & 0.9	1.16
Police Pension	146,079		0.30	
Fire Pension	146,079		0.30	
West Side Fire Station		265,387		0.73
Recreation		1,222,350		3.45
TOTAL	$ 1,990,376	$ 1,825,016	4.2 & 1.5	5.34

$3,815,392

COUNTY AUDITOR'S ESTIMATE

$486,930,630

COUNTY AUDITOR'S ESTIMATE **Kent City**	OF RATE IN MILLS **Field LSD**	 **Kent CSD**
LEVIES INSIDE OF 10 MILL	LIMITATION	
County	2.00	2.00
City	**1.50**	**4.20**
School	6.50	3.80
JVS		
TOTAL:	10.00	10.00
LEVIES OUTSIDE OF 10 MILL	LIMITATION	
County	12.12	12.12
City	**5.34**	**5.34**
School	58.93	105.81
JVS	4.00	0.00
Library	0.00	1.80
Portage Park District	0.50	0.50
TOTAL:	80.89	125.57
TOTAL LEVIES:	90.89	135.57

********** ********** **********

Tax estimates as they will appear on the 2024 Official Certificate of Estimated Resources.

General Fund	$ 2,035,497
Police Pension	146,079
Fire Pension	146,079
Westside Fire Station	265,387
Recreation	1,222,350
Tax Revenue Estimate	$ **3,815,392**

SCHEDULE B

LEVIES OUTSIDE 10 mill limitation

Levy Purpose	Date of Vote & Duration of Levy		Maximum Rate Authorized to be Levied	County Auditor's Estimate of Yield of Levy
General	03/17/20	5 years	1.16	$ 337,279
West Side Fire Station	11/03/20	5 years	0.73	265,387
Recreation	11/03/15	Cont	1.00	363,545
Recreation	11/03/15	Cont	0.43	156,324
Recreation	11/03/09	Cont	0.50	182,807
Recreation	11/07/06	Cont	1.52	519,674

and be it further RESOLVED, That the Clerk of this Council be, and is hereby directed to certify a copy of this Resolution to the County Auditor of said County.

Mr. _____ seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

Mr. _____ , _____

Mr. _____ , _____

Mr. _____ , _____

Mr. _____ , _____

Mr. _____ , _____

Mr. _____ , _____

Mr. _____ , _____

Mr. _____ , _____

Mr. _____ , _____

Adopted the _____ day of _____, _____

_____
President of Council

_____
Clerk of Council

CERTIFICATE OF COPY
ORIGINAL ON FILE

The State of Ohio, Portage County.

I, _____, Clerk of the Council of the City of _____ ,

in said County, and in whose custody the Files and Records of said Council are required by the laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the original _____

_____

now on file, that the foregoing has been compared by me with said original document, and that the same is a true and correct copy thereof.

WITNESS my signature, this _____ day of _____, _____

_____
Clerk of Council

_____ City
Portage County, Ohio

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

(City Council)

Filed _____ , _____

_____
County Auditor

DRAFT ORDINANCE NO. 2023 - 066

AN ORDINANCE AMENDING ORDINANCE NO. 2022-138, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 21, 2022; SO AS TO ADJUST APPROPRIATIONS, TRANSFERS AND ADVANCES FROM THE VARIOUS FUNDS OF THE CITY OF KENT TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES OF THE CITY FOR THE FISCAL YEAR ENDING DECEMBER 31, 2023; AND DECLARING AN EMERGENCY.

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

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

SECTION 1. That the current appropriations Ordinance No. 2022-138 passed December 21, 2022, as amended by Ordinance No. 2023-12, passed 2/15/23, as amended by Ordinance No. 2023-21, passed 4/19/23, and as amended by Ordinance No. 2023-34, passed 5/17/23, as amended by Ordinance No. 2023-45, passed 7/19/23 be amended as set forth in Exhibit "A", attached hereto and incorporated herein, so as to increase appropriations in Fund 001, General; Fund 106, Parks and Recreation; Fund 126, CDBG; Fund 128, Fire & EMS; Fund 201, Water; Fund 202, Sewer; Fund 205, Solid Waste; Fund 208, Storm Water; and Fund 301, Capital Improvement; and decreasing appropriations in Fund 128, Fire & EMS; and Declaring an Emergency.

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

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

PASSED: _____
Date

_____
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens, CMC
Clerk of Council

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

(SEAL)

_____
AMY WILKENS, CMC
CLERK OF COUNCIL

Exhibit A

2023 ORIGINAL APPROPRIATIONS

Fund - Department/Division	Personnel & Benefits	Other than Personnel & Benefits	Capital	Reserve/ Debt Service	Contingency	Fund & Department Total
General Fund (001)						
City Council	$ 179,905	$ 42,005	$ -	$ -	$ -	$ 221,910
Mayor	13,487	3,110				16,597
Community Support		106,000				106,000
City Manager	356,164	53,965				410,129
Community Engagement	51,325	24,100				75,425
Information Technology	170,987	495,015				666,002
Urban Renewal		37,700				37,700
Human Resources	111,798	16,787				128,585
Civil Service	41,730	31,476				73,206
Law	347,093	147,010				494,103
Budget & Finance	474,010	135,002				609,012
Community Development	735,990	181,737				917,727
Economic Development	147,197	33,850				181,047
Health	806,080	906,600				1,712,680
Public Parking		85,600				85,600
Main Street Program		70,000				70,000
Service Administration	259,665	371,087				630,752
Shade Tree		120,875	20,000			140,875
Sustainability		45,000				45,000
Building	381,605	56,120				437,725
Land banking		8,000				8,000
Engineering	218,488	86,189				304,677
Miscellaneous & Sundry		422,150				422,150
Contingency					100,000	100,000
Fund Total	4,295,524	3,479,378	20,000	-	100,000	7,894,902
West Side Fire (101)						
Fire	309,191	15,100				324,291
Fund Total	309,191	15,100	-	-	-	324,291
Street Construction Maintenance & Repair (102)						
Service	1,295,803	1,144,720	32,000			2,472,523
Contingency					25,000	25,000
Fund Total	1,295,803	1,144,720	32,000	-	25,000	2,497,523
State Highway (103)						
Service		67,200				67,200
Fund Total	-	67,200	-	-	-	67,200
Recreation (106)						
Parks & Recreation	1,438,973	653,620	249,000			2,341,593
Fund Total	1,438,973	653,620	249,000	-	-	2,341,593
Food Service (107)						
Health	116,231	24,340				140,571
Fund Total	116,231	24,340	-	-	-	140,571
Income Tax (116)						
Budget/Finance/IncTaxAdmin	136,370	505,890				642,260
Managed Reserve				25,540		25,540
Fund Total	136,370	505,890	-	25,540	-	667,800

2023 ORIGINAL APPROPRIATIONS

Fund - Department/Division	Personnel & Benefits	Other than Personnel & Benefits	Capital	Reserve/ Debt Service	Contingency	Fund & Department Total
Revolving Housing (120)						
Health	162,111	21,270				183,381
Fund Total	162,111	21,270	-	-	-	183,381
State & Local Forfeits (121)						
Police						-
Fund Total	-	-	-	-	-	-
Drug Law Enforcement (122)						
Police		15,000				15,000
Fund Total	-	15,000	-	-	-	15,000
Enforcement & Education (123)						
Police		11,000				11,000
Fund Total	-	11,000	-	-	-	11,000
Income Tax Safety (124)						
Police	8,038,500	863,509	33,600			8,935,609
Fund Total	8,038,500	863,509	33,600	-	-	8,935,609
Law Enforcement Trust (125)						
Police						-
Fund Total	-	-	-	-	-	-
Community Development Block Grant (126)						
Community Development	4,100	227,900	175,200			407,200
Fund Total	4,100	227,900	175,200	-	-	407,200
Fire & E.M.S. (128)						
Fire	5,911,350	928,486	539,650			7,379,486
Fund Total	5,911,350	928,486	539,650	-	-	7,379,486
Wireless 911 (129)						
Safety						-
Fund Total	-	-	-	-	-	-
Swimming Pool Inspections (130)						
Health	9,545					9,545
Fund Total	9,545	-	-	-	-	9,545
Police Pension (132)						
Police	140,000					140,000
Fund Total	140,000	-	-	-	-	140,000
Fire Pension (133)						
Fire	140,000					140,000
Fund Total	140,000	-	-	-	-	140,000
UDAG / EDA-RLF (134)						
City Manager/C.D.		75,000				75,000
Fund Total	-	75,000	-	-	-	75,000
CHIP Grant (136)						
City Manager/C.D.		200,000				200,000
Fund Total	-	200,000	-	-	-	200,000

2023 ORIGINAL APPROPRIATIONS

Fund - Department/Division	Personnel & Benefits	Other than Personnel & Benefits	Capital	Reserve/ Debt Service	Contingency	Fund & Department Total
Local American Rescue Plan Act (138)						
ARPA	329,950		5,784,400			6,114,350
Fund Total	329,950	-	5,784,400	-	-	6,114,350
Water (201)						
Service	1,924,171	1,021,396	1,639,298			4,584,865
Service (Capital Facilities)			796,900			796,900
Admin. Support	480,558	125,240	20,000			625,798
Budget & Finance (Debt)				100,921		100,921
Contingency					50,000	50,000
Fund Total	2,404,729	1,146,636	2,456,198	100,921	50,000	6,158,484
Sewer (202)						
Service	1,785,622	883,689	3,352,331			6,021,642
Service (Capital Facilities)			1,621,568			1,621,568
Admin. Support	418,414	122,440	18,000			558,854
Budget & Finance (Debt)				363,940		363,940
Contingency					50,000	50,000
Fund Total	2,204,036	1,006,129	4,991,899	363,940	50,000	8,616,004
Utility Billing (204)						
Budget & Finance		95,405				95,405
Fund Total	-	95,405	-	-	-	95,405
Solid Waste (205)						
Admin Support	243,808	243,025	6,000			492,833
Service	372,184	38,500	70,200			480,884
Fund Total	615,992	281,525	76,200	-	-	973,717
Storm Water Utility (208)						
Service	372,184	60,275	84,200			516,659
Service (Capital Facilities)			1,007,500			1,007,500
Admin. Support	133,756	50,150	6,000			189,906
Budget & Finance (Debt)				13,350		13,350
Fund Total	505,940	110,425	1,097,700	13,350	-	1,727,415
Guaranteed Deposits (230)						
Budget & Finance		1,000				1,000
Fund Total	-	1,000	-	-	-	1,000

2023 ORIGINAL APPROPRIATIONS

Fund - Department/Division	Personnel & Benefits	Other than Personnel & Benefits	Capital	Reserve/ Debt Service	Contingency	Fund & Department Total
Capital Projects (301)						
Safety			512,000			512,000
Service			349,300			349,300
Service (Capital Facilities)			6,449,019			6,449,019
Administrative	339,314		221,600			560,914
Budget & Finance (Debt)				62,290		62,290
New City Hall (Debt)				460,000		460,000
Contingency					25,000	25,000
Fund Total	339,314	-	7,531,919	522,290	25,000	8,418,523
Municipal Public Improvement Tax Increment Equivalent (302)						
Service (Capital Facilities)						-
Budget & Finance (Debt)				436,135		436,135
Fund Total	-	-	-	436,135	-	436,135
Police Facility (303)						
Safety (Capital Facilities)			731,500			731,500
Budget & Finance (Debt)				815,000		815,000
Fund Total	-	-	731,500	815,000	-	1,546,500
Debt Service (402)						
Budget & Finance (Debt)						-
Fund Total	-	-	-	-	-	-
Internal Service (807)						
Health Insurance		4,000,000				4,000,000
Fund Total	-	4,000,000	-	-	-	4,000,000
Total Appropriations	$ 28,397,659	$ 14,873,533	$ 23,719,266	$ 2,277,176	$ 250,000	$ 69,517,634
Original Appropriations	$ 27,626,691	$ 13,874,613	$ 17,231,600	$ 2,277,176	$ 250,000	$ 61,260,080
Amendment #1	348,598	196,870	5,611,813			6,157,281
Amendment #2	(76,500)	345,685	417,000			686,185
Amendment #3	200,000	160,150	105,250			465,400
Amendment #4		40,900	338,503			379,403
Amendment #5	298,870	255,315	15,100			569,285
Amendment #6						-
Amendment #7						-
Amendment #8						-
	$ 28,397,659	$ 14,873,533	$ 23,719,266	$ 2,277,176	$ 250,000	$ 69,517,634

2023 ORIGINAL APPROPRIATIONS - SCHEDULE OF OPERATING TRANSFERS AND TEMPORARY ADVANCES

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