



City of Kent
Wednesday, November 15, 2023
Regular City Council Meeting
320 S. Depeyster Street, Kent, OH 44240

AGENDA

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. Kuhar
3. Approval of Minutes
 - 3.1. October 18, 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)
 1. The Planning Commission and Staff Report for the November 7, 2023 meeting was received on October 31, 2023.
 2. Standing Rock Cemetery Agenda for November 9, 2023 was received on November 3, 2023.
 3. Liquor License TRANSFER request for Timothy J. Surgen, 802 N. Mantua St. Kent. was received on September 27, 2023. After further review, Chief Shearer and Hope Jones had no objections.
 4. Proclamation request for LoveLight's 2023 Multicultural Holiday Festival was received on October 30, 2023.
 5. Proclamation request for PBS Western Reserve's 50th Anniversary, which is to be held on November 30, 2023, was received on November 3, 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. November 1, 2023 Committee Meeting Minute Approval
November 8, 2023 Special Committee Meeting Minutes Approval

5.1.2. **Action(s) Recommended**

- 1. Return Ordinance 2023-061 back to the Regular City Council Meeting for a second reading on November 15, 2023, and a third reading at the Special Council Meeting being held on December 6, 2023.

5.1.3. Voting on Board and Commission Appointments

5.1.4. Motion to Authorize Insertaion of Names into Legislation

5.1.5. **DRAFT 2023-072** A RESOLUTION APPOINTING _____ TO THE BOARD OF BUILDING APPEALS AND DECLARING AN EMERGENCY.
(Authorized)

5.1.6. **DRAFT 2023-073** A RESOLUTION APPOINTING _____ TO THE BOARD OF HEALTH, AND DECLARING AN EMERGENCY (Authorized)

5.1.7. **DRAFT 2023-074** A RESOLUTION APPOINTING _____ AND _____ TO THE BOARD OF ZONING APPEALS AND DECLARING AN EMERGENCY. (Authorized)

5.1.8. **DRAFT 2023- 075** A RESOLUTION APPOINTING _____ AND _____ TO THE COMMITTEE ON DESIGN AND PRESERVATION AND DECLARING AN EMERGENCY (Authorized)

5.1.9. **DRAFT 2023- 076** A RESOLUTION APPOINTING _____ TO THE FAIR HOUSING BOARD AND DECLARING AN EMERGENCY
(Authorized)

5.1.10. **DRAFT 2023- 077** A RESOLUTION APPOINTING _____ TO THE PARKS AND RECREATION BOARD AND DECLARING AN EMERGENCY (Authorized)

5.1.11. **DRAFT 2023-078** A RESOLUTION APPOINTING _____ TO THE PLANNING COMMISSION AND DECLARING AN EMERGENCY. (Authorized)

5.1.12. **DRAFT 2023- 079** A RESOLUTION APPOINTING _____ and _____ TO THE SHADE TREE COMMISSION AND DECLARING AN EMERGENCY (Authorized)

5.1.13. **DRAFT 2023-080** A RESOLUTION APPOINTING _____ TO THE SUSTAINABILITY COMMISSION AND DECLARING AN EMERGENCY
(Authorized)

5.1.14. **Draft 2023- 061** (2nd Reading) 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. **Health & Safety Committee** Chair Amrhein/ Vice-Chair Sidoti

5.2.1. November 1, 2023 Committee Meeting Minute Approval

5.2.2. Action(s) Recommended

1. Authorize revisions to Kent Revised Code 351.08 restricting motor vehicle engines to continue running while unoccupied, with exceptions for residential property, emergency vehicles, public safety vehicles and public service agreements, with an emergency clause.

5.2.3. **Draft 2023-081** AN ORDINANCE AMENDING CHAPTER 351 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT TITLED "PARKING GENERALLY", AND DECLARING AN EMERGENCY (Authorized)

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

5.3.1. November 1, 2023 Committee Meeting Minute Approval

5.3.2. Action(s) Recommended

1. None

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

5.4.1. November 1, 2023 Committee Meeting Minute Approval

5.4.2. **Action(s) Recommended**

1. Authorize the County Auditor to transfer the tax proceeds for 2023 in advance of the 2024 settlement date, with an emergency clause.
2. Approve the 2024-2028 Capital Improvement Plan, with the emergency clause.
3. Authorize projects for AMATS grant funding, with appropriate allocation of funds, with an emergency clause.
4. Authorize the amendment of the City's Tax Ordinance to align with State Tax Code requirements, with an emergency clause.
5. Authorize the Kent Downtown Community Urban Redevelopment Corporation (aka DKC) to transfer PPN 17-025-30-00-027-000 (252 N. Water Street, Kent OH), PPN 17-025-30-00-028-000 (vacant lot), and PPN 17-025-30-00-029-000 (266 N. Water Street, Kent, Ohio) back to the City of Kent, Ohio and authorize the City of

Kent, Ohio to sell PPN 17-025-30-00-027-000 (252 N. Water Street, Kent OH), for seventy thousand dollars and no cents (\$70,000.00) and the sale of PPN 17-025-30-00-028-000 (vacant lot) for seventy thousand dollars and no cents (\$70,000.00) to Andrea Chisnell (representative of record for Madalena's) for a total to be paid of one hundred forty thousand dollars and no cents (\$140,000.00) for the purpose of redeveloping the parcels for an Italian restaurant.

- 5.4.3. **Draft 2023- 082** A RESOLUTION REQUESTING THE COUNTY AUDITOR TO ADVANCE ANY PROPERTY TAXES THAT HAVE BEEN COLLECTED PRIOR TO THE NORMAL FEBRUARY SETTLEMENT DATE FROM THE PROCEEDS OF THE 2023 TAX YEAR COLLECTION PURSUANT TO SECTION 321.34 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY (Authorized)
- 5.4.4. **Draft 2023-083** AN ORDINANCE AUTHORIZING THE CITY OF KENT TO SUBMIT THREE (3) FUNDING APPLICATIONS TOTALING \$6,068,800 AND TO EXECUTE THE SUBSEQUENT AGREEMENT TO THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY (AMATS), AND TO ACCEPT THE GRANTS, IF AWARDED, WITH CORRESPONDING APPROPRIATION OF FUNDS FOR THE CONSTRUCTION PHASE OF SR59 AND NORTH MAIN STREET AND RESURFACING OF MOGADORE ROAD, AND DECLARING AN EMERGENCY (Authorized)
- 5.4.5. **Draft 2023-084** AN ORDINANCE AMENDING CHAPTER 187 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT TITLED "INCOME TAX", AND DECLARING AN EMERGENCY (Authorized)
- 5.4.6. **Draft 2023- 085** AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO COMPLETE NEGOTIATIONS FOR, DRAFT, AND EXECUTE A PURCHASE AGREEMENT FOR THE SALE OF PARCELS OF PROPERTY KNOWN AS 252 N. WATER STREET AND PPN 17-025-30-00-028-000 A VACANT LOT ON N. WATER STREET, KENT, OHIO TO ANDREA CHISNELL, FOR \$140,000.00, WAIVING COMPETITIVE BIDDING AND DECLARING AN EMERGENCY (Authorized)

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

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, October 18, 2023
Regular City Council Meeting
320 S. Depeyster Street, Kent, OH 44240

MINUTES

Public Hearing- Consolidated Annual Performance and Evaluation Report (CAPER)

At 7:30 p.m. Mayor Fiala opened the meeting by introducing the CAPER Public Hearing. Roll call was taken.

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

Also Present: Mr. Jerry T. Fiala, Mayor, and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Service Director; Mr. Jim Bowling, City Engineer; Ms. Joan Seidel, Health Commissioner; Mr. Kyle Kelly, Public Health Sanitarian; Ms. Amy Wilkens, Clerk of Council

Ms. Bridget Susel, Community Development Director said the public hearing was to take public comments on the city's program year 2022 Consolidated Annual Performance and Evaluation Report (CAPER). This report covers expenditures and activities conducted during the prior Community Development Block Grant (CDBG) funding year, which runs from August 1st, 2022, through July 31, 2023. She said total spending during the specified period was just over \$492,000, and all of it benefited low to moderate-income communities. \$127,000 was allocated for housing rehabilitation activities and improvements to rental housing. \$320,000 was spent on infrastructure improvements in low-income areas, particularly related to the Walnut phase project. Although construction has not started, preparations have been made for it in 2024. \$41,000 was spent on public services, which included activities like homeless services at Miller House and Safer Futures. \$3,800 was allocated to general administrative costs, covering items like advertisements and training.

Mayor Fiala asked the audience if there were any comments. There were none and the public hearing concluded.

MOTION TO ADJOURN THE. PUBLIC HEARING MADE BY Mr. Garret Ferrara, **SECONDED** by Mr. Michael DeLeone and **CARRIED** by a voice vote of 9-0-0.

Regular Council Meeting

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

Also Present: Mr. Jerry T. Fiala, Mayor, and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Service Director; Mr. Jim Bowling, City Engineer; Ms. Joan Seidel, Health Commissioner; Mr. Kyle Kelly, Public Health Sanitarian; Ms. Amy Wilkens, Clerk of Council

Opening Remarks and Pledge of Allegiance

Mr. Turner expressed his empathy and concern for recent difficult world events. He acknowledged the challenges and difficulties that have affected people globally and within their communities. Mr. Turner said that his thoughts and prayers are with those who have been impacted by these events, both outside of their community and within it. He expressed hope that people can come together and support one another during these trying times. He then asked all to stand for the Pledge of Allegiance.

Approval of Minutes

MOTION TO APPROVE SEPTEMBER 20, 2023 REGULAR COUNCIL MEETING MINUTES MADE BY Mr. Jack Amrhein, **SECONDED** by Ms. Gwen Rosenberg and **CARRIED** by a voice vote of 9-0-0.

Public Comment

There were two residents signed in to speak to Council, Ms. Betty Jennings and Dianne Papes, who both reside on Sunrise Drive. Ms. Betty Jennings was called to the microphone, and she asked to yield her three minutes to Ms. Dianne Papes. Ms. Papes approached the microphone and introduced herself to Council.

Ms. Papes addressed two main issues:

Road Conditions: She said that Sunrise Drive, where many residents of various age groups, including children, middle-aged people, and senior citizens, frequently walk, bike, and exercise, is in poor condition with deep potholes. She emphasized the need for consistent maintenance and patching of the road to improve safety and requested that the city allocate resources for these necessary repairs.

Curb Trees: Ms. Papes said that the utility company severely damaged their curb trees in 2022 and that the Kent arborist committed to cutting down the damaged trees and replanting new ones in the spring of 2023. She expressed concerns about the lack of follow-up and requested that the city address the issue promptly.

There were no further residents signed in to speak to Council.

Written Communication

1. Board and Commission applications for the Planning Commission, Design and Preservation Committee, Shade Tree Commission, and Health Board, were received between September 14 and October 10, 2023.

2. Notification from Board of Building Appeals member, David Soukenik, that he has moved to Florida and will no longer be serving on that board was received on September 26, 2023.

MOTION TO ACCEPT RESIGNATION MADE BY Mr. Michael DeLeone, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 9-0-0.

3. Liquor License NEW request was received on September 27, 2023, for Mamacita, Inc, 911 E. Main St., Kent. Chief Shearer had no objection.

MOTION TO RETURN WITH NO OBJECTION MADE BY Mr. John Kuhar, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 9-0-0.

4. Liquor License NEW request was received on September 27, 2023, for Family Dollar Stores of Ohio, LLC DBA Family Dollar Store 28636, 1316 S. Water St., Kent. Chief Shearer had no objection.

MOTION TO RETURN WITH NO OBJECTION MADE BY Mr. John Kuhar, SECONDED Mr. Garret Ferrara and CARRIED by a voice vote of 9-0-0.

5. Liquor License TRANSFER request was received on September 27, 2023, for Timothy J. Surgen, 802 N. Mantua St. Kent. A 30 day extension for further review of this request was made by Chief Shearer.

MOTION TO HOLD LEGISLATIVE NOTICE FOR FURTHER REVIEW MADE BY Mr. Mike DeLeone SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 9-0-0.

6. Liquor License TRANSFER request was received on October 4, 2023 for Szechuan Gormet Kent Inc. DBA Szechuan Gourment, 156 Cherry St. Kent. Chief Shearer had no objection.

MOTION TO RETURN WITH NO OBJECTION MADE BY Mr. John Kuhar, SECONDED by Mr. Garret Ferrara and CARRIED by a voice vote of 9-0-0.

7. Letter from Jeremy Austin regarding Summit Gardens Apartments development was received and forwarded to Council on October 5, 2023.

8. City Flag Committee Meeting Agenda for October 11, 2023 was received and posted on October 5, 2023.

9. Health Board Agenda for the October 10, 2023 meeting was received and posted on October 5, 2023.

10. Board of Zoning Appeals Agenda and Staff Report for the October 16, 2023 meeting was received on October 10, 2023.

11. Planning Commission Agenda and Staff Report for the October 17, 2023 meeting was received on October 10, 2023.

City Manager's Report

1. Request Council's authorization to accept and allocate a \$200 donation from the Beech and Norwood Memorial Tree Fund to Kent Parks and Recreation.
2. Request Council's authorization to accept and allocate a \$60 donation to Kent Parks and Recreation youth tackle football and cheer program from MJ's Great American Frites and Fries.
3. Request Council's authorization to extend the Franklin Street closure through October 22, 2023.
4. Request Council's authorization to allow a retired Kent Firefighter to keep an expired City laptop computer that he continues to use for fire safety training purposes.
5. Request Council's authorization to accept a donation of 3 recovered kayaks from the Cuyahoga Valley National Park.
6. Request for Committee of the Whole time to provide an update on the status of the construction of the new City Hall building.

7. Request Community Development time to present the final version of the design guidelines for Council's approval.
8. Request Committee of the Whole time to provide an update on the timing requirements for the consideration of the proposed Charter change related to Ward boundaries.
9. Request Health & Public Safety Committee time to discuss the proposed idling ordinance to be presented by Council member Tracy Wallach.
10. Request Streets, Sidewalks & Utilities Committee time to present proposed updates to the City Code that are designed to streamline the approval of new and recurring special events in Kent that require street closures for under 3 hours.
11. Request Streets, Sidewalks & Utilities Committee time to present a summary of the progress of the City's capital projects in 2023.
12. Request Finance Committee time to request Council's authorization for Portage County to advance taxes to the City.
13. Request Finance Committee time to present the proposed 2024-28 Capital Improvement Plan for Council's approval.
14. Request Finance Committee time to present the list of capital projects proposed for grant funding through AMATS.
15. Request Council's authorization to allocate \$750 to provide food and drinks to the crews working the overtime Halloween shifts.

MOTION TO APPROVE CITY MANAGER'S REPORT MADE BY Mr. Jack Amrhein, **SECONDED** by Ms. Gwen Rosenberg and **CARRIED** by a voice vote of 9-0-0.

Ms. Gwen Rosenberg expressed gratitude and acknowledged donations made to the Parks and Recreation Department. She thanked the Beach and Norwood Memorial Tree Fund and MJ's Great American Fruits and Fries for their donations. Additionally, she extended thanks to the Cuyahoga Valley National Park for their donation of kayaks, which is much appreciated.

Standing Committees & Legislation

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

MOTION TO APPROVE OCTOBER 4, 2023 COMMITTEE MEETING MINUTES MADE BY Mr. Roger Sidoti, **SECONDED** by Mr. John Kuhar and **CARRIED** by a voice vote of 9-0-0.

Action(s) Recommended: NONE

MOTION TO SEND BACK TO COMMITTEE A DISCUSSION ON THE PROPOSED CHARTER AMENDMENT MADE BY Ms. Heidi Shaffer Bish, **SECONDED** by Mr. Roger Sidoti and **CARRIED** by a voice vote of 7-2-0. Ms. Rosenberg and Ms. Wallach voted 'No'.

Ms. Shaffer Bish said a review of the timing was required to place something on the ballot and expressed the opinion that it warrants further discussion. She suggested that the matter should be saved for committee discussion, indicating that a more detailed examination is needed.

Draft 2023- 061 (2nd Reading) 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.

Mayor Fiala announced that draft number 2023-61, which was scheduled for its second reading, will not take place tonight.

Health & Safety Committee Chair Amrhein/ Vice-Chair Sidoti

MOTION TO APPROVE OCTOBER 4, 2023 COMMITTEE MEETING MINUTES MADE BY Mr. Jack Amrhein, SECONDED by Mr. Garret Ferrara and CARRIED by a voice vote of 8-0-1. Ms. Wallach abstained.

Action(s) Recommended:

1. Refer to the Administration to further research the parking limits in the city and report back to Council.

Ms. Rosenberg said that she will vote "no" on the matter because, based on conversations with residents, she has learned that there is overwhelming disinterest in having additional parking on the streets for an extended period.

Ms. Shaffer Bish said that she voted "no" last time and will do so again. She expressed concerns about the consequences of allowing extended parking on the streets.

Mr. Ferrara likens the issue to "broken window syndrome" and is concerned that allowing longer parking on the streets will make it easier for rental properties to park on the street, exacerbating existing problems. Therefore, he intends to vote "no."

Mr. Turner mentions that he initially had significant concerns about the matter. However, he believes that the flexibility proposed by the city, where neighborhoods can make the determination and maintain a 70% requirement, seems reasonable. He's inclined to vote in favor of this approach.

Mr. Kuhar said that he would vote against it. He believes that the use of the 70% rule, as done in the past, is adequate, and there's no need to change it.

MOTION TO APPROVE ACTION(S) RECOMMENDED MADE BY Mr. Jack Amrhein, SECONDED by Mr. John Kuhar and **FAILED** by a voice vote of 3-6-0. Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, and Mr. Sidoti voted 'No'.

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

MOTION TO APPROVE OCTOBER 4, 2023 COMMITTEE MEETING MINUTES MADE BY Mr. Roger Sidoti, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 8-0-1, with Ms. Wallach abstaining.

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

Action(s) Recommended:

1. Accept the perpetual road and public utility easement at the property located at 200 West Williams Street, with the emergency clause.

2. Authorize the memorandum of understanding with Kent State University to allow relocation of the City's 24" waterline, with the emergency clause.

Draft 2023- 067 AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN EASEMENT FROM HOMETOWN BANK GRANTING A PERPETUAL ROAD AND PUBLIC UTILITY EASEMENT LOCATED AT 200 WEST WILLIAMS STREET FOR THE PURPOSE OF ACCESS TO THE UNDERGROUND UTILITIES, 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- 067 MADE by Mr. John Kuhar, SECONDED by Mr. Garret Ferrara. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion was CARRIED by a roll call vote of 9-0-0.

MOTION TO ADOPT Draft 2023- 067 MADE by Mr. John Kuhar, SECONDED by Mr. Garret Ferrara. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion was CARRIED by a roll call vote of 9-0-0.

Ordinance 2023-067 has passed.

Draft 2023-068 AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH KENT STATE UNIVERSITY TO ALLOW FOR THE RELOCATION OF THE CITY'S 24" WATERLINE, 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 2023-068 MADE by Mr. John Kuhar, SECONDED by Ms. Gwen Rosenberg. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion was CARRIED by a roll call vote of 9-0-0.

MOTION TO ADOPT Draft 2023-068 MADE by Mr. John Kuhar, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion was CARRIED by a roll call vote of 9-0-0.

Ordinance 2023-068 has passed.

Finance Committee Chair DeLeone/ Vice-Chair Wallach

MOTION TO APPROVE OCTOBER 4, 2023 COMMITTEE MEETING MINUTES MADE BY Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 8-0-1, with Ms. Wallach abstaining.

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

Action(s) Recommended

1. Authorize the PEP grant application in the amount of \$1,000 and authorize the acceptance and allocation of the funds to the Health Department with the emergency clause.
2. Authorize the HEAL grant application in the amount of \$25,000 and authorize the acceptance and allocation of the funds to the Health Department with the emergency clause.
3. Authorize a collective bargaining agreement with the Ohio Patrolmen's Benevolent Association for the period of November 1, 2023 through October 31, 2026, with the emergency clause.

Draft 2023-069 AN ORDINANCE AUTHORIZING THE CITY OF KENT HEALTH DEPARTMENT TO APPLY FOR A PUBLIC ENTITIES POOL (PEP) GRANT, 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.

MOTION TO SUSPEND THE THREE READINGS OF Draft 2023-069 MADE by Mr. Michael DeLeone, SECONDED by Mr. Garret Ferrara. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion was CARRIED by a roll call vote of 9-0-0.

MOTION TO ADOPT Draft 2023-069 MADE by Ms. Tracy Wallach, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion was CARRIED by a roll call vote of 9-0-0.

Ms. Wilkens stated that **Ordinance 2023-069 has passed.**

Draft 2023- 070 AN ORDINANCE AUTHORIZING THE CITY OF KENT HEALTH DEPARTMENT TO ACCEPT THE AWARDED HEALTH EATING AND ACTIVE LIVING GRANT (HEAL) FOR 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 2023-070 MADE by Ms. Heidi Shaffer Bish, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion was CARRIED by a roll call vote of 9-0-0.

MOTION TO ADOPT Draft 2023-070 MADE by Ms. Tracy Wallach, SECONDED by Ms. Gwen Rosenberg. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion was CARRIED by a roll call vote of 9-0-0.

Ms. Wilkens stated that **Ordinance 2023-070 had passed.**

Draft 2023-071 AN ORDINANCE AUTHORIZING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF KENT AND THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION (OPBA), FOR THE PERIOD OF NOVEMBER 1, 2023, THROUGH OCTOBER 31, 2026, 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 2023-071 AN ORDINANCE

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

MOTION TO ADOPT Draft 2023-071 AN ORDINANCE AUTHORIZING A COLLECT MADE by Mr. Michael DeLeone, SECONDED by Mr. Garret Ferrara. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion was CARRIED by a roll call vote of 9-0-0.

Ms. Wilkens stated that **Ordinance 2023-071 had passed.**

Unfinished Business

Mr. Amrhein expressed concern about the tree mutilations occurring not only on Sunrise Drive but also on Major's Lane and in other areas around Kent. He said that they have two severely mutilated trees on Major's Lane that look terrible. He was unsure about what could be done because he understands that the electric company hires a tree-trimming company to prevent the trees from entangling with wires. He called for some form of intervention or assessment of the trees to determine if they are beyond recovery and should be removed. They specifically request that the city's arborist inspect these trees and take appropriate action.

New Business

Ms. Shaffer Bish began a discussion about the discontinuation of funding for the skating rink in downtown Kent. She mentions that the university, which had been funding the rink, has experienced funding cuts. Ms. Shaffer Bish said her belief that the rink has been a valuable investment for the community and that it would be a shame to lose this amenity without exploring alternative funding sources or cost reduction measures.

MOTION TO SEND ITEM TO ADMINISTRATION MADE BY Ms. Heidi Shaffer Bish, SECONDED by Mr. Garret Ferrara and CARRIED by a voice vote of 8-1-0, with Ms. Wallach voting "No".

Ms. Shaffer Bish suggested possibly involving the Parks and Recreation Department and various community partners to find a solution to keep the skating rink operational.

Mr. Sidoti expressed the need to gather data on the cost of the skating rink and the contributions made by different entities, including the city and the university. He emphasizes the importance of having this information to make informed decisions.

The discussion revolved around the value of the skating rink to the community and the need for concrete financial data before proceeding with any actions.

Next, Mr. Sidoti discussed a project brought together by multiple community players, including the Kent Junior Mothers and Rotary Club. The project aims to create a "Safety Town" for schoolchildren, focusing on safety education. The proposal is to build this Safety Town in an area behind Columbus Hall near Holden Street, and it has gained approval from various stakeholders, including the Board of Education, Kent City Schools, the fire department, the police chief, parks and recreation, and Kent State University. He said that they have raised approximately \$166,000 in seed money for design and work. The plan involves constructing permanent buildings for the Safety Town, with Metis Construction providing the design. The city is expected to play a role in this project, and they are coming to the City Council to discuss potential partnerships and the city's involvement in the development of Safety Town.

MOTION TO SEND ITEM TO COMMITTEE MADE BY Mr. Roger Sidoti, **SECONDED** by Mr. Robin Turner and **CARRIED** by a voice vote of 9-0-0.

Councilmembers' Comments

Mr. Turner asked for clarification on a previous issue related to a charter amendment. He wanted to understand whether the matter had been put forward for legal determination or if it was a timing issue. He mentioned that it was brought by Ms. Wallach and Ms. Shaffer Bish and was initially perceived as a timing issue rather than a discussion of the viability of the proposal.

The Mayor explained that the issue was primarily a timing concern and that the administration asked them to slow down the process. Ms. Hope Jones said the motion that has been made allows for further discussion, including comments from those who may not have been present for the initial vote.

Mr. Turner expressed his concern that he initially thought it was purely a timing issue and didn't want to reopen a discussion on the viability of the proposal. He expressed confusion about the process and the motion to refer the matter back to a committee for further discussion. He said he wouldn't have voted for it. The mayor clarified that the motion to refer it back to the committee was a way to ensure the timing was aligned with legal requirements and that was the motion that was made and voted on.

Mayor's Report

Mayor Fiala mentioned the recent Bowman breakfast and how it featured an overview of the last 60 years of the event and the collaboration between Kent State University and the city to achieve various goals.

He continued by reminding everyone that many board and commission appointments would be expiring by the end of the year. The city encourages people to apply for these positions, and information about the openings and the application process can be found on the city's website. The application deadline is October 31, 2023, and interviews for candidates will take place on November 8, 2023. Mr. Turner encourages the minority population to apply for these positions and participate in boards and commissions, emphasizing the importance of their input and involvement.

The mayor acknowledged John Kuhar's upcoming birthday on October 20th and wished him a happy birthday.

Mr. Garret Ferrara was recognized for receiving an award from Kent State University for advocacy between the city and the university. Mr. Ferrara expressed gratitude for the award and credited it to the collective work of the council and the university.

There was no further business to attend to, and the meeting adjourned at 8:10 p.m.

Amy Wilkens , CMC
Clerk of Council

Jerry T. Fiala
Mayor & President of Council



City of Kent
Wednesday, November 1, 2023
City Council Committee Meetings
320 S. Depeyster Street, Kent, OH 44240

MINUTES

7:00 P.M. Council Committee Meetings

At 07:00 PM, Mayor Jerry T. Fiala called the City Council Committee Meetings to order.

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

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

Absent: Mr. Roger Sidoti

Committee of the Whole

Mayor Fiala opened the Committee of the Whole meeting at 7:00 p.m.

Update on City Hall Construction

Ms. Melanie Baker, Service Director, began by mentioning the progress of the city hall construction project. She noted that the building is almost complete on the outside, with the exterior brickwork nearly finished. Blocking for the windows has been added, and the installation of window frames is in progress. Glass installation is expected to follow within the next few weeks. The gas lines are set to be finished by the end of the current week, and they have an upcoming inspection with the gas company to set the meters the following week.

Ms. Baker mentioned that electrical roughing inspections have successfully passed on all floors. The soffits will also be completed during the current week. Drywall installation above the ceiling is scheduled to start later in the week. Additionally, work is progressing on stairwell B, and the roof is already finished. She said she was excited about the project's progress, emphasizing that they are on schedule and that within the next month, they hope to start closing things in and connecting gas lines, making it possible to work on the interior.

Ms. Baker reaffirmed that the target completion date for the project is July 24, 2024, and mentioned that they are working hard to meet that deadline. She also said that if they can

finish the project earlier, they will.

There were no questions and Ms. Baker thanked the City Council for their time.

Action Recommended: NONE

Proposed Ward Boundaries Ballot Update

Ms. Hope Jones, Law Director, started by mentioning an updated memo in front of the members, explaining the Ohio Constitution's requirements for charter amendments. Once approved by the Council, these amendments must go to the voters, with a voting window of at least 60 days but no more than 120 days from the date of approval. She continued by discussing the timing of the charter amendment vote, as it relates to the upcoming March election. They previously considered October, November, and December for the readings, but they must now meet the Board of Elections' requirement to have the amendment submitted by December 20th. This necessitates a special council meeting in December. She said that if the charter amendment proceeds to a third reading, a two-thirds majority vote is required for it to go to the voters. If it were to pass the second reading, it would necessitate a special election.

Mr. Ferrara questioned whether it was discussed if the amendment should be sent to the Charter Review Committee instead of directly to the ballot. Ms. Jones said that at a previous meeting, the motion was made and passed, deciding to move it directly to the ballot.

There was also a brief discussion about the proposed change in the charter, which doesn't change the physical ward boundaries but increases the allowable deviation from 10% to 15%. Council continued discussing the topic and said that the proposed change of ward boundaries could lead to political whiplash for voters and that they value compactness and historical continuity.

Ms. Rosenberg raised concerns about having incomplete information, specifically regarding the second set of maps. It's clarified that these maps were included in the packet but weren't discussed during a previous meeting.

MOTION TO SEND BACK TO REGULAR COUNCIL FOR A SECOND READING THE PROPOSED WARD BOUNDARIES BALLOT UPDATE MADE BY Heidi Shaffer Bish, SECONDED by Tracy Wallach and CARRIED by a voice vote of 6-2-0, with Mr. Kuhar and Ms. Rosenberg voting "No".

Action Recommended:

1. Authorize discharging the topic from Committee Meeting and sending the ordinance back to Regular Council for a vote.

Health and Public Safety Committee

Chair Amrhein opened the Health and Public Safety Committee Meeting at 7:25 p.m.

Idling Car Ordinance

Mr. Ruller introduced the topic, stating it was a continuation of a previous discussion about an item on the pending list. Ms. Tracy Wallach led a discussion about unattended vehicles in the city, discussing the proposed amendment to an ordinance concerning unoccupied

vehicles. **(Attachment #1)** The amendment aimed to make the ordinance clearer by changing the terminology from "unattended" to "unoccupied."

Some key points and opinions raised during the discussion included:

- Chief Shearer stated that the existing ordinance was intended to prevent auto theft by not allowing vehicles to run unattended with the key in the ignition.
- Mr. Ferrara voiced several concerns about whether the ordinance could be effectively enforced, given limited resources.
- Ms. Shaffer Bish and Ms. Wallach emphasized aligning with the city's climate action plan and taking steps to reduce emissions.
- Ms. Wallach argued that this ordinance is a small but essential step in encouraging people to change their behavior to reduce emissions.
- Mr. Turner said that it's essential to educate people about the importance of reducing emissions.
- Ms. Melanie Baker approached the microphone and discussed the potential impact on public service vehicles, particularly during extreme weather conditions. She asked that these vehicles be included in the list of exceptions.
- Mr. Ferrara voiced the opinion of whether this ordinance would make a meaningful difference in terms of reducing emissions, with some viewing it as inconsequential.

In the end, the motion to adopt the revised ordinance passed, with some council members in favor of taking this small step to encourage behavior change and address emissions concerns, while others remained skeptical about the effectiveness and necessity of such legislation.

MOTION TO APPROVE AMENDING THE IDLING CAR ORDINANCE, WITH THE ADDITION OF ADDING PUBLIC SERVICE VEHICLES AS EXEMPT MADE BY Ms. Tracy Wallach, **SECONDED** by Ms. Heidi Shaffer Bish and **CARRIED** by a voice vote of 4-3-0. Voting Yes: Mr. DeLeone, Ms. Shaffer Bish, Mr. Turner, Ms. Wallach. Voting "No": Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg.

Action Recommended:

1. Approve amendments to Kent Revised Code 351.08 restricting idling in unoccupied vehicles.

Streets, Sidewalks & Utilities Committee

Vice Chair Wallach opened the Streets, Sidewalks and Utilities Committee at 8:08 p.m.

2023 Capital Projects Update

Ms. Melanie Baker, Service Director, presented tonight's information for Mr. Jim Bowling who was out due to illness. She began the PowerPoint presentation on the 2023 Capital Construction projects **(Attachment #2)**.

Mr. Dave Ruller started by stating that the presentation aimed to provide an overview of the progress made in various capital projects throughout the year. He reviewed the progress made in addressing issues related to the sewer fund and the water fund, which had faced problems in previous years. Mr. Ruller also acknowledged the success in securing federal and state funding for various projects, helping to alleviate financial strain. He referenced the

charts and data prepared by Mr. Bowling, which would be used to illustrate the updates on the capital projects. He added that due to the absence of Mr. Bowling, the presentation might have been less specific and detailed than usual, but the discussion aimed at providing an overview of the progress made on various projects.

Ms. Baker provided an update on the water main replacement project on Major Street and Cuyahoga, which involved replacing a 2-inch water main and a 6-inch water main with an 8-inch water main on Cuyahoga. This replacement was necessary due to a history of significant water main breaks in the area. The upgraded 8-inch water main would increase the fire flow capacity in the area, providing better firefighting capabilities. In addition to the water main replacement, some minor stormwater work was done at the intersections of Major Street and Cuyahoga and Major Street and Stinaff. This work aimed to reduce the likelihood of flooding and hazardous conditions during rain or snow events. The construction cost for this project was \$1.2 million, and it received funding from the Ohio Public Works Commission (OPWC) totaling \$395,000. The project started in August and was expected to be completed soon. There were some challenges related to reestablishing ditches in the area to ensure proper water flow, but the project was deemed relatively smooth overall. There might be some additional work required in the spring, such as reseeding and releveling of the area, to wrap up the project successfully. The project focused on improving water infrastructure and addressing historical issues related to water main breaks in the area.

Ms. Baker then provided an update on the water wells and water plants. The service department had concerns about Well 9 last year, as Well 12 had failed. To address this, they initiated a project to bring Well 9 back into full production. The project, which began in August, had a budget of \$200,000. It involved installing new lining, pump piping, and valves, updating the electrical infrastructure, and improving production capacity. The project successfully increased Well 9's production from approximately half a million gallons per day to 1 million gallons per day. Well 9 was back in production by July of the current year.

Despite the failure of Well 12, the service department continued to assess its condition. In May of the current year, they conducted a cleaning test, which allowed them to restore it to nearly its design capacity of about 1.2 million gallons per day. Currently, there are five wells in service, including the newly restored Well 9. The service department will continue to use Wells 9, 10, 11, 12, and 13 to maintain a steady flow of water. While the existing wells are currently running well, there are still concerns about the aging infrastructure and the life expectancy of these wells. To address this, the service department conducted test wells this fall on their property and adjacent to the water plant. These test wells were successful and are expected to provide good production in the future. The total number of wells in use is five, with numbers assigned in succession as new wells are added, and old ones are decommissioned. Well 1 to Well 8 are no longer in use and are near the old water plant.

Mr. Ruller added a sidebar comment, mentioning that the restoration of Well 9 and Well 12 was crucial and potentially cost-saving. There was concern about the possibility of significant expenses if Well 12 didn't come back online and Well 9 continued to have issues. Initially, the staff were worried about the prospect of having to bring water in from other parts of the aquifer if the nearby wells did not prove successful. Fortunately, the successful restoration of these wells has relieved that concern.

Road work projects involved resurfacing and bridge repairs on State Route 43 and State Route 59. The project covered Gougler Avenue, North Main Street from Main Street to the high school, and two bridges on Haymaker Parkway. Concrete repairs were conducted on Gougler and Main Street. The project also included resurfacing up to the high school and making ADA compliance improvements. The total cost of the project was \$1.97 million, with 80% funding from ODOT and AMATS. Construction started in February and was completed in October. There were some challenges at the beginning of the project, particularly on Gougler Avenue. The project was intentionally shortened to avoid future conflicts with

additional work on the northern section of Route 43. Restoration work, including grass seeding and other road-related tasks, may continue into the next year. It's worth noting that ODOT played a significant role in this project, and the City expressed its appreciation for their contributions.

Ms. Baker said the annual street program in the City had a successful year. The City conducted milling and resurfacing on Norwood, Sherman, and South Prospect streets. They also improved concrete curbs, driveway aprons, and sidewalks. Pavement repairs were made on Hodgeman, Burnett, Meloy, and Sunnybrook streets. Malloy Street saw significant work done on both sides of the road, which helped maintain safety. The total cost of this street program was about \$1 million, and it should be completed in November, with some final tasks remaining at the intersection turning radii.

In addition, the city seal coated 20 different streets in town, which is a substantial number, helping with road maintenance and longevity. They also crack-sealed three streets, including Summit Street, State Route 59 from River to the West Corp line, and North Water Street. Crack sealing is essential for preventing water and salt from entering cracks and causing road deterioration. The construction cost for this work was \$207,000, and it was carried out from September to October.

The city's Water Reclamation facility has been facing challenges, and one of the projects undertaken this year is the rehabilitation of the final clarifiers. The rehabilitation is divided into two phases due to the cost and the need to keep the plant operational during repairs. The project involves the rehabilitation of all four final clarifiers, which are essential for cleaning the water before it is released into the river. This includes the mechanical arms, walkways, gates, motors, covers, and repairs to existing concrete structures within the tanks. The total cost of the project is \$3.1 million, with funding coming from the Ohio Public Works Commission (OPWC), state ARPA funds, and local ARPA funds. The construction began in July of the previous year, and the expected completion date is April 2024. Construction delays have been caused by long lead times for materials and the need to maintain sewage treatment operations during construction, which limits shutdowns. To provide some context, the City has identified various upcoming needs for the Water Reclamation facility in 2020. These included final clarifiers, heat digesters, the Southwest pump station, motor control, and other infrastructure improvements. The total projected cost for these projects in 2020 was estimated at \$14.4 million, and this didn't include regular capital expenses for items like trucks, equipment, cleaning lines, and lining or replacing sewer lines.

Ms. Baker discussed how the City has been addressing declining sales of water and sewer services. In 2020, the City outlined a plan to increase sewer revenues conservatively by 5% annually. The plan included measures such as obtaining grants, reducing operational costs, updating personnel time allocations, and deferring certain capital expenses. It also highlighted that the city's sewer flows have seen a slight increase recently, suggesting a positive trend in water usage. Projects related to the sewer system were presented, including the completion of the Southwest Pump Station and the ongoing construction of final clarifiers. These projects are being funded through various sources, including state and local ARPA funding, OPWC funding, and grants.

Ms. Baker also mentioned upcoming projects such as heat digesters, Yacavona pump station decommissioning, motor control upgrades, and renovation of the headworks building, highlighting the need for significant investment in the sewer system. Additionally, she mentioned a major project to relocate a sanitary sewer line over the Cuyahoga River, estimated to cost around \$18 million. The total projected expenditures for these projects amount to approximately \$28 million. The city is actively seeking grants and funding opportunities to support these projects.

Ms. Baker thanked Rhonda Boyd, who retired from the City of Kent after 26 years of

service. She worked on various projects and was known for her dedication and enthusiasm for unique initiatives.

Several projects and programs were highlighted, including:

Chimney Swift Towers: These towers were constructed for mating pairs of Chimney Swifts, and Rhonda was involved in these conservation efforts.

School Travel Plan: Rhonda worked with the Kent school district and volunteers to create a travel plan aimed at encouraging walking and biking to school. This plan could make the district eligible for federal funding through ODOT.

The presentation emphasized the importance of partnerships and collaboration in moving projects forward. Jim Bowling, City Engineer, was acknowledged for his involvement in various initiatives. Some of the ongoing projects he's working on include:

- **Freedom/Middlebury Trail Connection:** Collaborating with Summit Metro Parks to enhance trail connections, enhancing pedestrian safety, and providing better access.
- **State Route 59 Active Transportation Improvements:** Partnering with ODOT, PARTA, and Franklin Township to secure funding for pedestrian safety and sidewalk improvements.
- **North Mantua Street Improvements:** In collaboration with Kent State University and Davey to address access and driveway concerns.
- **Stow Street Bridge Project:** Partnering with Portage County for the replacement of the bridge, ensuring safety and functionality.
- **Reimagining the Gateway on East Main Street:** A collaborative effort involving Kent State, ODOT, PARTA, state authorities, residents, businesses, and city staff to redesign the area for better functionality and safety.

These projects showcase the city's commitment to enhancing infrastructure, promoting safety, and fostering partnerships to bring about positive changes.

The large projects scheduled for the future include:

1. Freedom/Middlebury Trail Connection
2. Walnut Street Phase 2 Construction
3. Annual Street Program
4. Sunrise Boulevard Bridge Rehabilitation
5. Final Clarifiers at the Water Reclamation Facility
6. Heat Digestors
7. Primary Clarifiers
8. Yacavona Pump Station Decommissioning
9. Design and Right-of-Way Acquisition for East Main Street

These projects reflect the city's commitment to improving infrastructure, enhancing transportation, and maintaining essential facilities.

Mr. Turner said it's important to understand the constraints, limitations, and cost increases that come into play when planning and executing infrastructure projects like road and sidewalk improvements. If there's a need to explore additional funding or to reassess the optimal level of investment in these areas, that's something to consider. He said it's good

practice to have ongoing discussions and receive updates about these projects to better inform Council members and keep everyone on the same page regarding the city's infrastructure needs.

Ms. Baker and Mr. Ruller emphasized to the Council that if they have further questions or require more details on specific projects, Jim Bowling, the City Engineer, or other relevant city staff members can provide additional information and insights. This type of collaboration and communication can help ensure that resources are allocated effectively to address the city's infrastructure requirements.

There were no further questions or comments from Council. No action was necessary, as this was the annual staff report on the capital projects and was informational only.

Action Recommended:

1. None

Finance Committee

Chair DeLeone opened the Finance Committee meeting at 8:23 p.m.

Advance of Taxes from Portage County

Ms. Rhonda Hall, Budget and Finance Director, said the City can request advances on property taxes collected for the city, as they do every year. She said this was a housekeeping item. These advances might be used for various purposes related to the city's financial management. It's not unusual for municipalities to request advances on tax revenues to assist with cash flow and financial planning.

MOTION TO APPROVE ADVANCE OF TAXES FROM PORTAGE COUNTY MADE BY Mr. John Kuhar, **SECONDED** by Mr. Jack Amrhein and **CARRIED** by a voice vote of 8-0-0.

Proposed 2024-2028 Capital Plan Update

Mr. Ruller began the presentation by stating this was an information item as well. The plan provides a framework for budgeting and prioritizing projects while considering factors like inflation, cash flow, and available resources. This kind of planning helps the city manage its finances, allocate funds, and set rates for services like water and sewer.

Ms. Rhonda Hall, Budget and Finance Director, began with the analysis of the water fund's financial outlook for the upcoming years. The financial projections show a beginning balance of approximately \$2.85 million in 2024, with estimated project costs and revenues outlined. However, it's noted that potential funding changes, project timelines, and other factors may influence the fund's financial health in 2026 and beyond. The fund may face challenges or potentially go into a deficit if certain conditions are met. Planning for various scenarios and adjusting projects as needed will be important to ensure the fund's sustainability. Mr. Ruller interrupted, adding the financial projections for the sewer fund and the potential challenges it may face in the upcoming years. While the fund begins with a balance of over \$2 million in 2024, it faces significant capital requirements in 2025, amounting to over \$12 million. This could jeopardize the fund's ability to finance essential projects unless additional funding sources become available. It's essential to consider these projections as a planning tool and be prepared to adjust priorities or seek additional funding sources to ensure that critical projects can move forward. The City is taking a multi-faceted approach to address potential funding shortfalls in the sewer fund. While rate increases are a part of the solution, they are not the sole answer. The strategy involves pursuing grant

funding, low-interest loans, and other financial resources to support essential projects and mitigate future financial challenges.

Additionally, keeping an eye on interest rates and choosing the right time to go out for bonds is crucial, as right now is not the time. The Ohio EPA, with its reasonable rates, could be a valuable partner in financing these projects. The 3% increase for this year is one of the tools in the toolbox to help balance the fund, but it's essential to keep exploring a variety of financial options to maintain the fund's health and support important infrastructure projects. Ms. Hall reviewed various funds and discussed allocating costs to various funds and reducing allocations where needed, allowing the city to have the necessary resources available for capital projects and other essential expenses. The City is maintaining compliance with its fund balance policies and ensuring good financial practices are in place. Having a managed cash reserve and an undesignated fund policy is crucial for long-term financial stability and preparedness.

Mr. Ruller emphasized that while red numbers indicate potential funding shortfalls in the utility fund, particularly the sewer fund, in the five-year capital plan, it's not a reason to be too alarmed. The City has a plan in place and will manage through it. The plan provides a framework for managing projects and funding, and adjustments can be made as needed to stay within budget and maintain fund balance requirements. If there's ever a risk to the fund balance, the city would inform the council and take necessary actions to address it.

MOTION TO APPROVE PROPOSED 2024-2028 CAPITAL PLAN MADE BY Mr. Garret Ferrara, **SECONDED** by Ms. Gwen Rosenberg, and **CARRIED** by a voice vote of 7-0-0.

AMATS Grant Applications

Ms. Melanie Baker introduced the topic of AMATS Grant Applications. The first funding source discussed is the Surface Transportation Block Grant for State Route 59 alternative transportation. This project is a joint effort with ODOT and has already received \$666,000 in ODOT phase funding. Now, they are seeking \$3.1 million from AMATS for the construction phase. The remaining non-federally funded portion of \$1.4 million would be split between ODOT, PARTA, Kent, and Franklin Township. The joint agency agreements for funding and design phases have been previously approved by the city and council, and if the project secures funding, it will take place in 2027.

The second project discussed is the Mogadore Road resurfacing program. This project involves resurfacing Mogadore Road from Cherry to Summit. The total cost for this project is \$994,000, and they are requesting \$761,000 from AMATS. The program will cover 80% of all eligible construction costs up to \$800,000. If this project secures funding, it will be constructed in 2026.

The final project is the Carbon Reduction Program for North Mantua Street improvements. This is a joint project with the Kent City School District, and the Davey Tree Company, and is located on North Mantua Street. The Joint agreement for the design phase of the project has been previously approved by City Council, and the project is in the current capital plan. They are now seeking funding for the construction phase of this project, which has an estimated cost of 5.4 million, with a request for 2 million from AMATS. The Carbon Reduction Program will cover 80% of all eligible construction costs up to \$2 million. If successful, this project will be constructed in 2026.

MOTION TO APPROVE THE AMATS GRANT APPLICATIONS MADE BY Ms. Gwen Rosenberg, **SECONDED** by Ms. Heidi Shaffer Bish and **CARRIED** by a voice vote of 7-0-0.

Proposed Update to the City's Tax Ordinance

The proposed ordinance is aimed at updating the city's codified ordinance for the income tax code to align with changes made at the state level. This update includes new language to standardize practices and address specific issues such as exemptions for individuals under 18, penalties, and remote working standards. The update is necessary to ensure compliance with state regulations, and it must be passed by January 1st.

MOTION TO APPROVE CITY TAX ORDINANCE UPDATE MADE BY Mr. Jack Amrhein, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 7-0-0.

Action(s) Recommended:

1. Authorize the transfer of County tax proceeds, with an emergency clause.
2. Approve the proposed 2024-2028 Capital Improvement Plan, with an emergency clause.
3. Authorize the proposed projects for AMATS grant funding, accepting and allocating funds, with an emergency clause.
4. Authorize the proposed update to the City's Tax Ordinance, with an emergency clause.

Executive Session

MOTION TO ENTER EXECUTIVE SESSION TO DISCUSS SALE OF PROPERTY MADE BY Mr. Jack Amrhein, SECONDED by Mr. John Kuhar and CARRIED by a roll call of 8-0-0.

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

Absent: Mr. Roger Sidoti

MOTION TO RETURN TO REGULAR COUNCIL MEETING at 9:05 pm. MADE BY Mr. Jack Amrhein, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 8-0-0.

After Council returned to the Committee Meeting, the following motion was made:

MOTION TO Authorize the Kent Downtown Community Urban Redevelopment Corporation (aka DKC) to transfer PPN 17-025-30-00-027-000 (252 N. Water Street, Kent OH), PPN 17-025-30-00-028-000 (vacant lot), and PPN 17-025-30-00-029-000 (266 N. Water Street, Kent, Ohio) back to the City of Kent, Ohio and authorize the City of Kent, Ohio to sell PPN 17-025-30-00-027-000 (252 N. Water Street, Kent OH), for seventy thousand dollars and no cents (\$70,000.00) and the sale of PPN 17-025-30-00-028-000 (vacant lot) for seventy thousand dollars and no cents (\$70,000.00) to Andrea Chisnell (representative of record for Madalena's) for a total to be paid of one hundred forty thousand dollars and no cents (\$140,000.00) for the purpose of redeveloping the parcels for an Italian restaurant MADE BY Ms. Heidi Shaffer Bish SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 8-0-0.

Hearing no further business, Council Committee adjourned at 9:10 p.m.

Amy Wilkens, CMC
Clerk of Council

EXHIBIT "A"

351.08 ~~UNATTENDED~~ **UNOCCUPIED** VEHICLE: DUTY TO STOP ENGINE,
~~REMOVE KEY, SET BRAKE AND TURN WHEELS.~~

(a) No person ~~driving or~~ in charge of a motor vehicle shall permit **the vehicle's engine to continue running while the vehicle is unoccupied.** ~~it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the parking brake, and, when the motor vehicle is standing upon any grade, turning the front wheels to the curb or side of the highway.~~

The requirements of this section relating to the stopping of the engine **of the motor vehicle** , ~~locking of the ignition and removing the key from the ignition of a motor vehicle~~ do not apply to any of the following:

- (1) A motor vehicle that is parked on residential property;
- (2) ~~A motor vehicle that is locked, regardless of where it is parked;~~
- ~~(3)~~ An emergency vehicle;
- (4) **(3)** A public safety vehicle.

(b) **"Unoccupied Vehicle" shall mean a vehicle that is standing or parked that contains no persons or live animals.**

2023 Capital Construction Projects



Majors/Stinaff/ Cuyahoga Watermain

- Location:
- Scope:
 - Replace Ex. 2" & 6" watermain
 - New 8" Watermain
 - Minor Storm Water Improvements?
- Construction Cost: \$1.2 mill
 - (OPWC - \$395,000)



Majors/Stinaff/ Cuyahoga Watermain

- Construction Start – August, 2023
- Completion – November, 2023
- Issues:
 - Ditches/Grading



11.01.23 Comm. Mtg. Min
Attachment #2



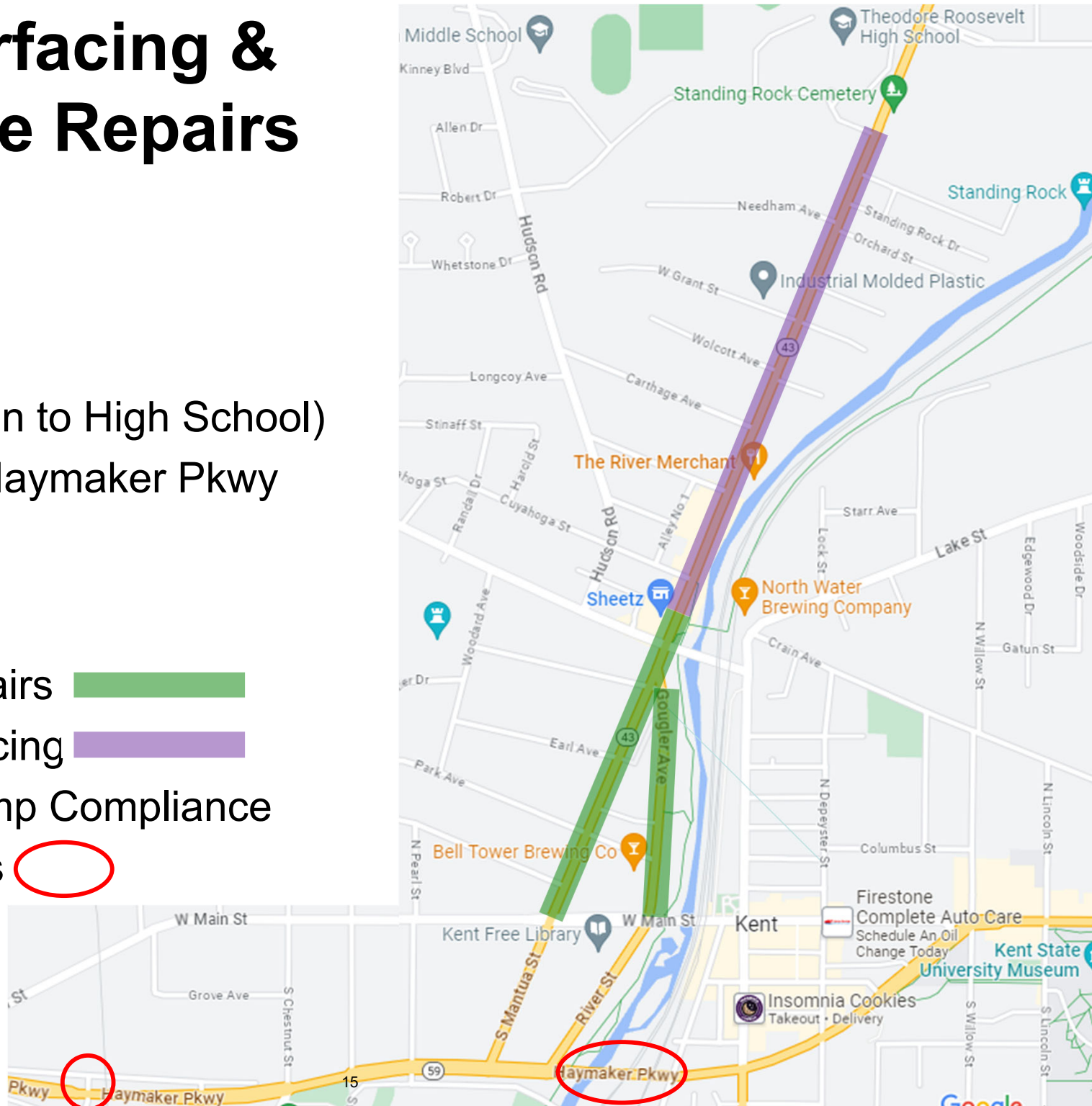
Well #9 Restoration

- Location: City Wellfield
- Scope:
 - Put Well #9 back in service
 - New Lining, Pump, Piping and Valves
 - Update Electrical & SCADA Controls
 - **0.5 – 1.0 MGD Production**
- Construction Cost - \$200k
- Construction Start – August, 2022
- Completion – July, 2023
- Issues –
 - Well #12 Failure



SR 43 Resurfacing & SR 59 Bridge Repairs

- Location:
 - Gougler Ave
 - N Mantua (Main to High School)
 - 2 Bridges on Haymaker Pkwy
- Scope:
 - Concrete Repairs 
 - Mill & Resurfacing 
 - ADA Curb Ramp Compliance
 - Bridge Repairs 



OHIO DEPARTMENT OF
TRANSPORTATION

11.01.23 Comm. Mtg. Min
Attachment #2

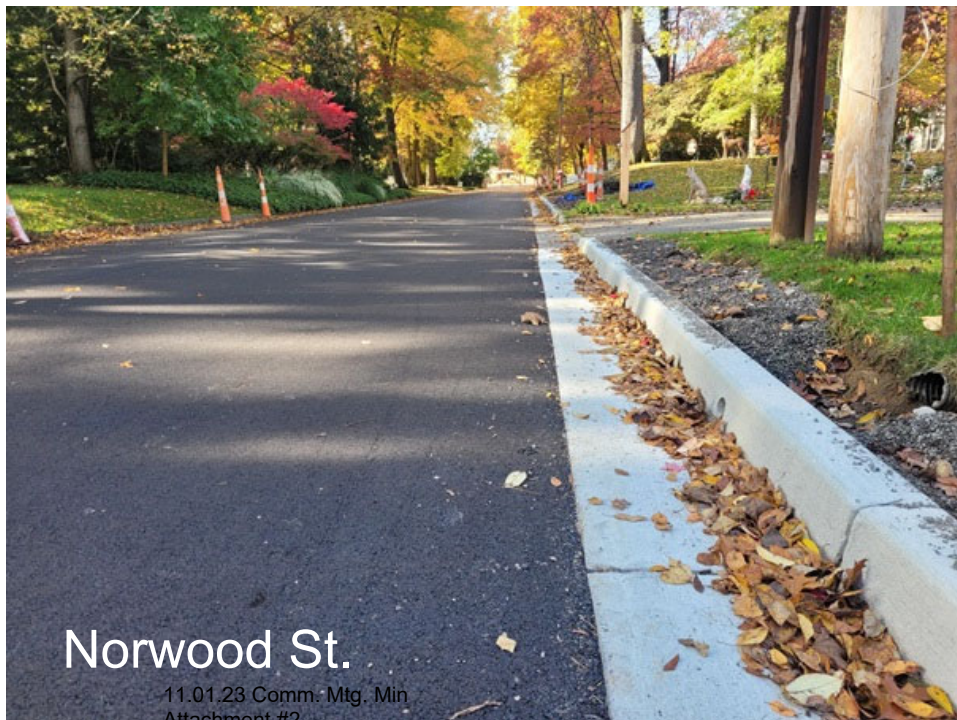
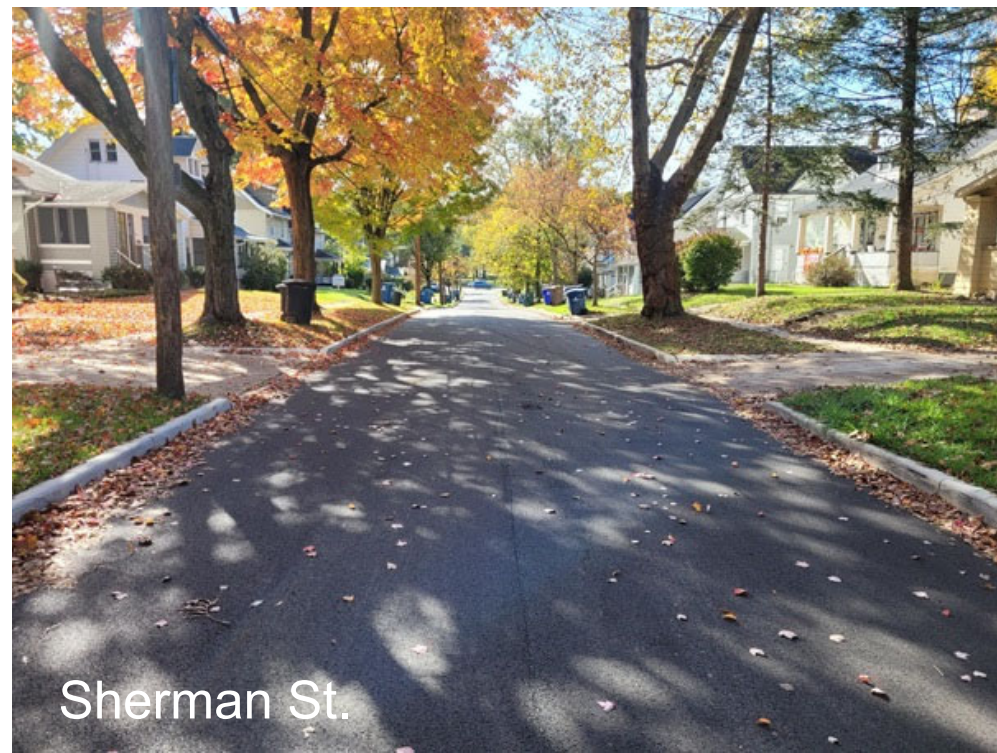
SR 43 Resurfacing & SR 59 Bridge Repairs

- Construction Cost - \$1.97 million
 - (ODOT/AMATS funded 80%)
- Construction Start:
 - February 2023
- Completion:
 - October 2023
- Issues –
 - Shortened Work Limits
 - Restoration



Annual Street & Sidewalk Program

- Milling & Resurfacing
 - Norwood (Beech to Beech)
 - Sherman Street
 - South Prospect Street



11.01.23 Comm. Mtg. Min
Attachment #2



Annual Street & Sidewalk Program

- Pavement Repairs
 - Hodgeman Lane
 - Burnett Rd (Kent)
 - Meloy Rd (Sunnybrook to SR 43)
 - Sunnybrook (south of SR 261)
- Construction Cost: **\$1 million**
- Completion: November, 2023



Annual Street & Sidewalk Program

- Seal Coat Treated Streets

- Alley #26
- Anna Avenue *
- Burns Court
- Carthage St *
- Davey Ave *
- Edgewood (N & S)
- Gatun (E & W) *
- Graham Ave *
- Grant St (E & W)
- King Ave *
- Mason Ave *

- Crack Seal Streets

- Construction Cost: **\$207k**

- Construction Start – September 2023

- Project Completion – October 2023

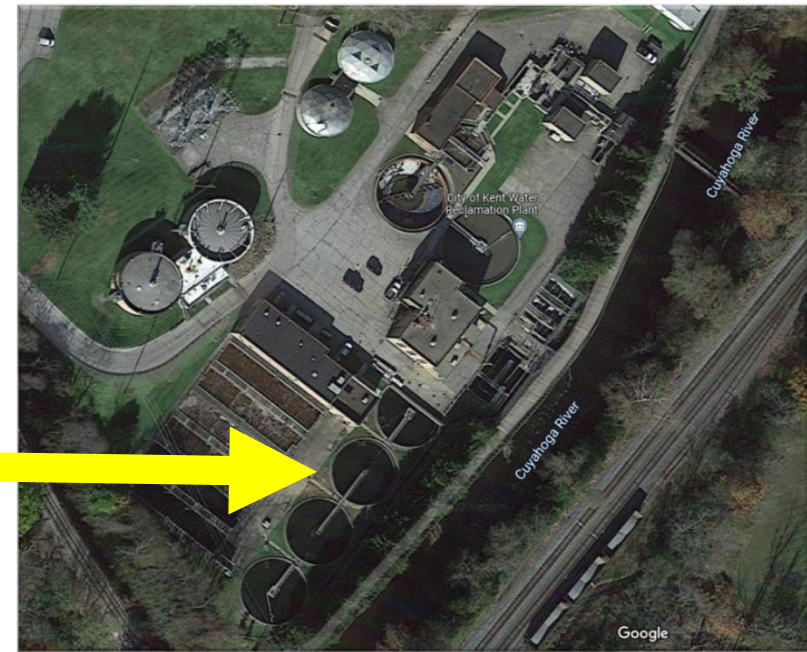


- Meloy Rd (East of SR 43)
- Needham Ave
- Perry St *
- Riverside Ct
- Standing Rock
- Starr Ave *
- Walter St *
- Wolcott Ave *
- Woodside Dr *



WRF – Final Clarifiers Rehabilitation (Phase 1 & 2)

- Location: 
- Scope:
 - Rehabilitate 4 Final Clarifiers
 - Mechanical Arms/Walkways/Gates
 - Motors/Launders Covers
 - Repair existing concrete tanks
- Construction Cost: \$3.1 million
 - **OPWC - \$1.18 million**
 - **State ARPA - \$1.18 million**
 - **Local ARPA - \$740 k**



WRF – Final Clarifiers Rehabilitation (Phase 1 & 2)

- Construction Start: July 2022
- Anticipated Completion:
April 2024
- Issues:
 - Specifically Manufactured equipment
 - Long Lead Times
 - Maintaining Sewage Treatment During Construction

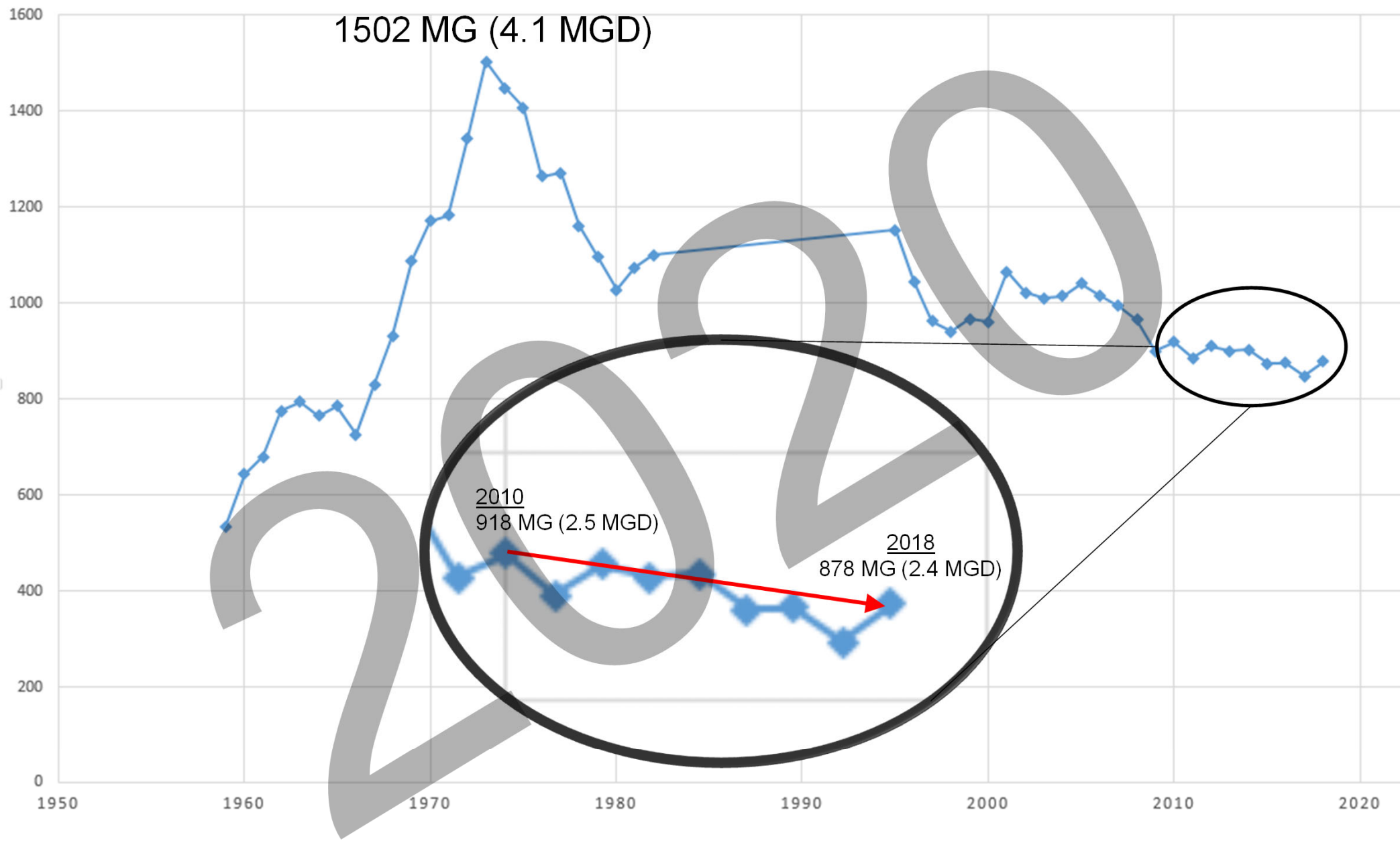


Water Reclamation Facility – Upcoming Needs (5 – 10) years

Water Reclamation Facility Needs	Budgetary Costs
Final Clarifiers	\$4.6 million
Heat Digesters	\$4.9 million
SW Pump Station Replacement	\$2.6 million
Motor Control Center Replacement	\$1.0 million
Primary Clarifier	\$0.8 million
Aeration Basins	\$0.5 million
Headworks Renovation	TBD
Total + \$14.4 million	

- Doesn't include normal capital expenses
- Need **\$1.5 to \$1.8 million** per year for capital
- Annual Sewer Fund Revenue.... **+/- \$4.1 million**

FINISHED WATER YEARLY FLOWS 1959-2018



Six Key Steps



- Increase Sewer Revenues
5% per year

INCREASE REVENUE



- Maximize Funding with OPWC for Sewer

\$500k per year



- Reduce Operational Costs

REDUCE COSTS



- Expiring Debt Service

\$400k per year



- Defer Capital Expenses

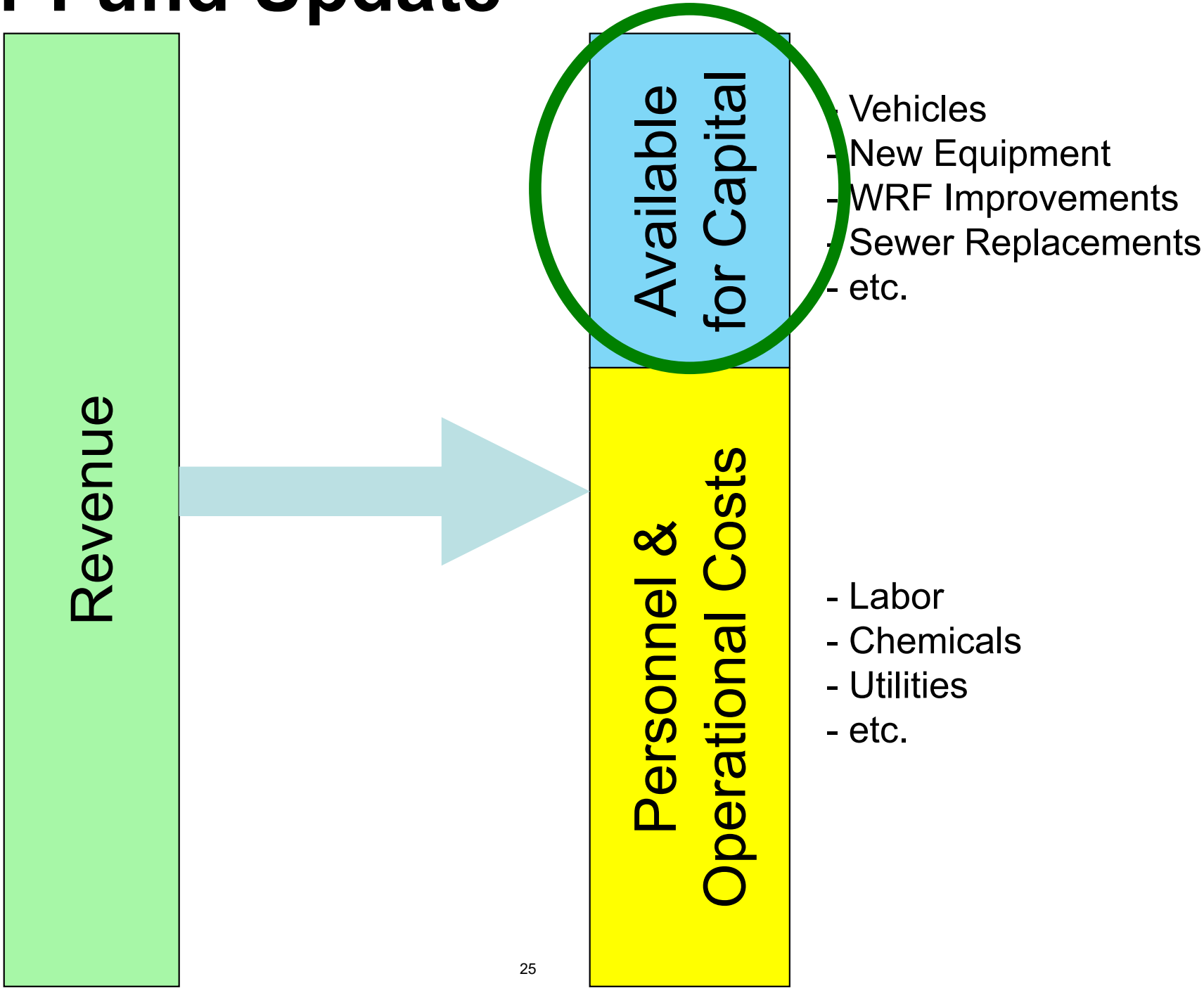
COST ALLOCATION



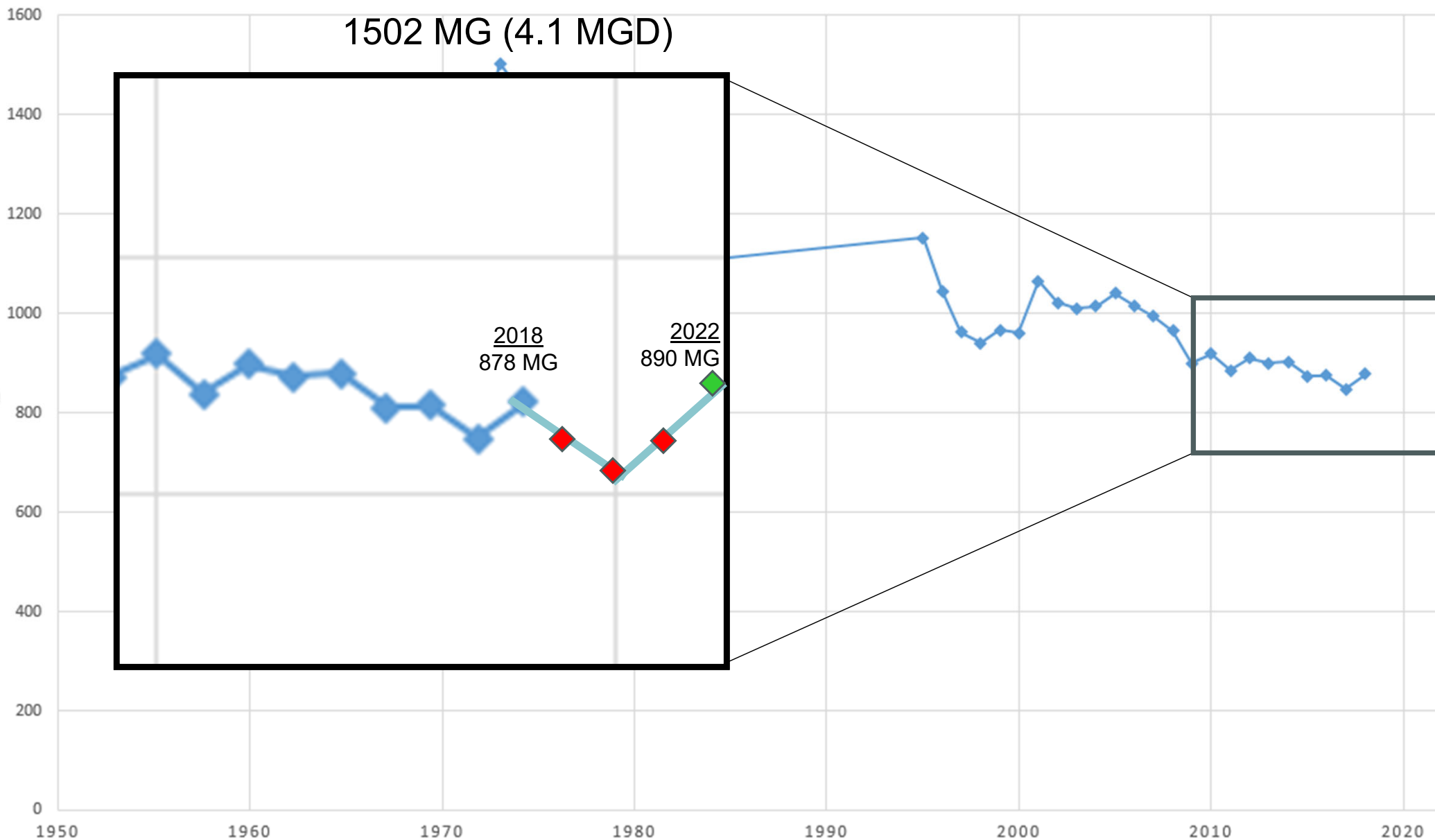
- Update Personnel's Time Allocations

\$700k per year

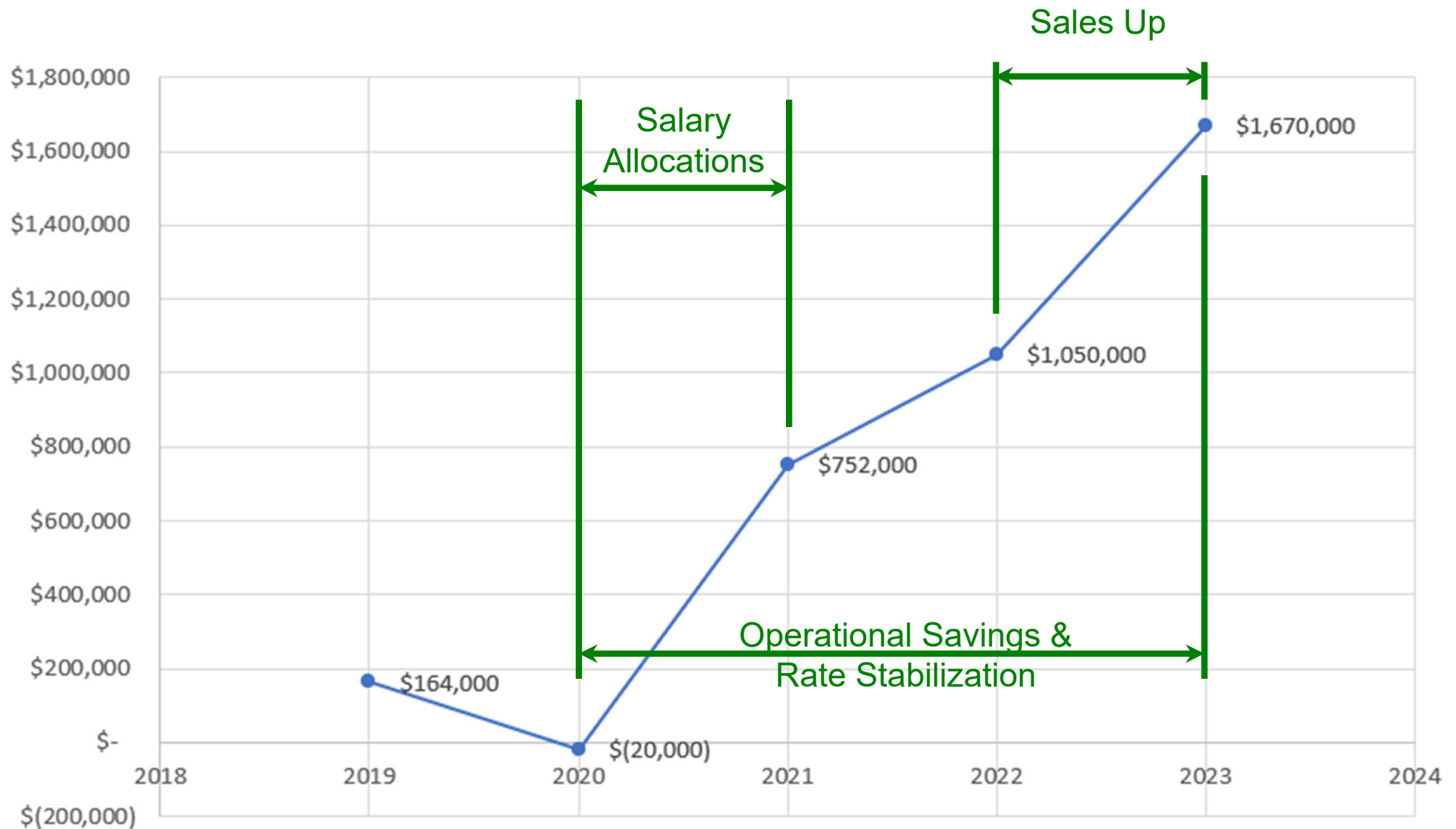
Sewer Fund Update



FINISHED WATER YEARLY FLOWS 1959-2022



Avg. Annual Funds Available for Capital



Sewer System– Update

Water Reclamation Facility Needs	Budgetary Costs	Outside Funding	Status
SW Pump Station Replacement	\$2.6 million	DEFA Loan	Construction Completed
COMPLETED			
Final Clarifiers	\$3.6 million	State & Local ARPA OPWC	Construction
Heat Digesters	\$7.8 million	OPWC Local ARPA	Construction Start 2024
Yacavona PS Decommissioning	\$1.3 million	None	Construction Start 2024
Motor Control Center Replacement	\$1.0 million	TBD	
Primary Clarifier	\$0.8 million	TBD	
Aeration Basins	\$0.5 million	TBD	
Headworks Renovation	\$7.5 million	TBD	
Sewer Collection System Needs			
Cuyahoga River Sewer Relocation	+/- \$18 million	TBD	

Other Stuff



School Travel Plan
Class Project

Grade 5 Civil Engineering Team



Chimney Swift Tower (Mating Pair)
Boy Scout Eagle Project – Troop 177



11.01.23 Comm. Mtg. Min
Attachment #2

Partnerships....Key to Moving Forward

- Freedom/Middlebury Trail Connection

- SR 59 Agreement



- N Mantua

- Stow Str



ements



Key Endeavors - 2024



- Freedom/Middlebury Trail Connection
- Walnut Street – Phase 2 Construction
- Annual Street & Sidewalk Program
- **Sunrise Blvd Bridge Rehabilitation**
- **WRF Final Clarifiers Rehabilitation** (Phase 1 & 2)
- **Yacavona Pump Station Decommissioning**
- **WRF - Heat Digesters**
- **WRF – Primary Clarifier Rehab #1**
- East Main Street – Design & Right-of-way Acquisition



City of Kent
Wednesday, November 8, 2023
Special City Council Meeting
320 S. Depeyster Street, Kent, OH 44240

MINUTES

At 06:00 PM, Mayor Jerry T. Fiala called the Special City Council Meeting to order.

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

Also Present: Mr. Jerry T. Fiala, Mayor, and President of Council; Ms. Bridget Susel, Community Development Director; Ms. Ms. Joan Seidel, Health Commissioner; Ms. Angela Manley, Parks and Recreation Director; Ms. Amy Wilkens, Clerk of Council

Absent: Mr. Michael DeLeone

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

Mayor Fiala opened the Committee of the Whole meeting at 6:00 p.m.

Board and Commission Interviews

Mayor Fiala started by thanking those who have served on a Board or Commission and for those applying for the first time. He said they are a very special part of the City mechanism. He said interviews will be conducted tonight and a vote will occur on November 15, 2023.

Ms. Wilkens introduced the first candidate, Mr. David Hansford for the Board of Building Appeals. Mr. Hansford introduced himself to Council and outlined his years of service on the board. Ms. Shaffer Bish asked him why he was interested in continuing on the board. He said he was happy to continue serving and encouraged others to apply in the future. Ms. Shaffer Bish thanked him for his service.

Mr. Evan Howe was the next applicant to speak for his spot on the Board of Health. He said he has been a member of the community for a year and a half and has served on the Board. He is a family physician with a great interest in public health. He has enjoyed serving on the Board and contributing to the health of the community. Ms. Shaffer Bish asked if anything surprised him on the Board. He replied he was surprised to learn some of the sanitation and inspection side of things as well as about the number of things that fall under the building safety codes. Ms. Shaffer Bish asked how his professional experience contributed to the Board of Health. He reviewed his work as a clinician and how that translated to helping those in the community with healthy environments and helping those with disparities.

Ms. Wilkens said the other applicant, Dr. Zeena Salman was not in attendance.

The next candidate, Steve Protzman, was called to the podium for the Board of Zoning Appeals. He said he has served on the Board of Zoning Appeals for two years and has already enjoyed it immensely. He has learned so much not only about zoning but also about the city. He highlighted his skills, which include a background in architecture, a good sense of detail, and an ability to read useful plans. He added he thinks as a member of the community, he gains so much by having a clean, safe, well-maintained, and fun city to live in, and it's good to be able to give back in a small way by serving on that board. Mr. Turner asked Mr. Protzman to talk about his role on the board. Mr. Protzman said he was recruited by a prior member and is not the chair of the Board. Mr. Sidoti asked him if he had been surprised by anything during his time on the board. Mr. Protzman said he learned that the City of Kent has a lot of small very odd-shaped lots that make some of our setbacks difficult to use effectively. He concluded by adding he has also met a lot of people who take pride in this city and care about Kent a lot and are doing things to improve and care for their property.

The next candidate was Michelle Sahr. She approached the podium and reintroduced herself to the Council. She would like to continue on the board, help out, and be a part of the city. She feels it is an easy way to do it, and is not a highly time-consuming way to give back. Mr. Kuhar asked if there were any specific issues she would like to see dealt with better. She said in the year she has been on the board, she has learned the most important thing is consistency. She said the Board looks at the rules they are given and sees where the appeal falls. Mr. Sidoti asked if there was anything that surprised her in her first year on the board. She said there weren't a lot of big surprises, but sometimes finds it surprising when she sees people who don't realize there are rules that need to be followed. She added the city and the board are very helpful in walking residents through the process.

Ms. Kathleen Endres was next to be interviewed. She introduced herself to the Council, stating she serves on the design and preservation committee and would like a second term because of her interest in old buildings, mentioning the charm they bring. Mr. Sidoti asked what types of issues come up and she replied it is most frequently the design and preservation guidelines that are currently being considered. Mr. Sidoti asked about a particular building on the corner of Main and South Water that is covered in green "stuff". She said she would probably take the green stuff off of it. She mentioned she had heard there were many interesting things inside the building and would like to see it restored.

The next applicant, Mr. David Mertz was not present for the interview.

Ms. Wilkens said the next applicant for the Fair Housing Board, Ms. Keligh Veraldo-Zuccherro, was not able to attend the meeting and had reached out before the meeting to say she was still interested, but had a time conflict.

Ms. Wilkens introduced the next applicant, Mr. Roderick Moxley, Jr. for the Parks and Rec Board. Mr. Moxley introduced himself to the Council and gave his education and work history. Mr. Kuhar asked the first question, asking Mr. Moxley how he would make improvements on the Board. Mr. Moxley mentioned different ideas that were outside of the box, such as teaching kids how to change a flat tire, babysitting, and other nontraditional areas that need to be tapped into. Mr. Turner asked about ways to engage the youth in the community. Mr. Moxley mentioned helping kids steer away from technology and engaging them in creative activities. Mr. Turner asked about getting kids interested in organized sports in their neighborhoods. Mr. Moxley acknowledged his comments, saying it is a challenge. He talked about transportation issues, and dealing with parental involvement. The council asked him about being active with elderly residents, and Mr. Moxley highlighted the importance of connecting the youth with the elderly, saying they are very important.

Mayor Fiala brought up getting pickleball courts for the community. Ms. Rosenberg said the Parks just completed a Capital Improvement Plan and is in the process of reviewing the results. They are considering all of their options very carefully along with making sure it is cost effective.

Mr. Moxley's interview concluded with a brief discussion on the various availability of multiple sports venues and encouraging active participation.

Ms. Wilkens said the next applicant, Naser Matar, is an active member of the Planning Commission. He was unable to attend the interview tonight due to a time conflict, having just participated in the Planning Commission meeting the previous evening. She reiterated his interest in remaining on the commission.

The next candidate was Mr. Paul Sellman, who approached the microphone and introduced himself to Council. A Boy Scout leader with over 30 years of experience, he also addressed the issue of getting kids involved in outdoor activities and face-to-face interactions rather than being immersed in electronic devices. He shared his background as a lifelong resident of Kent, a veteran, and his involvement in family businesses. He discussed his experience as a project manager/engineer for Alltel and as a network manager for Kent City Schools. He also mentions his previous 16 years on the zoning board and expresses a desire to ensure quality development in Kent. He highlighted specific projects, such as improving the appearance of the bank building and developing the mill, that he finds interesting and wants to be involved in. Overall, he intends to contribute to maintaining the greatness of Kent and ensuring that development is done right. John Kuhar inquired about the speaker's perspective on the aesthetics of development, asking whether new structures should be designed to look old, if old structures should be renovated to appear new, or if a balance between the two should be sought. Mr. Sellman acknowledged the importance of considering each project on its own merits and suggested that the decision to make new structures look old or vice versa should be based on the specific circumstances. He emphasizes the value of restoring historic buildings when possible, citing examples like the Thompson building renovation. He discussed ongoing renovations at Town Hall II and mentioned the challenge of restoring buildings that may be too far gone, like the bank building. He shares thoughts on the aesthetics of downtown development and the need for new buildings to fit the existing neighborhood's character. Additionally, he said he appreciated the diversity of Kent's neighborhoods, mentioning specific areas like West Main Street and the South End. He expressed a commitment to ensuring that Planning Commission decisions align with the city's vision and enhance its overall appeal. He recognized the challenges in the South End, noting the prevalence of rental properties and the transitory nature of residents. He emphasized the importance of encouraging homeownership and maintaining single-family homes. He recognized the historical significance of the South End and praised initiatives like the Historic South End signage that instills pride of ownership. He acknowledged the difficulty in obtaining funding for improvements in the area. Mr. Sellman then discussed the broader issue of a transient population in college towns and suggested the need to work on getting people back to homeownership. While he didn't offer a specific solution, he noted the city's efforts to toughen codes regarding rentals during his time on the Board of Zoning Appeals (BZA). There were no further questions from Council.

Next, Mary Jayne Stone shared her background as an environmentalist, dating back to her childhood when she organized neighborhood cleanups. Expressing concern about global warming, she describes her efforts to reduce her carbon footprint. Mary Jayne Stone joined the Sustainability Commission three years ago, driven by a desire to contribute more actively to environmental causes. She expressed excitement about the adoption of the Climate Action Plan (CAP) and her willingness to support its implementation, whether or not she continues to serve on the commission. Ms. Shaffer Bish, asks about the role of the Sustainability Commission in implementing sustainability initiatives and requests an example of the commission's efforts over the past three years. Ms. Stone elaborated on the Sustainability Commission's role in advocating for a paid position, which has been fulfilled by Julie Morris. Additionally, she discussed the need to bring in experts to collaborate with other cities and communities. She sees the commission as a bridge between citizens, Kent State, and the city, facilitating the implementation of sustainability initiatives. Ms. Stone agreed that the commission's function in proposing policy suggestions to the council aims to advance Kent as a sustainable community. She expressed anticipation for a continued positive working relationship with the commission and emphasized the importance of educational and outreach efforts for Kent's citizens. When asked, she shared her surprise about the intricate workings of the city and the necessity for everything to be run by and vetted by everyone. She highlighted the educational aspect of their experience on the Sustainability Commission and mentioned ongoing brainstorming sessions about the initiatives they would like to see happen. Ms. Stone acknowledged the guidance received from Bridget Susel and discussed plans for a kickoff event to update stakeholders and citizens on the progress and direction of the Sustainability Commission's work. Overall, there is a positive outlook

and anticipation for the forthcoming initiatives and information.

The final candidate tonight for the Shade Tree Commission, Diane Papes, expressed her love for trees and a strong appreciation for their role in the planet's survival. She indicates her desire to learn more about the Shade Tree Commission and actively contribute to its work. When asked about her favorite street tree, she describes a tree with red leaves in the fall and a maple-like leaf structure, though she is uncertain about its specific name. Diane mentions her gardening skills and that she prunes her trees. Responding to a question about the trimming of trees by the power company, she acknowledges that it played a role in her interest in the commission but emphasizes that she was considering joining even before that incident. Overall, Diane expresses a proactive approach to addressing tree-related concerns and a commitment to action.

Mayor Fiala announces that the formal appointment vote will take place on the 15th. He thanked all applicants and encouraged them to reapply if they didn't get nominated this time.

MOTION TO ENTER EXECUTIVE SESSION TO DISCUSS BOARD AND COMMISSION APPOINTMENTS MADE BY Mr. Jack Amrhein, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 8-0-0.

MOTION TO RETURN TO REGULAR COUNCIL MEETING MADE BY Ms. Gwen Rosenberg, SECONDED by MR. Jack Amrhein and CARRIED by a voice vote of 8-0-0.

Hearing no further business, the meeting adjourned at 7:25 p.m.

Amy Wilkens, CMC
Clerk of Council

DRAFT RESOLUTION NO. 2023-072

**A RESOLUTION APPOINTING _____ TO THE BOARD OF BUILDING APPEALS AND
DECLARING AN EMERGENCY.**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kent, Portage County, Ohio, at least a majority of all members elected thereto concurring:

SECTION 1. That _____ is hereby appointed to the **BOARD OF BUILDING APPEALS.**

NAME

TERM

1/1/2024 to 12/31/2026

SECTION 2. As stated in Section 150.01 of the Codified Ordinances of the City of Kent, any person hereby appointed shall forfeit his or her term if he or she is absent from three (3) regular meetings of the Board or Commission to which he or she is appointed, unless one or more of these absences has been excused by the majority of members thereof.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 Resolution 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 Resolution is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens, CMC
Clerk of Council

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

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

DRAFT RESOLUTION NO. 2023-073

A RESOLUTION APPOINTING _____ TO THE BOARD OF HEALTH, AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kent, Portage County, Ohio, at least a majority of all members elected thereto concurring:

SECTION 1. That _____ is hereby appointed to the **BOARD OF HEALTH.**

NAME

TERM

01/01/2024 to 12/31/2027

SECTION 2. As stated in Section 150.01 of the Codified Ordinances of the City of Kent, any person hereby appointed shall forfeit his or her term if he or she is absent from three (3) regular meetings of the Board or Commission to which he or she is appointed, unless one or more of these absences has been excused by the majority of members thereof.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution 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.

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PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

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

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

DRAFT RESOLUTION NO. 2023-074

A RESOLUTION APPOINTING _____ AND _____ TO THE BOARD OF ZONING APPEALS AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kent, Portage County, Ohio, at least a majority of all members elected thereto concurring:

SECTION 1. That _____ is hereby appointed to the **BOARD OF ZONING APPEALS.**

NAME

TERM

01/01/2024 to 12/31/2026

SECTION 2. As stated in Section 150.01 of the Codified Ordinances of the City of Kent, any person hereby appointed shall forfeit his or her term if he or she is absent from three (3) regular meetings of the Board or Commission to which he or she is appointed, unless one or more of these absences has been excused by the majority of members thereof.

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PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens, CMC
Clerk of Council

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

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

DRAFT RESOLUTION NO. 2023-075

A RESOLUTION APPOINTING _____ TO THE COMMITTEE ON DESIGN AND PRESERVATION AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kent, Portage County, Ohio, at least a majority of all members elected thereto concurring:

SECTION 1. _____ is hereby appointed to the **COMMITTEE ON DESIGN AND PRESERVATION.**

NAME

TERM

01/01/2024 to 12/31/2026

SECTION 2. As stated in Section 150.01 of the Codified Ordinances of the City of Kent, any person hereby appointed shall forfeit his or her term if he or she is absent from three (3) regular meetings of the Board or Commission to which he or she is appointed, unless one or more of these absences has been excused by the majority of members thereof.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 Resolution 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 Resolution is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens, CMC
Clerk of Council

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

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

DRAFT RESOLUTION NO. 2023-076

A RESOLUTION APPOINTING _____ TO THE FAIR HOUSING BOARD AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kent, Portage County, Ohio, at least a majority of all members elected thereto concurring:

SECTION 1. That _____ is hereby appointed to the **FAIR HOUSING BOARD**.

NAME

TERM

01/01/2024 to 12/31/2026

SECTION 2. As stated in Section 150.01 of the Codified Ordinances of the City of Kent, any person hereby appointed shall forfeit his or her term if he or she is absent from three (3) regular meetings of the Board or Commission to which he or she is appointed, unless one or more of these absences has been excused by the majority of members thereof.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 Resolution 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 Resolution is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens, CMC
Clerk of Council

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

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

DRAFT RESOLUTION NO. 2023-077

**A RESOLUTION APPOINTING _____ TO THE PARKS AND RECREATION BOARD AND
DECLARING AN EMERGENCY.**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kent, Portage County, Ohio, at least a majority of all members elected thereto concurring:

SECTION 1. That _____ is hereby appointed to the **PARKS AND RECREATION BOARD.**

NAME

TERM

01/01/2024 to 12/31/2028

SECTION 2. As stated in Section 150.01 of the Codified Ordinances of the City of Kent, any person hereby appointed shall forfeit his or her term if he or she is absent from three (3) regular meetings of the Board or Commission to which he or she is appointed, unless one or more of these absences has been excused by the majority of members thereof.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution 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.

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PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens, CMC
Clerk of Council

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

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

DRAFT RESOLUTION NO. 2023-078

A RESOLUTION APPOINTING _____ and _____ TO THE PLANNING COMMISSION AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kent, Portage County, Ohio, at least a majority of all members elected thereto concurring:

SECTION 1. That _____ and _____ are hereby appointed to the **PLANNING COMMISSION**.

NAME

TERM

1/1/2024 – 12/31/2028

SECTION 2. As stated in Section 150.01 of the Codified Ordinances of the City of Kent, any person hereby appointed shall forfeit his or her term if he or she is absent from three (3) regular meetings of the Board or Commission to which he or she is appointed, unless one or more of these absences has been excused by the majority of members thereof.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 Resolution 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 Resolution is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens, CMC
Clerk of Council

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

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

DRAFT RESOLUTION NO. 2023- 079

A RESOLUTION APPOINTING _____ and _____ TO THE SHADE TREE COMMISSION AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kent, Portage County, Ohio, at least a majority of all members elected thereto concurring:

SECTION 1. That _____ and _____ are hereby appointed to the **SHADE TREE COMMISSION.**

NAME

TERM

01/01/2024- 12/31/2027

01/01/2024 – 12/31/2027

SECTION 2. As stated in Section 150.01 of the Codified Ordinances of the City of Kent, any person hereby appointed shall forfeit his or her term if he or she is absent from three (3) regular meetings of the Board or Commission to which he or she is appointed, unless one or more of these absences has been excused by the majority of members thereof.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 Resolution 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 Resolution is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens, CMC
Clerk of Council

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

AMY WILKENS
CLERK OF COUNCIL

(SEAL)

DRAFT RESOLUTION NO. 2023-080

A RESOLUTION APPOINTING _____ TO THE SUSTAINABILITY COMMISSION AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kent, Portage County, Ohio, at least a majority of all members elected thereto concurring:

SECTION 1. That _____ **IS** hereby appointed to the **SUSTAINABILITY COMMISSION**.

NAME

TERM

01/01/2024 – 12/31/2026

SECTION 2. As stated in Section 150.01 of the Codified Ordinances of the City of Kent, any person hereby appointed shall forfeit his or her term if he or she is absent from three (3) regular meetings of the Board or Commission to which he or she is appointed, unless one or more of these absences has been excused by the majority of members thereof.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 Resolution 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 Resolution is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens, CMC
Clerk of Council

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

AMY WILKENS
CLERK OF COUNCIL

(SEAL)

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.* 2023-061, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON September 20, 20 23.

(SEAL)

AMY WILKENS, CMC
CLERK OF COUNCIL

DRAFT ORDINANCE NO. 2023 -081

AN ORDINANCE AMENDING CHAPTER 351 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT TITLED “PARKING GENERALLY”, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent wishes to modify Chapter 351 titled “Parking Generally”, specifically Section 351.08(a) and 351.08(b) of the Codified Ordinances; 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 351 titled “Parking Generally”, specifically Section 351.08(a) and 351.08(b) of the Codified Ordinances to amend per 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

EXHIBIT "A"

351.08 ~~UNATTENDED~~ **UNOCCUPIED** VEHICLE: ~~DUTY TO STOP ENGINE,~~
~~REMOVE KEY, SET BRAKE AND TURN WHEELS.~~

(a) No person ~~driving or~~ in charge of a motor vehicle shall permit **the vehicle's engine to continue running while the vehicle is unoccupied.** ~~it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the parking brake, and, when the motor vehicle is standing upon any grade, turning the front wheels to the curb or side of the highway.~~

The requirements of this section relating to the stopping of the engine **of the motor vehicle** , ~~locking of the ignition and removing the key from the ignition of a motor vehicle~~ do not apply to any of the following:

- (1) A motor vehicle that is parked on residential property;
- (2) ~~A motor vehicle that is locked, regardless of where it is parked;~~
- ~~(3)~~ An emergency vehicle;
- (4) **(3) A public safety vehicle.**
- (4) City Service vehicles**

(b) **"Unoccupied Vehicle" shall mean a vehicle that is standing or parked that contains no persons or live animals.**

DRAFT RESOLUTION NO. 2023 -082

A RESOLUTION REQUESTING THE COUNTY AUDITOR TO ADVANCE ANY PROPERTY TAXES THAT HAVE BEEN COLLECTED PRIOR TO THE NORMAL FEBRUARY SETTLEMENT DATE FROM THE PROCEEDS OF THE 2023 TAX YEAR COLLECTION PURSUANT TO SECTION 321.34 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.

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

SECTION 1. That the County Auditor is hereby authorized and directed to pay to the Director of Budget and Finance of the City of Kent, Ohio, all monies now in the hands, and that may hereafter come into the hands, of the County Treasurer, which are payable to the City of Kent, from the proceeds of the 2023 tax year collection, including, without limitation, revenues from personal property taxes, real property taxes, and special assessments.

SECTION 2. That the Director of Budget and Finance of the City of Kent is hereby authorized and directed to furnish a copy of this Resolution to the County Auditor.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 Resolution 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 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

DRAFT ORDINANCE NO. 2023 - 083

AN ORDINANCE AUTHORIZING THE CITY OF KENT TO SUBMIT THREE (3) FUNDING APPLICATIONS TOTALING \$6,068,800 AND TO EXECUTE THE SUBSEQUENT AGREEMENT TO THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY (AMATS), AND TO ACCEPT THE GRANTS, IF AWARDED, WITH CORRESPONDING APPROPRIATION OF FUNDS FOR THE CONSTRUCTION PHASE OF SR59 AND NORTH MAIN STREET AND RESURFACING OF MOGADORE ROAD, AND DECLARING AN EMERGENCY.

WHEREAS, the funding applications submitted to the Akron Metropolitan Area Transportation Study (AMATS) will be used as follows; (a) the construction phase of SR59 from Horning Road to SR261, (b) resurfacing of Mogadore Road from Cherry Street to Summit Street, and (c) the construction phase of the joint roadway project between the City, Kent City Schools and Davey Tree on N. Mantua Street; and

WHEREAS, the City is requesting a total of \$6,068,800.

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

SECTION 1. Kent City Council approves submission of the City's pre-applications request for Akron Metropolitan Area Transportation Study (AMATS) grant funding totaling \$6,068,800.00 and authorized that the Administration provide all information, funds, and documentation required in said applications for submission.

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

SECTION 3. That the Kent City Council hereby understands and agrees that participation in the Akron Metropolitan Area Transportation Study (AMATS) grant program will require compliance with program guidelines and assurances.

SECTION 4. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 5. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council this ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council, CMC

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 -084

AN ORDINANCE AMENDING CHAPTER 187 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT TITLED “INCOME TAX”, AND DECLARING AN EMERGENCY.

WHEREAS the City of Kent periodically reviews the laws relating to municipal income taxes; and

WHEREAS the State of Ohio recently adopted HB 33, the Operating Appropriations for Fiscal Years 2024-2025, which made several changes to the Ohio Revised Code municipal taxation portions; and

WHEREAS the City of Kent Income Tax Division has recommended certain changes to the City’s Municipal Tax Code relating to municipal income taxes to be consistent with the changes in the Ohio Revised Code; and

WHEREAS it is recommended to amend Chapter 187 of the Kent Municipal Code to incorporate these changes.

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

SECTION 1. That Council does hereby enact Chapter 187 titled “Income Tax ”, with new language to be added in **bold** and text to be deleted in ~~strikeout~~, specifically Sections 187.03, 187.05 and 187.18 of the Codified Ordinances 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

EXHIBIT "A"

187.03 IMPOSITION OF TAX.

Businesses.

- (F) This division applies to any taxpayer engaged in a business or profession in the City of Kent, Ohio, unless the taxpayer is an individual who resides in the City of Kent, Ohio or the taxpayer is an electric company, combined company, or telephone company that is subject to and required to file reports under Chapter 5745 of the ORC.
- (1) Except as otherwise provided in divisions (F)(2) **and (G)** of this section, net profit from a business or profession conducted both within and without the boundaries of the City of Kent, Ohio shall be considered as having a taxable situs in the City of Kent, Ohio for purposes of municipal income taxation in the same proportion as the average ratio of the following:
- (a) The average original cost of the real property and tangible personal property owned or used by the taxpayer in the business or profession in the City of Kent, Ohio during the taxable period to the average original cost of all of the real and tangible personal property owned or used by the taxpayer in the business or profession during the same period, wherever situated.
As used in the preceding paragraph, tangible personal or real property shall include property rented or leased by the taxpayer and the value of such property shall be determined by multiplying the annual rental thereon by eight (8);
 - (b) Wages, salaries, and other compensation paid during the taxable period to individuals employed in the business or profession for services performed in the City of Kent, Ohio to wages, salaries, and other compensation paid during the same period to individuals employed in the business or profession, wherever the individual's services are performed, excluding compensation from which taxes are not required to be withheld under Section 187.04 (C);
 - (c) Total gross receipts of the business or profession from sales and rentals made and services performed during the taxable period in the City of Kent, Ohio to total gross receipts of the business or profession during the same period from sales, rentals, and services, wherever made or performed.
- (2) (a) If the apportionment factors described in division (F)(1) of this section do not fairly represent the extent of a taxpayer's business activity in the City of Kent, Ohio, the taxpayer may request, or the Tax Administrator of the City of Kent, Ohio may

require, that the taxpayer use, with respect to all or any portion of the income of the taxpayer, an alternative apportionment method involving one or more of the following:

- (i) Separate accounting;
 - (ii) The exclusion of one or more of the factors;
 - (iii) The inclusion of one or more additional factors that would provide for a more fair apportionment of the income of the taxpayer to the municipal corporation;
 - (iv) A modification of one or more of the factors.
 - (b) A taxpayer request to use an alternative apportionment method shall be in writing and shall accompany a tax return, timely filed appeal of an assessment, or timely filed amended tax return. The taxpayer may use the requested alternative method unless the Tax Administrator denies the request in an assessment issued within the period prescribed by Section 187.12 (A).
 - (c) The Tax Administrator may require a taxpayer to use an alternative apportionment method as described in division (F)(2)(a) of this section, but only by issuing an assessment to the taxpayer within the period prescribed by Section 187.12 (A).
 - (d) Nothing in division (F)(2) of this section nullifies or otherwise affects any alternative apportionment arrangement approved by the Tax Administrator or otherwise agreed upon by both the Tax Administrator and taxpayer before January 1, 2016.
- (3) As used in division (F)(1)(b) of this section, "wages, salaries, and other compensation" includes only wages, salaries, or other compensation paid to an employee for services performed at any of the following locations:
- (a) A location that is owned, controlled, or used by, rented to, or under the possession of one of the following:
 - (i) The employer;
 - (ii) A vendor, customer, client, or patient of the employer, or a related member of such a vendor, customer, client, or patient;
 - (iii) A vendor, customer, client, or patient of a person described in (F)(3)(a)(ii) of this section, or a related member of such a vendor, customer, client, or patient.
 - (b) Any location at which a trial, appeal, hearing, investigation, inquiry, review, court-martial, or similar administrative, judicial, or legislative matter or proceeding is being conducted, provided that the compensation is paid for services performed for, or on behalf of, the employer or that the employee's presence at the location directly or indirectly benefits the employer;
 - (c) Any other location, if the Tax Administrator determines that the employer directed the employee to perform the services at the other location in lieu of a location described in division (F)(3)(a) or (b) of this section solely in order to avoid or reduce the

employer's municipal income tax liability. If the Tax Administrator makes such a determination, the employer may dispute the determination by establishing, by a preponderance of the evidence, that the Tax Administrator's determination was unreasonable.

- (4) For the purposes of division (F)(1)(c) of this section, **and except as provided in division (G) of this section**, receipts from sales and rentals made and services performed shall be situated to a municipal corporation as follows:
- (a) Gross receipts from the sale of tangible personal property shall be situated to the municipal corporation only if, regardless of where title passes, the property meets either of the following criteria:
 - (i) The property is shipped to or delivered within the City of Kent, Ohio from a stock of goods located within the City of Kent, Ohio.
 - (ii) The property is delivered within the City of Kent, Ohio from a location outside the City of Kent, Ohio, provided the taxpayer is regularly engaged through its own employees in the solicitation or promotion of sales within the City of Kent, Ohio and the sales result from such solicitation or promotion.
 - (b) Gross receipts from the sale of services shall be situated to the City of Kent, Ohio to the extent that such services are performed in the City of Kent, Ohio.
 - (c) To the extent included in income, gross receipts from the sale of real property located in the City of Kent, Ohio shall be situated to the City of Kent, Ohio.
 - (d) To the extent included in income, gross receipts from rents and royalties from real property located in the City of Kent, Ohio shall be situated to the City of Kent, Ohio.
 - (e) Gross receipts from rents and royalties from tangible personal property shall be situated to the City of Kent, Ohio based upon the extent to which the tangible personal property is used in the City of Kent, Ohio.
- (5) The net profit received by an individual taxpayer from the rental of real estate owned directly by the individual, or by a disregarded entity owned by the individual, shall be subject to the City of Kent, Ohio's tax only if the property generating the net profit is located in the City of Kent, Ohio or if the individual taxpayer that receives the net profit is a resident of the City of Kent, Ohio. The City of Kent, Ohio shall allow such taxpayers to elect to use separate accounting for the purpose of calculating net profit situated under this division to the municipal corporation in which the property is located.

- (6) (a) Commissions received by a real estate agent or broker relating to the sale, purchase, or lease of real estate shall be situated to the municipal corporation in which the real estate is located. Net profit reported by the real estate agent or broker shall be allocated to the City of Kent, Ohio, if applicable, based upon the ratio of the commissions the agent or broker received from the sale, purchase, or lease of real estate located in the City of Kent, Ohio to the commissions received from the sale, purchase, or lease of real estate everywhere in the taxable year.
- (b) An individual who is a resident of the City of Kent, Ohio shall report the individual's net profit from all real estate activity on the individual's annual tax return for the City of Kent, Ohio. The individual may claim a credit for taxes the individual paid on such net profit to another municipal corporation to the extent that such a credit is allowed under the City of Kent, Ohio's income tax ordinance.
- (7) When calculating the ratios described in division (F)(1) of this section for the purposes of that division or division (F)(2) of this section, the owner of a disregarded entity shall include in the owner's ratios the property, payroll, and gross receipts of such disregarded entity.
- (8) Intentionally left blank.
- (9) Intentionally left blank.

(G)(1) As used in this section:

- (a) **“Qualifying remote employee or owner” means an individual who is an employee of a taxpayer or who is a partner or member holding an ownership interest in a taxpayer that is treated as a partnership for federal income tax purposes, provided that the individual meets both of the following criteria:**
 - (i). **The taxpayer has assigned the individual to a qualifying reporting location.**
 - (ii). **The individual is permitted or required to perform services for the taxpayer at a qualifying remote work location.**
- (b) **“Qualifying remote work location” means a permanent or temporary location at which an employee or owner chooses or is required to perform services for the taxpayer, other than a reporting location of the taxpayer or any other location owned or controlled by a customer or client of the taxpayer. “Qualifying remote work location” may include the residence of an employee or owner and may be located outside of the City of Kent or**

a municipal corporation that imposes an income tax in accordance with this chapter. An employee or owner may have more than one qualifying remote work location during a taxable year.

(c) “Reporting location” means either of the following:

- (i). A permanent or temporary place of doing business, such as an office, warehouse, storefront, construction site, or similar location, that is owned or controlled directly or indirectly by the taxpayer;
- (ii). Any location in this state owned or controlled by a customer or client of the taxpayer, provided that the taxpayer is required to withhold taxes under section 187.05 on qualifying wages paid to an employee for the performance of personal services at that location.

(d) “Qualifying reporting location” means one of the following:

- (i). The reporting location in this state at which an employee or owner performs services for the taxpayer on a regular or periodic basis during the taxable year;
- (ii). If no reporting location exists in this state for an employee or owner under division (C)(i)(d)(1) of this section, the reporting location in this state at which the employee’s or owner’s supervisor regularly or periodically reports during the taxable year;
- (iii). If no reporting location exists in this state for an employee or owner under division (C)(i)(d)(1) or (2) of this section, the location that the taxpayer otherwise assigns as the employee’s or owner’s qualifying reporting location, provided the assignment is made in good faith and is recorded and maintained in the taxpayer’s business records. A taxpayer may change the qualifying reporting location designed for an employee or owner under this division at any time.

(2) A taxpayer may elect to apply the provisions of this section to the apportionment of its net profit from a business or profession. For taxpayers that make this election, the provisions of division (F) of this section apply to such apportionment except as otherwise provided in this division.

A taxpayer shall make the election allowed under this section in writing on or with the taxpayer’s net profit return or, if

applicable, a timely filed amended net profit return or a timely filed appeal of an assessment. The election applies to the taxable year for which that return, or appeal is filed and for all subsequent taxable years, until the taxpayer revokes the election.

The taxpayer shall make the initial election with the tax administrator of each municipal corporation with which, after applying the apportionment provisions authorized in this section, the taxpayer is required to file a net profit tax return for that taxable year.

A taxpayer shall not be required to notify the tax administrator of a municipal corporation in which a qualifying unless the taxpayer is otherwise required to file a net profit return with that municipal corporation due to business operations that are unrelated to the employee's or owner's activity at the qualifying remote work location.

After the taxpayer makes the initial election, the election applies to every municipal corporation in which the taxpayer conducts business. The taxpayer shall not be required to file a net profit return with a municipal corporation solely because a qualifying remote employee's or owner's qualifying remote work location is located in such municipal corporation.

Nothing in this section prohibits a taxpayer from making a new election under this section after properly revoking a prior election.

- (3) For the purpose of calculating the ratios in division (F)(1) of this section, all of the following apply to a taxpayer that has made the election described in division (G)(2):
 - (a) For the purpose of division (F)(1)(a) of this section, the average original cost of any tangible personal property used by a qualify remote employee or owner at that individual's qualifying remote work location shall be sitused to that individual's qualifying reporting location.
 - (b) For the purpose of division (F)(1)(b), any wages, salaries, and other compensation paid during the taxable period to a qualifying remote employee or owner for services performed at that individual's qualifying remote work location shall be sitused to that individual's qualifying reporting location.

- (c) For the purpose of division (b)(1)(c) and notwithstanding 187.06(b)(4), any gross receipts of the business or profession from services performed during the taxable period by qualifying remote employee or owner for services performed at that individual's qualifying remote work location shall be situated to the individual's qualifying reporting location.
- (4) Nothing in this section prevents a taxpayer from requesting, or a tax administrator from requiring, that the taxpayer use, with respect to all or a portion of the income of the taxpayer, an alternative apportionment method as described in division (f)(2). However, a tax administrator shall not require an alternative apportionment method in such a manner that it would require a taxpayer to file a net profit return with the municipal corporation solely because a qualifying remote employee's or owner's qualifying remote work location is located in the municipal corporation.
- v. Except as otherwise provided in this section, nothing in this section is intended to affect the withholding of taxes on qualifying wages pursuant to Section 187.04.

187.05 ANNUAL RETURN

(A) An annual City of Kent income tax return shall be completed and filed by every taxpayer for each taxable year for which the taxpayer is subject to the tax, whether or not a tax is due thereon.

- (G) (1) (a) Except as otherwise provided in this chapter, each individual income tax return required to be filed under this section shall be completed and filed as required by the Tax Administrator on or before the date prescribed for the filing of state individual income tax returns under division (G) of Section 5747.08 of the ORC. The taxpayer shall complete and file the return or notice on forms prescribed by the Tax Administrator or on generic forms, together with remittance made payable to the City of Kent, Ohio. No remittance is required if the net amount due is ten (\$10.00) dollars or less.
- (2) Any taxpayer that has duly requested an automatic six (6) month extension for filing the taxpayer's federal income tax return shall automatically receive an extension for the filing of the City of Kent, Ohio's income tax return. The extended due date of the City of Kent,

Ohio's income tax return shall be the fifteenth (15th) day of the tenth (10th) month after the last day of the taxable year to which the return relates. **For tax years ending on or after January 1, 2023, the extended due date of the City of Kent, Ohio's income tax return for a taxpayer that is not an individual shall be the 15th day of the eleventh month after the last day of the taxable year to which the return relates.** An extension of time to file under this division is not an extension of the time to pay any tax due unless the Tax Administrator grants an extension of that date.

- (a) A copy of the federal extension request shall be included with the filing of the City of Kent Ohio's income tax return.
- (b) A taxpayer that has not requested or received a six-month extension for filing the taxpayer's federal income tax return may request that the Tax Administrator grant the taxpayer a six (6) month extension of the date for filing the taxpayer's City of Kent Ohio income tax return. If the request is received by the Tax Administrator on or before the date the City of Kent Ohio income tax return is due, the Tax Administrator shall grant the taxpayer's requested extension.
- (3) If the tax commissioner extends for all taxpayers the date for filing state income tax returns under division (G) of Section 5747.08 of the ORC, a taxpayer shall automatically receive an extension for the filing of the City of Kent Ohio's income tax return. The extended due date of the City of Kent Ohio's income tax return shall be the same as the extended due date of the state income tax return.
- (4) If the Tax Administrator considers it necessary in order to ensure the payment of the tax imposed by the City of Kent Ohio, the Tax Administrator may require taxpayers to file returns and make payments otherwise than as provided in this division, including taxpayers not otherwise required to file annual returns.
- (5) **If a taxpayer receives an extension for the filing of a municipal income tax return under division (G)(2), (3), or (4) of this section, the tax administrator shall not make any inquiry or send any notice to the taxpayer with regard to the return on or before the date the taxpayer files the return or on or before the extended due date to file the return, whichever occurs first.**

If a tax administrator violates division (G)(5) of this section, the municipal corporation shall reimburse the taxpayer for any reasonable costs incurred to respond to such inquiry or notice, up to \$150.

Division (G)(5) of this section does not apply to an extension received under division (G)(2) of this section if the tax administrator has actual knowledge that the taxpayer failed to file for a federal extension as required to receive the extension under division (G)(2) of this section or failed to file for an extension under division (G)(2)(b) of this section.

- (6) To the extent that any provision in this division (G) of this section conflicts with any provision in divisions (N), (O), (P), or (Q) of this section, the provisions in divisions (N), (O), (P), or (Q) prevail.

187.18 INTEREST AND PENALTIES

- (C) (3) With respect to returns other than estimated income tax returns, the City of Kent, Ohio may impose a penalty of ~~not exceeding~~ **not exceeding** twenty five dollars (\$25.00) for each failure to timely file each return, regardless of the liability shown thereon, **except that the City of Kent, Ohio shall abate or refund the penalty assessed on a taxpayer's first** for each month, or any fraction thereof, during which ~~the return remains unfiled regardless of the liability shown thereon.~~ **The penalty shall not exceed one hundred fifty dollars (\$150.00 for each failure to timely file a return after the taxpayer files that return.**

DRAFT ORDINANCE NO. 2023- 085

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO COMPLETE NEGOTIATIONS FOR, DRAFT, AND EXECUTE A PURCHASE AGREEMENT FOR THE SALE OF PARCELS OF PROPERTY KNOWN AS 252 N. WATER STREET AND PPN 17-025-30-00-028-000 A VACANT LOT ON N. WATER STREET, KENT, OHIO TO ANDREA CHISNELL, FOR \$140,000.00, WAIVING COMPETITIVE BIDDING AND DECLARING AN EMERGENCY.

WHEREAS, Kent Downtown Community Urban Redevelopment Corporation (aka DKC) currently holds title on behalf of the City in the following properties: PPN 17-025-30-00-027-000 (252 N. Water Street, Kent OH), PPN 17-025-30-00-028-000 (vacant lot), and PPN 17-025-30-00-029-000 (266 N. Water Street, Kent, Ohio); and

WHEREAS, the City of Kent Council has decided that it has received a very reasonable offer to sell real property in the City of Kent, Portage County, Ohio, known as 252 N. Water Street and PPN 17-025-30-00-028-000 a vacant lot on N. Water Street, Kent Ohio, and wishes to sell said parcels for redevelopment; and

WHEREAS, Andrea Chisnell and Madelana's are willing to purchase said properties for \$140,000.00; and

WHEREAS, the buyer has expressed an ability to redevelop said properties for the purpose of opening an Italian restaurant; and

WHEREAS, the City of Kent and Andrea Chisnell will have to enter into a contract for the sale of said properties; and

WHEREAS, the Kent City Council wishes to authorize the City Manager, or his designee, to negotiate the final terms of sale and draft the Purchase Agreement with Andrea Chisnell for the properties known as 252 N. Water Street and PPN 17-025-30-00-028-000 a vacant lot on N. Water Street, Kent, Ohio, and to execute said Purchase Agreement.

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

SECTION 1. That Council does hereby authorize the City Manager, or his designee, to negotiate and execute a purchase agreement for parcels of property known as 252 N. Water Street and PPN 17-025-30-00-028-00,0 a vacant lot on N. Water Street, Kent, Ohio, to Andrea Chisnell for \$140,000.00 in substantial conformity with the terms outlined above and incorporated herein. Council expressly waives competitive bidding.

SECTION 2. Authorize the Kent Downtown Community Urban Redevelopment Corporation (aka DKC) to transfer PPN 17-025-30-00-027-000 (252 N. Water Street, Kent OH), PPN 17-025-30-00-028-000 (vacant lot), and PPN 17-025-30-00-029-000 (266 N. Water Street, Kent, Ohio) back to the City of Kent, Ohio in order for the City to effectuate its sale to Andrea Chisnell.

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
Clerk of Council, CMC

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