City of Kent

Wednesday, March 20, 2024

Regular City Council Meeting

320 S. Depeyster Street, Kent, OH 44240

AGENDA

6:55 P.M. Board of Control

7:00 P.M. Regular Council Meeting

1. Roll Call

2. Opening Remarks and Pledge of Allegiance- Mr. Robin Turner

3. Approval of Minutes

   3.1. February 21, 2024 Regular City Council Meeting Minutes
   March 6, 2024 Special City Council 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. An application to the Standing Rock Cemetery Board of Trustees from Jim Stroble was received on February 26, 2024.
      2. Letter from Leo Lux resigning from the Standing Rock Cemetery Board of Trustees effective May 31, 2024 was received on March 15, 2024.
      3. The Planning Commission Agenda and Staff report for March 5, 2024 was received on February 28, 2024.
      4. An email was received from Parks and Recreation Director, Angela Manley that Neil Dukes would not be able to finish his term on the Park Board. His official written resignation is pending.
      5. Notification from the Community Development Department was received on March 6, 2024, that there would be no Board of Zoning Appeals meeting on March 18, 2024.
      6. Letter from PARTA notifying Council that Karen Beck's term on their board will be expiring June 30, 2024 and asking Council to take action to reappoint or replace her was received on March 5, 2024.
      7. The Civil Service Meeting Agenda for March 18, 2024, was received on March 13, 2024.

8. The Standing Rock Cemetery Board Agenda for March 14, 2024, was received on February 29, 2024.
9. An email from Rick Hawksley regarding the Architectural Review Board was received and forwarded to Council on February 21, 2024.
10. A request for a Mayoral Proclamation for Davey Tree was received on February 20, 2024 for their event being held on March 15, 2024 to commemorate March 15 to commemorate the grand reopening of their corporate office.
11. An email from Rick Hawksley regarding the purposes of design guidelines in communities was received and forwarded to Council on March 14, 2024.
12. Liquor License transfer request was received March 11, 2024 for Chipotle Mexican Grill of Colorado LLC DBA Chipotle Mexican Grill 4355, transferring the license from 429 E. Main Street to 605 E. Main Street, Kent. Chief Shearer has no objections.

4.3. City Manager's Report

5. Standing Committees & Legislation

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

5.1.1. March 6, 2024 Committee Meeting Minute Approval

5.1.2. Action(s) Recommended

1. Board and Commission Interviews and Appointments.
2. City Hall Construction Update-No action required.
3. Adopt Second Ward Map Changes that were presented to Council on February 7, 2024, and authorize staff to proceed with finalizing the legal descriptions.

5.1.3. Voting for Boards and Commissions

5.1.4. Motion to Authorize Insertion of Names into Legislation

5.1.5. **Draft 2024-022** A RESOLUTION APPOINTING ______________ TO THE PLANNING COMMISSION AND DECLARING AN EMERGENCY. (Authorized)

5.1.6. **Draft 2024- 023** A RESOLUTION APPOINTING ___________, ____________ AND _________ TO THE BOARD OF ZONING APPEALS AND DECLARING AN EMERGENCY (Authorized)

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

5.2.1. March 6, 2024 Committee Meeting Minute Approval

5.2.2. Action(s) Recommended

1. Authorize renewal of the Haymaker Farmer's Market Sublease for 2024, with an emergency clause.
2. Receive the CDBG Staff Report - No Action Needed
3. Authorize a 3% Fixed Rate for the City's Revolving Loan Fund with the emergency clause.
4. Receive the Economic Development Update - No Action Needed

5.2.3. **Draft 2024- 024** AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO RENEW THE AGREEMENT WITH THE HAYMAKER FARMERS' MARKET FOR THE SUB-LAND LEASE OF A PARKING LOT LOCATED NORTH OF SUMMIT STREET, WEST OF FRANKLIN AVENUE, AND EAST OF AKRON BARBERTON CLUSTER RAILWAY COMPANY'S MAIN LINE TRACK, CONTAINING 0.168 ACRES, FOR THE PERIOD OF APRIL 6, 2024 THROUGH NOVEMBER 30, 2024; CONTINGENT ON THE CONTINUATION OF THE CITY'S LEASE WITH THE AKRON BARBERTON CLUSTER RAILWAY COMPANY, FOR THE AMOUNT OF $1.00; AND DECLARING AN EMERGENCY (Authorized)

5.2.4. **Draft 2024- 025** AN ORDINANCE AUTHORIZING AMENDING THE CITY'S ECONOMIC DEVELOPMENT REVOLVING LOAN FUND PROGRAM (RLF) TO ESTABLISH A FIXED INTEREST RATE AND DECLARING AN EMERGENCY (Authorized)

5.2.5. **Draft 2024-026** A RESOLUTION APPOINTING ERIC HELMSTEDTER AND REAPPOINTING BRIDGET SUSEL TO THE TAX INCENTIVE REVIEW COUNCIL AND DECLARING AN EMERGENCY (Unauthorized)

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

5.3.1. March 6, 2024 Committee Meeting Minute Approval

5.3.2. Action(s) Recommended

1. Receive Kent City Health Department Annual Report-No Action Required

5.3.3. **Draft 2024-029** AN ORDINANCE AMENDING SECTION 509.12 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT TITLED "UNLAWFUL NOISE", AND DECLARING AN EMERGENCY (Unauthorized)

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

5.4.1. March 6, 2024 Committee Meeting Minute Approval

5.4.2. Action(s) Recommended

1. Authorize the East Main Street Construction and Maintenance Agreement between the City, PARTA, and Kent State University to

proceed with the East Main Street Transportation Improvement Project with the emergency clause.

2. Authorize additional time period for the closure of streets as presented for the Eclipse Event beginning Sunday, April 7, 2024, and Monday, April 8, 2024.

5.4.3. **Draft 2024- 027** AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO CONTINUE THE EAST MAIN STREET IMPROVEMENTS AGREEMENT BETWEEN THE CITY OF KENT, KENT STATE UNIVERSITY AND PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY (PARTA) AND BEGIN THE FINAL PHASES OF THE PROJECT AND DECLARING AN EMERGENCY (Authorized)

5.4.4. **Draft 2024-028** AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE FOLLOWING AGREEMENTS WITH THE CITY OF KENT, OHIO, WITH THE CITY OBTAINING TEMPORARY EASEMENTS, FOR RIGHT-OF-WAY PURPOSES, TO INSTALL, CONSTRUCT AND RECONSTRUCT THE ROADWAY FOR THE PROJECT KNOWN AS EAST MAIN STREET IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY (Unauthorized)

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, February 21, 2024

Regular City Council Meeting

320 S. Depeyster Street, Kent, OH 44240

MINUTES

CDBG Public Hearing

At 07:25 PM, Mayor Jerry T. Fiala called the CDBG Public Hearing to order.

Present:	Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti
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. Jamie Samels, Fire Chief; Firefighters; Ethan Murphy, Nate Fabinak, Rob Jacob and Shawn Baynes; Ms. Dominique Bollenbacher, Community Engagement Coordinator; Ms. Jalessa Caples, Accreditation Coordinator; Ms. Amy Wilkens, Clerk of Council
Absent:	Mr. Robin Turner

Ms. Bridget Susel opened the public hearing for the CDBG Program Year 2024 Action Plan. There were no members of the public signed in to speak.

Regular Council Meeting

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

Roll call was taken.

MOTION TO EXCUSE MR. TURNER MADE BY Mr. Roger Sidoti, SECONDED by Mr. Jack Amrhein and CARRIED by a voice vote of 8-0-0.

Mr. Jack Amrhein welcomed everyone to the council meeting and asked everyone to stand for the Pledge of Allegiance.

Mr. Dave Ruller opened the meeting by discussing a recent formal swearing-in ceremony for the new Fire Chief, Mr. Jamie Samels. He highlighted the subsequent promotions within the department triggered by the new Chief's appointment. He noted his longstanding presence in the community and discussed Chief Samel's successful completion of testing and acceptance of the Chief position. Mr. Ruller said he was excited about him being a perfect fit for the current state of the department and acknowledged the positive impact expected from Chief Samels and the collective enthusiasm within the fire department.

Chief Samels thanked Mayor Fiala and the City Council for their welcoming atmosphere. He provided a recap of the swearing-in ceremony held on February 12th at the Kent Fire Department, attended by the Mayor, City Manager, friends, and family. He then introduced new hires and promotions following retirements, with a total of four retirements from the 36-member department. He introduced two new firefighter paramedics: Ethan Murphy and Nate Fabinak, providing background information on their hiring dates and assignments. He highlighted promotions, including Rob Jacob's promotion to Lieutenant and Sean Baynes to Captain. Chief Samels commented on his own promotion, providing details on his long-standing service and recent promotion and expressing his gratitude for the support from Council, Administration, and the City of Kent.

Approval of Minutes

MOTION TO APPROVE JANUARY 17, 2024, REGULAR MEETING MINUTES MADE BY Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 8-0-0.

Communications

Mayor Fiala read the following statement:

"While the law does not require Council to provide time for public comment, we have historically invited the public to make comments and we appreciate their input. This is the time where residents and others can comment on matters that concern them. However, we will not engage in debate, and as President of Council, I reserve the right to end any public communication that is disruptive, embarrassment, harassment or otherwise objectionable. We ask you to give your name and address and limit comments to three (3) minutes."

Mr. Alan Orashan a resident living at 531 South Water Street, addressed the council. He began with his concerns about the city website needing updates and expressed uncertainty about the party responsible for maintenance. He said he was in attendance to respond to the recent City Council discussion on the termination of the Architectural Review Board, urging reconsideration of the decision to terminate the board and emphasizing the importance of maintaining it for planning and advisory purposes. He suggested the creation of a historic district, supporting the idea, but emphasized the need to keep the Architectural Review Board intact, even if in an advisory capacity. He said there is a value for citizen input and the expertise of individuals knowledgeable about design, planning, and historical preservation. He finished by encouraging the council to retain the board to allow residents with expertise to contribute to decision-making.

Ms. Julie Kenworthy, residing at 919 Fieldstone Drive and Director of the Kent Historical Society, addressed the council. Representing the Historical Society, she requested that the City Council considers maintaining the Architectural Review Board (ARB) as an advisory committee, citing its past successful function in this capacity. She advocated for designating the downtown area as a historic district with the support of the City Council, offering the Historical Society's assistance in facilitating this recommendation and cited examples of thriving cities like Delaware, Madina, Willoughby, and Wooster that benefit from preserving historic downtowns. She shared the objectives of the design and review board for Wooster as a model, emphasizing the benefits of preserving the heritage and enhancing the visual and aesthetic character of the city. She outlined the six objectives of Wooster's design and review board, emphasizing the importance of stabilizing property values, fostering civic pride, and promoting the use and preservation of historic sites. She concluded by expressing belief that defining a historic downtown area would benefit everyone in the community, including citizens, business owners, and city officials.

Mr. Doug Fuller, residing at 1431 River Edge Drive, addressed the council. He encouraged a reconsideration of decisions regarding the Architectural Review Board (ARB) and design guidelines and offered to bring people who have been on the ARB to showcase the progress they have enabled through their work with developers. He said that the ARB hasn't been presented in the manner of its actual work and the quality of outcomes achieved and urged against treating the situation as an emergency, emphasizing the prolonged period since Community Development was asked to review the guidelines. He questioned the urgency when serious discussions about the ARB's role only happened five days before the last meeting after 750 days. He said there is a need for mandatory guidelines to prevent undesired architectural outcomes and mentioned the risk of having anything-goes architecture without regulation. He shared the history of the Advisory Board, existing for almost 20 years before guidelines, and its positive interaction with developers. He also argued for maintaining the ARB as an Advisory Board until further discussions can be held, expressing concern about potential negative impacts on downtown aesthetics. He finalized his comment by asking for unanimous support for community design guidelines and suggested waiting for all council members to be present if the vote is close.

Written Communication (All placed on file in the Clerk of Council's office)

1. Email from Dustin A. Holfinger State Government Relations Director for the American Heart Association regarding the Ohio Senate's vote to override Governor Dewine's veto of tobacco preemption was received and forwarded to Council on February 2, 2024.
2. Planning Commission application for Kenneth Crookston was receive on January 22, 2024, and an interview has been scheduled with City Council during the March Committee meeting.
3. An email from the Ohio Ethics Commission with a reminder to elected officials to file a financial disclosure statement was received and forwarded to Council on January 25, 2024.
4. The Standing Rock Cemetery Board of Trustees January Meeting Minutes and February 8, 2024 Meeting Agenda were received on February 6, 2024.
5. The Parks and Recreation Board Meeting Agenda for February 15, 2024 and January meeting minutes was received on February 9, 2024.
6. The Health Board Agenda for it's meeting on February 13, 2024 and the January minutes and statistical report was received on February 9, 2024.
7. Letter from Portage County Board of Commissioners was received on February 14, 2024 and forwarded to Council regarding an initiative titled "Coffee with Commissioners" being held on Tuesday February 27, 2024.
8. The Civil Service Commission meeting agenda for February 26, 2024 was received on February 14, 2024.
9. Three applications for the Board of Zoning Appeals and one application for the Planning Commission were received. Interviews will be scheduled during the March 6, 2024 Committee Meeting and appointments made at the March Regular Council Meeting.

City Manager's Report
The City Manager submitted his report to Council, requesting approval of the following:

1. Authorization to accept a $100 donation towards the Memorial Tree Fund in memory of Gary and Gloria Falstad. authorization to accept a $500 donation towards the Youth Tennis Program in memory of Andy Demeza.

2. Approval to accept and allocate a NOPEC Community Sponsorship grant in the amount of $2,000 to be used to offset the costs of the 2024 eclipse events. {Draft #2024-018)
3. Approval to accept and allocate a NOPEC Energized Community grant in the amount of $48,800 to be used to support City energy improvement projects. (Draft #2024-019)
4. Approval to apply, and if approved accept and allocate, a $15,000 in grant funds for the Water Treatment Plant to prepare an asset management plant. (Draft #2024-020)
5. Approval to apply for an Ohio Office of Justice Services grant in the amount up to $2,870 to reimburse the department for expenses incurred for the recent extradition of the murder suspect back to Ohio. If approved, Nick will follow up with a request and ordinance to accept and allocate the grant funds.
6. Committee of the Whole time for Council to perform interviews of candidates for vacant positions on City Boards and Commissions.
7. Committee of the Whole time to present a suggestion from a Council member to consider changing the start times of City Council meetings.
8. Committee of the Whole time to provide Council with a brief update on the status of the new City Hall construction project.
9. Committee of the Whole time to present the Portage County Board of Elections reply to the question whether changes in the City's Ward Maps would go into effect before or after the November 2024 elections.
10. Community Development Committee time to present the Haymaker's Farmers Market sublease renewal.
11. Community Development Committee time to review the 2024 CDBG program recommendations.
12. Community Development Committee time to share his 2023 Economic Development Update.
13. Health and Safety Committee time to provide an overview of the 2023 Annual Report for the Health Department.
14. Streets, Sidewalks & Utilities Committee time for consideration of the East Main Street Project Construction and Maintenance Agreement.

MOTION TO APPROVE CITY MANAGER'S REPORT MADE BY Mr. Jack Amrhein, SECONDED by Ms. Melissa Celko and CARRIED by a voice vote of 8-0-0.

Standing Committees & Legislation

<u>Committee of the Whole</u> Chair Mayor Fiala/ Vice-Chair Amrhein

MOTION TO APPROVE FEBRUARY 7, 2024 COMMITTEE MEETING MINUTES MADE BY Mr. Michael DeLeone, SECONDED by Ms.Gwen Rosenberg and CARRIED by a voice vote of 8-0-0.

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

Action(s) Recommended

1. Approve the proposed updates to the City’s Ordinance book, with the emergency clause.

DRAFT 2024-011 AN ORDINANCE APPROVING THE CURRENT REPLACEMENT PAGES TO THE CITY OF KENT CODIFIED ORDINANCES AND DECLARING AN

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

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2024-011 MADE by Ms.Gwen Rosenberg, SECONDED by Ms.Heidi Shaffer Bish. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2024-011 MADE by Mr. Michael DeLeone, SECONDED by Mr. Jeff Clapper. On Roll Call Voting "Yes" Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Michael DeLeone, Mr. Chris Hook, Gwen Rosenberg, Heidi Shaffer Bish, Roger Sidoti. The motion CARRIED by a roll call vote of 8-0-0.

Ordinance 2024–011 passes.

<u>**Community Development**</u> Chair Rosenberg/ Vice-Chair Clapper

MOTION TO APPROVE FEBRUARY 7, 2024 COMMITTEE MEETING MINUTES MADE BY Mr. Jack Amrhein, SECONDED by Ms. Melissa Celko and CARRIED by a voice vote of 8-0-0.

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

MOTION TO SEND TO COMMITTEE ACTION TWO MADE BY Ms. Melissa Celko, SECONDED by Mr. Chris Hook and CARRIED by a voice vote of 8-0-0.

Ms. Celko said there may be the potential help of having professionals involved and fostering community engagement in downtown environments.

Ms. Shaffer Bish said she would like to discuss the matter further, indicating openness to dialogue and considering potential changes, and agrees with putting the issue back into committee for more thorough discussion.

Mr. Sidoti suggests expanding the conversation to explore the implications of designating the overlay district as a historical district and evaluating the need for any board within that context. He advocates an open and honest conversation without divisiveness, encouraging a more comprehensive discussion rather than specific public sentiments. He also called for an end to personal attacks on city workers.

Action(s) Recommended

1. Approve two sign variances, as presented, with an emergency clause.
2. Refer the discussion of the future of the Architecture Review Board back to Council Committee for further discussion.

DRAFT 2024-012 AN ORDINANCE AUTHORIZING THE STAFF OF THE COMMUNITY DEVELOPMENT DEPARTMENT TO ADMINISTER THE REVIEW OF ZONING AND BUILDING PERMITS IN THE OVERLAY DISTRICT WHILE THE CITY TRANSITIONS TO THE NEW DESIGN GUIDELINES 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 2024-012 MADE by Mr. Roger Sidoti, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti The motion FAILED by a roll call vote of 6-2-0. Mr. Amrhein and Ms. Celko voted 'No'.

MOTION TO FIRST READING OF DRAFT 2024-012 MADE by Ms. Heidi Shaffer Bish, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jeff Clapper, Michael DeLeone, Mr. Chris Hook, Gwen Rosenberg, Heidi Shaffer Bish, Roger Sidoti. The motion CARRIED by a roll call vote of 6-2-0.

First reading of 2024-012 passes.

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

MOTION TO APPROVE FEBRUARY 7, 2024 COMMITTEE MEETING MINUTES MADE BY Mr. Roger Sidoti, SECONDED by Mr.Michael DeLeone and CARRIED by a voice vote of 8-0-0.

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

Action(s) Recommended

1. Authorize the changes in the street closure for the Craft Beer Festival, with the emergency clause.
2. Approve the Kent/Akron Lake Rockweel Trail agreement, with the emergency clause.
3. Approve the East Main Street Project Right of Way acquisition and authorize staff to manage future East Main Street Project Right of Way purchases administratively, with the emergency clause.

DRAFT 2024-013 AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPROVE A NEW SPECIAL EVENT APPLICATION FROM THE KENT JAYCEES KNOWN AS “KENT CRAFT BEER FESTIVAL” TO BE HELD ON SATURDAY, MAY 18, 2024, AND THE TEMPORARY CLOSURE OF NORTH WATER STREET BETWEEN MAIN STREET AND PORTAGE, AND MAIN STREET BETWEEN GOUGLER AND WATER STREET AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala’s request.

AN ORDINANCE AUTHORIZING THE CITY MADE by Mr. Roger Sidoti, SECONDED by Mr. Jack Amrhein. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2024-013 MADE by Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti. The motion was CARRIED by a roll call vote of 8-0-0.

Ordinance 2024-013 has passed.

DRAFT 2024-014 AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A PURCHASE AGREEMENT WITH THE CITY OF KENT, OHIO, BUYING AN INTEREST IN 0.153 ACRES OF REAL PROPERTY FROM THE MOST REVEREND DAVID J. BONNAR, BISHOP OF THE DIOCESE OF YOUNGSTOWN, AND WITH THE CITY OBTAINING A TEMPORARY EASEMENT, FOR RIGHT-OF-WAY PURPOSE, TO INSTALL, CONSTRUCT AND RECONSTRUCT THE ROADWAY FOR THE PROJECT KNOWN AS EAST MAIN STREET IMPROVEMENT PROJECT; AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala’s request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2024-014 MADE by Mr. Roger Sidoti, SECONDED by Ms. Melissa Celko. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2024-014 MADE by Mr. Roger Sidoti, SECONDED by Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti. The motion was CARRIED by a roll call vote of 8-0-0.

Ordinance 2024-014 has passed.

DRAFT 2024-015 AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN SLIGHTLY TOASTED, LLC, AND THE CITY OF KENT, OHIO, WITH THE CITY OBTAINING A TEMPORARY EASEMENT, FOR RIGHT-OF-WAY PURPOSE, TO INSTALL, CONSTRUCT AND RECONSTRUCT THE ROADWAY FOR THE PROJECT KNOWN AS EAST MAIN STREET IMPROVEMENT PROJECT FROM SLIGHTLY TOASTED, LLC; AND DECLARING AN EMERGENCY (Authorized) was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2024-015 MADE by Mr. Roger Sidoti, SECONDED by Mr. Chris Hook. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti. The motion was CARRIED by a roll call vote of 8-0-0

MOTION TO ADOPT DRAFT 2024-015 MADE by Mr. Roger Sidoti, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti. The motion was CARRIED by a roll call vote of 8-0-0

Ordinance 2024-015 has passed.

Finance Committee Chair DeLeone/ Vice-Chair Celko

MOTION TO APPROVE FEBRUARY 7, 2024 COMMITTEE MEETING MINUTES MADE BY Mr. Michael DeLeone, SECONDED by Mr. Jeff Clapper and CARRIED by a voice vote of 8-0-0.

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

Actions Recommended:

1. Approve the proposed sub-recipient grant agreement and if the grant is approved, authorize the demo of the outdated building located at 331 Elm Street and 266 N. Water Street as presented, with the emergency clause.
2. Approve the 2024 budget appropriation amendments, with the emergency clause.

DRAFT 2024-016 AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SUBMIT THE REQUIRED DOCUMENTATION TO THE PORTAGE COUNTY LAND REVITILIZATION CORPORATION (PCLRC) TO SECURE DEMOLITION FUNDING ASSISTANCE PRIOR TO THE OHIO DEPARTMENT OF DEVELOPMENT

(ODOD) PROGRAM SUBMISSION DEADLINE AND ENTER INTO A SUBRECIPIENT AGREEMENT WITH PCLRC; 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 2024-016 MADE by Mr. Roger Sidoti, SECONDED by Ms. Melissa Celko. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2024-016 MADE by Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti. The motion was CARRIED by a roll call vote of 8-0-0.

Ordinance 2024-016 has passed.

DRAFT 2024-017 AN ORDINANCE AMENDING ORDINANCE NO. 2023-97, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 20, 2023; SO AS TO ADJUST APPROPRIATIONS, TRANSFERS AND ADVANCES FROM THE VARIOUS FUNDS OF THE CITY OF KENT TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES OF THE CITY FOR THE FISCAL YEAR ENDING DECEMBER 31, 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 2024-017 MADE by Ms. Melissa Celko, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti. The motion was CARRIED by a roll call vote of 8-0-0

MOTION TO ADOPT DRAFT 2024-017 MADE by Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti. The motion was CARRIED by a roll call vote of 8-0-0.

Ordinance 2024-017 has passed.

DRAFT 2024-018 AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCEPT THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2024 COMMUNITY EVENT SPONSORSHIP PROGRAM AWARD IN THE AMOUNT OF $2,000.00, 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 2024-018 MADE by Ms. Melissa Celko, SECONDED by MR. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti. The motion was CARRIED by a roll call vote of 8-0-0

MOTION TO ADOPT DRAFT 2024-018 MADE by Mr. Michael DeLeone, SECONDED by Mr. Jeff Clapper. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti. The motion was CARRIED by a roll call vote of 8-0-0

Ordinance 2024-018 has passed.

DRAFT 2024-019 AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACCEPT THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC)

ENERGIZED COMMUNITY GRANT AWARD IN THE AMOUNT OF $48,800.00 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 2024-019 MADE by Ms. Heidi Shaffer Bish, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2024-019 MADE by Ms. Heidi Shaffer Bish, SECONDED by Mr. Chris Hook. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti. The motion was CARRIED by a roll call vote of 8-0-0.

Ordinance 2024-019 has passed.

DRAFT 2024-020 AN ORDINANCE AUTHORIZING THE CITY OF KENT TO SUBMIT A GRANT APPLICATION REQUEST FOR $15,000 TO THE OHIO ENVIRONMENTAL PROTECTION AGENCY (PUBLIC WATER SYSTEM GRANT) AND TO ACCEPT THE GRANT, IF AWARDED, AND EXECUTE THE SUBSEQUENT GRANT AGREEMENT 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 2024-020 MADE by Mr. Michael DeLeone, SECONDED by Mr. Jack Amrhein. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2024-020 MADE by Mr. Jeff Clapper, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti. The motion was CARRIED by a roll call vote of 8-0-0.

Ordinance 2024-020 has passed.

Unfinished Business: None

New Business:

MOTION TO SEND TO COMMITTEE A DISCUSSION OF A HISTORIC DISTRICT DOWNTOWN MADE BY Ms. Heidi Shaffer Bish, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 7-1-0. Ms. Rosenberg voted 'No'.

Ms. Shaffer Bish said the city has outgrown the current aspect of the ARB and said something new needs to be explored. She highlighted the idea of revisiting the idea of creating a historic district, acknowledging the city's history of bringing diverse groups to the table for discussions, citing the example of the dam removal project. She said she sees this issue as an economic development opportunity and suggests that creating a historic district could be another draw to downtown Kent, advocating for discussions that involve all stakeholders, including business owners, building owners, historic preservationists, and those with different design preferences. Ms. Shaffer Bish proposes a process for determining the suitability of a historic district for downtown Kent.

Mr. Sidoti emphasized the importance of collaboration in decision-making, advocating for a collaborative effort involving all voices rather than a directed effort by a small group.He also acknowledged the hardworking individuals in the Administration and the city who want to do the right thing for the people. He stressed the need for collaboration, open conversation, and a give-and-take approach to avoid the process becoming mere noise.

Ms. Rosenberg voices her dissent, expressing skepticism about the level of support from building owners for the proposed path. She oints out that she has not heard from building owners or business owners in favor of the historic district idea and Believes that downtown Kent has a more eclectic character with buildings from different time periods, and thus, she doesn't see the need for a historic district.
Ms. Rosenberg said she opposes the idea of a historic district due to the diversity of buildings and prefers discussions about the Architectural Review Board (ARB) being advisory or potentially combining it with the planning commission. She is concerned about additional regulations on businesses and buildings, suggesting that unclear regulations might have contributed to the current situation. Ultimately, Ms. Rosenberg expresses her disagreement with the concept of a historic district, stating her position as a "no."

MOTION TO SEND TO COMMITTEE TO INVITE THE PARKS AND RECREATION BOARD ALONG WITH THE DIRECTOR TO AN OPEN MEETING OF THE COMMITTEE OF THE WHOLE, LIKELY IN APRIL TO DISCUSS THE OUTCOME OF THE SURVEY CONDUCTED BY THE PARKS AND RECREATION BOARD, LEARN ABOUT THEIR MASTER PLAN, UNDERSTAND HOW THE CITY COUNCIL CAN PROVIDE ASSISTANCE, AND GAIN INSIGHT INTO THEIR FINANCIAL STATUS MADE BY Mr. Roger Sidoti, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 8-0-0.

Mr. Sidoti said he was reflecting on the evolving understanding of the role of City Council in relation to Parks and Recreation over the past year and noted the apparent design of the Charter that doesn't place Parks and Recreation under the oversight of the city manager. He describes the de facto situation where City Council is responsible for Parks and Recreation, and they are accountable to the Council according to the Charter, adding that there may have been a tendency to assume that Parks and Recreation doesn't want to hear from the Council and vice versa. He added that there may have been a disservice over the years by not maintaining a more open and collaborative communication channel between City Council and Parks and Recreation.

Mr. DeLeone expresses a desire to discuss aligning the times for City Council meetings and committee meetings. Mr. Ruller mentions that this topic is already in the city manager's report, and City Council has already voted on it. The Mayor acknowledges the discussion in the city manager's report and clarifies that it doesn't need a separate motion as it is already addressed in the standing rules.

MOTION TO CHANGE THE REGULAR COUNCIL MEETING TIME TO 7:00 PM TO ALIGN WITH THE COUNCIL COMMITTEE MEETING TIME MADE BY Mr. DeLeon, SECONDED by Ms. Celko and carried by a voice vote of 8-0-0.

Mr. DeLeone said that the topic of aligning the City Council and committee meeting times has been under discussion for years. Ms. Celko said that she thinks it would be easier for everyone, reducing confusion and potentially increasing community participation.

Councilmembers' Comments: None

Mayor's Report

Mayor Fiala announced he and his wife were celebrating their 56th wedding anniversary. Everyone wished them well and congratulated them.

MOTION TO ENTER EXECUTIVE SESSION FOR CONFERENCES WITH AN ATTORNEY FOR THE PUBLIC BODY CONCERNING DISPUTES INVOLVING THE PUBLIC BODY THAT ARE THE SUBJECT OF PENDING OR IMMINENT COURT ACTION MADE BY Mr. Jack Amrhein, SECONDED by Ms. Melissa Celko and CARRIED by a voice vote of 8-0-0.

MOTION TO RETURN TO REGULAR COUNCIL MEETING MADE BY Mr. Roger Sidoti, SECONDED by Mr. Jack Amrhein and CARRIED by a voice vote of 8-0-0.

There was no further business and the meeting adjourned at 8:25 p.m.

Amy Wilkens , CMC	Jerry T. Fiala
Clerk of Council	Mayor & President of Council

City of Kent

Wednesday, March 6, 2024

Special City Council Meeting

320 S. Depeyster Street, Kent, OH 44240

MINUTES

Welcome/Roll Call

At 06:46 AM, Mayor Jerry T. Fiala called the Special City Council Meeting to order.

MOTION TO EXUSE MR. HOOK MADE BY Mr. Jack Amrhein, SECONDED by Ms. Heidi Shaffer Bish and CARRIED by a voice vote of 8-0-0.

Present:	Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner
Also Present:	Mr. Jerry T. Fiala, Mayor, and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Mr. Eric Fink, Assistant Law Director, Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Service Director; Mr. Jim Bowling, City Engineer; Ms. Angela Manley, Parks and Recreation Director; Ms. Joan Seidel, Health Commissioner; Ms. Rhonda Hall, Budget and Finance Director; Mr. Nick Shearer, Chief of Police; Mr. Jamie Samels, Fire Chief; Ms. Dominique Bollenbacher, Community Engagement Coordinator; Ms. Amy Wilkens, Clerk of Council
Absent:	Mr. Chris Hook

Legislation

Draft 2024-012 AN ORDINANCE AUTHORIZING THE STAFF OF THE COMMUNITY DEVELOPMENT DEPARTMENT TO ADMINISTER THE REVIEW OF ZONING AND BUILDING PERMITS IN THE OVERLAY DISTRICT WHILE THE CITY TRANSITIONS TO THE NEW DESIGN GUIDELINES AND DECLARING AN EMERGENCY (2nd Reading; Authorized 2/7/24) was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF Draft 2024-012 MADE by Mr. Roger Sidoti, SECONDED by Mr. Jack Amrhein. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Turner. The motion was CARRIED by a roll call vote of 8-0-0

MOTION TO ADOPT Draft 2024-012 MADE by Mr. Roger Sidoti, SECONDED by Ms. Heidi Shaffer Bish. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Turner. The motion was CARRIED by a roll call vote of 8-0-0

Ordinance 2024-012 has passed.

Draft 2024-021 AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A CONSTRUCTION MAINTENANCE AND USE AGREEMENT BETWEEN THE CITY OF KENT AND THE CITY OF AKRON TO PERMIT THE CITY OF KENT TO CONSTRUCT A SHARED USE PATH (BIKE & HIKE TRAIL) TO IMPROVE ACTIVE TRANSPORTATION CONNECTIVITY, AND DECLARING AN EMERGENCY (Authorized) was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF Draft 2024-021 MADE by Ms. Heidi Shaffer Bish, SECONDED by Mr. Jeff Clapper. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Turner. The motion was CARRIED by a roll call vote of 8-0-0

MOTION TO ADOPT Draft 2024-021 MADE by Ms.Gwen Rosenberg, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Turner. The motion was CARRIED by a roll call vote of 8-0-0

Ordinance 2024-021 has passed.

Hearing no further business, the meeting adjourned at 6:47 p.m.

____________________	______________________
Amy Wilkens , CMC	Jerry T. Fiala
Clerk of Council	Mayor & President of Council

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.

NOTICE TO LEGISLATIVE AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

14374152140 PERMIT NUMBER	TRFL TYPE	CHIPOTLE MEXICAN GRILL OF COLORADO LLC DBA CHIPOTLE MEXICAN GRILL 4355 605 E MAIN STREET KENT OH 44240
10 01 2023 ISSUE DATE		
02 05 2024 FILING DATE		
D5 PERMIT CLASSES		
67 055 C TAX DISTRICT	F30957 RECEIPT NO.	

FROM 03/04/2024

14374150040 PERMIT NUMBER	TYPE	CHIPOTLE MEXICAN GRILL OF COLORADO LLC DBA CHIPOTLE MEXICAN GRILL 429 E MAIN ST & PATIO KENT OHIO 44240
10 01 2023 ISSUE DATE		
02 05 2024 FILING DATE		
D5 PERMIT CLASSES		
67 055 TAX DISTRICT	RECEIPT NO.	

MAILED 03/04/2024 RESPONSES MUST BE POSTMARKED NO LATER THAN. 04/04/2024

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES C TRFL 1437415-2140 (TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature) (Title)- ☐ Clerk of County Commissioner (Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

KENT CITY COUNCIL
ATTN: CLERK
320 S DEPEYSTER ST
PO BOX 5192
KENT OHIO 44240

DLC 4052 REV. 03/08

City of Kent

Wednesday, March 6, 2024

City Council Committee Meetings

320 S. Depeyster Street, Kent, OH 44240

MINUTES

At 06:50 PM, Mayor Jerry T. Fiala called the City Council Committee Meetings to order.

Present:	Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Michael DeLeone, Mr. Chris Hook, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner
Also Present:	Mr. Jerry T. Fiala, Mayor, and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Mr. Eric Fink, Assistant Law Director; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Service Director; Mr. Jim Bowling, City Engineer; Ms. Joan Seidel, Health Commissioner; Ms. Rhonda Hall, Budget and Finance Director; Mr. Nick Shearer, Chief of Police; Ms. Dominique Bollenbacher, Community Engagement Coordinator; Mr. Eric Helmstedter, Economic Development Coordinator; Ms. Amy Wilkens, Clerk of Council

<u>Committee of the Whole</u> Chair Fiala/ Vice-Chair Amrhein

Board and Commission Interviews

Kenneth Crookston was the first applicant for the Planning Commission. He introduced himself to Council and gave a brief overview of his employment background and reasons for applying to the commission.

Mr. Sidoti thanked Mr. Crookston and asked how he would balance the requirements of the code with practical application. Mr. Crookston replied that decision-making on the Planning Commission involves a group effort rather than individual judgment. He highlighted the importance of careful consideration by all committee members to balance the requirements of the zoning code with practical application. The goal is to reach a consensus that best meets the needs of both policy and practicality.

Ms. Shaffer Bish asked about Planning Commission rules and being able to separate himself from those rules. He referenced his ability to separate himself and potentially vote in a way that may not be popular, drawing from her experience in the public sector, particularly in social work and children's services, where he often had to have difficult conversations and make realistic decisions. He highlighted the importance of open conversations and thorough documentation of the decision-making process to ensure transparency and accountability.

Mayor Fiala thanked Mr. Crookston and informed him that Council would be voting on appointments for Planning Commission and Board of Zoning Appeals at the Regular

Council Meeting on March 20, 2024.

Next, O'livia Kennedy was called to the stand.

O'livia Kennedy, a resident of Kent for the past seven and a half years, introduced herself and highlighted her background in Social Services and Behavioral Health. She emphasized her commitment to equity, community inclusion, and trauma-informed care. Olivia has been involved with the Kent Jaycee's since 2021, serving on the board and engaging in community development initiatives. Her personal journey, overcoming challenges such as mental illness, addiction, and poverty, motivates her to encourage others to participate actively in the community. Olivia expressed her desire to join a board committed to upholding regulations, fostering fairness, and advocating for equity for all. She believes her passion, lived experiences, and skills make her well-suited for a role on the Board of Zoning Appeals, where effective communication and adherence to policies are crucial.

Mr. Sidoti thanked Ms. Kennedy for applying and asked if she had ever attending a Board of Zoning Appeals meeting. She had not. He asked how do you balance the demands that people will come and stand before you and make when they're appealing a zoning requirement that they want you to make an accommodation for? How do you approach that, especially if they're pretty adamant about what they want?

She replied that she would familiarize herself with codes and the zoning ordinances, and by being familiar with those policies and codes and working collaboratively with a team or a board, and feels she could effectively navigate through communicating those decisions.

Ms. Shaffer Bish asked her if she was a homeowner or property owner in Kent and Ms. Kennedy replied she is a renter. Ms. Shaffer Bish asked if Ms. Kennedy had applied before but withdrew her application and if that issue had been resolved.

Ms. Kennedy said she was serving on the board of the Kent Jaycees at that time, but did not reapply to be a member of the board, although still an active member, She emphasized wanting to get more involved in other areas of our city and other boards.

Next was **Robert Szgenda** who introduced himself as a homeowner at 1078 Daley Drive.He mentioned his background primarily in the private sector, particularly in the building and construction industry, with responsibilities in facilities maintenance for the past 15 years. He explained that he brings understanding from the perspective of someone who has applied for zoning appeals and other processes related to building and construction.He stated his motivation for applying to the board, citing a desire to give back to the community after being a resident of Kent for 20 years and a member of Northeastern Ohio for around 30-35 years. He mentioned knowing Dan Smith and admiring his contributions to the board, expressing a desire to continue and support the work started by him.

Ms. Shaffer Bish asked about whether he would consider serving on the Planning Commission, given the availability of more candidates than slots for the Board of Zoning Appeals (BZA). Mr. Szygenda mentioned his busy schedule, primarily focused on his two young daughters, but expressed a willingness to serve wherever needed. He indicated that he would need to review the meeting schedule for the Planning Commission before making a commitment. Ms. Bridget Susel provided information about the meeting schedule for the Planning Commission, stating that meetings occur on the first and third Tuesday of each month. He acknowledged the information and expressed his openness to consider serving on the Planning Commission.

Mr. Earl Clausson was next to interview for the Board of Zoning Appeals. Mr. Clausson provided his name, address, and a brief background. He has lived in Kent for 27 years and worked as a mechanical engineer at Amatek in Kent for 28 years before retiring.He mentions that he noticed a need for volunteers for the Board of Zoning Appeals (BZA) and decided to step up and serve his community now that he has the time.When asked about his strengths and perspective, Earl mentions his analytical approach and adherence to processes and procedures, which he believes would be valuable in assessing appeals to zoning codes.He expresses a willingness to consider serving on the Planning Commission as well, noting that it involves reading plans and applying regulations, which align with his skills.

Mayor Fiala thanked all of the applicants for applying and reminded them that Council would be voting on March 20, 2024.

City Hall Construction Update

Ms.Melanie Baker provided an update on the progress of the building construction project:

- The building construction is ongoing, with the first floor drywall nearly complete, including sofits and the council chambers.
- Masonry veneer work on the Haymaker side will be completed by the end of the week.
- Approximately three-quarters of the windows are installed, with metal framing in place, but installation is hindered by temperature requirements for sealant and glazing.
- The main transfer switch has been delivered after delays and will be inspected and approved soon, allowing for full power hookup by the end of the following week.
- Gas is currently used for heating the building, enabling interior work to continue.
- All door frames have been installed, along with mechanical mechanisms and new card swipes for security.
- Pipe insulation work is ongoing, and final touches, including concealed lentils and special architectural needs, are underway.
- The contractor estimates completion in July, pending the full enclosure of the building, which will restrict access for safety reasons.

Mayor Fiala asked about the brick appearance on the S. Water Street side, noting a difference around the big window. Melanie clarified that the brick itself is not different, but the mortar may appear different due to being done at different times under varying weather conditions. She confirmed that the bricks are from the same batch and ensured consistency by inspecting the bags. Once the building is power washed, the appearance should become more even and consistent.

Ward Map Changes Follow Up

Ms. Hope Jones provided an update regarding the proposed changes to the wards and their potential impact on the upcoming presidential election. She mentioned that during a previous discussion, they decided to wait for input from the Board of Elections before making a decision. Now that they have received clarification that the changes will not affect the upcoming November election but may impact the primary elections in 2025, she suggested moving forward with sending the matter to the Regular Council Meeting in April. She requested a motion for this action, noting that Bridget Susel in Communicty Development still needs time to finalize the street descriptions for the ordinance.

MOTION TO APPROVE WARD MAP CHANGES MADE BY Mr. Roger Sidoti, SECONDED by Mr.Jack Amrhein and CARRIED by a voice vote of 8-1-0. Ms. Shaffer Bish voted 'No'.

Ms. Shaffer Bish asked if this would bring the matter to the council meeting as legislation. Ms. Hope Jones confirmed this. Ms. Shaffer Bish said she was hesitant and likely opposition to the proposed changes. She voiced concerns about potential confusion and disruption among residents regarding their representation and ward boundaries. She acknowledged that while there might be alternative solutions, she was uncertain if they would cause issues. Despite this, she indicated that she would likely be the lone vote against the legislation due to her reservations.

Mr. Turner stated that he had not yet seen the new map proposal and expressed interest in reviewing it before making a decision. He mentioned that he would need time to evaluate the proposal thoroughly and may still have concerns similar to those he has expressed previously. He indicated that he would address any concerns once he has had the opportunity to review the proposal.

Action(s) Recommended

1. Board and Commission Interviews and Appointments.
2. City Hall Construction Update-No action required.
3. Adopt Second Ward Map Changes that were presented to Council on February 7, 2024, and authorize staff to proceed with finalizing the legal descriptions.

Community Development Committee

Haymaker Farmers Market Sub Lease Renewal

Ms. Bridget Susel explained that each year they bring the sublease for the Haymaker Farmers Market before the Council for new members. She mentioned that this might seem like a housekeeping matter that could be handled as an unauthorized item. However, the area is owned by the Wheeling Lake Erie Railroad, and they need formal approval from them each year. Although she hasn't received that approval yet, she typically does so every year. The purpose of this action is to enter into the sublease for the farmers market to use the area from the first Saturday in April through the last in November.

MOTION TO APPROVE HAYMAKER FARMERS MARKET SUB LEASE RENEWAL MADE BY Mr. Roger Sidoti, SECONDED by Ms. Heidi Shaffer Bish and CARRIED by a voice vote of 9-0-0.

CDBG Staff Recommendations

Ms. Bridget Susel provided an update on the Community Development Block Grant (CDBG) funding. She explained that the city receives an annual allocation from the US Department of Housing and Urban Development (HUD) known as the CDBG. As the only entitlement community in Portage County and the second smallest in the state, the city typically receives around $275,000 to $300,000. Despite the limited funding, they leverage it to maximize benefits for low to moderate-income households.

Ms. Susel outlined the priorities for CDBG funding, which include supporting safe and decent housing, limited clientele activities, and infrastructure improvements in low-income areas. She mentioned various projects and programs proposed for funding, such as street reconstruction, neighborhood policing, furnace inspection and replacement, emergency shelter support, roof replacement for apartments, and home repairs for seniors. Additionally, a portion of the funding is allocated for administrative costs and fair housing contact services.

She emphasized the importance of these programs in assisting vulnerable populations and improving the quality of life in the community. If constituents have issues with landlords or housing, they are encouraged to reach out to the city's office for assistance and referrals to relevant services.

Mr. Hook asked about the neighborhood policing program, and Chief Shearer came to the microphone. The neighborhood policing program, as described by Nick, involves allocating officers' dedicated time to interact with the community in low to moderate-income neighborhoods. This program emphasizes foot patrols and bike patrols to foster positive interactions between officers and community members. The goal is to engage with residents in a non-enforcement-based manner, building trust and rapport within the community. Officers participate in activities such as playing basketball with kids or engaging in casual conversations to create a positive presence in the neighborhood. This program allows officers to focus solely on community engagement without being pulled away to respond to other calls, thereby facilitating more meaningful interactions with residents.

There were no further questions from Council.

Economic Development Revolving Loan Fund Program

Ms. Bridget Susel said the City of Kent received a starter grant from the Economic Development Administration (EDA) in the late 1980s, which has since been used as a revolving loan fund. This fund provides gap financing for businesses, capped at 30% of a project's total cost, with the remainder of funding required to be secured elsewhere. The city has successfully administered this program for decades, and although the EDA released them from oversight a few years ago, they continue to manage the program similarly.

Currently, there are four active loans in the portfolio totaling over $925,000, with funds kept locally at Hometown Bank. The interest rate has traditionally been set at 3/4% of the prime rate, but with recent increases in interest rates, this has become less attractive for businesses seeking financing. To address this, the city proposes transitioning to a fixed interest rate of 3%, which would provide more stability for borrowers and better incentivize participation in the program.

The revolving loan fund committee unanimously agreed to this proposal, recognizing the benefits of a fixed rate for both borrowers and the program's effectiveness. The city requests authorization from the council to implement this change, with the understanding that adjustments may be made in the future if interest rates fluctuate.

MOTION TO APPROVE ECONOMIC DEVELOPMENT REVOLVING LOAN FUND PROGRAM INTEREST RATE AMENDMENT MADE BY Mr. Michael DeLeone, SECONDED by Mr. Jeff Clapper and CARRIED by a voice vote of 9-0-0.

Economic Development Update

Mr. Eric Helmstedter was introduced by Mr. Ruller to the council members. Eric has recently joined the team and is welcomed aboard officially. He is described as a well-credentialed individual with a Master’s degree and is known for being a good communicator. Mr. Helmstedter brings youthful energy to the team, and although he previously worked in Code Compliance, he is now part of the Economic Development department, which is deemed more enjoyable. Mr. Ruller encouraged the council members to reach out to Eric for any questions, recommendations, or leads related to economic development matters.

Mr. Helmstedter presented an Economic Development Overview **(Attachment)**, covering various aspects of the city's economic status in 2023. Here's a summary of the key points he discussed:

Completion and Updates of Last Year's Projects:

- Klaben expansion: A 6,000 square foot addition with interior and exterior renovations.
- Burning River Rail Yard: Installed at 341 West Oak Street, offering rail spur services for businesses.
- Bliss Ohio: A medical marijuana dispensary located near the courthouse.

New Dining and Shopping Options:
Various new businesses opened, including Tiger Ray Boutique, Colored Threads, Sun and Leo, and TR Tom's Direct Cargo, among others. Several new dining establishments, such as Maro's Pizza, Rocco's Cupcakes, and Moonbase Bar.

Projects on the Horizon:
Federales, Finley Brothers, Board and Bevy, and others are in the process of establishing their businesses in the city.

Business Closures and Changes:
Flashes Fabric Care, Campus Market, and various other businesses closed or underwent conceptual changes.

Economic Measures:

- Total income tax revenue and KSU income tax showed steady increases.
- Unemployment rates have been gradually decreasing.
- Labor force trends are improving but haven't fully recovered to pre-pandemic levels, posing challenges for employers.
- Consumer shopping habits are shifting towards e-commerce, impacting traditional retail.
- State Inclusion Grant: Businesses in the 44240 zip code are eligible for inclusion grants, providing financial support for projects.

Ms. Shaffer Bish asked about Klaben expansion, the dollar value of their expansion wasn't provided in the overview, but Mr. Helmstedter said it would be possible to obtain that information for her. As for whether they increased jobs as a result of the expansion, it's uncertain without specific data. Since they weren't a CRA2 project, there may not have been a requirement for job creation tied to their expansion. However, it could be worth investigating further to determine any impact on employment. Additionally, Klaben is expected to have additional expansion and activity at other dealerships in the future. Regarding the Longitano property, Klabin has plans for it that are currently not public. However, it is a permitted use and is expected to be an improvement on the corridor, potentially freeing up additional space along West Main for Clayin's expansion of other dealerships. The specifics of the plans are not disclosed publicly at this time.

Just to clarify, the building on Water Street where Evelyn Dickerson's salon was located has a new owner, which led to Evelyn Dickerson relocating her salon. The reason for the move was related to the new owner's plans for the building, which may have affected parking or other factors. However, Evelyn Dickerson's Salon itself remains under the ownership of Carly, and it continues to operate.

Action(s) Recommended

1. Authorize renewal of the Haymaker Farmer's Market Sublease for 2024, with an emergency clause.
2. Receive the CDBG Staff Report - No Action Needed
3. Authorize a 3% Fixed Rate for the City's Revolving Loan Fund with the emergency clause.
4. Receive the Economic Development Update - No Action Needed.

Health and Public Safety Committee

Health Department Annual Report for 2023

Ms. Joan Seidel provided an annual update from the Health Department, highlighting their achievements in 2023. They focused on expanding services and programs, accomplishing several firsts, such as organizing a health fair in the historic South End and setting up a temporary campground for the Great American Bicycle Adventure. Additionally, they trained employees in car seat installation, participated in drug overdose awareness initiatives, distributed bicycle helmets to children, and conducted community discussions on important topics like suicide, extortion, and gun safety. Despite challenges, they maintained their inspection levels and aim to strengthen the department further in 2024, welcoming any questions, concerns, or suggestions from constituents.

Ms. Gwen Rosenberg inquired about the nature of rabies exposure events, seeking clarification on whether they were actual known exposures or potential ones. It was clarified that these were potential exposures, as there had been no confirmed cases of rabies in the city. Various situations, such as encounters with bats or non-bite interactions, led to concerns about potential exposure. The categories of animals involved in these events were discussed, including bats, skunks, raccoons, groundhogs, and others.

Mr. Sidoti commended Ms. Seidel for her excellent leadership and the outstanding work of the Kent Health Department. He expressed appreciation for her leadership and the high regard in which the department is held within the community..

Action(s) Recommended

1. Receive Kent City Health Department Annual Report-No Action Required

Streets, Sidewalks & Utilities Committee

East Main Street - Construction and Maintenance Agreement

Mr. Jim Bowling provided an overview of the final partnership agreement for the East Main Street project. He highlighted that the project originated with a planning agreement in 2018 and progressed to a design agreement with PARTA and KSU in 2020. The agreement includes terms for right-of-way construction and maintenance post-completion, resembling the model used for Summit Street. Notable aspects of the agreement include the integration of EV stations funded by the Raise Grant, with 32 dual-port stations planned along the corridor. The stations will be accessible to the public, managed by KSU as a subrecipient. Mr. Bowling emphasized the importance of a robust communication plan during construction to assist residents, businesses, and students navigating the area. The project's total cost is $4.9 million, leveraging $21 million in grants, with the city and university sharing the expenses. Mr. Bowling requested approval to execute the agreement with KSU and

PARTA.

Ms. Heidi Shaffer Bish shared her excitement about the Raise Grant received by the city. She expressed pride in the achievement and recalled the moment when she first learned about it, emphasizing its significance as a transformative project. Mr. Dave Ruller reminisced about informing Jim Bowling about the grant, and his enthusiastic reaction. He highlighted the collaborative effort and effective partnerships that contributed to securing the grant. Mr. Bowling chimed in, attributing the success to the quality of the project and the city's ability to work well with partners.

Mr. Jack Amrhein thanked Mr. Bowling for all of the work done in receiving the Raise Grant, saying it is definitely a point of pride for the city.

MOTION TO APPROVE EAST MAIN STREET - CONSTRUCTION AND MAINTENANCE AGREEMENT MADE BY Ms. Gwen Rosenberg, SECONDED by Ms. Heidi Shaffer Bish and CARRIED by a voice vote of 9-0-0.

Eclipse Event Street Closure Update and Request

Chief Shearer expressed his concerns regarding the current street closure schedule for downtown events during the Eclipse festivities. He highlighted the five-hour window between 10 p.m. on Sunday and 3 a.m. on Monday when the roads are opened, which he finds problematic due to potential safety risks and logistical challenges. He emphasized the optics of inviting people to park downtown, possibly consume alcohol, and then abruptly tow their cars when the roads close at 3 a.m. Chief Shearer proposed keeping the roads closed during this five-hour period to mitigate these concerns.

Ms. Hope Jones offered two options for proceeding with the requested road closure amendment. The first option involves drafting a new ordinance to amend the existing one approved by the council, which can be presented for approval in the next council meeting. The second option entails adding the amendment to Dave's communication, allowing for a voice vote during the meeting. She emphasized that the decision is ultimately up to the council.

MOTION TO APPROVE ECLIPSE EVENT STREET CLOSURE UPDATE TO BE PLACED ON CITY MANAGER'S REPORT FOR APPROVAL MADE BY Mr. Michael DeLeone, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 9-0-0.

Actions Recommended:

1. Authorize the East Main Street Construction and Maintenance Agreement between the City, PARTA, and Kent State University to proceed with the East Main Street Transportation Improvement Project with the emergency clause.
2. Authorize additional time period for the closure of streets as presented for the Eclipse Event beginning Sunday, April 7, 2024, and Monday, April 8, 2024.

MOTION TO ENTER EXECUTIVE SESSION TO DISCUSS BOARD AND COMMISSIONS MADE BY Mr. Jack Amrhein, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 9-0-0.

MOTION TO RETURN TO THE REGULAR COUNCIL MEETING MADE BY Mr. Jack Amrhein, SECONDED by Mr. Gwen Rosenberg and CARRIED by a voice vote of 9-0-0.

Hearing no further business, the meeting adjourned at 8:20 p.m.

____

Amy Wilkens, CMC
Clerk of Council

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, Ohio
Economic Development Update

March 6, 2024

Economic Activity

- Completion and Updates of Last Year’s Projects
- New Dining and Shopping Options
- New Service Providers
- Projects on the Horizon
- Other Business News
- Economic Measures

Completion of Last Year’s Projects

Klaben Expansion

12

Completion of Last Year's Projects

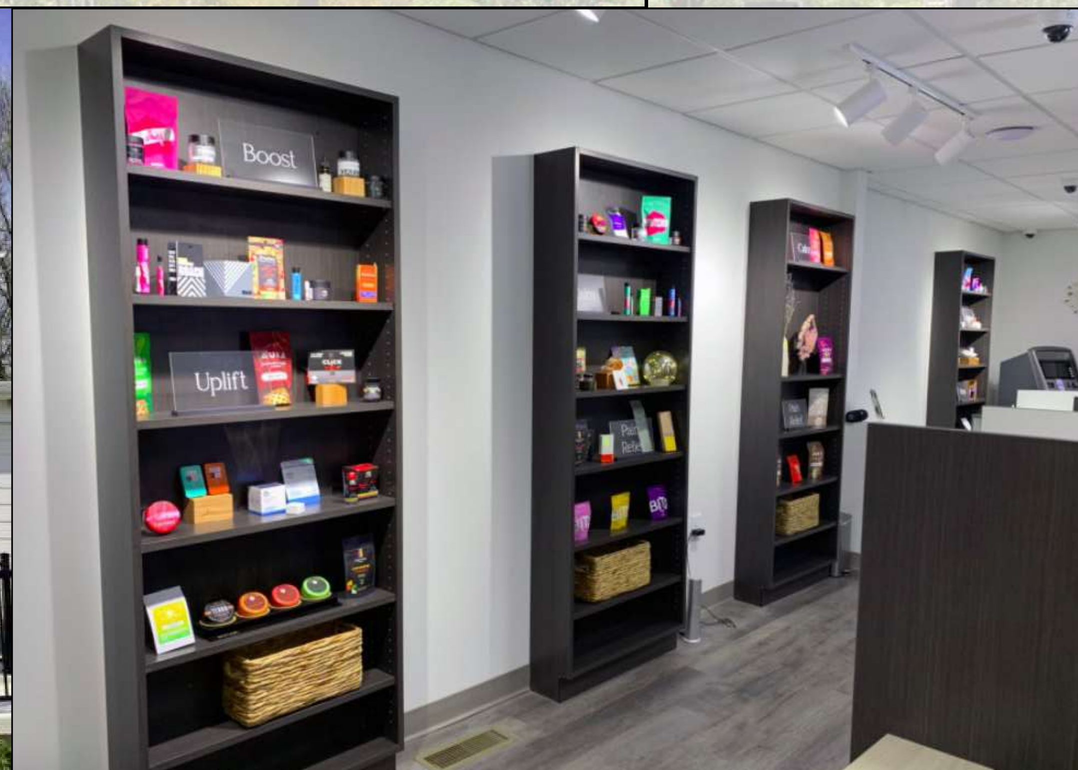
Burning River Railyard

BURNING RIVER
RAILYARD

13

Completion of Last Year’s Projects

Bliss Ohio



Completion of Last Year’s Projects

UH Urgent Care

15

Completion of Last Year’s Projects

Marathon Financial Services Relocation

16

New Dining & Shopping Options

Tiger Rae Boutique

New Dining & Shopping Options

Colored Threads

18

New Dining & Shopping Options

Sun In Leo

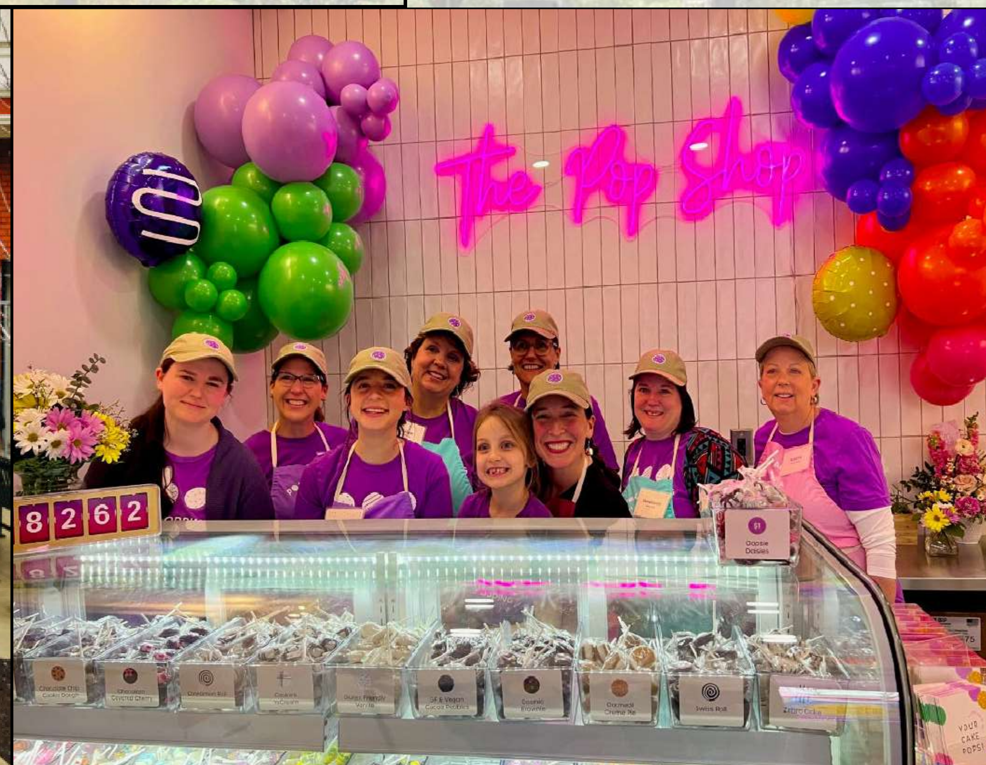
19

New Dining & Shopping Options

Tom's Direct Cargo

New Dining & Shopping Options

Daisy Cake Pops



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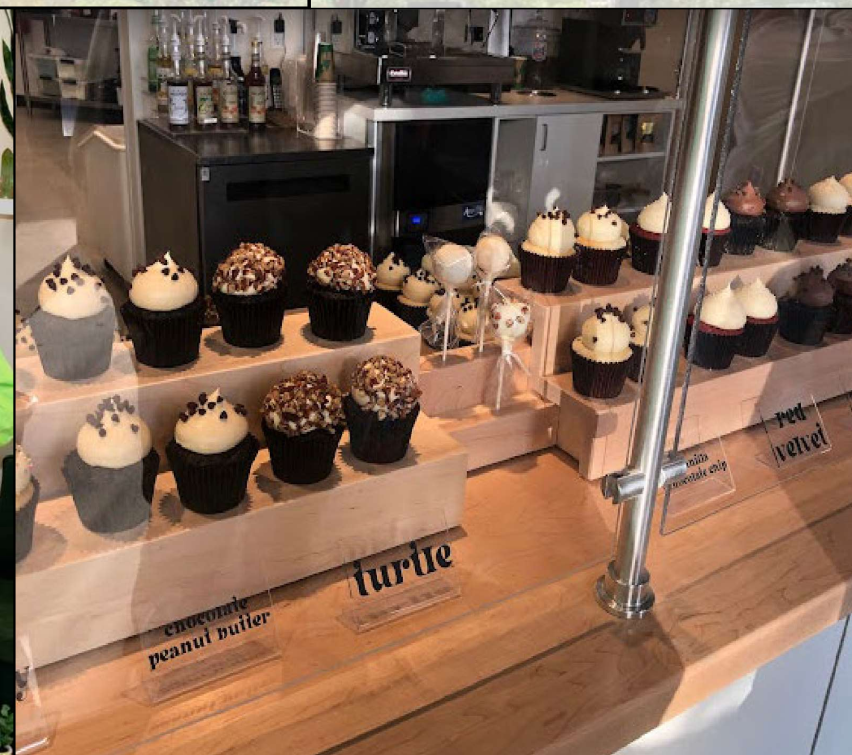
New Dining & Shopping Options

Marcos Pizza

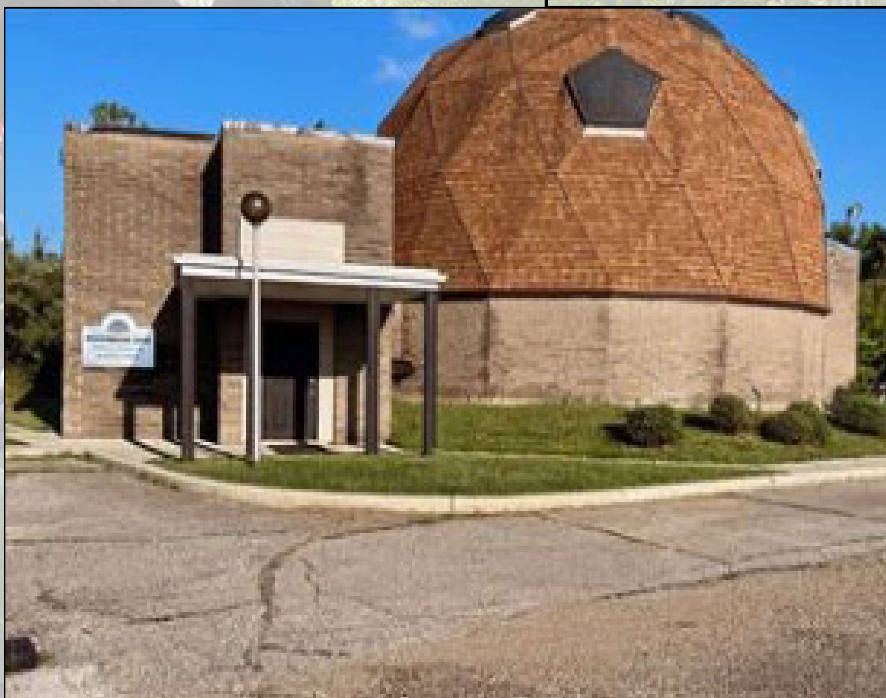
New Dining & Shopping Options

Roccos Cupcake Café



New Dining & Shopping Options

Moonbase Bar



New Service Providers

Adams Shear Madness

New Service Providers

Milan Laser Hair Removal

New Service Providers

Performance Collective

THE PERFORMANCE COLLECTIVE

New Service Providers

CPR 2 Go Training Center

CPR 2 GO
Training Center

New Service Providers

Universe Luxury Waxing Center

UNIVERSE LUXURY
WAXING CENTER

Closures

- Flasher’s Fabric Care & Laundry
- Campus Market
- Rez-Tech Corporation
- Flash’s Fried Chicken
- Boost Mobile
- Richards Flower Shop
- Copy Print
- Aha! Wireless & Repair
- Sandys Grooming

Coming Soon

Federales

31

Coming Soon

Bar Lucci 2nd Floor

Coming Soon

Board & Bevy

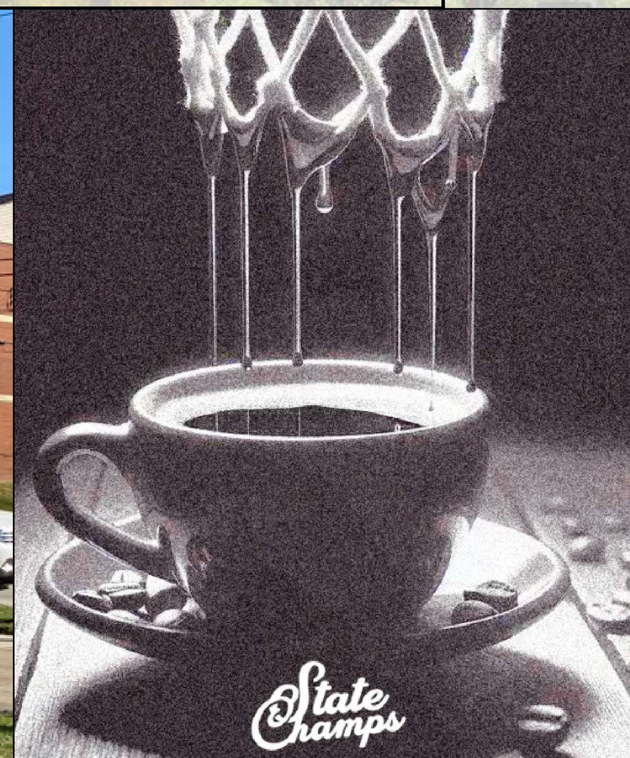
33

Coming Soon

101 Bottles Renovation

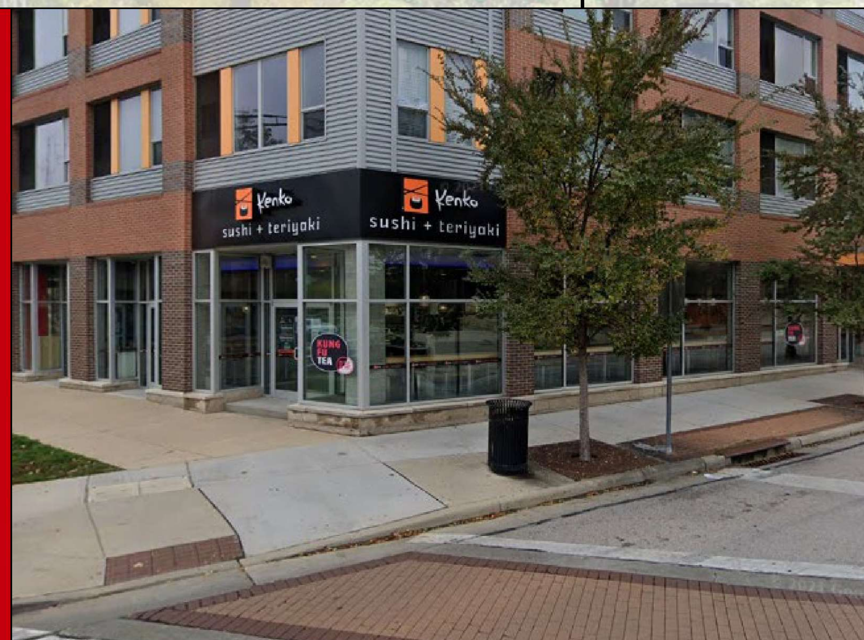
Coming Soon

State Champs



Coming Soon

Hyde Out



36

Coming Soon

Flash Crepes

37

Coming Soon

Evelyn Dickerson Hair Design

Coming Soon

Blind Squirrel Pub

39

Coming Soon

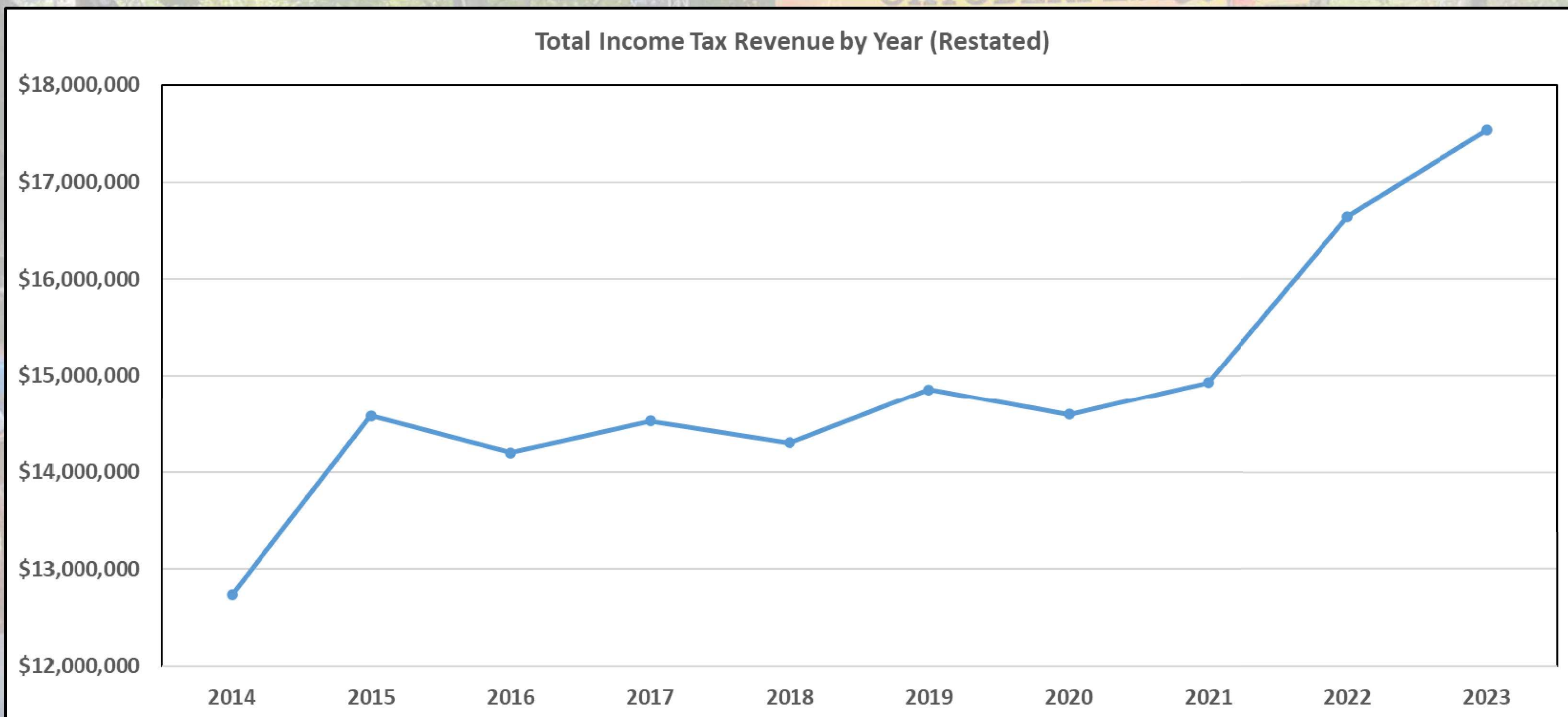
252 North Water - Italian Restaurant Concept

Other Business News

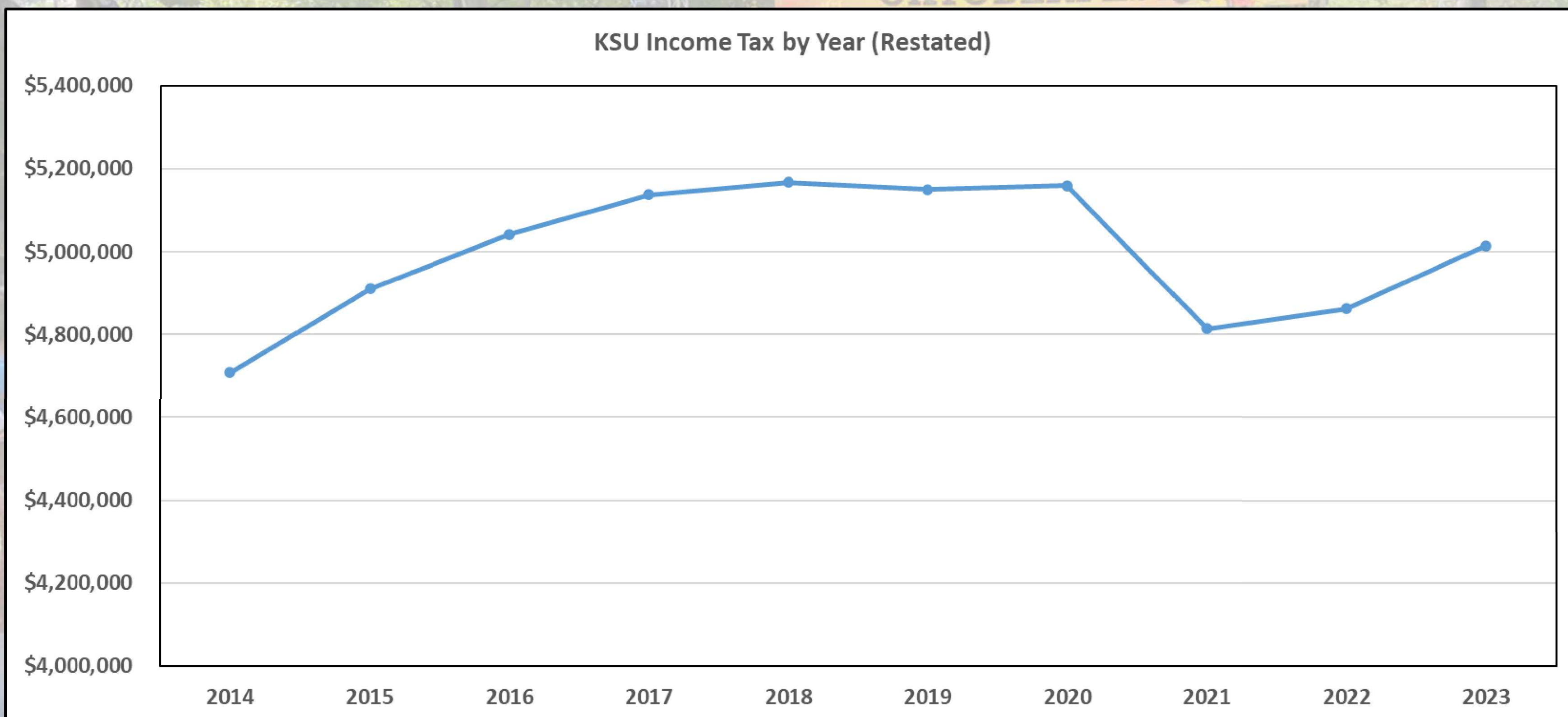
JobsOhio Inclusion Grant

- Funding opportunity new to the 44240 zip code
- Typical grant is 50% of eligible costs of project or $25,000, whichever is less
- Eligible businesses must be in a JobsOhio Industry Sector – Retail is not one of them
- Carries with it a job creation or payroll increase component
- Two Kent businesses received funding: Ron-Al Mold & Machine, SportsGuard

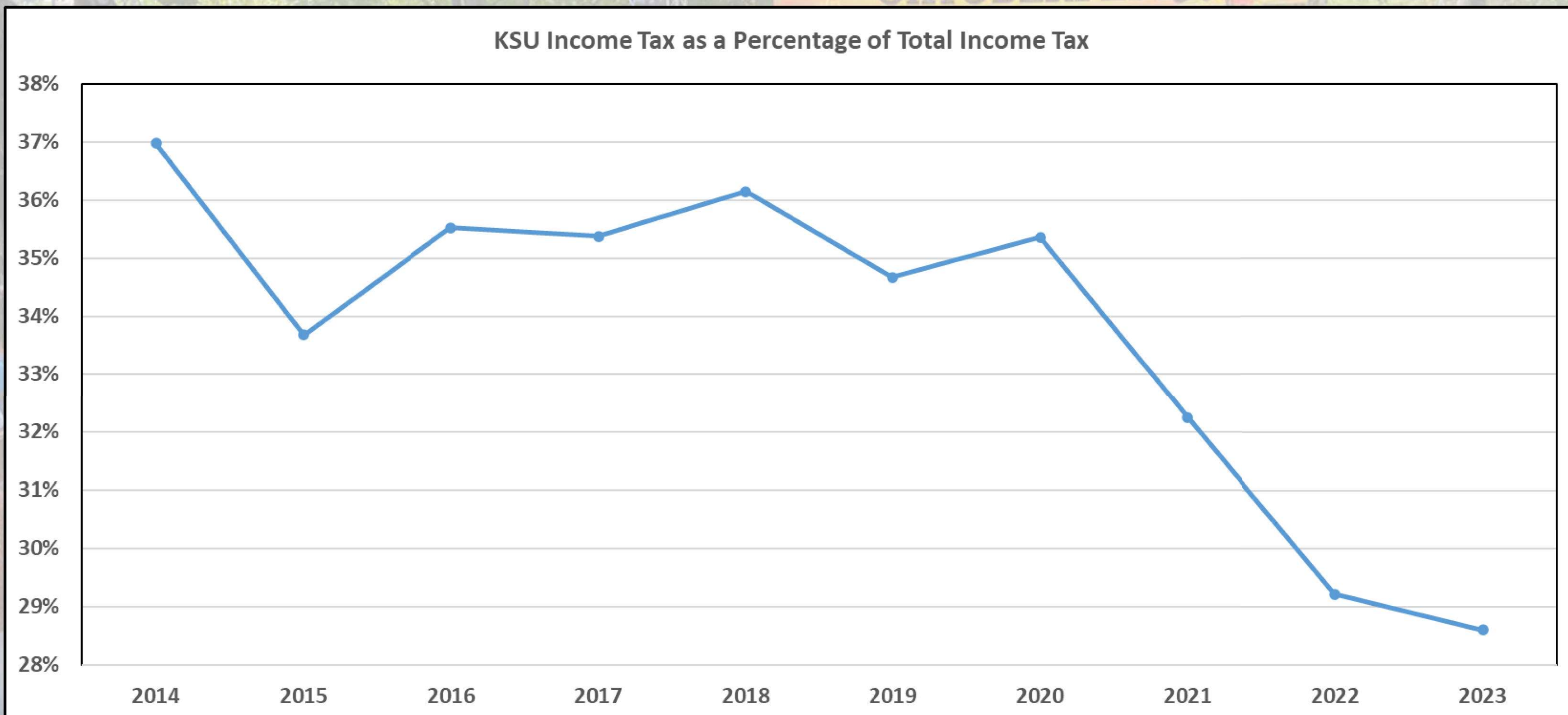
Economic Measures



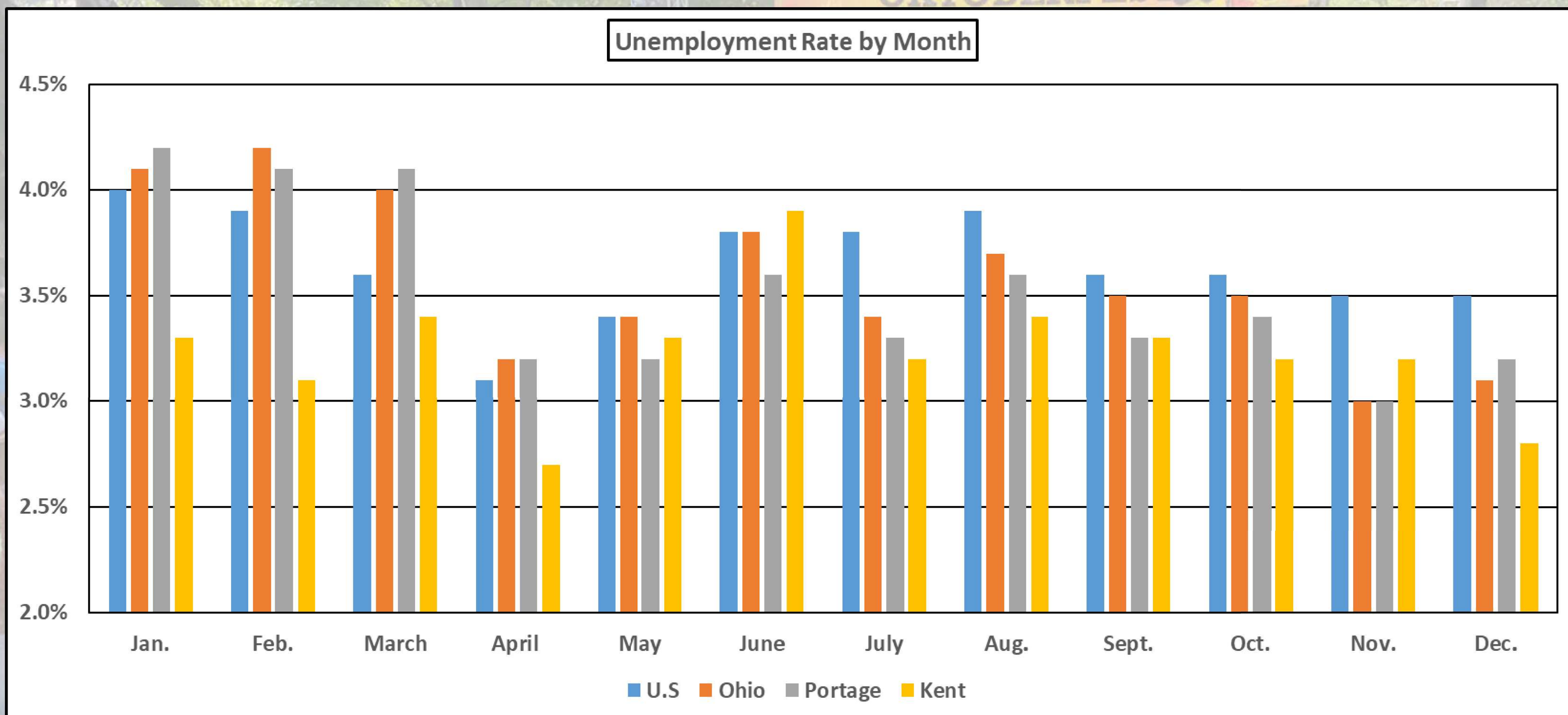
Economic Measures



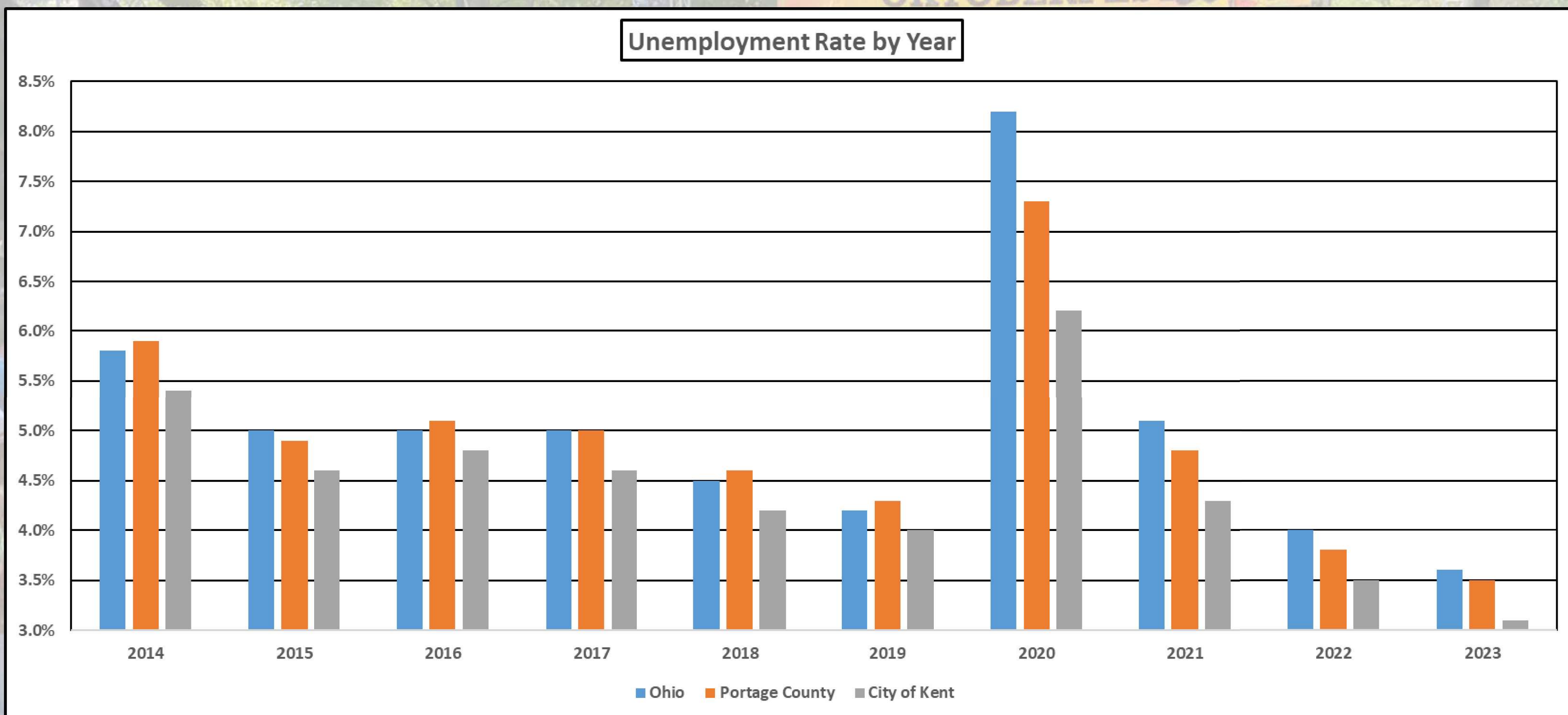
Economic Measures



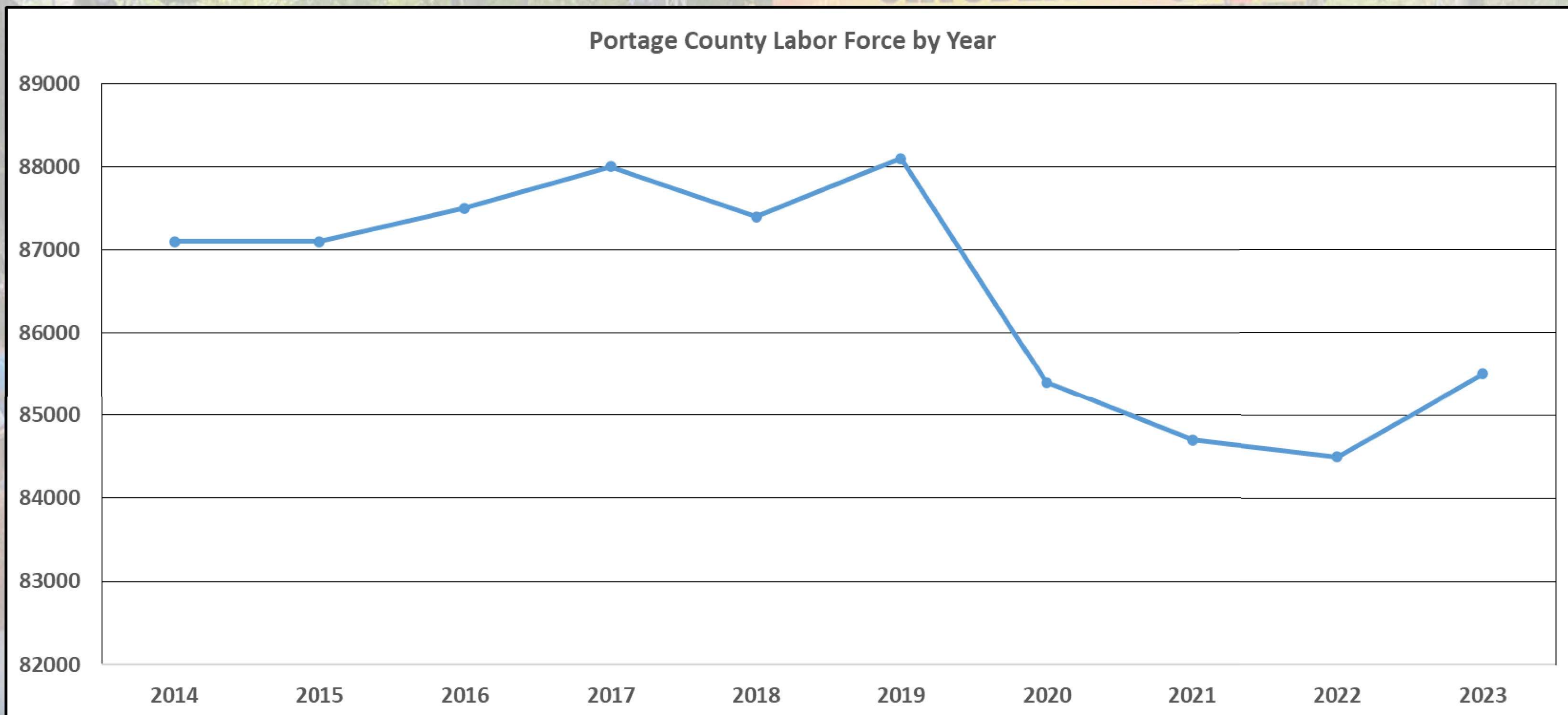
Economic Measures



Economic Measures



Economic Measures



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Conclusions

- Labor force is trending up, but still has not returned to pre-pandemic levels
- Labor force continues to be the biggest challenge reported by employers
- Consumer shopping habits trending towards ecommerce paired with inflation has had an impact on traditional brick and mortar retail
- Low unemployment and labor force continues to put upward pressure on wages
- Income tax trend is illustrative of higher wages employers must pay to attract and retain talent

DRAFT RESOLUTION NO. 2024-022

A RESOLUTION APPOINTING _____________ 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 ________ is hereby appointed to the **PLANNING COMMISSION.**

NAME	**TERM**
	Immediate- 12/31/2027
	Immediate – 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_____.

____
AMY WILKENS
CLERK OF COUNCIL

(SEAL)

DRAFT RESOLUTION NO. 2024-023

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 ___________, ____________, AND_____________ **are** hereby appointed to the **BOARD OF ZONING APPEALS.**

NAME	TERM
	Immediate to 12/31/2024
	Immediate to 12/31/2025
	Immediate 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_____.

____
AMY WILKENS
CLERK OF COUNCIL

(SEAL)

DRAFT ORDINANCE NO. 2024 - 024

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO RENEW THE AGREEMENT WITH THE HAYMAKER FARMERS' MARKET FOR THE SUB-LAND LEASE OF A PARKING LOT LOCATED NORTH OF SUMMIT STREET, WEST OF FRANKLIN AVENUE, AND EAST OF AKRON BARBERTON CLUSTER RAILWAY COMPANY'S MAIN LINE TRACK, CONTAINING 0.168 ACRES, FOR THE PERIOD OF APRIL 6, 2024 THROUGH NOVEMBER 30, 2024; CONTINGENT ON THE CONTINUATION OF THE CITY'S LEASE WITH THE AKRON BARBERTON CLUSTER RAILWAY COMPANY, FOR THE AMOUNT OF $1.00; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent and the Akron Barberton Cluster Railway Company entered into a lease agreement for the use of a parking lot, located north of Summit Street, west of Franklin Avenue, and east of the Akron Barberton Cluster Railway Company's main line track, containing 0.168 acres; and

WHEREAS, the City of Kent wishes to continue to sub-lease said parking lot on Saturday mornings to the Haymaker Farmers' Market; contingent on the continuation of the City's lease with the Akron Barberton Cluster Railway Company; and WHEREAS, a Farmers' Market is a benefit to the citizens of Kent, Ohio; and

WHEREAS, time is of the essence to allow the Farmers' Market to open with good weather.

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

SECTION 1. That the City Manager, or his designee, be and hereby is authorized to renew the Sub-land Lease with Haymaker Farmers' Market for a parking lot located north of Summit Street, west of Franklin Avenue, and east of the Akron Barberton Cluster Railway Company's main line tract, contingent on continuation of the City's lease with the Akron Barberton Cluster Railway Company; in substantial compliance with the terms of Exhibit "A", attached hereto.

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

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

PASSED: ________________________
Date

____
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: ____________________
Date

ATTEST: ____________________________
Amy Wilkens, CMC
Clerk of Council

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

(SEAL)

____
AMY WILKENS, CMC
CLERK OF COUNCIL

DRAFT ORDINANCE NO. 2024 - 025

AN ORDINANCE AUTHORIZING AMENDING THE CITY'S ECONOMIC DEVELOPMENT REVOLVING LOAN FUND PROGRAM (RLF) TO ESTABLISH A FIXED INTEREST RATE AND DECLARING AN EMERGENCY.

WHEREAS, the Economic Development Revolving Loan Fund Program (RLF) provides gap financing of up to 30% of a business's total project cost for a variety of activities including facility expansion, renovation and the acquisition of real property and machinery/equipment; and

WHEREAS, the interest rate for the current year is an adjustable interest rate set at 75% of the current prime rate; and

WHEREAS, the recent changes to the economy have resulted in the prime rate in 2023-2024 averaging between 5.5%-6% and is less than favorable for any business considering a loan; and

WHEREAS, the RLF Committee met on January 23, 2024 and voted unanimously to amend the program to establish a fixed interest rate of 3%.

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

SECTION 1. That Council of the City of Kent does hereby authorize amending the City's Economic Development Revolving Loan Fund Program to establish a fixed interest rate of 3% for business's seeking loan assistance through the program.

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

EFFECTIVE: ______________________
Date

____
Jerry T. Fiala
Mayor and President of Council

ATTEST: ________________________
Amy Wilkens, CMC
Clerk of Council

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

(SEAL)

____
AMY WILKENS, CMC
CLERK OF COUNCIL

CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: March 7, 2024

TO: Dave Ruller, City Manager

FROM: Bridget Susel, Community Development Director

RE: City Appointment: Tax Incentive Review Council

The State of Ohio has several different economic development incentive programs that provide real property tax exemptions to businesses and companies that make investments in new and expanding commercial projects in communities. The City of Kent utilizes several of these programs, including the Community Reinvestment Area (CRA) and the Enterprise Zone (EZ) Program. Both of these programs require an annal review by a Portage County board known as the Tax Incentive Review Council (TIRC).

The TIRC is comprised of representatives from Portage County, affected school districts, and the City of Kent. Currently, there is a vacancy in one of the two City board appointments since former Economic Development Director, Tom Wilke, retired in April 2023.

I am respectfully requesting that City Council appoint Eric Helmstedter, the City's current Economic Development Director, to the vacant City position on the TIRC. If you need any additional information in order to add this unauthorized item to the March 20, 2024 Council meeting agenda, please let me know.

Thank you.

Cc: Hope Jones, Law Director
Amy Wilkens, Clerk of Council
Eric Helmstedter, Economic Development Director

930 Overholt Rd., Kent, Ohio 44240 • (330) 678-8108 fax (330) 678-8030 •
www.KentOhio.org

DRAFT RESOLUTION 2024 – 026

A RESOLUTION APPOINTING ERIC HELMSTEDTER AND REAPPOINTING BRIDGET SUSEL TO THE TAX INCENTIVE REVIEW COUNCIL AND DECLARING AN EMERGENCY.

WHEREAS, a tax incentive review council is required under Section 5709.85 (A)(2) of the Ohio Revised Code; and

WHEREAS, the City of Kent desires to appoint Eric Helmstedter, the City's current Economic Development Director to the vacant City position on the TIRC, and reappoint Bridget Susel, the City's current Community Development Director**.**

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

SECTION 1. That Eric Helmstedter and Bridget Susel are hereby appointed to the Tax Incentive Review Council.

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

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

PASSED: ______________________________
Date

____
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: ___________________________
Date

ATTEST: ___________________________
Amy Wilkens, CMC
Clerk of Council

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

(SEAL)

____
AMY WILKENS, CMC
CLERK OF COUNCIL

DRAFT ORDINANCE NO. 2024- 029

AN ORDINANCE AMENDING SECTION 509.12 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT TITLED "UNLAWFUL NOISE", AND DECLARING AN EMERGENCY.

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

SECTION 1. That Kent City Council does hereby amend Section 509.12 of the Codified Ordinances of the City of Kent titled "Unlawful Noise" per the Exhibit "A" attached hereto and incorporated herein.

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

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

PASSED: ______________________
Date

____
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: ______________________
Date

ATTEST: ______________________
Amy Wilkens, CMC
Clerk of Council

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

____
AMY WILKENS, CMC
CLERK OF COUNCIL
(SEAL)

EXHIBIT “A”

509.12 UNLAWFUL NOISE

(b) Unlawful Noise - Enumerated. The following acts, among others, are declared to be loud, disturbing, injurious and unnecessary and unlawful noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

(1) Horns and Signal Devices. The sounding of any horn or signal device on any automobile, motorcycle, bus or train, or any other vehicle while not in motion, except as a danger signal or to give warning of intent to get into motion, or, if in motion, only as a danger signal after or as brakes are being applied and decelerating of the vehicle has begun; the creation by means of such signal devices of any unreasonably loud or harsh sounds; and the sounding of any signal device for any unreasonable or unnecessary period of time.

(2) Radio, Stereo, Musical Instruments. The playing of any radio, stereo, television set, amplified or unamplified musical instruments, loudspeaker, tape recorder, or other electronic sound-producing devices, in such a manner or with such volume at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel, hospital or other type of residence, or of any persons in the vicinity.

(b) If the private property is included in the City’s Designated Outdoor Refreshment Area then such radio, stereo or musical instruments as defined above being played outdoors shall be allowed from 7:00 a.m. to 11 p.m. Sunday through Thursday and 7:00 a.m. to 12:00 a.m. Friday and Saturday. Such outdoor music shall be played in the manner described above.

DRAFT ORDINANCE NO. 2024 – 027

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO CONTINUE THE EAST MAIN STREET IMPROVEMENTS AGREEMENT BETWEEN THE CITY OF KENT, KENT STATE UNIVERSITY AND PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY (PARTA) AND BEGIN THE FINAL PHASES OF THE PROJECT AND DECLARING AN EMERGENCY.

WHEREAS, this agreement is the final phase of the East Main Street Project that started with a joint planning study commenced with KSU and a citizen's advisory committee from the East Main Street Area; and

WHEREAS, the planning study was completed to the point where federal grant money could be pursued to assist in the implementation of the project; and

WHEREAS, over $21 million in federal grant money was received for the project, including funds to complete the design phase of the project.

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 continue the East Main Street Improvements Agreement between the City, KSU and PARTA which will use the results of the community-based project planning study and begin the final phase of the project, and is more fully described in Exhibit "A" attached hereto and incorporated herein.

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

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

PASSED: ______________________
Date

____
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: ______________________
Date

ATTEST: ______________________
Amy Wilkens, CMC
Clerk of Council

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

____

AMY WILKENS, CMC
CLERK OF COUNCIL
(SEAL)

<u>EAST MAIN STREET IMPROVEMENTS</u>

CONSTRUCTION AND MAINTENANCE AGREEMENT

PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY
KENT STATE UNIVERSITY
THE CITY OF KENT

ALL PARTIES BEING IN THE STATE OF OHIO

This Construction and Maintenance Agreement, dated ______________________ 2024, is an agreement made and entered into between the Portage Area Regional Transportation Authority ("PARTA"), Kent State University ("KSU") and the City of Kent, Ohio, duly formed under the laws of the State of Ohio (the "CITY").

WITNESSETH:

WHEREAS, KSU and the City desire to continue their joint efforts for the improvement of East Main Street generally located from Willow Street to Horning Road, and;

WHEREAS, PARTA maintains numerous routes through the East Main Street corridor and desires to improve transportation services to the traveling public, and;

WHEREAS, KSU, PARTA and the City have previously shared resources to complete the planning phase, design phase, and right of way acquisition phase, and;

WHEREAS, a Citizens Advisory Committee (CAC) was formed in 2018 to provide public input and guide the development of project alternatives through a series of public meetings. The CAC suggested an alternate to be taken to public meetings in 2021. The alternate a tree-lined boulevard from Willow Street and at Horning Road/Overlook Drive was chosen after public input was received, and;

WHEREAS, the Kent City Council agreed to enter into an agreement to undertake the design of the East Main Street Improvements by Ordinance No. 2020-18 passed on March 18, 2020, and;

WHEREAS, on May 15, 2020, PARTA, KSU, and the City entered into an agreement to progress the design and subsequently amended the agreement on March 22, 2023 to complete the design and the right of way acquisition phase of the East Main Street Improvement, and;

WHEREAS, the Agreement dated May 15, 2020, and Amendment No. 1 dated March 22, 2023 are included as Exhibit 1, and;

WHEREAS, the CITY has received $5.0 million in Federal Safety funds, $3.6 million in Federal MPO Carbon Reduction funds, $6 million in Federal MPO-CMAQ funds, $0.7 million in Federal MPO-TASA funds, $0.5 million in ODOT Municipal Paving funds, and $5.25 million in Federal RAISE Grant funds totaling $21.05 million for the East Main Street Improvements, and;

WHEREAS, PARTA will contribute $0.09 million in Federal 5307 funds toward the purchase of bus shelters to be located within the project area, and;

WHEREAS, in receiving the Federal and State funds, the CITY will administer the project and will be responsible for the design, right of way acquisition, bidding, award and construction management of the project, and;

WHEREAS, the City has entered into a Local Public Agency (LPA) Local-Let Federal agreement with ODOT to administer the project, and;

WHEREAS, the City has entered into a Grant Agreement with the United States Department of Transportation (USDOT) and ODOT to receive the RAISE Grant funds, which includes Electric Vehicle (EV) Charging Stations on Kent State Campus, included in Exhibit 2;

WHEREAS, the construction of the East Main Street Improvements shall now be known as POR-East Main - PID 112026 (hereafter referred to as "PROJECT") to coincide with the Local Public Agency Federal Project Agreement, and;

WHEREAS, existing and proposed components of the project along East Main Street including sidewalk will traverse the property of KSU for use by the general public including KSU students, faculty and staff (hereinafter referred to as "USERS"), and;

WHEREAS, the CITY and KSU desire to further delineate the duties, rights, and responsibilities of each party to the other regarding the PROJECT, and;

NOW THEREFORE, in consideration of the mutual agreements contained herein, the parties do hereby agree as follows:

RAISE DESIGNATED SUBRECIPIENT

KSU is a designated subrecipient for the RAISE 2023 Grant award executed by the CITY with the USDOT and ODOT, in regard to all terms and commitments involving the EV Charging stations to be installed on the KSU Campus.

RIGHT OF WAY

For the purposes of constructing the PROJECT, KSU will grant to the CITY under a separate document temporary easements as shown in the approved plans.

The CITY and KSU will work together to minimize staging costs and to determine the best locations for staging areas.

The CITY will obtain permanent right of way from the State of Ohio for CITY maintained roadway features that will be placed on KSU property. Roadway features include but are not limited to proposed pavement, curbs, catch basins, manholes, storm sewer, street lighting, traffic signals, beacons, pull boxes and underground conduit. Permanent right of way will be conveyed by separate document.

Due to the great value of the PROJECT to KSU and the importance that an aesthetically pleasing and functional East Main Street is to its students, faculty and staff, KSU agrees to donate land at no cost to the CITY to build the PROJECT. Without the donation of land by KSU, the PROJECT would not be able to be constructed to meet the needs of PARTA, KSU, and the CITY.

CONSTRUCTION

The CITY will manage the Local Public Agency (LPA) Agreement with the Ohio Department of Transportation (ODOT) and a City of Kent Engineer will be in responsible charge of the PROJECT. The CITY will administer and hold the contract for the construction of the PROJECT.

Any non-federally fundable item, as determined by ODOT, for the PROJECT will be considered within the scope of this agreement. The assignment of cost will be mutually agreed to and the benefitting party will be responsible for the entire amount. An amendment will be required to define responsibility for payment.

KSU will continue to improve and modify areas adjacent, and sometimes within the boundaries of this PROJECT. The CITY and KSU agree this work will remain the full responsibility of KSU but that both parties will work to coordinate the projects and minimize conflicts.

KSU and the CITY agree that a safe work site for vulnerable users (pedestrians, bicycles, scooters, etc…) including accessible pedestrian pathways and lighting is to be provided by the contractor and as such will be stated in the plans and specifications.

KSU understands that secondary damage to KSU's existing streets may occur from construction vehicle traffic due to the construction activity required for the PROJECT. Routes may require resurfacing earlier than would normally be expected. The CITY and

KSU will work together to minimize secondary damage. Secondary damage repair, such as earlier than anticipated paving projects is not considered to be part of this PROJECT.

KSU agrees to allow a construction trailer to be staged within the KSU campus near or within the project limits, for both KSU and CITY inspectors and staff for the administration, management and inspection of the PROJECT.

KSU and the CITY agree to work together to find ways to minimize the construction duration of the PROJECT.

KSU and the CITY will work together to provide periodic construction updates to the public through media including but not limited to press releases, website updates, e-mails and brochures. The PROJECT will include changeable message boards to be used for advanced notification of the traveling public. KSU and the CITY will mutually review and approve the messages to be sent out to the public prior to their release. KSU will be required to coordinate and inform their staff and students through media of their choice. The CITY shall be responsible to coordinate and inform their staff and the general public through media of their choice.

The PROJECT will provide public and emergency access to KSU buildings at all times of the day and night during construction of the PROJECT. This includes ADA access and safe pathways utilizing temporary lighting.

The PROJECT shall be designed to meet or exceed minimum AASHTO standards for roadways and be approved by ODOT. The PROJECT shall be constructed in accordance with the policies of the Local Public Administered projects required by ODOT.

PARTA will procure the bus shelters to be located within the PROJECT area using the Federal 5307 funds programmed for this purpose. The PROJECT shall install the bus shelters purchased. The local share required for the use of the Federal 5307 funds, and any additional or ineligible costs, shall be paid for by the City and KSU.

<u>COSTS</u>

The CITY and KSU agree to pay for the local share of the PROJECT, including design, right of way acquisition, construction, construction inspection and all other incidental items in equal amounts (50/50 split) up to the total local share PROJECT budget of $4,900,000 which includes the local share amount in the May 15, 2020 Agreement, which was amended on March 22, 2023.

The PROJECT budget shall not be exceeded without the written approval of KSU. The PROJECT budget includes all costs to complete the construction of the PROJECT, including but not limited to; construction engineering, inspection services, testing services, utility fees, legal fees, construction & contingencies. KSU shall assist the City's Engineer to complete the construction of the PROJECT within the approved budget.

LOCATION

The PROJECT shall commence at or near the intersection of East Main Street and Willow Street and continue easterly to its terminus near East Main Street and Horning Road.

KSU reserves the right to relocate the sidewalk/sidepath on its property and or its related amenities at any time during the term of this agreement. KSU shall be responsible for the cost of any such relocation and shall maintain the sidewalk connectivity to adjacent sidewalks and or bike facilities along East Main Street right of way. Conversely, the CITY may not alter the sidewalk/sidepath and or its related amenities on KSU property without receiving the written approval of KSU.

MAINTENANCE

The CITY shall maintain essential items of the right of way as per CITY Codified Ordinances. This typically includes maintenance of the following items in the roadway right-of-way: pavement, utilities (water, storm sanitary), roadway lighting, traffic signals, beacons, emergency vehicle access, pavement markings and signing related to the roadway. The CITY shall be responsible to plow the roadway within the right-of-way limits of East Main Street.

KSU shall maintain all items provided in the Kent Codified Ordinances including but not limited to sidewalks, ramps, driveways, side streets owned by KSU (Hilltop Drive, Midway Drive, Theatre Drive, and Loop Road), lawns, pedestrian lighting, water quality and water quantity ponds within the property frontage on East Main Street.

In addition to the above, KSU shall also maintain certain items within the right of way including median lawns and landscaping, wayfinding signs, pedestrian lighting, branding items including signs and walls, KSU street name signs, thermoplastic markings specific to KSU and banners as provided for on the approved PROJECT plans. Items maintained by KSU will be built to KSU standards.

KSU shall be solely responsible for all operations and maintenance of the EV Charging stations installed with the PROJECT. This includes any additional requirements of the RAISE grant agreement pertaining specifically to the EV Charging Stations. KSU shall allow access to the EV Stations to the general public as well as KSU users.

KSU shall secure all necessary permits required in connection with the use of the right of way and shall comply with all federal, state and local statutes, ordinances, rules or regulations which may affect, in any respect, KSU's use of the right of way. KSU shall, prior to commencement of any work, obtain and thereafter maintain, at its sole cost and expense, all licenses, permits, etc., required by law with respect to its use of the right of way.

If for any reason the director of Public Service or his duly appointed representative deems it necessary to order the removal, reconstruction, relocation or repair of KSU's changes in the right of way, then said removal, reconstruction, relocation or repair shall be promptly undertaken at the sole expense of KSU.

The CITY and KSU shall perform non-emergency repairs to its utilities in such a manner as to minimize disturbance to the functioning of East Main Street. East Main Street shall be restored to the quality of the existing facility with similar materials whenever the CITY and/or KSU disturb the facility in the course of repairing and/or maintaining its utilities or facilities.

KSU and PARTA agree that PARTA shall retain ownership of the bus shelters located within the project area. KSU will maintain the shelters located on the south side of the project along KSU property. PARTA will maintain the shelters located on the north side of the project and the shelters at the intersection of Horning Road. KSU and PARTA will establish maintenance expectations via a separate agreement to meet Federal Transit Administration (FTA) satisfactory continuing control requirements.

Maintenance shall be in accordance with the standards generally applied to public facilities of this nature, including repair and/or replacement as a result of weather, animals, individuals or any other cause. The maintenance responsibility shall remain in full force for the duration of the terms of this agreement.

SAFETY/LIABILITY

The safe and secure enjoyment of the sidewalk on East Main Street by USERS while on the property of KSU shall be the sole responsibility of KSU.

KSU shall maintain general liability insurance coverage to such extent and in such amounts, as it deems appropriate, but in no event less than the $5,000,000 total.

TERM, TERMINATION AND ABANDONMENT

It is the desire of the parties that this agreement shall remain in full force in perpetuity, but in no event shall the initial term of this agreement expire before January 1, 2078. Thereafter, this agreement will continue on a year-to-year basis until terminated by either party with one (1) year prior written notice from the party seeking termination.

SEVERABILITY

In the event any one or more of the provisions contained in the Agreement shall be determined to be invalid and the remaining provisions can be given effect, then in such event the remaining provisions shall remain in full force and effect.

NON-ASSIGMNENT

The rights, duties and responsibilities of parties under this agreement shall not be assignable by either party without written consent of the other party.

NON-WAIVER OF BREACH

The waiver of a breach of any one or more of the terms, provisions and conditions set forth and included in this Agreement shall not constitute, nor be construed to represent or constitute, the waiver in whole or in part of any subsequent breach of any term, provision or condition contained in this Agreement.

INTEGRATED AGREEEMENT

This Agreement, including exhibits, represents the entire, complete and exclusive understanding and agreement of the parties hereto and reduces to writing all oral negotiations and agreements of the parties and shall not be changed, varied or otherwise amended except in writing, signed by each of the parties hereto.

NOTICES

Unless and until otherwise advised in writing in accordance herewith, all notices required to be given under this Agreement shall be in writing sent by certified mail, postage prepaid, as follows:

To City: City Manager
City of Kent
301 S. Depeyster Street
Kent, Ohio 44240

To KSU: Vice President for Administration
Kent State University
P.O. Box 5190
Kent, Ohio 44242

To PARTA: General Manager
Portage Area Regional Transportation Authority
2000 Summit Road
Kent, Ohio 44240

ARTICLE HEADINGS

The article headings contained herein are inserted only as a matter of convenience and for reference and in no way shall be construed to define, limit or describe the scope or intent of this Agreement, nor in any way to affect the interpretation of any provision of this agreement.

GOVERNING LAW

This Agreement is being executed in the state of Ohio and the laws of Ohio shall govern its validity, effect and performance.

IN WITNESS WHEREOF, the parties to this agreement have hereunto set their hands on the day and year first written above.

CITY OF KENT, OHIO

WITNESS:

Reviewed and Recommended by:

James S. Bowling, P.E.
Deputy Service Director/Superintendent of Engineering

Date

WITNESS:

Approved and Accepted by:

Dave Ruller
City Manager

Date

Approved as to form:

Hope Jones, Law Director
City of Kent

Certificate of Director of Budget and Finance

It is hereby certified that the amount TWO MILLION TWO HUNDRED TWENTY-SIX THOUSAND dollars ($2,226,000) required to meet the contract, agreement, obligation, payment or expenditure, for the above, has been lawfully appropriated or authorized or directed for such purpose and is in the City Treasury or in the process of collection to the credit of the Capital, Water and Storm Fund free from any obligation or certificates now outstanding.

Rhonda Hall, Director of Budget and Finance

Date

KENT STATE UNIVERSITY

WITNESS:

Approved and Accepted by:

Mark Polatajko
Vice President for Finance and Administration
Kent State University

Date

PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY

WITNESS:

Approved and Accepted by:

Claudia Amrhein
General Manager
Portage Area Regional Transportation Authority

Date

Approved as to form:

Legal Counsel
Portage Area Regional Transportation Authority

Exhibit 1

East Main Street Improvements Agreement, May 15, 2020

East Main Street Improvements Amendment No.1, March 22, 2023

EAST MAIN STREET IMPROVEMENTS

AGREEMENT

PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY
KENT STATE UNIVERSITY
THE CITY OF KENT

ALL PARTIES BEING IN THE STATE OF OHIO

This Agreement, dated May 15, 2020, is an agreement made and entered into between the Portage Area Regional Transportation Authority ("PARTA"), Kent State University ("KSU") and the City of Kent, Ohio, duly formed under the laws of the State of Ohio (the "City").

WITNESSETH:

WHEREAS, KSU and the City desire to continue their joint efforts for the improvement of East Main Street generally located from Willow Street to Horning Road; known as the East Main Street Improvements (the "Project"), and;

WHEREAS, PARTA maintains numerous routes through the Project area and desires to improve transportation services to the traveling public, and;

WHEREAS, KSU and the City have previously shared resources to complete a planning and safety study to obtain Federal Highway Safety Funds (HSP), and;

WHEREAS, the City has applied for and received Federal funding through the Congestion Mitigation/Air Quality (CM/AQ) program, Surface Transportation Block Grant (STBG) program and the HSP program to finance a majority of the design, right of way acquisition, construction and construction inspection costs for this Project, and;

WHEREAS, PARTA agrees to pursue and apply for federal and state funding sources to assist in the completion of the transit fundable portions of the project;

WHEREAS, the Ohio Department of Transportation (ODOT) has agreed that the City serve as the responsible lead agency to administer the Project, and;

WHEREAS, the City will enter into a Local Public Agency (LPA) Local-Let Federal agreement with ODOT to administer the Project, and;

WHEREAS, KSU and the City have agreed to use a design consultant to provide professional surveying and engineering services for the preliminary and final design of the proposed Project and that the City will be the lead agency in the management of the Project, and;

WHEREAS, KSU does hereby give permission to the City of Kent, its agents, employees, consultants and contractors to enter upon KSU lands for the purpose of surveying, utility investigations, subsurface investigations, traffic counting, environmental studies and any other work necessary to complete the preliminary and final design of the Project, and;

WHEREAS, KSU and the City agree to pay for the local share of the design, estimated to be $250,000, in equal amounts (50/50 split) up to a maximum amount of $125,000 per entity, and;

WHEREAS, KSU and the City further agree to pay for the local share of the construction of the Project, with the amount to be determined after completion of the design phase, and to be included by Amendment to this document, and;

WHEREAS, the Kent State University Board of Trustees has authorized the Vice President for Finance and Administration to enter into a contractual agreement with the City of Kent to share the required local match for federal and state funded improvements to East Main Street. The authorization is for 50% of the local share, with the amount presently estimated at $2.2 million, and;

NOW, THEREFORE, in consideration of the promises and covenants contained in this Agreement, the parties hereto agree as follows:

Section 1. Incorporation of Recitals

The preceding recitals are hereby incorporated by reference into this Agreement.

Section 2. Design of the Project

A. The City and KSU shall undertake the design of the Project in a workmanlike manner.

B. All parties agree that the design of the improvement shall include improvements to transit services along the corridor, including at a minimum, bus pull-offs, shelters and lighting at planned service locations along the corridor.

C. The City hereby agrees that all contracts for the design of the Project shall be entered into in compliance with the applicable provisions of State and Local laws including Federal requirement for the procurement of professional services.

D. KSU and PARTA, as major stakeholders of the Project, shall be active in the development and review of the preliminary alternatives, the selection of the preferred alternative, review of the detailed design plans and attendance and participation at regular project meetings.

E. The cost of the professional engineering services will be split 50% KSU, 50% City. The City will be invoiced and pay for the professional services and KSU will reimburse the City its share of the total cost when the City invoices KSU for said professional services that are KSU's portion.

F. The parties to this Agreement covenant that all design with respect to the Project is made in reliance on this Agreement.

Section 3. Construction of the Project

A. This Agreement will be amended prior to construction to further detail the terms.

B. KSU's participation in the local match is limited to the $2.2 million authorized by the Kent State University Board of Trustees. Any additional funds needed for the local match must be authorized by the Board of Trustees prior to entering into contracts or change orders requiring the additional funds.

IN WITNESS WHEREOF, the parties hereto have offered their hands and seals.

CITY OF KENT, OHIO

WITNESS: Cathy Wilson

Reviewed and Recommended by:

James S. Bowling, P.E.
Deputy Service Director/Superintendent of Engineering

5/14/2020
Date

WITNESS: Cathy Wilson

Approved and Accepted by:

David Ruller
Dave Ruller
City Manager

5/15/2020
Date

Approved as to form:

Hope L. Jones

Hope Jones, Law Director
City of Kent

Certificate of Director of Budget and Finance

It is hereby certified that the amount ONE HUNDRED TWENTY FIVE thousand dollars ($125,000) required to meet the contract, agreement, obligation, payment or expenditure, for the above, has been lawfully appropriated or authorized or directed for such purpose and is in the City Treasury or in the process of collection to the credit of the Capital Funds free from any obligation or certificates now outstanding.

Rhonda Hall

Rhonda Hall, Director of Budget and Finance

5/15/2020
Date

IN WITNESS WHEREOF, the parties hereto have offered their hands and seals.

KENT STATE UNIVERSITY

WITNESS:

Approved as to legal form and sufficiency by Douglas Kubinski

Digitally signed by Approved as to legal form and sufficiency by Douglas Kubinski
Date: 2020.04.29 10:36:54 -04'00'
Adobe Acrobat version: 2020.006.20042

Reviewed and Recommended by:

Mark Polatajko
Vice President for Finance and Administration
Kent State University

4-30-20

Date

PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY

WITNESS:

Reviewed and Recommended by:

Claudia Amrhein
General Manager
Portage Area Regional Transportation Authority

03. 23. 2020

Date

Approved as to form:

Legal Counsel
Portage Area Regional Transportation Authority

EAST MAIN STREET IMPROVEMENTS

AGREEMENT

PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY
KENT STATE UNIVERSITY
THE CITY OF KENT

AMENDMENT NO. 1

ALL PARTIES BEING IN THE STATE OF OHIO

THIS AMENDMENT No. 1 to the **EAST MAIN STREET IMPROVEMENTS** Agreement executed this 22nd day of March, 2023 is made and entered into between the Portage Area Regional Transportation Authority ("PARTA"), Kent State University ("KSU") and the City of Kent, Ohio, duly formed under the laws of the State of Ohio (the "City").

WITNESSETH:

WHEREAS, on May 15, 2020, PARTA, KSU and the City entered into an agreement to progress the EAST MAIN STREET IMPROVEMENT Project, hereinafter referred to as the "Project" through the design phase.

WHEREAS, the parties have completed the planning phase and has an approved Environmental Document per the National Environmental Policy Act (NEPA), and;

WHEREAS, the Federal Funding for the design phase of the Project switched from using solely Highway Safety Improvement Program (HSIP) funding at a 90% Federal/10% Local split, to partially HSIP funding and Congestion Mitigation/Air Quality funding at a 80% Federal/20% Local split, and;

WHEREAS, additional local funds are required to complete the design, and;

WHEREAS, the right-of-way acquisition phase of the Project needs to commence.

NOW, THEREFORE, in consideration of the mutual covenants, promises, conditions and terms to be kept and performed, it is agreed between the parties to enter this Amendment No. 1 as follows:

- **On page 2, the second paragraph should be replaced with the following:**

*"**WHEREAS,** KSU and the City agree to pay for the local share of the design, estimated to be $338,000, in equal amounts (50/50 split) up to a maximum amount of $169,000 per entity, and;"*

EAST MAIN STREET IMPROVEMENTS

AGREEMENT

PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY
KENT STATE UNIVERSITY
THE CITY OF KENT

AMENDMENT NO. 1

ALL PARTIES BEING IN THE STATE OF OHIO

- **Add the following after Section 3 on page 3 of 5:**

"Section 4. Right-of-way Acquisition for the Project:

A. The City and KSU shall undertake the Right-of-Way Acquisition phase of the Project in a workmanlike manner.

B. The City hereby agrees that the Right-of-Way Acquisition phase of the Project shall be completed in compliance with the applicable provisions of the Federal Uniform Relocation Act, State and Local laws and under the oversight of the Ohio Department of Transportation (ODOT).

C. KSU and the City agree to pay for the local share of the right-of-way acquisition, estimated to be $110,000, in equal amounts (50/50 split) up to a maximum amount of $55,000 per entity.

D. KSU and the City agree that neither party will seek compensation for their respective properties used for the completion of the project as approved by both entities during the design of the project."

All other terms and conditions remain unchanged.

EAST MAIN STREET IMPROVEMENTS

AGREEMENT

PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY
KENT STATE UNIVERSITY
THE CITY OF KENT

AMENDMENT NO. 1

ALL PARTIES BEING IN THE STATE OF OHIO

IN WITNESS WHEREOF, the parties hereto have offered their hands and seals.

CITY OF KENT, OHIO

WITNESS:

Cathy Wilson

Reviewed and Recommended by:

James Bowling

James S. Bowling, P.E.
Deputy Service Director/Superintendent of Engineering

3/24/2023

Date

WITNESS:

Cathy Wilson

Approved and Accepted by:

Dave Ruller

Dave Ruller
City Manager

3/24/2023

Date

Approved as to form:

Hope L. Jones

Hope Jones, Law Director
City of Kent

Certificate of Director of Budget and Finance

It is hereby certified that the amount NINETY NINE THOUSAND dollars ($99,000) required to meet the contract, agreement, obligation, payment or expenditure, for the above, has been lawfully appropriated or authorized or directed for such purpose and is in the City Treasury or in the process of collection to the credit of the Capital Fund free from any obligation or certificates now outstanding.

Rhonda Hall

Rhonda Hall, Director of Budget and Finance

3/2/2023

Date

EAST MAIN STREET IMPROVEMENTS

AGREEMENT

PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY
KENT STATE UNIVERSITY
THE CITY OF KENT

AMENDMENT NO. 1

ALL PARTIES BEING IN THE STATE OF OHIO

KENT STATE UNIVERSITY

WITNESS: Peter Dennis

Digitally signed by Mike Pfahl
Date: 2023.03.22 12:59:50 -04'00'

Reviewed and Recommended by:

Mark Polatajko
Senior Vice President for Finance and Administration
Kent State University

3/23/2023
Date

PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY

WITNESS: Marcia Fletcher

Reviewed and Recommended by: Claudia B. Amrhein

Claudia Amrhein
General Manager
Portage Area Regional Transportation Authority

04.03.2023
Date

Approved as to form:

Justin P. Markey
Legal Counsel
Portage Area Regional Transportation Authority

Exhibit 2
RAISE Grant Agreement

U.S. DEPARTMENT OF TRANSPORTATION

GRANT AGREEMENT UNDER THE FISCAL YEAR 2023 RAISE PROGRAM

This agreement is between the United States Department of Transportation (the "**USDOT**") and the Ohio Department of Transportation (the "**Recipient**").

This agreement reflects the selection of the Recipient to receive a RAISE Grant for the East Main Street Corridor Improvements.

If schedule A to this agreement identifies a Designated Subrecipient, that Designated Subrecipient is also a party to this agreement, and the parties want the Designated Subrecipient to carry out the project with the Recipient's assistance and oversight.

The parties therefore agree to the following:

ARTICLE 1 GENERAL TERMS AND CONDITIONS.

1.1 General Terms and Conditions.

(a) In this agreement, "**General Terms and Conditions**" means the content of the document titled "General Terms and Conditions Under the Fiscal Year 2023 RAISE Program: FHWA Projects," dated June 23, 2023, which is available at https://www.transportation.gov/policy-initiatives/raise/raise-grant-agreements. The General Terms and Conditions reference the information contained in the schedules to this agreement. The General Terms and Conditions are part of this agreement.

(b) The Recipient states that it has knowledge of the General Terms and Conditions.

(c) The Recipient acknowledges that the General Terms and Conditions impose obligations on the Recipient and that the Recipient's non-compliance with the General Terms and Conditions may result in remedial action, terminating of the RAISE Grant, disallowing costs incurred for the Project, requiring the Recipient to refund to the USDOT the RAISE Grant, and reporting the non-compliance in the Federal-government-wide integrity and performance system.

ARTICLE 2
SPECIAL TERMS AND CONDITIONS.

There are no special terms for this award.

SCHEDULE A
ADMINISTRATIVE INFORMATION

1. Application.

Application Title: East Main Street Corridor Improvements

Application Date: 2/28/2023

2. Recipient's Unique Entity Identifier.

See section 28.3 of the General Terms and Conditions.

3. Recipient Contact(s).

Jeff Cutler
LPA Manager
ODOT District 4
2088 S Arlington Road, Akron, OH 44306
330-786-4807
jeff.cutler@dot.ohio.gov

4. Recipient Key Personnel.

None.

5. USDOT Project Contact(s).

Stuart Hembree
TPM/Asset Management Coordinator
FHWA Ohio Division
200 N High Street, Room 328, Columbus, OH 43215
614-280-6894
stuart.hembree@dot.gov

6. Payment System.

USDOT Payment System: FMIS

7. Office for Subaward and Contract Authorization.

USDOT Office for Subaward and Contract Authorization: FHWA Division

8. Federal Award Identification Number.

See section 28.2 of the General Terms and Conditions.

9. Designated Subrecipient.

Designated Subrecipient: City of Kent

Designated Subrecipient Project Contact:

Jon Giaquinto
Senior Engineer
City of Kent
930 Overholt Road, Kent, OH 44240
330-678-8106
Jon.Giaquinto@kentohio.gov

SCHEDULE B
PROJECT ACTIVITIES

1. General Project Description.

The project will reconstruct a five lane road to a four lane road that includes a landscaped center median, sidewalk, multi-use trail, two roundabouts, bus pullouts, and pedestrian amenities.

2. Statement of Work.

The project includes improvements on East Main Street, from west of Willow Street to east of Horning Road. The project includes:

- Four lanes with turn lanes at signalized intersections.
- Center median.
- Realignment of Horning Road with Overlook Drive.
- Roundabout at East Main Street and Willow Street / Haymaker Parkway and at East Main Street and Overlook Drive / Horning Road.
- Multi-use path on the southern side of East Main Street.
- Sidewalk and tree lawn on the northern side of East Main Street.
- Bus pull-offs at Portage Area Regional Transit Authority (PARTA) stops.
- Street lighting and pedestrian lighting.
- Marked mid-block pedestrian crossings with signage.
- Accessible pedestrian signals at signalized intersections.
- EV charging stations in public parking lots on the Kent State University campus along the south side of East Main Street.

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SCHEDULE C
AWARD DATES AND PROJECT SCHEDULE

1. Award Dates.

Budget Period End Date: 10/31/2029

Period of Performance End Date: See section 28.5 of the General Terms and Conditions

2. Estimated Project Schedule.

Milestone	Schedule Date
Planned Completion of PS&E	3/21/2025
Planned Construction Substantial Completion and Open to Traffic Date:	10/31/2028

3. Special Milestone Deadlines.

None.

SCHEDULE D
AWARD AND PROJECT FINANCIAL INFORMATION

1. Award Amount.

RAISE Grant Amount: $5,250,000

2. Federal Obligation Information.

Federal Obligation Type: Multiple

Obligation Condition Table		
Portion of the Project	**Portion of the RAISE Grant**	**Obligation Condition**
Base Phase: Design of EV Charging Stations	$225,000	
Option Phase 1: Roadway Construction	$3,750,000	If the FHWA Ohio Division Office approves the PS&E for the Project and Recipient has met all the applicable Federal, State, and Local requirements.
Option Phase 2: Construction of EV Charging Stations	$1,275,000	If the FHWA Ohio Division Office approves the PS&E for the Project and Recipient has met all the applicable Federal, State, and Local requirements.

3. Approved Project Budget.

Eligible Project Costs

	Base Phase: Design of EV Charging Stations	**Option Phase 1: Roadway Construction**	**Option Phase 2: Construction of EV Charging Stations**	**Total**
RAISE Funds:	$225,000	$3,750,000	$1,275,000	$5,250,000
Other Federal Funds:	$0	$12,560,000	$0	$12,560,000
Non-Federal Funds:	$0	$4,450,000	$0	$4,450,000
Total:	$225,000	$20,760,000	$1,275,000	$22,260,000

4. Cost Classification Table

Reserved.

5. Approved Pre-award Costs

None. The USDOT has not approved under this award any costs incurred under an advanced construction authorization (23 U.S.C. 115), any costs incurred prior to authorization (23 C.F.R. 1.9(b)), or any pre-award costs under 2 C.F.R. 200.458.

SCHEDULE E
CHANGES FROM APPLICATION

Scope: No changes.

Schedule: Section 5.1 of the application showed construction duration as 36 months. The application also showed construction duration dates from Nov. 2025 to Oct. 2027, which is only 24 months. The proper end construction date should be Oct. 2028 to reflect a 36-month duration.

The table below compares the Project milestone dates.

Milestone	Application	Agreement
Planned Construction Substantial Completion and Open to Traffic Date:	10/31/2027	10/31/2028

Budget: The application broke down project costs based upon detailed design, right of way, construction engineering, and construction. $3,600,000 in detailed design and right of way are included in the previously incurred costs because those tasks are being worked on now. The detailed design was started in 2020 and the right of way acquisition was recently started in 2023. These tasks have been ongoing to keep the project on schedule. Future eligible costs include construction and construction engineering. Detailed design of the EV charging stations has not yet begun. This work and the EV charging station construction are also included in the future eligible costs. The total eligible project costs have decreased by $3,240,000 and the Other Federal Funds have been reduced to match this total project decrease.

The table below provides a summary comparison of the Project budget.

Fund Source	Application		Schedule D	
	$	%	$	%
Previously Incurred Costs				
Federal Funds	0	0	3,240,000	12.5
Non-Federal Funds	0	0	360,000	1.4
Total Previously Incurred Costs	0	0	3,600,000	13.9
Future Eligible Project Costs				
RAISE Funds	5,250,000	20.6	5,250,000	20.3
Other Federal Funds	15,800,000	61.9	12,560,000	48.6
Non-Federal Funds	4,450,000	17.5	4,450,000	17.2
Total Future Eligible Project Costs	25,500,000	100	22,260,000	86.1
Total Project Costs	25,500,000	100	25,860,000	100

Other: N/A.

SCHEDULE F
RAISE PROGRAM DESIGNATIONS

1. Urban or Rural Designation.

Urban-Rural Designation: Urban

2. Capital or Planning Designation.

Capital-Planning Designation: Capital

3. Historically Disadvantaged Community or Area of Persistent Poverty Designation.

HDC or APP Designation: Yes

4. Funding Act.

Funding Act: IIJA

5. Security Risk Designation.

Security Risk Designation: Low

SCHEDULE G
RAISE PERFORMANCE MEASUREMENT INFORMATION

Study Area: East Main Street between Willow Street and Horning Road

Baseline Measurement Date: February 1, 2025

Baseline Report Date: April 1, 2025

Table 1: Performance Measure Table

Measure	Category and Description	Measurement Frequency
Average Daily Traffic (ADT)	Mobility and Community Connectivity Average traffic volumes per day within the project study area. Count collection can be self-reported or taken from state or national traffic volume databases.	quarterly
Severe Crashes	Safety Total severe crashes within the project study area. A severe crash is one that results in a K, A, or B injury code on the KABCO scale.	annual

SCHEDULE H
CLIMATE CHANGE AND ENVIRONMENTAL JUSTICE IMPACTS

1. Consideration of Climate Change and Environmental Justice Impacts.

The Recipient states that rows marked with "X" in the following table are accurate:

	The Project significantly reduces transportation-related pollution, like air pollution and greenhouse gas emissions. *(Describe the expected reductions and how they are achieved in the supporting narrative below.)*
X	The Project aligns with an applicable State, regional, or local carbon-reduction plan. *(Identify the plan in the supporting narrative below.)*
	The Project addresses the disproportionate negative environmental impacts of transportation, such as exposure to elevated levels of air, water, and noise pollution. *(Describe how in the supporting narrative below.)*
	The Project implements transportation-efficient land use and design, such as drawing on the features of historic towns and villages that had a mix of land uses, compact and walkable development patterns, accessible green space, and neighborhood centers. *(Describe how in the supporting narrative below.)*
	The Project shifts freight to lower-carbon travel modes to reduce emissions. *(Describe how in the supporting narrative below.)*
	The Project improves the resiliency of at-risk infrastructure to withstand extreme weather events and natural disasters caused by climate change, such as by using best-available climate data sets, information resources, and decision-support tools, and incorporating best practices identified by the USDOT. *(Identify the at-risk infrastructure and describe how the project improves its resiliency in the supporting narrative below.)*
	The Project incorporates energy efficient investments, such as electrification or zero emission vehicle infrastructure. *(Describe the energy efficient investments in the supporting narrative below.)*
	The Project redevelops brownfield sites. *(Identify the brownfield sites and describe the redevelopment in the supporting narrative below.)*
	The Project removes, replaces, or restores culverts to improve passage of aquatic species. *(Identify the affected culverts and describe how the changes will improve the passage of aquatic species in the supporting narrative below.)*

	The Project avoids adverse impacts to air or water quality, wetlands, and endangered species. *(Describe how in the supporting narrative below.)*
	The Project includes floodplain upgrades consistent with the Federal Flood Risk Management Standard in Executive Orders 14030 and 13690. *(Describe those floodplain upgrades in the supporting narrative below.)*
	The Recipient has taken other actions to consider climate change and environmental justice impacts of the Project. *(Describe those actions in the supporting narrative below.)*
	The Recipient has not yet taken actions to consider climate change and environmental justice impacts of the Project but, before beginning construction of the Project, will take relevant actions described in schedule B. *(Identify the relevant actions from schedule B in the supporting narrative below.)*
	The Recipient has not taken actions to consider climate change and environmental justice impacts of the Project and will not take those actions under this award.

2. Supporting Narrative.

The Project aligns with an applicable State, regional, or local carbon-reduction plan. *(Identify the plan in the supporting narrative below.)*

The East Main Street Corridor Improvement project meets the goal of reducing greenhouse gas emissions by making East Main Street a more walkable and bikeable road. The project will improve safety for pedestrian and bikes by building a multi-use path, short crossings and slower vehicular speeds with narrower lanes, and accessible pedestrian signals. The East Main Street Corridor Improvement project is listed as a goal on page 20 in the City of Kent Ohio Climate Action Plan dated March 23, 2023.

This Plan is available on the City of Kent's Website at:
https://www.kentohio.org/DocumentCenter/View/12731/KERAMIDA-City-of-Kent-CAP

SCHEDULE I
RACIAL EQUITY AND BARRIERS TO OPPORTUNITY

1. Efforts to Improve Racial Equity and Reduce Barriers to Opportunity.

The Recipient states that rows marked with “X” in the following table are accurate:

	The Project increases affordable transportation choices. (*Describe how in the supporting narrative below.*)
	The Project expands active transportation usage. (*Describe how in the supporting narrative below.*)
	The Project significantly reduces vehicle dependence. (*Describe how in the supporting narrative below.*)
	The Project reduces transportation and housing cost burdens by integrating mixed use development and a diversity of housing types (including affordable housing) with multimodal transportation infrastructure. (*Describe how in the supporting narrative below.*)
	The Project coordinates and integrates land use, affordable housing, and transportation planning to create more livable communities and expand travel choices. (*Describe how in the supporting narrative below.*)
X	The Project reduces vehicle dependence and improves access to daily destinations, such as jobs, healthcare, grocery stores, schools, places of worship, recreation, or parks, such as by adding new facilities that promote walking or biking. (*Describe how in the supporting narrative below.*)
	The Project implements transit-oriented development that benefits existing residents and businesses. (*Describe how in the supporting narrative below, including a specific description of the benefits to existing residents and businesses.*)
	The Project mitigates urban heat islands to protect the health of at-risk residents, outdoor workers, and others. (*Describe how in the supporting narrative below.*)
	The Project proactively addresses racial equity. (*Describe how in the supporting narrative below.*)

	The Recipient has taken other actions related to the Project to improve racial equity and reduce barriers to opportunity. *(Describe those actions in the supporting narrative below.)*
	The Recipient has not yet taken actions related to the Project to improve racial equity and reduce barriers to opportunity but, before beginning construction of the Project, will take relevant actions described in schedule B. *(Identify the relevant actions from schedule B in the supporting narrative below.)*
	The Recipient has not taken actions related to the Project to improve racial equity and reduce barriers to opportunity and will not take those actions under this award.

2. Supporting Narrative.

The Project reduces vehicle dependence and improves access to daily destinations, such as jobs, healthcare, grocery stores, schools, places of worship, recreation, or parks, such as by adding new facilities that promote walking or biking. (*Describe how in the supporting narrative below.*)

The East Main Street project will provide a range of mobility options to connect people to and from their homes, jobs, and services in a safe, reliable manner. The project will include buffered sidewalks, wide multi-use trail, center median, highly visible pedestrian crossings, and enhanced transit stops. This project will facilitate a first- and last- mile connection along the East Main Corridor by providing multi-modal linkage to Kent State, Downtown, and to the PARTA Central Gateway facility which provides transit connections throughout the region. These improvements will also provide better connectivity to housing, jobs, shopping, and medical facilities which exist along the SR 59 corridor, inside and outside of the project area.

SCHEDULE J
LABOR AND WORK

1. Efforts to Support Good-Paying Jobs and Strong Labor Standards

The Recipient states that rows marked with "X" in the following table are accurate:

	The Recipient or a project partner promotes robust job creation by supporting good-paying jobs directly related to the project with free and fair choice to join a union. *(Describe robust job creation and identify the good-paying jobs in the supporting narrative below.)*
	The Recipient or a project partner will invest in high-quality workforce training programs such as registered apprenticeship programs to recruit, train, and retain skilled workers, and implement policies such as targeted hiring preferences. *(Describe the training programs in the supporting narrative below.)*
X	The Recipient or a project partner implements targeted hiring preferences that will promote the entry and retention of underrepresented populations into those jobs including women, people of color, and people with convictions. *(Describe the use of targeted hiring preferences that will promote the entry and retention of underrepresented populations in jobs in the supporting narrative below.)*
	The Recipient or a project partner will partner with high-quality workforce development programs with supportive services to help train, place, and retain underrepresented communities in good-paying jobs or registered apprenticeships including through the use of local and economic hiring preferences, linkage agreements with workforce programs that serve underrepresented groups, and proactive plans to prevent harassment. *(Describe the supportive services provided to trainees and employees, preferences, and policies in the supporting narrative below.)*
	The Recipient or a project partner will partner and engage with local unions or other worker-based organizations in the development and lifecycle of the project, including through evidence of project labor agreements and/or community benefit agreements. *(Describe the partnership or engagement with unions and/or other worker-based organizations and agreements in the supporting narrative below.)*
	The Recipient or a project partner will partner with communities or community groups representative of historically underrepresented groups to develop workforce strategies. *(Describe the partnership and workforce strategies in the supporting narrative below.)*

	The Recipient has taken other actions related to the Project to create good-paying jobs with the free and fair choice to join a union and incorporate strong labor standards. *(Describe those actions in the supporting narrative below.)*
	The Recipient has not yet taken actions related to the Project to create good-paying jobs with the free and fair choice to join a union and incorporate strong labor standards but, before beginning construction of the Project, will take relevant actions described in schedule B. *(Identify the relevant actions from schedule B in the supporting narrative below.)*
	The Recipient has not taken actions related to the Project to improve good-paying jobs and strong labor standards and will not take those actions under this award.

2. Supporting Narrative.

The Recipient or a project partner implements targeted hiring preferences that will promote the entry and retention of underrepresented populations into those jobs including women, people of color, and people with convictions. ***(Describe the use of targeted hiring preferences that will promote the entry and retention of underrepresented populations in jobs in the supporting narrative below.)***

For this Federal Aid project, the City of Kent will incorporate ODOT's LPA Template and form FHWA-1273 into the project bid documents. These forms provide provisions for the project contractors to follow for the duration of the construction contract. Provisions include equal employment opportunity, non-segregated facilities, Davis-Bacon wage rates, and the Disadvantaged Business Enterprise (DBE) program. ODOT will determine a DBE goal for the project prior to advertising. Both ODOT and the City work together in monitoring these requirements during construction.

SCHEDULE K
CIVIL RIGHTS AND TITLE VI

1. Recipient Type Designation.

Recipient Type Designation: Existing

Existing Award Program: 20.205; Highway Planning and Construction

2. Title VI Assessment Information.

This section is not applicable because the Recipient Type Designation is “Existing.”

RECIPIENT SIGNATURE PAGE

The Recipient, intending to be legally bound, is signing this agreement on the date stated opposite that party's signature.

Ohio Department of Transportation

________________________ By: ______________________________

Date

Signature of Recipient's Authorized Representative

Jack Marchbanks

Name

Director

Title

DESIGNATED SUBRECIPIENT SIGNATURE PAGE

The Designated Subrecipient, intending to be legally bound, is signing this agreement on the date stated opposite that party's signature.

City of Kent, Ohio

______________________ By: ______________________

Date

Signature of Designated Subrecipient's Authorized Representative

Dave Ruller

Name

City Manager

Title

Approved as to form:

____

Hope Jones, Law Director
City of Kent

Certificate of Director of Budget and Finance

IT IS HEREBY CERTIFIED THAT THE AMOUNT FIVE MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS ($5,250,000) REQUIRED TO MEET THE CONTRACT, AGREEMENT, OBLIGATION, PAYMENT OR EXPENDITURE, FOR THE ABOVE, HAS BEEN LAWFULLY APPROPRIATED OR AUTHORIZED OR DIRECTED FOR SUCH PURPOSE AND IS IN THE CITY TREASURY OR IN THE PROCESS OF COLLECTION TO THE CREDIT OF THE CAPITAL FUND FREE FROM ANY OBLIGATION OR CERTIFICATES NOW OUTSTANDING.

____

Rhonda Hall, Director of Budget and Finance

____

Date

USDOT SIGNATURE PAGE

The USDOT, intending to be legally bound, is signing this agreement on the date stated opposite that party's signature.

UNITED STATES DEPARTMENT OF TRANSPORTATION

______________________ By: ______________________

Date

Signature of USDOT's Authorized Representative

David L. Snyder

Name

FHWA Ohio Division Administrator

Title

CITY OF KENT
DEPARTMENT OF PUBLIC SERVICE
DIVISION OF ENGINEERING

MEMO

TO: Dave Ruller
Amy Wilkens

FROM: Jim Bowling JAB

DATE: February 27, 2024

RE: East Main Street Improvements – Construction and Maintenance Agreement

The Service Department is requesting City Council's consideration and approval of the attached East Main Street Improvements Construction and Maintenance Agreement between the City of Kent, Kent State University (KSU) and PARTA. The agreement is the final partnership agreement of the East Main Street Project that started with a joint planning study with KSU that commenced in 2018 and a citizen's advisory committee from the East Main Street Area. The project is currently in the final design and right-of-way acquisition phases.

Over $21 million in federal grant money was received for the project, representing the maximum federal share possible (80%) within the current budget. This agreement is required for us to complete the construction of the project starting in 2025. The financial commitments required for this agreement are included in current appropriations and the approved capital plan.

C: Melanie Baker
Jon Giaquinto
Rhonda Hall
Sandy Lance
file

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EAST MAIN STREET IMPROVEMENTS

CONSTRUCTION AND MAINTENANCE AGREEMENT

PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY
KENT STATE UNIVERSITY
THE CITY OF KENT

ALL PARTIES BEING IN THE STATE OF OHIO

This Construction and Maintenance Agreement, dated ______________________ 2024, is an agreement made and entered into between the Portage Area Regional Transportation Authority ("PARTA"), Kent State University ("KSU") and the City of Kent, Ohio, duly formed under the laws of the State of Ohio (the "CITY").

WITNESSETH:

WHEREAS, KSU and the City desire to continue their joint efforts for the improvement of East Main Street generally located from Willow Street to Horning Road, and;

WHEREAS, PARTA maintains numerous routes through the East Main Street corridor and desires to improve transportation services to the traveling public, and;

WHEREAS, KSU, PARTA and the City have previously shared resources to complete the planning phase, design phase, and right of way acquisition phase, and;

WHEREAS, a Citizens Advisory Committee (CAC) was formed in 2018 to provide public input and guide the development of project alternatives through a series of public meetings. The CAC suggested an alternate to be taken to public meetings in 2021. The alternate a tree-lined boulevard from Willow Street and at Horning Road/Overlook Drive was chosen after public input was received, and;

WHEREAS, the Kent City Council agreed to enter into an agreement to undertake the design of the East Main Street Improvements by Ordinance No. 2020-18 passed on March 18, 2020, and;

WHEREAS, on May 15, 2020, PARTA, KSU, and the City entered into an agreement to progress the design and subsequently amended the agreement on March 22, 2023 to complete the design and the right of way acquisition phase of the East Main Street Improvement, and;

WHEREAS, the Agreement dated May 15, 2020, and Amendment No. 1 dated March 22, 2023 are included as Exhibit 1, and;

WHEREAS, the CITY has received $5.0 million in Federal Safety funds, $3.6 million in Federal MPO Carbon Reduction funds, $6 million in Federal MPO-CMAQ funds, $0.7 million in Federal MPO-TASA funds, $0.5 million in ODOT Municipal Paving funds, and $5.25 million in Federal RAISE Grant funds totaling $21.05 million for the East Main Street Improvements, and;

WHEREAS, PARTA will contribute $0.09 million in Federal 5307 funds toward the purchase of bus shelters to be located within the project area, and;

WHEREAS, in receiving the Federal and State funds, the CITY will administer the project and will be responsible for the design, right of way acquisition, bidding, award and construction management of the project, and;

WHEREAS, the City has entered into a Local Public Agency (LPA) Local-Let Federal agreement with ODOT to administer the project, and;

WHEREAS, the City has entered into a Grant Agreement with the United States Department of Transportation (USDOT) and ODOT to receive the RAISE Grant funds, which includes Electric Vehicle (EV) Charging Stations on Kent State Campus, included in Exhibit 2;

WHEREAS, the construction of the East Main Street Improvements shall now be known as POR-East Main - PID 112026 (hereafter referred to as “PROJECT”) to coincide with the Local Public Agency Federal Project Agreement, and;

WHEREAS, existing and proposed components of the project along East Main Street including sidewalk will traverse the property of KSU for use by the general public including KSU students, faculty and staff (hereinafter referred to as “USERS”), and;

WHEREAS, the CITY and KSU desire to further delineate the duties, rights, and responsibilities of each party to the other regarding the PROJECT, and;

NOW THEREFORE, in consideration of the mutual agreements contained herein, the parties do hereby agree as follows:

RAISE DESIGNATED SUBRECIPIENT

KSU is a designated subrecipient for the RAISE 2023 Grant award executed by the CITY with the USDOT and ODOT, in regard to all terms and commitments involving the EV Charging stations to be installed on the KSU Campus.

RIGHT OF WAY

For the purposes of constructing the PROJECT, KSU will grant to the CITY under a separate document temporary easements as shown in the approved plans.

The CITY and KSU will work together to minimize staging costs and to determine the best locations for staging areas.

The CITY will obtain permanent right of way from the State of Ohio for CITY maintained roadway features that will be placed on KSU property. Roadway features include but are not limited to proposed pavement, curbs, catch basins, manholes, storm sewer, street lighting, traffic signals, beacons, pull boxes and underground conduit. Permanent right of way will be conveyed by separate document.

Due to the great value of the PROJECT to KSU and the importance that an aesthetically pleasing and functional East Main Street is to its students, faculty and staff, KSU agrees to donate land at no cost to the CITY to build the PROJECT. Without the donation of land by KSU, the PROJECT would not be able to be constructed to meet the needs of PARTA, KSU, and the CITY.

CONSTRUCTION

The CITY will manage the Local Public Agency (LPA) Agreement with the Ohio Department of Transportation (ODOT) and a City of Kent Engineer will be in responsible charge of the PROJECT. The CITY will administer and hold the contract for the construction of the PROJECT.

Any non-federally fundable item, as determined by ODOT, for the PROJECT will be considered within the scope of this agreement. The assignment of cost will be mutually agreed to and the benefitting party will be responsible for the entire amount. An amendment will be required to define responsibility for payment.

KSU will continue to improve and modify areas adjacent, and sometimes within the boundaries of this PROJECT. The CITY and KSU agree this work will remain the full responsibility of KSU but that both parties will work to coordinate the projects and minimize conflicts.

KSU and the CITY agree that a safe work site for vulnerable users (pedestrians, bicycles, scooters, etc…) including accessible pedestrian pathways and lighting is to be provided by the contractor and as such will be stated in the plans and specifications.

KSU understands that secondary damage to KSU's existing streets may occur from construction vehicle traffic due to the construction activity required for the PROJECT. Routes may require resurfacing earlier than would normally be expected. The CITY and

KSU will work together to minimize secondary damage. Secondary damage repair, such as earlier than anticipated paving projects is not considered to be part of this PROJECT.

KSU agrees to allow a construction trailer to be staged within the KSU campus near or within the project limits, for both KSU and CITY inspectors and staff for the administration, management and inspection of the PROJECT.

KSU and the CITY agree to work together to find ways to minimize the construction duration of the PROJECT.

KSU and the CITY will work together to provide periodic construction updates to the public through media including but not limited to press releases, website updates, e-mails and brochures. The PROJECT will include changeable message boards to be used for advanced notification of the traveling public. KSU and the CITY will mutually review and approve the messages to be sent out to the public prior to their release. KSU will be required to coordinate and inform their staff and students through media of their choice. The CITY shall be responsible to coordinate and inform their staff and the general public through media of their choice.

The PROJECT will provide public and emergency access to KSU buildings at all times of the day and night during construction of the PROJECT. This includes ADA access and safe pathways utilizing temporary lighting.

The PROJECT shall be designed to meet or exceed minimum AASHTO standards for roadways and be approved by ODOT. The PROJECT shall be constructed in accordance with the policies of the Local Public Administered projects required by ODOT.

PARTA will procure the bus shelters to be located within the PROJECT area using the Federal 5307 funds programmed for this purpose. The PROJECT shall install the bus shelters purchased. The local share required for the use of the Federal 5307 funds, and any additional or ineligible costs, shall be paid for by the City and KSU.

<u>COSTS</u>

The CITY and KSU agree to pay for the local share of the PROJECT, including design, right of way acquisition, construction, construction inspection and all other incidental items in equal amounts (50/50 split) up to the total local share PROJECT budget of $4,900,000 which includes the local share amount in the May 15, 2020 Agreement, which was amended on March 22, 2023.

The PROJECT budget shall not be exceeded without the written approval of KSU. The PROJECT budget includes all costs to complete the construction of the PROJECT, including but not limited to; construction engineering, inspection services, testing services, utility fees, legal fees, construction & contingencies. KSU shall assist the City’s Engineer to complete the construction of the PROJECT within the approved budget.

LOCATION

The PROJECT shall commence at or near the intersection of East Main Street and Willow Street and continue easterly to its terminus near East Main Street and Horning Road.

KSU reserves the right to relocate the sidewalk/sidepath on its property and or its related amenities at any time during the term of this agreement. KSU shall be responsible for the cost of any such relocation and shall maintain the sidewalk connectivity to adjacent sidewalks and or bike facilities along East Main Street right of way. Conversely, the CITY may not alter the sidewalk/sidepath and or its related amenities on KSU property without receiving the written approval of KSU.

MAINTENANCE

The CITY shall maintain essential items of the right of way as per CITY Codified Ordinances. This typically includes maintenance of the following items in the roadway right-of-way: pavement, utilities (water, storm sanitary), roadway lighting, traffic signals, beacons, emergency vehicle access, pavement markings and signing related to the roadway. The CITY shall be responsible to plow the roadway within the right-of-way limits of East Main Street.

KSU shall maintain all items provided in the Kent Codified Ordinances including but not limited to sidewalks, ramps, driveways, side streets owned by KSU (Hilltop Drive, Midway Drive, Theatre Drive, and Loop Road), lawns, pedestrian lighting, water quality and water quantity ponds within the property frontage on East Main Street.

In addition to the above, KSU shall also maintain certain items within the right of way including median lawns and landscaping, wayfinding signs, pedestrian lighting, branding items including signs and walls, KSU street name signs, thermoplastic markings specific to KSU and banners as provided for on the approved PROJECT plans. Items maintained by KSU will be built to KSU standards.

KSU shall be solely responsible for all operations and maintenance of the EV Charging stations installed with the PROJECT. This includes any additional requirements of the RAISE grant agreement pertaining specifically to the EV Charging Stations. KSU shall allow access to the EV Stations to the general public as well as KSU users.

KSU shall secure all necessary permits required in connection with the use of the right of way and shall comply with all federal, state and local statutes, ordinances, rules or regulations which may affect, in any respect, KSU's use of the right of way. KSU shall, prior to commencement of any work, obtain and thereafter maintain, at its sole cost and expense, all licenses, permits, etc., required by law with respect to its use of the right of way.

If for any reason the director of Public Service or his duly appointed representative deems it necessary to order the removal, reconstruction, relocation or repair of KSU's changes in the right of way, then said removal, reconstruction, relocation or repair shall be promptly undertaken at the sole expense of KSU.

The CITY and KSU shall perform non-emergency repairs to its utilities in such a manner as to minimize disturbance to the functioning of East Main Street. East Main Street shall be restored to the quality of the existing facility with similar materials whenever the CITY and/or KSU disturb the facility in the course of repairing and/or maintaining its utilities or facilities.

KSU and PARTA agree that PARTA shall retain ownership of the bus shelters located within the project area. KSU will maintain the shelters located on the south side of the project along KSU property. PARTA will maintain the shelters located on the north side of the project and the shelters at the intersection of Horning Road. KSU and PARTA will establish maintenance expectations via a separate agreement to meet Federal Transit Administration (FTA) satisfactory continuing control requirements.

Maintenance shall be in accordance with the standards generally applied to public facilities of this nature, including repair and/or replacement as a result of weather, animals, individuals or any other cause. The maintenance responsibility shall remain in full force for the duration of the terms of this agreement.

SAFETY/LIABILITY

The safe and secure enjoyment of the sidewalk on East Main Street by USERS while on the property of KSU shall be the sole responsibility of KSU.

KSU shall maintain general liability insurance coverage to such extent and in such amounts, as it deems appropriate, but in no event less than the $5,000,000 total.

TERM, TERMINATION AND ABANDONMENT

It is the desire of the parties that this agreement shall remain in full force in perpetuity, but in no event shall the initial term of this agreement expire before January 1, 2078. Thereafter, this agreement will continue on a year-to-year basis until terminated by either party with one (1) year prior written notice from the party seeking termination.

SEVERABILITY

In the event any one or more of the provisions contained in the Agreement shall be determined to be invalid and the remaining provisions can be given effect, then in such event the remaining provisions shall remain in full force and effect.

NON-ASSIGMNENT

The rights, duties and responsibilities of parties under this agreement shall not be assignable by either party without written consent of the other party.

NON-WAIVER OF BREACH

The waiver of a breach of any one or more of the terms, provisions and conditions set forth and included in this Agreement shall not constitute, nor be construed to represent or constitute, the waiver in whole or in part of any subsequent breach of any term, provision or condition contained in this Agreement.

INTEGRATED AGREEEMENT

This Agreement, including exhibits, represents the entire, complete and exclusive understanding and agreement of the parties hereto and reduces to writing all oral negotiations and agreements of the parties and shall not be changed, varied or otherwise amended except in writing, signed by each of the parties hereto.

NOTICES

Unless and until otherwise advised in writing in accordance herewith, all notices required to be given under this Agreement shall be in writing sent by certified mail, postage prepaid, as follows:

To City:	City Manager City of Kent 301 S. Depeyster Street Kent, Ohio 44240
To KSU:	Vice President for Administration Kent State University P.O. Box 5190 Kent, Ohio 44242
To PARTA:	General Manager Portage Area Regional Transportation Authority 2000 Summit Road Kent, Ohio 44240

ARTICLE HEADINGS

The article headings contained herein are inserted only as a matter of convenience and for reference and in no way shall be construed to define, limit or describe the scope or intent of this Agreement, nor in any way to affect the interpretation of any provision of this agreement.

GOVERNING LAW

This Agreement is being executed in the state of Ohio and the laws of Ohio shall govern its validity, effect and performance.

IN WITNESS WHEREOF, the parties to this agreement have hereunto set their hands on the day and year first written above.

CITY OF KENT, OHIO

WITNESS:

____

Reviewed and Recommended by:

____

James S. Bowling, P.E.
Deputy Service Director/Superintendent of Engineering

____

Date

WITNESS:

____

Approved and Accepted by:

____

Dave Ruller
City Manager

____

Date

Approved as to form:

____

Hope Jones, Law Director
City of Kent

Certificate of Director of Budget and Finance

It is hereby certified that the amount TWO MILLION TWO HUNDRED TWENTY-SIX THOUSAND dollars ($2,226,000) required to meet the contract, agreement, obligation, payment or expenditure, for the above, has been lawfully appropriated or authorized or directed for such purpose and is in the City Treasury or in the process of collection to the credit of the Capital, Water and Storm Fund free from any obligation or certificates now outstanding.

____

Rhonda Hall, Director of Budget and Finance

____

Date

KENT STATE UNIVERSITY

WITNESS:

____

Approved and Accepted by:

____

Mark Polatajko
Vice President for Finance and Administration
Kent State University

____

Date

PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY

WITNESS:

____

Approved and Accepted by:

____

Claudia Amrhein
General Manager
Portage Area Regional Transportation Authority

____

Date

Approved as to form:

____

Legal Counsel
Portage Area Regional Transportation Authority

Exhibit 1

East Main Street Improvements Agreement, May 15, 2020

East Main Street Improvements Amendment No.1, March 22, 2023

EAST MAIN STREET IMPROVEMENTS

AGREEMENT

PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY
KENT STATE UNIVERSITY
THE CITY OF KENT

ALL PARTIES BEING IN THE STATE OF OHIO

This Agreement, dated May 15, 2020, is an agreement made and entered into between the Portage Area Regional Transportation Authority ("PARTA"), Kent State University ("KSU") and the City of Kent, Ohio, duly formed under the laws of the State of Ohio (the "City").

WITNESSETH:

WHEREAS, KSU and the City desire to continue their joint efforts for the improvement of East Main Street generally located from Willow Street to Horning Road; known as the East Main Street Improvements (the "Project"), and;

WHEREAS, PARTA maintains numerous routes through the Project area and desires to improve transportation services to the traveling public, and;

WHEREAS, KSU and the City have previously shared resources to complete a planning and safety study to obtain Federal Highway Safety Funds (HSP), and;

WHEREAS, the City has applied for and received Federal funding through the Congestion Mitigation/Air Quality (CM/AQ) program, Surface Transportation Block Grant (STBG) program and the HSP program to finance a majority of the design, right of way acquisition, construction and construction inspection costs for this Project, and;

WHEREAS, PARTA agrees to pursue and apply for federal and state funding sources to assist in the completion of the transit fundable portions of the project;

WHEREAS, the Ohio Department of Transportation (ODOT) has agreed that the City serve as the responsible lead agency to administer the Project, and;

WHEREAS, the City will enter into a Local Public Agency (LPA) Local-Let Federal agreement with ODOT to administer the Project, and;

WHEREAS, KSU and the City have agreed to use a design consultant to provide professional surveying and engineering services for the preliminary and final design of the proposed Project and that the City will be the lead agency in the management of the Project, and;

WHEREAS, KSU does hereby give permission to the City of Kent, its agents, employees, consultants and contractors to enter upon KSU lands for the purpose of surveying, utility investigations, subsurface investigations, traffic counting, environmental studies and any other work necessary to complete the preliminary and final design of the Project, and;

WHEREAS, KSU and the City agree to pay for the local share of the design, estimated to be $250,000, in equal amounts (50/50 split) up to a maximum amount of $125,000 per entity, and;

WHEREAS, KSU and the City further agree to pay for the local share of the construction of the Project, with the amount to be determined after completion of the design phase, and to be included by Amendment to this document, and;

WHEREAS, the Kent State University Board of Trustees has authorized the Vice President for Finance and Administration to enter into a contractual agreement with the City of Kent to share the required local match for federal and state funded improvements to East Main Street. The authorization is for 50% of the local share, with the amount presently estimated at $2.2 million, and;

NOW, THEREFORE, in consideration of the promises and covenants contained in this Agreement, the parties hereto agree as follows:

Section 1. Incorporation of Recitals

The preceding recitals are hereby incorporated by reference into this Agreement.

Section 2. Design of the Project

A. The City and KSU shall undertake the design of the Project in a workmanlike manner.

B. All parties agree that the design of the improvement shall include improvements to transit services along the corridor, including at a minimum, bus pull-offs, shelters and lighting at planned service locations along the corridor.

C. The City hereby agrees that all contracts for the design of the Project shall be entered into in compliance with the applicable provisions of State and Local laws including Federal requirement for the procurement of professional services.

D. KSU and PARTA, as major stakeholders of the Project, shall be active in the development and review of the preliminary alternatives, the selection of the preferred alternative, review of the detailed design plans and attendance and participation at regular project meetings.

E. The cost of the professional engineering services will be split 50% KSU, 50% City. The City will be invoiced and pay for the professional services and KSU will reimburse the City its share of the total cost when the City invoices KSU for said professional services that are KSU's portion.

F. The parties to this Agreement covenant that all design with respect to the Project is made in reliance on this Agreement.

Section 3. Construction of the Project

A. This Agreement will be amended prior to construction to further detail the terms.

B. KSU's participation in the local match is limited to the $2.2 million authorized by the Kent State University Board of Trustees. Any additional funds needed for the local match must be authorized by the Board of Trustees prior to entering into contracts or change orders requiring the additional funds.

IN WITNESS WHEREOF, the parties hereto have offered their hands and seals.

CITY OF KENT, OHIO

WITNESS:	Reviewed and Recommended by:
Cathy Wilson	
	James S. Bowling, P.E. Deputy Service Director/Superintendent of Engineering
	5/14/2020 Date

WITNESS:	Approved and Accepted by:
Cathy Wilson	David Ruller
	Dave Ruller City Manager
	5/15/2020 Date

Approved as to form:

Hope L. Jones

Hope Jones, Law Director
City of Kent

Certificate of Director of Budget and Finance

It is hereby certified that the amount ONE HUNDRED TWENTY FIVE thousand dollars ($125,000) required to meet the contract, agreement, obligation, payment or expenditure, for the above, has been lawfully appropriated or authorized or directed for such purpose and is in the City Treasury or in the process of collection to the credit of the Capital Funds free from any obligation or certificates now outstanding.

Rhonda Hall

Rhonda Hall, Director of Budget and Finance

5/15/2020
Date

IN WITNESS WHEREOF, the parties hereto have offered their hands and seals.

KENT STATE UNIVERSITY

WITNESS:

Approved as to legal form and sufficiency by Douglas Kubinski

Digitally signed by Approved as to legal form and sufficiency by Douglas Kubinski
Date: 2020.04.29 10:36:54 -04'00'
Adobe Acrobat version: 2020.006.20042

Reviewed and Recommended by:

Mark Polatajko
Vice President for Finance and Administration
Kent State University

4-30-20
Date

PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY

WITNESS:

Reviewed and Recommended by:

Claudia Amrhein
General Manager
Portage Area Regional Transportation Authority

03. 23. 2020
Date

Approved as to form:

Legal Counsel
Portage Area Regional Transportation Authority

<u>EAST MAIN STREET IMPROVEMENTS</u>

AGREEMENT

PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY
KENT STATE UNIVERSITY
THE CITY OF KENT

AMENDMENT NO. 1

ALL PARTIES BEING IN THE STATE OF OHIO

THIS AMENDMENT No. 1 to the **<u>EAST MAIN STREET IMPROVEMENTS</u>** Agreement executed this 22nd day of March, 2023 is made and entered into between the Portage Area Regional Transportation Authority ("PARTA"), Kent State University ("KSU") and the City of Kent, Ohio, duly formed under the laws of the State of Ohio (the "City").

WITNESSETH:

WHEREAS, on May 15, 2020, PARTA, KSU and the City entered into an agreement to progress the EAST MAIN STREET IMPROVEMENT Project, hereinafter referred to as the "Project" through the design phase.

WHEREAS, the parties have completed the planning phase and has an approved Environmental Document per the National Environmental Policy Act (NEPA), and;

WHEREAS, the Federal Funding for the design phase of the Project switched from using solely Highway Safety Improvement Program (HSIP) funding at a 90% Federal/10% Local split, to partially HSIP funding and Congestion Mitigation/Air Quality funding at a 80% Federal/20% Local split, and;

WHEREAS, additional local funds are required to complete the design, and;

WHEREAS, the right-of-way acquisition phase of the Project needs to commence.

NOW, THEREFORE, in consideration of the mutual covenants, promises, conditions and terms to be kept and performed, it is agreed between the parties to enter this Amendment No. 1 as follows:

- **On page 2, the second paragraph should be replaced with the following:**

*"**WHEREAS,** KSU and the City agree to pay for the local share of the design, estimated to be $338,000, in equal amounts (50/50 split) up to a maximum amount of $169,000 per entity, and;"*

<u>EAST MAIN STREET IMPROVEMENTS</u>

AGREEMENT

PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY
KENT STATE UNIVERSITY
THE CITY OF KENT

AMENDMENT NO. 1

ALL PARTIES BEING IN THE STATE OF OHIO

- **Add the following after Section 3 on page 3 of 5:**

"Section 4. Right-of-way Acquisition for the Project:

A. The City and KSU shall undertake the Right-of-Way Acquisition phase of the Project in a workmanlike manner.

B. The City hereby agrees that the Right-of-Way Acquisition phase of the Project shall be completed in compliance with the applicable provisions of the Federal Uniform Relocation Act, State and Local laws and under the oversight of the Ohio Department of Transportation (ODOT).

C. KSU and the City agree to pay for the local share of the right-of-way acquisition, estimated to be $110,000, in equal amounts (50/50 split) up to a maximum amount of $55,000 per entity.

D. KSU and the City agree that neither party will seek compensation for their respective properties used for the completion of the project as approved by both entities during the design of the project."

All other terms and conditions remain unchanged.

EAST MAIN STREET IMPROVEMENTS

AGREEMENT

PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY
KENT STATE UNIVERSITY
THE CITY OF KENT

AMENDMENT NO. 1

ALL PARTIES BEING IN THE STATE OF OHIO

IN WITNESS WHEREOF, the parties hereto have offered their hands and seals.

CITY OF KENT, OHIO

WITNESS:

Cathy Wilson

Reviewed and Recommended by:

James Bowling

James S. Bowling, P.E.
Deputy Service Director/Superintendent of Engineering

3/24/2023

Date

WITNESS:

Cathy Wilson

Approved and Accepted by:

Dave Ruller

Dave Ruller
City Manager

3/24/2023

Date

Approved as to form:

Hope L. Jones

Hope Jones, Law Director
City of Kent

Certificate of Director of Budget and Finance

It is hereby certified that the amount NINETY NINE THOUSAND dollars ($99,000) required to meet the contract, agreement, obligation, payment or expenditure, for the above, has been lawfully appropriated or authorized or directed for such purpose and is in the City Treasury or in the process of collection to the credit of the Capital Fund free from any obligation or certificates now outstanding.

Rhonda Hall

Rhonda Hall, Director of Budget and Finance

3/2/2023

Date

EAST MAIN STREET IMPROVEMENTS

AGREEMENT

PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY
KENT STATE UNIVERSITY
THE CITY OF KENT

AMENDMENT NO. 1

ALL PARTIES BEING IN THE STATE OF OHIO

KENT STATE UNIVERSITY

WITNESS: Peter Dennis

Digitally signed by Mike Pfahl
Date: 2023.03.22 12:59:50 -04'00'

Reviewed and Recommended by:

Mark Polatajko
Senior Vice President for Finance and Administration
Kent State University

3/23/2023
Date

PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY

WITNESS: Marcia Fletcher

Reviewed and Recommended by: Claudia B Amrhein GM

Claudia Amrhein
General Manager
Portage Area Regional Transportation Authority

04.03.2023
Date

Approved as to form:

Justin P. Markey
Legal Counsel
Portage Area Regional Transportation Authority

Exhibit 2

RAISE Grant Agreement

U.S. DEPARTMENT OF TRANSPORTATION

GRANT AGREEMENT UNDER THE
FISCAL YEAR 2023 RAISE PROGRAM

This agreement is between the United States Department of Transportation (the "**USDOT**") and the Ohio Department of Transportation (the "**Recipient**").

This agreement reflects the selection of the Recipient to receive a RAISE Grant for the East Main Street Corridor Improvements.

If schedule A to this agreement identifies a Designated Subrecipient, that Designated Subrecipient is also a party to this agreement, and the parties want the Designated Subrecipient to carry out the project with the Recipient's assistance and oversight.

The parties therefore agree to the following:

ARTICLE 1
GENERAL TERMS AND CONDITIONS.

1.1 General Terms and Conditions.

(a) In this agreement, "**General Terms and Conditions**" means the content of the document titled "General Terms and Conditions Under the Fiscal Year 2023 RAISE Program: FHWA Projects," dated June 23, 2023, which is available at https://www.transportation.gov/policy-initiatives/raise/raise-grant-agreements. The General Terms and Conditions reference the information contained in the schedules to this agreement. The General Terms and Conditions are part of this agreement.

(b) The Recipient states that it has knowledge of the General Terms and Conditions.

(c) The Recipient acknowledges that the General Terms and Conditions impose obligations on the Recipient and that the Recipient's non-compliance with the General Terms and Conditions may result in remedial action, terminating of the RAISE Grant, disallowing costs incurred for the Project, requiring the Recipient to refund to the USDOT the RAISE Grant, and reporting the non-compliance in the Federal-government-wide integrity and performance system.

ARTICLE 2
SPECIAL TERMS AND CONDITIONS.

There are no special terms for this award.

SCHEDULE A
ADMINISTRATIVE INFORMATION

1. Application.

Application Title: East Main Street Corridor Improvements

Application Date: 2/28/2023

2. Recipient's Unique Entity Identifier.

See section 28.3 of the General Terms and Conditions.

3. Recipient Contact(s).

Jeff Cutler
LPA Manager
ODOT District 4
2088 S Arlington Road, Akron, OH 44306
330-786-4807
jeff.cutler@dot.ohio.gov

4. Recipient Key Personnel.

None.

5. USDOT Project Contact(s).

Stuart Hembree
TPM/Asset Management Coordinator
FHWA Ohio Division
200 N High Street, Room 328, Columbus, OH 43215
614-280-6894
stuart.hembree@dot.gov

6. Payment System.

USDOT Payment System: FMIS

7. Office for Subaward and Contract Authorization.

USDOT Office for Subaward and Contract Authorization: FHWA Division

8. Federal Award Identification Number.

See section 28.2 of the General Terms and Conditions.

9. Designated Subrecipient.

Designated Subrecipient: City of Kent

Designated Subrecipient Project Contact:

Jon Giaquinto
Senior Engineer
City of Kent
930 Overholt Road, Kent, OH 44240
330-678-8106
Jon.Giaquinto@kentohio.gov

SCHEDULE B
PROJECT ACTIVITIES

1. General Project Description.

The project will reconstruct a five lane road to a four lane road that includes a landscaped center median, sidewalk, multi-use trail, two roundabouts, bus pullouts, and pedestrian amenities.

2. Statement of Work.

The project includes improvements on East Main Street, from west of Willow Street to east of Horning Road. The project includes:

- Four lanes with turn lanes at signalized intersections.
- Center median.
- Realignment of Horning Road with Overlook Drive.
- Roundabout at East Main Street and Willow Street / Haymaker Parkway and at East Main Street and Overlook Drive / Horning Road.
- Multi-use path on the southern side of East Main Street.
- Sidewalk and tree lawn on the northern side of East Main Street.
- Bus pull-offs at Portage Area Regional Transit Authority (PARTA) stops.
- Street lighting and pedestrian lighting.
- Marked mid-block pedestrian crossings with signage.
- Accessible pedestrian signals at signalized intersections.
- EV charging stations in public parking lots on the Kent State University campus along the south side of East Main Street.

-

SCHEDULE C
AWARD DATES AND PROJECT SCHEDULE

1. Award Dates.

Budget Period End Date: 10/31/2029

Period of Performance End Date: See section 28.5 of the General Terms and Conditions

2. Estimated Project Schedule.

Milestone	**Schedule Date**
Planned Completion of PS&E	3/21/2025
Planned Construction Substantial Completion and Open to Traffic Date:	10/31/2028

3. Special Milestone Deadlines.

None.

SCHEDULE D
AWARD AND PROJECT FINANCIAL INFORMATION

1. Award Amount.

RAISE Grant Amount: $5,250,000

2. Federal Obligation Information.

Federal Obligation Type: Multiple

Obligation Condition Table		
Portion of the Project	**Portion of the RAISE Grant**	**Obligation Condition**
Base Phase: Design of EV Charging Stations	$225,000	
Option Phase 1: Roadway Construction	$3,750,000	If the FHWA Ohio Division Office approves the PS&E for the Project and Recipient has met all the applicable Federal, State, and Local requirements.
Option Phase 2: Construction of EV Charging Stations	$1,275,000	If the FHWA Ohio Division Office approves the PS&E for the Project and Recipient has met all the applicable Federal, State, and Local requirements.

3. Approved Project Budget.

Eligible Project Costs

	Base Phase: Design of EV Charging Stations	**Option Phase 1: Roadway Construction**	**Option Phase 2: Construction of EV Charging Stations**	**Total**
RAISE Funds:	$225,000	$3,750,000	$1,275,000	$5,250,000
Other Federal Funds:	$0	$12,560,000	$0	$12,560,000
Non-Federal Funds:	$0	$4,450,000	$0	$4,450,000
Total:	$225,000	$20,760,000	$1,275,000	$22,260,000

4. Cost Classification Table

Reserved.

5. Approved Pre-award Costs

None. The USDOT has not approved under this award any costs incurred under an advanced construction authorization (23 U.S.C. 115), any costs incurred prior to authorization (23 C.F.R. 1.9(b)), or any pre-award costs under 2 C.F.R. 200.458.

SCHEDULE E
CHANGES FROM APPLICATION

Scope: No changes.

Schedule: Section 5.1 of the application showed construction duration as 36 months. The application also showed construction duration dates from Nov. 2025 to Oct. 2027, which is only 24 months. The proper end construction date should be Oct. 2028 to reflect a 36-month duration.

The table below compares the Project milestone dates.

Milestone	Application	Agreement
Planned Construction Substantial Completion and Open to Traffic Date:	10/31/2027	10/31/2028

Budget: The application broke down project costs based upon detailed design, right of way, construction engineering, and construction. $3,600,000 in detailed design and right of way are included in the previously incurred costs because those tasks are being worked on now. The detailed design was started in 2020 and the right of way acquisition was recently started in 2023. These tasks have been ongoing to keep the project on schedule. Future eligible costs include construction and construction engineering. Detailed design of the EV charging stations has not yet begun. This work and the EV charging station construction are also included in the future eligible costs. The total eligible project costs have decreased by $3,240,000 and the Other Federal Funds have been reduced to match this total project decrease.

The table below provides a summary comparison of the Project budget.

	Application		Schedule D	
Fund Source	$	%	$	%
Previously Incurred Costs				
Federal Funds	0	0	3,240,000	12.5
Non-Federal Funds	0	0	360,000	1.4
Total Previously Incurred Costs	0	0	3,600,000	13.9
Future Eligible Project Costs				
RAISE Funds	5,250,000	20.6	5,250,000	20.3
Other Federal Funds	15,800,000	61.9	12,560,000	48.6
Non-Federal Funds	4,450,000	17.5	4,450,000	17.2
Total Future Eligible Project Costs	25,500,000	100	22,260,000	86.1
Total Project Costs	25,500,000	100	25,860,000	100

Other: N/A.

SCHEDULE F
RAISE PROGRAM DESIGNATIONS

1. Urban or Rural Designation.

Urban-Rural Designation: Urban

2. Capital or Planning Designation.

Capital-Planning Designation: Capital

3. Historically Disadvantaged Community or Area of Persistent Poverty Designation.

HDC or APP Designation: Yes

4. Funding Act.

Funding Act: IIJA

5. Security Risk Designation.

Security Risk Designation: Low

SCHEDULE G
RAISE PERFORMANCE MEASUREMENT INFORMATION

Study Area: East Main Street between Willow Street and Horning Road

Baseline Measurement Date: February 1, 2025

Baseline Report Date: April 1, 2025

Table 1: Performance Measure Table

Measure	Category and Description	Measurement Frequency
Average Daily Traffic (ADT)	Mobility and Community Connectivity Average traffic volumes per day within the project study area. Count collection can be self-reported or taken from state or national traffic volume databases.	quarterly
Severe Crashes	Safety Total severe crashes within the project study area. A severe crash is one that results in a K, A, or B injury code on the KABCO scale.	annual

SCHEDULE H
CLIMATE CHANGE AND ENVIRONMENTAL JUSTICE IMPACTS

1. Consideration of Climate Change and Environmental Justice Impacts.

The Recipient states that rows marked with "X" in the following table are accurate:

	The Project significantly reduces transportation-related pollution, like air pollution and greenhouse gas emissions. *(Describe the expected reductions and how they are achieved in the supporting narrative below.)*
X	The Project aligns with an applicable State, regional, or local carbon-reduction plan. *(Identify the plan in the supporting narrative below.)*
	The Project addresses the disproportionate negative environmental impacts of transportation, such as exposure to elevated levels of air, water, and noise pollution. *(Describe how in the supporting narrative below.)*
	The Project implements transportation-efficient land use and design, such as drawing on the features of historic towns and villages that had a mix of land uses, compact and walkable development patterns, accessible green space, and neighborhood centers. *(Describe how in the supporting narrative below.)*
	The Project shifts freight to lower-carbon travel modes to reduce emissions. *(Describe how in the supporting narrative below.)*
	The Project improves the resiliency of at-risk infrastructure to withstand extreme weather events and natural disasters caused by climate change, such as by using best-available climate data sets, information resources, and decision-support tools, and incorporating best practices identified by the USDOT. *(Identify the at-risk infrastructure and describe how the project improves its resiliency in the supporting narrative below.)*
	The Project incorporates energy efficient investments, such as electrification or zero emission vehicle infrastructure. *(Describe the energy efficient investments in the supporting narrative below.)*
	The Project redevelops brownfield sites. *(Identify the brownfield sites and describe the redevelopment in the supporting narrative below.)*
	The Project removes, replaces, or restores culverts to improve passage of aquatic species. *(Identify the affected culverts and describe how the changes will improve the passage of aquatic species in the supporting narrative below.)*

	The Project avoids adverse impacts to air or water quality, wetlands, and endangered species. *(Describe how in the supporting narrative below.)*
	The Project includes floodplain upgrades consistent with the Federal Flood Risk Management Standard in Executive Orders 14030 and 13690. *(Describe those floodplain upgrades in the supporting narrative below.)*
	The Recipient has taken other actions to consider climate change and environmental justice impacts of the Project. *(Describe those actions in the supporting narrative below.)*
	The Recipient has not yet taken actions to consider climate change and environmental justice impacts of the Project but, before beginning construction of the Project, will take relevant actions described in schedule B. *(Identify the relevant actions from schedule B in the supporting narrative below.)*
	The Recipient has not taken actions to consider climate change and environmental justice impacts of the Project and will not take those actions under this award.

2. Supporting Narrative.

The Project aligns with an applicable State, regional, or local carbon-reduction plan. ***(Identify the plan in the supporting narrative below.)***

The East Main Street Corridor Improvement project meets the goal of reducing greenhouse gas emissions by making East Main Street a more walkable and bikeable road. The project will improve safety for pedestrian and bikes by building a multi-use path, short crossings and slower vehicular speeds with narrower lanes, and accessible pedestrian signals. The East Main Street Corridor Improvement project is listed as a goal on page 20 in the City of Kent Ohio Climate Action Plan dated March 23, 2023.

This Plan is available on the City of Kent's Website at: **https://www.kentohio.org/DocumentCenter/View/12731/KERAMIDA-City-of-Kent-CAP**

SCHEDULE I
RACIAL EQUITY AND BARRIERS TO OPPORTUNITY

1. Efforts to Improve Racial Equity and Reduce Barriers to Opportunity.

The Recipient states that rows marked with "X" in the following table are accurate:

	The Project increases affordable transportation choices. (*Describe how in the supporting narrative below.*)
	The Project expands active transportation usage. (*Describe how in the supporting narrative below.*)
	The Project significantly reduces vehicle dependence. (*Describe how in the supporting narrative below.*)
	The Project reduces transportation and housing cost burdens by integrating mixed use development and a diversity of housing types (including affordable housing) with multimodal transportation infrastructure. (*Describe how in the supporting narrative below.*)
	The Project coordinates and integrates land use, affordable housing, and transportation planning to create more livable communities and expand travel choices. (*Describe how in the supporting narrative below.*)
X	The Project reduces vehicle dependence and improves access to daily destinations, such as jobs, healthcare, grocery stores, schools, places of worship, recreation, or parks, such as by adding new facilities that promote walking or biking. (*Describe how in the supporting narrative below.*)
	The Project implements transit-oriented development that benefits existing residents and businesses. (*Describe how in the supporting narrative below, including a specific description of the benefits to existing residents and businesses.*)
	The Project mitigates urban heat islands to protect the health of at-risk residents, outdoor workers, and others. (*Describe how in the supporting narrative below.*)
	The Project proactively addresses racial equity. (*Describe how in the supporting narrative below.*)

	The Recipient has taken other actions related to the Project to improve racial equity and reduce barriers to opportunity. *(Describe those actions in the supporting narrative below.)*
	The Recipient has not yet taken actions related to the Project to improve racial equity and reduce barriers to opportunity but, before beginning construction of the Project, will take relevant actions described in schedule B. *(Identify the relevant actions from schedule B in the supporting narrative below.)*
	The Recipient has not taken actions related to the Project to improve racial equity and reduce barriers to opportunity and will not take those actions under this award.

2. Supporting Narrative.

The Project reduces vehicle dependence and improves access to daily destinations, such as jobs, healthcare, grocery stores, schools, places of worship, recreation, or parks, such as by adding new facilities that promote walking or biking. (*Describe how in the supporting narrative below.*)

The East Main Street project will provide a range of mobility options to connect people to and from their homes, jobs, and services in a safe, reliable manner. The project will include buffered sidewalks, wide multi-use trail, center median, highly visible pedestrian crossings, and enhanced transit stops. This project will facilitate a first- and last- mile connection along the East Main Corridor by providing multi-modal linkage to Kent State, Downtown, and to the PARTA Central Gateway facility which provides transit connections throughout the region. These improvements will also provide better connectivity to housing, jobs, shopping, and medical facilities which exist along the SR 59 corridor, inside and outside of the project area.

SCHEDULE J
LABOR AND WORK

1. Efforts to Support Good-Paying Jobs and Strong Labor Standards

The Recipient states that rows marked with "X" in the following table are accurate:

	The Recipient or a project partner promotes robust job creation by supporting good-paying jobs directly related to the project with free and fair choice to join a union. *(Describe robust job creation and identify the good-paying jobs in the supporting narrative below.)*
	The Recipient or a project partner will invest in high-quality workforce training programs such as registered apprenticeship programs to recruit, train, and retain skilled workers, and implement policies such as targeted hiring preferences. *(Describe the training programs in the supporting narrative below.)*
X	The Recipient or a project partner implements targeted hiring preferences that will promote the entry and retention of underrepresented populations into those jobs including women, people of color, and people with convictions. *(Describe the use of targeted hiring preferences that will promote the entry and retention of underrepresented populations in jobs in the supporting narrative below.)*
	The Recipient or a project partner will partner with high-quality workforce development programs with supportive services to help train, place, and retain underrepresented communities in good-paying jobs or registered apprenticeships including through the use of local and economic hiring preferences, linkage agreements with workforce programs that serve underrepresented groups, and proactive plans to prevent harassment. *(Describe the supportive services provided to trainees and employees, preferences, and policies in the supporting narrative below.)*
	The Recipient or a project partner will partner and engage with local unions or other worker-based organizations in the development and lifecycle of the project, including through evidence of project labor agreements and/or community benefit agreements. *(Describe the partnership or engagement with unions and/or other worker-based organizations and agreements in the supporting narrative below.)*
	The Recipient or a project partner will partner with communities or community groups representative of historically underrepresented groups to develop workforce strategies. *(Describe the partnership and workforce strategies in the supporting narrative below.)*

	The Recipient has taken other actions related to the Project to create good-paying jobs with the free and fair choice to join a union and incorporate strong labor standards. *(Describe those actions in the supporting narrative below.)*
	The Recipient has not yet taken actions related to the Project to create good-paying jobs with the free and fair choice to join a union and incorporate strong labor standards but, before beginning construction of the Project, will take relevant actions described in schedule B. *(Identify the relevant actions from schedule B in the supporting narrative below.)*
	The Recipient has not taken actions related to the Project to improve good-paying jobs and strong labor standards and will not take those actions under this award.

2. Supporting Narrative.

The Recipient or a project partner implements targeted hiring preferences that will promote the entry and retention of underrepresented populations into those jobs including women, people of color, and people with convictions. ***(Describe the use of targeted hiring preferences that will promote the entry and retention of underrepresented populations in jobs in the supporting narrative below.)***

For this Federal Aid project, the City of Kent will incorporate ODOT's LPA Template and form FHWA-1273 into the project bid documents. These forms provide provisions for the project contractors to follow for the duration of the construction contract. Provisions include equal employment opportunity, non-segregated facilities, Davis-Bacon wage rates, and the Disadvantaged Business Enterprise (DBE) program. ODOT will determine a DBE goal for the project prior to advertising. Both ODOT and the City work together in monitoring these requirements during construction.

SCHEDULE K
CIVIL RIGHTS AND TITLE VI

1. Recipient Type Designation.

Recipient Type Designation: Existing

Existing Award Program: 20.205; Highway Planning and Construction

2. Title VI Assessment Information.

This section is not applicable because the Recipient Type Designation is “Existing.”

RECIPIENT SIGNATURE PAGE

The Recipient, intending to be legally bound, is signing this agreement on the date stated opposite that party's signature.

Ohio Department of Transportation

______________________	By:	______________________
Date		Signature of Recipient's Authorized Representative
		Jack Marchbanks
		Name
		Director
		Title

DESIGNATED SUBRECIPIENT SIGNATURE PAGE

The Designated Subrecipient, intending to be legally bound, is signing this agreement on the date stated opposite that party's signature.

City of Kent, Ohio

______________________ By: ______________________

Date

Signature of Designated Subrecipient's Authorized Representative

Dave Ruller

Name

City Manager

Title

Approved as to form:

____

Hope Jones, Law Director
City of Kent

Certificate of Director of Budget and Finance

IT IS HEREBY CERTIFIED THAT THE AMOUNT FIVE MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS ($5,250,000) REQUIRED TO MEET THE CONTRACT, AGREEMENT, OBLIGATION, PAYMENT OR EXPENDITURE, FOR THE ABOVE, HAS BEEN LAWFULLY APPROPRIATED OR AUTHORIZED OR DIRECTED FOR SUCH PURPOSE AND IS IN THE CITY TREASURY OR IN THE PROCESS OF COLLECTION TO THE CREDIT OF THE CAPITAL FUND FREE FROM ANY OBLIGATION OR CERTIFICATES NOW OUTSTANDING.

____

Rhonda Hall, Director of Budget and Finance

____

Date

USDOT SIGNATURE PAGE

The USDOT, intending to be legally bound, is signing this agreement on the date stated opposite that party's signature.

UNITED STATES DEPARTMENT OF TRANSPORTATION

____________________ By: ____________________

Date | Signature of USDOT's Authorized Representative

David L. Snyder

Name

FHWA Ohio Division Administrator

Title

DRAFT ORDINANCE NO. 2024 – 028

AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE FOLLOWING AGREEMENTS WITH THE CITY OF KENT, OHIO, WITH THE CITY OBTAINING TEMPORARY EASEMENTS, FOR RIGHT-OF-WAY PURPOSES, TO INSTALL, CONSTRUCT AND RECONSTRUCT THE ROADWAY FOR THE PROJECT KNOWN AS EAST MAIN STREET IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent Council desires to obtain temporary easements and are granted the easements from the following:

1) Christopher J. & Carol Ann Martin - $4,500
2) Two Brothers Kent, LLC - $6,750
3) Doris A. Jacobs Revocable Trust - $2,250
4) Escape Plan 1, LLC - $5,565

WHEREAS, the City needs the property for right-of-way purposes to install, construct and reconstruct the roadway and sidewalks for the project known as East Main Street Improvement Project; and

WHEREAS, time is of the essence because the sooner the City acquires the necessary right-of-way for this project, the sooner construction may begin.

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

SECTION 1. That Council does hereby accept and authorizes the City Manager or his designee to execute the agreement for the City of Kent to obtain temporary easements for right-of-way purposes to install, construct and reconstruct the roadway and sidewalks for the project known as East Main Street Improvement Project in substantial conformity with the terms of the Agreement marked as Exhibit “A”, on file in the Council office.

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