City of Kent

Wednesday, April 17, 2024

Regular City Council Meeting

320 S. Depeyster Street, Kent, OH 44240

AGENDA

7:00 P.M. Regular Council Meeting

1. Roll Call

2. Opening Remarks and Pledge of Allegiance- Mr. Chris Hook

3. Approval of Minutes

   3.1. March 20, 2024 Regular Meeting Minutes

4. Communications

   4.1. Public Comment- Anyone wishing to address Council must submit their written comments to the Clerk of Council at councilclerk@kentohio.gov by 4:30 p.m. on the meeting day. If also requesting to speak at the meeting, comments are limited to three (3) minutes.

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

      1. Board of Zoning Appeals Agenda and Staff Report for the April 1, 2024 Special Meeting was received on March 25, 2024.
      2. Planning Commision Agenda and Staff Report for April 2, 2024 was received on March 26, 2024.
      3. PARTA Board Application from Karen Black was received on March 29, 2024.
      4. Standing Rock Cemetery Board of Trustees Agenda for the April 11, 2024 meeting was received on April 3, 2024.
      5. Board of Health Meeting Agenda for the April 9, 2024 meeting was received on April 4, 2024.
      6. An email from Lucas Brady in regard to Bliss Ohio's ability to sell adult use marijuana was received and forwarded to Council on April 9, 2024.
      7. An email from Patricia Johnson of Dinsmore and Shohl LLP regarding Next Level Operators LLC DBA Bliss Ohio, was received on April 9, 2024.
      8. Civil Service Commission Agenda for April 15, 2024 was received on April 10, 2024.
      9. An email from Rick Hawksley about the noise ordinance was received and shared with Council on April 11, 2024.

10. An email from Emily Mattern notifying Council of her resignation from the Health Board was received on April 10, 2024

4.3. City Manager's Report

5. Standing Committees & Legislation

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

5.1.1. April 3, 2024 Committee Meeting Minute Approval

5.1.2. Action(s) Recommended: None

5.1.3. Voting for Boards and Commissions

5.1.4. Motion to Authorize Insertion of Names into Legislation

5.1.5. **Draft 2024-030** A RESOLUTION APPOINTING ______________ TO THE PARKS AND RECREATION BOARD AND DECLARING AN EMERGENCY (Authorized)

5.1.6. **DRAFT 2024-031** AN ORDINANCE AMENDING SECTION 105.01 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT, OHIO, SO AS TO SUBDIVIDE THE CITY INTO WARDS AS REQUIRED BY SECTION 731.06 OF THE OHIO REVISED CODE AND SECTION 64, ARTICLE XIV OF THE CHARTER OF THE CITY OF KENT, OHIO, AND DECLARING AN EMERGENCY (Authorized 3/20/24)

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

5.2.1. April 3, 2024 Committee Meeting Minute Approval

5.2.2. Action(s) Recommended: None

5.3. **Finance Committee** Chair DeLeone/ Vice-Chair Celko

5.3.1. April 3, 2024 Committee Meeting Minute Approval

5.3.2. Action(s) Recommended

1. Authorize the donation of the Kent Youth Football and Cheer equipment to Kent Youth Football and waive competitive bidding as presented, with the emergency clause.

5.3.3. **Draft 2024-032** AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, ON BEHALF OF THE CITY OF KENT PARKS & RECREATION DEPARTMENT TO DONATE TO THE KENT YOUTH FOOTBALL AND CHEER ORGANIZATION, SPORTS EQUIPMENT AND

UNIFORMS, WAIVING COMPETITIVE BIDDING, AND DECLARING AN EMERGENCY (Authorized)

5.3.4. **Draft 2024-033** AN ORDINANCE AUTHORIZING THE RECYCLING OF OLD DELL TRAFFIC SERVERS THAT ARE NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND DECLARING AN EMERGENCY (Unauthorized)

5.3.5. **Draft 2024-034** 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, PERMANENT AND UTILITY 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)

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

5.4.1. April 3, 2024 Committee Meeting Minute Approval

5.4.2. Action(s) Recommended

1. Authorize the requested closure of Erie Street on April 20th from 9 am to 7 pm with the emergency clause.

5.4.3. **DRAFT 2024-035** AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPROVE A NEW SPECIAL EVENT APPLICATION FROM BRANDED IN KENT KNOWN AS “EARTH DAY VENDOR MARKET” TO BE HELD ON SATURDAY, APRIL 20, 2024, AND THE TEMPORARY CLOSURE OF EAST ERIE STREET BETWEEN SOUTH WATER STREET AND THE PRIVATE ALLEY BY TREE CITY COFFEE, AND DECLARING AN EMERGENCY (Authorized)

6. Unfinished Business

7. New Business

8. Councilmembers' Comments

9. Mayor's Report

10. Executive Session

10.1. To consider the purchase of property for public purposes, the sale of property at competitive bidding, or the sale or other disposition of unneeded, obsolete, or unfit- for-use property in accordance with section 505.10 of the Revised Code,

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

11. Return to Regular Meeting

    11.1. **DRAFT 2024-036** AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN VALVOLINE LLC AND THE CITY OF KENT, OHIO, WITH THE CITY OBTAINING A PERMANENT AND TEMPORARY EASEMENT FOR RIGHT-OF-WAY PURPOSE FOR THE PROJECT KNOWN AS EAST MAIN STREET IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY. (Unauthorized)

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, March 20, 2024

Regular City Council Meeting

320 S. Depeyster Street, Kent, OH 44240

MINUTES

At 06:59 PM, Mayor Jerry T. Fiala called the Regular City Council Meeting to order.

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; 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; Ms. Dominique Bollenbacher, Community Engagement Coordinator; Ms. Amy Wilkens, Clerk of Council
Absent:	Mr. Chris Hook

MOTION TO EXCUSE MR. CHRIS HOOK MADE BY Mr. Roger Sidoti, SECONDED by Ms.Gwen Rosenberg and CARRIED by a voice vote of 8-0-0.

Opening Remarks and Pledge of Allegiance

Mayor Fiala said that it was Mr. Turner's turn for opening remarks. Mr. Turner asked for everyone to stand for the Pledge of Allegiance.

Approval of Minutes

MOTION TO APPROVE FEBRUARY 21, 2024 REGULAR CITY COUNCIL MEETING MINUTES AND MARCH 6, 2024 SPECIAL CITY COUNCIL MINUTES MADE BY Mr. Robin Turner, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 8-0-0.

Communications

Public Comment

Mayor Fiala read the following statement:

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

Ms. Wilkens, Clerk of Council, called the first member of the public to speak.

Ms. Laura Mohnacky of 503 Laurel Drive, introduced herself to City Council and read from a prepared statement regarding the problems her daughter is having with a semi truck parking in the neighborhood (Attachment #1).

The second speaker was called to the microphone.

Ms. Tracy Wallach who resides at 231 Starr Ave. in Kent approached the microphone to speak to Council.She urged the Council to reconsider adopting the new ward boundaries and proposed keeping the current ones. She suggested putting before the residents a change in the city charter on the fall ballot, increasing the required population difference for changing ward boundaries from 10% to 15%. She highlighted the low risk of legal challenges and emphasized the benefits of maintaining compact, contiguous wards to avoid confusion among residents, especially during elections. Ms. Wallach encouraged the Council to prioritize clarity and continuity in the ward boundaries for the benefit of the community.

Up next was the Kent KSS Robotics Team. Mr. Logan Crowley introduced the First Lego League team 37348, "Charged Up," which meets at KSS Robotics in Kent. The team shared their mission to develop robotics skills and tackle this year's challenge statement on sharing hobbies on a global scale. They collaborated with experts and developed a project called "Dip and Dabble," a VR hobby library. The team received top awards at competitions, including an advancement to the World Championship. They asked for assistance in promoting their event, sponsorship opportunities, and GoFundMe campaign to represent Ohio at the championship.

Written Communication

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.

MOTION TO RETURN LIQUOR LICENSE REQUEST WITH NO OBJECTION MADE BY Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 8-0-0.

Additional Comments Received After Agenda Published:

- Parks and Rec Agenda Packet for the March 21, 2024 meeting was received on March 15 2024.
- Kent City Flag Commission meeting minutes from the March 13, 2024 meeting were received on March 14, 2024
- Parks and Recreation Board applications from Adam Livengood, Crystal Foster and Chelsea Treveline and applications for Standing Rock Cemetery Board from Judith Shaw and Paul Tucek.

City Manager's Report

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

1. Request for authorization to accept a $500 donation from the Kent Rotary Foundation to be used towards the 2024 Eclipse Mural Project.
2. Request for authorization to accept a $5,000 donation from Main Street Kent to be used towards the 2024 Eclipse Mural Project.
3. Request for authorization to accept a $500 donation from Timberland Enterprises, Inc. (OBA Ray's Place) to be used towards the Kent Parks and Recreation Adult Easter Egg hunt.
4. Request Council's authorization to re-appoint Bridget and officially appoint Eric Helmstedter as Tom's replacement on the City's Tax Increment Review Council (TIRC). (Draft Number 2024-026)
5. Request approval of 4 right of way easements negotiated at fair market value with private property owners for the East Main Street Improvement Project. (Draft Number 2024-028)
6. Request approval to renew and make permanent the changes made to the permissible hours of live music in businesses located within the DORA that were adopted in 2023. (Draft Number 2024-029)
7. Request authorization to submit a FEMA Assistance to Firefighters Grant (AFG) in the amount of $28,020 to be used for the replacement of aging fire hoses.
8. Request Committee of the Whole time to share a final update of staff preparations for the upcoming eclipse events.
9. Request Committee of the Whole time to provide Council with a brief update on the status of the new City Hall construction project.
10. Request Community Development Committee time to provide an update on the City's Climate Action Plan and sustainability programs.
11. Reques Finance Committee time to propose the creation of a new budget fund to track Health Department revenues and expenses.

12. Request Finance Committee time to present a recommendation of the Parks Board to donate football equipment (valued at $28,741) to the Kent Youth Football and Cheer organization.
13. Request Streets, Sidewalks & Utilities Committee time to present a request for a new block party and street closure on N. Water Street.
14. Request Streets, Sidewalks and Utilities Committee time to present a request for a new partial street closure on Erie Street.

Standing Committees & Legislation

Committee of the Whole

MOTION TO APPROVE THE MARCH 6, 2024 COMMITTEE MEETING MINUTES MADE BY Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 8-0-0.

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.

Ms. Celko asked the actions be split, voting first on actions 1 and 2.

MOTION TO APPROVE NUMBER 1 AND 2 OF ACTIONS RECOMMENDED MADE BY Mr. Michael DeLeone, SECONDED by Mr. Jeff Clapper and CARRIED by a voice vote of 8-0-0.

Ms. Shaffer Bish expressed her intention to vote against Action #3 because she believes it's crucial to allow voters to decide on the matter. She emphasized the importance of giving voters the choice to maintain the current districts to prevent confusion.

Mr. Turner expressed his confusion about the previous meeting where he voted to accept an understanding that no action was being taken regarding the wards (Action 3). He highlighted that the process seemed disjointed, with initial concerns from the Board of Elections being later clarified. Mr.Turner emphasized that the proposed changes to the wards to 15% were reasonable and not unconstitutional, and he urged for the matter to be put to a vote by the residents. He expressed concern that the proposed changes could disrupt the community's continuity and urged council to reconsider and allow residents to decide on the proposal.

Ms. Shaffer Bish expressed feeling deceived because she was under the impression that the current election cycle did not present an opportunity for the maps to be changed. She mentioned confusion about whether there were concerns about the maps changing before this election. Ms. Hope Jones clarified that the current concerns are related to the upcoming presidential election and that the issue of changing the maps can be revisited after the election if necessary.

Mayor Fiala called the vote.

MOTION TO APPROVE THE THIRD ACTION RECOMMENDED MADE BY Mr. Michael

DeLeone, SECONDED by Mr. Jeff Clapper and TIED by a voice vote of 4-4-0. Those voting in favor: Ms. Gwen Rosenberg, Mr. Jeff Clapper, Mr. Jack Amhrein, Ms. Melissa Celko. Those voting against: Mr. Roger Sidoti, Mr. Michael DeLeone, Ms. Heidi Shaffer Bish and Mr. Robin Turner.

To break the tie vote on the motion, Mayor Fiala was called upon to vote. He voted in favor of the motion remembering hearing discussions about ward boundaries every ten years, noting that some points raised in the current discussion are recurring. The Motion passed 5-4-0.

Voting for Boards and Commissions

MOTION TO APPOINT KENNETH CROOKSTON TO THE PLANNING COMMISSION MADE BY Mr. Michael DeLeone, SECONDED by Mr. Jeff Clapper and CARRIED by a voice vote of 8-0-0.

MOTION TO APPOINT EARL CLAUSSON TO THE PLANNING COMMISSION MADE BY Ms. Heidi Shaffer Bish, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 8-0-0.

MOTION TO APPOINT OLIVIA KENNEDY, ROBERT SZGENDA AND RANDALL SMITH TO THE BOARD OF ZONING APPEALS MADE BY Mr. Michael DeLeone, SECONDED by Mr. Jeff Clapper and CARRIED by a voice vote of 8-0-0.

MOTION TO APPROVE INSERTION OF NAMES INTO LEGISLATION MADE BY Mr. Michael DeLeone, SECONDED by Mr.Jack Amrhein and CARRIED by a voice vote of 8-0-0.

Draft 2024-022 A RESOLUTION APPOINTING KENNETH CROOKSTON AND EARL CLAUSSON TO THE PLANNING COMMISSION 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 2024-022 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, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2024-022 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, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner. The motion was CARRIED by a roll call vote of 8-0-0.

Resolution 2024-022 passed.

Draft 2024- 023 A RESOLUTION APPOINTING O'LIVIA KENNEDY, ROBERT SZGENDA AND RANDALL SMITH TO THE BOARD OF ZONING APPEALS 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- 023 MADE by Mr. Michael DeLeone, SECONDED by Ms. Melissa Celko. 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. Robin Turner. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2024- 023 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, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger

Sidoti, Mr. Robin Turner. The motion was CARRIED by a roll call vote of 8-0-0.

Resolution 2024-023 passed.

Community Development

MOTION TO APPROVE MARCH 6, 2024 COMMITTEE MEETING MINUTES MADE BY Ms. Gwen Rosenberg, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 8-0-0.

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

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

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

MOTION TO SUSPEND THE THREE READINGS OF Draft 2024- 024 MADE by Mr. Roger Sidoti, SECONDED by Ms. Gwen Rosenberg. 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. Robin Turner. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2024- 024 MADE by Mr. Roger Sidoti, SECONDED by Ms.Gwen Rosenberg. 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. Robin Turner. The motion was CARRIED by a roll call vote of 8-0-0.

Ordinance 2024-024 has passed.

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

MOTION TO SUSPEND THE THREE READINGS OF Draft 2024- 025 MADE by Mr. Roger Sidoti, SECONDED by Ms. Gwen Rosenberg. 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. Robin Turner. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2024- 025 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, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner. The motion was CARRIED by a roll call vote of 8-0-0.

ORDINANCE 2024-025 has passed.

Draft 2024-026 A RESOLUTION APPOINTING ERIC HELMSTEDTER AND REAPPOINTING BRIDGET SUSEL TO THE TAX INCENTIVE REVIEW COUNCIL 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 2024-026 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. Robin Turner. The motion was CARRIED by a roll call vote of 8-0-0..

MOTION TO ADOPT Draft 2024-026 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, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner. The motion was CARRIED by a roll call vote of 8-0-0.

RESOLUTION 2024-026 has passed.

Health and Public Safety Committee

MOTION TO APPROVE MARCH 6, 2024 COMMITTEE MEETING MINUTES MADE BY Mr. Jack Amrhein, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 8-0-0.

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

Action Recommended:

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

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

MOTION TO SUSPEND THE THREE READINGS OF Draft 2024-029 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, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2024-029 MADE by Mr. Roger Sidoti, SECONDED by Mr. Jeff Clapper. On Roll Call Voting "Yes" Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Gwen Rosenberg, Roger Sidoti. Voting No: Mr. DeLeone and Ms. Heidi Shaffer Bish. Mr. Turner abstained. The motion CARRIED by a roll call vote of 5-2-1.

ORDINANCE 2024-029 has passed.

Streets, Sidewalks and Utilities

MOTION TO APPROVE MARCH 6, 2024 COMMITTEE MEETING MINUTES MADE BY Mr. Roger Sidoti, SECONDED by Ms. Melissa Celko 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.

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.

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

MOTION TO SUSPEND THE THREE READINGS OF Draft 2024-027 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, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2024-027 MADE by Mr. Roger Sidoti, SECONDED by Ms. Gwen Rosenberg. 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. Robin Turner. The motion was CARRIED by a roll call vote of 8-0-0.

ORDINANCE 2024-027 has passed.

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

MOTION TO SUSPEND THE THREE READINGS OF Draft 2024-028 MADE by Ms. Melissa Celko, SECONDED by Ms. Gwen Rosenberg. 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. Robin Turner. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2024-028 MADE by Mr. Roger Sidoti, SECONDED by Ms. Gwen Rosenberg. 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. Robin Turner. The motion was CARRIED by a roll call vote of 8-0-0.

ORDINANCE 2024-028 has passed.

Unfinished Business

MOTION TO APPOINT MS. TRACY WALLACH TO THE SOLID WASTE DISTRICT MADE BY Ms. Heidi Shaffer Bish, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 8-0-0.

New Business

MOTION TO SEND TO COMMITTEE A DISCUSSION OF PARKING SEMIS IN DRIVEWAYS MADE BY Mr. Jack Amrhein, SECONDED by Ms. Heidi Shaffer Bish and CARRIED by a voice vote of 8-0-0.

Ms. Shaffer Bish acknowledges Mrs. Mohnacky's argument regarding the impact of semis parked in residential areas. She emphasizes concerns about noise, emissions, and road wear caused by these vehicles. She advocates for a thorough examination of the issue with clear consideration.

Mr. Clapper suggests that the upcoming discussion about semis parked in residential areas presents an opportunity to address broader issues related to commercial traffic throughout the town.

Mr. Turner recognized the issue of commercial vehicles in residential areas and emphasizes the need for better understanding and coordination regarding enforcement mechanisms. He expressed regret that the matter had to be brought up but commend the presenter for their thorough presentation.

Mr. Sidoti raised two significant points: the impact of heavy vehicles, particularly 15-ton trailers, on neighborhood streets and infrastructure, and the issue of off-site parking for trailers, which allows drivers to leave their tractor and disrupts the neighborhood. He expressed support for addressing these concerns through a committee discussion.

MOTION TO SEND TO COMMITTEE A DISCUSSION ABOUT MAKING BOARDS AND COMMISSION APPLICANTS INTERVIEW BEFORE COUNCIL MADE BY Ms. Gwen Rosenberg, SECONDED by Mr. Sidoti and CARRIED by a voice vote of 7-1-0.

Ms. Rosenberg proposed sending the motion to committee regarding the requirement for candidates or applicants for boards and commissions to attend in-person interviews before Council. She highlighted concerns about deterring potential volunteers due to discomfort with public speaking and suggested the existing selection process is robust enough. Mr. Sidoti seconds the motion but expressed torn feelings, acknowledging the public nature of certain board hearings but also recognizing the potential deterrent effect. He suggested researching and gathering feedback from board members before making a decision.

Ms. Shaffer Bish said that while the interview process can be uncomfortable, it serves as an important part of the public process and provides valuable information for decision-making. She recalls her own experience of being interviewed for a citizens group and views it as an honor to serve. Ms. Shaffer Bish emphasizes the importance of gathering as much information as possible about candidates to make informed decisions, especially considering the legal implications of board and commission appointments. She believes the council is respectful and sympathetic towards candidates and supports the current interview requirement.

Mr. Turner agrees with Ms. Rosenberg's motion to send the proposal to committee but ultimately expresses his support for the current interview requirement. He acknowledges that while removing the requirement might increase the number of applicants, he believes that the interview process is a valuable tool for council members to assess candidates' demeanor and ability to respond to questions. Mr. Turner emphasizes the importance of this firsthand interaction in evaluating candidates and making informed decisions.

Councilmembers' Comments

Mr. Sidoti expressed his deep pride and gratitude for the ceremony held at Roosevelt High School on Saturday, which honored Officer Butcher. He commends the unity and support shown by the community, particularly towards the police and fire departments. Mr. Sidoti highlighted the sense of community and solidarity demonstrated during the event, despite the profound sadness of losing Police Officer Butcher. He emphasizes the uplifting nature of the event and praises the heartfelt support received by Police Officer Butcher's family and the uniformed personnel of the city. Overall, Mr. Sidoti expresses his appreciation for the strong sense of community spirit exhibited in Kent during this difficult time.

Ms. Shaffer Bish emphasizes the need for careful consideration and planning regarding how to inform residents about the changes in ward representation. She expressed concern about potential confusion among residents and stressed the importance of providing clear and effective communication. While she refrains from making a motion at this time, Ms. Shaffer Bish highlighted the importance of developing an education plan over the next few months to ensure residents are well-informed about the changes in representation.

Mayor's Report

Mayor Fiala highlighted two important points during his remarks. Firstly, he emphasizes the need to ensure public safety during the upcoming Solar Eclipse event on April 8th by urging residents to wear protective glasses to avoid any potential eye damage. Secondly, he reflected on the recent vote regarding ward representation and expressed his opinion that while the current proposal may not have passed, he believes it's worth considering Tracy Wallach's idea in the future. Mayor Fiala acknowledged the efforts of the staff in addressing the issue and emphasized the importance of moving forward. Finally, he extended Easter greetings to everyone celebrating the holiday.

Hearing no further business, the meeting adjourned at 8:05 p.m.

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

City of Kent

Wednesday, April 3, 2024

City Council Committee Meetings

320 S. Depeyster Street, Kent, OH 44240

MINUTES

At 07:00 PM, Mayor Jerry T. Fiala called the City Council Committee Meetings 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, Mr. Robin Turner
Also Present:	Mr. Jerry T. Fiala, Mayor, and President of Council; Mr. Dave Ruller, City Manager; Mr. Eric Finkle, Assistant Law Director; Ms. Bridget Susel, Community Development Director; Mr. Jim Bowling, City Engineer; Ms. Joan Seidel, Health Commissioner; Ms. Rhonda Hall, Budget and Finance Director; Mr. Nick Shearer, Chief of Police; Ms. Julie Morris, Sustainability Coordinator; Ms. Angela Manley, Parks and Recreation Director; Ms. Dominique Bollenbacher, Community Engagement Coordinator; Ms. Amy Wilkens, Clerk of Council

Committee of the Whole

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

Board and Commission Interviews

Mayor Fiala said there is one spot open on the Parks and Recreation Board to fill Neil Duke's spot and asked Clerk Wilkens to call the first candidate.

Clerk Wilkens said there were seven applicants for one open position that expires 12/31/24. She called the first candidate to the microphone.

Ms. Crystal Foster of Silver Meadows Blvd. introduced herself to Council. She expressed her interest in becoming more involved with local government, specifically mentioning her desire to join the Kent Parks and Recreation board. She highlights her lifelong residency in Kent, her educational background, and her current employment at First Energy, where she works in substation compliance. Crystal also mentions that she has been researching grant opportunities and has ideas to share, indicating her proactive approach to contributing to the community. She expresses openness to serving on other boards if there are vacancies and indicates her willingness to explore different opportunities to contribute to local governance. When asked about her vision for the parks and recreation board, Crystal praised the existing youth sports programs, but suggested enhancements like splash pads, a public pool, and improvements to the Middlebury Road boat launch. She also proposed a Kent Parks passport program and emphasized the importance of community engagement.

Crystal responded to questions about her involvement in past surveys and her business analyst experience, highlighting her analytical skills and process-driven approach. She also discussed her deep roots in the Kent community and connections with local leaders and organizations.

Ms. Shari Jeffers was not present for the interview due to illness.

Ms. Chelsea Treveline introduced herself as a newcomer to Kent, having moved there because her husband is a new faculty member at Kent State University. She works remotely for a small women-owned business called Making Sense International, focusing on international development, youth development, gender equity, and social inclusion in various countries. Chelsea's background is in social science research and public health, and she is passionate about the connection between the natural environment and human health.She expressed interest in serving on the Parks and Recreation board due to her belief in a "one Health" philosophy, which considers the impact of the natural and built environment on overall health and well-being. Chelsea also highlighted her experience serving on the Gender Equity Commission in Pittsburgh and participating in business development and diversity, equity, and inclusion efforts in her current role. Chelsea emphasized her skills in project management, business development, and environmental impact assessment, indicating her readiness to contribute to the Parks and Recreation board's work. She sees the board as a crucial space for promoting accessibility and environmental sustainability within the community. She discussed her approach to contributing to the committee, highlighting her research skills and commitment to diversity, equity, and accessibility. She emphasized the importance of gathering community perspectives through surveys and listening sessions to inform decision-making and improve engagement with Kent residents. Chelsea also expressed her project management abilities and willingness to collaborate with other boards to promote inclusivity and environmental sustainability.

When asked about her impressions of Kent and her potential contributions beyond the Parks and Recreation board, Chelsea spoke about her interest in leveraging partnerships with Kent State University and engaging youth in local government. She discussed opportunities for research collaborations with students and serving as a liaison between local government and student groups.

Ms. Jillian Tipton expressed her passion for outdoor education and her extensive experience in the field, particularly in programming for youth and adults through organizations like the Girl Scouts and YMCA. She highlighted her background in training volunteers to lead outdoor activities such as high ropes courses and white-water rafting. Jillian emphasized her desire to contribute to the Kent Parks and Recreation board as a way to give back to the community and utilize her skills in outdoor education, which she feels are not fully utilized in her current role as the executive director of a nonprofit in Akron. She sees this position as an opportunity to support the mission and vision of the organization while promoting access to outdoor resources for the community. Ms. Tipton identified staffing issues as a key area for improvement within the Kent Parks and Recreation department, particularly during the summer months when programming is in high demand. She emphasized the importance of investing in quality staff to ensure the success of programs and suggested collaborating with Kent State University and other community partners to recruit capable individuals.

Tim Wonderly of 420 Bowman Drive introduced himself to Council, noting his extensive experience and dedication to the Parks and Recreation department, having worked with and for them for 30 years. He emphasized his confidence in being able to contribute effectively to the board and expressed a desire to help further improve the department's operations Mr. Wonderly highlighted the historical evolution of the Parks and Recreation department, emphasizing the need for greater attention to the recreational aspect. He expressed a desire for the department to acquire more facilities, citing specific areas such as the church across from the bowling alley and the North Water Street Horning area as potential locations for expansion. He proposed turning these areas into recreational spaces, such as a bike community, to enhance community engagement. Tim advocated for allocating more resources and funding towards recreation, aiming for it to become an equal partner alongside parks within the department's focus.

Ms. Calley Mitchel who resides on Elmwood, expressed her deep connection to the Kent community, having lived there for most of her life. She outlined her diverse background, including experience in animal hospitals, biology, organizational communication, and speech-language pathology. Cali recently opened a clinic in Kent, specializing in working with children. She sees the Parks and Recreation board as an opportunity to support families and children further in the community, leveraging her passion for the town and her expertise in child development. Cali emphasized her dedication to working with kids and supporting families, along with her experience in small business management.Cali Mitchell highlighted the importance of supporting children with disabilities in parks and recreation programs, noting the significant need within the community. She expressed her desire to contribute to filling this gap, leveraging her experience working with families and children with disabilities in her clinic. When asked about her interest in other boards or commissions, Cali expressed openness to exploring other opportunities but emphasized her strong connection to Kent and her eagerness to serve the community in any capacity.

Mr. Chris Syphrit, a longtime resident with over 28 years in Kent, expressed his interest in joining the Parks and Recreation board after a conversation with his family while walking along the local paths. Drawing from his experience as a maintenance facilities manager at Solon City School District and previous roles at Laurel Lake Retirement Community, Chris highlighted his expertise in facility management and event organization. He emphasized the importance of maintaining and enhancing existing infrastructure, such as bike paths, and facilitating community events to benefit both children and adults. With a background in facility management and event organization, he has a keen eye for maintaining and enhancing existing infrastructure, such as bike paths and community spaces. His involvement in the Safety Committee for the City of Solon and discussions with local officials about transforming old railroads demonstrate his commitment to improving recreational opportunities for residents.

Mayor Fiala expressed gratitude for the applicants' volunteerism and acknowledged the importance of their contributions to the city. He mentioned that the unexpired term would be voted on during the council meeting on the 17th and encouraged unsuccessful applicants to reapply in the future. Additionally, he noted that there would be other board positions opening up in December. The Mayor also praised the strength of the candidates and thanked them for their willingness to serve.

Eclipse Event Preparation Report

Mr. Dave Ruller introduced tonight's topic of the upcoming eclipse.

Ms. Seidel began her PowerPoint presentation that was included in the April 3, 2024 City Manager's Communication to Council. She highlighted safety strategies the city is taking, which involve staff from Kent Area Chamber of Commerce and Main Street Kent. The Portage Emergency Operation Center will open 4/5/24. All social media will have updates on the events and activities of the weekend and the Kent City Health Department, Kent Police Department, Fire and City will be sharing messages on their social media sites. Ms. Seidel went through the list of concerns about the event and how each had to be handled. Additionally, she highlighted the distribution of Naloxone kits, the creation of a frequently asked questions list, and the promotion of eye protection for safe viewing. Ms. Seidel also addressed concerns such as crowd management, traffic, food shortages, and sanitation issues. She emphasized the importance of patience and reflection after the event to assess goal attainment and opportunities for improvement. She expressed gratitude for the support and readiness of the community in preparation for the event. She is hoping the intensive planning of the events will prepare everyone for the large influx of visitors that are expected to see this once in a lifetime event. She thanked Council and asked if there were any questions.

Ms. Melissa Celko expressed gratitude for the efforts of the entire team in preparing for the solar eclipse event. She acknowledged the extensive planning, hard work, cooperation, and relationship-building that went into the preparations. Ms. Celko expressed hope that the efforts will benefit the community for decades to come and thanked the team for their contributions.

Mayor Fiala thanked Ms. Seidel for everything her and her team did to make the event a success.

New City Hall Project Update

Ms. Melanie Baker has asked for Committee time to share an update on the status of the construction of the new City Administration building. Ms. Baker was out due to illness and Mr. Ruller provided the update.

- The first floor drywall is complete, and all the glass is installed on the Haymaker Parkway side.
- The remaining glass will be delivered today, with installation of the remaining frames and glass to follow as weather permits in the coming weeks. Installation is expected to take about five days.
- Permanent power is now on in the building.
- All brickwork is finished on the Haymaker side, and power washing and caulking will be done in the next two weeks.
- Work on the public lobby area is starting tomorrow.
- The presence of windows in place gives the building a more finished look, and they have been receiving positive feedback about the building.

Community Development Committee

Chair Rosenberg opened the Community Development Committee meeting at 7:51 p.m.

Climate Action Plan and Sustainability Update

Mr. Dave Ruller introduced Julie Morris, the Sustainability Coordinator, acknowledging her previous volunteer work on the sustainability commission. He highlighted her dedication and effectiveness as a volunteer, which led to her being hired for the role. Mr. Ruller emphasized the importance of actively implementing the climate action plan and praised Julie's instrumental role in this challenging task. Despite Julie currently being part-time, Mr. Ruller expressed his efforts to potentially transition her to full-time due to her valuable contributions. He concluded by expressing his anticipation for Julie's presentation and handing over the floor to her.

She began her PowerPoint presentation which was included in the City Council Agenda Packet, as well as the City Manager's Communication. She highlighted the key priorities of Stationary Energy, Transportation, Waste, Agriculture and Forestry, Education and Outreach, and the Updated Greenhouse Gas Inventory.

The Climate Action Plan is focusing its priorities in 2024 into four areas: Stationary Energy, Transportation, Funding and Education and Outreach. She went into each area of focus in more detail, providing an update on the Climate Action Plan (CAP), highlighting the progress made since its adoption a year ago and outlining future initiatives. She explained that the CAP is a five-year plan organized around various focus areas and includes 15 initiatives aimed at reducing emissions and promoting sustainability in Kent. Much of the recent work has focused on obtaining a greenhouse gas inventory update, laying groundwork, building internal frameworks, and exploring funding opportunities.

Key initiatives include developing a Municipal Energy Management Plan to lead by example, expanding solar energy, promoting electric vehicle infrastructure and bike/walk infrastructure, and enhancing education and outreach efforts. The city is also exploring funding mechanisms such as internal budget appropriations, grants, and in-kind services from organizations like NOPEC and participation in regional sustainability cohorts.

Looking ahead, the focus will remain on implementing initiatives outlined in the CAP, continuing education and outreach efforts, and conducting regular greenhouse gas inventory updates to track progress. The ultimate goal is to achieve carbon neutrality by 2050 or sooner. Julie concluded by thanking the audience for their time and acknowledging the comprehensive nature of the information presented.

There were no questions from Council. Ms. Rosenberg thanked Ms. Morris for her presentation.

Finance Committee

Chair DeLeone opened the Finance Committee meeting at 8:07 p.m.

Donation of Kent Parks and Recreation Youth Football and Cheer Equipment

Ms. Angela Manley, Parks and Recreation Director, said the attached list includes items for donation to the Kent Youth Football and Cheer organization, consisting of sports equipment and uniforms necessary for the program's operation within the Kent community. As the program serves up to 160 members and much of the equipment bears the Kent branding, the Kent Parks and Recreation Board has unanimously voted to donate these items to the organization.

She asked Council if they had any questions.

The council asked Ms. Manley several questions regarding the donation and its implications:

Legal ramifications: They inquired about any potential legal issues with the donation. Ms. Manley clarified that since the donation is below the threshold for competitive bidding, there are no legal concerns. Council has the authority to waive competitive bidding in appropriate cases, and Ms. Hope Jones, the city law director, confirmed this in previous discussions.

Tightening organizational structure: Ms. Manley explained that the organization has taken steps to strengthen its structure by registering as a nonprofit and forming a board of ten members. This move allows them to operate more efficiently and pursue their goals more effectively.

Equipment sourcing: Ms. Manley confirmed that the equipment is owned by Parks and Recreation and is branded specifically for Kent. The helmets, in particular, are recertified every two years, ensuring their quality and safety.

Staffing and program sustainability: The council discussed the challenges of sustaining such a program within Parks and Recreation due to its size and dedication required. Ms. Manley noted that while it's demanding, the board's involvement will alleviate some of the strain and allow for more focused management.

Budget implications: Council inquired whether the transition would result in budget savings. Ms. Manley explained that while there might be some savings in the long term, the immediate impact is mitigated by personnel costs and the loss of registration fees and donations that would have otherwise supported the program.

MOTION TO APPROVE DONATION OF KENT PARKS AND RECREATION YOUTH FOOTBALL AND CHEER EQUIPMENT MADE BY Ms. Gwen Rosenberg, SECONDED by Ms. Melissa Celko and CARRIED by a voice vote of 9-0-0.

Celebrate Kent! Grant and Social Service Grant Funding Updates

Ms. Bridget Susel and Mr. EricHelstedter has assessed the applications received for the 2024 Celebrate Kent Grant Awards and the 2024 Social Service Funding Grants. Staff finished reviewing the applications and determined the funding awards. The funding had been previously approved by Council in the Operating Budget. The Celebrate Kent Grant Awards total $15,000 for 7 recipients, while the Social Service Grants amount to $61,944 for 7 organizations.

The Request for Proposals (RFP) for the 2024 Celebrate Kent! Grant Program was issued on January 25, 2024, resulting in thirteen proposals from seven organizations. The total funding requested exceeded the allocated $15,000 budget, with requests totaling $24,133.93. Staff allocated funding to at least one proposal from each organization, while two proposals did not meet eligibility requirements and were not funded.

Attached is a summary table detailing the funding requests and final awards for each eligible project. Also included are the application and eligibility guidelines from the 2024 Celebrate Kent! RFP package. Bridget Susel provided a detailed summary of two grant programs:

Celebrate Kent! Program:

- Originated from the idea of Dan Smith, the former economic development director.
- Aimed to support events downtown to attract people to the town and assist organizations hosting such events.
- $15,000 allocated annually with a matching requirement.
- Received 13 proposals from seven organizations.
- Some proposals were not funded as they didn't meet grant criteria.
- Consideration is being given to potentially changing or modifying the program to better support small businesses.

Social Service Funding Program:

- $65,000 allocated annually to assist nonprofits.
- Seven nonprofits received assistance this year.
- The program provides support to agencies not always covered by other grants, such as eviction prevention, legal aid, housing support, domestic violence shelters, and youth programs.
- All recipients received their requested funding, with close attention to ensuring the funds directly support service delivery.
- Two proposals were not funded due to not meeting grant criteria or exceeding available funds.

Ms. Susel highlighted the importance of these grant programs in providing vital support to various community initiatives and expressed a willingness to adapt them to better serve the community's needs.

During the discussion, it was clarified that the grant funds are derived from tax dollars from the City of Kent, not from state or federal sources. Bridget confirmed this and mentioned that while she couldn't speak for other communities, Kent's allocation of local funds for such initiatives is unique in her experience. The continuity of funding, even during challenging times like COVID-19, reflects the commitment of the community to supporting local initiatives.

Council members also acknowledged the historical context of the grant programs, with Bill Schultz being mentioned as one of the individuals who spearheaded the initiative.

No further questions were raised, and it was determined that no action was needed from the council regarding the grant programs at that time.

Streets, Sidewalks & Utilities Committee

Chair Sidoti opened the Streets, Sidewalks and Utilities Committee at 8:30 p.m. .

Earth Day Vendor Market

On Saturday, April 20, 2024, Branded in Kent plans to host an Earth Day Vendor Market in Dan Smith Park. The number of vendors interested in participating exceeds the park's capacity. Consequently, the organizers have submitted a special event permit application to the City, requesting the closure of East Erie Street between South Water Street and the private alley used by Tree City Coffee as a drive-through lane. This closure would provide additional space for vendors unable to fit into Dan Smith Park. The event organizer anticipates around 2,000 attendees.

MOTION TO APPROVE EARTH DAY VENDOR MARKET MADE BY Mr. Michael DeLeone, SECONDED by Mr. Jeff Clapper and CARRIED by a voice vote of 9-0-0.

MOTION TO ENTER EXECUTIVE SESSION TO DISCUSS BOARD AND COMMISSION APPOINTMENTS MADE BY Mr.Jack Amrhein, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 9-0-0.

MOTION TO RETURN TO REGULAR COUNCIL MEETING AT 8:56 P.M. MADE BY Ms. Gwen Rosenberg, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 9-0-0.

No further business was conducted and the meeting adjourned at 8:57 p.m.

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Amy Wilkens, CMC
Clerk of Council

DRAFT RESOLUTION NO. 2024-030

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

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

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

NAME	**TERM**
	Immediate to 12/31/2024

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. 2024-031**

AN ORDINANCE AMENDING SECTION 105.01 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT, OHIO, SO AS TO SUBDIVIDE THE CITY INTO WARDS AS REQUIRED BY SECTION 731.06 OF THE OHIO REVISED CODE AND SECTION 64, ARTICLE XIV OF THE CHARTER OF THE CITY OF KENT, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, Section 731.06 of the Ohio Revised Code requires that this Council must subdivide the City into wards, equal in number to the members of the Council to be elected from wards; and

WHEREAS, Section 105.01 of the Codified Ordinances of the City of Kent prescribe the election of six members of Council from wards; and

WHEREAS, Section 731.06 of the Ohio Revised Code further requires that such subdivision into wards shall be accomplished within ninety (90) days after the first day of October of the year following the decennial census year; and

WHEREAS, said Section 731.06 further requires that all wards shall be bounded, as far as practicable, by county lines, streets, alleys, lot lines, avenues, public grounds, canals, watercourses, municipal corporation lines, centerlines of platted streets, or railroads, and shall be composed of adjacent and compact territory, and substantially equal in population; and

WHEREAS, Section 64, Article XIV of the Charter of the City of Kent requires that the population disparity among wards may not exceed ten percent (10%) and that each ward shall be comprised of compact and contiguous territory; and

WHEREAS, this Council finds that the subdivision of the city into wards herein below complies with the legal requirements described above.

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

SECTION 1. That Section 105.01 of the Codified Ordinances of the City of Kent is hereby amended to read as follows:

(a) First Ward. The First Ward shall contain all that territory bounded and described as follows: Bounded on the east, beginning at a point where the centerline of the Akron Barberton Cluster Railroad intersects the east corporation line of the City, thence north along the east corporation line of the City to a point where it intersects the north corporation line of the City. Bounded on the north, at a point where the east corporation line of the City intersects the north corporation line of the City, thence west along the north corporation line of the City to a point where it intersects the west corporation line of the City. Bounded on the west by the west corporation line of the City to a point where it intersects the northern boundary line of the Silver Meadows Subdivision #3. Bounded on the south, starting at a point where the west corporation line and the northern boundary line of the Silver Meadows Subdivision Number 3 intersect, thence east along the northern boundary line of Silver Meadows Subdivision Number 3 to a point where it intersects the east lot line of Sublot Number 36 of the Silver Meadows Subdivision Number 3, thence south along the east lot line of Sublot Number 36 to a point where it intersects the centerline of Carol Drive, thence east along the centerline of Carol Drive to a point where it intersects the centerline of Silver Meadows Boulevard, thence north along the centerline of Silver Meadows Boulevard to a point where it would intersect the extension of the south property line of Sublot #1 of the Havenwood Subdivision, thence west along the south property line of Sublot #1 of the Havenwood Subdivision to a point where it intersects the western boundary line of Havenwood Subdivision, thence north along the western boundary line of Havenwood Subdivision and continuing along the west property lines of City of Kent Parcel #17-028-00-00-018-000 and ~~City of Kent~~ Parcel #17-028-00-00-020-000 to a point where it would intersect the centerline of Fairchild Avenue, thence east along the centerline of Fairchild Avenue to a point where it intersects the centerline of Majors Lane, thence southwest to a point where Majors Lane intersects Bryce Road, thence south along Bryce Road to a point where it intersects the centerline of West Main Street, thence east along the centerline of West Main Street to a point where it intersects the centerline of the Akron Barberton Cluster Railroad. Bounded on the east, starting at a point where the centerline of West Main Street intersects the centerline of ~~the Akron Barberton Cluster Railroad,~~ North Water Street thence north~~east~~ along the centerline of North Water Street to the point where it intersects Lake Street, thence northeast along the centerline of the Akron Barberton Cluster Railroad to the ~~a~~ point where it intersects with the centerline of Marvin Street, thence south along the centerline of Marvin Street to the point where it intersects the centerline of Lake Street then northeast along the centerline of Lake Street to the east corporation line of the City, and the true point of beginning.

(b) Second Ward. The Second Ward shall contain all that territory bounded and described as follows: Bounded on the north, starting at a point where the west corporation line and the northern boundary line of the Silver Meadows Subdivision Number 3 intersect, thence east along the northern boundary line of Silver Meadows Subdivision Number 3 to a point where it intersects the east lot line of Sublot Number 36 of Silver Meadows Subdivision Number 3, thence south along the east lot line of Sublot Number 36 to a point where it intersects the centerline of Carol Drive, thence east along the centerline of Carol Drive to a point where it intersects the centerline of Silver Meadows Boulevard, thence north along the centerline of Silver Meadows Boulevard to a point where it would intersect the extension of the south property line of Sublot #1 of the Havenwood Subdivision, thence west along the south property line of Sublot #1 of the Havenwood Subdivision to a point where it intersects the western boundary line of the Havenwood Subdivision, thence north along the western boundary line of Havenwood Subdivision and continuing along the west property line of City of Kent Parcel #17-028-00-00-018-000 and ~~City of Kent~~ Parcel # 17-028-00-00-020-000 to a point where it would intersect the centerline of Fairchild Avenue, thence east along the centerline of Fairchild Avenue to a point where it intersects the centerline of Majors Lane, thence southwest to a point where Majors Lane intersects Bryce Road, thence south along Bryce Road to a point where it intersects the centerline of West Main Street, thence east along the centerline of West Main Street to a point where it intersects the centerline of the Cuyahoga River. ~~Bounded on the east and south, s~~Starting at a point where the centerline of West Main Street intersects the centerline of the Cuyahoga River, thence southwesterly along the centerline of the Cuyahoga River to a point where it intersects the centerline of ~~West Summit Street~~, Stow Street thence east along the centerline of ~~West Summit Street~~ Stow Street to a point where it intersects the centerline of ~~the Baltimore and Ohio Railroad~~ Mogadore Road, thence southwest along the centerline of ~~the Baltimore and Ohio Railroad~~ Mogadore Road to a point where it intersects ~~the west corporation line of the City of Kent~~ the centerline of the Wheeling and Lake Erie Railroad, thence northwest along the centerline of the Wheeling and Lake Erie Railroad to a point where it intersects the centerline of Middlebury Road, thence southwest along the centerline of Middlebury Road, to a point where an imaginary line intersects with the north property line of City of Kent Parcel #17-009-00-00-021-006 and continuing west along the north property line. Bounded on the west by the corporation line of the City of Kent, thence north along the west corporation line of the City of Kent to a point where it intersects the north boundary line of Silver Meadows Subdivision #3, and the true point of beginning.

(c) Third Ward. The Third Ward shall contain all that territory bounded and described as follows: Bounded on the north, starting at a point where the centerline of ~~the Baltimore and Ohio Railroad~~ Mogadore Road intersects the centerline of West Summit Street, thence east along the centerline of West Summit Street to a point where it intersects the centerline of Franklin Avenue, thence south along the centerline of Franklin Avenue to a point where it intersects the centerline of West ~~Williams~~ Oak Street, thence east along the centerline of West ~~Williams~~ Oak Street to a point where it intersects the centerline of South Water Street, thence south along the centerline of South Water Street to a point where it intersects the centerline of ~~East School Street~~ Bowman Drive, thence east along the centerline of ~~East School Street~~ Bowman Drive to a point where ~~East School Street ends and an imaginary line is drawn to~~ the centerline of Bowman Drive intersects with an imaginary line along the east property lines of City of Kent Parcel #17-006-12-00-001-000 and City of Kent Parcel #17-006-12-00-002-000 and continuing south along the east property lines to a point where it intersects with the centerline of Rellim Drive, thence east along the centerline of Rellim Drive to a point where it intersects with the centerline of Morris Road, thence north along the centerline of Morris Road to a point where it intersects the centerline of East School Street, thence east along East School Street to a point where it continues east as an imaginary line along the north property lines of City of Kent Parcel #17-014-10-00-017-00, Parcel #17-014-10-00-022-000, and Parcel #17-014-10-00-056-000, thence south along the east property lines of said Parcels to the point where the imaginary line intersects with the north property line of City of Kent Parcel #17-005-00-00-001-000, thence east along this north property line and continuing east along the north property line of City of Kent Parcel #17-005-00-00-008-000 to the point the north property line intersects with the west property line of City of Kent Parcel # 17-023-00-00-001-000 and continuing ~~continue east~~ ~~until it intersects with an imaginary line drawn along the eastern property lines (backyards) of parcels located on the east side of Mae Street, thence north along said imaginary line to a point where Mae Street ends and said line extends~~ northeast to point where the west property line ~~imaginary line~~ intersects with the centerline of East Summit Street at point on East Summit where western Kent State University Risman Drive begins, thence southeast along East Summit Street to the point where it intersects with the centerline of Libra Court, a private street, thence south on the centerline of Libra Court to a point where an imaginary line intersects along the south property lines of City of Kent Parcel #17-003-10-00-017-000, Parcel #17-003-10-00-018-000, Parcel #17-003-10-00-019-000 Parcel, #17-003-10-00-020-000, Parcel #17-003-10-00-021-000, Parcel #17-003-10-00-022-000, Parcel #17-003-10-00-023-000, Parcel #17-003-10-00-024-000, Parcel #17-003-10-00-025-000, Parcel #17-003-10-00-026-000, Parcel #17-003-10-00-027-000, Parcel #17-003-10-00-028-000, Parcel #17-003-10-00-029-000, Parcel #17-003-10-00-030-000, thence north along the east property line of City of Kent Parcel #17-003-10-00-056-000 to the point where it intersects with the centerline of East Summit Street, thence east along East Summit Street to the east corporation line of the City at the point where it intersects with the west side of Burnett Road. ~~a point where the centerline of East Summit Street intersects an imaginary line drawn as to extend directly south along the western property line of City of Kent Parcel # 17-004-00-00-035-000, thence south to a point where it intersects with the centerline of Cambridge Drive, thence east along Cambridge Drive to a point where it intersects with the centerline of Whitehall Boulevard, thence south along the centerline of Whitehall Boulevard to a point where it intersects with an imaginary line drawn to extend east at point where the centerline of Whitehall Boulevard and the south parcel line for City of Kent Parcel # 17-004-20-00-037-000 intersect, thence east to a point where the imaginary line intersects an imaginary line drawn to extend south along the east parcel line of City of Kent Parcel # 17-004-00-00-036-002, thence south to a point where it intersects the south corporation line of the City.~~ Bounded on the east ~~south~~ by the corporation line of the City at a point where it intersects ~~the east parcel line for City of Kent Parcel # 17-004-00-00-036-030,~~ the centerline of Burnett Road thence south along the centerline of Burnett Road ~~west along~~ to the point where it intersects the south corporation line of the City. ~~to a point where it intersects the west corporation line of the City.~~ Bounded on the ~~west,~~ south starting at a point where the south corporation line of the City and the ~~west~~ east corporation line of the City intersect, thence west ~~north~~ to a point where the west corporation line of the City and the centerline of Mogadore Road ~~the Baltimore and Ohio Railroad~~ intersect, thence northeast along the centerline of Mogadore Road ~~the Baltimore and Ohio Railroad~~ to a point where it intersects the centerline of West Summit Street to the true point of beginning.

(d) Fourth Ward. The Fourth Ward shall contain all that territory bounded and described as follows: Bounded on the east, starting at a point where the centerline of Burnett Road intersects the south corporation line of the City, thence west along the ~~south corporation line of the City to a point where it intersects the east parcel line of City of Kent Parcel # 17-004-00-00-036-030, thence north along said parcel line to a point on an imaginary line drawn to intersect with the south east corner of parcel #17-004-00-00-036-002, thence west along said line to a point where it intersects the centerline of Whitehall Boulevard, thence north along the centerline of Whitehall Boulevard to a point where it intersects the centerline of Cambridge Drive, thence west along the centerline of Cambridge Drive to a point where the western extension of Cambridge Drive ends and intersects with the western property line for City of Kent Parcel # 17-004-00-00-035-000 thence north along said parcel line to a point where it intersects the~~ centerline of East Summit Street to the point where it intersects with the center Pisces Drive, thence south on the centerline of Pisces Drive to a point where an imaginary line intersects along the south property lines of City of Kent Parcel #17-003-10-00-017-000, Parcel #17-003-10-00-018-000, Parcel #17-003-10-00-019-000 Parcel, #17-003-10-00-020-000, Parcel #17-003-10-00-021-000, Parcel #17-003-10-00-022-000, Parcel #17-003-10-00-023-000, Parcel #17-003-10-00-024-000, Parcel #17-003-10-00-025-000, Parcel #17-003-10-00-026-000, Parcel #17-003-10-00-027-000, Parcel #17-003-10-00-028-000, Parcel #17-003-10-00-029-000, Parcel #17-003-10-00-030-000, thence north along the west property line of City of Kent Parcel #17-003-10-00-017-000, thence northwest along the centerline of East Summit Street to a point where it intersects the centerline of Fraternity Circle, thence southwest on an imaginary line that extends along the east property line of City of Kent Parcel #17-023-00-00-001-000, thence west on the south property line of said Parcel, thence north on the west property line of said Parcel to the point where it intersects with the centerline of East School Street, thence west on the centerline of East School Street to the point it intersects with the centerline of Morris Road, thence north along the centerline of Morris Road to the point it intersects with an imaginary line along the north property lines of City of Kent Parcel #17-014-10-00-001-001, Parcel #17-014-10-00-038-000, Parcel #17-014-10-00-039-000, thence from an imaginary line that extends from the northeast corner of the north property line of Parcel #17-014-10-00-039-000 ~~centerline of the western Kent State University Risman Drive, thence southwest along an imaginary line drawn to intersect with an imaginary line drawn to extend along the eastern property lines (backyards) of parcels located on Mae Street, thence south along said imaginary line to the point where it intersects with the centerline of East School Street, thence west along the centerline of East School Street to the point where it intersects the centerline of Morris Road. Bounded on the west starting at a point where the centerline of East School Street intersects the centerline of Morris Road, thence north along the centerline of Morris Road~~ to a point where it intersects the centerline of East Summit Street and the centerline of Janik Drive (K.S.U), thence northeast along the centerline of Janik Drive (K.S.U) to a point where Janik Drive (K.S.U.) ends and an imaginary line is drawn to continue in same northeast direction, thence at point northwest of Stopher Hall (K.S.U.) an imaginary line is drawn to the south of Taylor Hall (K.S.U.) as to extend directly east to the centerline of Loop Road, thence south along the centerline of Loop Road to a point where the centerline of Loop Road intersects with an imaginary line drawn to the north of 528-530-532 Silver Oaks Place (Private Road) extending east to a point where it intersects with the centerline of Silver Oaks Place (Private Road), thence north along the centerline of Silver Oaks Place (Private Road) to a point where it intersects with an imaginary line drawn to the north of 499-501-517-519 Silver Oaks Place (Private Road), thence extending east along said line to the point the imaginary line intersects the north property lines of the northern parcels at the north end of Glad Boulevard and extending to the east corporation line of the City, thence continuing south and east along the corporation line of the City, to the point where the east corporation line of the City extends south to East Summit Street, thence west along East Summit Street to the point where the centerline of East Summit Street intersects the centerline of Burnett Road~~, thence south along the centerline of Burnett Road to the corporation line of the City and continuing west along the corporation line of the City~~ to the true point of beginning.

(e) Fifth Ward. The Fifth Ward shall contain all that territory bounded and described as follows: Bounded on the north, starting at a point where the centerline of Midway Drive (K.S.U.) intersects the centerline of East Main Street, thence west along the centerline of East Main Street to a point where it intersects with the centerline of Luther Avenue, thence north along Luther Avenue to the point where it intersects with the centerline of Crain Avenue, thence northwest along the centerline of Crain Avenue to the point where it intersects with the centerline of North Water Street, thence south on North Water Street to the point where it intersects with the centerline of East Main Street, thence west on the centerline of East Main Street to ~~North Lincoln Street, thence north along the centerline of North Lincoln Street to a point where it intersects the centerline of Crain Avenue, thence west along the centerline of Crain Avenue~~ to a point where it intersects the centerline of the Akron Barberton Cluster Railroad. Bounded on the west, along the centerline of the Akron Barberton Cluster Railroad ~~starting at a point where the centerline of Crain Avenue intersects the centerline of the Akron Barberton Cluster Railroad, thence south and southwest along the centerline of the Akron Barberton Cluster Railroad~~ to a point where it intersects the centerline of Stow ~~West Summit~~ Street, thence east along the centerline of West Summit Street to a point where it intersects the centerline of Franklin Avenue, thence south along the centerline of Franklin Avenue to a point where it intersects the centerline of West ~~Williams~~ Oak Street, thence east along the centerline of West ~~Williams~~ Oak Street to a point where it intersects the centerline of South Water Street, thence south along the centerline of South Water Street to a point where it intersects the centerline of Bowman Drive ~~East School Street~~ thence east along the centerline of Bowman Drive to the point where the centerline of Bowman Drive intersects with an imaginary line along the east property lines of City of Kent Parcel #17-006-12-00-001-000 and City of Kent Parcel #17-006-12-00-002-000 and continuing south along the east property lines to a point where it intersects with the centerline of Rellim Drive, thence west along the centerline of Rellim Drive to the point where it intersects with the centerline of Morris Road, thence north on Morris Road to the point where the centerline intersects with an imaginary line along the north property lines of City of Kent Parcel #17-014-10-00-003-000, Parcel #17-014-10-00-036-000, Parcel #17-014-10-00-041-000, thence from an imaginary line that extends from the northeast corner of the north property line of Parcel #17-014-10-00-041-000 ~~Bounded on the south, starting at a point where the centerline of South Water Street~~

~~intersects the centerline of East School Street, thence east along the centerline of East School Street to a point where it intersects the centerline of Morris Road. Bounded on the east, starting at a point where the centerline of East School Street intersects the centerline of Morris Road, thence north along the centerline of Morris Road~~ to a point where it intersects the centerline of East Summit Street and the centerline of Janik Drive (K.S.U.), thence northeast along the centerline of Janik Drive (K.S.U) to point where Janik Drive (K.S.U.) ends, thence continuing in same northeast direction along an imaginary line drawn to a point directly northwest of Stopher Hall (K.S.U.), thence along an imaginary line drawn south of Taylor Hall (K.S.U.) and which extends east to a point where it intersects the centerline of Midway Drive (K.S.U.), thence north along the centerline of Midway Drive (K.S.U.) to a point where it intersects the centerline of Theater Drive (K.S.U.), thence along an imaginary line drawn to extend west from Theater Drive (K.S.U.) to a point near the south west corner of Verder Hall, thence along an imaginary line drawn north to intersect with the centerline of East Main Street, to the true point of beginning.

(f) Sixth Ward. The Sixth Ward shall contain all that territory bounded and described as follows: Bounded on the north, starting at a point where the centerline of Lake Street ~~Akron Barberton Cluster Railroad~~ intersects the east corporation line of the City, thence west ~~and southwest~~ along the centerline of Lake Street ~~the Akron Barberton Cluster Railroad~~ to a point where it intersects the centerline of Marvin Street ~~Crain Avenue~~, thence north along the centerline of Marvin Street to a point where the centerline of Marvin Street intersects ~~Bounded on the west~~, at a point where the centerline of the Akron Barberton Cluster Railroad, ~~intersects the centerline of Crain Avenue,~~ thence southwest ~~east~~ along the centerline of the Akron Barberton Cluster Railroad ~~Crain Avenue~~ to a point where it intersects the centerline of Crain Avenue ~~North Lincoln Street~~, thence southeast along the centerline of Crain Avenue ~~North Lincoln Street~~ to a point where it intersects the centerline of Luther Avenue ~~East Main Street~~, thence south ~~east~~ along the centerline of Luther Avenue ~~East Main Street~~ to a point where it intersects the centerline of East Main Street, thence east along the centerline of East Main Street to a point where it intersects Midway Drive (K.S.U.), thence south along the centerline of Midway Drive (K.S.U.) to a point where it intersects the extended centerline of Theater Drive (K.S.U.), thence east along the centerline of Theater Drive (K.S.U.) to a point where the centerline of Theater Drive (K.S.U.) and the centerline of Midway Drive (K.S.U.) meet, thence south along the centerline of Midway Drive (K.S.U.) to the Ward 4 northern boundary. Bounded on the south, beginning at the north boundary line of Ward 4 and the intersection of Midway Drive (K.S.U.), thence east along an imaginary line located south of Koonce Hall and extending to ~~to~~ the centerline of Loop Road, thence south along the centerline of Loop Road to an imaginary line drawn north of 528-530-532 Silver Oaks Place (private road) and extending east to the centerline of Silver Oaks Place (Private Road), thence north along the centerline of Silver Oaks Place (Private Road) to an imaginary line located north of 499-501-517-519 Silver Oaks Place (private road) and extending east, thence east along said line continuing along the north property lines of the northern most parcels on the north end of Glad Boulevard to the east corporation line of the City. Bounded on the east, at a point where the north boundary line of Ward 4 (as previously described above) intersects the east corporation line of the City, thence north along the east corporation line of the City, to the true point of beginning.

SECTION 2. That the Clerk shall transmit a certified copy of this ordinance to the Portage County Board of Elections.

SECTION 3. That the subdivision herein described shall be effective for the first municipal primary election occurring at least one hundred fifty (150) days after passage thereof.

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

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

PASSED: ______________________________
Date

EFFECTIVE: ____________________________
Date

ATTEST: ____________________________
Amy Wilkens, CMC
Clerk of Council

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Jerry T. Fiala
Mayor and President 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)

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AMY WILKENS, CMC
CLERK OF COUNCIL

DRAFT ORDINANCE NO. 2024 - 032

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, ON BEHALF OF THE CITY OF KENT PARKS & RECREATION DEPARTMENT TO DONATE TO THE KENT YOUTH FOOTBALL AND CHEER ORGANIZATION, SPORTS EQUIPMENT AND UNIFORMS, WAIVING COMPETITIVE BIDDING, AND DECLARING AN EMERGENCY.

WHEREAS, the Kent Youth Football and Cheer organization serves as many as 160 members of the Kent youth community; and

WHEREAS, the City of Kent Parks & Recreation Department has sports equipment and uniforms and would like to donate these items to the Kent Youth Football and Cheer organization; The estimated value of the equipment donation is $28,741; and

WHEREAS, the administration is requesting that competitive bidding be waived in order for the organization to continue operating within the Kent community.

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, on behalf of the City of Kent Parks & Recreation Department to donate sports equipment and uniforms to the Kent Youth Football and Cheer organization, and shown on Exhibit "A", attached hereto and incorporated herein.

SECTION 2. Competitive bidding is hereby waived.

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

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

PASSED: ________________________
Date

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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)

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AMY WILKENS, CMC
CLERK OF COUNCIL

DRAFT ORDINANCE NO. 2024 –033

AN ORDINANCE AUTHORIZING THE RECYCLING OF OLD DELL TRAFFIC SERVERS THAT ARE NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND DECLARING AN EMERGENCY.

WHEREAS, the IT Manager of the City has four (4) Dell traffic servers that are old and have reached the end of their useful life. All data on them has been moved to new servers; and

WHEREAS, the old traffic servers are as follows:

CATMFS1 – Poweredge R610
CATCCTV1 – Poweredge R710
CATMFS2 – Poweredge R730
CATCCTV2 – Poweredge R730

WHEREAS, the Administration desires to recycle the servers at E-Recycling.

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 to recycle four (4) old Dell traffic servers as listed above, because they have reached the end of their useful life and are no longer needed for municipal purposes.

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

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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)

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AMY WILKENS, CMC
CLERK OF COUNCIL

DRAFT ORDINANCE NO. 2024 – 034

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, PERMANENT AND UTILITY 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, permanent and utility easements and are granted the easements from the following:

1) Debra Paisley – Temporary Easement - $1,890
2) United Church of Christ of Kent, Ohio – Permanent Easement - $102,320, Utility Easement - $1,800 and Temporary Easement - $28,590

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 agreements for the City of Kent to obtain temporary, permanent and utility 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 Agreements 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

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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)

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AMY WILKENS, CMC
CLERK OF COUNCIL

DRAFT ORDINANCE NO. 2024 - 035

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPROVE A NEW SPECIAL EVENT APPLICATION FROM BRANDED IN KENT KNOWN AS "EARTH DAY VENDOR MARKET" TO BE HELD ON SATURDAY, APRIL 20, 2024, AND THE TEMPORARY CLOSURE OF EAST ERIE STREET BETWEEN SOUTH WATER STREET AND THE PRIVATE ALLEY BY TREE CITY COFFEE, AND DECLARING AN EMERGENCY.

WHEREAS, Branded in Kent would like to hold a special event known as "Earth Day Vendor Market";

WHEREAS, the Earth Day Vendor Market will take place Saturday, April 20, 2024 from 11:00 a.m. until 5:00 p.m. The temporary closure of East Erie Street between South Water Street and the private alley by Tree City Coffee will begin Saturday morning at 9:00 a.m. until 7:00 p.m.; and

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

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

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

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

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

PASSED: ______________________
Date

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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 – 036

AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN VALVOLINE LLC AND THE CITY OF KENT, OHIO, WITH THE CITY OBTAINING A PERMANENT AND TEMPORARY EASEMENT FOR RIGHT-OF-WAY PURPOSE FOR THE PROJECT KNOWN AS EAST MAIN STREET IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent Council desires to obtain a small permanent parcel (0.017 acres) and a small temporary parcel (0.054 acres) from Valvoline for right-of-way purposes; and

WHEREAS, Valvoline LLC is willing to grant the right-of-ways for an amount above the fair market value of $28,230. Valvoline is requested an additional amount of $3,270 which would bring the settlement amount to $31,500. The City's portion of the additional requested amount would be $163.50 (5%); and

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 with Valvoline LLC for the City of Kent to obtain a permanent and temporary easement 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", attached hereto and made a part hereof.

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

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

PASSED: ________________________
Date

____
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: ______________________
Date

ATTEST: ________________________
Amy Wilkens, CMC
Clerk of Council

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

(SEAL)

____
AMY WILKENS, CMC
CLERK OF COUNCIL

CONTRACT FOR SALE AND PURCHASE OF REAL PROPERTY
WITHOUT BUILDING(S)

PARCEL(S): 5-WD, T
POR-59-2.14

This Agreement is by and between the City of Kent, Portage County, Ohio ["Purchaser"] and Valvoline LLC, a Delaware limited liability company ["Seller"; "Seller" includes all of the foregoing named persons or entities]. Purchaser and Seller are referred to collectively in this Agreement as "Parties."

In consideration of the mutual promises, agreements and covenants herein contained the Parties contract as follows:

1. Price and Consideration

Purchaser shall pay to Seller the sum of $31,500.00, which sum shall constitute the entire amount of compensation due Seller for: (a) the real property to be conveyed, including all fixtures; (b) any and all damages to any residual lands of Seller; (c) Seller's covenants set forth herein; (d) any and all supplemental instruments reasonably necessary to transfer the title of the subject property; and (e) na.

Seller shall be exclusively responsible for all delinquent taxes and assessments, including penalties and interest, and for all other real estate taxes and assessments that are a lien as of the date on which this Agreement closes. The taxes and assessments for the current calendar year shall be prorated on an estimated basis to the date of acquisition of title or date of possession, whichever is earlier in time. Seller shall be responsible for any and all future installments of any special assessments levied and assessed against the real property, whether or not any such special assessment has been certified to the county auditor for collection, provided that such installments of special assessments shall be a lien on the subject real property as of the date of transfer of title. Purchaser may withhold in escrow a sufficient amount of the purchase money to satisfy the foregoing items to be paid by Seller; any balance remaining after such taxes, assessments, etc., are discharged shall be paid to Seller and any deficiency shall be the responsibility of Seller.

2. Estate Sold and Deed to Transfer

Seller, upon fulfillment of all the obligations and terms of this Agreement, shall sell and convey to Purchaser, its successors and assigns, the property which is more particularly described in Exhibit A attached hereto and by this reference incorporated herein, together with all improvements now located thereon and all fixtures of every nature now attached to or used with said land and improvements including, but not limited to, driveways, signs, utility fixtures, shrubbery and trees.

If the rights, titles and estates described in Exhibit A constitute the fee simple in, to and of the real property, then such sale and conveyance by Seller shall be by a good and sufficient general warranty deed with, if applicable, full release of dower. In the event the rights, titles, and estates described in Exhibit A constitute something less than the fee simple of the real property, then such sale and conveyance by Seller shall be by a good and sufficient deed or other instrument regularly and ordinarily used to transfer such lesser rights, titles and estates with, if applicable, full release of dower.

3. Limited Access Parcels - Waiver of Abutters' Rights

If the property described in Exhibit A is designated by Purchaser as a limited access parcel, then Seller further agrees to release to Purchaser, its successors and assigns, any and all abutters' rights, including access rights, appurtenant to any remaining lands of Seller (from which the property described in Exhibit A is being severed) in, over, on, from and to the property described in Exhibit A.

4. Supplemental Instruments

Seller agrees to execute any and all supplemental instruments or documents necessary to vest Purchaser with the rights, titles and interests described in Exhibit A.

5. Warranty of Title

Seller shall, and hereby does, warrant that the property described in Exhibit A is free and clear from all liens and encumbrances whatsoever, except: (a) easements, restrictions, conditions and covenants of record; (b) all legal highways; (c) zoning and building laws, ordinances, rules and regulations; and (d) any and all taxes and assessments not yet due and payable.

6. Elimination of Others' Interests

Seller shall assist, in whatever manner reasonably possible under the circumstances, to procure and deliver to Purchaser releases and cancellations of any and all other rights, titles and interests in the property described in Exhibit A, such as, but not limited to, those belonging to tenants, lessees, mortgagees or others now in possession or otherwise occupying the subject premises, and all assessment claims against said property.

Seller and Purchaser agree that if a mortgagee of Seller or of a predecessor in title fails to cooperate with the efforts to obtain a release of that mortgagee's mortgage lien secured by the property described in Exhibit A, then and in that event this Agreement shall become null and void and the parties to this Agreement shall be discharged and released from any and all obligations created by this Agreement; for the purposes of this provision, the term "fails to cooperate" shall include a demand or request by any such mortgagee for a fee to process such a release of that mortgagee's mortgage lien that Purchaser, in its sole discretion, deems to be excessive.

7. No Change in Character of Property

Seller shall not change the existing character of the land or alter, remove, destroy or change any improvement located on the property described in Exhibit A. If, prior to the date on which possession of the subject property is surrendered to Purchaser, the subject property suffers any damage, change, alteration or destruction then, and without regard to the cause thereof, Seller shall restore the subject property to the condition it was in at the time Seller executed this Agreement; in the alternative, Seller may agree to accept the abovementioned purchase price less the costs associated with such restoration. If the Seller refuses to either restore the premises or accept the decreased consideration as aforementioned, then Purchaser, at its option after discovery or notification of such damage, change, alteration or destruction, may terminate and cancel this Agreement upon written notice to Seller.

8. Offer to Sell

If Seller executes this Agreement prior to Purchaser, then this Agreement shall constitute and be an Offer to Sell by Seller that shall remain open for acceptance by Purchaser for a period of 20 days immediately subsequent to the date on which Seller delivers such executed Agreement to Purchaser. Upon Purchaser's acceptance and execution of this Agreement within said period of 20 days, this Agreement shall constitute and be a valid Contract for Sale and Purchase of Real Property that is binding upon the Parties.

9. Designation of Escrow Agent

Seller agrees that Purchaser may designate an escrow agent to act on behalf of the Parties in connection with the consummation and closing of this Agreement.

10. Closing Date

The consummation and closing of this Agreement shall occur at such time and place as the Parties may agree, but no later than 10 days after Purchaser notifies Seller in writing that Purchaser is ready to consummate and close this Agreement. Provided, however, in no event shall such consummation and closing occur more than 120 days after the last date on which one of the Parties executes this Agreement.

11. Physical Possession of Structures Occupied by Seller

Seller shall surrender physical possession of the land and improvements to Purchaser not later than the date on which Purchaser tenders the purchase price to Seller.

12. Control of Property Occupied by Seller's Tenant(s)

Control of property occupied by Seller's tenant(s) shall be assumed by Purchaser on the date Purchaser tenders the purchase price to Seller. From that date forward, Purchaser shall be entitled to collect and retain as its own funds any and all rental payments thereafter made by such tenant(s). If any rents due under the lease(s) with Seller have been prepaid by Seller's tenant(s), then said prepaid rents shall be prorated to the date on which the purchase price is tendered by Purchaser, and said prepaid rents shall be paid to Seller and Purchaser in accordance with such proration.

13. Binding Agreement

Any and all of the terms, conditions and provisions of this Agreement shall be binding upon and shall inure to the benefit of Seller and Purchaser and their respective heirs, executors, administrators, successors and assigns.

14. Multiple Originals

This Agreement may be executed in two or more counterparts, each of which will be deemed an original, but all of which together shall constitute but one and the same instrument.

15. Entire Agreement

This instrument contains the entire agreement between the Parties, and it is expressly understood and agreed that no promises, provisions, terms, warranties, conditions or obligations whatsoever, either express or implied, other than herein set forth, shall be binding upon Seller or Purchaser.

16. Amendments and Modifications

No amendment or modification of this Agreement shall be valid or binding upon the Parties unless it is made in writing, cites this Agreement and is signed by Seller and Purchaser.

IN WITNESS WHEREOF, the parties hereto, namely the City of Kent, Portage County, Ohio and Valvoline LLC, a Delaware limited liability company, have executed this Agreement on the date(s) indicated immediately below their respective signatures.

VALVOLINE LLC, A DELAWARE LIMITED LIABILITY COMPANY

EEP
04/04/24

Leon Weissman
Leon Weissman (Apr 4, 2024 16:40 EDT)

By: Leon Weissman

Date: Apr 4, 2024

THE CITY OF KENT, PORTAGE COUNTY, OHIO

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

Date:

EXHIBIT A

LPA RX 851 WD Rev. 06/09

Ver. Date 02/15/23 PID 112026

PARCEL 5-WD
POR-59-2.14 (E. MAIN STREET AREA IMPROVEMENTS)
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
CITY OF KENT, PORTAGE COUNTY, OHIO

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression “Grantor/Owner” includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor’s description of the premises follows]

Situated in the State of Ohio, County of Portage, City of Kent, being part of Original Lot 24 in Franklin Township, Township 3 North, Range 9 West, being part of lands described in the deed to VALVOLINE LLC (Grantor) as recorded in Instrument 201613516 and on file in the Portage County Recorder’s Office and laying on the left side of the centerline of right-of-way of East Main Street (State Route 59) as shown on the East Main Street Area Improvements right-of-way plans prepared by Arcadis U.S., Inc for and on file with the City of Kent, Ohio, and more fully described as follows:

Commencing at a 1 inch diameter steel rod, to be set during East Main Street Area Improvements construction, in a monument box at the intersection of the centerline of right-of-way of said East Main Street (State Route 59) and Haymaker Parkway (State Route 59) as shown on said right-of-way plans being Station 112+99.20; said rod being South 89° 31’ 04” West a distance of 2166.28 feet from a 1 inch diameter steel rod found in a monument box at the intersection with the centerline of Luther Avenue as shown on said right-of-way plans;

Thence North 89° 31' 04” East, along said centerline, a distance of 41.27 feet being Station 113+40.47;

Thence North 00° 28’ 56” West, leaving said centerline, a distance of 44.00 feet to the northerly right-of-way line of said East Main Street and to the Grantor’s southerly line being the **Point of Beginning** being 44.00 feet left of Station 113+40.47;

1. Thence North 63° 25' 51" West, along said northerly right of way line, a distance of 24.19 feet to the easterly right-of-way line of North Willow Street as shown on said right-

of-way plans and to the Grantor's westerly line being 30.00 feet right of North Willow Street Station 10+55.13;

2. Thence North 00° 13' 47" West, along said easterly right-of-way line and along the Grantor's westerly line, a distance of 71.64 feet being 30.00 feet right of North Willow Street Station 11+26.78 where a capped rebar set;

3. Thence along the arc of a curve to the left, leaving the said easterly right-of-way line and leaving the Grantor's westerly line and through the Grantor, a distance of 74.23 feet to the capped rebar set 55.06 feet left of Station 113+38.51; said curve having a radius of 413.50 feet, a central angle of 10° 17' 10", and a chord length of 74.13 feet which bears South 15° 32' 45" East;

4. Thence along the arc of a curve to the right, continuing through the Grantor, a distance of 14.25 feet to the said northerly right-of-way line being 44.00 feet left of Station 113+47.13; said curve having a radius of 23.00 feet, a central angle of 35° 29' 32", and a chord length of 14.02 feet which bears South 38° 26' 06" East where a capped rebar set;

5. Thence South 89° 31' 04" West, along the said northerly right-of-way line, a distance of 6.66 feet to the **Point of Beginning**;

The above described parcel contains 0.017 acres (754 square feet, including 0.000 acres within the present road occupied), leaving a net residue of 0.375 acres all within Parcel Number 17-024-33-00-121-000 and subject to all legal highways and easements of record;

This description was prepared by Arcadis, U.S., Inc. under the supervision of Robert G. Hoy, Ohio Professional Surveyor No. 8142, and is based on a field survey performed by Arcadis U.S., Inc. in August 2022.

Bearings in this description are on the Ohio State Plane Coordinate System, NAD83(2011), North Zone, Grid North, U.S. Survey Feet.

The stations are from the existing centerline of right-of-way of East Main Street (SR 59) as shown on said East Main Street Area Improvements right-of-way plans unless noted otherwise.

Capped rebar set is 5/8 inch diameter rebar 30 inches long with plastic cap stamped: ARCADIS US INC

Arcadis U.S., Inc.
Robert G. Hoy, Ohio Professional Surveyor No. 8142

EXHIBIT A

LPA RX 887 T

Rev. 07/09

Ver. Date 02/15/23

PID 112026

PARCEL 5-T
POR-59-2.14 (E. MAIN STREET AREA IMPROVEMENTS)
TEMPORARY EASEMENT FOR THE PURPOSE OF PERFORMING THE WORK NECESSARY TO REGRADE, RECONSTRUCT DRIVE FOR 36 MONTHS FROM DATE OF ENTRY BY THE CITY OF KENT, PORTAGE COUNTY, OHIO

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Portage, City of Kent, being part of Original Lot 24 in Franklin Township, Township 3 North, Range 9 West, being part of lands described in the deed to VALVOLINE LLC (Grantor) as recorded in Instrument 201613516 on file in the Portage County Recorder's Office and laying on the left side of the centerline of right-of-way of East Main Street (State Route 59) as shown on the East Main Street Area Improvements right-of-way plans prepared by Arcadis U.S., Inc for and on file with the City of Kent, Ohio, and more fully described as follows:

Beginning on the easterly right-of-way line of North Willow Street as shown on said right-of-way plans at 30.00 feet right of Station 11+38.00;

1. Thence South 74° 17' 03" East, leaving the said easterly right-of-way line and through the Grantor, a distance of 7.28 feet being 37.00 feet right of Station 11+36.00;

2. Thence South 14° 05' 58" East, continuing through the Grantor, a distance of 83.43 feet being 54.75 feet left of Station 113+45.92;

3. Thence South 62° 51' 58" East, continuing through the Grantor, a distance of 10.24 feet being 50.00 feet left of Station 113+55.00;

4. Thence North 89° 31' 04" East, continuing through the Grantor, a distance of 43.00 feet being 50.00 feet left of Station 113+98.00;

5. Thence North 26° 04' 58" East, continuing through the Grantor, a distance of 13.42 feet being 62.00 feet left of Station 114+04.00;

6. Thence North 89° 31' 04" East, continuing through the Grantor, a distance of 51.12 feet to the Grantor's easterly line being 62.00 feet left of Station 114+55.12;

EXHIBIT A

7. Thence South 00° 13' 47" East, along the Grantor’s easterly line, a distance of 22.00 feet to the Grantor’s southeasterly corner and to the northerly right-of-way line of said East Main Street being 40.00 feet left of Station 114+55.02;

8. Thence South 89° 31' 04" West, leaving the Grantor’s easterly line and along said northerly right-of-way line, a distance 50.63 feet being 40.00 feet left of Station 114+04.39;

9. Thence North 00° 29' 43" West, along the said northerly right-of-way line, a distance of 4.00 feet being 44.00 feet left of Station 114+04.39;

10. Thence South 89° 31' 04" West, along said northerly right-of-way line, a distance of 57.26 feet being 44.00 feet left of Station 113+47.13;

11. Thence along the curve to the right non-tangent to the previous course, leaving said northerly right-of-way line and through the Grantor, a distance of 14.25 feet being 55.06 feet left of Station 113+38.51; said curve having a radius of 23.00 feet, a central angle of 35° 29' 32", and a chord length of 14.02 feet which bears North 38° 26' 06" West;

12. Thence along the curve to the right, continuing through the Grantor, a distance of 74.23 feet to the Grantor’s westerly line and to the easterly right-of-way line of said North Willow Street being 30.00 feet right of North Willow Street Station 11+26.78; said curve having a radius of 413.50 feet, a central angle of 10° 17' 10", and a chord length 74.13 feet which bears North 15° 32' 45" West;

13. Thence North 00° 13' 59" West, along the said easterly right-of-way line, a distance of 11.22 feet to the **Point of Beginning**;

The above-described easement contains 0.054 acres (2331 square feet, including 0.000 acres within the present road occupied) all within Parcel Number 17-024-33-00-121-000 and subject to all legal highways and easements of record;

This description was prepared by Arcadis, U.S., Inc. under the supervision of Robert G. Hoy, Ohio Professional Surveyor No. 8142, and is based on a field survey performed by Arcadis U.S., Inc. in August 2022.

Bearings in this description are on the Ohio State Plane Coordinate System, NAD83(2011), North Zone, Grid North, U.S. Survey Feet.

EXHIBIT A

LPA RX 887 T Rev. 07/09

The stations are from the existing centerline of right-of-way of East Main Street (SR 59) as shown on said East Main Street Area Improvements right-of-way plans unless noted otherwise.

Arcadis U.S., Inc.
Robert G. Hoy, Ohio Professional Surveyor No. 8142