



City of Kent
Wednesday, June 19, 2024
Regular City Council Meeting
320 S. Depeyster Street, Kent, OH 44240

AGENDA

6:55 P.M. Board of Control

7:00P.M. Regular Council Meeting

1. Roll Call
2. Opening Remarks and Pledge of Allegiance- Mr. Jeff Clapper
3. Approval of Minutes
 - 3.1. May 15, 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. Standing Rock Cemetery Board Agenda for June 13, 2024 was received and posted on June 6, 2024.
 2. Portage County Solid Waste Management Policy Committee Meeting minutes from April 11, 2024 were received on May 23, 2024.
 3. Board of Health Meeting Agenda for June 11, 2024 was received on June 7, 2024.
 4. Board of Zoning Appeals Agenda and Staff Report for June 17, 2024 was received on June 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. June 5, 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 2024-050** A RESOLUTION APPOINTING _____ TO THE PORTAGE AREA REGIONAL TRANSIT AUTHORITY BOARD AND DECLARING AN EMERGENCY (Authorized).

5.1.6. **DRAFT 2024- 051** RESOLUTION APPOINTING _____ TO THE COMMUNITY REINVESTMENT AREA HOUSING COUNCIL AND DECLARING AN EMERGENCY (Authorized)

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

5.2.1. June 5, 2024 Committee Meeting Minute Approval

5.2.2. Action(s) Recommended: NONE

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

5.3.1. June 5, 2024 Committee Meeting Minute Approval

5.3.2. Action(s) Recommended:

1. Authorize the "Notice to Proceed" for the placement of the renewal of the 2025 General Operating Levy (1.16 mills) on the November 2024 ballot, with the emergency clause.
2. Authorize the application for grant funds by the Health Department, and if approved, authorize appropriation of those funds, with the emergency clause.
3. Authorize the bond refunding the Safety Center debt (2014) and Alley 4 bond debt (2013), with the emergency clause.
4. Approve the 2024 budget appropriations amendments, with the emergency clause.

5.3.3. **DRAFT 2024-052** A RESOLUTION DETERMINING TO PROCEED TO SUBMIT TO THE ELECTORS OF THE CITY OF KENT THE QUESTION OF THE RENEWAL OF THE CITY'S EXISTING 1.16-MILL TAX LEVY FOR THE PURPOSE OF PROVIDING FUNDS FOR THE CURRENT EXPENSE OF MAINTAINING AND OPERATING THE GENERAL FUND IN THE CITY OF KENT PURSUANT TO SECTIONS 5705.19(I) AND 5705.191 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY (Authorized)

5.3.4. **DRAFT 2024- 053** AN ORDINANCE AUTHORIZING THE CITY OF KENT HEALTH DEPARTMENT TO APPLY FOR GRANT FUNDS IN THE AMOUNT OF \$199,237.00, AND TO ACCEPT THE GRANTS, IF AWARDED, WITH CORRESPONDING APPROPRIATION OF FUNDS AND DECLARING AN EMERGENCY (Authorized)

- 5.3.5. **DRAFT 2024-054** AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$3,190,000 FOR THE PURPOSE OF REFUNDING AT A LOWER INTEREST COST CERTAIN OF THE CITY'S OUTSTANDING SAFETY CENTER CONSTRUCTION BONDS, SERIES 2014, DATED DECEMBER 11, 2014, AND DECLARING AN EMERGENCY (Authorized)
- 5.3.6. **DRAFT 2024-055** AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$4,185,000 FOR THE PURPOSE OF REFUNDING AT A LOWER INTEREST COST CERTAIN OF THE CITY'S OUTSTANDING VARIOUS PURPOSE BONDS, SERIES 2013, DATED OCTOBER 7, 2013, AND DECLARING AN EMERGENCY (Authorized)
- 5.3.7. **DRAFT 2024- 056** AN ORDINANCE AMENDING ORDINANCE NO. 2023-97, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 20, 2023; SO AS TO ADJUST APPROPRIATIONS, TRANSFERS AND ADVANCES FROM THE VARIOUS FUNDS OF THE CITY OF KENT TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES OF THE CITY FOR THE FISCAL YEAR ENDING DECEMBER 31, 2024; AND DECLARING AN EMERGENCY (Authorized)
- 5.3.8. **DRAFT 2024-057** AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN TACO BELL OF AMERICA, LLC., AND THE CITY OF KENT, OHIO, WITH THE CITY OBTAINING A TEMPORARY EASEMENT, FOR RIGHT-OF-WAY PURPOSE, TO INSTALL, CONSTRUCT AND RECONSTRUCT THE ROADWAY FOR THE PROJECT KNOWN AS EAST MAIN STREET IMPROVEMENT PROJECT FROM TACO BELL OF AMERICA, LLC., AND DECLARING AN EMERGENCY (Unauthorized)
- 5.4. **Health & Safety Committee** Chair Amrhein/ Vice-Chair Sidoti
- 5.4.1. June 5, 2024 Committee Meeting Minute Approval
- 5.4.2. Action(s) Recommended; NONE
- 5.5. **Land Use Committee** Chair Shaffer Bish/ Vice-Chair Hook
- 5.5.1. June 5, 2024 Committee Meeting Minute Approval
- 5.5.2. Action(s) Recommended
1. Authorize the addition of adult use cannabis and vape retail stores to the City's Industrial District, with the emergency clause.
- 5.5.3. **DRAFT 2024-058** AN ORDINANCE AUTHORIZING AMENDMENTS TO THE CITY OF KENT'S ZONING CODE IN ORDER TO INCORPORATE NEW LAND

USE OF "ADULT USE CANNABIS (RECREATIONAL) FACILITIES" AND
DECLARING AN EMERGENCY (Authorized)

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

5.6.1. June 5, 2024 Committee Meeting Minute Approval

5.6.2. Action(s) Recommended

1. Authorize the installation of the new mural for the Haymaker Farmers Market beneath the Haymaker Parkway bridge, with the emergency clause.

5.6.3. **DRAFT 2024-059** AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A LICENSE AGREEMENT WITH THE HAYMAKER FARMERS' MARKET (HFM, INC.) TO INSTALL A NEW MURAL BENEATH THE HAYMAKER PARKWAY BRIDGE; AND DECLARING AN EMERGENCY (Authorized)

6. Unfinished Business

7. New Business

8. Councilmembers' Comments

9. Mayor's Report

10. Executive Session to Discuss Employee Evaluation and Compensation

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, May 15, 2024
Regular City Council Meeting
320 S. Depeyster Street, Kent, OH 44240

MINUTES

7:00 P.M. CDBG Public Hearing

At 07:00 PM, Mayor Jerry T. Fiala called the CDBG Public Hearing to order.

Present: Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti

Also Present: Mr. Jerry T. Fiala, Mayor, and President of Council; Mr. Dave Ruller, City Manager; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Service Director; Mr. Jim Bowling, City Engineer; Mr. Nick Shearer, Chief of Police; Ms. Dominique Bollenbacher, Community Engagement Coordinator; Ms. Amy Wilkens, Clerk of Council

Absent: Mr. Robin Turner

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

Ms. Bridget Susel, Community Development Director, read the following statement:

" This is the second of two required public hearings to accept comments from the public on the City of Kent's Community Development Block Grant (CDBG) 2024 Program Year Action Plan. The City received notification from the U.S. Department of Housing and Urban Development (HUD) that its Program Year 2024 CDBG funding award is \$283,425.00. The City identifies 3 priority objectives for its CDBG funding, which include providing safe and decent housing, infrastructure improvements in low-to-moderate income neighborhoods, and the provision of needed supportive services for low-to-moderate-income persons. "

There were no residents signed in to speak at the public hearing.

Mayor Fiala adjourned the hearing at 7:01 p.m.

Board of Control and Regular Council Meeting

Present: Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti,

Also Present: Mr. Jerry T. Fiala, Mayor, and President of Council; Mr. Dave Ruller, City Manager; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Service Director; Mr. Jim Bowling, City Engineer; Mr. Nick Shearer,

Chief of Police; Ms. Dominique Bollenbacher, Community Engagement Coordinator; Ms. Amy Wilkens, Clerk of Council

Absent: Mr. Robin Turner

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

Opening Remarks and Pledge of Allegiance

Ms. Shaffer Bish welcomed all of those in attendance in person and watching on the live stream. She then asked all to stand for the Pledge of Allegiance.

Approval of Minutes

MOTION TO APPROVE APRIL 17, 2024, REGULAR MEETING MINUTES AND THE MAY 1, 2024, COMMITTEE MEETING MINUTES MADE BY Ms. Gwen Rosenberg, SECONDED by Mr. Chris Hook 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 where residents and others can comment on matters that concern them. However, we will not engage in debate, and as President of Council, I reserve the right to end any public communication that is disruptive, embarrassment, harassment or otherwise objectionable. We ask you to give your name and address and limit comments to three (3) minutes."

Ms. Wilkens called Haley Richards to speak first.

Ms. Haley Richards of Admore Dr. made the following remarks:

- I am a Kent resident with cannabis industry experience in both dispensary and product vendor roles, including formerly having worked for Bliss Ohio as a Designated Representative, meaning I was responsible for the compliant operations of the dispensary for the duration of 2023.
- In my current role as a sales manager for a cannabis company, I volunteer my time with the Ohio Cannabis Coalition (OHCANN) to support educational efforts. I typically develop educational content using my industry experience and background in education. I earned my M.Ed. at the University of Nevada while serving with Teach For America, and I now give lectures on cannabis in my freetime to schools like the Morehouse School of Medicine.
- I hope that with my background in education, experience in cannabis regulatory roles, and current participation in OHCANN, I can be an evidence-based resource for city leaders in Kent as we prepare for recreational cannabis sales. OHCANN meets frequently with the Division of Cannabis Control (DCC), who are creating regulations for recreational sales.
- Based on the OHCANN meeting this past Tuesday, which the DCC attended to share updates, industry leaders are currently anticipating recreational sales to begin as early as June 14th, which was the earliest possible date that the DCC believed dual use licenses could be approved. This incredibly fast turnaround time following the application release on June 7th (which may be available even sooner, more information expected this Friday) is

only possible due to the extremely strict nature of current medical marijuana regulations. Because the DCC is using the existing framework of medical dispensaries as a foundation, existing dispensaries will be well-prepared to begin recreational sales as soon as the DCC approves their applications.

- I fully understand that council members intend to take a careful approach to recreational cannabis sales and I am thankful for that diligence. However, I believe that any delay in recreational sales of cannabis will negatively affect our community. Not only would recreational sales this summer support local businesses during a slow season, but city leaders could use the summer months to address any potential issues, such as traffic congestion, before the return of KSU students this Fall.
- I am aware that there will be conversations happening in the coming weeks and months pertaining to zoning, and I am extremely grateful that this topic is receiving attention from the council. I do want to note that I don't believe it makes sense to zone recreational dispensaries alongside vape shops in industrial areas, particularly when there are so many bars downtown that are permitted to sell alcohol. Not only would this decision limit the success of a recreational dispensary and therefore the potential tax revenue, but this would undoubtedly delay the beginning of recreational cannabis sales in Kent, negatively impacting residents and local businesses.
- I have full confidence in the Kent city council to consider the multitude of viewpoints on this topic and to ensure that recreational cannabis sales are permitted in a safe and logical manner. It is my hope that my comments will be viewed as informed due to my background in education and current position as a member of OHCANN, and as unbiased due to my lack of current connection to Bliss Ohio. If I can provide any other information, make any useful connections or introductions, or otherwise support city leaders, please feel free to reach out to me.

Ms. Jenn Richards of Admore Dr. was the next resident to speak to Council.

Background: Kent resident for 23 years, business owner, parent with children in Kent City Schools, top business executive for the largest Ohio-owned cannabis company.

Support for Adult Use Cannabis:

- **Community Engagement:** Actively involved in the community through recreation departments and local sports.
- **Personal Experience:** Uses cannabis, breaking common stereotypes.
- **Safety and Regulation:** Emphasized the safety of cannabis products which are medical-grade, stringently packaged, and childproofed.
- **Economic and Community Benefits:** Highlighted potential benefits, including job creation and tax revenue to support the local community.
- **Concerns About Unregulated Products:** Compared the stringent oversight in cannabis facilities to the lack of regulation in vape shops.
- **Future Plans:** Noted the forthcoming application process for existing companies to start recreational sales, stressing the importance of compliance and the stringent regulations.

Richards concluded by talking about Kent leading the way in cannabis regulation and benefiting from the associated economic and community support.

Julie Kenworthy, 919 Fieldstone Drive, Director of the Kent Historical Society spoke next to City Council. She was following up on a previous request to Council regarding the Architecture Review Board and the historic downtown overlay district. She had previously asked the Council to reconsider eliminating the Architecture Review Board and to establish a historic downtown overlay district. Both motions were passed. She added that a subcommittee of the Historical Society has been formed, including members from various

local organizations, to assist with these goals. An historic structures project was completed along with a website listing the historic sites in Kent. The project is in two phases, with \$20,000 raised so far. Phase one was completed last summer, and phase two is happening this summer with interns updating the website. The project will help create a map of the historic downtown overlay district. The goal is to educate the community on the economic benefits of historical preservation. Examples were provided by successful conservation and adaptive reuse projects, such as the preservation of the train station. She also emphasized that preservation reduces greenhouse gases, reuses existing structures, recycles and repairs materials, and prevents waste. She highlighted that preservation revives commercial areas, creates jobs, attracts visitors and events, and supports small businesses. She advocated for a mandatory review process and/or board for the overlay district and added that the dedicated subcommittee meets weekly to achieve these goals. Ms. Kenworthy asked for more time at the June meeting to present detailed ideas and a map showing historic buildings downtown.

Nathaniel Adams, residing at 1325 Sunset Way Boulevard in Kent, introduced himself to the council and mayor, highlighting his candidacy for the state representative position for the 72nd State House District, which includes much of Portage County and his hometown of Kent. He shared his background, noting his 17-year residency in Portage County, education at Theodore Roosevelt High School, a BA in political science from Hiram College, and a Master's in communication studies from Kent State University. Currently, he works as a research assistant for State and Federal Communications in Akron. Adams would like to support the City of Kent and its residents by addressing local issues in the state legislature, offering assistance with grants, and tackling community concerns. He is willing to maintain a productive working relationship with municipal officials, even amid disagreements, aiming for resolutions that benefit the community. He provided his contact information for further inquiries and thanked the council for their time and opportunity..

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

Written Communication

1. Email from Lisa Washburn in regard to the proposed assisted living villas being proposed by Portage Health Networks was received on April 19, 2024.
2. Liquor License transfer request for license transferring from Pit Stop Pub LLC to Last Exit Books/Jason Merlene DBA Last Exit Books 124 E. Main St. Kent was received on April 22, 2024. Chief Shearer had no objections.
3. Email from Mr. John Kuhar regarding environmental concerns with the trash haulers requiring mattresses and furniture to be covered in plastic was received and forwarded to Council on April 24, 2024.
4. Standing Rock Cemetery Board of Trustees Meeting Agenda for May 9, 2024 was received on May 6, 2024.
5. An application for CRAH Board, Fair Housing Board and Income Tax Board of Review was received from Alyssa Fleming on May 8, 2024.

Communication Received After Agenda Published:

1. Planning Commission Agenda for May 21, 2024 was received on May 15, 2024.
2. Packet of Concerns about property at 1541 S. Water Street was from Martin Skok and given to Council at the May 15, 2024 meeting.

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

City Manager's Report

1. Jim has asked for the Council's approval of right of way easements negotiated with private property owners for the East Main Street Improvement Project. (Draft Numbers 2024-047, 048, 049)
2. Bridget has requested Council's approval of the proposed 2024 CDBG Action Plan (Draft Number 2024-040)
3. Bridget has requested Council's approval to schedule a public hearing on the proposed zoning text amendment for adult use marijuana sales locations.
4. The City Clerk has requested Committee of the Whole time to provide Council an opportunity interview candidates for vacant positions on City Boards and Commissions.
5. Melanie has asked for Committee of the Whole time to provide Council with a brief update on the status of the new City Hall construction project.
6. Bridget has requested Community Development Committee time to present proposed changes to the City's Zoning Code for Adult Use Marijuana sales locations in Kent.
7. Rhonda has requested Finance Committee time to request Council's approval of the Resolution to Proceed with the placement of the proposed Operating Levy Renewal on the Fall ballot.
8. Bridget has requested Community Development Committee time to present suggestions to modify the criteria used for consideration of street closures for downtown events.
9. Chief Shearer has asked for Health & Public Safety Committee time to provide an update on the Police Department's certification from the Ohio Collaborative.

Standing Committees & Legislation

Committee of the Whole

MOTION TO APPROVE THE MAY 1, 2024 COMMITTEE MEETING MINUTES MADE BY Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 8-0-0.

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

Action(s) Recommended :

1. Received staff updates on Kent Parks and Recreation, KSU Town and Gown Initiatives and City Hall Construction. No action necessary.

Community Development

MOTION TO APPROVE THE MAY 1, 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 THE ACTION(S) 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. Accept and approve the recommendation of the TIRC to renew the terms of the Davey Tree Enterprise Zone Agreement with the emergency clause.

Draft 2024-040 AN ORDINANCE APPROVING A REQUEST FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ASSISTANCE FOR FISCAL YEAR 2024 UNDER TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, INCLUDING THE PY2024 ANNUAL ACTION PLAN AND AUTHORIZING THE EXECUTION AND FILING OF THE PY2024 ANNUAL ACTION PLAN, INCLUDING RELATED CERTIFICATIONS, AND UPON AWARDING OF THE GRANT, AUTHORIZING APPROPRIATION OF FUNDS AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF Draft 2024-040 MADE by Mr. Roger Sidoti, SECONDED by Ms. Melissa Celko. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2024-040 MADE by Michael DeLeone, SECONDED by Mr. Jeff Clapper. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti. The motion was CARRIED by a roll call vote of 8-0-0.

Ordinance 2024-040 has passed.

DRAFT 2024-041 AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO CONTINUE THE ENTERPRISE ZONE AGREEMENT WITH THE DAVEY TREE EXPERT COMPANY PROVIDING FOR A PROJECT AND REAL PROPERTY TAX EXEMPTION PURSUANT TO THE OHIO ENTERPRISE ZONE PROGRAM (EZ), 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 2024-041 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, Mr. Chris Hook, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2024-041 MADE by Ms. Gwen Rosenberg, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti. The motion was CARRIED by a roll call vote of 8-0-0.

Ordinance 2024-041 has passed.

Finance Committee

MOTION TO APPROVE THE MAY 1, 2024 COMMITTEE MEETING MINUTES MADE BY Mr. Michael DeLeone, SECONDED by Ms. Melissa Celko and CARRIED by a voice vote of 8-0-0.

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

Action(s) Recommended:

1. Authorize the placement of the renewal of the 2020 General Operating Levy (1.16 mils) on the November 2024 ballot
2. Authorize the new Bonds and Deposit Fund with the emergency clause.
3. Authorize the new Health Department budget fund with the emergency clause.

4. Approve the 2024 budget appropriations amendments with the emergency clause.

Draft 2024-042 A RESOLUTION DECLARING IT NECESSARY TO RENEW THE CITY'S EXISTING 1.16-MILL TAX LEVY FOR THE PURPOSE OF CURRENT EXPENSES; REQUESTING THE COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE CITY AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY THAT RENEWAL LEVY, PURSUANT TO SECTIONS 5705.03, 5705.19(A) AND 5705.191 OF THE REVISED CODE, 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 2024-042 MADE by Gwen Rosenberg, SECONDED by Mr. Jeff Clapper. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2024-042 MADE by Gwen Rosenberg, SECONDED by Mr. Chris Hook. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti. The motion was CARRIED by a roll call vote of 8-0-0.

Ordinance 2024-042 has passed.

Draft 2024-043 AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ALLOW THE CREATION OF TWO (2) NEW BUDGET FUNDS THAT IS NECESSARY TO SEPARATE CITY BONDS AND DEPOSITS AND TRACK HEALTH DEPARTMENT REVENUES AND EXPENSES; 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 2024-043 MADE by Ms. Gwen Rosenberg, SECONDED by Mr. Jeff Clapper. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2024-043 MADE by Ms. Gwen Rosenberg, SECONDED by Mr. Chris Hook. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti. The motion was CARRIED by a roll call vote of 8-0-0.

Ordinance 2024-043 has passed.

Draft 2024-044 AN ORDINANCE AMENDING ORDINANCE NO. 2023-97, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 20, 2023; SO AS TO ADJUST APPROPRIATIONS, TRANSFERS AND ADVANCES FROM THE VARIOUS FUNDS OF THE CITY OF KENT TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES OF THE CITY FOR THE FISCAL YEAR ENDING DECEMBER 31, 2024; AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF Draft 2024-044 MADE by Ms. Melissa Celko, SECONDED by Ms. Heidi Shaffer Bish. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2024-044 MADE by Mr. Roger Sidoti, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff

Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti. The motion was CARRIED by a roll call vote of 8-0-0.

Ordinance 2024-044 has passed.

Draft 2024-045 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 2024-045 MADE by Ms. Melissa Celko, SECONDED by Mr. Chris Hook. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2024-045 MADE by Ms. Gwen Rosenberg, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti. The motion was CARRIED by a roll call vote of 8-0-0.

Ordinance 2024-045 has passed.

Streets, Sidewalks and Utilities

MOTION TO APPROVE THE MAY 1, 2024 COMMITTEE MEETING MINUTES MADE BY Mr. Roger Sidoti, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 8-0-0.

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

Action(s) Recommended:

1. Approve the recommendation of the TES Committee to prohibit parking semi-tractor trailer trucks from parking in residential properties with the emergency clause.

Draft 2024-046 AN ORDINANCE ENACTING SECTION 351.041 OF THE KENT CODIFIED ORDINANCES TITLED "PARKING COMMERCIAL VEHICLES IN RESIDENTIAL AREAS" 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 2024-046 MADE by Mr. Michael DeLeone, SECONDED by Ms. Heidi Shaffer Bish. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2024-046 MADE by Ms. Heidi Shaffer Bish, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti. The motion was CARRIED by a roll call vote of 8-0-0.

Ordinance 2024-046 has passed.

Unfinished Business

Mr. Ruller brought up a point raised by Bridget regarding the transfer of a liquor license. While Chief Shear had no objections, Bridget mentioned that her department had not been informed about the transfer until now. She requested confirmation that the business in question is located in a zone that permits alcohol sales. She cited a potential issue if the license were to be used at a place like the Last Bookstore, which may not be appropriately zoned. Before sending a letter of no objections, she asked for approval to verify that the proposed location is zoned for alcohol sales. A motion to this effect was made, seconded, and put to a vote.

New Business: None

Councilmembers' Comments

Mr. Clapper said there is a need for caution regarding the issue of recreational marijuana. Although he supports marijuana use, he believes that the council is not receiving complete information. He acknowledged that applications for recreational marijuana businesses will be available on June 7th but noted that, as of the latest information available until May 13th, there is no specified date or timeline for when these applications will be approved. He stressed the importance of verifying sources and consulting with the law director to ensure careful and accurate decision-making, while also recognizing the influence of lobbyist groups with business interests in the matter.

Mr. Hook expressed concerns regarding the upcoming discussions on zoning for recreational marijuana sales and vape shops, specifically moving these businesses to industrial zones. He emphasized the importance of ensuring that cannabis users can access these services safely and legally. Hook highlighted that many young people will be among the primary users, and he is worried about the inconvenience and potential safety issues of having to drive to less accessible industrial areas. Mr. Hook and Mr. Ruller discussed the proposed zoning for recreational marijuana sales, focusing on industrial districts. Mr. Ruller explained that the industrial zones in Kent are scattered and include areas close to downtown, such as the feed store on Lake Street and Kent Advanced Displays on Mogadore. He emphasized that these are light industrial areas with retail uses, not isolated industrial zones. Mr. Hook expressed concerns about the rapid assignment of just one zoning category and its impact on business success. He wants to ensure that businesses receiving licenses can be successful and looks forward to further discussions on the matter. Mr. Ruller responded by noting that the proposed approach is a compromise to expedite the process without needing immediate zoning amendments, which could lead to legal issues and taxpayer costs.

Mayor's Report

The Mayor asked Ms. Celko, Mr. Hook, and Mr. Clapper to share their experiences as new council members.

Ms. Celko expressed her gratitude for the warm welcome and support from the staff, highlighting how fortunate Kent is compared to other municipalities. She appreciated the training provided and felt positive about being part of the council.

Mr. Hook noted the steep learning curve and enjoyed learning about various issues, such as industrial zoning. He mentioned the challenge of representing students and renters who are less involved in local politics, and he is eager to find ways to engage these groups more effectively.

Mr. Clapper shared that his experience on the Planning Commission prepared him well for his current role. He found the council work rewarding and appreciated the public service aspect. He mentioned receiving only one negative phone call and emphasized his commitment to serving the community he loves and intends to stay in.

Mayor expressed a few additional comments during the council meeting:

Police Week: The mayor reminded everyone that it was Police Week and encouraged residents to thank police officers for their service. He suggested buying them a cup of coffee as a gesture of appreciation.

Spring Cleanup: The mayor highlighted the success of the spring cleanup in Ward 1, noting that there was only one comment about it, and praised the efficiency of the trash collection. He mentioned that Pioneer Avenue, usually one of the last streets to be serviced, had its trash picked up early, with no complaints from residents. The cleanup process was already underway in Ward 2 and progressing well.

Surprise about Ward 2: The mayor was surprised to learn that trash pickup in Ward 2 had been completed earlier than expected.

Executive Session

At 7:40 p.m., a MOTION TO ENTER EXECUTIVE SESSION MADE BY Mr. Jack Amrhein, SECONDED by Mr. Roger Sidoti and roll call was taken.

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

Absent: Mr. Robin Turner

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 Ohio Revised Code

AT 7:50 P.M. A MOTION TO RETURN TO REGULAR COUNCIL MEETING WAS MADE BY Ms. Melissa Celko, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 8-0-0.

Draft 2024-047 AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN PRIZM PROPERTY GROUP OF OHIO, 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 was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF Draft 2024-047 MADE by Ms. Melissa Celko, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2024-047 MADE by Ms. Melissa Celko, SECONDED by Mr.

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

Ordinance 2024-047 has passed.

Draft 2024-048 AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN NNIA PROPERTIES, LLC AND THE CITY OF KENT, OHIO, WITH THE CITY OBTAINING A TEMPORARY EASEMENT FOR RIGHT-OF-WAY PURPOSE 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 2024-048 MADE by Ms. Melissa Celko, SECONDED by Mr Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2024-048 MADE by Mr. Jack Amrhein, SECONDED by Michael DeLeone. On Roll Call Voting "Yes" Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Michael DeLeone, Mr. Chris Hook, Gwen Rosenberg, Heidi Shaffer Bish, Roger Sidoti. The motion CARRIED by a roll call vote of 8-0-0.

Ordinance 2024-048 has passed.

Draft 2024- 049 AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN SABATINE BK DEVELOPMENT, 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 was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF Draft 2024- 049 MADE by Ms. Melissa Celko, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2024- 049 MADE by Mr. Jack Amrhein, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti. The motion was CARRIED by a roll call vote of 8-0-0.

Ordinance 2024-048 has passed.

Hearing no further business, the meeting adjourned at 7:55 p.m.

Amy Wilkens , CMC
Clerk of Council

Jerry T. Fiala
Mayor & President of Council



City of Kent
Wednesday, June 5, 2024
City Council Committee Meetings
320 S. Depeyster Street, Kent, OH 44240

MINUTES

At 07:00 PM, Mayor Jerry T. Fiala called the Zoning Code Public Hearing to order.

Roll Call was taken for the Public Hearing

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; Mr. Eric Fink, Assistant Law Director; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Service Director; Ms. Joan Seidel, Health Commissioner; Ms. Rhonda Hall, Budget and Finance Director; Mr. Nick Shearer, Chief of Police; Ms. Amy Wilkens, Clerk of Council

Absent: Mr. Chris Hook

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

Ms. Bridget Susel introduced the public hearing to address zoning code changes in regard to land use for adult use cannabis sales. She read the following statement:

In accordance with Chapter 1111.01(b)(2) of the Kent Codified Ordinances, notice was given on May 22, 2024 that the Kent City Council will conduct a Public Hearing to allow for public comment on proposed text amendments to the City of Kent Zoning Code:

- CHAPTER 1102: Definitions
- CHAPTER 1103: Zoning Districts, Land Use, and Zoning Map
- CHAPTER 1105: Conditions Applicable to Specific Land Uses
- CHAPTER 1107: Parking, Loading, and Access Management

There were no members of the public in attendance to speak at the hearing.

Council Committee Meetings

Committee of the Whole

Mayor Fiala opened the Committee of the Whole meeting at 7:02 pm. He said a need arose to move the Executive Session to before the Land Use Committee and to move the Land Use Committee to the end.

MOTION TO AMEND AGENDA MADE BY Ms. Heidi Shaffer Bish, **SECONDED** by Mr. Roger Sidoti and **CARRIED** by a voice vote of 8-0-0.

Board and Commission Interviews

Ms. Karen Beck introduced herself to Council and gave her background on various boards. She said she has learned quite a lot about PARTA during her first year on the board and would like to continue contributing to it.

Ms. Alyssa Fleming was unable to attend the interview this evening but would still like to be considered for the position.

Ms. Crystal Foster was not in attendance to be interviewed.

Ms. Chelsea Treveline was next to be interviewed. She gave her background in public health and why she is interested in being on the Health Board.

Mr. Sidoti asked Ms. Treveline about what she considers the greatest public health issue. In response to a question about the biggest public health crisis, she identified financial security as a major factor impacting health, as it affects people's ability to manage nutrition, exercise, and access to healthcare.

Ms. Shaffer Bish asked if she had been to the Board or if she knew anyone on the Board. Ms. Treveline said she has just been getting settled and hasn't had the chance to go yet. She also answered questions about their familiarity with the board and the community, acknowledging that they are still new but eager to get more involved.

Mr. Turner asked how she saw the issue of economics and race and how she sees it as a priority. He asked about outreach she would implement to show improvement. Ms. Treveline said she cannot speak of expertise in Kent, but when she thinks about underserved populations it is to try to better understand the needs of the community. She emphasized the importance of engaging directly with community members to understand their needs and priorities through methods like community listening and visioning sessions. This approach, they believe, would help identify and address disparities related to socioeconomic status and race, ensuring that the board's programs and policies are well-informed and effective.

Mayor Fiala thanked all the candidates and said they would be voting on June 19, 2024 for each position.

Update on the New City Administration Building

Ms. Melanie Baker said she was excited and shared the pictures she brought to the meeting (**Attachment**)

Interior Hall on Main Level:

1. Frames and doors are installed, drywall is up.
2. Council chambers are spacious with large windows, allowing abundant natural light.

Top Floor:

1. Hallway windows with transoms ensure light-filled corridors.

2. Main meeting room offers picturesque downtown views, ideal for showcasing the city.

Exterior Brickwork:

1. North and West walls feature beautifully blended bricks, maintaining a historic yet modern look.
2. Glass Atrium symbolizes forward-thinking and transparency.

Current Construction Status:

1. All Glass Installed: Some issues identified (e.g., a defective window will be replaced).

Ongoing Work:

1. Insulation, drywall, and fire stopping are in progress.
2. Interior signage review and fabrication are underway.
3. HVAC, electrical, and plumbing preliminary walkthroughs showed minimal issues.

Site Work and Safety:

1. Ballards Installation: Ensuring safety around the main entrance.

Upcoming Site Work:

1. Fence removal for site work starting mid to late June, expected to last 6-8 weeks, finishing by September.
2. Temporary delay in front site work to replace glass without damaging new sidewalks.

Key Dates and Requirements:

1. Next Building Walkthrough: June 19th at 6 PM.
2. Safety Precautions:
3. Wear solid-soled shoes and full-foot coverings.
4. Hard hats will be provided and are required for site safety.

Community Development Committee

Chair Rosenberg opened the Community Development Committee meeting at 7:21 PM.

Event Permits

Ms. Susel said this is a no-action item tonight, that she was there to gather information to come back for formal action. She said it was prudent, as it had not been looked for a while. A survey was distributed to merchants downtown.

Ms. Susel presented findings and suggestions regarding the event permit process, collected from various sources, including a survey of downtown businesses, information from other communities, and discussions with local business owners. This session aimed to gather Council's feedback to refine the event permit policy.

Key Points and Suggestions:

Event Road Closures:

1. Currently, road closures are frequently approved with minimal review.
2. Suggested introducing criteria for road closures based on expected foot traffic.
3. Some events could be accommodated without road closures, using sidewalks instead.

Alternative Event Locations:

1. Many events default to North Water and East Main Streets, which affect businesses and traffic.
2. Proposals to move some events to less central locations like Erie Street or South Water Street lot.
3. Aim to increase foot traffic through different parts of downtown.

Limiting Major Road Closures:

1. Closing both North Water and East Main Streets simultaneously should be limited.
2. Heritage Fest is an exception due to its historical significance and established format.
3. Events requiring payment or exclusive entry should avoid closing major roads.

Scheduling Considerations:

1. Avoid scheduling events that require road closures on important dates like RHS commencement day.
2. Ensuring roads are open on such days to support local businesses and celebratory activities.

Centralized Coordination and Flat Fees:

1. The current process involves significant staff time with no event fees for nonprofits, leading to inefficiencies.
2. Suggested introducing a flat fee structure for all events to streamline the process.
3. Need for a dedicated staff person to proactively manage event schedules and logistics.

Feedback and Next Steps:

1. Council feedback on these proposals is crucial for developing a formalized policy.
2. The importance of balancing event benefits with the impact on downtown businesses and traffic.
3. Plan to bring a refined proposal back to Council for authorization.

Discussion and Feedback:

Ms. Susel opened the floor for comments and questions from the Council to help guide the refinement of the event permit policy.

Mayor Fiala said that Ms. Susel is on the right track and that there are other cities considering limiting festivals due to the cost of in-kind work.

Ms. Shaffer Bish said she was interested in learning what businesses think of how effective these are in getting people into the city. She said we need to keep up festivals and reasons to come to Kent. She suggested doing a survey on the street to see how many people are coming to the town for a festival. She said it's important to not get in the way of businesses.

Mr. Sidoti said we need to think smartly about traffic patterns and how we find them. He asked if the time had come if we had a legitimate Community Calendar, so we knew a year in advance of upcoming events. He said it is important to get the data to support the positive impact of festivals. Ms. Susel agreed.

Mr. Clapper said we can't have empty storefronts at the cost of events, and it's crucial to recognize the economic challenges faced by small businesses, especially with the prevalence of empty storefronts and struggles to pay rent. Adapting to the changing economic landscape, particularly in the aftermath of the pandemic, is essential for sustaining downtown areas. Continuous adaptation and careful consideration of feedback from local businesses are necessary for developing effective policies.

There was a discussion about when and where future KSU events would occur, and it was verified there were discussions about closing off a few streets for the events leading up to the start of the fall semester.

Mr. Ruller said the city is focused on optimizing the support for events while also considering the impact on downtown businesses. The intention is not to backtrack on the investment in downtown events but rather to adapt to changing circumstances and ensure that events are mutually beneficial for both the festivals and the local businesses. Exploring different event locations and traffic patterns can help gauge their impact on the community and businesses. This proactive approach aims to better optimize event planning and support for the downtown area. He asked Ms. Heather Malarcik, Director of Main Street Kent, who was in the audience, for her input.

Ms. Malarcik said there's a strong emphasis on gathering feedback and evaluating events from all stakeholders involved, including participants, artists, wineries, volunteers, and businesses. This approach recognizes that not all events should be held in the same location or format, and adjustments may need to be made based on feedback and outcomes. The goal is to continually fine-tune events to ensure they are successful and beneficial for both the community and businesses. Being open to feedback, making necessary adjustments, and maintaining self-awareness are key components of this evaluation process, ultimately aiming to optimize the impact and effectiveness of each event.

Mr. Turner asked what the new person that is being considered to be hired would be doing, but the discussion revolved around reassigning responsibilities rather than hiring a new person, with the goal of ensuring a more thoughtful approach to event planning. This includes refining expectations for event organizers and holding them accountable for factors like setup, breakdown, and overall event management. Additionally, there's consideration of the locations of events, taking into account gathering points like Hometown Plaza and Dan Smith Community Park.

Finance Committee

Chair DeLeone opened the Finance Committee meeting at 7:58 p.m.

Operating Levy Resolution to Proceed

Mr. Ruller stated this is the next step in the proceed, which the Council has already reviewed and approved the process. This is step two.

Ms. Rhonda Hall, Budget and Finance Director, described the following steps in getting the operating levy on the ballot:

Approval of the Ordinance/Resolution: The council first approved the ordinance or resolution to renew the tax levy.

Certification with the County: After approval, the amount to be collected from the tax levy was certified with the county. The county confirmed the expected revenue, which is about \$340,000 for the following year.

Resolution to Proceed: The next step is to pass a resolution to proceed. This resolution is necessary to formally move forward with the process.

Submission to the Board of Elections: Once the resolution to proceed is passed, it must be sent to the Board of Elections. This step ensures the tax levy renewal will be included on the ballot for public voting.

This process is described as mainly a "housekeeping" task, indicating it's a standard and necessary administrative step to ensure the tax levy renewal is properly executed and placed on the ballot.

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

Health Department Grant Opportunities

Ms. Joan Seidel, the city health commissioner, presented three grant opportunities to the council:

Creating Healthy Communities Grant:

Purpose: This grant aims to promote healthy eating and active living.

Funding: Up to \$100,000.

Allocation: A portion for an intern's salary; the remaining funds to meet grant deliverables.

Reason: The success of the previous healthy eating and active living grant managed by Jelisa Man opened this opportunity.

Emergency Operations Grant:

Purpose: An extension of leftover COVID-19 dollars to continue upgrading public health.

Funding: \$74,237.

Allocation: For an intern's salary, staff travel and training, professional services, and updates to the front of the building.

Environmental Protection Agency (EPA) Grant:

Purpose: Renewal grant for mosquito or vector control programs.

Funding: \$25,000.

Focus: To test and control vector-borne diseases, including West Nile virus and three other diseases due to an uptick in cases.

Ms. Seidel asked for permission to apply for these grants and was open to any questions from the council regarding these opportunities.

MOTION TO APPROVE HEALTH DEPARTMENT GRANT OPPORTUNITIES, MADE BY Ms. Gwen Rosenberg, **SECONDED** by Ms. Melissa Celko and **CARRIED** by a voice vote of 8-0-0.

Bond Refunding

The city is considering calling two bond issues from 2013 and 2014, as recommended by the Financial Manager. The 2013 Bond Issue has been callable since last year. The 2014 Bond Issue is callable this December, with the earliest possible call date being September. Concerning the potential savings, the present value of debt service is approximately \$463,000. Total savings over life of bonds is over \$600,000. She said a third bond could be called next year, but this proposal only concerns the 2013 and 2014 bonds. She added if market conditions are unfavorable by the bond issue date in September, the refund may be reconsidered. The proposal aims to save approximately \$600,000 over the life of the bonds, with decisions being finalized based on market conditions as the date approaches.

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

FY2024 Appropriation Amendment #3

Ms. Rhonda Hall said the budget appropriation was initially scheduled for July, but due to the Walnut Street project, it needed to be moved up to June.

MOTION TO APPROVE FY2024 APPROPRIATION AMENDMENT #3 MADE BY Mr. Robin Turner, **SECONDED** by Mr. Jack Amrhein and **CARRIED** by a voice vote of 8-0-0.

Health and Public Safety Committee

Chair Amrhein opened the Health and Public Safety Committee Meeting at 8:04 p.m.

Police Ohio Collaborative Certification

Prior to starting his presentation, Chief Shearer went through the Police Annual Report that was given to council members prior to the meeting (**Attachment**). He first recognized Kathy Coleman, who compiled this report, took all the photos herself, and did a fantastic job organizing and ensuring the esthetics were pleasing. She really does an outstanding job.

He walked Council through the Annual Report booklet.

First Page: Message from Chief Shearer

Second Page: Notable cases from 2023.

Following Pages: Descriptions and tasks of our various divisions and some of the programs we offer.

Training Page: Details on the continuing professional training that all of us go through annually.

Employee Recognition: Supervisor of the Year. Officer of the Year. Civilian of the Year. Other awards and ceremonial acknowledgments from throughout the year.

Additional Programs: Information on other programming initiatives.

FAQ Page: Added at Kathy's suggestion. It's posted on our website and provides answers to frequently asked questions from the community.

Statistics Section: Detailed statistics reported in various ways, including federal government reports.

One specific page highlighted is page 14, which lists the Ohio Collaborative Traffic Stop Statistics. This is part of the Ohio Collaborative standards where we collect demographic information on the driver of every vehicle we stop. We are required to publish this data for community viewing annually. This breakdown includes demographics related to our traffic stops.

Next, Chief Shearer shared his knowledge of the Ohio Collaborative Community Police Board. In December 2014, Governor Kasich signed an executive order establishing the Ohio Task Force on Community-Police Relations. This 24-member board included representatives from the governor's office, state legislature, Attorney General's office, Supreme Court, local law enforcement, labor organizations, community leaders, faith-based organizations, the business community, municipalities, and local prosecutors. Upon concluding their discussions and community meetings, the task force formed the Ohio Collaborative Community-Police Advisory Board in April 2015. This board develops standards for police departments statewide to enhance community relations. Although adherence to these standards is not mandatory, compliance can impact grant funding opportunities.

Chief Shearer emphasized that their department has consistently prided itself on complying with these standards. Currently, there are six groups of standards, covering various areas such as use of force, recruitment, community engagement, body-worn cameras, training, bias-free policing, investigation of misconduct, vehicle pursuits, response to protests, agency wellness, youth interactions, and crisis intervention. Since the establishment of these standards, the department has actively ensured compliance, which started under former Chief Lee's leadership.

To maintain and improve compliance, the department contracted with Lexipol in 2020, a policy-writing organization that ensures policies meet legal standards and industry best practices. Lexipol works closely with the Ohio Collaborative, quickly updating the department on new standards and legal changes. This collaboration has been instrumental in keeping the department on the cutting edge of policy and practice.

Recently, the department received provisional certification for the latest standards from the Ohio Collaborative. Full certification requires an on-site inspection, which occurs every three years. Despite this provisional status, the department was also recognized last week with a Gold Standard for Excellence in Law Enforcement Policy Management. This acknowledgment underscores their commitment to high standards and continuous improvement in community-police relations.

Mr. Ruller asked about the Obama Administration's 21st Century Policing. Chief Shearer expressed gratitude for the council's support in acquiring body cameras, emphasizing their significant positive impact on the police department. Previously, budget constraints hindered the acquisition of body cameras, but council approval and grant funding facilitated this essential purchase. The body cameras have proven beneficial in several ways, including reducing the need for full internal investigations by providing clear, immediate evidence of officers' interactions. This has lowered the tension and frequency of formal investigations.

Officers are enthusiastic about wearing body cameras, appreciating the transparency and protection they offer. Body cameras have also enhanced administrative efficiency and community trust. When complaints arise, the footage allows for quick assessments and provides transparency by offering complainants the opportunity to review the footage with the department. Furthermore, supervisors conduct random reviews of body camera footage to monitor officer conduct and identify training needs, improving overall safety and performance.

Chief Shearer highlighted the significant investment, approximately \$230,000, with about \$80,000 covered by grants. Despite the cost, the benefits in transparency, community trust, and operational improvements have made the body cameras an invaluable tool for the department. He concluded by reiterating his appreciation for the council's support in implementing this program.

There was no action necessary.

Produce Prescription Program

Joan Seidel, the city health commissioner, provided an update on a new initiative as part of the HEAL (Healthy Eating Active Living) grant. In collaboration with the Haymaker Farmers Market and Access Point, they developed a produce prescription program to encourage fruit and vegetable consumption. The program distributes \$120 worth of coupon booklets, usable only at the farmers market from June to September, exclusively for purchasing fruits and vegetables. This helps participants allocate their money for other necessities available at the market.

This inaugural year of the program focuses primarily on Kent residents, though it may extend to those working in Kent if necessary. There are no strict income restrictions, aiming to assist those facing financial hardships without disqualifying those slightly above poverty levels. Participants must be Access Point patients, with easy enrollment available.

The program includes a pre- and post-test to measure changes in fruit and vegetable consumption. Of the 100 coupon booklets created, 43 remain to be distributed. Access Point also distributed 50 additional \$60 booklets to one of their senior communities. A registered dietitian involved with the program is developing learning modules and easy recipes to help participants effectively use the produce.

Seidel expressed excitement about the initiative and offered to share details electronically for wider community dissemination. **(Attachment)**

Joan Seidel made a quick plug for an upcoming health fair on June 15, which will feature various screenings, including dental and hearing checks. She then fielded questions from the council regarding the produce prescription program discussed earlier. Council member Heidi Shaffer Bish inquired about whether individuals who seem like good candidates for the program but aren't already Access Point patients could participate. Seidel explained that participants must be Access Point patients, as Access Point handles the pre- and post-tests and distributes the coupon booklets. She noted Access Point's longer operating hours as an advantage for reaching more people. Heidi also asked if Access Point contributed funding to the program, and Seidel confirmed they had, independently deciding to provide additional booklets. Seidel expressed hopes of expanding the program next year and mentioned the potential for future grant opportunities based on collected data. The discussion concluded with no further action needed from the council.

Streets, Sidewalks & Utilities Committee

Chair Sidoti opened the Streets, Sidewalks and Utilities Committee at 8:22 p.m.

Haymaker Farmers Market - License Agreement Revision

Ms. Melanie Baker filled in for Mr. Jim Bowling. She enthusiastically presented a request to amend the license agreement for the Kent Farmers Market to allow painting the underside of the east side of the bridge on Franklin. This initiative, intended to enhance the character and aesthetic of the area, follows previous artistic efforts such as painting the bridge itself. The amendment requires no financial contribution from the city. When asked if the project had gone through the Art Review Committee, it was confirmed that it had. The project also involves coordination with the Ohio Department of Transportation (ODOT), as it is an ODOT bridge abutment. Ms. Melanie Baker praised Jim for his effective efforts in navigating the approval process. The request concluded with a call for council approval of the amendment.

MOTION TO APPROVE HAYMAKER FARMERS MARKET - LICENSE AGREEMENT REVISION MADE BY Ms. Heidi Shaffer Bish, SECONDED by Ms. Melissa Celko and

CARRIED by a voice vote of 8-0-0.

EXECUTIVE SESSION TO DISCUSS:

1. Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action
2. Boards and Commission Appointments

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

Present: Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Michael DeLeone, Gwen Rosenberg, Heidi Shaffer Bish, Roger Sidoti, Robin Turner Mr. Jerry Fiala

Absent: Mr. Chris Hook

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

At 9:06 p.m., MOTION TO RETURN TO REGULAR COUNCIL MEETING MADE BY Mr. Jack Amrhein, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 8-0-0.

Land Use Committee

Chair Shaffer Bish opened the Land Use Committee meeting at 9:10 p.m.

Zoning Code Text Amendments- Adult Use Cannabis

Ms. Susel provided an update regarding the temporary moratorium on adult use cannabis in Kent. She explained that despite the lack of action from the General Assembly on regulations, the city is proceeding cautiously. She highlighted the distinction between the Ohio Revised Code chapter governing adult use cannabis and the Ohio Administrative Code chapter for medical marijuana. The Planning Commission unanimously recommended that adult use cannabis use be permitted only in the industrial zoning district. Ms. Susel emphasized the need for distance from schools and substance use facilities. She also discussed proposed regulations for vape shops, including a 500-foot distance requirement from other vape shops. Existing vape shops would be considered pre-existing non-conforming uses. She then called for council approval to authorize the addition of adult use cannabis and retail stores to the city's industrial district, which was promptly seconded. The council discussed the matter, with one member expressing readiness to support the proposal given the emerging nature of the industry. Finally, the motion was passed with no further comments.

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

Hearing no further business, the meeting adjourned at 9:14 p.m.

Amy Wilkens, CMC
Clerk of Council

Kent City Hall

Update 6 /2024



Interior hall main level – Mechanical rooms and storage behind the door down the hall.



Council chambers looking out the west window.

Kent City Hall

Update 6/2024



Top floor – Executive Level Hall way.



Top Floor – Executive Level – Main conference room.

Kent City Hall

Update 6 /2024



North Side – Lower Floor is the meeting room.

Main Floor Finance Department

Executive Level – Mayor / Clerk of Council /
City Manager and Administrator

Kent City Hall

Update 6 /2024



West Wall – Council Chambers / Executive Meeting Room

City Council walk through, Wednesday June 19, 2024 – 6:00 p.m.



Kent City Hall

Council Tour Update

DATE: Wednesday June 19, 2024

TIME: 6:00 p.m.

WHO: All of Council

All of Council are welcome to come for an update tour of the new Kent City Hall.

Please wear heavy duty full foot cover shoes and complete body coverings for safety. Hard hats will be provided.

THE PRODUCE PRESCRIPTION PROGRAM

PRx

This program is brought to you by the Kent City Health Department in partnership with Axxesspointe and the Haymakers Farmers' Market



Partners in Community Care

What is the PRx Program

The PRx or Produce Prescription Program gives Axxesspointe patients, that live or work in the City of Kent, \$120 worth of coupons, **for free**, that can be used at the Haymakers Farmers' Market. This program runs from the beginning of **June 2024** until the end of **September 2024**.



Where the \$120 Can Be Used?

You have access to \$120 worth of vouchers to spend on fresh fruits and vegetables. These can only be used at the Haymakers Farmers' Market,

Where:

outside at 350 Franklin Ave Kent, OH, Located between Main St. and Summit St. under Haymaker Pkwy .

Time:

Saturdays from 9am-1pm.

How do I Qualify?

Participants must:

- live or work in the City of Kent

- be an Axesspointe Community Health

¹⁷ Center patient

- be willing to fill out a pre and post assessment, and agree to be screened.



How do I get Signed Up?

You can contact either Axesspointe Community Health Center, or the Kent City Health Department at the contact information given in this brochure.



GET IN TOUCH

Cowen Stevens CHW

cstevens@axesspointe.org
888.975.9188

Jeremy Brewer CHW

jbrewer@axesspointe.org
888.975.9188

Jalessa Caples

Accreditation Coordinator

jalessa.caples@kentohio.gov
330-678-8109 ext. 5204



DRAFT RESOLUTION NO. 2024-050

A RESOLUTION APPOINTING _____ TO THE PORTAGE AREA REGIONAL TRANSIT AUTHORITY BOARD, AND DECLARING AN EMERGENCY.

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

SECTION 1. That _____ is hereby appointed to the PORTAGE AREA REGIONAL TRANSIT AUTHORITY BOARD.

NAME

TERM

6/30/2024 - 6/30/2027

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

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

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

PASSED _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
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

DRAFT RESOLUTION NO. 2024-051

A RESOLUTION APPOINTING _____ TO THE COMMUNITY REINVESTMENT AREA HOUSING COUNCIL AND DECLARING AN EMERGENCY.

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

SECTION 1. That _____ is hereby appointed to the **COMMUNITY REINVESTMENT AREA HOUSING COUNCIL**

NAME

TERM

6/19/2024 – 12/31/2027

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

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

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

PASSED _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
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

DRAFT RESOLUTION NO. 2024-052

A RESOLUTION DETERMINING TO PROCEED TO SUBMIT TO THE ELECTORS OF THE CITY OF KENT THE QUESTION OF THE RENEWAL OF THE CITY'S EXISTING 1.16-MILL TAX LEVY FOR THE PURPOSE OF PROVIDING FUNDS FOR THE CURRENT EXPENSE OF MAINTAINING AND OPERATING THE GENERAL FUND IN THE CITY OF KENT PURSUANT TO SECTIONS 5705.19(I) AND 5705.191 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.

WHEREAS, on May 15, 2024, this Council adopted Resolution No. 2024-042 pursuant to Section 5705.03 of the Revised Code declaring it necessary to renew the City's existing 1.16-mill tax levy for the purpose of providing funds for the current expense of maintaining and operating the General Fund in the City of Kent and requesting the Portage County Auditor to certify the total current tax valuation of the City and the dollar amount of revenue that would be generated by that renewal tax levy; and

WHEREAS, on May 16, 2024, the County Auditor certified that the total current tax valuation of the City is \$491,613,230 and the dollar amount of revenue that would be generated by that 1.16-mill renewal levy would be \$340,000 annually during the life of the levy, assuming that the total current tax valuation remains the same throughout the life of the levy.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kent, Portage County, Ohio, not less than two-thirds of all the members elected thereto concurring:

SECTION 1. That this Council finds, determines and declares that the amount of taxes which may be raised by the City of Kent within the ten-mill limitation by levies on the current tax list and duplicate will be insufficient to provide an adequate amount for the necessary requirements of the City, and that it is necessary to levy a tax in excess of that limitation for the purpose of providing funds for the current expense of maintaining and operating the General Fund in the City of Kent, and specifically that it is necessary to renew in its entirety for a period of five years the existing 1.16-mill tax levy approved by the voters of the City at an election on November 5, 2024, for that purpose.

SECTION 2. That the question of renewing the City's existing 1.16-mill ad valorem tax levy outside the ten-mill limitation for the purpose of providing funds for the current expense of maintaining and operating the General Fund in the City of Kent for a period of five years, commencing with tax year 2025, the proceeds of which levy first would be due and collected and made available to this City in calendar year 2026, shall be submitted under the provisions of Sections 5705.19(I) and 5705.191 of the Ohio Revised Code to the electors of the City of Kent at an election to be held therein on November 5, 2024, as authorized by law. That election shall be held at the regular places of voting in this City as established by the Board of Elections of Portage County, or otherwise, within the times provided by law and shall be conducted, canvassed and certified in the manner provided by law. A majority vote is required for passage.

SECTION 3. That the Clerk of Council is hereby authorized and directed to give or cause to be given notice of that election as provided by law.

SECTION 4. That the Clerk of Council is hereby further directed to deliver or cause to be delivered to the Board of Elections of Portage County, Ohio, before the close of business on Wednesday, August 7, 2024: (i) a copy of this Resolution, (ii) a copy of Resolution No. 2024-042 adopted by this Council on May 15, 2024, and referred to in the first preamble to this resolution and (iii) a copy of the related County Auditor's certification of current tax valuation and revenue referred to in the second preamble to this Resolution.

SECTION 5. That this Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the adoption of this Resolution were taken, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were held, in meetings open to the public, in compliance with the law.

SECTION 6. 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 and for the

further reason that it is necessary that this Resolution be effective immediately so that it can be timely filed with the Board of Elections in order to submit the question of the levy to the electors at an election on November 5, 2024; for which reason and other reasons manifest to this Council this Resolution shall take effect and be in force immediately upon its adoption.

ADOPTED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *RESOLUTION No. 2020-__*, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON JULY 15, 2020.

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

DRAFT ORDINANCE NO. 2024 - 053

AN ORDINANCE AUTHORIZING THE CITY OF KENT HEALTH DEPARTMENT TO APPLY FOR GRANT FUNDS IN THE AMOUNT OF \$199,237.00, AND TO ACCEPT THE GRANTS, IF AWARDED, WITH CORRESPONDING APPROPRIATION OF FUNDS AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent Health Department would like to apply for the following grants and if awarded they would be worth a total of \$199,237:

Creating Healthy Communities (CHC) - \$100,000;
Emergency Operations (EO23) - \$74,237; and
Environmental Protection Agency (EPA) - \$25,000.

WHEREAS, the City wishes to apply and accept said grants.

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

SECTION 1. That Kent City Council approves submission of the application for the grant funds, execution of the subsequent agreements, and authorized that the Administration provide all information, funds, and documentation required in said applications for submission.

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

SECTION 3. That the Kent City Council hereby understands and agrees that participation in the program will require compliance with program guidelines and assurances.

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

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

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens, 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

ORDINANCE NO. 2024 – 0xx

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$3,190,000 FOR THE PURPOSE OF REFUNDING AT A LOWER INTEREST COST CERTAIN OF THE CITY'S OUTSTANDING SAFETY CENTER CONSTRUCTION BONDS, SERIES 2014, DATED DECEMBER 11, 2014, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 2014-140, passed November 19, 2014 (the "Original Bond Legislation"), there were issued \$4,535,000 Safety Center Construction Bonds, Series 2014, dated December 11, 2014 (the "Series 2014 Bonds"), for the purpose of paying a portion of the costs of constructing and equipping a safety center, including the acquisition of real estate in connection therewith, which bonds are currently outstanding in the aggregate principal amount of \$3,340,000 and will mature, or payable pursuant to mandatory sinking fund redemption requirements, on December 1 in the years 2024 through 2039 (collectively, the "Outstanding Bonds"); and

WHEREAS, this Council finds and determines that it is necessary and in the best interest of the City to refund at a lower interest cost all or a portion of the Outstanding Bonds that are subject to optional redemption (the "Refunded Bonds"); and

WHEREAS, this Council finds and determines that it is necessary and in the best interest of the City to issue the Bonds described in Section 2 to provide funds sufficient for that purpose, including the payment of expenses properly allocable to that refunding and to the issuance of the Bonds; and

WHEREAS, the Director of Budget and Finance, as the fiscal officer of this City, has certified to this Council that the estimated life or period of usefulness of the improvements is at least five years, and the maximum maturity of the bonds is not later than December 31, 2044.

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

SECTION 1. Definitions and Interpretation. In addition to the words and terms elsewhere defined in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

"Authorized Denominations" means (subject to any limitations in Section 3) the denomination of \$5,000 or any whole multiple thereof.

"Bond proceedings" means, collectively, this Ordinance, the Final Terms Certificate, the Continuing Disclosure Agreement and such other proceedings of the City, including the Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Bonds.

"Bond Purchase Agreement" means the Bond Purchase Agreement between the City and the Original Purchaser, as it may be modified from the form on file with the Clerk of Council and signed by the Director of Budget and Finance in accordance with Section 6.

“Bond Register” means all books and records necessary for the registration, exchange and transfer of Bonds as provided in Section 5.

“Bond Registrar” means the bank or trust company appointed pursuant to Section 4 or in the Final Terms Certificate as the initial authenticating agent, bond registrar, transfer agent and paying agent for the Bonds under the Bond Registrar Agreement and until a successor Bond Registrar shall have become such pursuant to the provisions of the Bond Registrar Agreement and, thereafter, “Bond Registrar” shall mean the successor Bond Registrar.

“Bond Registrar Agreement” means the Bond Registrar Agreement between the City and the Bond Registrar, as it may be modified from the form on file with the Clerk of Council and signed by the City Manager and the Director of Budget and Finance in accordance with Section 4.

“Bonds” means, collectively, the Serial Bonds and the Term Bonds, each as is designated as such in the Final Terms Certificate.

“Book entry form” or “book entry system” means a form or system under which (i) the ownership of book entry interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry and (ii) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds “immobilized” in the custody of the Depository or its agent. The book entry maintained by others than the City is the record that identifies the owners of book entry interests in those Bonds and that principal and interest.

“City Manager” means the person at the time performing the duties of the chief executive and administrative officer of the City.

“Closing Date” means the date of physical delivery of, and payment of the purchase price for, the Bonds.

“Code” means the Internal Revenue Code of 1986, the Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable successor section or provision and such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

“Continuing Disclosure Agreement” means the agreement authorized by Section 6(c), as it may be modified from the form on file with the Clerk of Council, and signed by the City Manager and the Director of Budget and Finance in accordance with Section 6(c), made by the City for the benefit of holders and beneficial owners of the Bonds in accordance with the Rule.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of book entry interests in Bonds or the principal of and interest on Bonds, and to effect

transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Director of Budget and Finance” means the person at the time performing the duties of the chief financial officer and Director of Budget and Finance of the City.

“Escrow Agreement” means the Escrow Agreement between the City and the Escrow Trustee, as it may be modified from the form on file with the Clerk of Council and signed by the City Manager and the Director of Budget and Finance in accordance with Section 8.

“Escrow Fund” means the Escrow Fund established pursuant to Section 9.

“Escrow Trustee” means the bank or trust company appointed pursuant to Section 8 or in the Final Terms Certificate as the initial escrow trustee with respect to the Refunded Bonds under the Escrow Agreement and until a successor Escrow Trustee shall have become such pursuant to the provisions of the Escrow Agreement and, thereafter, “Escrow Trustee” shall mean the successor Escrow Trustee.

“Final Terms Certificate” means the certificate authorized by Section 6(a), to be signed by the Director of Budget and Finance, setting forth and determining those terms or other matters pertaining to the Bonds and their issuance, sale and delivery as this Ordinance requires or authorizes to be set forth or determined therein.

“Interest Payment Dates” means, unless otherwise determined by the Director of Budget and Finance in the Final Terms Certificate, June 1 and December 1 of each year that the Bonds are outstanding, commencing December 1, 2024.

“Municipal Advisor” means Baker Tilly Municipal Advisors, LLC.

“Original Purchaser” means the original purchaser of the Bonds designated by the Director of Budget and Finance in the Final Terms Certificate.

“Participant” means any participant contracting with a Depository under a book entry system and includes securities brokers and dealers, banks and trust companies, and clearing corporations.

“Principal Payment Dates” means unless otherwise determined by the Director of Budget and Finance in the Final Terms Certificate, December 1 in all or a portion of the years from and including 2025 to and including 2039, provided that in no case shall the final Principal Payment Date be later than the maximum maturity of the Bonds referred to in the preambles hereto.

“Refunded Bonds” means that portion of the City’s outstanding Safety Center Construction Bonds, Series 2014, dated December 11, 2014, and stated to mature or be payable pursuant to mandatory sinking fund redemption requirements on December 1 of the years 2025 through 2039, as determined by the Director of Budget and Finance in the Final Terms Certificate to be necessary and in the best interest of the City to be refunded at a lower interest cost.

“Rule” means Rule 15c2-12 prescribed by the SEC pursuant to the Securities Exchange Act of 1934.

“SEC” means the Securities and Exchange Commission.

“Serial Bonds” means those Bonds designated as such and maturing on the dates set forth in the Final Terms Certificate, bearing interest payable on each Interest Payment Date and not subject to mandatory sinking fund redemption.

“Term Bonds” means those Bonds designated as such and maturing on the date or dates set forth in the Final Terms Certificate, bearing interest payable on each Interest Payment Date and subject to mandatory sinking fund redemption.

The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

SECTION 2. Authorized Principal Amount and Purpose. This Council determines that it is necessary and in the best interest of the City to issue bonds of the City in one lot in the maximum principal amount of \$3,190,000 (the “Bonds”) for the purpose of refunding at a lower interest cost certain of the City’s outstanding Safety Center Construction Bonds, Series 2014, dated December 11, 2014, which were issued for the purpose of paying a portion of the costs of constructing and equipping a safety center, including the acquisition of real estate in connection therewith, including the payment of expenses related to the refunding of the Refunded Bonds and the issuance of the Bonds.

The aggregate principal amount of Bonds to be issued shall not exceed \$3,190,000 and shall be issued in an amount determined by the Director of Budget and Finance in the Final Terms Certificate to be the aggregate principal amount of Bonds required to be issued, taking into account the outstanding principal amount of the Refunded Bonds and any premium above or discount from the aggregate principal amount of the Bonds at which they are sold to the Original Purchaser, in order to effect the purpose for which the Bonds are to be issued, including the payment of any expenses properly allocable to the refunding of the Refunded Bonds and the issuance of the Bonds.

SECTION 3. Denominations; Dating; Principal and Interest Payment and Redemption Provisions. The Bonds shall be issued in one lot and only as fully registered bonds, in the Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be dated as provided in the Final Terms Certificate, provided that their dated date shall not be more than 60 days prior to the Closing Date.

(a) **Interest Rates and Interest Payment Dates.** The Bonds shall bear interest at the rate or rates per year (computed on the basis of a 360-day year consisting of 12 30-day months) as shall be determined by the Director of Budget and Finance in the Final Terms Certificate. Interest on the Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their

date.

(b) Principal Payment Schedule. The Bonds shall mature or be payable pursuant to Mandatory Sinking Fund Redemption Requirements (as hereinafter defined and described) on the Principal Payment Dates in principal amounts as shall be determined by the Director of Budget and Finance, subject to subsection (c) of this Section, in the Final Terms Certificate, consistent with the Director of Budget and Finance's determination of the best interest of and financial advantages to the City.

Consistent with the foregoing and in accordance with the Director of Budget and Finance's determination of the best interest of and financial advantages to the City, the Director of Budget and Finance shall specify in the Final Terms Certificate (i) the aggregate principal amount of Bonds to be issued as Serial Bonds, the Principal Payment Dates on which those Bonds shall be stated to mature and the principal amount thereof that shall be stated to mature on each such Principal Payment Date, and (ii) the aggregate principal amount of Bonds to be issued as Term Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature, the principal amount thereof that shall be stated to mature on each such Principal Payment Date, the Principal Payment Date or Dates on which Term Bonds shall be subject to mandatory sinking fund redemption ("Mandatory Redemption Dates") and the principal amount thereof that shall be payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Mandatory Redemption Date.

(c) Conditions for Establishment of Interest Rates and Principal Payment Dates and Amounts. The rate or rates of interest per year to be borne by the Bonds, and the principal amount of Bonds maturing or payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Principal Payment Date, shall be such as to demonstrate net present value savings to the City due to the refunding of the Refunded Bonds, taking into account all expenses related to that refunding and issuance of the Bonds.

(d) Payment of Debt Charges. The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal of and any premium on the Bonds shall be payable when due upon presentation and surrender of the Bonds at the office of the Bond Registrar designated in the Final Terms Certificate or, if not so designated, then at the principal corporate trust office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register at the close of business on the 15th day preceding that Interest Payment Date. Notwithstanding the foregoing, if and so long as the Bonds are issued in a book entry system, principal of and interest and any premium on the Bonds shall be payable in the manner provided in any agreement entered into by the Director of Budget and Finance, in the name and on behalf of the City, in connection with the book entry system.

(e) Redemption Provisions. The Bonds shall be subject to redemption prior to stated maturity as follows:

(i) Mandatory Sinking Fund Redemption of Term Bonds. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory redemption in part by lot

and be redeemed pursuant to mandatory sinking fund requirements, at a redemption price of 100% of the principal amount redeemed, plus accrued interest to the redemption date, on the applicable Mandatory Redemption Dates and in the principal amounts payable on those dates, for which provision is made in the Final Terms Certificate (such dates and amounts being the Mandatory Sinking Fund Redemption Requirements).

The aggregate of the moneys to be deposited with the Bond Registrar for payment of principal of and interest on any Term Bonds on each Mandatory Redemption Date shall include an amount sufficient to redeem on that date the principal amount of Term Bonds payable on that date pursuant to Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as hereinafter provided).

The City shall have the option to deliver to the Bond Registrar for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City, as specified by the Director of Budget and Finance, for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so delivered. That option shall be exercised by the City on or before the 15th day preceding any Mandatory Redemption Date with respect to which the City wishes to obtain a credit, by furnishing the Bond Registrar a certificate, signed by the Director of Budget and Finance, setting forth the extent of the credit to be applied with respect to the then current or any subsequent Mandatory Sinking Fund Redemption Requirement for Term Bonds stated to mature on the same Principal Payment Date. If the certificate is not timely furnished to the Bond Registrar, the current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation), as specified by the Director of Budget and Finance, also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the applicable Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any Mandatory Sinking Fund Redemption Requirement, for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so redeemed or purchased and canceled.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Bond Registrar at 100% of the principal amount thereof against the then current or subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations), as specified by the Director of Budget and Finance, for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so delivered, redeemed or purchased and canceled.

(ii) Optional Redemption. The Bonds of the maturities, if any, specified in the Final Terms Certificate shall be subject to redemption by and at the sole option of the City, in whole or in part in whole multiples of \$5,000, on the dates, in the years and at the redemption prices (expressed as a percentage of the principal amount to be redeemed), plus accrued interest to the redemption date, to be determined by the Director of Budget and Finance in the Final Terms Certificate; provided that (i) the earliest optional redemption date shall not be more than 10½ years after the Closing Date and (ii) the redemption price for the earliest optional redemption date shall

not be greater than 102%.

If optional redemption of Term Bonds at a redemption price exceeding 100% of the principal amount to be redeemed is to take place as of any Mandatory Redemption Date applicable to those Term Bonds, the Term Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Term Bonds of the same maturity to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements. Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the Director of Budget and Finance to the Bond Registrar, given upon the direction of this Council through enactment of a resolution or an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar.

(iii) Partial Redemption. If fewer than all of the outstanding Bonds are called for optional redemption at one time and Bonds of more than one maturity are then outstanding, the Bonds that are called shall be Bonds of the maturity or maturities selected by the City. If fewer than all of the Bonds of a single maturity are to be redeemed, the selection of Bonds of that maturity to be redeemed, or portions thereof in amounts of \$5,000 or any whole multiple thereof, shall be made by the Bond Registrar by lot in a manner determined by the Bond Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as if it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then, upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Bond Registrar (i) for payment of the redemption price of the \$5,000 unit or units of principal amount called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner, of a new Bond or Bonds of any Authorized Denomination or Denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(iv) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (A) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (B) the redemption price to be paid, (C) the date fixed for redemption, and (D) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Bond Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Bond Registrar at the close of business on the 15th day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(v) Payment of Redeemed Bonds. In the event that notice of redemption shall have been given by the Bond Registrar to the registered owners as provided above, there shall be deposited with the Bond Registrar on or prior to the redemption date, moneys that, in addition to

any other moneys available therefor and held by the Bond Registrar, will be sufficient to redeem at the redemption price thereof, plus accrued interest to the redemption date, all of the redeemable Bonds for which notice of redemption has been given. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, subject to Section 7, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Bonds and portions thereof to be redeemed, together with accrued interest thereon to the redemption date, are held by the Bond Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All moneys held by the Bond Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds, provided that any interest earned on the moneys so held by the Bond Registrar shall be for the account of and paid to the City to the extent not required for the payment of the Bonds called for redemption.

SECTION 4. Execution and Authentication of Bonds; Appointment of Bond Registrar. The Bonds shall be signed by the City Manager and the Director of Budget and Finance, in the name of the City and in their official capacities, provided that either or both of those signatures may be a facsimile. The Bonds shall be issued in the Authorized Denominations and numbers as requested by the Original Purchaser and approved by the Director of Budget and Finance, shall be numbered as determined by the Director of Budget and Finance in order to distinguish each Bond from any other Bond, and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to the provisions of Chapter 133 of the Revised Code, this Ordinance and the Final Terms Certificate.

The Huntington National Bank is appointed as the initial Bond Registrar; provided, however, that the Director of Budget and Finance is authorized to appoint a different Bond Registrar in the Final Terms Certificate after determining that such bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose. The City Manager and the Director of Budget and Finance shall sign and deliver, in the name and on behalf of the City, the Bond Registrar Agreement, in substantially the form as is now on file with the Clerk of Council. The Bond Registrar Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Budget and Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Registrar Agreement or amendments thereto. The Director of Budget and Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Bond Registrar Agreement, except to the extent paid or reimbursed by the Original Purchaser in accordance with the Bond Purchase Agreement, from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond proceedings unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Bond proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the Director of Budget and Finance on behalf of the City. The same person need not sign the certificate of authentication on all of the Bonds.

SECTION 5. Registration; Transfer and Exchange; Book Entry System.

(a) Bond Registrar. So long as any of the Bonds remain outstanding, the City will cause the Bond Registrar to maintain and keep the Bond Register at the office satisfactory to the Director of Budget and Finance and the Bond Registrar. Subject to the provisions of Section 6, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of the Bond proceedings. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

(b) Transfer and Exchange. Any Bond may be exchanged for Bonds of any Authorized Denomination upon presentation and surrender at the office of the Bond Registrar designated in the Final Terms Certificate or, if not so designated, then at the principal corporate trust office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the designated office of the Bond Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of the Bond proceedings. The exchange or transfer shall be without charge to the owner, except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under the Bond proceedings as the Bonds surrendered upon that exchange or transfer.

Neither the City nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for redemption between the 15th day preceding the mailing of notice of Bonds to be redeemed and the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part.

(c) Book Entry System. Notwithstanding any other provisions of this Ordinance, if the Director of Budget and Finance determines in the Final Terms Certificate that it is in the best interest of and financially advantageous to the City, the Bonds may be issued in book entry form in accordance with the following provisions of this Section.

The Bonds may be issued to a Depository for use in a book entry system and, if and so long as a book entry system is utilized, (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository or its designated agent which may be the Bond Registrar; (ii) the book entry interest owners of Bonds in book entry form shall not have any right to receive Bonds in the form of physical securities or certificates; (iii) ownership of book entry interests in Bonds in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of book entry interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Director of Budget and Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Budget and Finance does not or is unable to do so, the Director of Budget and Finance, after making provision for notification of the book entry interest owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and shall cause Bond certificates in registered form to be authenticated by the Bond Registrar and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Budget and Finance is hereby authorized and directed, to the extent necessary or required, to enter into any agreements, in the name and on behalf of the City, that the Director of Budget and Finance determines to be necessary in connection with a book entry system for the Bonds.

SECTION 6. Award and Sale of the Bonds.

(a) Original Purchaser Designated in Final Terms Certificate. The Bonds shall be sold at private sale to the Original Purchaser at a purchase price, not less than 97% of the aggregate principal amount thereof, as shall be determined by the Director of Budget and Finance in the Final Terms Certificate, plus accrued interest on the Bonds from their date to the Closing Date, and shall be awarded by the Director of Budget and Finance with and upon such other terms as are required or authorized by this Ordinance to be specified in the Final Terms Certificate, in accordance with

law and the provisions of this Ordinance and the Bond Purchase Agreement. The Director of Budget and Finance is authorized, if it is determined to be in the best interest of the City, to combine the issue of Bonds with one or more other bond issues of the City into a consolidated bond issue pursuant to Section 133.30(B) of the Revised Code in which case a single Final Terms Certificate (and Bond Purchase Agreement, Bond Registrar Agreement, Continuing Disclosure Agreement, Escrow Agreement, official statement, and other transcript and other documents) may be utilized for the consolidated bond issue (and other City bond issue(s)) if appropriate and consistent with the terms of this Ordinance.

The Director of Budget and Finance shall sign and deliver the Final Terms Certificate and shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price. The City Manager, Director of Budget and Finance, Director of Law, Clerk of Council and other City officials, as appropriate, each are authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

The Director of Budget and Finance shall sign and deliver, in the name and on behalf of the City, the Bond Purchase Agreement, in substantially the form as is now on file with the Clerk of Council, providing for the sale to, and the purchase by, the Original Purchaser of the Bonds. The Bond Purchase Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Budget and Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments thereto.

(b) Primary Offering Disclosure – Official Statement. The City Manager and the Director of Budget and Finance, on behalf of the City and in their official capacities, are authorized to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, an official statement in connection with the original issuance of the Bonds, (ii) determine, and to certify or otherwise represent, when the official statement is to be “deemed final” (except for permitted omissions) by the City or is a final official statement for purposes of SEC Rule 15c2-12(b)(1), (3) and (4), (iii) use and distribute, or authorize the use and distribution of, that official statement and any supplements thereto in connection with the original issuance of the Bonds and (iv) complete and sign that official statement as so approved together with such certificates, statements or other documents in connection with the finality, accuracy and completeness of that official statement as they deem necessary or appropriate.

(c) Agreement to Provide Continuing Disclosure. For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees to provide or cause to be provided such financial information and operating data, audited financial statements and notices of the occurrence of certain events, in such manner as may be required for purposes of the Rule. The City Manager and the Director of Budget and Finance are authorized and directed to complete, sign and deliver the Continuing Disclosure Agreement, in the name and on behalf of the City, in substantially the form as is now on file with the Clerk of Council. The Continuing Disclosure Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Director of

Budget and Finance, all of which shall be conclusively evidenced by the signing of the Continuing Disclosure Agreement.

The Director of Budget and Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its Continuing Disclosure Agreement, including timely provision of information and notices as described above. Prior to making any filing required under the Rule, the Director of Budget and Finance shall consult with and obtain legal advice from, as appropriate, the Director of Law and/or bond or other qualified independent special counsel selected by the City. The Director of Budget and Finance, acting in the name and on behalf of the City, shall be entitled to rely upon any such legal advice in determining whether a filing should be made. The performance by the City of its Continuing Disclosure Agreement shall be subject to the annual appropriation of any funds that may be necessary to perform it.

(d) Application for Rating or Bond Insurance; Financing Costs. If, in the judgment of the Director of Budget and Finance, the filing of an application for (i) a rating on the Bonds by one or more nationally-recognized rating agencies, or (ii) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Bonds, is in the best interest of and financially advantageous to this City, the Director of Budget and Finance is authorized to prepare and to submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent paid by the Original Purchaser in accordance with the Bond Purchase Agreement, from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or to be appropriated for that purpose. The Director of Budget and Finance is hereby authorized, to the extent necessary or required, to enter into any agreements, in the name of and on behalf of the City, that the Director of Budget and Finance determines to be necessary in connection with obtaining that bond insurance.

The expenditure of the amounts necessary to secure those rating(s) and to pay the other financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Bonds, to the extent not paid by the Original Purchaser in accordance with the Bond Purchase Agreement, is authorized and approved, and the Director of Budget and Finance is authorized to provide for the payment of any such amounts and costs from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

SECTION 7. Refunding; Call of Refunded Bonds. This Council determines that it is necessary and in the best interest of the City to refund the Refunded Bonds. The Director of Budget and Finance is authorized and directed to give to The Huntington National Bank, as the authenticating agent, bond registrar, transfer agent and paying agent for the Refunded Bonds, or any successor thereto, on or promptly after the Closing Date, written notice of the call for redemption, and the Refunded Bonds shall be redeemed in accordance with the Original Bond Legislation and the Escrow Agreement. The City covenants for the benefit of the holders of the Refunded Bonds and of the Bonds, that it will at no time on or after the Closing Date take actions to modify or rescind that call for prior redemption, and that it will take, and will cause the bond registrar and paying agent for the Refunded Bonds to take, all steps required by the terms of the Refunded Bonds to make and perfect that call for prior redemption.

SECTION 8. Escrow Trustee. The Huntington National Bank is appointed as the initial Escrow Trustee with respect to the refunding of the Refunded Bonds; provided, however, that the Director of Budget and Finance is authorized to appoint a different Escrow Trustee in the Final Terms Certificate after determining that such bank or trust company will not endanger the funds or securities to be held in trust for redemption of the Refunded Bonds and that proper safeguards are available for that purpose. The Escrow Trustee is authorized and directed to cause notice of the refunding of the Refunded Bonds to be given in accordance with the Escrow Agreement. The City Manager and the Director of Budget and Finance shall sign and deliver, in the name and on behalf of the City, the Escrow Agreement, in substantially the form as is now on file with the Clerk of Council. The Escrow Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Budget and Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Escrow Agreement or amendments thereto. The Director of Budget and Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Escrow Agreement (including the fees and expenses of a mathematical verification agent to be appointed by the Director of Budget and Finance in the Final Terms Certificate), except to the extent paid or reimbursed by the Original Purchaser in accordance with the Bond Purchase Agreement, from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

SECTION 9. Escrow Fund. There is created under the Escrow Agreement a trust fund designated the “City of Kent 2014 Bonds Escrow Fund” which shall be held and maintained by the Escrow Trustee in trust for the registered owners of the Refunded Bonds and is pledged for the payment of principal of and interest on the Refunded Bonds, all in accordance with the provisions of the Escrow Agreement. The Director of Budget and Finance is hereby authorized and directed to pay to the Escrow Trustee for deposit in the Escrow Fund (i) any funds on deposit in the Bond Retirement Fund for the payment of debt charges on the Refunded Bonds and (ii) all of the proceeds from the sale of the Bonds, except any accrued interest and any proceeds to be used for the payment of any expenses properly allocable to the refunding of the Refunded Bonds or the issuance of the Bonds as determined by the Director of Budget and Finance. Those funds are appropriated and shall be applied to pay principal of and interest on the Refunded Bonds, as provided in the Escrow Agreement.

The funds so deposited in the Escrow Fund shall be (a) held in cash to the extent that they are not needed to make the investments hereinafter described and (b) invested in direct obligations of, or obligations guaranteed as to payment by, the United States of America (within the meaning of Section 133.34(D) of the Revised Code) that mature or are subject to redemption by and at the option of the holder, in amounts sufficient, together with any uninvested cash in the Escrow Fund but without further investment or reinvestment, for the payment of principal of and interest on the Refunded Bonds as provided in the Escrow Agreement.

If U.S. Treasury Securities – State and Local Government Series are to be purchased for the Escrow Fund, the Original Purchaser and the Escrow Trustee are hereby specifically authorized to file, on behalf of the City, subscriptions for the purchase and issuance of those U.S. Treasury Securities – State and Local Government Series. If, in the judgment of the Director of Budget and Finance, an open-market purchase of obligations described in (b) in the preceding paragraph for the Escrow Fund is in the best interest of and financially advantageous to the City, the Director of Budget

and Finance or any other officer of the City, on behalf of the City and in the Director of Budget and Finance's official capacity, may purchase and deliver such obligations, engage the services of a financial advisor, bidding agent or similar entity for the purpose of facilitating the bidding, purchase and delivery of such obligations for, and any related structuring of, the Escrow Fund, execute such instruments as are deemed necessary to engage such services for such purpose, and provide further for the payment of the cost of obtaining such services, except to the extent paid by the Original Purchaser in accordance with the Bond Purchase Agreement, from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose.

If the City determines to fund or refund other outstanding general obligation securities (collectively, the Other Refunded Obligations) contemporaneously with the refunding of the Refunded Bonds, the proceeds from the sale of bonds and other funds necessary and sufficient for that purpose may be deposited in the Escrow Fund and commingled and invested with the proceeds of the Bonds and other funds necessary and sufficient for the refunding of the Refunded Bonds. In that event, the Escrow Fund shall be held and maintained by the Escrow Trustee in trust for the registered owners of the Refunded Bonds and the Other Refunded Obligations and pledged to the payment of principal of and interest and redemption premium on the Refunded Bonds and the Other Refunded Obligations.

SECTION 10. Application of Proceeds. The proceeds from the sale of the Bonds (except any accrued interest and any proceeds to be used for the payment of any expenses properly allocable to the refunding of the Refunded Bonds or the issuance of the Bonds as determined by the Director of Budget and Finance) shall be paid into the Escrow Fund as provided in Section 9. Any proceeds to be used for the payment of any expenses properly allocable to the refunding of the Refunded Bonds or the issuance of the Bonds, as determined by the Director of Budget and Finance, shall be paid into the proper fund or funds. Any proceeds representing accrued interest shall be paid into the Bond Retirement Fund. The proceeds from the sale of the Bonds (except any accrued interest) are appropriated and shall be used for the purpose for which the Bonds are being issued.

SECTION 11. Provisions for Tax Levy. There shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Bonds when and as the same fall due. To the extent not provided for by other funds appropriated for the payment of debt charges, in each year the amount of such property tax shall be reduced by the amount of lawfully available municipal income taxes appropriated and to be applied to the payment of the debt charges on the Bonds in compliance with the following covenant. To the extent necessary, the debt charges on the Bonds shall be paid from municipal income taxes lawfully available therefore under the Constitution and laws of the State of Ohio; and the City hereby covenants, subject and pursuant to such authority, including particularly Section 133.05(B)(7), Revised Code, to appropriate annually from such municipal

income taxes such amounts, and to continue to levy and collect such municipal income taxes in such amounts, as are necessary to meet such annual debt charges. Nothing in this section in any way diminishes the irrevocable pledge of the full faith and credit and general property taxing power of the City to the prompt payment of the debt charges on the Bonds.

SECTION 12. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Section 141, 148 or 149 of the Code, or (ii) be treated other than as bonds to which Section 103 of the Code applies, and (b) the interest thereon will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Bonds to be and to remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bonds to the governmental purposes of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Budget and Finance, or any other officer of the City having responsibility for the issuance of the Bonds is hereby authorized (a) to make or effect any election, selection, designation (including specifically designation or treatment of the Bonds as “qualified tax-exempt obligations,” if such designation or treatment is applicable and desirable), choice, consent, approval or waiver on behalf of the City with respect to the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting the favorable tax treatment or status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Bonds.

Each covenant made in this Section with respect to the Bonds is also made with respect to all issues any portion of the debt charges on which is paid from proceeds of the Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to

those issues as they are authorized in this Section to take with respect to the Bonds.

SECTION 13. Certification and Delivery of Ordinance and Final Terms Certificate. The Clerk of Council is directed to deliver or cause to be delivered a certified copy of this Ordinance and a signed copy of the Final Terms Certificate to the Portage County Auditor.

SECTION 14. Satisfaction of Conditions for Bond Issuance. This Council determines that all acts and conditions necessary to be performed by the City or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 11) of the City are pledged for the timely payment of the debt charges on the Bonds; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds.

SECTION 15. Retention of Bond and Disclosure Counsel. The legal services of Squire Patton Boggs (US) LLP, as bond and disclosure counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Bonds and the rendering of the necessary legal opinions upon the delivery of the Bonds. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services. The Director of Budget and Finance is authorized and directed, to the extent they are not paid by the Original Purchaser in accordance with the Bond Purchase Agreement, to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

SECTION 16. Retention of Municipal Advisory Services. The municipal advisory services of Baker Tilly Municipal Advisors, LLC, as municipal advisor in connection with the issuance of the Bonds, are retained pursuant to an engagement agreement which has been delivered to the City by that firm. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. For those municipal advisory services that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those services. That engagement agreement, and the execution thereof by the City Manager, is hereby authorized, ratified and approved, the Director of Budget and Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

SECTION 17. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the

passage of this ordinance were taken, and that all deliberations of this Council and of any committees that resulted in those formal actions were held, in meetings open to the public in compliance with the law.

SECTION 18. Effective Date. That this Ordinance is 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 and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Bonds, which is necessary enable the City to refund for debt charge savings the Refunded Bonds upon the terms in the best interest of and advantage to the City and thereby achieve interest rate savings available at the earliest possible time, for which reasons 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.

ADOPTED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *ORDINANCE NO. 2024-__*, PASSED BY THE COUNCIL OF THE CITY OF KENT ON _____, 2024.

(SEAL)

**AMY WILKENS
CLERK OF COUNCIL**

SUPPLEMENTAL FISCAL OFFICER'S CERTIFICATE

To the Council of the City of Kent, Ohio:

As fiscal officer of the City of Kent, I certify in connection with your proposed issue of bonds (the Bonds), for the purpose of refunding at a lower interest costs certain of the City's Safety Center Construction Bonds, Series 2014, dated December 11, 2014 (the Refunded Bonds), that were issued for the purpose of paying a portion of the costs of constructing and equipping a safety center, including the acquisition of real estate in connection therewith (the improvement).

1. The estimated life or period of usefulness of the improvement was, at the time of issuance of the Refunded Bonds, at least five years.

2. The maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is December 31, 2044.

Dated: June 10, 2024



Director of Budget and Finance
City of Kent, Ohio

DRAFT ORDINANCE NO. 053

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$4,185,000 FOR THE PURPOSE OF REFUNDING AT A LOWER INTEREST COST CERTAIN OF THE CITY'S OUTSTANDING VARIOUS PURPOSE BONDS, SERIES 2013, DATED OCTOBER 7, 2013, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 2012-81, passed August 15, 2012, \$4,000,000 principal amount of notes dated October 9, 2012 and maturing October 8, 2013 were issued, in anticipation of the issuance of bonds (the "Project 1 Notes"), to pay a portion of the costs of constructing a Downtown public parking facility ("Project 1"), which notes were issued as a consolidated issue, along with other notes, pursuant to Revised Code Section 133.30(B) in the principal amount of \$9,770,000 (the "Consolidated Notes"); and

WHEREAS, pursuant to Ordinance No. 2012-84, passed August 15, 2012, \$1,230,000 principal amount of notes were issued, in anticipation of the issuance of bonds (the "Project 2 Notes"), to pay a portion of the costs of improving Alley 4, Erie Street, Depeyster Street and adjoining City streets and City property, including the relocation of water, sanitary and storm sewer lines and other public utilities therein ("Project 2"), which notes were issued as part of the Consolidated Notes; and

WHEREAS, pursuant to Ordinance No. 2013-78, passed on August 21, 2013 (the "Original Bond Legislation"), there were issued \$5,490,000 Various Purpose Bonds, Series 2013, dated October 7, 2013 (the "Series 2013 Bonds"), for the purpose of retiring the Project 1 Notes (specifically, bonds in the aggregate principal amount of \$4,195,000) and retiring the Project 2 Notes (specifically, bonds in the aggregate principal amount of \$1,295,000), which bonds are currently outstanding in the aggregate principal amount of \$4,330,000 and will mature, or payable pursuant to mandatory sinking fund redemption requirements, on December 1 in the years 2024 through 2043 (collectively, the "Outstanding Bonds"); and

WHEREAS, this Council finds and determines that it is necessary and in the best interest of the City to refund at a lower interest cost all or a portion of the Outstanding Bonds that are subject to optional redemption (the "Refunded Bonds"); and

WHEREAS, this Council finds and determines that it is necessary and in the best interest of the City to issue the Bonds described in Section 2 to provide funds sufficient for that purpose, including the payment of expenses properly allocable to that refunding and to the issuance of the Bonds; and

WHEREAS, the Director of Budget and Finance, as the fiscal officer of this City, has certified to this Council that the estimated life or period of usefulness of Project 1 and Project 2 is at least five years, and the maximum maturity of the bonds for Project 1 is not later than December 31, 2044, and the bonds for Project 2 is not later than December 3, 2034.

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

SECTION 1. Definitions and Interpretation. In addition to the words and terms elsewhere defined in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

“Authorized Denominations” means (subject to any limitations in Section 3) the denomination of \$5,000 or any whole multiple thereof.

“Bond proceedings” means, collectively, this Ordinance, the Final Terms Certificate, the Continuing Disclosure Agreement and such other proceedings of the City, including the Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Bonds.

“Bond Purchase Agreement” means the Bond Purchase Agreement between the City and the Original Purchaser, as it may be modified from the form on file with the Clerk of Council and signed by the Director of Budget and Finance in accordance with Section 6.

“Bond Register” means all books and records necessary for the registration, exchange and transfer of Bonds as provided in Section 5.

“Bond Registrar” means the bank or trust company appointed pursuant to Section 4 or in the Final Terms Certificate as the initial authenticating agent, bond registrar, transfer agent and paying agent for the Bonds under the Bond Registrar Agreement and until a successor Bond Registrar shall have become such pursuant to the provisions of the Bond Registrar Agreement and, thereafter, “Bond Registrar” shall mean the successor Bond Registrar.

“Bond Registrar Agreement” means the Bond Registrar Agreement between the City and the Bond Registrar, as it may be modified from the form on file with the Clerk of Council and signed by the City Manager and the Director of Budget and Finance in accordance with Section 4.

“Bonds” means, collectively, the Serial Bonds and the Term Bonds, each as is designated as such in the Final Terms Certificate.

“Book entry form” or “book entry system” means a form or system under which (i) the ownership of book entry interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry and (ii) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds “immobilized” in the custody of the Depository or its agent. The book entry maintained by others than the City is the record that identifies the owners of book entry interests in those Bonds and that principal and interest.

“City Manager” means the person at the time performing the duties of the chief executive and administrative officer of the City.

“Closing Date” means the date of physical delivery of, and payment of the purchase price for, the Bonds.

“Code” means the Internal Revenue Code of 1986, the Regulations (whether temporary

or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable successor section or provision and such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

“Continuing Disclosure Agreement” means the agreement authorized by Section 6(c), as it may be modified from the form on file with the Clerk of Council and signed by the City Manager and the Director of Budget and Finance in accordance with Section 6(c), made by the City for the benefit of holders and beneficial owners of the Bonds in accordance with the Rule.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of book entry interests in Bonds or the principal of and interest on Bonds, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Director of Budget and Finance” means the person at the time performing the duties of the chief financial officer and Director of Budget and Finance of the City.

“Escrow Agreement” means the Escrow Agreement between the City and the Escrow Trustee, as it may be modified from the form on file with the Clerk of Council and signed by the City Manager and the Director of Budget and Finance in accordance with Section 8.

“Escrow Fund” means the Escrow Fund established pursuant to Section 9.

“Escrow Trustee” means the bank or trust company appointed pursuant to Section 8 or in the Final Terms Certificate as the initial escrow trustee with respect to the Refunded Bonds under the Escrow Agreement and until a successor Escrow Trustee shall have become such pursuant to the provisions of the Escrow Agreement and, thereafter, “Escrow Trustee” shall mean the successor Escrow Trustee.

“Final Terms Certificate” means the certificate authorized by Section 6(a), to be signed by the Director of Budget and Finance, setting forth and determining those terms or other matters pertaining to the Bonds and their issuance, sale and delivery as this Ordinance requires or authorizes to be set forth or determined therein.

“Interest Payment Dates” means, unless otherwise determined by the Director of Budget and Finance in the Final Terms Certificate, June 1 and December 1 of each year that the Bonds are outstanding, commencing December 1, 2024.

“Municipal Advisor” means Baker Tilly Municipal Advisors, LLC.

“Original Purchaser” means the original purchaser of the Bonds designated by the Director of Budget and Finance in the Final Terms Certificate.

“Participant” means any participant contracting with a Depository under a book entry system and includes securities brokers and dealers, banks and trust companies, and clearing corporations.

“Principal Payment Dates” means unless otherwise determined by the Director of Budget and Finance in the Final Terms Certificate, December 1 in all or a portion of the years from and including 2025 to and including 2043, provided that in no case shall the final Principal Payment Date be later than the maximum maturity of the Bonds referred to in the preambles hereto.

“Refunded Bonds” means that portion of the City’s outstanding Various Purpose Bonds, Series 2013, dated October 7, 2013, and stated to mature or be payable pursuant to mandatory sinking fund redemption requirements on December 1 of the years 2025 through 2043, as determined by the Director of Budget and Finance in the Final Terms Certificate to be necessary and in the best interest of the City to be refunded at a lower interest cost.

“Rule” means Rule 15c2-12 prescribed by the SEC pursuant to the Securities Exchange Act of 1934.

“SEC” means the Securities and Exchange Commission.

“Serial Bonds” means those Bonds designated as such and maturing on the dates set forth in the Final Terms Certificate, bearing interest payable on each Interest Payment Date and not subject to mandatory sinking fund redemption.

“Term Bonds” means those Bonds designated as such and maturing on the date or dates set forth in the Final Terms Certificate, bearing interest payable on each Interest Payment Date and subject to mandatory sinking fund redemption.

The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

SECTION 2. Authorized Principal Amount and Purpose. This Council determines that it is necessary and in the best interest of the City to issue bonds of the City in one lot in the maximum principal amount of \$4,185,000 (the “Bonds”) for the purpose of refunding at a lower interest cost certain of the City’s outstanding Various Purpose Bonds, Series 2013, dated October 7, 2013, which were issued for the purposes of (a) paying a portion of the costs of constructing a Downtown public parking facility, and (b) paying a portion of the costs of improving Alley 4, Erie Street, Depeyster Street and adjoining City streets and City property, including the relocation of water, sanitary and storm sewer lines and other public utilities therein, including the payment of expenses related to the refunding of the Refunded Bonds and the issuance of the Bonds.

The aggregate principal amount of Bonds to be issued shall not exceed \$4,185,000 and shall be issued in an amount determined by the Director of Budget and Finance in the Final Terms Certificate to be the aggregate principal amount of Bonds required to be issued, taking into account the outstanding principal amount of the Refunded Bonds and any premium above or discount from

the aggregate principal amount of the Bonds at which they are sold to the Original Purchaser, in order to effect the purpose for which the Bonds are to be issued, including the payment of any expenses properly allocable to the refunding of the Refunded Bonds and the issuance of the Bonds.

SECTION 3. Denominations; Dating; Principal and Interest Payment and Redemption Provisions.

The Bonds shall be issued in one lot and only as fully registered bonds, in the Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be dated as provided in the Final Terms Certificate, provided that their dated date shall not be more than 60 days prior to the Closing Date.

(a) Interest Rates and Interest Payment Dates. The Bonds shall bear interest at the rate or rates per year (computed on the basis of a 360-day year consisting of 12 30-day months) as shall be determined by the Director of Budget and Finance in the Final Terms Certificate. Interest on the Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

(b) Principal Payment Schedule. The Bonds shall mature or be payable pursuant to Mandatory Sinking Fund Redemption Requirements (as hereinafter defined and described) on the Principal Payment Dates in principal amounts as shall be determined by the Director of Budget and Finance, subject to subsection (c) of this Section, in the Final Terms Certificate, consistent with the Director of Budget and Finance's determination of the best interest of and financial advantages to the City.

Consistent with the foregoing and in accordance with the Director of Budget and Finance's determination of the best interest of and financial advantages to the City, the Director of Budget and Finance shall specify in the Final Terms Certificate (i) the aggregate principal amount of Bonds to be issued as Serial Bonds, the Principal Payment Dates on which those Bonds shall be stated to mature and the principal amount thereof that shall be stated to mature on each such Principal Payment Date, and (ii) the aggregate principal amount of Bonds to be issued as Term Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature, the principal amount thereof that shall be stated to mature on each such Principal Payment Date, the Principal Payment Date or Dates on which Term Bonds shall be subject to mandatory sinking fund redemption ("Mandatory Redemption Dates") and the principal amount thereof that shall be payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Mandatory Redemption Date.

(c) Conditions for Establishment of Interest Rates and Principal Payment Dates and Amounts. The rate or rates of interest per year to be borne by the Bonds, and the principal amount of Bonds maturing or payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Principal Payment Date, shall be such as to demonstrate net present value savings to the City due to the refunding of the Refunded Bonds, taking into account all expenses related to that refunding and issuance of the Bonds.

(d) Payment of Debt Charges. The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond

Registrar as paying agent. Principal of and any premium on the Bonds shall be payable when due upon presentation and surrender of the Bonds at the office of the Bond Registrar designated in the Final Terms Certificate or, if not so designated, then at the principal corporate trust office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register at the close of business on the 15th day preceding that Interest Payment Date. Notwithstanding the foregoing, if and so long as the Bonds are issued in a book entry system, principal of and interest and any premium on the Bonds shall be payable in the manner provided in any agreement entered into by the Director of Budget and Finance, in the name and on behalf of the City, in connection with the book entry system.

(e) Redemption Provisions. The Bonds shall be subject to redemption prior to stated maturity as follows:

(i) Mandatory Sinking Fund Redemption of Term Bonds. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory redemption in part by lot and be redeemed pursuant to mandatory sinking fund requirements, at a redemption price of 100% of the principal amount redeemed, plus accrued interest to the redemption date, on the applicable Mandatory Redemption Dates and in the principal amounts payable on those dates, for which provision is made in the Final Terms Certificate (such dates and amounts being the Mandatory Sinking Fund Redemption Requirements).

The aggregate of the moneys to be deposited with the Bond Registrar for payment of principal of and interest on any Term Bonds on each Mandatory Redemption Date shall include an amount sufficient to redeem on that date the principal amount of Term Bonds payable on that date pursuant to Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as hereinafter provided).

The City shall have the option to deliver to the Bond Registrar for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City, as specified by the Director of Budget and Finance, for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so delivered. That option shall be exercised by the City on or before the 15th day preceding any Mandatory Redemption Date with respect to which the City wishes to obtain a credit, by furnishing the Bond Registrar a certificate, signed by the Director of Budget and Finance, setting forth the extent of the credit to be applied with respect to the then current or any subsequent Mandatory Sinking Fund Redemption Requirement for Term Bonds stated to mature on the same Principal Payment Date. If the certificate is not timely furnished to the Bond Registrar, the current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation), as specified by the Director of Budget and Finance, also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the applicable Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any Mandatory Sinking Fund Redemption Requirement, for Term Bonds stated to mature on the same Principal Payment Date as the Term

Bonds so redeemed or purchased and canceled.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Bond Registrar at 100% of the principal amount thereof against the then current or subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations), as specified by the Director of Budget and Finance, for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so delivered, redeemed or purchased and canceled.

(ii) Optional Redemption. The Bonds of the maturities, if any, specified in the Final Terms Certificate shall be subject to redemption by and at the sole option of the City, in whole or in part in whole multiples of \$5,000, on the dates, in the years and at the redemption prices (expressed as a percentage of the principal amount to be redeemed), plus accrued interest to the redemption date, to be determined by the Director of Budget and Finance in the Final Terms Certificate; provided that (i) the earliest optional redemption date shall not be more than 10½ years after the Closing Date and (ii) the redemption price for the earliest optional redemption date shall not be greater than 102%.

If optional redemption of Term Bonds at a redemption price exceeding 100% of the principal amount to be redeemed is to take place as of any Mandatory Redemption Date applicable to those Term Bonds, the Term Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Term Bonds of the same maturity to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements. Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the Director of Budget and Finance to the Bond Registrar, given upon the direction of this Council through enactment of a resolution or an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar.

(iii) Partial Redemption. If fewer than all of the outstanding Bonds are called for optional redemption at one time and Bonds of more than one maturity are then outstanding, the Bonds that are called shall be Bonds of the maturity or maturities selected by the City. If fewer than all of the Bonds of a single maturity are to be redeemed, the selection of Bonds of that maturity to be redeemed, or portions thereof in amounts of \$5,000 or any whole multiple thereof, shall be made by the Bond Registrar by lot in a manner determined by the Bond Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as if it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then, upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Bond Registrar (i) for payment of the redemption price of the \$5,000 unit or units of principal amount called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner, of a new Bond or Bonds of any Authorized Denomination or Denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(iv) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (A) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (B) the redemption price to be paid, (C) the date fixed for redemption, and (D) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Bond Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Bond Registrar at the close of business on the 15th day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(v) Payment of Redeemed Bonds. In the event that notice of redemption shall have been given by the Bond Registrar to the registered owners as provided above, there shall be deposited with the Bond Registrar on or prior to the redemption date, moneys that, in addition to any other moneys available therefor and held by the Bond Registrar, will be sufficient to redeem at the redemption price thereof, plus accrued interest to the redemption date, all of the redeemable Bonds for which notice of redemption has been given. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, subject to Section 7, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Bonds and portions thereof to be redeemed, together with accrued interest thereon to the redemption date, are held by the Bond Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All moneys held by the Bond Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds, provided that any interest earned on the moneys so held by the Bond Registrar shall be for the account of and paid to the City to the extent not required for the payment of the Bonds called for redemption.

SECTION 4. Execution and Authentication of Bonds; Appointment of Bond Registrar. The Bonds shall be signed by the City Manager and the Director of Budget and Finance, in the name of the City and in their official capacities, provided that either or both of those signatures may be a facsimile. The Bonds shall be issued in the Authorized Denominations and numbers as requested by the Original Purchaser and approved by the Director of Budget and Finance, shall be numbered as determined by the Director of Budget and Finance in order to distinguish each Bond from any other Bond, and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to the provisions of Chapter 133 of the Revised Code, this Ordinance and the Final Terms Certificate.

The Huntington National Bank is appointed as the initial Bond Registrar; provided, however, that the Director of Budget and Finance is authorized to appoint a different Bond Registrar in the Final Terms Certificate after determining that such bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose. The City Manager and the Director of Budget and Finance shall sign and deliver, in the name and on behalf of the City, the Bond Registrar Agreement, in substantially the form as is now on file with the Clerk of Council. The Bond Registrar Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Budget and Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Registrar Agreement or amendments thereto. The Director of Budget and Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Bond Registrar Agreement, except to the extent paid or reimbursed by the Original Purchaser in accordance with the Bond Purchase Agreement, from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond proceedings unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Bond proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the Director of Budget and Finance on behalf of the City. The same person need not sign the certificate of authentication on all of the Bonds.

SECTION 5. Registration; Transfer and Exchange; Book Entry System.

(a) Bond Registrar. So long as any of the Bonds remain outstanding, the City will cause the Bond Registrar to maintain and keep the Bond Register at the office satisfactory to the Director of Budget and Finance and the Bond Registrar. Subject to the provisions of Section 6, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of the Bond proceedings. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

(b) Transfer and Exchange. Any Bond may be exchanged for Bonds of any Authorized Denomination upon presentation and surrender at the office of the Bond Registrar designated in the Final Terms Certificate or, if not so designated, then at the principal corporate trust office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the designated office of the Bond Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar.

Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of the Bond proceedings. The exchange or transfer shall be without charge to the owner, except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under the Bond proceedings as the Bonds surrendered upon that exchange or transfer. Neither the City nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for redemption between the 15th day preceding the mailing of notice of Bonds to be redeemed and the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part.

(c) Book Entry System. Notwithstanding any other provisions of this Ordinance, if the Director of Budget and Finance determines in the Final Terms Certificate that it is in the best interest of and financially advantageous to the City, the Bonds may be issued in book entry form in accordance with the following provisions of this Section.

The Bonds may be issued to a Depository for use in a book entry system and, if and so long as a book entry system is utilized, (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository or its designated agent which may be the Bond Registrar; (ii) the book entry interest owners of Bonds in book entry form shall not have any right to receive Bonds in the form of physical securities or certificates; (iii) ownership of book entry interests in Bonds in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of book entry interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Director of Budget and Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Budget and Finance does not or is unable to do so, the Director of Budget and Finance, after making provision for notification of the book entry interest owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and shall cause Bond certificates in registered form to be authenticated by the Bond Registrar and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including

any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Budget and Finance is hereby authorized and directed, to the extent necessary or required, to enter into any agreements, in the name and on behalf of the City, that the Director of Budget and Finance determines to be necessary in connection with a book entry system for the Bonds.

SECTION 6. Award and Sale of the Bonds.

(a) Original Purchaser Designated in Final Terms Certificate. The Bonds shall be sold at private sale to the Original Purchaser at a purchase price, not less than 97% of the aggregate principal amount thereof, as shall be determined by the Director of Budget and Finance in the Final Terms Certificate, plus accrued interest on the Bonds from their date to the Closing Date, and shall be awarded by the Director of Budget and Finance with and upon such other terms as are required or authorized by this Ordinance to be specified in the Final Terms Certificate, in accordance with law and the provisions of this Ordinance and the Bond Purchase Agreement. The Director of Budget and Finance is authorized, if it is determined to be in the best interest of the City, to combine the issue of Bonds with one or more other bond issues of the City into a consolidated bond issue pursuant to Section 133.30(B) of the Revised Code in which case a single Final Terms Certificate (and Bond Purchase Agreement, Bond Registrar Agreement, Continuing Disclosure Agreement, Escrow Agreement, official statement, and other transcript and other documents) may be utilized for the consolidated bond issue (and other City bond issue(s)) if appropriate and consistent with the terms of this Ordinance.

The Director of Budget and Finance shall sign and deliver the Final Terms Certificate and shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price. The City Manager, Director of Budget and Finance, Director of Law, Clerk of Council and other City officials, as appropriate, each are authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

The Director of Budget and Finance shall sign and deliver, in the name and on behalf of the City, the Bond Purchase Agreement, in substantially the form as is now on file with the Clerk of Council, providing for the sale to, and the purchase by, the Original Purchaser of the Bonds. The Bond Purchase Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Budget and Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments thereto.

(b) Primary Offering Disclosure – Official Statement. The City Manager and the Director of Budget and Finance, on behalf of the City and in their official capacities, are authorized to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, an official statement in connection with the original issuance of the Bonds, (ii) determine, and to certify or otherwise represent, when the official statement is to be “deemed final”

(except for permitted omissions) by the City or is a final official statement for purposes of SEC Rule 15c2-12(b)(1), (3) and (4), (iii) use and distribute, or authorize the use and distribution of, that official statement and any supplements thereto in connection with the original issuance of the Bonds and (iv) complete and sign that official statement as so approved together with such certificates, statements or other documents in connection with the finality, accuracy and completeness of that official statement as they deem necessary or appropriate.

(c) Agreement to Provide Continuing Disclosure. For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees to provide or cause to be provided such financial information and operating data, audited financial statements and notices of the occurrence of certain events, in such manner as may be required for purposes of the Rule. The City Manager and the Director of Budget and Finance are authorized and directed to complete, sign and deliver the Continuing Disclosure Agreement, in the name and on behalf of the City, in substantially the form as is now on file with the Clerk of Council. The Continuing Disclosure Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Director of Budget and Finance, all of which shall be conclusively evidenced by the signing of the Continuing Disclosure Agreement.

The Director of Budget and Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its Continuing Disclosure Agreement, including timely provision of information and notices as described above. Prior to making any filing required under the Rule, the Director of Budget and Finance shall consult with and obtain legal advice from, as appropriate, the Director of Law and/or bond or other qualified independent special counsel selected by the City. The Director of Budget and Finance, acting in the name and on behalf of the City, shall be entitled to rely upon any such legal advice in determining whether a filing should be made. The performance by the City of its Continuing Disclosure Agreement shall be subject to the annual appropriation of any funds that may be necessary to perform it.

(d) Application for Rating or Bond Insurance; Financing Costs. If, in the judgment of the Director of Budget and Finance, the filing of an application for (i) a rating on the Bonds by one or more nationally-recognized rating agencies, or (ii) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Bonds, is in the best interest of and financially advantageous to this City, the Director of Budget and Finance is authorized to prepare and to submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent paid by the Original Purchaser in accordance with the Bond Purchase Agreement, from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or to be appropriated for that purpose. The Director of Budget and Finance is hereby authorized, to the extent necessary or required, to enter into any agreements, in the name of and on behalf of the City, that the Director of Budget and Finance determines to be necessary in connection with obtaining that bond insurance.

The expenditure of the amounts necessary to secure those rating(s) and to pay the other financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Bonds, to the extent not paid by the Original Purchaser in accordance with the Bond Purchase Agreement,

is authorized and approved, and the Director of Budget and Finance is authorized to provide for the payment of any such amounts and costs from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

SECTION 7. Refunding; Call of Refunded Bonds. This Council determines that it is necessary and in the best interest of the City to refund the Refunded Bonds. The Director of Budget and Finance is authorized and directed to give to The Huntington National Bank, as the authenticating agent, bond registrar, transfer agent and paying agent for the Refunded Bonds, or any successor thereto, on or promptly after the Closing Date, written notice of the call for redemption, and the Refunded Bonds shall be redeemed in accordance with the Original Bond Legislation and the Escrow Agreement. The City covenants for the benefit of the holders of the Refunded Bonds and of the Bonds, that it will at no time on or after the Closing Date take actions to modify or rescind that call for prior redemption, and that it will take, and will cause the bond registrar and paying agent for the Refunded Bonds to take, all steps required by the terms of the Refunded Bonds to make and perfect that call for prior redemption.

SECTION 8. Escrow Trustee. The Huntington National Bank is appointed as the initial Escrow Trustee with respect to the refunding of the Refunded Bonds; provided, however, that the Director of Budget and Finance is authorized to appoint a different Escrow Trustee in the Final Terms Certificate after determining that such bank or trust company will not endanger the funds or securities to be held in trust for redemption of the Refunded Bonds and that proper safeguards are available for that purpose. The Escrow Trustee is authorized and directed to cause notice of the refunding of the Refunded Bonds to be given in accordance with the Escrow Agreement. The City Manager and the Director of Budget and Finance shall sign and deliver, in the name and on behalf of the City, the Escrow Agreement, in substantially the form as is now on file with the Clerk of Council. The Escrow Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Budget and Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Escrow Agreement or amendments thereto. The Director of Budget and Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Escrow Agreement (including the fees and expenses of a mathematical verification agent to be appointed by the Director of Budget and Finance in the Final Terms Certificate), except to the extent paid or reimbursed by the Original Purchaser in accordance with the Bond Purchase Agreement, from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

SECTION 9. Escrow Fund. There is created under the Escrow Agreement a trust fund designated the "City of Kent 2013 Bonds Escrow Fund" which shall be held and maintained by the Escrow Trustee in trust for the registered owners of the Refunded Bonds and is pledged for the payment of principal of and interest on the Refunded Bonds, all in accordance with the provisions of the Escrow Agreement. The Director of Budget and Finance is hereby authorized and directed to pay to the Escrow Trustee for deposit in the Escrow Fund (i) any funds on deposit in the Bond Retirement Fund for the payment of debt charges on the Refunded Bonds and (ii) all of the proceeds from the sale of the Bonds, except any accrued interest and any proceeds to be used for the payment of any expenses properly allocable to the refunding of the Refunded Bonds or the issuance of the Bonds as determined by the Director of Budget and Finance. Those funds are appropriated and shall be applied to pay

principal of and interest on the Refunded Bonds, as provided in the Escrow Agreement.

The funds so deposited in the Escrow Fund shall be (a) held in cash to the extent that they are not needed to make the investments hereinafter described and (b) invested in direct obligations of, or obligations guaranteed as to payment by, the United States of America (within the meaning of Section 133.34(D) of the Revised Code) that mature or are subject to redemption by and at the option of the holder, in amounts sufficient, together with any uninvested cash in the Escrow Fund but without further investment or reinvestment, for the payment of principal of and interest on the Refunded Bonds as provided in the Escrow Agreement.

If U.S. Treasury Securities – State and Local Government Series are to be purchased for the Escrow Fund, the Original Purchaser and the Escrow Trustee are hereby specifically authorized to file, on behalf of the City, subscriptions for the purchase and issuance of those U.S. Treasury Securities – State and Local Government Series. If, in the judgment of the Director of Budget and Finance, an open-market purchase of obligations described in (b) in the preceding paragraph for the Escrow Fund is in the best interest of and financially advantageous to the City, the Director of Budget and Finance or any other officer of the City, on behalf of the City and in the Director of Budget and Finance's official capacity, may purchase and deliver such obligations, engage the services of a financial advisor, bidding agent or similar entity for the purpose of facilitating the bidding, purchase and delivery of such obligations for, and any related structuring of, the Escrow Fund, execute such instruments as are deemed necessary to engage such services for such purpose, and provide further for the payment of the cost of obtaining such services, except to the extent paid by the Original Purchaser in accordance with the Bond Purchase Agreement, from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose.

If the City determines to fund or refund other outstanding general obligation securities (collectively, the Other Refunded Obligations) contemporaneously with the refunding of the Refunded Bonds, the proceeds from the sale of bonds and other funds necessary and sufficient for that purpose may be deposited in the Escrow Fund and commingled and invested with the proceeds of the Bonds and other funds necessary and sufficient for the refunding of the Refunded Bonds. In that event, the Escrow Fund shall be held and maintained by the Escrow Trustee in trust for the registered owners of the Refunded Bonds and the Other Refunded Obligations and pledged to the payment of principal of and interest and redemption premium on the Refunded Bonds and the Other Refunded Obligations.

SECTION 10. Application of Proceeds. The proceeds from the sale of the Bonds (except any accrued interest and any proceeds to be used for the payment of any expenses properly allocable to the refunding of the Refunded Bonds or the issuance of the Bonds as determined by the Director of Budget and Finance) shall be paid into the Escrow Fund as provided in Section 9. Any proceeds to be used for the payment of any expenses properly allocable to the refunding of the Refunded Bonds or the issuance of the Bonds, as determined by the Director of Budget and Finance, shall be paid into the proper fund or funds. Any proceeds representing accrued interest shall be paid into the Bond Retirement Fund. The proceeds from the sale of the Bonds (except any accrued interest) are appropriated and shall be used for the purpose for which the Bonds are being issued.

SECTION 11. Provisions for Tax Levy. There shall be levied on all the taxable property in the City,

in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Bonds when and as the same fall due. To the extent necessary, the debt charges on the Bonds shall be paid from payments in lieu of taxes lawfully available therefor pursuant to Ordinance No. 2010-80, passed August 18, 2010, as such may be amended, and the City hereby covenants, subject to such authority, including particularly Revised Code Section 133.04(B)(8), to appropriate annually from such payments in lieu of taxes such amount as is necessary to meet such annual debt charges. In each year to the extent service payments in lieu of taxes or other funds are available for the payment of debt charges on the Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of other funds so available and appropriated. Nothing in this section in any way diminishes the irrevocable pledge of the full faith and credit and general property taxing power of the City to the prompt payment of the debt charges on the Bonds.

SECTION 12. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Section 141, 148 or 149 of the Code, or (ii) be treated other than as bonds to which Section 103 of the Code applies, and (b) the interest thereon will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Bonds to be and to remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bonds to the governmental purposes of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Budget and Finance, or any other officer of the City having responsibility for the issuance of the Bonds is hereby authorized (a) to make or effect any election, selection, designation (including specifically designation or treatment of the Bonds as “qualified tax-exempt obligations,” if such designation or treatment is applicable and desirable), choice, consent, approval or waiver on behalf of the City with respect to the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting the favorable tax treatment or status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making

computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Bonds.

Each covenant made in this Section with respect to the Bonds is also made with respect to all issues any portion of the debt charges on which is paid from proceeds of the Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this Section to take with respect to the Bonds.

SECTION 13. Certification and Delivery of Ordinance and Final Terms Certificate. The Clerk of Council is directed to deliver or cause to be delivered a certified copy of this Ordinance and a signed copy of the Final Terms Certificate to the Portage County Auditor.

SECTION 14. Satisfaction of Conditions for Bond Issuance. This Council determines that all acts and conditions necessary to be performed by the City or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 11) of the City are pledged for the timely payment of the debt charges on the Bonds; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds.

SECTION 15. Retention of Bond and Disclosure Counsel. The legal services of Squire Patton Boggs (US) LLP, as bond and disclosure counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Bonds and the rendering of the necessary legal opinions upon the delivery of the Bonds. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services. The Director of Budget and Finance is authorized and directed, to the extent they are not paid by the Original Purchaser in accordance with the Bond Purchase Agreement, to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

SECTION 16. Retention of Municipal Advisory Services. The municipal advisory services of Baker

Tilly Municipal Advisors, LLC, as municipal advisor in connection with the issuance of the Bonds, are retained pursuant to an engagement agreement which has been delivered to the City by that firm. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. For those municipal advisory services that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those services. That engagement agreement, and the execution thereof by the City Manager, is hereby authorized, ratified and approved, the Director of Budget and Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

SECTION 17. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the passage of this ordinance were taken, and that all deliberations of this Council and of any committees that resulted in those formal actions were held, in meetings open to the public in compliance with the law.

SECTION 18. Effective Date. That this Ordinance is 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 and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Bonds, which is necessary enable the City to refund for debt charge savings the Refunded Bonds upon the terms in the best interest of and advantage to the City and thereby achieve interest rate savings available at the earliest possible time, for which reasons 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.

ADOPTED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *ORDINANCE NO. 2024-__*, PASSED BY THE COUNCIL OF THE CITY OF KENT ON _____, 2024.

(SEAL)

**AMY WILKENS
CLERK OF COUNCIL**

**SUPPLEMENTAL FISCAL OFFICER'S CERTIFICATE
(Alley 4 and Other Streets)**

To the Council of the City of Kent, Ohio:

As fiscal officer of the City of Kent, I certify in connection with your proposed issue of bonds (the Bonds), for the purpose of refunding at a lower interest costs certain of the City's Various Purpose Bonds, Series 2013, dated October 7, 2013, (the Refunded Bonds) that were issued for the purpose of paying a portion of the costs of improving Alley 4, Erie Street, Depeyster Street and adjoining City streets and City property, including the relocation of water, sanitary and storm sewer lines and other public utilities therein (the improvement), that:

1. The estimated life or period of usefulness of the improvement was, at the time of issuance of the Refunded Bonds, at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, not later than December 31, 2034.

Dated: June 10, 2024



Director of Budget and Finance
City of Kent, Ohio

**SUPPLEMENTAL FISCAL OFFICER'S CERTIFICATE
(Parking Facility)**

To the Council of the City of Kent, Ohio:

As fiscal officer of the City of Kent, I certify in connection with your proposed issue of bonds (the Bonds), for the purpose of refunding at a lower interest costs certain of the City's Various Purpose Bonds, Series 2013, dated October 7, 2013, (the Refunded Bonds) that were issued for the purpose of paying a portion of the costs of constructing a Downtown public parking facility (the improvement).

1. The estimated life or period of usefulness of the improvement was, at the time of issuance of the Refunded Bonds, at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is not later than December 31, 2043.

Dated: June 10, 2024



Director of Budget and Finance
City of Kent, Ohio

DRAFT ORDINANCE NO. 2024 - 056

AN ORDINANCE AMENDING ORDINANCE NO. 2023-97, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 20, 2023; SO AS TO ADJUST APPROPRIATIONS, TRANSFERS AND ADVANCES FROM THE VARIOUS FUNDS OF THE CITY OF KENT TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES OF THE CITY FOR THE FISCAL YEAR ENDING DECEMBER 31, 2024; AND DECLARING AN EMERGENCY.

WHEREAS, it is necessary to amend current appropriations, transfers and advances for the expenses and other expenditures for the City of Kent, Ohio, for the fiscal year ending December 31, 2024.

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

SECTION 1. That the current appropriations Ordinance No. 2023-97 passed December 20, 2023, as amended by Ordinance No. 2024-17, passed 2/21/24, as amended by Ordinance No. 2024-44, passed 5/15/24, be amended as set forth in Exhibit "A", attached hereto and incorporated herein, so as to increase appropriations in Fund 001, General Fund; Fund 126, CDBG Grant; Fund 201, Water; Fund 202, Sewer; and Fund 204, Utility Billing; and Declaring an Emergency.

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

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

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens, CMC
Clerk of Council

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

(SEAL)

AMY WILKENS, CMC
CLERK OF COUNCIL

Exhibit A

2024 ORIGINAL APPROPRIATIONS

<u>Fund - Department/Division</u>	<u>Personnel & Benefits</u>	<u>Other than Personnel & Benefits</u>	<u>Capital</u>	<u>Reserve/Debt Service</u>	<u>Contingency</u>	<u>Fund & Department Total</u>
<u>General Fund (001)</u>						
City Council	\$ 193,420	\$ 46,380	\$ -	\$ -	\$ -	\$ 239,800
Mayor	13,490	3,400				16,890
Community Support		126,000				126,000
City Manager	407,400	64,930				472,330
Community Engagement	106,590	5,100				111,690
Information Technology	275,315	449,354				724,669
Urban Renewal		37,700				37,700
Human Resources	120,116	25,415				145,531
Civil Service	41,730	26,720				68,450
Law	373,130	118,260				491,390
Budget & Finance	512,285	141,670				653,955
Community Development	746,985	186,855				933,840
Economic Development	148,100	33,750				181,850
Health	927,859	822,640				1,750,499
Public Parking		85,600				85,600
Main Street Program		70,000				70,000
Service Administration	190,509	399,200				589,709
Shade Tree		121,885	20,000			141,885
Sustainability		70,000				70,000
Building	385,165	46,185				431,350
Land banking		8,000				8,000
Engineering	323,720	107,500				431,220
Miscellaneous & Sundry		457,250				457,250
Contingency					100,000	100,000
Fund Total	4,765,814	3,453,794	20,000	-	100,000	8,339,608
<u>West Side Fire (101)</u>						
Fire	332,460	37,200				369,660
Fund Total	332,460	37,200	-	-	-	369,660
<u>Street Construction Maintenance & Repair (102)</u>						
Service	1,375,400	1,143,965				2,519,365
Contingency					25,000	25,000
Fund Total	1,375,400	1,143,965	-	-	25,000	2,544,365
<u>State Highway (103)</u>						
Service		87,200				87,200
Fund Total	-	87,200	-	-	-	87,200
<u>Recreation (106)</u>						
Parks & Recreation	1,563,700	804,450	224,000			2,592,150
Fund Total	1,563,700	804,450	224,000	-	-	2,592,150
<u>Food Service (107)</u>						
Health	127,785	24,340	7,500			159,625
Fund Total	127,785	24,340	7,500	-	-	159,625
<u>Income Tax (116)</u>						
Budget/Finance/IncTaxAdmin	146,525	681,600				828,125
Managed Reserve				25,540		25,540
Fund Total	146,525	681,600	-	25,540	-	853,665

2024 ORIGINAL APPROPRIATIONS

<u>Fund - Department/Division</u>	<u>Personnel & Benefits</u>	<u>Other than Personnel & Benefits</u>	<u>Capital</u>	<u>Reserve/Debt Service</u>	<u>Contingency</u>	<u>Fund & Department Total</u>
<u>Revolving Housing (120)</u>						
Health	178,695	21,270	6,300			206,265
Fund Total	178,695	21,270	6,300	-	-	206,265
<u>State & Local Forfeits (121)</u>						
Police						-
Fund Total	-	-	-	-	-	-
<u>Drug Law Enforcement (122)</u>						
Police		15,000				15,000
Fund Total	-	15,000	-	-	-	15,000
<u>Enforcement & Education (123)</u>						
Police		11,000				11,000
Fund Total	-	11,000	-	-	-	11,000
<u>Income Tax Safety (124)</u>						
Police	8,722,965	863,415				9,586,380
Fund Total	8,722,965	863,415	-	-	-	9,586,380
<u>Law Enforcement Trust (125)</u>						
Police						-
Fund Total	-	-	-	-	-	-
<u>Community Development Block Grant (126)</u>						
Community Development	1,685	199,300	478,179			679,164
Fund Total	1,685	199,300	478,179	-	-	679,164
<u>Fire & E.M.S. (128)</u>						
Fire	6,282,490	902,365	845,100			8,029,955
Fund Total	6,282,490	902,365	845,100	-	-	8,029,955
<u>Wireless 911 (129)</u>						
Safety						-
Fund Total	-	-	-	-	-	-
<u>Swimming Pool Inspections (130)</u>						
Health	10,460		1,200			11,660
Fund Total	10,460	-	1,200	-	-	11,660
<u>Police Pension (132)</u>						
Police	160,000					160,000
Fund Total	160,000	-	-	-	-	160,000
<u>Fire Pension (133)</u>						
Fire	160,000					160,000
Fund Total	160,000	-	-	-	-	160,000
<u>UDAG / EDA-RLF (134)</u>						
City Manager/C.D.		60,000				60,000
Fund Total	-	60,000	-	-	-	60,000
<u>CHIP Grant (136)</u>						
City Manager/C.D.	20,000	155,000				175,000
Fund Total	20,000	155,000	-	-	-	175,000

2024 ORIGINAL APPROPRIATIONS

<u>Fund - Department/Division</u>	<u>Personnel & Benefits</u>	<u>Other than Personnel & Benefits</u>	<u>Capital</u>	<u>Reserve/ Debt Service</u>	<u>Contingency</u>	<u>Fund & Department Total</u>
<u>Local American Rescue Plan Act (138)</u>						
ARPA			5,684,400			5,684,400
Fund Total	-	-	5,684,400	-	-	5,684,400
<u>Water (201)</u>						
Service	2,062,257	1,159,545	1,262,400			4,484,202
Service (Capital Facilities)			322,000			322,000
Admin. Support	529,672	164,973	301,500			996,145
Budget & Finance (Debt)				26,740		26,740
Contingency					50,000	50,000
Fund Total	2,591,929	1,324,518	1,885,900	26,740	50,000	5,879,087
<u>Sewer (202)</u>						
Service	1,971,494	964,370	3,700,977			6,636,841
Service (Capital Facilities)			237,280			237,280
Admin. Support	456,045	130,073	173,500			759,618
Budget & Finance (Debt)				443,090		443,090
Contingency					50,000	50,000
Fund Total	2,427,539	1,094,443	4,111,757	443,090	50,000	8,126,829
<u>Utility Billing (204)</u>						
Budget & Finance		112,400				112,400
Fund Total	-	112,400	-	-	-	112,400
<u>Solid Waste (205)</u>						
Admin Support	75,650	176,790	9,000			261,440
Service	394,968	40,500	120,000			555,468
Fund Total	470,618	217,290	129,000	-	-	816,908
<u>Storm Water Utility (208)</u>						
Service	394,968	62,850				457,818
Service (Capital Facilities)		1,000	419,100			420,100
Admin. Support	331,258	78,800	20,000			430,058
Budget & Finance (Debt)				13,350		13,350
Fund Total	726,226	142,650	439,100	13,350	-	1,321,326
<u>Guaranteed Deposits (230)</u>						
Budget & Finance		1,000				1,000
Fund Total	-	1,000	-	-	-	1,000

2024 ORIGINAL APPROPRIATIONS

<u>Fund - Department/Division</u>	<u>Personnel & Benefits</u>	<u>Other than Personnel & Benefits</u>	<u>Capital</u>	<u>Reserve/Debt Service</u>	<u>Contingency</u>	<u>Fund & Department Total</u>
<u>Capital Projects (301)</u>						
Safety			130,000			130,000
Service			804,000			804,000
Service (Capital Facilities)			6,743,557			6,743,557
Administrative	338,969		757,000			1,095,969
Budget & Finance (Debt)				62,280		62,280
New City Hall (Debt)			150,000	58,993.19		208,993.19
Contingency					25,000	25,000
Fund Total	<u>338,969</u>	<u>-</u>	<u>8,584,557</u>	<u>121,273.19</u>	<u>25,000</u>	<u>9,069,799.19</u>
<u>Municipal Public Improvement Tax Increment Equivalent (302)</u>						
Service (Capital Facilities)						-
Budget & Finance (Debt)				435,905		435,905
Fund Total	<u>-</u>	<u>-</u>	<u>-</u>	<u>435,905</u>	<u>-</u>	<u>435,905</u>
<u>Police Facility (303)</u>						
Safety (Capital Facilities)		66,000		811,250		877,250
Budget & Finance (Debt)						0
Fund Total	<u>-</u>	<u>66,000</u>	<u>-</u>	<u>811,250</u>	<u>-</u>	<u>877,250</u>
<u>Debt Service (402)</u>						
Budget & Finance (Debt)				402,006.81		402,006.81
Fund Total	<u>-</u>	<u>-</u>	<u>-</u>	<u>402,006.81</u>	<u>0</u>	<u>402,006.81</u>
<u>Internal Service (807)</u>						
Health Insurance		4,300,000				4,300,000
Fund Total	<u>-</u>	<u>4,300,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>4,300,000</u>
Total Appropriations	<u>\$ 30,403,260</u>	<u>\$ 15,718,200</u>	<u>\$ 22,416,993</u>	<u>\$ 2,279,155</u>	<u>\$ 250,000</u>	<u>\$ 71,067,608</u>
Original Appropriations	\$ 28,632,091	\$ 14,896,000	\$ 8,855,200	\$ 2,279,155	\$ 250,000	\$ 54,912,446
Amendment #1	1,771,169	534,275	13,272,939	-	-	15,578,383
Amendment #2	-	74,688	500	-	-	75,188
Amendment #3		213,237	288,354			501,591
Amendment #4						-
Amendment #5						-
Amendment #6						-
Amendment #7						-
Amendment #8						-
	<u>\$ 30,403,260</u>	<u>\$ 15,718,200</u>	<u>\$ 22,416,993</u>	<u>\$ 2,279,155</u>	<u>\$ 250,000</u>	<u>\$ 71,067,608</u>

2024 ORIGINAL APPROPRIATIONS - SCHEDULE OF OPERATING TRANSFERS AND TEMPORARY ADVANCES

<u>Paying Fund</u>	<u>Original</u>	<u>Request</u>	<u>Change</u>	<u>Receiving Fund</u>
<u>Operating Transfers</u>				
Fund 116 - Income Tax	\$ 3,800,000	\$ -	\$ -	Fund 001 - General
Fund 116 - Income Tax	400,000			Fund 102 - St Const Maint & Repair
Fund 116 - Income Tax	4,360,970			Fund 124 - Income Tax Safety
Fund 116 - Income Tax	4,360,970			Fund 128 - Fire & E.M.S.
Fund 116 - Income Tax	3,902,770			Fund 301 - Capital Projects
Fund 116 - Income Tax	2,180,485			Fund 303 - Police Facility
Total Fund 116 Income Tax	<u>19,005,195</u>	<u>0</u>	<u>0</u>	
Fund 201 - Water	55,000	65,000	10,000	Fund 204 - Utility Billing
Fund 202 - Sewer	55,000	65,000	10,000	Fund 204 - Utility Billing
Fund 001 - General	4,500,000			Fund 124 - Income Tax Safety
Fund 001 - General	3,500,000			Fund 128 - Fire & EMS
Subtotal - Total Operating Transfers	<u>8,110,000</u>	<u>130,000</u>	<u>20,000</u>	
Grand Total - All Transfers	<u>\$ 27,115,195</u>	<u>\$ 130,000</u>	<u>\$ 20,000</u>	

DRAFT ORDINANCE NO. 2024 – 057

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

WHEREAS, the City of Kent Council desires to obtain a temporary easement from Taco Bell of America, LLC; and

WHEREAS, Taco Bell of America, LLC is willing to grant a temporary easement in said property for \$6,975.00; 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 for the City of Kent to obtain a 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", on file in the Council office.

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

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

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens, CMC
Clerk of Council

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

(SEAL)

AMY WILKENS, CMC
CLERK OF COUNCIL

DRAFT ORDINANCE NO. 2024 - 058

AN ORDINANCE AUTHORIZING AMENDMENTS TO THE CITY OF KENT'S ZONING CODE IN ORDER TO INCORPORATE NEW LAND USE OF "ADULT USE CANNABIS (RECREATIONAL) FACILITIES" AND DECLARING AN EMERGENCY.

WHEREAS, on January 17, 2024, Kent City Council authorized a temporary moratorium for "adult use cannabis operators, testing laboratories, and individuals; and

WHEREAS, on May 21, 2024, staff met with the Planning Commission to discuss the proposed text amendments and voted unanimously to recommend Council approve all the proposed text amendments; and

WHEREAS, the following chapters will be amended:

- 1) Chapter 1102: Definitions;
- 2) Chapter 1103: Zoning Districts, Land Use, and Zoning Map;
- 3) Chapter 1105: Conditions Applicable to Specific Land Uses;
- 4) Chapter 1107: Parking, Loading and Access Management.

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

SECTION 1. That Kent City Council does hereby authorize the amendments of the City of Kent's Zoning Code, and is more fully set forth in Exhibit "A", attached hereto and incorporated herein.

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

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

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens, CMC
Clerk of Council

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

(SEAL)

AMY WILKENS, CMC
CLERK OF COUNCIL

The proposed text amendments listed in blue below will allow for the establishment of two new land use categories:

1. Vape Shop
2. Adult Use Cannabis Facility

SECTION 1102.07: DEFINITIONS

(#) Vape Shop: A retail establishment where a substantial portion of the use 20% of its retail display floor area is for the sale and display of alternative nicotine products, e-liquids, or electronic nicotine delivery systems, including but not limited to e-cigarettes, vapes, pens, rigs, tanks, mods, or pod-mods for the delivery and human consumption of nicotine, or any other substance intended for human consumption, that can be used by a person to simulate smoking through the inhalation of vapor or aerosol.

(#) Adult Use Cannabis (Recreational) Facilities: A level I adult use cultivator, a level II adult use cultivator, a level III adult use cultivator, an adult use processor, an adult use dispensary, or adult use testing laboratory, as defined in Section 3780.01(A) of the Ohio Revised Code (ORC), engaged in the processing, testing, dispensing, or sale of marijuana, as the term marijuana is defined in Section 3719.01 of the Ohio Revised Code.

SECTION 1103.07: TABLE OF LAND USES BY DISTRICT

													I	
Vape Shops													C	<u>Error! Reference source not found.</u>
													I	
Adult Use Cannabis (Recreational) Facilities													C	<u>Error! Reference source not found.</u>

SECTION 1103.22: I: INDUSTRIAL DISTRICT

(C) Conditionally Permitted Uses

to be assigned. Vape Shops

to be assigned. Adult Use Cannabis (Recreational) Facility

SECTION 1105.66: VAPE SHOPS

(numbering will shift for other listed land uses)

(A) Potential Concerns.

(1) Hours of Operation.

(2) Lighting.

(B) Conditions.

(1) Every vape shop must not be located within five hundred (500) feet of another vape shop.

SECTION 1105.01: ADULT USE CANNABIS (RECREATIONAL) FACILITIES

(numbering will shift for other listed land uses)

(A) Potential Concerns.

(1) Hours of Operation.

(B) Conditions.

(1) Such uses must be conducted at least five hundred (500) feet from any residential district.

(2) The operation and maintenance of such use must be such that they will not be hazardous, noxious, or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matters or water-carried wastes.

(3) Every adult use cannabis facility must comply with all licensing requirements of the Ohio Revised Code Chapter 3780 Et. Seq., as amended. Such facilities must operate in compliance with every State of Ohio law and City ordinance.

(4) Every adult use cannabis facility must not be located within five hundred (500) feet of the boundaries of a parcel of real estate having situated on it a school, church, public library, public playground, or public park. This does not apply to research related to marijuana conducted at a state university, academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity.

(5) Every adult use cannabis facility must not be located within five hundred (500) feet of a community addiction services provider.

(6) Every adult use cannabis facility must not be located within five hundred (500) feet of another adult cannabis facility.

SECTION 1107.05: MINIMUM NUMBER OF PARKING SPACES REQUIRED

(A) The following standards must be used in order to determine the minimum number of parking spaces required for the specified use:

<u>Use</u>	<u>Parking Requirements</u>
Adult Use Cannabis Facilities	One (1) parking space per 500 sq. ft.

DRAFT ORDINANCE NO. 2024 - 059

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A LICENSE AGREEMENT WITH THE HAYMAKER FARMERS' MARKET (HFM, INC.) TO INSTALL A NEW MURAL BENEATH THE HAYMAKER PARKWAY BRIDGE; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent Service Department would like to enter into a License Agreement with Haymaker Farmers' Market to install a new mural on the concrete slope protection underneath the Haymaker Parkway Bridge; and

WHEREAS, the City of Kent is required to maintain Haymaker Parkway per its agreement with the Ohio Department of Transportation (ODOT) and is coordinating with ODOT to obtain their approval as ODOT is the owner of the bridge.

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

SECTION 1. That the City Manager, or his designee, be and hereby is authorized to enter into a License Agreement with the Haymaker Farmers' Market (HFM, INC.) to install a new mural beneath the Haymaker Parkway's bridge and is more fully described in Exhibit "A" attached hereto and incorporated herein.

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

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

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens, CMC
Clerk of Council

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

(SEAL)

AMY WILKENS, CMC
CLERK OF COUNCIL

CITY OF KENT, OHIO
LICENSE AGREEMENT

THIS AGREEMENT is made by and between the CITY OF KENT, OHIO, hereinafter called "City" and Haymaker Farmers Market (HFM Inc.), hereinafter called the "Licensee."

The City is required to maintain Haymaker Parkway per its agreement with the Ohio Department of Transportation, hereinafter known as the "Property." For and in consideration of the covenants, conditions, agreements and stipulations of the License expressed herein, the City does hereby agree the Property may be used by the Licensee for the purpose as outlined in Part 1 below, in accordance with the laws and Charter of the City of Kent. The Property is more particularly described in the attached exhibit listed below.

Exhibit "A" – Site plan showing the area being leased.

The parties hereto covenant and agree as follows:

1. NATURE OF INTEREST:

The Licensee understands that by issuing this license, the City has merely granted the Licensee the right to place a mural on two piers and this license does not grant or convey to the Licensee any interest in the Property.

2. USE:

2.1 The Property shall be used for the purpose of: _____
Placement or installation of a painting on the two easternmost piers
and the concrete slope protection adjacent to the forward abutment of
Bridge No. POR 00043 1152 (SFN 6701132) located on SR 43/59
immediately west of the Haymaker Parkway/Water Street Intersection.

_____ and for no other purpose.

2.2 No structural alterations may be made to the City's property without the express written permission of the City of Kent, Director of Public Service.

3. TERM:

The City does hereby agree the Property may be used by the Licensee for a term of one (1) year commencing on _____, 2024, and ending on _____, 2025 unless terminated earlier by either party. This license will automatically renew yearly unless one (1) month before expiration either party notifies the other of its intention to terminate per Paragraph 1.

4. NECESSARY LICENSES AND PERMITS:

- 4.1** Licensee shall be licensed to do business in the State of Ohio and City of Kent, and upon request, Licensee shall demonstrate to the City that any and all such licenses are in good standing. Correspondence shall be addressed as follows:

All correspondence to the City shall be addressed:

Service Director
City of Kent
930 Overholt Road
Kent, Ohio 44240

All correspondence to the Licensee shall be addressed:

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

5. STORAGE AND VENDING:

No storage of materials or supplies of any nature will be permitted on the Property except as directly related to the agreed business use of the Property.

6. TAXES:

Licensee agrees to be responsible for and to timely pay all taxes and/or assessments that may be legally assessed on Licensee's interest, or on any improvements placed by Licensee on said Property, during the continuance of the license hereby created, including any real estate taxes. The Licensee must provide written notice to the City, at the address referenced in Paragraph 4.1, within thirty (30) days of payment of all taxes and/or assessments.

7. DIRECTOR OF PUBLIC SERVICE TO ACT FOR CITY:

The granting of this permit shall not be construed as an abridgment or waiver of any rights which the Director of Public Service has in exercising his jurisdictional powers over the City highway system. The City Director of Public Service shall act for and on behalf of the City of Kent in the issuance of and carrying out the provisions of this permit.

8. CITY USE OF PROPERTY:

If for any reason the Director of Public Service or his duly appointed representative deems it necessary to order the removal, reconstruction, relocation or repair of the Licensee's changes to the City's property, then said removal, reconstruction, relocation or repair shall be promptly undertaken at the sole expense of the Licensee's thereof. Failure on the part of the Licensee to conform to the provisions of this permit will be cause for suspension, revocation or annulment of this permit, as the Director of Public Service deems necessary.

9. MAINTENANCE OF PROPERTY:

Licensee shall, at its sole expense, keep and maintain the Property free of all weeds, debris, and flammable materials of every description, and at all times in an orderly, clean, safe, and sanitary condition consistent with neighborhood standards. A high standard of cleanliness, consistent with the location of the area as an adjunct of the City, will be required. Defoliant, noxious, or hazardous materials or chemicals shall not be used or stored on the Property.

10. MAINTENANCE OF IMPROVEMENTS:

10.1 Licensee, at Licensee's own cost and expense, shall maintain all of his/her improvements to the Property. Licensee shall take all steps necessary to effectively protect the Property from damage incident to the Licensee's use of such Property, all without expense to the City.

10.2 Licensee shall be liable to, and shall reimburse the City for, any damage to City owned property that in any way results from or is attributable to the use of said Property by the Licensee or any person entering upon the same with the consent of the Licensee, expressed or implied.

11. HOLD HARMLESS:

Licensee shall occupy and use Property at its own risk and expense and shall save the City and the State of Ohio, its officers, agents, and employees, harmless from any and all claims for damage to property, or injury to, or death of, any person, entering upon same with Licensee's consent, expressed or implied, caused by any acts or omissions of the Licensee.

12. **INSURANCE:**

12.1 At the time of the execution of this Agreement, Licensee shall, at its own expense, take out and keep in force during the terms of this Agreement:

(a) Liability insurance, in a company or companies to be approved by the City to protect against any liability to the public incident to the use of, or resulting from injury to, or death of, any person occurring in or about, the Property, in the amount of not less than ***Five Hundred Thousand Dollars (\$500,000.00)***, to indemnify against the claim of one person, and in the amount of not less than ***One Million Dollars (\$1,000,000.00)*** against the claims of two (2) or more persons resulting from any one (1) accident.

(b) Property damage or other insurance in a company or companies to be approved by the City to protect Licensee, and the City against any and every liability incident to the use of or resulting from any and every cause occurring in, or about, the Property, including any and all liability of the Licensee, in the amount of not less than ***One Hundred Thousand Dollars (\$100,000.00)***. Said policies shall inure to the contingent liabilities, if any, of the Licensee and the City, and shall obligate the insurance carriers to notify Licensee and the City, in writing, not less than thirty (30) days prior to cancellation thereof, or any other change affecting the coverage of the policies. If said policies contain any exclusion concerning property in the care, custody or control of the insured, an endorsement shall be attached thereto stating that such exclusion shall not apply with regard to any liability of the Licensee and the City.

12.2 A copy of the "Certificate of Insurance" will be submitted to the City at the time of execution of license and annually thereafter.

13. **MODIFICATION:**

The terms of this Agreement may be modified upon agreement of the parties.

14. **REVOCATION AND TERMINATION:**

14.1 The City may revoke this license at any time. The Licensee may terminate this Agreement at any time.

14.2 In the event this license is revoked or the Agreement is terminated the Licensee will peaceably and quietly leave, surrender, and yield up to the City the Property. The Property will be restored to its previous condition at the expense of the Licensee and no costs for removal will be reimbursed by the City.

14.3 Upon revocation of the license or upon termination or expiration of Agreement, any personal property, or other appurtenances, including all footings, foundations, and utilities, placed on the City property will be removed by Licensee. If any such appurtenances are not so removed after ninety (90) days written notice from the City to the Licensee, the City may proceed to remove the same and to restore the Property and the Licensee will pay the City, on demand, the reasonable cost and expense of such removal and restoration.

15. RELOCATION:

A Licensee who licenses property from the City shall not be eligible for relocation payments.

IN WITNESS WHEREOF, this Agreement has been executed in duplicate by the parties hereto as of the date herein last written below. Licensee acknowledges receipt of a copy of this Agreement and agrees to comply with the provisions herein contained.

LICENSEE(S):

Signature

Signature

Mailing Address

Telephone

Date

CITY OF KENT, OHIO

Director of Public Service

Date

APPROVED AS TO FORM:

Hope Jones, Law Director
City of Kent

EXHIBIT "A"

SITE PLAN

