



**City of Kent**  
**Wednesday, July 10, 2024**  
City Council Committee Meeting  
320 S. Depeyster Street, Kent, OH 44240

**AGENDA**

Special Meeting to Follow (Separate Agenda)

**6:55 P.M. Board of Control**

**7:00 P.M. Public Hearings**

1. In accordance with O.R.C. §5705.28, notice was given on June 17, 2024, that a Public Hearing will be held on the City of Kent Annual Tax Budget for the fiscal year ending December 31, 2025.
2. On June 25, 2024 and July 3, 2024, notice was given that the Kent City Council was conducting a Public Hearing to allow for public comment and questions regarding the City of Kent's application for a Designated Outdoor Refreshment Area Expansion.

**Council Committee Meetings Immediately Following Public Hearing**

1. **Committee of the Whole** Chair Fiala/ Vice-Chair Amrhein
  - 1.1. Board and Commission Interview Process  
City Council Led Discussion
  - 1.2. City Hall Project Update  
Melanie Baker, Service Director
2. **Community Development Committee** Chair Rosenberg/ Vice-Chair Clapper
  - 2.1. Decarbonization Planning for the City Buildings  
Bridget Susel, Community Development Director  
NOPEC/World Kinect
  - 2.2. Proposed Operating Agreement for the Sale of Adult Use Marijuana  
Bridget Susel, Community Development Director
  - 2.3. Dora Expansion Request  
Development Director
3. **Finance Committee** Chair DeLeone/Vice-Chair Celko
  - 3.1. Tax Budget  
Rhonda Hall, Budget and Finance Director

3.2. Insurance Coverage

Rhonda Hall, Budget and Finance Director

3.3. Budget Appropriation Amendment

Rhonda Hall, Budget and Finance Director

3.4. OPWC Grant/Loan Application Request

Jim Bowling, City Engineer

4. **Executive Session**

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

**Adjourn to Special Council Meeting**

## TENTATIVE JULY 2024 CALENDAR

| Sunday | Monday                                                                   | Tuesday                           | Wednesday                                                   | Thursday                             | Friday | Saturday |
|--------|--------------------------------------------------------------------------|-----------------------------------|-------------------------------------------------------------|--------------------------------------|--------|----------|
|        | 1<br>5:00 pm Shade Tree Comm.<br>5:30 pm Sustainability Comm.            | 2                                 | 3                                                           | 4<br>Independence Day                | 5      | 6        |
| 7      | 8                                                                        | 9<br>5:30 pm Health Board Mtg     | 10<br>7:00 p.m. Council Committee Mtgs; Special Council Mtg | 11<br>4:00 pm Standing Rock Cemetery | 12     | 13       |
| 14     | 15<br>5 pm Civil Service Commission Mtg.<br>7 pm Board of Zoning Appeals | 16<br>7:00 pm Planning Commission | 17                                                          | 18<br>5:30 pm Parks & Rec Mtg. Board | 19     | 20       |
| 21     | 22                                                                       | 23                                | 24<br>7:00 pm Reg. Council Mtg                              | 25                                   | 26     | 27       |
| 28     | 29                                                                       | 30                                | 31                                                          |                                      |        |          |

## KENT CITY COUNCIL'S PENDING LIST

| Administration                                       | Date of Motion | Motion Made by  |
|------------------------------------------------------|----------------|-----------------|
| Senior Advisory Committee                            | 10/18/2017     | Ferrara; Sidoti |
| Discussion with Franklin Twp. /sidewalk snow upkeep  | 01/19/2022     | Shaffer Bish    |
| Review of Roadwork Needed on Portage St.             | 05/17/2023     | Wallach         |
| Review Language of KRC 339.02 Regarding Semi Parking | 03/20/2024     | Amrhein         |
| Review of Lifting of Adult Use Marijuana Moratorium  | 04/17/2024     | Hook            |
| Explore Use of Consent Agenda                        | 04/17/2024     | Hook            |
| Recognize Juneteenth as City Holiday                 | 06/19/2024     | Sidoti          |

| Council Committees                                            | Month/Yr.  | Motion Made by |
|---------------------------------------------------------------|------------|----------------|
| Land O' Lakes Noise Issue- <b>Comm/Whole</b>                  | 08/16/2023 | Turner         |
| Noise Ordinance Review – <b>Health &amp; Public Safety</b>    | 11/15/2023 | Amrhein        |
| Fur Regulations and Sales in Kent- <b>Community Dev.</b>      | 12/20/2023 | Wallach        |
| Downtown Street Closure Procedures- <b>Community Dev.</b>     | 01/17/2024 | Rosenberg      |
| Downtown Historic District- <b>Community Dev.</b>             | 02/24/2024 | Shaffer Bish   |
| Role of Architecture Review Board- <b>Community Dev.</b>      | 02/24/2024 | Celko          |
| Parks and Rec Survey and Master Plan- <b>Comm/Whole</b>       | 02/24/2024 | Sidoti         |
| Requirement for In Person Board Interviews- <b>Comm/Whole</b> | 03/20/2024 | Rosenberg      |
| Arborist & Health Dept. used in Rental Inspections            | 06/19/2024 | Clapper        |

**Posted July 3, 2024** Amy Wilkens | Clerk of Council | Kent City Council

*Any person who requires an auxiliary aid or service for effective communication or a modification of policies and procedures to participate in any City or City Council public meeting or event should contact the Clerk of Council at 330-676-7555 or councilclerk@kentohio.gov. Any request for an auxiliary aid or other accommodation should be made as soon as possible, but no later than forty-eight hours prior to the event.*





| City          | Interviews? | Process                                                                                                                                                                                                                                   |
|---------------|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Aurora        | No          | Mayor appoints, Council Confirms Appointments                                                                                                                                                                                             |
| Beachwood     | Yes/No      | Mayor Appoints, Council Confirms Appointments.<br>If Council appointment, interview during Legal and Personnel Committee then a motion to appoint at next Council Meeting                                                                 |
| Brecksville   | Yes         | Council President and the Council Representative to the specific Board or Commission along with Mayor interview the applicants. Most appointments are the Mayor's with Council approval. They schedule interviews outside public meetings |
| Brooklyn      | No          | Mayor appoints, Council Confirms Appointments                                                                                                                                                                                             |
| Brunswick     | No          | Application completed by applicant, reviewed by Mayor who makes selection. Mayoral appointment approved by Council during Council Meeting                                                                                                 |
| Hudson        | Yes         | Interviews in executive session with an early start before Council meetings. If there are many applicants, we do a special workshop and go into executive session on a weekend                                                            |
| N. Olmsted    | Yes         | Interview during an Intra Governmental Committee Meeting and vote on the appointment at Council                                                                                                                                           |
| N. Ridgeville | No          | Mayor recommends and Council Appoints                                                                                                                                                                                                     |
| Orville       | No          | Mayor Appoints, Council Confirms Appointments                                                                                                                                                                                             |
| Painesville   | Yes         | Interview Committee formed, (A few council members, dept. Head, and chairperson of the committee) interviews candidate and makes recommendation to Council. Resolution put on the agenda to appoint at council meeting                    |
| Stow          | No          | Mayor Appoints, Council Confirms Appointments                                                                                                                                                                                             |



# CITY OF KENT, OHIO

## DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: July 2, 2024

TO: Dave Ruller, City Manager

FROM: Bridget Susel, Community Development Director *BS*

RE: City of Kent Decarbonization Planning

The Community Development Department has been working with World Kinect, a consultant group hired by NOPEC, to assist the City of Kent with developing a decarbonization plan in order to identify possible actions to be considered as the City moves forward with its efforts to implement various aspects of the City's 2023 Climate Action Plan. The decarbonization planning includes:

1. Analysis of the City's current energy and carbon use/emission portfolio;
2. Evaluation of sourcing strategies to reduce emissions;
3. Assessment of four possible "on-site" solar locations, two of which will need to be identified by Council as possible future solar-array implementation sites;
4. Review of best practices to consider for application of renewable energy credits.

The decarbonization plan was comprehensive in its scope and even included energy efficiency audits at four City buildings, including the Service Administration Complex, the Vehicle Maintenance building, Fire Station 1, and the Police Station.

Both the carbon footprint inventory and the energy efficiency audits are components of the City's Municipal Energy Management Plan (MEMP), which is an identified objective in the City's 2023 Climate Action Plan.

The vast majority of the current federal grant opportunities for sustainability and resiliency initiatives require communities to have completed a climate action plan, a decarbonization plan, and/or energy efficiency audits of publicly-owned buildings as minimum requirements to apply for funding. It should be noted that in most instances, because of Kent's population size, the City will not be able to apply directly to a federal agency for grant funding. The City will fall within what is often referred to as the "balance of State" communities in which available federal grant funding will be allocated through various State of Ohio departments as "pass through" funding. Julie Morris, the City's Sustainability Coordinator, is actively monitoring these various State department funding notices and now has the data and analyses in place that will allow her to apply for grant assistance once funding announcements are issued by the State.

I am respectfully requesting time at the July 10, 2024 Council Committee meeting to provide the consultant, World Kinect with the opportunity to present the City's decarbonization plan and to request Council input and direction on which two of the four possible on-site solar array locations it wants staff to prioritize as part of its decarbonization implementation efforts.

If you need any additional information in order to add this item to the agenda, please let me know.

Thank you.

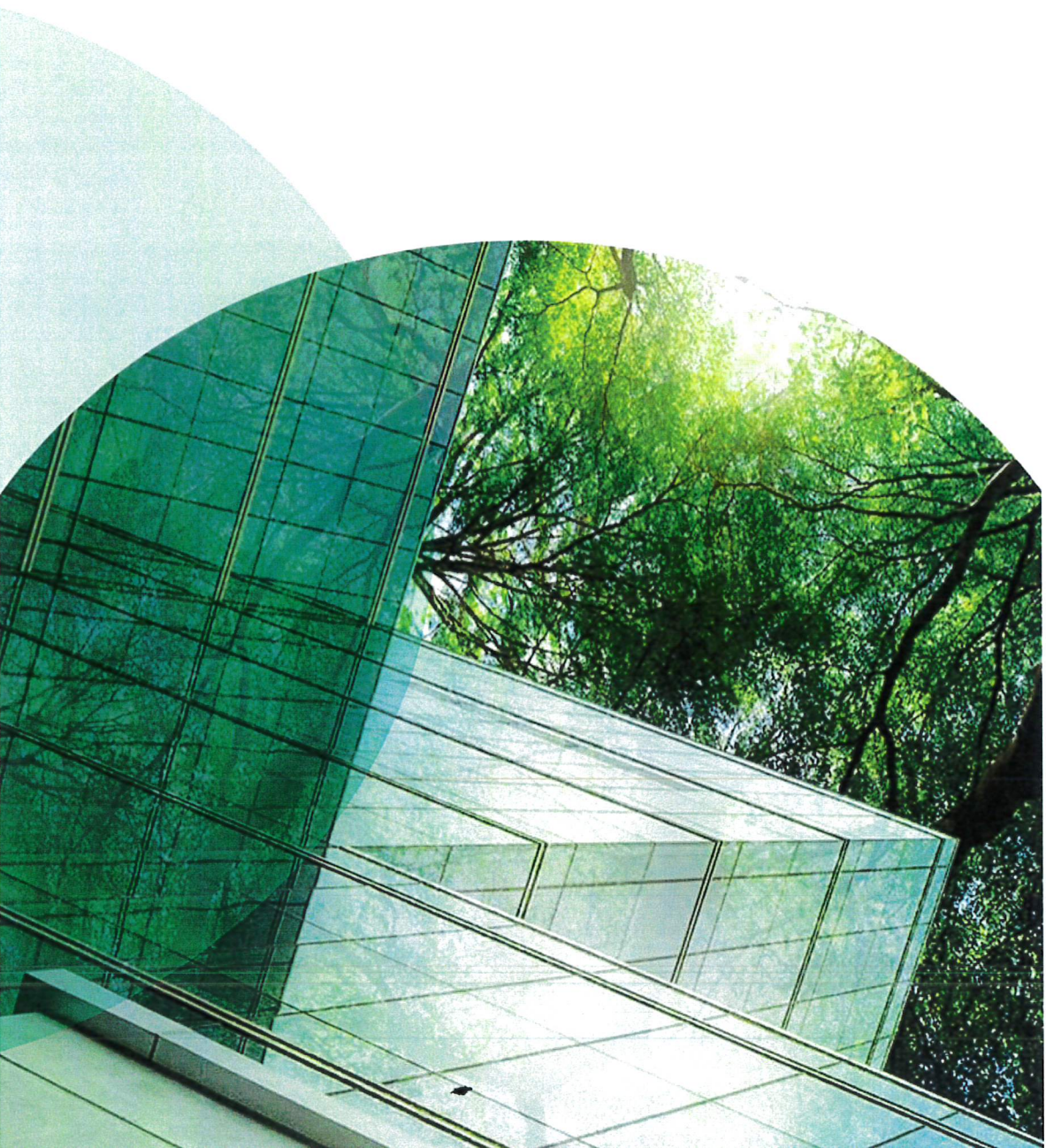
Attachment

cc: Julie Morris, Sustainability Coordinator  
Hope Jones, Law Director  
Amy Wilkens, Clerk of Council  
Patti Long, Executive Assistant



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# City of Kent Decarbonization Planning Carbon Footprint Inventory May 2024



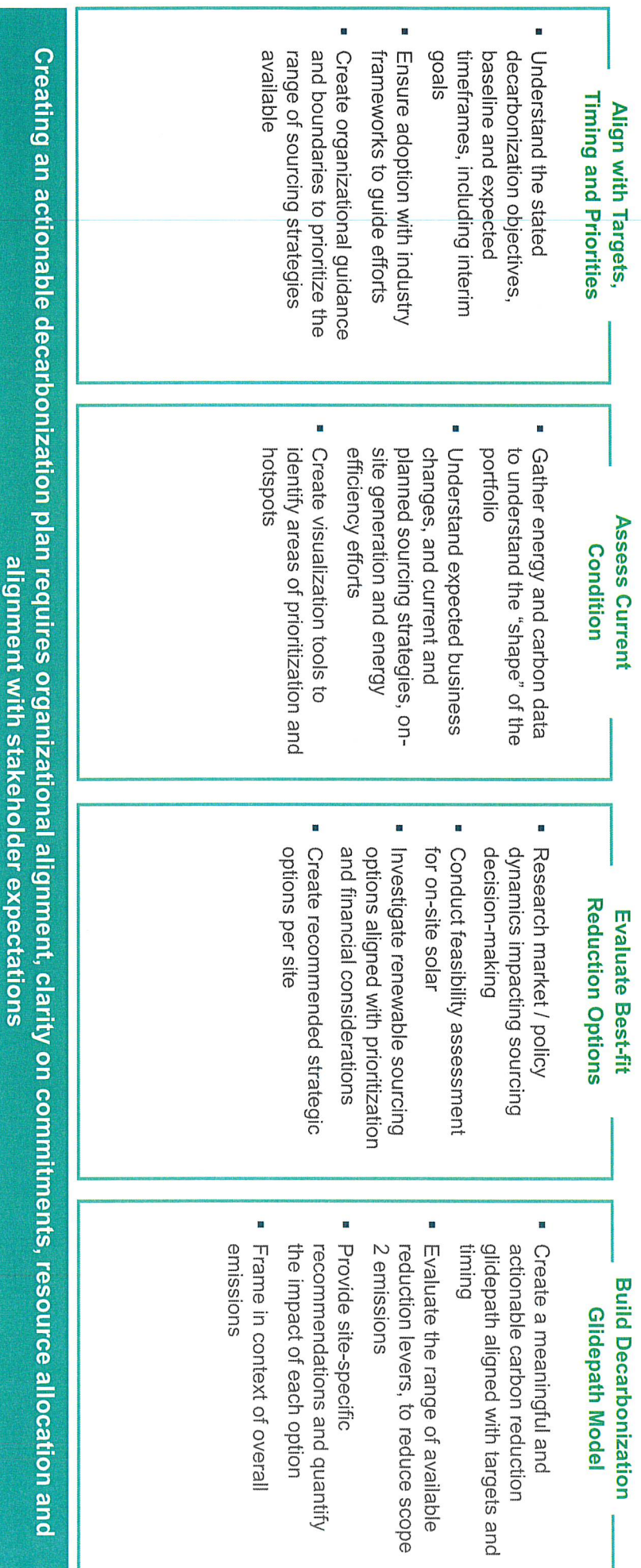


# Agenda

1. Executive summary and glidepath
2. Portfolio analysis
3. Sourcing strategies
4. On site solar
5. Renewable energy credits (RECs)



# Decarbonization Planning Approach and Process



# Executive Summary

- City of Kent is committed to taking action to reduce organizational carbon emissions
- The scope of the analysis encompasses 16 City-owned facilities, multiple freestanding electric accounts and diesel and gasoline purchases
  - 57 electric accounts primarily street and traffic lights
  - Diesel and gasoline use across fleet and misc. small engine uses
- The objective of the decarbonization strategy is to develop a meaningful, actionable plan based on a comprehensive energy and carbon analysis.
- Total Carbon Footprint of the assessed City facilities for 2022 is 5,266 Mt CO<sub>2</sub>e
  - Scope 1 emissions accounts for 1,527 Mt (Diesel and gasoline are 53% of Scope 1 emissions)
  - Scope 2 emissions accounts for 3,739 Mt (using Market factors)
- Based on the portfolio analysis and option evaluation, the primary levers available to City of Kent are focused on sourcing strategies:
  - 2,558 Mt CO<sub>2</sub>e of carbon reduction is needed to achieve a 50% reduction from the 2022 baseline, representing 71% of City of Kent's total Scope 2 emissions
- To be Net Zero for the City's 2022 energy use through purchase of RECs and offsets, it would cost approximately \$27,175 (\$4/MWh RECs and \$8/Mt offsets)

## Summary and Recommendations

### Key Strategic Considerations

- The new City hall is not included in these calculations as it was still under construction
- Total electricity use for the City is over 7,865 MWh in 2022
- Based on utility bills provided, we estimate that total electricity spend was ~\$617,000 in 2022
- Liquid fuels (diesel and gasoline) were 53% of scope 1 emissions

### Recommendations

- Consider on site solar at two locations.
  - Police Department (rooftop)
  - Water treatment facility (ground mount)
- Additional renewable energy procurement may be necessary due to limited size of production available
- Electrification of the fleet vehicles as available will make a significant impact on the total scope 1 emissions and can be mitigated through scope 2 options
- Energy efficiency Audits and projects will reduce scope 1 and 2 emissions and utility costs



# Summary of Carbon Accounting Principals

## Definitions and Reporting Guidance

| Methodology              | Definition                                                                                                                                                                                                                     |
|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Location-based Reporting | <ul style="list-style-type: none"> <li>Quantification based on the average emissions intensity of grids where electricity consumption occurs</li> </ul>                                                                        |
| Market-based Reporting   | <ul style="list-style-type: none"> <li>Quantification based on emissions emitted by generators from which the reporter has contractual instruments</li> </ul>                                                                  |
| Residual Mix             | <ul style="list-style-type: none"> <li>The mix of energy generation resources and associated attributes in a defined geographic boundary left after contractual instruments have been claimed, retired, or canceled</li> </ul> |

### Reporting Guidance

- While emissions factors change, use the most recent published factors available at the time of reporting
- When reporting historical usage align the data year with the reporting period. If the corresponding data year is not available, use the preceding year's factors
- Locations that do not support a market-based method will use the location factors. This will result in location and market numbers being identical
- Organizations should use the most appropriate, accurate, precise and highest quality emissions factor available for each method based on the recommended factor hierarchy

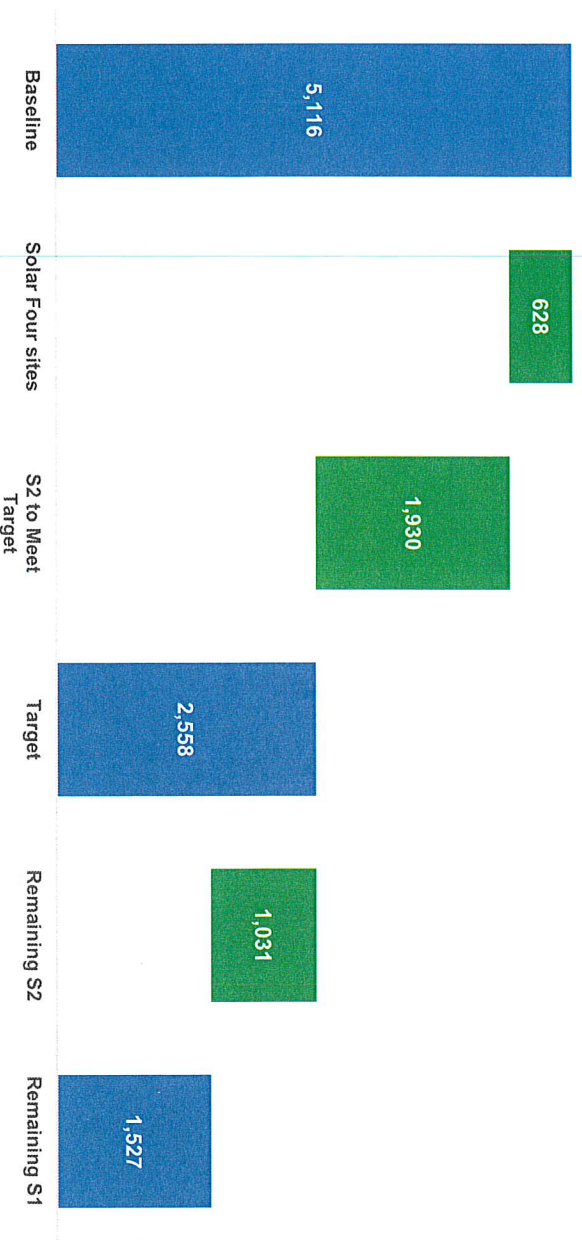




# City of Kent Decarbonization Glidepath Model

## Emissions Reductions to Meet 50% emissions target

Carbon Reduction Glidepath Model



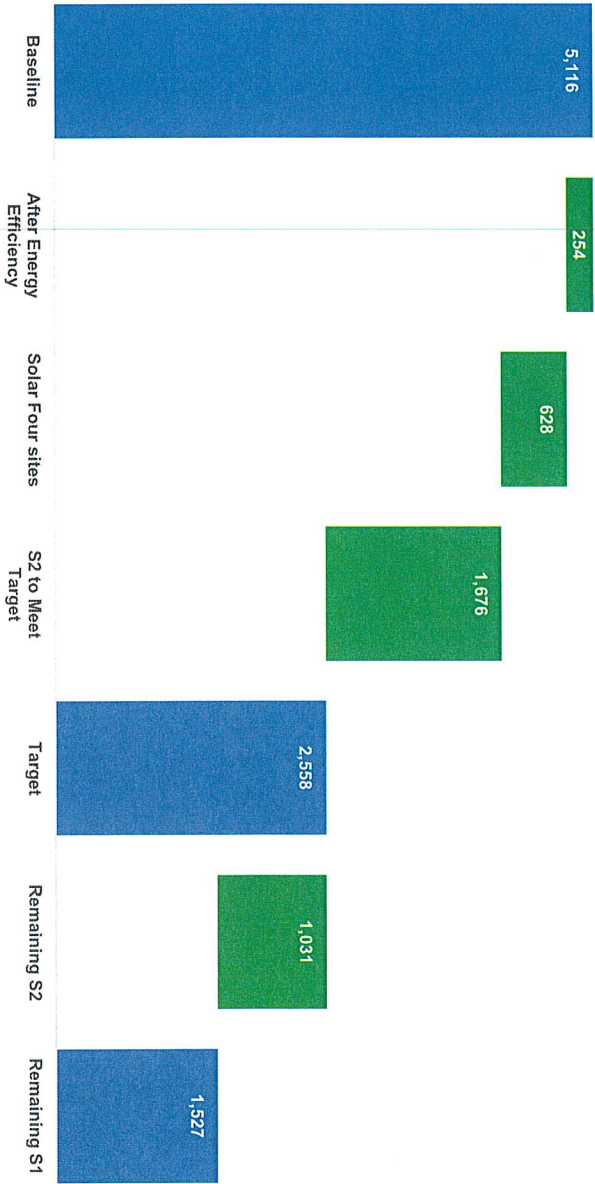
Base Case Model Assumptions

- Baseline for carbon reduction targets is 2022
- 2022 Market factors based on most recent available Green-e Residual Mix factors (2021 data)
- Natural gas gasoline, and diesel (scope 1) and electricity (scope 2) are included in the analysis
  - Additional emissions include HVAC leaks and water treatment plants are not included in this analysis
- Does not incorporate growth or energy efficiency changes
- Solar installations at 4 sites based on projected generation and carbon savings.

# City of Kent Decarbonization Glidepath Model

## Emissions Reduction with Energy Efficiency

Carbon Reduction Glidepath Model



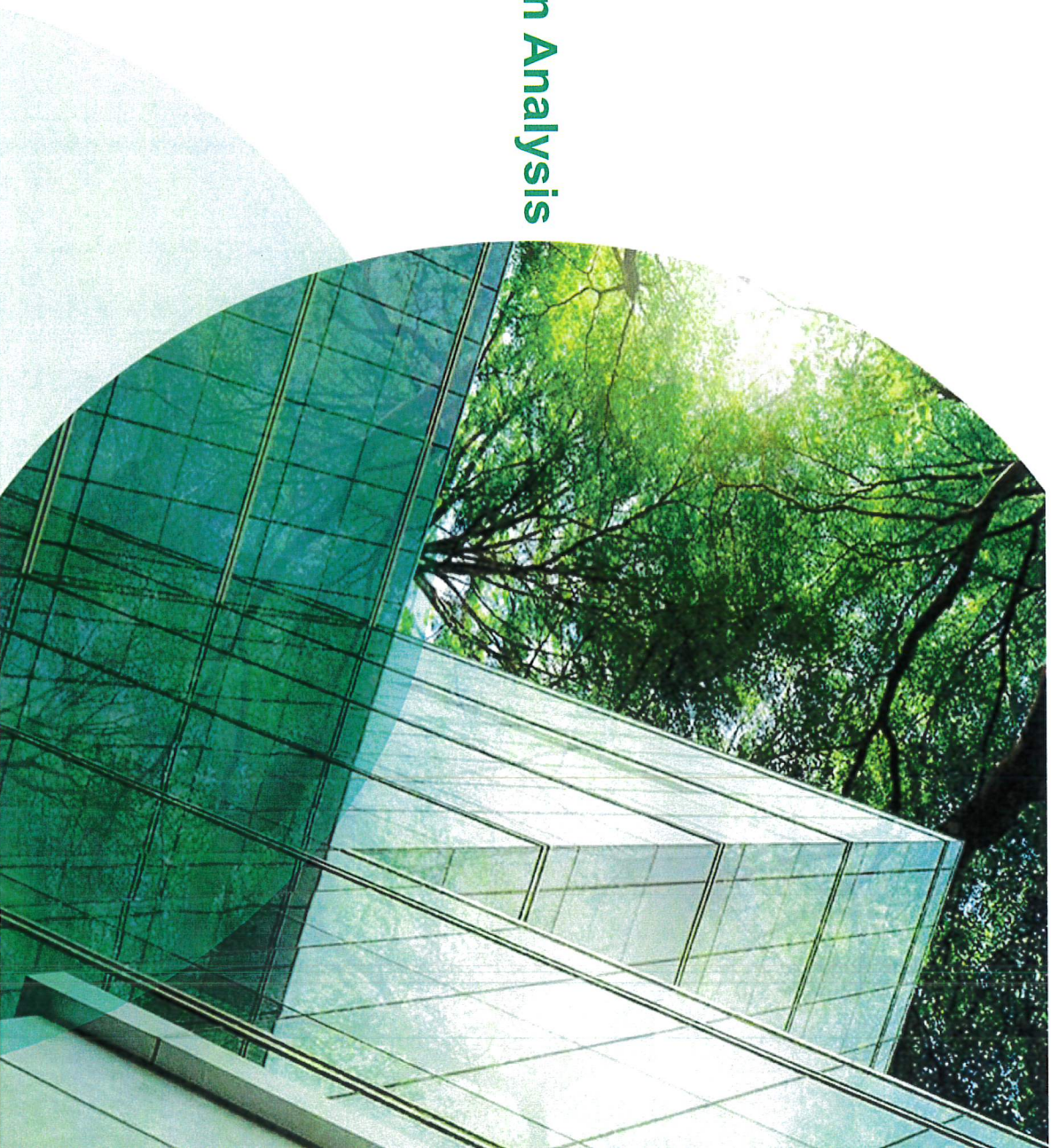
Base Case Model Assumptions

- Baseline for carbon reduction targets is 2022
- 2022 Market factors based on most recent available Green-e Residual Mix factors (2021 data)
- Natural gas gasoline, and diesel (scope 1) and electricity (scope 2) are included in the analysis
  - Additional emissions include HVAC leaks and water treatment plants are not included in this analysis
- Includes estimated energy efficiency reductions
  - 6% Electricity reduction in each account
  - 4% Natural Gas reduction each building
  - 15% reduction in liquid fuel use (gas and diesel)
- Solar installations at 4 sites based on projected generation and carbon savings.



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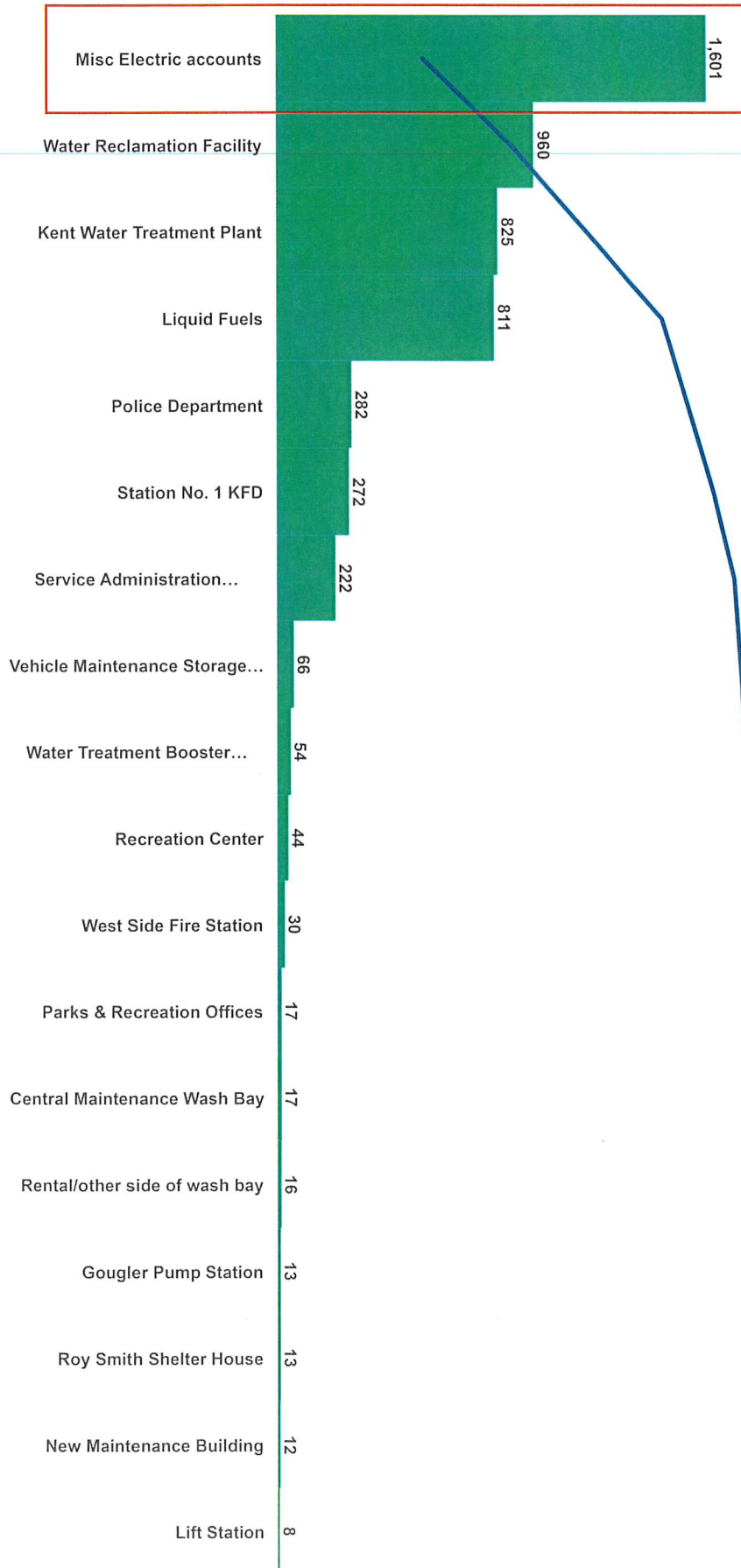
# City of Kent Decarbonization Planning Portfolio Energy and Carbon Analysis



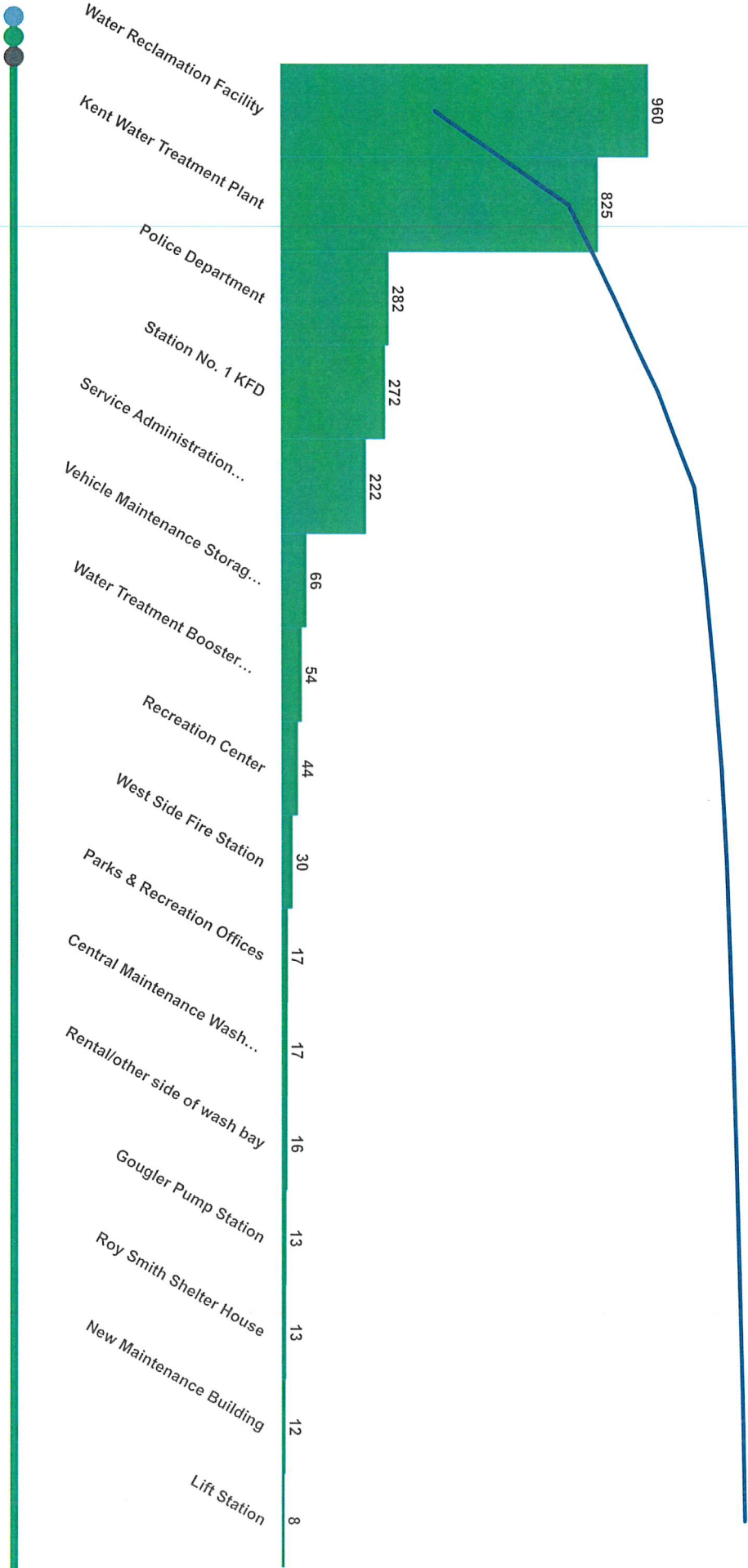


# Portfolio Carbon Emissions

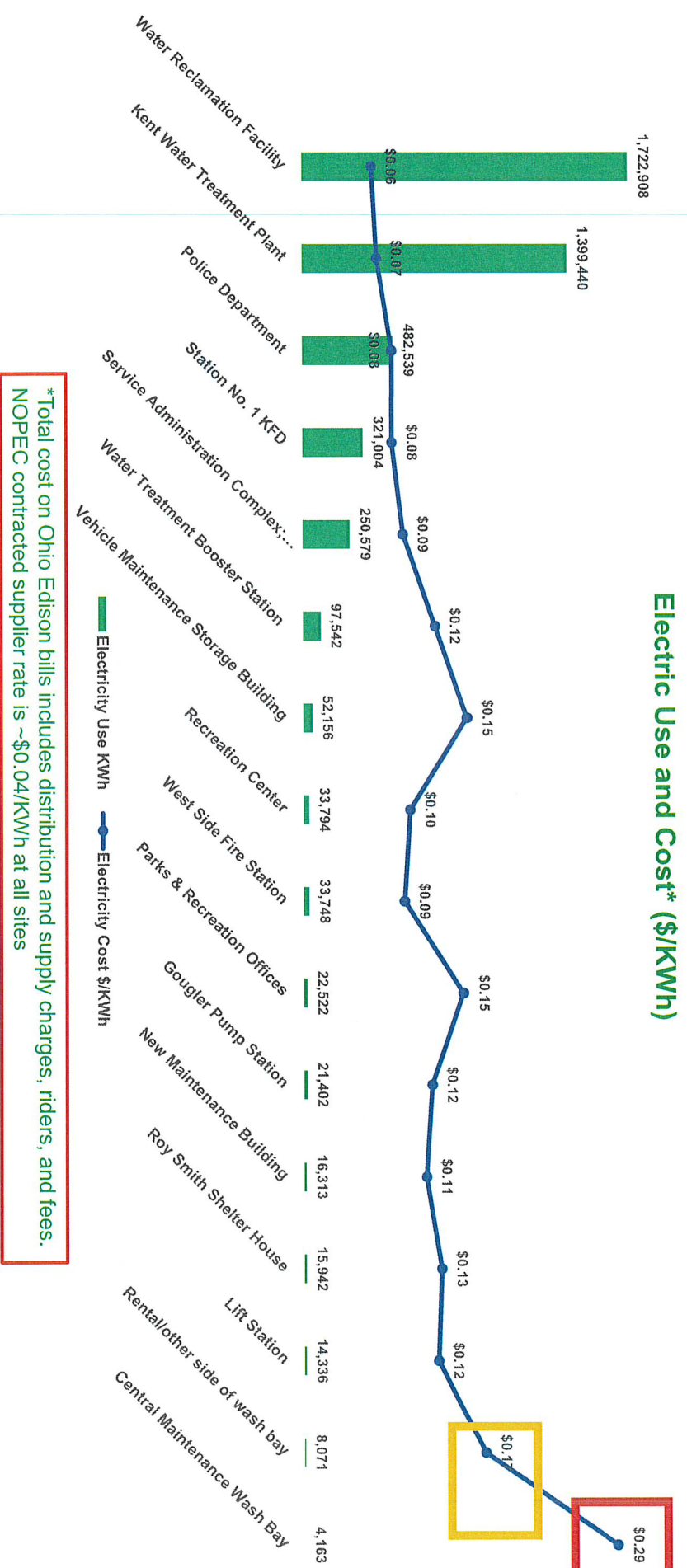
Combined street and traffic lights



# Building Carbon Emissions



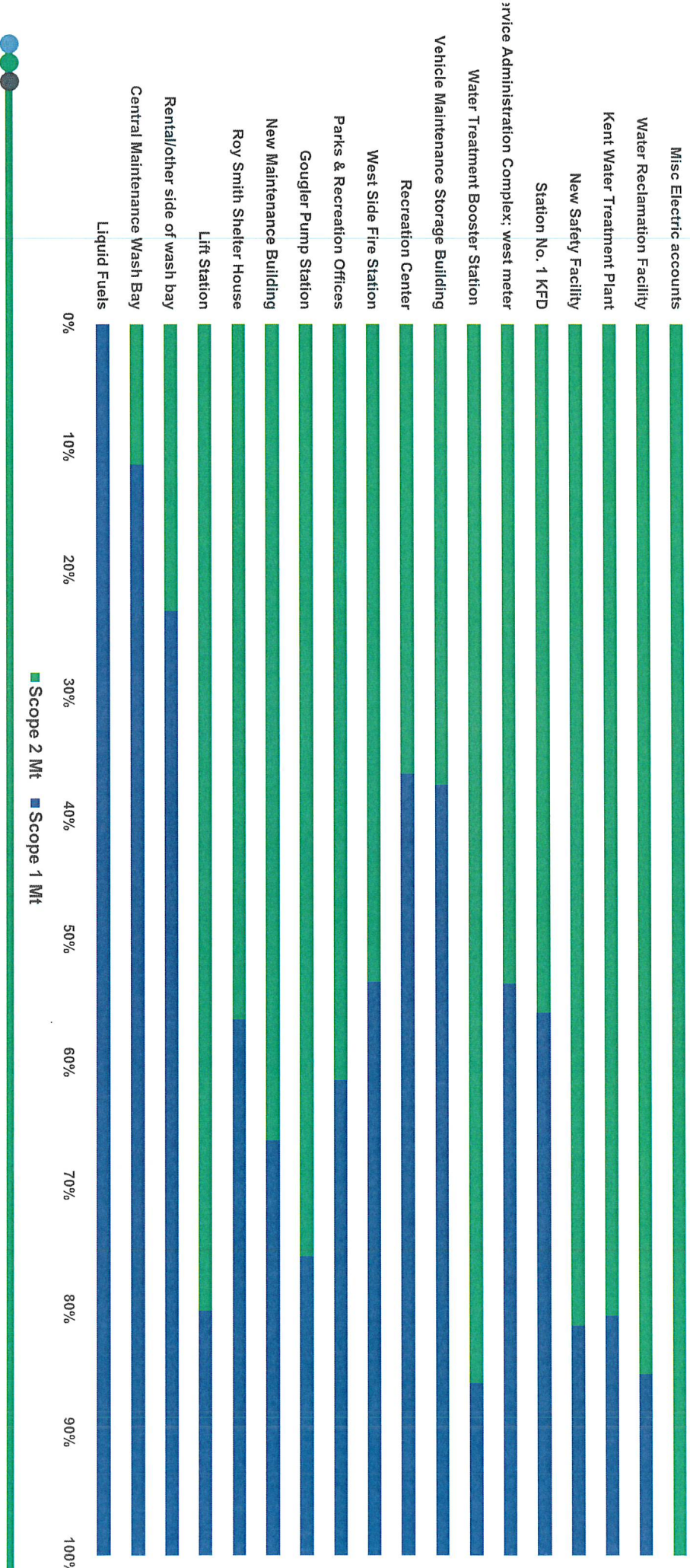
# Key Electricity Metrics: 2022



\*Total cost on Ohio Edison bills includes distribution and supply charges, riders, and fees.  
 NOPEC contracted supplier rate is ~\$0.04/KWh at all sites



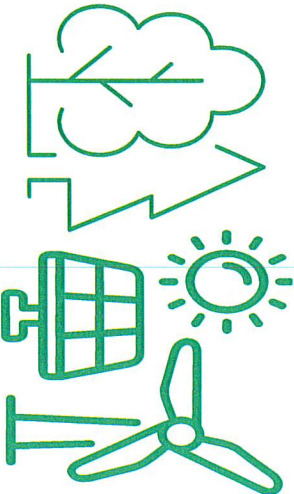
# Carbon Emissions by Scope



# Carbon Equivalents

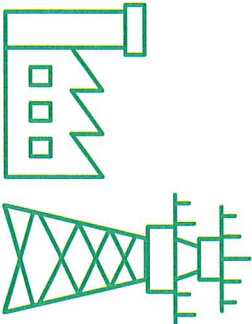
## Total City Footprint

- 5266 Mt CO2e



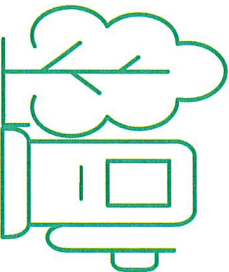
## Electricity: Scope 2

- 7,865 MWh
- 3739 Mt CO2e



## Liquid Fuels

- Gasoline and Diesel
- Combine use of 85,723 Gallons
- 811 Mt CO2e

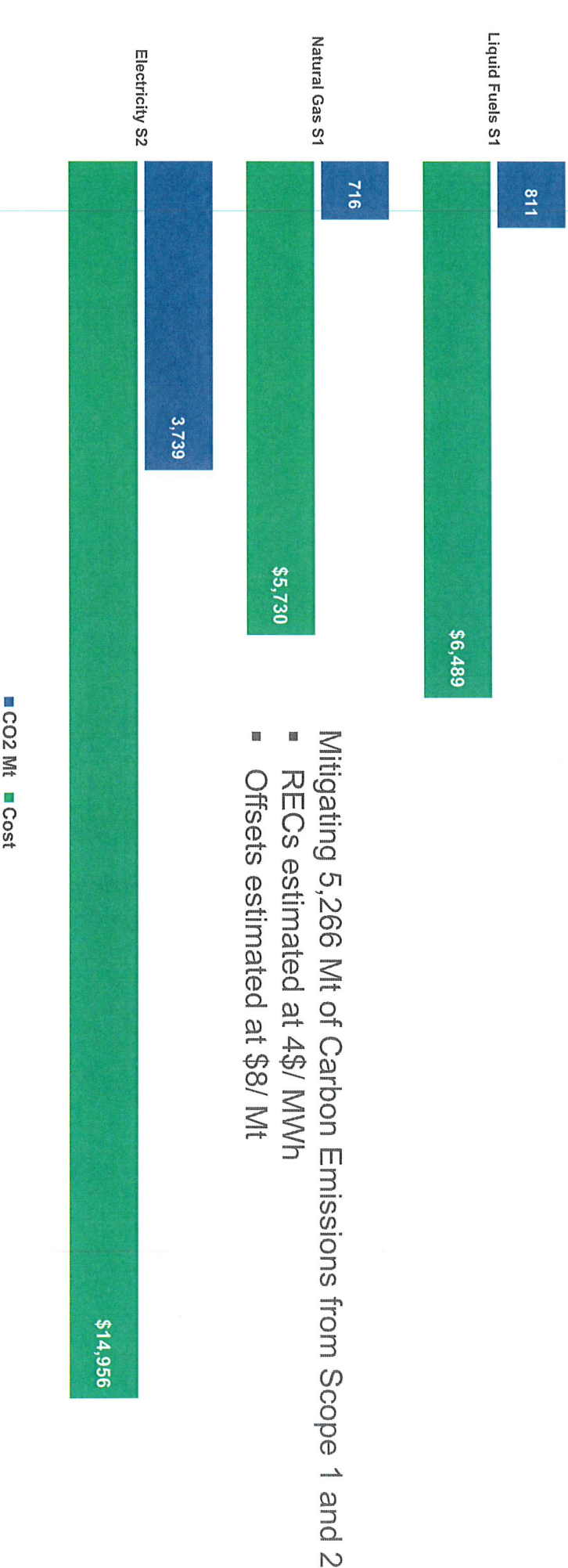


6,148 Acres of Forest for one year  
1.4 Wind Turbines running for one year

Equal to 2,060 Tons of Coal burned

Equivalent of 13,410 Tree seedlings grown for 10 years

# Cost to Reach Net Zero Today

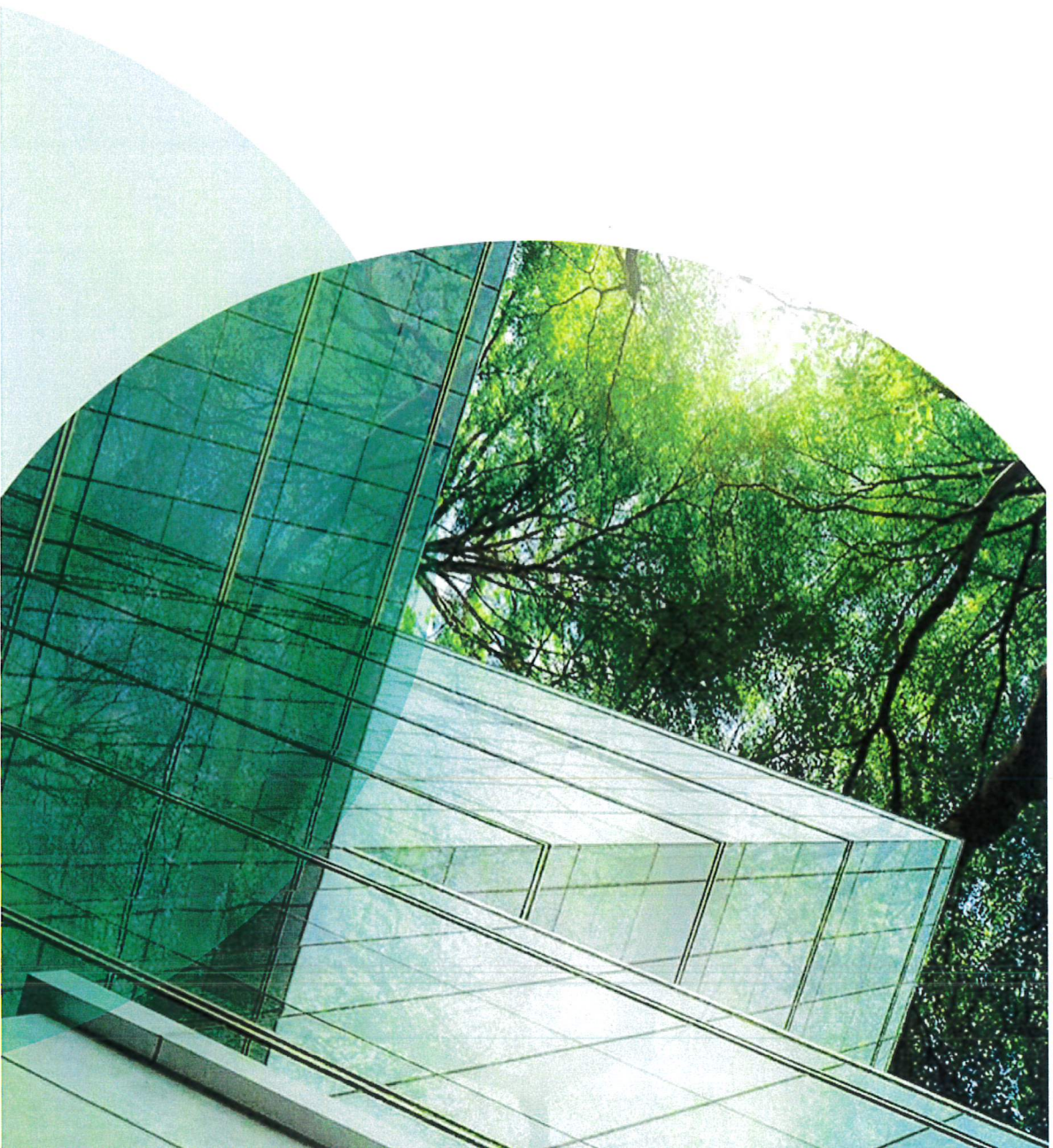




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# **City of Kent Decarbonization Planning Sourcing Strategies**

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# Sourcing Renewable Power

## Strategic Options to Reduce Scope 2 Emissions

### Key Considerations

#### Generate **Additional** Certified Renewable Power

Install Renewable Energy Systems

Generate new renewable power on-site



- Market and policy factors that support or inhibit on-site solar
- Viability includes site ownership, physical characteristics, energy profile and rates
- CapEx or PPA financial structures available
- Suited for larger electricity volumes
- Can be physical (take title to power) or virtual (financial structure)
- Ability to enter long-term contractual arrangements, with contract for differences structure

Enter into a Power Purchase Agreement

Use renewable power directly from 3<sup>rd</sup>-party generators



Buy Renewable Energy Certificates (RECs)

Use renewable power backed by certificate



- Simple contracting mechanisms; can be sourced nationally
- Price depends on type of certificate and location; terms typically short to medium-term
- Acceptable strategy within leading industry frameworks
- Contracting directly through provider, invoiced as part of bill
- Type of renewables can vary; can be regional or national (Note: can also include zero-carbon options, such as Nuclear)
- Acceptable strategy within leading industry frameworks
- Typically, short-term contracts

#### Purchase **Existing** Certified Renewable Power

Procure a Renewable Tariff from a Utility or Supplier

Use renewable power backed by certificates





# Strategic Evaluation of Electricity Sourcing Options

| Alternative                                                                                                                           | Description                                                                                                         | Scalability | Cost | Transactional Ease | Risk |
|---------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|-------------|------|--------------------|------|
|  On-Site Solar                                      | Project located at the facility; RECs must be retained. Can be CapEx or PPA structure                               | 1           | 4    | 3                  | 3    |
|  Financial / Virtual PPA (VPPA)                      | Financial contract for differences for power bundled with environmental attributes from a specific generating asset | 3           | 4    | 1                  | 2    |
|  Regulated Utility Green Tariffs or Supplier Program | Utility or supplier developed green power programs bundled with electricity contract                                | 2           | 2    | 4                  | 3    |
|  Nuclear "Emissions Free Energy Certificate" (EFEC)  | Select retail suppliers offer a carbon free, nuclear power; not considered "renewable"                              | 1           | 4    | 4                  | 3    |
|  Unbundled RECs                                      | Title to environmental claims from nonspecific projects                                                             | 4           | 3    | 4                  | 3    |

Least Favorable 1 — 4 Most Favorable

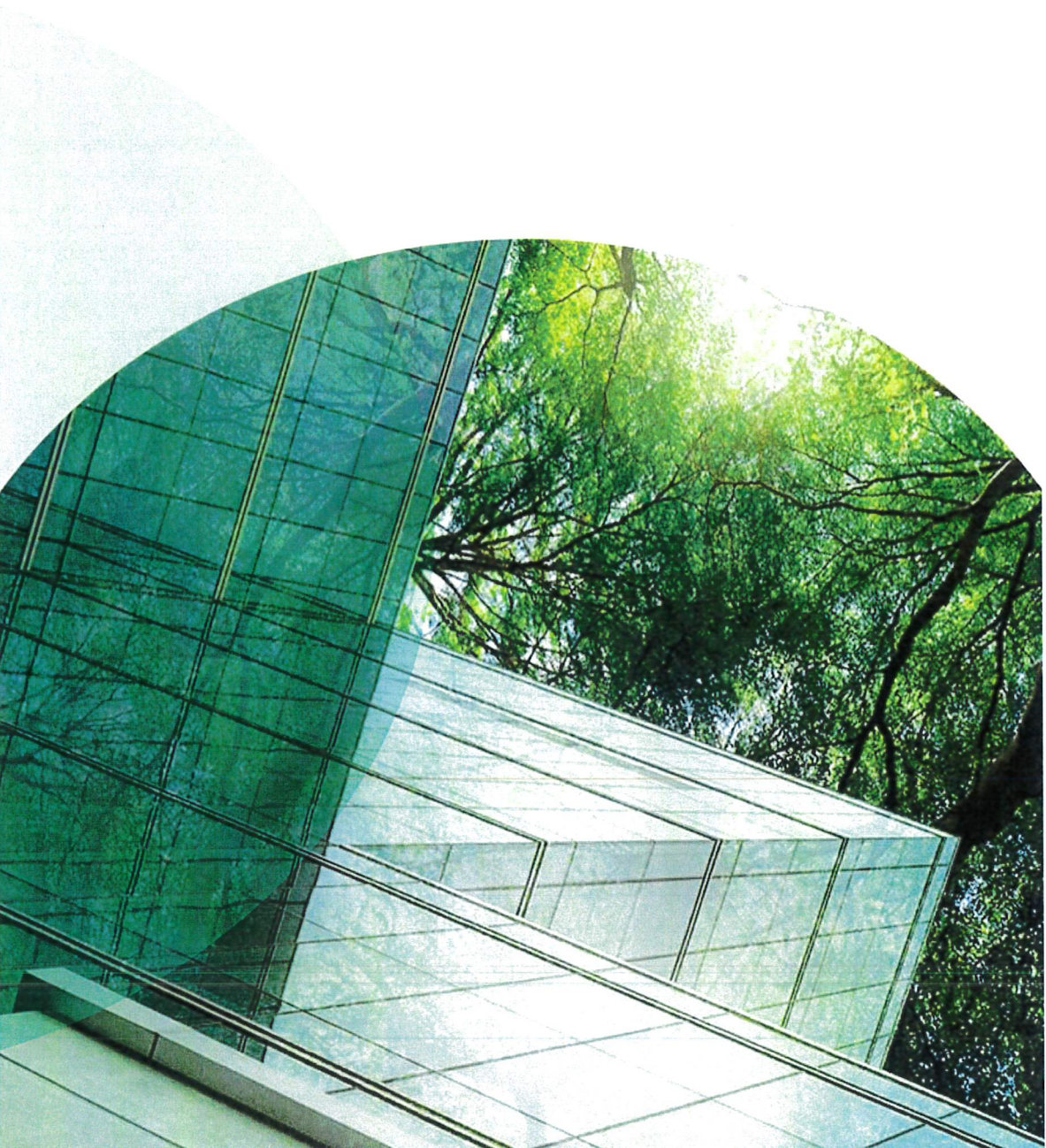


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# **City of Kent Decarbonization Planning**

## **On-site Solar**

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# Solar Assessment

## City of Kent: Police Department

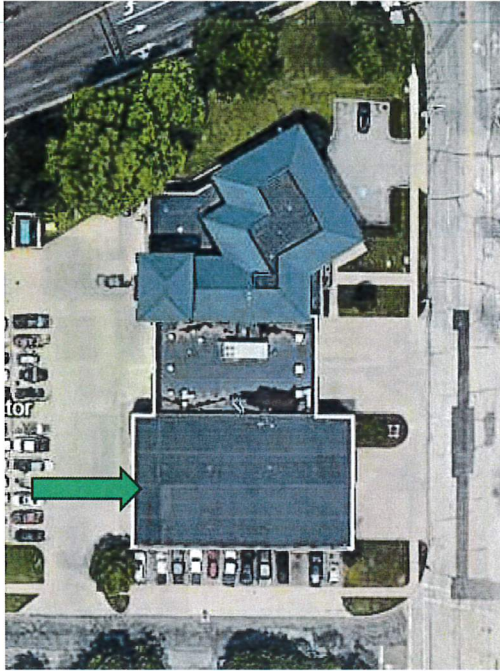


| 301 S. Depeyster St.    |                       |
|-------------------------|-----------------------|
| System Size             | 49.0kW                |
| Solar Production        | 57,543 kWh            |
| Current Electricity Use | 482,539 kWh           |
| % of Total Electricity  | 11.9%                 |
| Carbon Reduction        | 27 Mt CO <sub>2</sub> |
| REC Cost Avoidance      | \$82                  |



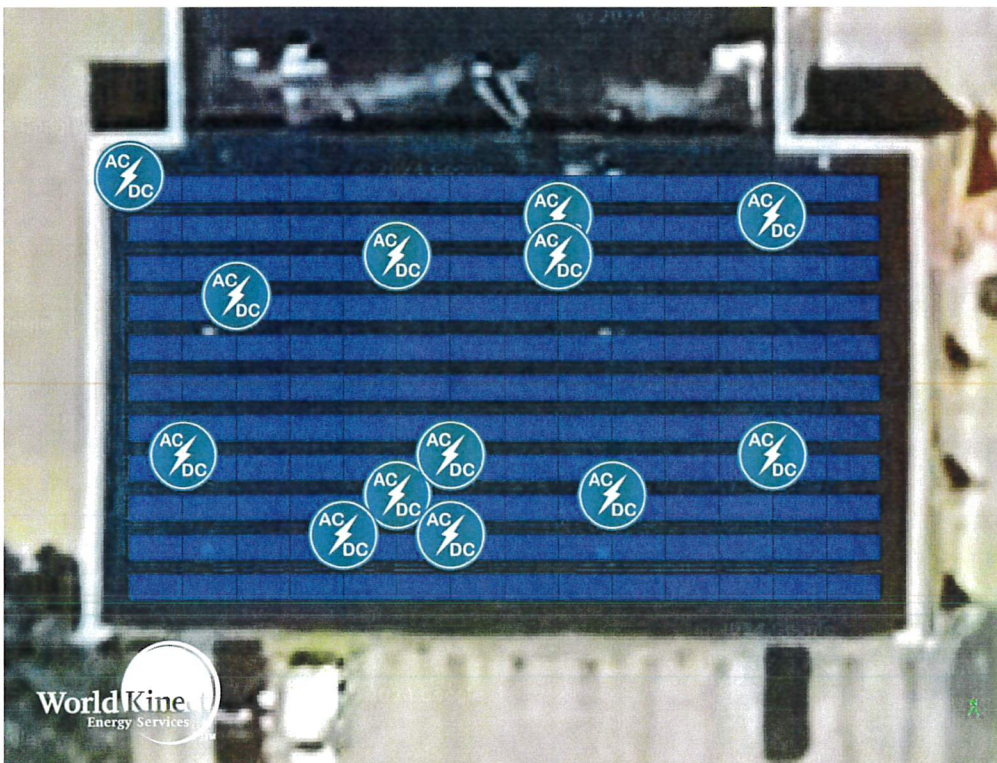
# Solar Assessment

## City of Kent: Fire Station #1



### 320 S. Depeyster St.

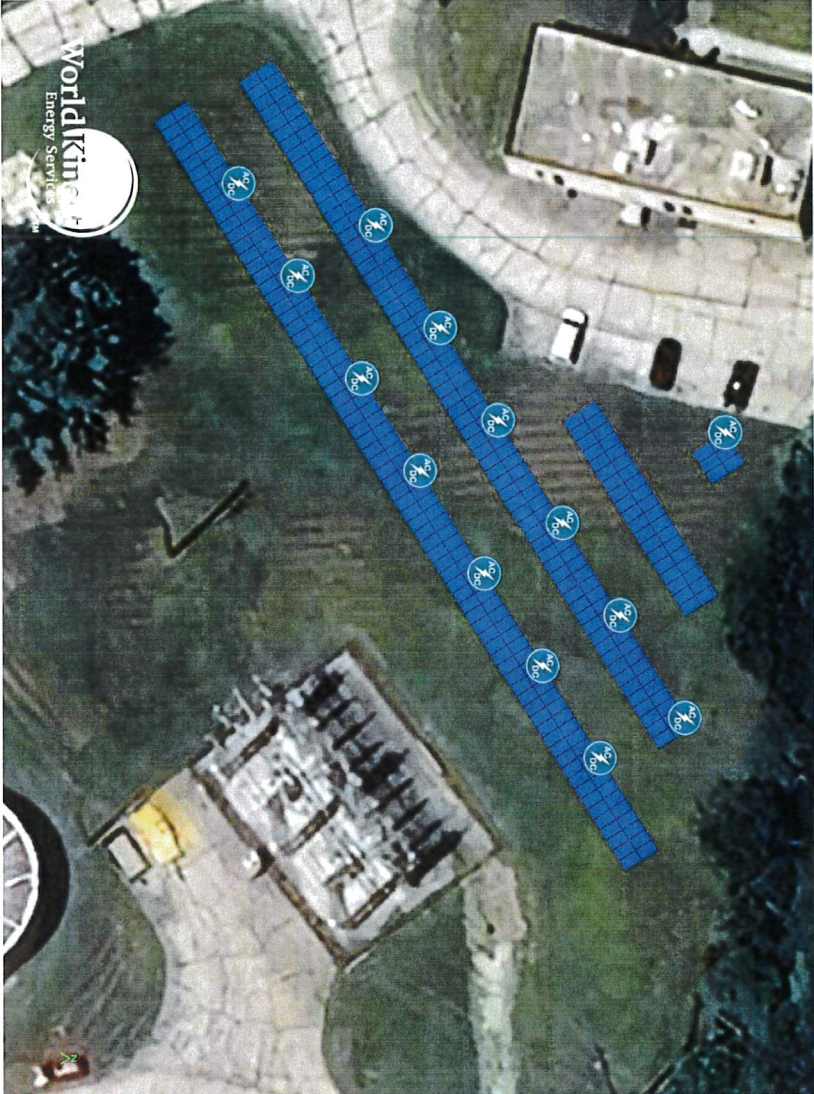
|                         |                       |
|-------------------------|-----------------------|
| System Size             | 75.5 kW               |
| Solar Production        | 91,816 kWh            |
| Current Electricity Use | 321,004 kWh           |
| % of Total Electricity  | 28.6%                 |
| Carbon Reduction        | 44 Mt CO <sub>2</sub> |
| REC Cost Avoidance      | \$131                 |





# Solar Assessment

## City of Kent: Water Reclamation Plant



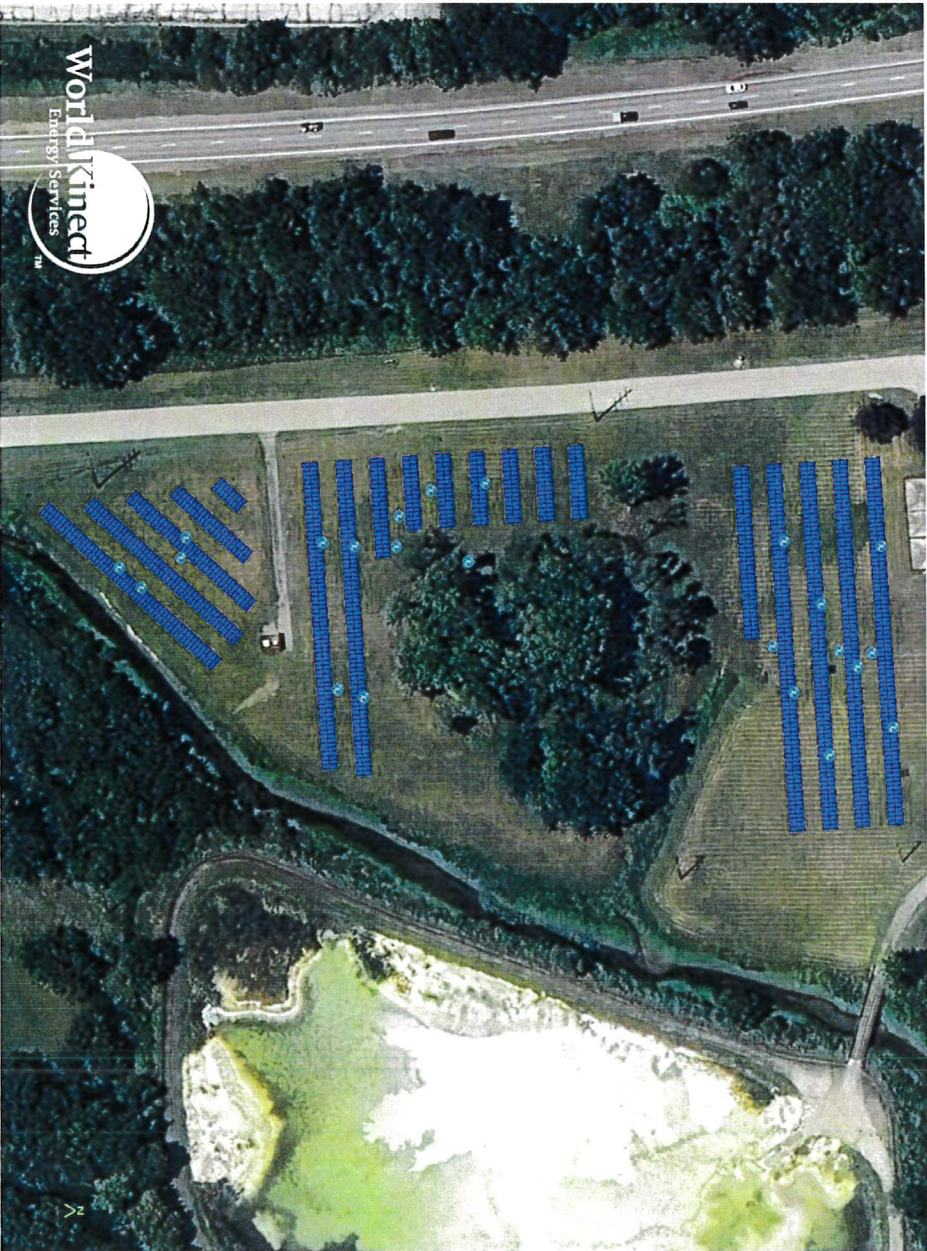
| 641 Middlebury Rd.      |                       |
|-------------------------|-----------------------|
| System Size             | 102.4 kW              |
| Solar Production        | 129,051 kWh           |
| Current Electricity Use | 1,722,908 kWh         |
| % of Total Electricity  | 7.5%                  |
| Carbon Reduction        | 61 Mt CO <sub>2</sub> |
| REC Cost Avoidance      | \$184                 |



# Solar Assessment

## City of Kent: Water Treatment Plant

| 5860 Hodgeman Ln        |                        |
|-------------------------|------------------------|
| System Size             | 802.6 kW               |
| Solar Production        | 1,043,525 kWh          |
| Current Electricity Use | 1,399,440 kWh          |
| % of Total Electricity  | 74.6%                  |
| Carbon Reduction        | 496 Mt CO <sub>2</sub> |
| REC Cost Avoidance      | \$1,488                |

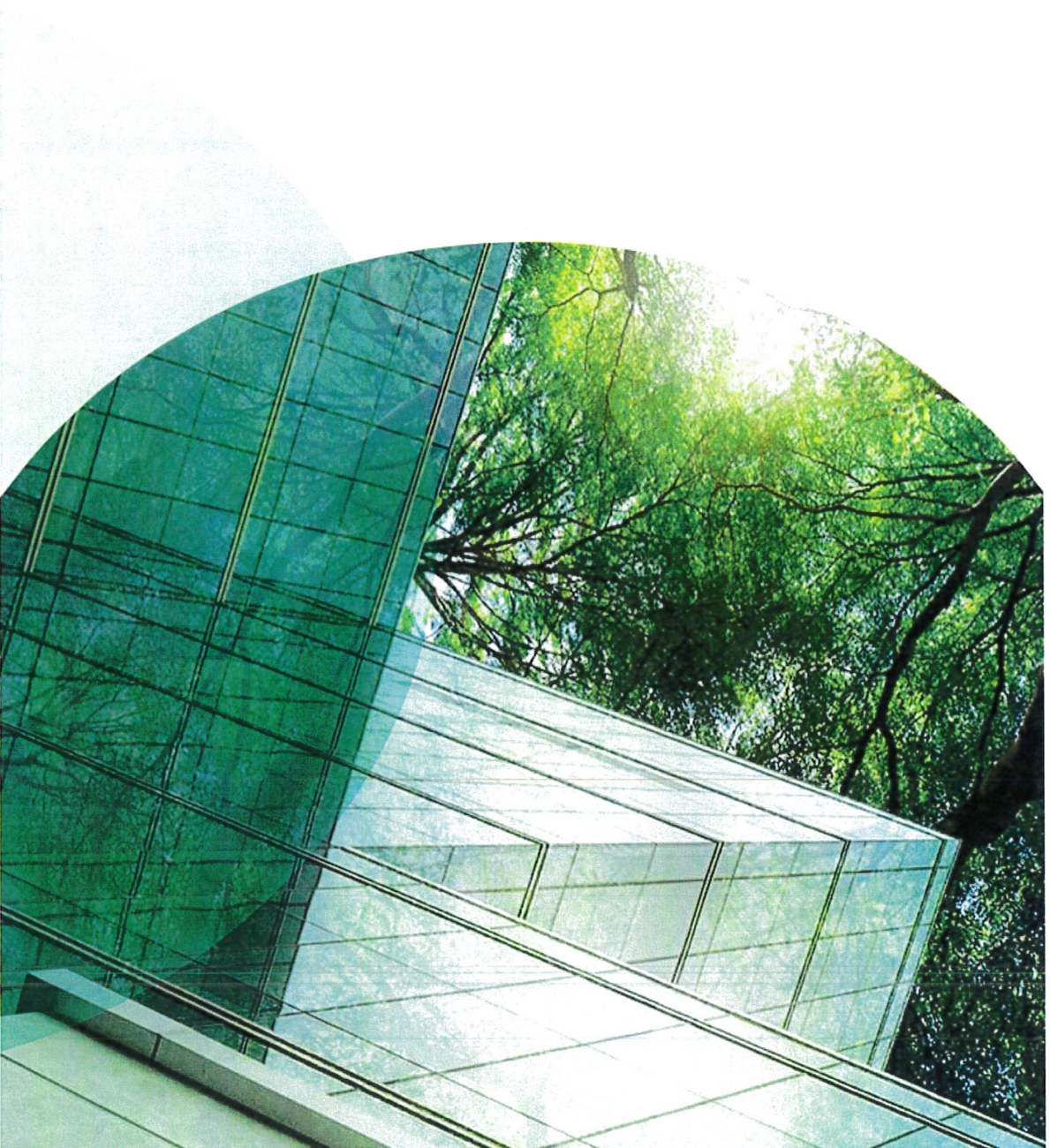




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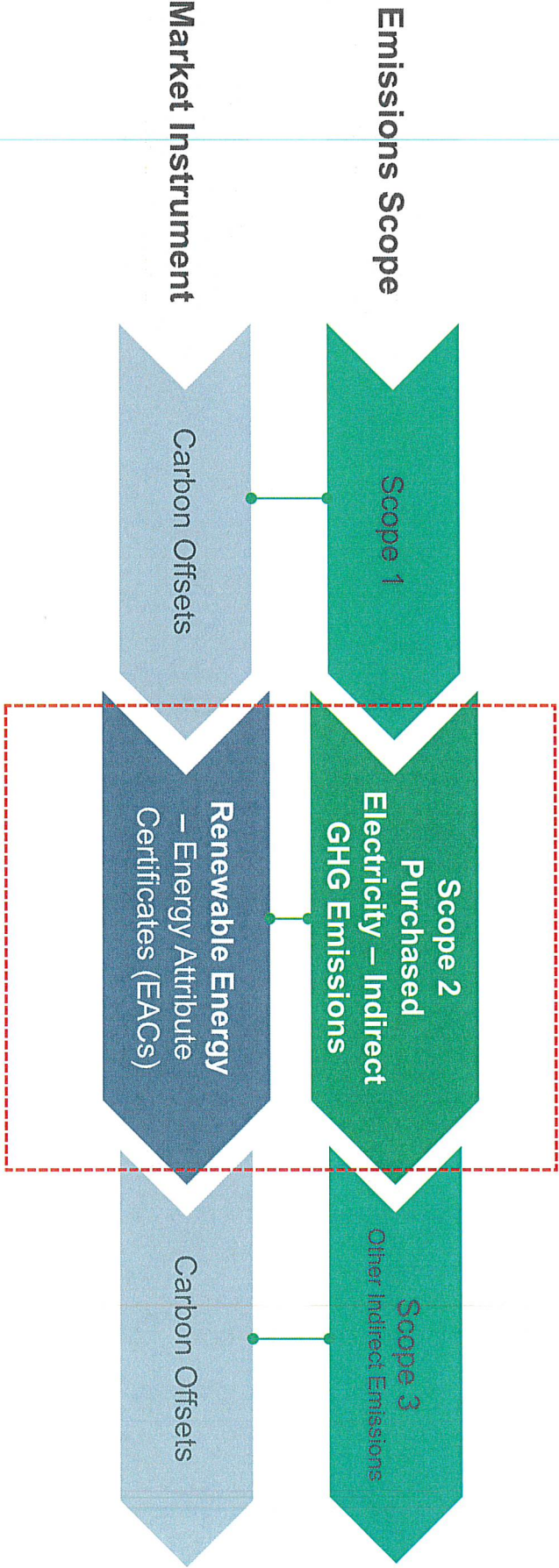
# City of Kent Decarbonization Planning Renewable Energy Credits

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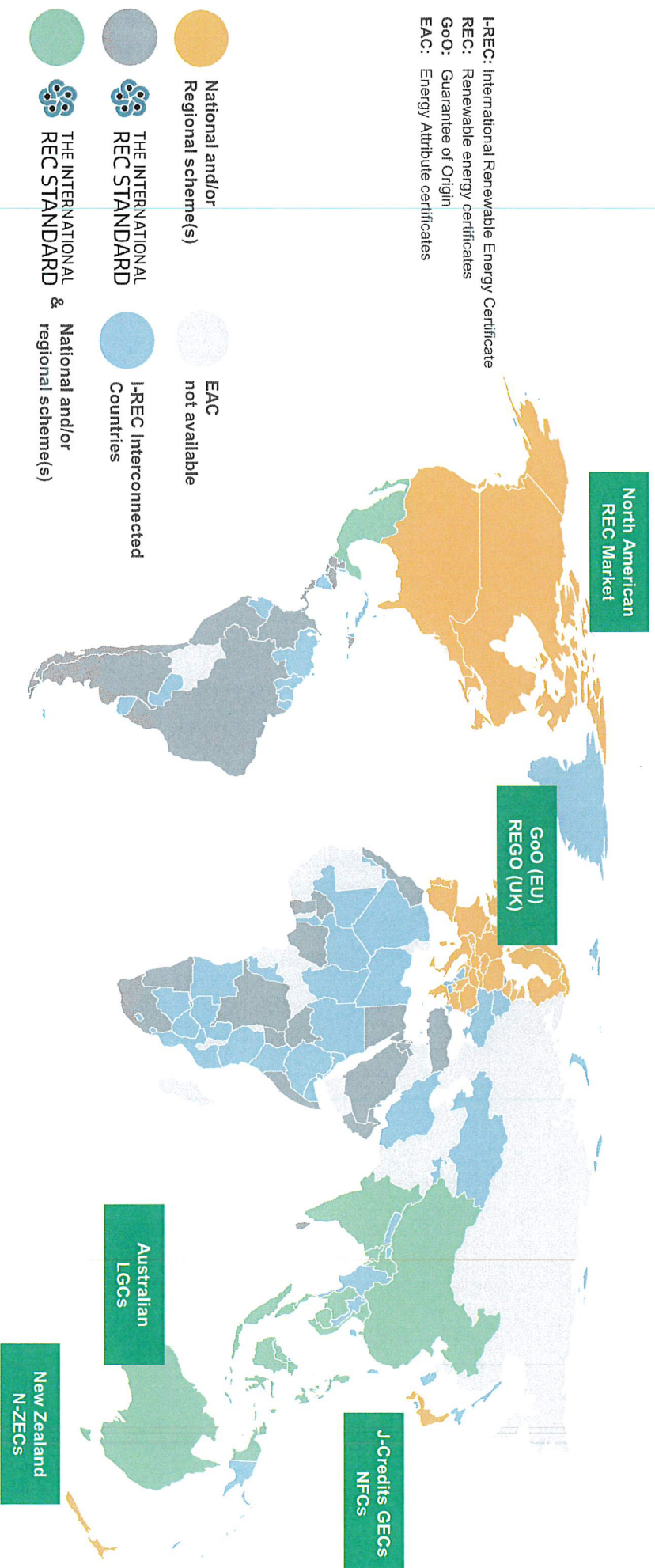


# Carbon Reduction Strategies Instruments



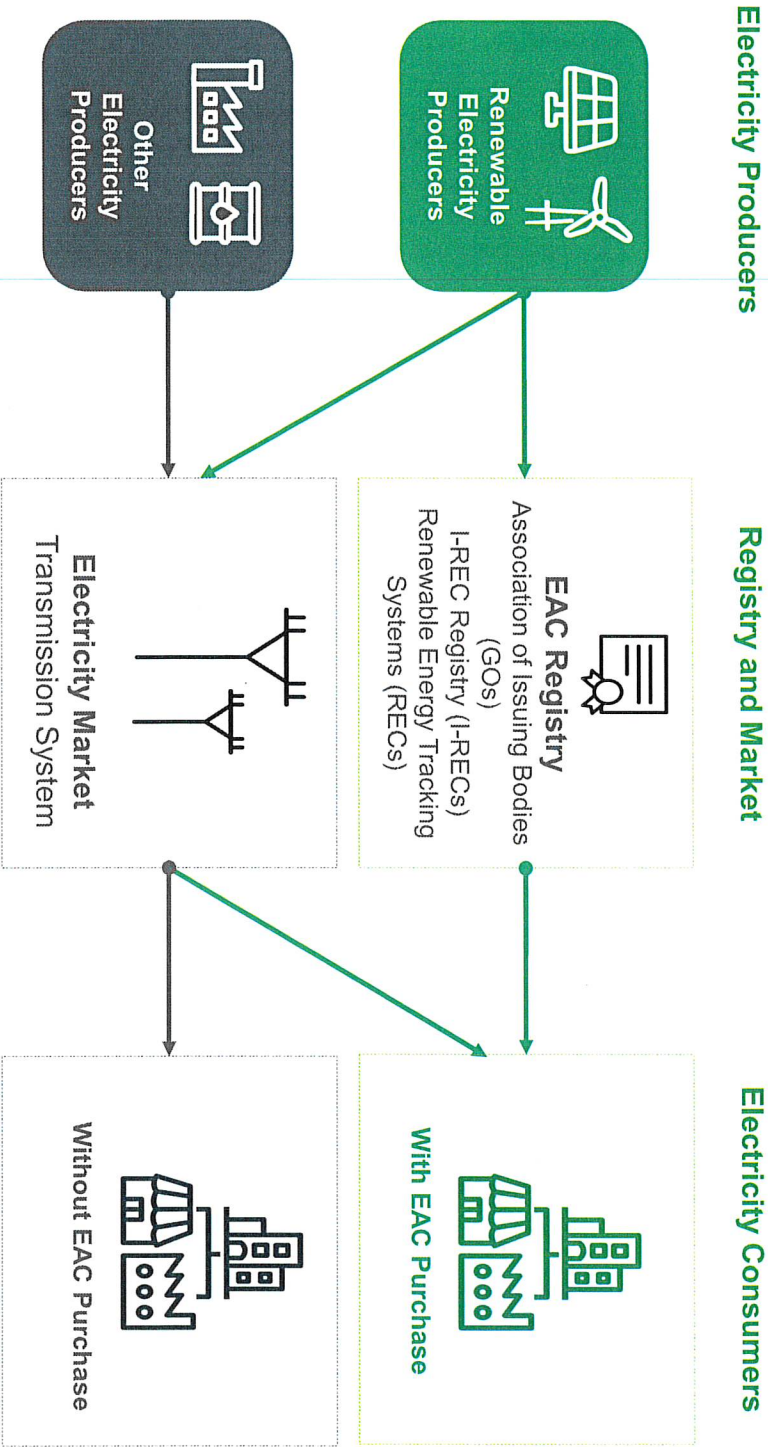
# EAC Global landscape

## Three instruments leading the market





# Energy Attribute Certificates Overview



Electricity Producers

Registry and Market

Electricity Consumers

Key Aspects

- An Energy Attribute Certificate (EAC) allows all electricity users to make a conscious and evidence-based choice for electricity consumption
  - EACs are Traceable, unique & unduplicable, ensuring the electricity's origin is from renewable sources
- 1MWh = 1 EAC**

# EAC Sourcing Process and Considerations

## Sourcing Approach and Process



## Keys to Success

- Have a general understanding of standards and instruments available, in alignment with industry expectations and best practices
- Clearly aligning sourcing with your decarbonization targets, timelines and expectations on marketing claim strength
- Identify potential risks and determine mitigation strategies and practices that should be in place
- Align organization and stakeholders to ensure efficiency, decision-making and cost allocation approach

## Other Considerations

- Ramp-up strategies versus sourcing to meet target year
- Determining the best approaches to aggregate demand
- Allocating costs across the organization (site, business unit, etc.)
- Dealing with unpredictability of prices over the long term

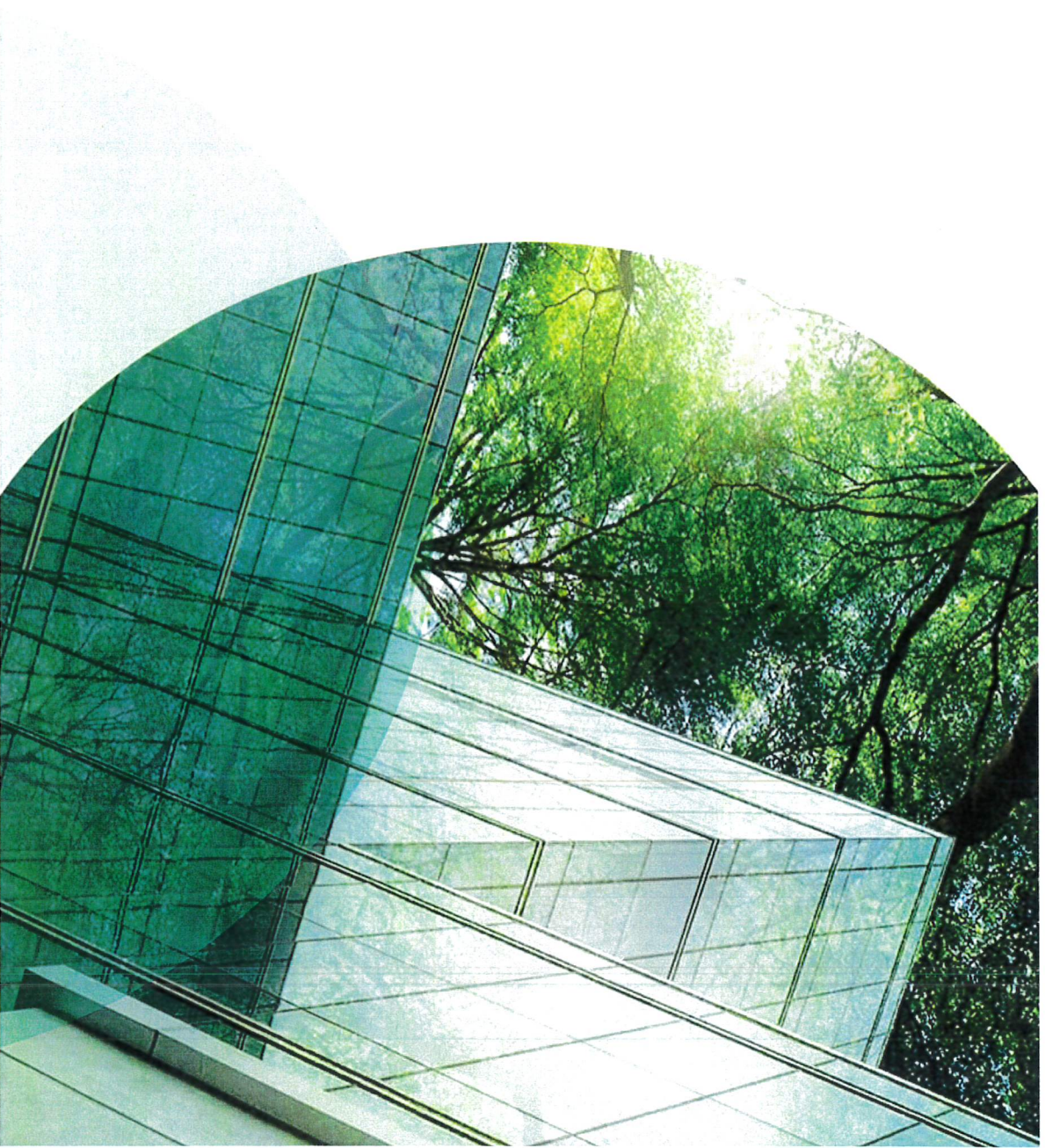


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# **City of Kent Decarbonization Planning**

## **Appendix**

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# CITY OF KENT, OHIO

## DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: July 2, 2024

TO: Dave Ruller, City Manager

FROM: Bridget Susel, Community Development Director *BSD*

RE: Dual-Use Operating Agreement: Medical Marijuana & Adult Use Cannabis Dispensary

The Community Development Department has been working with Slightly Toasted LLC, property owner and operating entity for the medical marijuana dispensary (DBA Bliss Ohio) located at 331 East Main Street, on finalizing language for a "Dual-Use Operating Agreement" that will enable Slightly Toasted LLC to continue operating as a medical marijuana dispensary and also allow the business to proceed with the application process to also operate as an adult use cannabis dispensary.

The enactment of Issue 2 on December 7, 2023 resulted in the development of a new Ohio Revised Code (ORC) Chapter 3780. The Ohio Department of Commerce Division of Cannabis Control (DCC) is the designated State agency responsible for administering and implementing the new regulations. Pursuant to the Issue 2 statute, "each current medical marijuana cultivator, processor, testing laboratory, and dispensary that wishes to participate in the non-medical cannabis market at their current location must apply for a dual-use cannabis license" (see attached Dual-Use & 10(B) Application FAQ). Currently, adult use cannabis license applications are only available to existing/current medical marijuana license holders (i.e. dual use).

Section 3780.25(B) of the new ORC chapter restricts a community's ability to prohibit or limit existing medical marijuana license holders from also seeking adult use cannabis licensing. Section 3780.25(C) further specifies that "dispensaries, or the owners of dispensaries, who have a certificate of operation, ...shall also be authorized to operate as an adult use dispensary without any municipal or township prohibitions upon receiving a license from the division of cannabis control."

Section 3780.25(C) does allow for a "majority of the members of the legislative authority...to pass a resolution, after the license is issued and within one hundred and twenty days from license issuance prohibiting the operation of the adult use dispensary," but Section 3780.25(D) allows the dispensary operator to get the matter on the ballot and have the resolution prohibiting the operation overridden.

I am respectfully requesting time at the July 10, 2024 Council Committee meeting to discuss the dual-use operating agreement in greater detail and to request Council authorization, with emergency, for the City to execute the operating agreement with Slightly Toasted LLC so the dispensary can proceed with the State of Ohio's dual-use application process.



If you need any additional information in order to add this item to the agenda, please let me know.

Thank you.

---

#### Attachments

cc: Hope Jones, Law Director  
Eric Fink, Assistant Law Director  
Amy Wilkens, Clerk of Council  
Patti Long, Executive Assistant

**DUAL USE OPERATING AGREEMENT**  
**MEDICAL MARIJUANA DISPENSARY AND ADULT USE CANNABIS DISPENSARY**

This Operating Agreement for a Dual Use Medical Marijuana Dispensary and Adult Use Cannabis Dispensary (hereinafter "Agreement"), dated \_\_\_\_\_, 2024 ("Effective Date"), is entered into by and between the City of Kent (the "City"), an Ohio municipal corporation, and Slightly Toasted LLC ("the Dispensary"). The City and the Dispensary may be referred to herein individually as a "Party" and collectively as the "Parties."

**RECITALS**

- A. Whereas the City of Kent, Ohio (the "City") is a charter city and a municipal corporation, duly organized under the constitution and laws of the State of Ohio; and
- B. Whereas the Kent City Council adopted Ordinance No. 2018-54 on April 18, 2018, amending the Kent Codified Ordinances, Part 11, Planning and Zoning Code to allow medical marijuana cultivators, dispensaries, processors, and testing laboratories as conditionally permitted uses within certain zoning districts of the City of Kent, Ohio; and
- C. Whereas Slightly Toasted LLC, doing business as Bliss Ohio, and operating at 331 East Main Street, Kent, Ohio, was issued a zoning use "Conditional Zoning Certificate and Site Plan Approval" to operate as a "Medical Marijuana Dispensary;" and
- D. Whereas Bliss Ohio received its Certificate of Occupancy on April 28, 2023 and has been continually operating as a Medical Marijuana Dispensary since that date; and
- E. Whereas on November 7, 2023 a majority of Ohio voters approved Issue 2 (the "Initiated Statute") to legalize the sale of adult use marijuana by state-licensed dispensaries, effective December 7, 2023; and
- F. Whereas the State of Ohio Division of Cannabis Control, within the Ohio Department of Commerce, currently is designated by the Initiated Statute to only issue licenses for adult use marijuana sales to existing operating Medical Marijuana Dispensaries (Dual Use); and
- G. Whereas Slightly Toasted LLC, DBA Bliss Ohio, has a license issued by the State of Ohio to operate a Medical Marijuana Dispensary at 331 East Main Street, Kent, Ohio ("Subject Property") and the license is active and in good standing with the State of Ohio Division of Cannabis Control.

NOW, THEREFORE, in consideration of the mutual promises, conditions, and covenants set forth herein, the Parties agree as follows:



## AGREEMENT

1. Incorporation of Recitals. The Recitals, and all defined terms set forth in this Agreement, are hereby incorporated into this Agreement as if set forth herein in full.
2. Intent. The purpose of this Agreement is to ensure an understanding and commitment to operating the Dispensary in a manner that is harmonious and complementary to the abutting property owners and promotes the health and safety of the community.
3. Definitions. The following terms shall have the following meanings for purposes of this Agreement, but other terms may be defined elsewhere in this Agreement.
  - a. "City Manager" means the City Manager or his or her designee.
  - b. "Commencement Date" means the date that all of the following have occurred: (1) the City has issued all necessary City Permits; (2) the Dispensary has obtained all necessary State licenses to operate; and (3) the Dispensary has maintained its certificate of occupancy.
  - c. "Dual-Use Provisional License" means the license issued by the State of Ohio Division of Cannabis Control to an existing and operating Medical Marijuana Dispensary to also operate as an Adult Use Dispensary' pursuant to the requirements of ORC 3780.10 "Adult Use Cannabis Operator and Adult Use Testing Laboratory Licenses (effective date December 7, 2023)."
  - d. "Effective Date" means the date first entered above as the Effective Date and is the date that both Parties have signed this Agreement.
  - e. "Manager" means a person with responsibility and authority over the management, supervision, or oversight of the operation of the Medical Marijuana Dispensary and Adult Use Marijuana Dispensary (Dual-Use) at the Subject Property.
4. Term of Agreement. The Term of this Agreement shall commence on the Effective Date and continue for a period of three (3) years, unless earlier terminated as specified in this Agreement or the revocation by the State of Ohio of any provisional or permanent Dual Use License. Prior to the expiration of the Initial Term and any subsequent renewal period, the Parties may mutually agree to extend the Term of this Agreement every five (5) years.

5. Ownership. The Dispensary shall maintain a current register of the names and the contact information (including the name, address, telephone number, and email) of anyone owning or holding an interest in the Dual Use Dispensary, and separately of all the officers, managers, employees, agents and volunteers currently employed or otherwise engaged by the Dispensary. The register required by this paragraph shall be provided to the City upon request.
6. General Terms and Conditions. The Dispensary shall comply with all of the following terms and conditions for the Term of this Agreement:
- a. This Agreement is only valid for the Dispensary to operate at the Subject Property located at 331 East Main Street, Kent, Ohio. The rights and obligations set forth in this Agreement shall not be transferred, assigned, or assumed unless agreed to in advance and in writing by the City. The Dispensary expressly acknowledges, understands and agrees that nothing in this Agreement confers any ongoing vested property right or entitlement to conduct any other commercial cannabis activity other than operating as a Dual Use Dispensary for Medical Marijuana and Adult Use cannabis, at the Subject Property, subject to the terms contained within this Agreement.
  - b. The Dispensary must obtain and maintain at all times a valid State of Ohio dispensary license, as specified in ORC 3780.10(B), comply with all applicable State of Ohio laws, and comply with all requirements of the Codified Ordinances of the City of Kent, including the City of Kent's Zoning Ordinance. Where a conflict between the Kent Codified Ordinances and any State law occurs, the more restrictive law applies.
  - c. As soon as practicable, the Dispensary shall inform the City when it obtains its necessary State License(s) and shall provide a copy of the State License(s) to the City Manager. The City shall cooperate with the Dispensary as appropriate and as needed to facilitate the State's issuance of a State License(s) to the Dispensary. Failure of the Dispensary to procure and produce evidence of receipt of any required state licenses within twelve (12) months of the effective date of this Agreement shall be deemed a material and incurable breach of the Agreement and, this Agreement shall immediately be deemed null and void.
7. Operational Requirements. The Dispensary shall comply with the following specific operational requirements:
- a. The hours of operation for the Dispensary shall be limited to no more than 9 a.m. to 9 p.m. as mandated by the State of Ohio Division of Cannabis Control. Hours of operation must be modified to align with any future change to operating hours if mandated by the State.
  - b. The Dispensary agrees to manage any persons on the Subject Property within the building and the building's curtilage and prohibit loitering of any kind both during and after operating hours, to a reasonable extent.



- c. The Dispensary agrees to comply with all City of Kent Zoning Code requirements for the Conditional Zoning Certificate and Site Plan issued August 16, 2022 for a Medical Marijuana Dispensary.
  - d. The Dispensary must immediately notify the Kent Police Department of any criminal activity, or suspected criminal activity, occurring at the Subject Property. In the event of any internal security system breach, including a faulty alarm system, broken or damaged surveillance cameras or other video recording equipment, or broken or damaged locks, doors, or lighting which may increase risk of criminal activity at the Subject Property, the Manager of the Dispensary shall notify the Kent Police Department as soon as practicable after becoming aware of the security system breach. The Dispensary shall diligently attempt to fix or resolve any such security breach immediately; if circumstances require additional time and delay to remedy, the Dispensary shall so notify the City Police Department and provide an estimated timeline the security breach will be cured.
  - e. If the Dispensary receives any criminal threats, or otherwise suspects any criminal targeting related to movement of product, cash, or cash equivalents from or to the Subject Property, the Dispensary must immediately notify the Kent Police Department.
  - f. The Dispensary must maintain all required security and surveillance measures as specified by the licensing requirements of the Division of Cannabis Control, including but not limited to camera monitoring and alarm systems.
  - g. The Dispensary must exhibit a good faith effort to resolve concerns that may arise with area businesses and residents resulting from the operation of the dispensary.
  - h. The Dispensary agrees to maintain the building and the site, including but not limited to the parking area, landscaping, etc. in good condition and in compliance with the City's Exterior Property maintenance Code.
8. Default and Termination for Cause. Without prejudice to or limiting the City's other remedies at law or in equity, the City may terminate this Agreement for cause with thirty (30) days' written notice to the Dispensary. Cause as used in this section is defined as:
- a. Failure to comply with any of the terms of this Agreement; OR
  - b. If the Dispensary's Dual Use Provisional License or any subsequent State operating license is revoked by the State of Ohio.
9. Cure Period. The Dispensary shall cure the default resulting from the cause for termination within thirty (30) days of the date of the notice of termination or the date of the revocation of the Dispensary's Dual Use Provisional License or any subsequent State operating license, whichever is earlier. If the Dispensary fails to cure the default within the Cure Period, this Agreement is terminated.
10. Effect of Termination of Agreement. The Dispensary understands and acknowledges that the right to operate is expressly contingent on full compliance with all applicable State

of Ohio laws and Kent Codified Ordinances. As such, termination of this Agreement shall result in the immediate termination of the Dispensary operations, unless and until a new Operating Agreement is executed by the Parties.

11. The Dispensary's Termination Rights. The Dispensary may, at any time and in its sole discretion, terminate this Agreement effective thirty (30) days after the Dispensary provides written notice of termination to the City.

12. Indemnification. The Dispensary shall defend (with legal counsel reasonably approved by the City), indemnify, and hold harmless the City and its Council, boards and commissions, officers, officials, employees, and agents from and against any and all actual and alleged liabilities, demands, claims, losses, damages, injuries, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and attorney's fees), which arise out of, or which are in any way related to:

- a. the dual use provisional license and any land use entitlement related thereto;
- b. the proceedings undertaken in connection with the approval, denial, or appeal of the dual-use provisional license and any land use entitlement related thereto;
- c. the City's drafting, adoption and passage of an ordinance, and related resolutions, policies, rules and regulations associated with dual use cannabis businesses;
- d. the City's drafting, adoption and passage of any ordinances or related resolutions, if necessary, in the future regarding any zoning law amendment(s) related to dual use cannabis businesses;
- e. City's compliance or failure to comply with applicable laws and regulations; or
- f. the alleged violation of any federal, state or local laws by the Dispensary or any of its officers, employees or agents, except where such liability is caused by the sole negligence or willful misconduct of the City.

13. Waiver, Release and Hold Harmless. The Dispensary hereby waives, releases, and holds harmless the City of Kent and its Council, boards and commissions, officers, officials, employees, and agents from any and all actual and alleged claims, losses, damages, injuries, liabilities, costs (including attorney's fees), suits or other expenses which arise out of, or which are in any way relate to this operating agreement. The Dispensary hereby waives, releases and holds harmless the City and its Council, boards and commissions, officers, officials, employees, and agents from any and all actual and alleged claims, losses, damages, injuries, liabilities, costs (including attorney's fees), suits or other expenses which arise out of, or which are in any way relate to: 1) any repeal or amendment of any provision of the ORC Chapter 3780 or the Kent Codified Ordinances relating to adult use cannabis activity; or (2) any investigation, arrest or prosecution of the Dispensary or owners, operators, employees, clients or customers, for a violation of state or federal laws, rules or regulations relating to cannabis activities.

14. Notice. Any notice or other communication provided pursuant to this Agreement must be in writing and shall be considered properly given and effective only when emailed, mailed or delivered in the manner provided by this Section to the persons identified below. A mailed notice or other communication shall be considered given and effective on the third day after it is deposited in the United States Mail (certified mail and return receipt requested). A notice or other communication sent in any other manner will be effective or will be considered properly given when actually delivered. A Party may change its address for these purposes by giving written notice of the change to the other Party in the manner provided in this Section .

**For the City:**

Dave Ruller  
City Manager, City of Kent  
301 S. Depeyster Street  
Kent, Ohio 44240

**For the Dispensary:**

James Dulick  
Managing Member, Slightly Toasted LLC  
11 High Grove  
New Albany, Ohio 43054

15. Force Majeure. "Force Majeure Event" means a cause of delay that is not the fault of the Party who is required to perform under this Agreement and is beyond that Party's reasonable control, including the elements (such as floods, earthquakes, windstorms, and unusually severe weather), fire, energy shortages or rationing, riots, acts of terrorism, war or war-defense conditions, acts of any public enemy, epidemics, pandemics, the actions or inactions of any governmental entity (excluding the City) or that entity's agents, litigation, labor shortages (including shortages caused by strikes or walkouts), and materials shortages. Except as otherwise expressly provided in this Agreement, if the performance of any act required by this Agreement to be performed by either the City or the Dispensary is prevented or delayed because of a Force Majeure Event, then the time for performance shall be extended for a period equivalent to the period of delay, and performance of the act during the period of delay will be excused.
16. Waiver. A Party's failure to insist on strict performance of this Agreement or to exercise any right or remedy upon the other Party's breach of this Agreement shall not constitute a waiver of any performance, right, or remedy. A Party's waiver of the other Party's breach of any provision in this Agreement shall not constitute a continuing waiver or a waiver of any subsequent breach of the same or any other provision. A waiver is binding only if set forth in writing and signed by the waiving Party.



17. Relationship of Parties. This Agreement does not create any employment relationship, ownership interest, or other association between the City and the Dispensary. Nothing herein shall be construed to create the relationship of principal and agent, partnership or other joint venture between the City and the Dispensary.
18. Attorneys' Fees. The Party prevailing in any litigation concerning this Agreement, the Subject Property, or the Dispensary operations, shall be entitled to an award by the court of reasonable attorneys' fees and litigation costs. If the City is the prevailing party, then this Section shall apply whether the City is represented in the litigation by the designated City Attorney or by outside counsel.
19. Jurisdiction and Venue. This Agreement has been executed and delivered in the State of Ohio and the validity, interpretation, performance, and enforcement of any of the clauses of this Agreement shall be determined and governed by the laws of the State of Ohio.
20. Severability. If a court with competent jurisdiction finds any provision of this Agreement to be invalid, void, or unenforceable, then the remaining provisions shall remain in full force and effect, and to this end this Agreement shall be severable.
21. Counterparts. The Parties may execute this Agreement in counterparts, each of which shall constitute an original, but all of which shall collectively constitute this same Agreement.
22. Disclaimer. Despite the State of Ohio's commercial cannabis laws and the terms and conditions of this Agreement or any dual use provisional operating license pertaining to the Dispensary or the hereinabove specified Subject Property, State of Ohio commercial cannabis cultivators, processors, dispensaries, testing facility/laboratory businesses or possessors may still be subject to arrest by federal officers and prosecuted under federal law. The Federal Controlled Substances Act, 21 USC § 801 et seq., prohibits the manufacture, manufacturing, and possession of cannabis without any exemptions for medical or non-medicinal use.
23. Integration and Modification. This Agreement sets forth the Parties' entire understanding and agreement regarding the matters addressed herein. This Agreement supersedes all prior or contemporaneous agreements, representations, and negotiations (written, oral, express, or implied) and may be modified only by written agreement signed by both Parties.

IN WITNESS WHEREOF, the parties enter into this Agreement as of the Effective Date.

**City of Kent, Ohio**

\_\_\_\_\_  
Dave Ruller, City Manager

\_\_\_\_\_  
Date

**Dispensary, Slightly Toasted LLC**  
**(DBA Bliss Ohio)**

\_\_\_\_\_  
James Dulick, Managing Member

\_\_\_\_\_  
Date

**Approved as to Form:**

\_\_\_\_\_  
Hope Jones, Law Director

\_\_\_\_\_  
Date



## Ohio Revised Code

### Section 3780.25 Local authority regarding adult use cannabis operators.

Effective: December 7, 2023

Legislation: ENACTEDBYINITIATIVEPETITION,NOVEMBER7,2023

Local authority regarding adult use cannabis operators.

(A) The legislative authority of a municipal corporation may adopt an ordinance, or a board of township trustees may adopt a resolution, by majority vote to prohibit, or limit the number of adult use cannabis operators permitted under this chapter within the municipal corporation or within the unincorporated territory of the township, respectively.

(B) Notwithstanding division (A) above :

(1) Existing cultivators, processors, or dispensaries who have a certificate of operation may not be prohibited or limited by a municipal corporation or township from operating under Chapter 3796 of the Revised Code and Chapter 3796 of the Administrative Code by a municipal corporation or township unless there is a revocation of the certificate of operation;

(2) Adult use cultivators, adult use processors, and adult use dispensaries that are co-located on the same parcel or contiguous parcels with an adult use cultivator and an adult use processor, who are applicants or license holders under this chapter, and whose owners also have a certificate of operation at the same location as the effective date of this section, may not be prohibited or limited by any municipal corporation or township from operating as an adult use cultivator, adult use processor, or an adult use dispensary co-located with an adult use cultivator and an adult use processor under this chapter because of the significant capital investment in the facilities; and

(3) Dispensaries, or the owners of dispensaries, who have a certificate of operation, and who are not co-located on the same parcel or contiguous parcels with a cultivator or processor that has a certificate of operation, as of the effective date of this section, shall also be authorized to operate as an adult use dispensary without any municipal or township prohibitions upon receiving a license from the division of cannabis control, unless a majority of the members of the legislative authority of a municipal corporation affirmatively pass an ordinance, or a majority of township trustees in a





township affirmatively pass a resolution, after the license is issued and within one hundred and twenty days from license issuance, prohibiting the operation of the adult use dispensary within the municipal corporation or within the unincorporated territory of the township, respectively.

(C) If a majority of the members of the legislative authority of a municipal corporation pass an ordinance, or a majority of township trustees in a township pass a resolution, prohibiting the adult use dispensary pursuant to division (B)(3) of this section, then the adult use dispensary license holder shall cease operations within sixty days, unless the adult use dispensary license holder files with the board of elections within the sixty day timeframe a petition prescribed by the secretary of state, and signed by the lessor of one hundred qualified electors or five per cent of the qualified electors of the municipal corporation or township, requesting that the issue, of whether the adult use dispensary shall remain open as long as the adult use dispensary is licensed pursuant to chapter 3780 of the Revised Code by the division of cannabis control and the municipal corporation or township is eligible to receive host community cannabis funding, be placed on the next general election ballot which election shall not occur less than ninety days from petition filing. If the required signatures and form of petition is verified by the board of election, the issue shall be placed on the next general election which is ninety days or greater away from the petition filing, and notwithstanding any provision of this chapter, the adult use dispensary license holder may continue to operate until the issue is decided at the next authorized general election. A board of elections may discontinue verifying signatures when the number of verified signatures on a petition equals the minimum number of qualified signatures. The secretary of state shall adopt rules in accordance with 119 of the Revised Code for the proper administration and implementation of divisions (C) and (D) of this section.

(D) The form of the ballot to be used at the election provided for in division (C) of this section shall be as follows:

"Shall the following adult use dispensary, \_\_\_\_\_ (here insert name of adult use dispensary), whose owners also have had a licensed medical marijuana dispensary at \_\_\_\_\_ (here insert address) since \_\_\_\_\_ (here insert the date of opening), remain open as long as the adult use dispensary is licensed pursuant to Chapter 3780 of the Revised Code by the Division of Cannabis Control under the Department of Commerce, and the \_\_\_\_\_ (here insert name of municipal corporation or township) is eligible to receive host community cannabis funding?



Yes for the Issue

No for the Issue

"

(E) If a majority of the voters at the general election vote yes for the issue, then the adult use dispensary may operate within the municipal corporation or township and the municipal corporation or township shall receive related host community cannabis funding as authorized under section 3780.23 of the Revised Code.

(F) If a majority of the voters at the general election vote no for the issue, then:

(1) The dispensary with a certificate of operation at that location may continue to operate at its current address, or the dispensary may request to relocate the dispensary within ninety days of election certification consistent with the requirements of Chapter 3796 of the Revised Code, and related rules, which relocation request shall be approved regardless of the dispensary districts established by the board of pharmacy as long as the relocation request meets all other applicable requirements of Chapter 3796 of the Revised Code and related rules; and

(2) The adult use dispensary must close within ninety days of election certification unless the adult use dispensary applies to the division of cannabis control for a request to relocate within ninety days of the election certification, and then the adult use dispensary may continue to operate until the request to relocate is approved by the division of cannabis control. The division of cannabis control shall review and approve a request to relocate timely once the request to relocate application is in compliance with this chapter and related rules.

(G) A legislative authority of a municipal corporation or a board of township trustees is prohibited from:

(1) Adopting an ordinance or resolution limiting 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;

(2) Levying any tax, fee, or charge on adult use cannabis operators, their owners or their property which is not generally charged on other businesses in the municipal corporation or township;

(3) Prohibiting or limiting home grow otherwise authorized under this chapter; and

(4) Prohibiting or restricting an activity that is authorized by this chapter.



## Dual-Use & 10(B) Application FAQ

Pursuant to the initiated statute approved by Ohio voters in November 2023, the initial non-medical cannabis license applications are only open to current medical marijuana license holders.

Below please find frequently asked questions regarding applications and licensing for dual-use and 10(B) dispensaries. These FAQs are updated regularly.

Application instructions and materials are available [here](#) for Dual-Use Conversion, [here](#) for 10(B) dispensary initial applications, and [here](#) for 10(B) facility site location applications.

Supplemental guidance can be found [here](#).

**Dual-Use:** Each current medical marijuana cultivator, processor, testing laboratory, and dispensary that wishes to participate in the non-medical cannabis market at their current location must apply for a dual-use cannabis license.

**10(B) Dispensaries:** Pursuant to O.R.C. 3780.10(B), the following licenses (i.e., “10(B)” dispensary licenses) must be issued:

- **For a Level I medical marijuana cultivator** with a certificate of operation or provisional license: 3 dispensary licenses per entity at locations designated in a license application.
- **For a Level II medical marijuana cultivator** with a certificate of operation or provisional license: 1 dispensary license per entity at a location designated in a license application.
- **For a medical marijuana dispensary** with a certificate of operation or provisional license, which does not have any common ownership or control with any cultivator or processor: 1 dispensary license per entity at a location designated in a license application.

Dual-Use

10(B) Dispensaries Generally

10(B) Drawing & Site Selection

Collapse All Sections

## **1. Can I apply for a dual-use license?**



If you currently hold an active Medical Marijuana Certificate of Operation, you are eligible to apply to convert that license to a dual-use cannabis license.

## **2. I have a provisional medical marijuana license, am I eligible to apply to convert my provisional license to a dual-use cannabis license?**



You may not apply to convert a provisional license. However, if you had a provisional license on or before December 7, 2023, once you obtain your medical marijuana Certificate of Operation, you may then apply to convert it to a dual-use cannabis license.

## **3. I currently have a medical marijuana Certificate of Operation. Am I required to apply for dual-use licensure to participate in the non-medical cannabis market?**



Yes. Any current medical marijuana licensee that wishes to participate in the non-medical cannabis market must obtain a dual-use Certificate of Operation. This includes all license types (cultivators, processors, testing laboratories, and dispensaries).

## **4. I'm a dispensary with a dual-use Certificate of Operation. Can I sell products from a cultivator or processor that has not received a dual-use Certificate of Operation?**



If a cultivator or processor has a medical-only license, their products may only be sold to medical patients. Once the cultivator or processor receives their dual-use Certificate of Operation, their products become compliant to be sold to a non-medical consumer as well.



# CITY OF KENT, OHIO

## DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: July 1, 2024

TO: Dave Ruller, City Manager

FROM: Eric Helmstedter, Economic Development Director 

RE: DORA Expansion Application

Wulfjam, LLC, doing business as Board & Bevy, has submitted a request for Kent City Council to consider authorizing the expansion of the City's Designated Outdoor Refreshment Area (DORA) boundary to include its location at 141 East Summit Street.

Attached is copy of the application that includes information on the proposed expansion of the DORA boundary. A public hearing to accept comments on the proposed expansion of the City's DORA has been scheduled for 7 p.m. on July 10, 2024. The attached will be submitted to the State of Ohio Division of Liquor Control if City Council legislatively authorizes the expansion.

I am respectfully requesting time at the July 10, 2024 Council Committee meeting to discuss the DORA expansion in greater detail and to request Councils authorization, with emergency, to approve the DORA boundary expansion request.

If you need any additional information in order to add this item to the agenda, please let me know.

Thank you.

Attachments

cc: Bridget Susel, Community Development Director  
Hope Jones, Law Director  
Amy Wilkens, Clerk of Council  
Patti Long, Executive Assistant



**APPLICATION TO THE CITY OF KENT CITY COUNCIL**

**EXPANSION OF THE**

---

**DOWNTOWN KENT DESIGNATED OUTDOOR  
REFRESHMENT AREA (DORA)**



The Mayor and City Manager respectfully submit the following application to the Kent City Council to approve and enact the expansion of the Downtown Kent Designated Outdoor Refreshment Area, in accordance with ORC 4301.82.

Mayor Jerry Fiala: \_\_\_\_\_

City Manager Dave Ruller: \_\_\_\_\_

Date Application Filed with Kent City Council: \_\_\_\_\_

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## **I. INTRODUCTION AND SUBMITTAL OF APPLICATION**

Section 4301.82 of the Ohio Revised Code (ORC) authorizes municipalities and townships with a total population of less than 50,000 to establish a Designated Outdoor Refreshment Area (DORA) that can be comprised of up to 320 contiguous acres.

In order to consider the expansion of a DORA area, the City of Kent is required to complete the following:

- 1) The City Manager, as the executive officer for the City of Kent, files the DORA application identifying the proposed expansion of the DORA area and other specified information with Kent City Council;
- 2) Kent City Council publishes a public notice specifying the application is available for review by interested parties and the time and date for the public hearing;
- 3) Holds the public hearing;
- 4) Kent City Council legislatively authorizes the expansion of the DORA area.
- 5) The application for the expansion of the DORA area and authorizing ordinance are submitted to the State of Ohio Division of Liquor Control and the Investigative Unit of the Department of Public Safety.

Main Street Kent expressed its general support for the concept and a desire for this application to be prepared as the next step in considering the expansion of the DORA.

In summary, this application will provide the following:

A. The DORA will allow for more accessible outdoor dining in front of liquor permit holding establishments. It will allow such establishments to serve alcoholic beverages in a plastic cup, pursuant to all state and local requirements, within a designated area during certain hours. Creation of the DORA will relieve these establishments of current requirements for fencing around a dining area. Signage, sanitation and safety requirements will be established by permits issued by the City.

B. The Kent DORA will provide the ability for individuals to walk within the DORA boundaries with an alcoholic beverage purchased from a liquor permit holding establishment during permitted hours. This authority would be limited, initially, to the hours of 12:00PM to 11:00PM Sunday through Saturday.

C. Verifies the original 2020 DORA application and this current 2024 proposed expansion of the DORA comply with division (D) of ORC Section 4301.82 "Designated Outdoor Refreshment Areas."



## II. BOUNDARIES

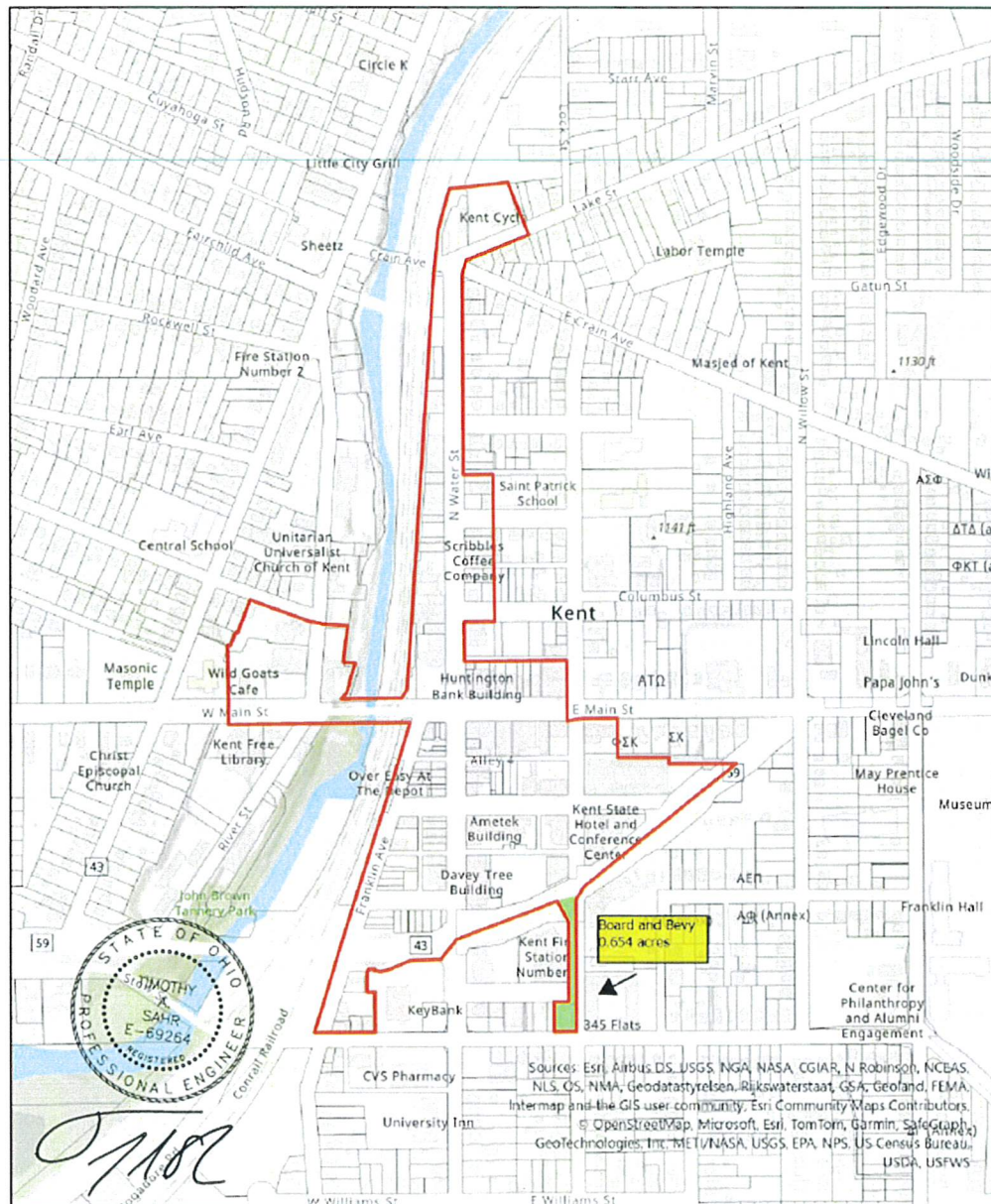
In accordance with ORC 4301.82(B)(1)(b), the boundaries of the DORA are depicted on the map included with this application and described as follows:

### **Designated Outdoor Refreshment Area (DORA)**

The proposed boundary is outlined in a solid red line and commences at the intersection of N. Water St. at Lake/Crain to S. Water St. at Haymaker Pkwy.; Lake St. from N. Water St. to east property line of 155 E. Lake St.; W. Main St. from west property line of 319 W. Main St. to E. Main St. at Depeyster St.; Gougler Ave. from W. Main St. to Park Ave.; Park Ave. from Gougler Ave. to the west property line of 310 Park Ave.; Franklin Ave. from W. Main to Summit St; S. Depeyster St from Haymaker Pkwy. to E. Summit St.; E. Summit St. from the west and south property lines of 141 E. Summit St. to S. Depeyster St. The area includes all sidewalks within or abutting the boundary lines. The boundary will include all alleys and streets not listed as having establishments located on them. It includes approximately 42.3 acres as calculated by the City Development Engineer, Timothy A. Sahr (PE 69264).

A list of the street addresses within the DORA is also attached.

The City of Kent is a chartered Ohio municipal corporation with a reported U.S. Census 2020 decennial population of 28,203.



## Signage Defining Boundaries of DORA

The City will supply Entrance/Exit signs to the DORA at the following major access points of:

- 1) Crain Ave. and N. Water St.
- 2) Lake St. at the east property line of 155 Lake St.
- 3) E. Main St. and Depeyster St.
- 4) Erie St. and Haymaker Parkway
- 5) Franklin Ave. and Summit St.
- 6) S. Depeyster St. and E. Summit St.
- 7) E. Summit St. at the intersection point of the west and south property lines of 141 E. Summit St.
- 8) W. Main St. at the west property line of 319 W. Main St.
- 9) Gougler Ave. and Park Ave.
- 10) Park Ave. at the west property line of 310 Park Ave.

## City of Kent Street Boundary Listing

**Portage County  
City of Kent  
Downtown Kent DORA**

| Street Name      | Range     | Even/Odd   |
|------------------|-----------|------------|
| Franklin Ave.    | 123 - 427 | Even & Odd |
| S. Water St.     | 108 - 295 | Even & Odd |
| N. Water St.     | 123 - 480 | Even & Odd |
| Crain Ave.       | 101       | Odd        |
| S. Depeyster St  | 107 - 220 | Even & Odd |
| N. Depeyster St. | 121 - 154 | Even & Odd |
| Summit St.       | 141       | Odd        |
| W. College Ave.  | 108 - 123 | Even & Odd |
| W. Erie St.      | 163       | Odd        |
| E. Erie St.      | 100 - 201 | Even & Odd |
| E. Main St.      | 100 - 176 | Even & Odd |
| W. Main St.      | 106 - 112 | Even       |
| W. Main St.      | 265 - 319 | Odd        |
| Park Ave.        | 310       | Even       |
| Lake St.         | 107 - 115 | Odd        |



### III. NATURE OF ESTABLISHMENTS

In accordance with ORC 4301.82(B)(2), the nature and types of establishments that will be located within the DORA are identified in the following list and consist of dining, retail, services or office sector businesses.

#### Downtown Kent DORA Nature of Establishments

| Establishment Name             | Address                |
|--------------------------------|------------------------|
| <b>Retail</b>                  |                        |
| City Bank Antiques             | 115 S. Water St.       |
| Kent Sportswear                | 125 S. Water St.       |
| Branded In Kent                | 100 E. Erie St. #122   |
| Kent Natural Foods Co-Op       | 151 E. Main St.        |
| Last Exit Books                | 124 E. Main St.        |
| McKay Bricker Framing          | 141 E. Main St.        |
| Off the Wagon                  | 152 E. Main St.        |
| Popped!                        | 175 E. Erie St.        |
| Flourish Plant Mkt             | 113 S. Water St.       |
| Hippie Fox Rocks               | 155 E. Erie St. #201   |
| <b>Dining and Beverages</b>    |                        |
| Bent Tree Coffee Roasters      | 313 N. Water St.       |
| Scribbles Coffee Co.           | 115 N. Water St.       |
| Tree City Coffee & Pastry      | 135 E. Erie St.        |
| D.P. Dough                     | 295 S. Water St.       |
| Erie Street Kitchen            | 163 W. Erie St.        |
| Franklin Square Deli           | 108 S. Water St.       |
| Grazers                        | 123 N. Water St.       |
| Jimmy John's                   | 313 E. Main St.        |
| Buffalo Wild Wings             | 176 E. Main St.        |
| Over Easy Morning Café         | 152 Franklin Ave.      |
| Bricco                         | 210 S. Depeyster St.   |
| Laziza                         | 195 E. Erie St.        |
| <b>Services</b>                |                        |
| Hometown Bank                  | 142 N. Water St.       |
| Get Pretty                     | 201 E. Erie St. Unit C |
| Marathon Financial Services    | 234 S. Water St.       |
| Evelyn Dickerson Hair Design   | 175 E. Erie St.        |
| Jasons' Barber Shop            | 135 E. Erie St.        |
| Salon NeXt                     | 425 Franklin Ave.      |
| <b>Office</b>                  |                        |
| Davey Resource Group World HQ  | 295 S. Water St. #300  |
| Smithers-Oasis Co. World HQ    | 295 S. Water St. #200  |
| Ametek Dynamic Fluid Solutions | 100 E. Erie St. #200   |

#### IV. QUALIFYING PERMIT HOLDERS

In accordance with ORC 4301.82(B)(3), the DORA will encompass not fewer than four qualified permit holders.

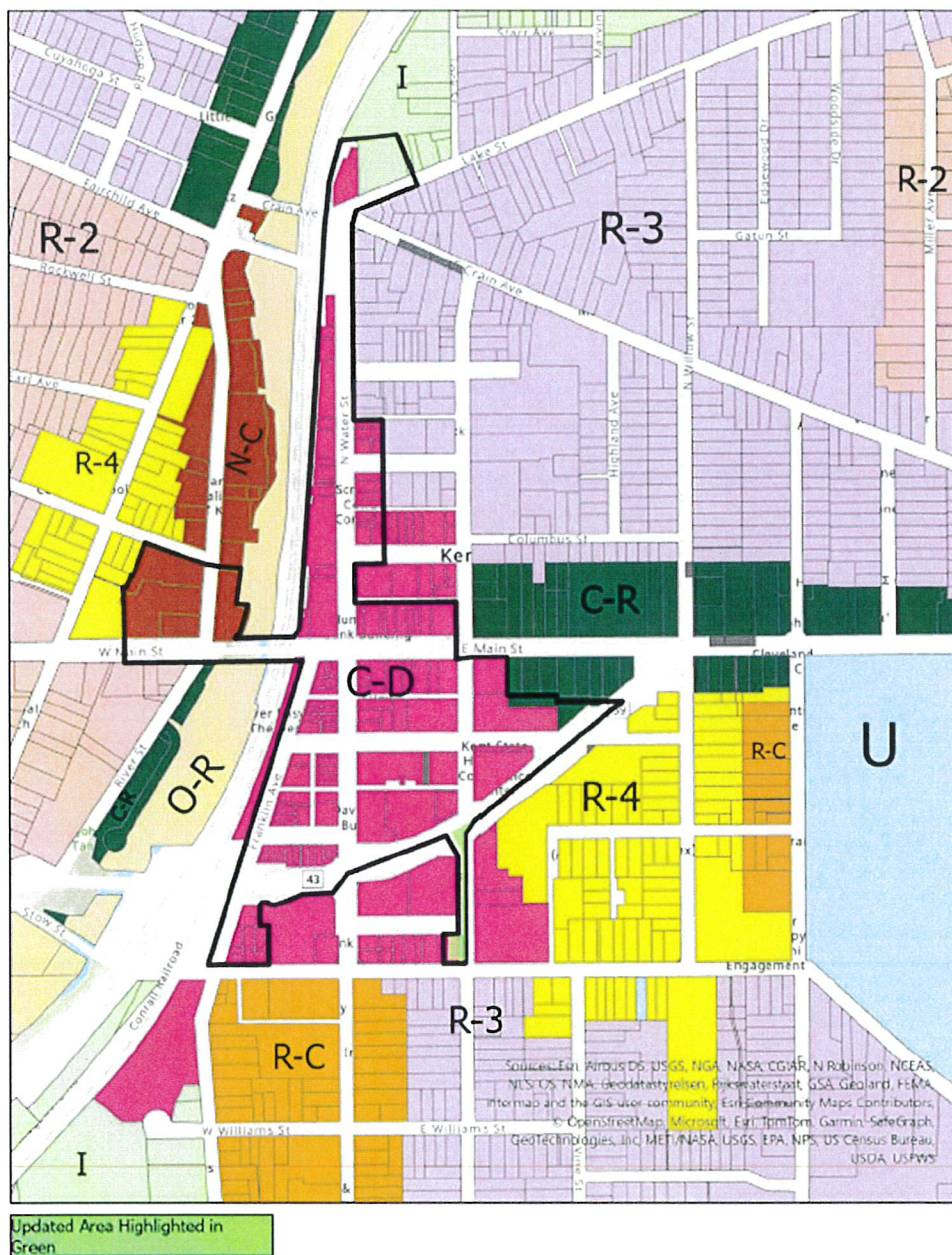
Kent has identified (35) qualified permit holders that will likely be included in the DORA, including:

City of Kent DORA  
Qualifying Liquor Permit Holders

|    | Business Name                  | DBA                                                       | Address                     | Permit Type(s)       | Permit #      |
|----|--------------------------------|-----------------------------------------------------------|-----------------------------|----------------------|---------------|
| 1  | 107 South Inc.                 | Euro Gyro Pub & Pizza                                     | 107 S. Depeyster St.        | D5, D6               | 6548651       |
| 2  | 120 South Inc.                 | Steak-Eez                                                 | 120 S. Water St.            | D1                   | 6547772       |
| 3  | 157 Holdings LLC               | 157 Lounge                                                | 157 S. Water St.            | D5                   | 6548710       |
| 4  | 175 Main Ltd.                  | The Kent Stage                                            | 175 E. Main St.             | D5, D6               | 6548375       |
| 5  | B & R Gillespie Holdings LLC   | Tree City Coffee & Pastry                                 | 135 E. Erie St. #101 & #102 | D5                   | 0349240       |
| 6  | Bell Tower Brewing Company LLC | Bell Tower Brewing Company                                | 301 Park Ave.               | A1A, A1C, D6         | 585080        |
| 7  | Belleria Pizza Kent LLC        | Belleria Pizza                                            | 135 E. Erie St.             | D1, D2, D3           | 0600425       |
| 8  | Brcco Dining Kent LLC          | Brcco                                                     | 210 S. Depeyster St.        | D5I, D6              | 0912545       |
| 9  | ELDJ LLC                       | Water St. Tavern                                          | 132 - 138 S. Water St.      | D5                   | 2470466 0001  |
| 10 | Family Tacos LLC               | Fresco Mexican Grill & Salsa Bar 1st Fl & Patio Suite 112 | 100 E. Erie St. #112        | D5J                  | 2633019       |
| 11 | Hump & Hustle Brewing Co. LLC  | North Water Brewing Company                               | 101 Crain Ave.              | A1A, A1C             | 4074739       |
| 12 | Jason Merlene                  | Last Exit Books & Bsmr                                    | 124 E. Main St.             | D1, D2               | 5041421       |
| 13 | Kent Canadian Club             | Kent Canadian Club                                        | 112 W. College Ave.         | D4, D6               | 4590813       |
| 14 | Kent Entertainment Group LLC   | BarFlyy                                                   | 100 E. Erie St. #130        | D5J, D6              | 4591790       |
| 15 | Kent Overstuffed Inc.          | Kent Paninis                                              | 295 S. Water St. #104       | D5J, D6              | 4545457       |
| 16 | Kent Tacos LLC                 | Barrio                                                    | 295 S. Water St. #116       | D5J, D6              | 4581760       |
| 17 | Laziza Restaurant LTD          | Laziza 1st 2nd Fls & Patio                                | 195 E. Erie St.             | D5I, D6              | 5072484       |
| 18 | Lilybutt LLC                   | Taco Tontos                                               | 123 Franklin Ave.           | D1, D2, D3           | 5216676 0005  |
| 19 | Mabam Enterprises Inc.         | Buffalo Wild Wings                                        | 176 E. Main St. 1st Floor   | D2, D2X, D3, D3A, D6 | 53922700001   |
|    | Olympia Hotel Management LLC   | Kent State University Hotel & Conference Center           | 230 E. Erie St.             | D5A, D6              | 6545434 0010  |
|    |                                |                                                           | 215 S. Depeyster St.        |                      |               |
| 21 | Over Easy LLC                  | Over Easy at the Depot                                    | 152 Franklin Ave.           | D5, D6               | 6601162       |
| 22 | Polugas Pub LLC                | Domenicks Restaurant & Lounge & Patio                     | 147 Franklin Ave.           | D5, D6               | 7080082       |
| 23 | Pub In Kent Inc.               | The Pub In Kent                                           | 401 Franklin Ave.           | D5, D6               | 7107910       |
| 24 | T I K Inc.                     | Brewhouse Pub & 244 N. Water St.                          | 246 N. Water St.            | D1, D3, D3A          | 8930829       |
| 25 | T I K Inc.                     | Brewhouse Pub Bar 3 & 244 N. Water St.                    | 246 N. Water St.            | D3, D3A              | 8930829 00003 |
| 26 | TT1108 2                       | Pacific East                                              | 100 - 110 E. Main St.       | D1, D2, D3, D3A      | 8774142       |
| 27 | Troy Grill LLC                 | Troy Grill & Patio                                        | 118 E. Main St.             | D1                   | 9071615       |
| 28 | Timberland Enterprises Inc.    | Rays Place                                                | 134 - 143 Franklin Ave.     | D1, D2, D3, D3A, D6  | 8933973       |
| 29 | Umbrian Hills LLC              | Bar Lucci                                                 | 257 N. Water St.            | D5                   | 9185525       |
| 30 | Venice Café LLC                | Venice Café                                               | 163 Franklin Ave.           | D1, D2, D3, D3A, D6  | 6771988       |
| 31 | Wolf Patterson LLC             | The Loft                                                  | 112 W. Main St.             | D1, D2, D3, D3A, D6  | 9735474       |
| 32 | Wulfjam LLC                    | Board and Bevy                                            | 141 E. Summit St.           | D5                   | 9796585       |
| 33 | Zephyr Café Ltd.               | Zephyr Café                                               | 106 W. Main St.             | D1, D2, D3, D3A, D6  | 9918121 0005  |
| 34 | Zephyr Café Ltd.               | Bar 3 Third Fl Bar Room                                   | 106 W. Main St.             | D2, D3, D3A, D6      | 9918121 50003 |

## V. LAND USE & ZONING

In accordance with ORC 4301.82(B)(4), the uses of land within the current and future DORA are located in the C-D: Commercial-Downtown Zoning District and the N-C: Neighborhood-Commercial Zoning District and is in accordance with the City of Kent's master zoning plan:





## **VI. PUBLIC HEALTH & SAFETY**

In accordance with ORC 4301.82(B)(5), the proposed requirements for the purpose of ensuring public health and safety within the DORA shall include:

### **Ensuring Compliance with Minor Liquor Laws:**

As consumers purchase their first drink on a given day at a qualified permit holder within the DORA, they will be required to provide proof of age for themselves and any other person who will be consuming a purchased alcoholic beverage. The qualified permit holder will provide wrist bands for each person and ensure they are placed on their wrists prior to leaving their establishment. The wristbands must be worn until leaving the DORA for the day. The presence of the wristbands will assist the Kent Police Department (safety forces) in determining that no minors are carrying or consuming alcoholic beverages.

### **Outdoor Trash and Litter Control:**

City of Kent Central Maintenance staff will augment, as needed, the commercial trash collection contracted by the City. Additional permanent trash cans will be installed in addition to cardboard bins used to collect the recyclable DORA cups. Staffing levels, trash cans and recyclable bins will be monitored and adjusted as needed. Plastic recyclable containers shall be used for all DORA activities.

### **Outdoor Dining in Right-of-Way:**

Qualifying permit holders that desire to sell alcoholic beverages as part of providing an outdoor dining area in the City of Kent's right-of-way (abutting the establishment), must obtain a right-of-way permit and meet the requirements of the Kent Codified Ordinances (KCO) for right-of-way use and the DORA. These policies will require the qualifying permit holder(s) to submit a sanitation plan and the physical layout of the tables, chairs and other facilities to ensure pedestrian access and adequate clearance for persons in a wheelchair. It is anticipated that the bussing of tables will be required and/or adequate trash cans be in place. Additionally, the permit review will ensure that there are adequate pedestrian passageways and that ingress/egress for emergency services is adequate. Failure to comply with the requirements of the permit can result in revocation.

### **Special Events:**

The City of Kent requires that each special event using any City property and/or right-of-way receive a permit from the City. As is the City's practice, each event will be reviewed as required by the Kent Codified Ordinances. Permit requirements may differ between events depending on their size, layout, use of right-of-way, and programming plans. Each event will be reviewed to ensure that adequate sanitation, signage, and public safety requirements are established. The necessity

for portable bathrooms, handicap accessibility, pedestrian mobility, police, fire and emergency medical ingress and egress, crowd control, DORA boundary management and trash management (dumpsters, cans, pick-up, etc.) will be closely monitored and addressed. Event organizers may be required to pay for special duty officers or overtime for public service or safety workers, if necessary, to ensure adequate health, public and safety requirements are met. If the special event includes the sale of alcoholic beverages, the event organizers can request that the City suspend the DORA for the duration of the special event.

### **City of Kent DORA Safety Plan:**

The Safety Plan will assist with maintaining public safety within the DORA and designate the number of personnel needed to execute the Safety Plan. The current Public Safety personnel are adequate to maintain public safety within the DORA district. The City of Kent Police Department (KPD) currently has multiple overlapping shifts which will enable it to maintain public safety within the DORA to include the downtown core business district and main street business district. The KPD has flexibility when deploying resources and has years of experience dealing with all of the downtown events such as the Heritage Festival, Wizardly World, Art & Wine Festival, Oktoberfest and other individual bar events which draw large crowds throughout the year.

### **Staffing for the DORA would consist of:**

1. Utilizing the current scheduled overlapping shifts of Kent Safety Forces giving them the ability to actively patrol the DORA and have a visible presence in the assigned area.
2. During pre-planned or known special events that will increase the activity in the DORA area, the KPD will seek organizations involved with the events to help supplement the need for additional monitoring by KPD, as needed. KPD will seek payment from such organizations for extra duty officer(s) as needed. The officer(s) primary responsibility would be the downtown core business district where the DORA is located.
3. All supervisors or OIC's (Officer's in Charge) have the flexibility to call in additional staffing for emergency situations or if large crowds start to get out of control.

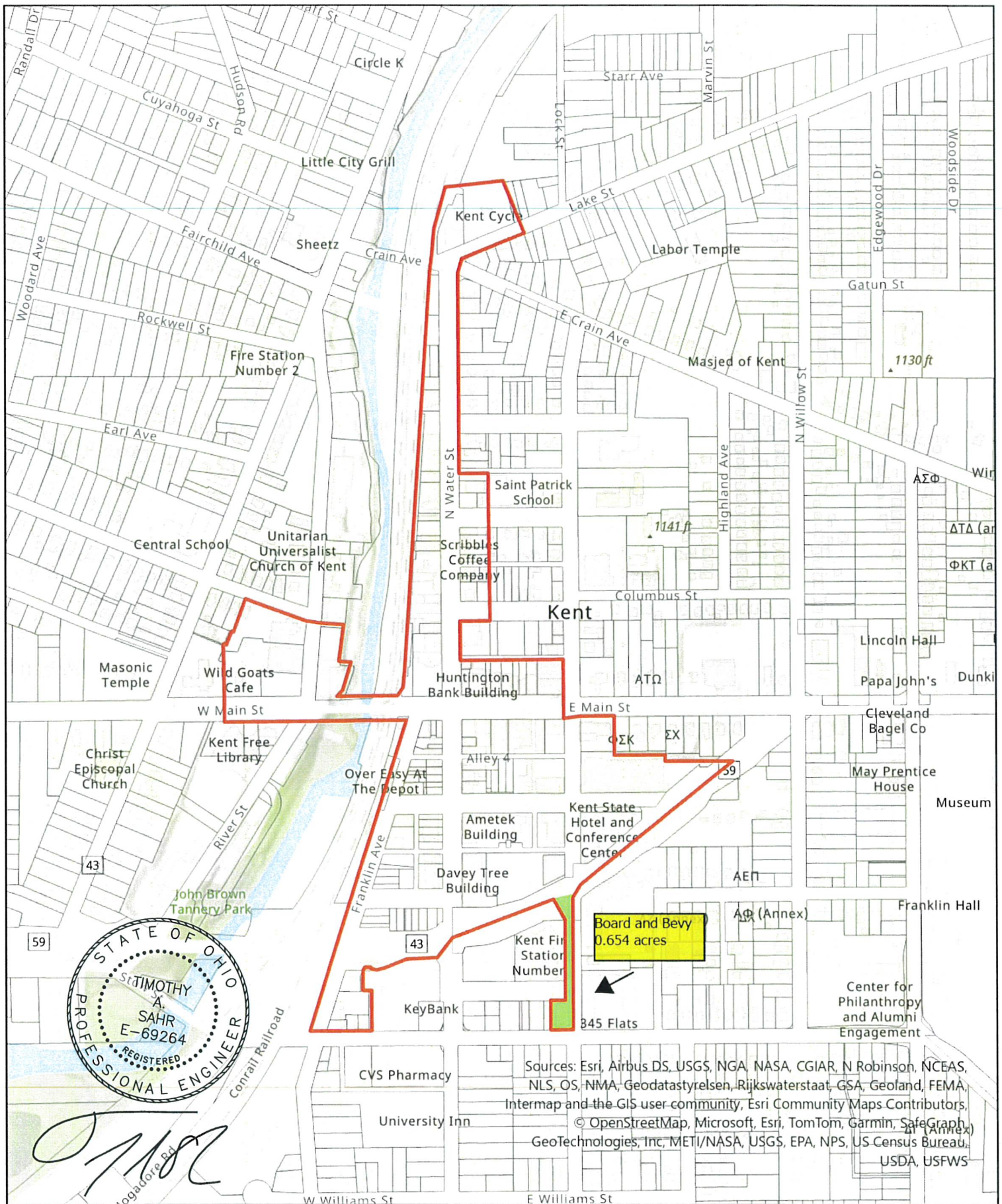
Beginning with the commencement of the DORA and continuing for a period of three (3) consecutive months, the City Manager of the City of Kent and the Chief of Police of the City of Kent met monthly to review the Safety Plan herein. The purpose of this meeting was to determine whether updates, modifications or supplementation may be advisable or required, and in said event, such changes shall be presented to Council for consideration and implementation. At the end of

the three-month pilot phase, City Council had the option to continue or discontinue the DORA. Kent City Council legislatively authorized the DORA to continue.

**Amendments and Possible Revocation:**

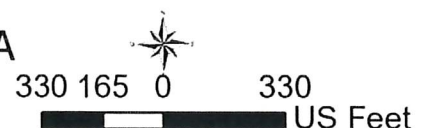
City staff, business leaders and elected officials will regularly meet to discuss the effects of the DORA on the downtown area and recommend potential changes to Council including, hours and days of operation and up to and including the possible revocation of the DORA if it is determined to adversely affect the community or if it is no longer considered to be an economic benefit to the City. City Council will have the final say in enacting any changes to the DORA.





## Boundaries of Expanded Downtown Kent DORA

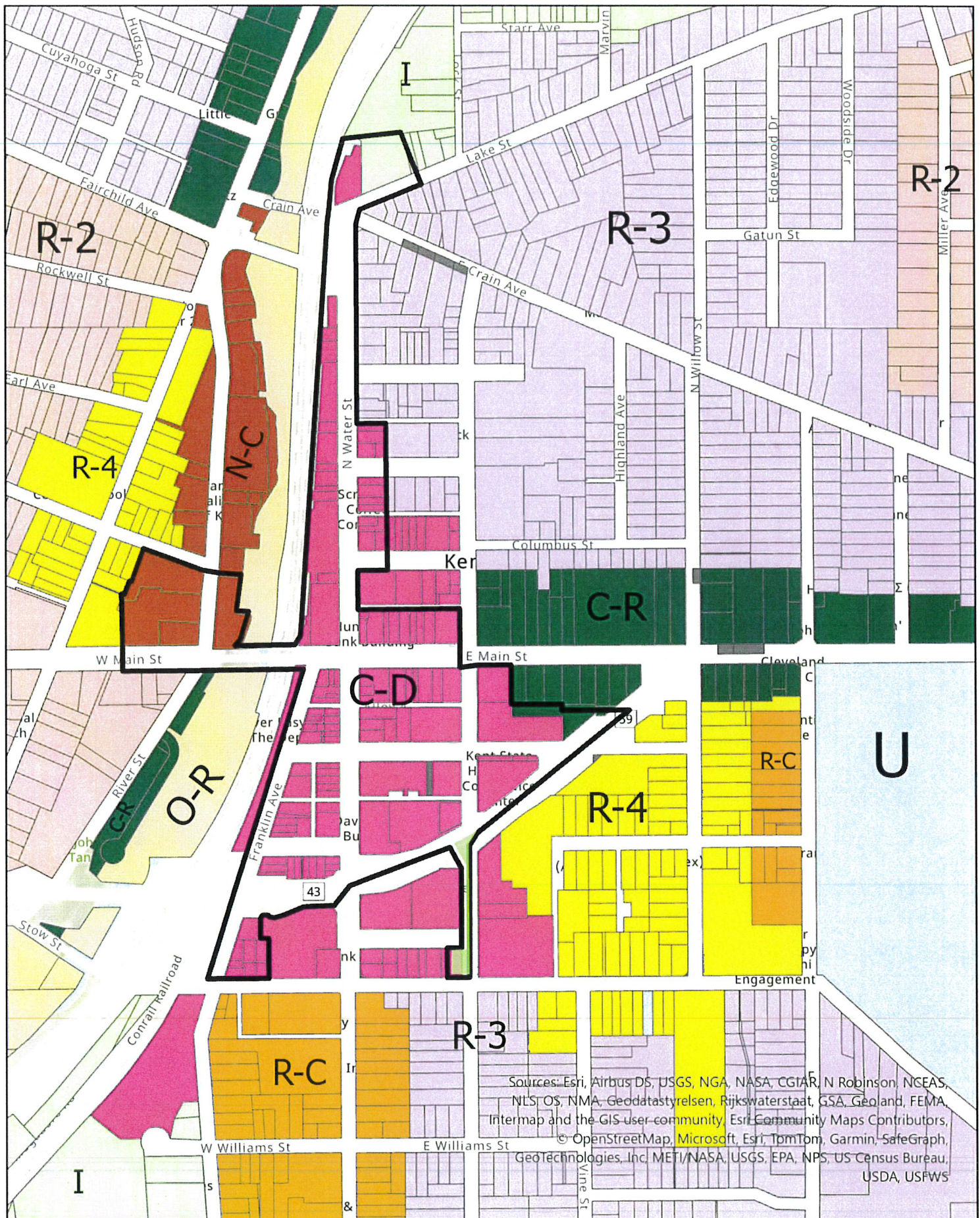
Approximately 42.3 acres as certified by the City of Kent  
Development Engineer, Timothy A. Sahr (PE69264)



## Downtown Kent DORA Nature of Establishments

| Establishment Name             | Address               |
|--------------------------------|-----------------------|
| <b>Retail</b>                  |                       |
| City Bank Antiques             | 115 S. Water St.      |
| Kent Sportswear                | 125 S. Water St.      |
| Branded In Kent                | 100 E. Erie St. #122  |
| Kent Natural Foods Co-Op       | 151 E. Main St.       |
| Last Exit Books                | 124 E. Main St.       |
| McKay Bricker Framing          | 141 E. Main St.       |
| Off the Wagon                  | 152 E. Main St.       |
| Popped!                        | 175 E. Erie St.       |
| Flourish Plant Mkt             | 113 S. Water St.      |
| Hippie Fox Rocks               | 155 E. Erie St. #201  |
| <b>Dining and Beverages</b>    |                       |
| Bent Tree Coffee Roasters      | 313 N. Water St.      |
| Scribbles Coffee Co.           | 115 N. Water St.      |
| Tree City Coffee & Pastry      | 135 E. Erie St.       |
| D.P. Dough                     | 295 S. Water St.      |
| Erie Street Kitchen            | 163 W. Erie St.       |
| Franklin Square Deli           | 108 S. Water St.      |
| Grazers                        | 123 N. Water St.      |
| Jimmy John's                   | 313 E. Main St.       |
| Buffalo Wild Wings             | 176 E. Main St.       |
| Over Easy Morning Café         | 152 Franklin Ave.     |
| Bricco                         | 210 S. Depeyster St.  |
| Laziza                         | 195 E. Erie St.       |
| <b>Services</b>                |                       |
| Hometown Bank                  | 142 N. Water St.      |
| Huntington Bank                | 101 E. Main St.       |
| Marathon Financial Services    | 234 S. Water St.      |
| Evelyn Dickerson Hair Design   | 175 E. Erie St.       |
| Jasons' Barber Shop            | 135 E. Erie St.       |
| Salon NeXt                     | 425 Franklin Ave.     |
| <b>Office</b>                  |                       |
| Davey Resource Group World HQ  | 295 S. Water St. #300 |
| Smithers-Oasis Co. World HQ    | 295 S. Water St. #200 |
| Ametek Dynamic Fluid Solutions | 100 E. Erie St. #200  |





Updated Area Highlighted in Green



**City of Kent DORA  
Qualifying Liquor Permit Holders**

|    | <b>Business Name</b>           | <b>DBA</b>                                                | <b>Address</b>              | <b>Permit Type(s)</b> | <b>Permit #</b> |
|----|--------------------------------|-----------------------------------------------------------|-----------------------------|-----------------------|-----------------|
| 1  | 107 South Inc.                 | Euro Gyro Pub & Pizza                                     | 107 S. Depeyster St.        | D5, D6                | 6548651         |
| 2  | 120 South Inc.                 | Steak-Fez                                                 | 120 S. Water St.            | D1                    | 6547772         |
| 3  | 157 Holdings LLC               | 157 Lounge                                                | 157 S. Water St.            | D5                    | 6548710         |
| 4  | 175 Main Ltd.                  | The Kent Stage                                            | 175 E. Main St              | D5, D6                | 6548375         |
| 5  | B & R Gillespie Holdings LLC   | Tree City Coffee & Pastry                                 | 135 E. Erie St. #101 & #102 | D5                    | 0349240         |
| 6  | Bell Tower Brewing Company LLC | Bell Tower Brewing Company                                | 301 Park Ave.               | A1A, A1C, D6          | 585080          |
| 7  | Belleria Pizza Kent LLC        | Belleria Pizza                                            | 135 E. Erie St.             | D1, D2, D3            | 0600425         |
| 8  | Bricco Dining Kent LLC         | Bricco                                                    | 210 S. Depeyster St.        | D51, D6               | 0912545         |
| 9  | ELDJ LLC                       | Water St. Tavern                                          | 132 - 138 S. Water St.      | D5                    | 2470466 0001    |
| 10 | Family Tacos LLC               | Fresco Mexican Grill & Salsa Bar 1st Fl & Patio Suite 112 | 100 E. Erie St. #112        | D51                   | 2633019         |
| 11 | Hump & Hustle Brewing Co. LLC  | North Water Brewing Company                               | 101 Crain Ave.              | A1A, A1C              | 4074739         |
| 12 | Jason Merlene                  | Last Exit Books & Bsmt                                    | 124 E. Main St.             | D1, D2                | 5041421         |
| 13 | Kent Canadian Club             | Kent Canadian Club                                        | 112 W. College Ave.         | D4, D6                | 4590813         |
| 14 | Kent Entertainment Group LLC   | BarFly                                                    | 100 E. Erie St. #130        | D51, D6               | 4591790         |
| 15 | Kent Overstuffed Inc           | Kent Paninis                                              | 295 S. Water St. #104       | D51, D6               | 4545457         |
| 16 | Kent Tacos LLC                 | Barrio                                                    | 295 S. Water St. #116       | D51, D6               | 4581760         |
| 17 | Laziza Restaurant LTD          | Laziza 1st 2nd Fls & Patio                                | 195 E. Erie St.             | D51, D6               | 5072484         |
| 18 | Lilybutt LLC                   | Taco Tontos                                               | 123 Franklin Ave.           | D1, D2, D3            | 5216676 0005    |
| 19 | Mabam Enterprises Inc.         | Buffalo Wild Wings                                        | 176 E. Main St. 1st Floor   | D2, D2X, D3, D3A, D6  | 53922700001     |
|    | Olympia Hotel Management LLC   | Kent State University Hotel & Conference Center           | 230 E. Erie St.             | D5A, D6               | 6545434 0010    |
|    |                                |                                                           | 215 S. Depeyster St.        |                       |                 |
| 21 | Over Easy LLC                  | Over Easy at the Depot                                    | 152 Franklin Ave.           | D5, D6                | 6601162         |
| 22 | Polugas Pub LLC                | Domenicks Restaurant & Lounge & Patio                     | 147 Franklin Ave.           | D5, D6                | 7080082         |
| 23 | Pub in Kent Inc.               | The Pub in Kent                                           | 401 Franklin Ave.           | D5, D6                | 7107910         |
| 24 | T I K Inc.                     | Brewhouse Pub & 244 N. Water St.                          | 246 N. Water St.            | D1, D3, D3A           | 8930829         |
| 25 | T I K Inc.                     | Brewhouse Pub Bar 3 & 244 N. Water St.                    | 246 N. Water St.            | D3, D3A               | 8930829 00003   |
| 26 | TT1108 2                       | Pacific East                                              | 100 - 110 E. Main St.       | D1, D2, D3, D3A       | 8774142         |
| 27 | Troy Grill LLC                 | Troy Grill & Patio                                        | 118 E. Main St.             | D1                    | 9071615         |
| 28 | Timberland Enterprises Inc.    | Rays Place                                                | 134 -143 Franklin Ave.      | D1, D2, D3, D3A, D6   | 8933373         |
| 29 | Umbrian Hills LLC              | Bar Lucci                                                 | 257 N. Water St.            | D5                    | 9185525         |
| 30 | Venice Café LLC                | Venice Café                                               | 163 Franklin Ave.           | D1, D2, D3, D3A, D6   | 6771988         |
| 31 | Wolf Patterson LLC             | The Loft                                                  | 112 W. Main St.             | D1, D2, D3, D3A, D6   | 9735474         |
| 32 | Wulfiam LLC                    | Board and Bevy                                            | 141 E. Summit St.           | D5                    | 9796585         |
| 33 | Zephyr Café Ltd.               | Zephyr Café                                               | 106 W. Main St.             | D1, D2, D3, D3A, D6   | 9918121 0005    |
| 34 | Zephyr Café Ltd.               | Bar 3 Third Fl Bar Room                                   | 106 W. Main St.             | D2, D3, D3A, D6       | 9918121 50003   |





# CITY OF KENT, OHIO

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## DEPARTMENT OF BUDGET AND FINANCE

Rhonda C. Hall, CPA, Director

**TO:** Dave Ruller, City Manager

**FROM:** Rhonda C. Hall, CPA, Director of Budget and Finance

**DATE:** June 26, 2024

**SUBJECT:** 2025 Tax Budget and Public Hearing

A handwritten signature in blue ink that reads "Rhonda C. Hall".

The 2025 Tax Budget has been prepared and is submitted as attached for public hearing, along with the request for City Council approval and adoption. The Tax Budget is required to be submitted and adopted annually for each political subdivision in accordance with Ohio Revised Code, Section 5705, by July 15<sup>th</sup> and subsequently must be filed with the County Auditor by July 20<sup>th</sup> each year. Failure to do so could result in the loss of the local government fund allocation. The requested Council approval does not appropriate any City of Kent funds for expenditure in the 2025 Fiscal Year.

Tax Budgets are reviewed by County Budget Commissions to certify the amount of monies to be collected and distributed from property taxes, levies and Local Government Funds (LGF) based upon demonstrated needs of the political subdivisions. In Portage County the political subdivisions have voted to adopt an alternative formula for the distribution of the Local Government Funds for the past 25 plus years, which was revised and reaffirmed in 2023.

While preparation of the annual Tax Budget for the City of Kent is largely a procedural formality, it also serves as the first official step in our Capital and Operating Budget processes. Although the required format and presentation of Tax Budget numbers differ considerably from our Annual Budget, they both start with the same basic data and assumptions. These format and presentation differences make direct comparisons between budget documents difficult and subject to misinterpretation. Overall, we continue to apply conservative budget preparation principles. The numbers in the Tax Budget reflect department expenditures that are consistent with our objective to hold Operating and Maintenance expenses to a minimal change as compared to the 2024 budget, unless there is a substantiated and compelling reason for an increase.

Our revenue projections reflect mixed current trends based upon source categories, with increases from 2024 to 2025. We are projecting income taxes to be at or slightly above the prior year. Expenses in Personnel Services have been budgeted at the top of range for most positions with some adjustments for special payouts related to retirements and sell back of sick leave, vacation and accrued comp time. Additionally, it should be noted that Tax Budget numbers reflect departmental needs based on the prior year. Further budget review and refinement will occur as departmental budget hearings take place, and the annual budget process continues preceding presentation in the Fall to City Council for approval and final adoption.



# CITY OF KENT, OHIO

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## DEPARTMENT OF BUDGET AND FINANCE

Rhonda C. Hall, CPA, Director

**TO:** Dave Ruller, City Manager

**FROM:** Rhonda C. Hall, CPA, Director of Budget and Finance

**DATE:** June 26, 2024

**SUBJECT:** Insurance Coverage

A handwritten signature in blue ink, appearing to read "Rhonda C. Hall", is written over a horizontal line.

Dave,

It has been brought to our attention from our Insurance Agency Representative that the bonds that the City holds on you, Brian Huff and I are being phased out and moved to be included under the insurance coverage of an employee dishonesty and faithful performance of duty insurance policy rather than the surety bonds. The new insurance coverage would “cover losses caused by the fraudulent or dishonest actions of, and the failure to perform a duty prescribed by law for, officers, employees, or appointees that would otherwise be required to give an individual surety bond to qualify for the office or employment before entering upon the discharge of duties imposed by the office or employment”. In other words, the insurance coverage would protect those of us under the surety bond that outside entries could go after us personally for mistakes of other employees. I would like to discuss this at the July 10, 2024 Committee Meeting.

Thank you.



**CITY OF KENT, OHIO**  
**DEPARTMENT OF BUDGET AND FINANCE**  
**Rhonda C. Hall, CPA, Director**

**To:** Dave Ruller, City Manager  
**From:** Rhonda C. Hall, CPA, Director of Budget and Finance  
**Date:** July 1, 2024  
**Re:** FY2024 Appropriation Amendment #4

**The following appropriation amendments for the July Council Committee Agenda are hereby requested:**

**Fund 128 – Fire & EMS**

|          |           |                                                                                                                                     |
|----------|-----------|-------------------------------------------------------------------------------------------------------------------------------------|
| Increase | \$ 60,000 | Fire & EMS / Other (O&M) – Appropriate add'l funds to cover maintenance costs for remainder of the year, per J. Samels 7/2/24 memo. |
|----------|-----------|-------------------------------------------------------------------------------------------------------------------------------------|

**Fund 136 – CHIP Grant**

|          |           |                                                                                                                      |
|----------|-----------|----------------------------------------------------------------------------------------------------------------------|
| Increase | \$ 20,000 | CHIP/ Other (O&M) – Approp add'l funds to cover the owner-occupied housing rehab project, per B. Susel 6/26/24 memo. |
|----------|-----------|----------------------------------------------------------------------------------------------------------------------|

**Fund 138 – ARPA**

|          |              |                                                                                                                      |
|----------|--------------|----------------------------------------------------------------------------------------------------------------------|
| Increase | \$ 465,000   | ARPA / Capital – Appropriate add'l funds to cover the the Primary Clarifier #1 Project, per J. Bowling 6/26/24 memo. |
| Decrease | (259,693.95) | ARPA / Capital – Reduce appropriations for the Digester Heat Exchangers Project, per J. Bowling 6/26/24 memo.        |

**Fund 202 – Sewer**

|          |               |                                                                                                                                              |
|----------|---------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| Increase | \$ 259,693.95 | Sewer / WRF/ Capital – Appropriate add'l funds for the Digester Heat Exchangers Project, per J. Bowling 6/26/24 memo.                        |
| Increase | (465,000)     | Sewer / WRF/ Capital – Reduce appropriate for the the Primary Clarifier #1 Project and moving them to the ARPA, per J. Bowling 6/26/24 memo. |

**Fund 301 – Capital Improvements**

|          |           |                                                                                                                  |
|----------|-----------|------------------------------------------------------------------------------------------------------------------|
| Increase | \$ 20,000 | Capital / SVC – Add'l appropriations to replace the failing split unit air conditioners per N Cecil 7/1/24 memo. |
|----------|-----------|------------------------------------------------------------------------------------------------------------------|





# City Of Kent Fire Department

320 S. Depeyster St.

Kent, Ohio 44240

330. 673.8814

330.676.7374 Fax

Date: July 1, 2024

To: Rhonda Hall, Director Budget and Finance

From: James Samels, Fire Chief

Re: Budget Appropriations

Rhonda,

As you know, we have had many significant repairs to both our fire trucks and Med units this year. Those challenges have cost an unusually high amount of money in the first half of 2024. This has strained our maintenance of facilities and equipment line to 82% of total allocated money by the end of June.

The problems ranged from blown engines, head gasket repairs on Med units to hydraulic problems, fire pump, and transmission issues on fire apparatus.

I am requesting that due to the high cost of these repairs, that \$60,000 get appropriated to the maintenance of equipment and facilities line 128-01-510-108.7350. Since we are only halfway through 2024, I anticipate there will be more issues that arise. In addition, this account serves to maintain our station needs such as HVAC, plumbing, and many other important systems. Having the funds available for necessary repairs will allow us to deal with problems quicker when they present themselves.

Thank you for your consideration. Feel free to reach out to me with any questions or concerns.

Sincerely,

A handwritten signature in blue ink that reads "James C. Samels". The signature is fluid and cursive.

James Samels



# CITY OF KENT, OHIO

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## DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: June 26, 2024  
TO: Rhonda Hall, Budget & Finance Director  
FROM: Bridget Susel, Community Development Director  
RE: Appropriations Request: CHIP RLF

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The Community Development Department has recently awarded its fifth and final owner-occupied housing rehabilitation project to a contractor as part of the City's 2022 CHIP grant program. Additional appropriations will be needed for the 2023 CHIP Fund in order to have adequate funding available to enter into a contract for the needed work. The appropriations request is as follows:

\$20,000.00: CHIP Program Income Expenditures (line 136.04.540.413.7992)

I am respectfully requesting that the above-listed appropriation requests be presented to Council for authorization at the July 10, 2024 Committee meeting.

Please let me know if you need any additional information in order to process this request.

Thank you.

CITY OF KENT  
DEPARTMENT OF PUBLIC SERVICE  
DIVISION OF ENGINEERING

MEMO

TO: Rhonda Hall  
Dave Ruller

FROM: Jim Bowling *JB*

DATE: June 27, 2024

RE: Primary Clarifier #1 - Appropriation Request - **REVISED**

The Service Department is requesting to the following appropriation modifications:

- Rehabilitation of Primary Clarifier #1 Project (2023WRF003).
  - Reduce appropriations from Fund 202 (Sewer) by \$465,000.
  - Increase appropriations from Fund 138 (ARPA) by \$465,000.
- Digester Heat Exchangers Project (2011WRF010).
  - Reduce appropriations from Fund 138 (ARPA) by \$259,694
  - Increase appropriations from Fund 202 (Sewer) by \$259,694

To allow for the above appropriation changes, the following exiting purchase order revisions have been processed:

- Final Clarifier Rehabilitation – Phase 2 (2022WRF004) from fund 138 (ARPA)
  - PO #22-1506 was reduced \$85,500
- Digester Heat Exchangers Project (2011WRF010) from fund 138 (ARPA)
  - PO#24-1143 was reduced \$259,694

The intent of these changes is to maximize the local ARPA funds.

Please let us know if there are any questions.

c: Melanie Baker  
Brian Huff  
Bill Schesventer  
Cori Wimer  
Cathy Wilson





# CITY OF KENT, OHIO

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## Information Technologies Department Memorandum

To: Rhonda Hall, Budget and Finance Director  
From: Nicholas Cecil, IT & Communications Manager  
Date: 7/1/2024  
Re: Budget Appropriation

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Rhonda,

I am requesting the appropriation of \$20,000 to replace the failing split unit air conditioners at 930 Overholt and 320 South Depeyster. Funds will need to be allocated to 301-09-570-728.7630. Capital Project 2024KSS005 will need to be created for this project.

Thank you,  
Nicholas Cecil

A handwritten signature in black ink that reads "Nicholas Cecil".

CITY OF KENT  
DEPARTMENT OF PUBLIC SERVICE  
DIVISION OF ENGINEERING

MEMO

TO: Dave Ruller  
Amy Wilkens

FROM: Jim Bowling *JB*

DATE: May 24, 2024

RE: OPWC Application - Grant and No Interest Loan Request

The Service Department is requesting council's approval to submit a funding application and to execute the subsequent agreement with the Ohio Public Works Commission (OPWC), if successful, for the following project.

**Sunrise Boulevard Rehabilitation** – This project includes the Rehabilitation of Sunrise Boulevard from Main Street to the bridge over Fish Creek. The rehabilitation includes the removal and replacement of the asphalt pavement, repairs to the subgrade, replacement of sections of concrete curb and gutter, sidewalks and drive aprons where needed. ADA curb ramps and structure (manholes and catch basin) repairs as needed.

The existing Pavement Condition Index for this stretch of road is 15 (0-100 scale) which is well below the 55 recommended for resurfacing. The rehabilitation for this roadway has been delayed due to the need to rehabilitate the existing bridge over Fish Creek, which is contracted for rehabilitation in 2024.

The total cost of the project is estimated at \$689,000 and we are requesting \$294,500 in grant funds and \$50,000 in no interest loans from OPWC. The total funding for this project is included in the approved 2023 Capital Improvement Plan as part of the Annual Street and Sidewalk Program.

c: Melanie Baker  
Pat Homan  
Jon Giaquinto  
Hope Jones  
Brian Huff  
Sandy Lance  
Rhonda Hall