City of Kent

Wednesday, July 24, 2024

Regular City Council Meeting

320 S. Depeyster Street, Kent, OH 44240

AGENDA

6:55 P.M. Board of Control

7:00 P.M. Regular Council Meeting

1. Roll Call

2. Opening Remarks and Pledge of Allegiance- Mr. Mike DeLeone

3. Approval of Minutes

   3.1. June 19, 2024 Regular Council Meeting Minutes
   July 10, 2024 Special Council Meeting Minutes

4. Communications

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

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

      1. Standing Rock Cemetery Board of Trustees July 11, 2024 was received and posted on July 3, 2024.
      2. Board of Health Agenda for July 9, 2024 was received on July 3, 2024.
      3. Board of Zoning Appeals agenda and staff report for the July 15, 2024 meeting was received on July 8, 2024.
      4. Ohio Division of Liquor Control Notice to Legislative Authority STOCK request (Change of Corporate Stock Ownership) for Wolf Patterson, Inc DBA Loft 1st Floor & Bsmt at 112 W. Main Street was received on July 5, 2024.
      5. Ohio Division of Liquor Control Notice to Legislative Authority Transfer request received July 15, 2024 for Blind Squirrel Pub LLC, 802 N. Mantua St.
      6. Kent Parks and Recreation Board Packet for the July 18th meeting was received on July 15, 2024.

   4.3. City Manager's Report

5. Standing Committees & Legislation

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

5.1.1. July 10, 2024 Committee Meeting Minute Approval

5.1.2. Action(s) Recommended

1. Authorize Council to interview Board and Commission applicants in public, prior to the start of council meetings with no YouTube recording. If multiple candidates are to be interviewed, a special council meeting may be scheduled on an alternate date.
2. Authorize Juneteenth Federal Holiday as a staff holiday, with an emergency clause.

5.1.3. **DRAFT 2024-066** AN ORDINANCE COMMEMORATING JUNETEENTH AS AN OFFICIAL CITY HOLIDAY FOR ALL EMPLOYEES OF THE CITY OF KENT WHO ARE ENTITLED TO HOLIDAYS AND DECLARING AN EMERGENCY (Authorized)

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

5.2.1. July 10, 2024 Committee Meeting Minute Approval

5.2.2. Action(s) Recommended

1. Authorize staff to proceed with the decarbonization planning study.
2. Authorize an operating agreement for the sale of adult marijuana, with an emergency clause.
3. Authorize the DORA boundary expansion request, with the emergency clause.

5.2.3. **Draft 2024-067** AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A DUAL-USE OPERATING AGREEMENT BETWEEN THE CITY OF KENT AND SLIGHTLY TOASTED, LLC (DBA BLISS OHIO), TO CONTINUE OPERATING AS A MEDICAL MARIJUANA DISPENSARY AND ALSO OPERATE AS AN ADULT USE CANNABIS DISPENSARY, AND DECLARING AN EMERGENCY (Authorized)

5.2.4. **Draft 2024-068** AN ORDINANCE AMENDING THE DOWNTOWN KENT DORA TO EXPAND THE BOUNDARIES TO INCLUDE A NEW BUSINESSES LOCATED AT 141 EAST SUMMIT STREET, AND DECLARING AN EMERGENCY (Authorized)

5.3. **<u>Finance Committee</u>** Chair DeLeone/ Vice-Chair Celko

5.3.1. July 10, 2024 Committee Meeting Minute Approval

5.3.2. Action(s) Recommended

1. Authorize the use of insurance coverage for financial liability coverage, with an emergency clause.
2. Approve the fourth 2024 budget appropriation's amendment, with an emergency clause.
3. Authorize the submission of the OPWC grant and loan requests, with an emergency clause.
4. Authorize the employment contract between the City of Kent and David Ruller, with an emergency clause.

5.3.3. **Draft 2024-069** AN ORDINANCE ENACTING SECTION 133.011 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT TITLED "EMPLOYEE DISHONESTY AND FAITHFUL PERFORMANCE OF DUTY INSURANCE POLICY" AND DECLARING AN EMERGENCY (Authorized)

5.3.4. **Draft 2024-070** AN ORDINANCE AMENDING ORDINANCE NO. 2023-97, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 20, 2023; SO AS TO ADJUST APPROPRIATIONS, TRANSFERS AND ADVANCES FROM THE VARIOUS FUNDS OF THE CITY OF KENT TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES OF THE CITY FOR THE FISCAL YEAR ENDING DECEMBER 31, 2024; AND DECLARING AN EMERGENCY (Authorized)

5.3.5. **Draft 2024-071** AN ORDINANCE AUTHORIZING THE CITY OF KENT TO SUBMIT A FUNDING APPLICATION TOTALING $689,000 AND TO EXECUTE THE SUBSEQUENT AGREEMENT WITH THE OHIO PUBLIC WORKS COMMISSION (OPWC), AND TO ACCEPT THE GRANT, IF AWARDED, WITH CORRESPONDING APPROPRIATION OF FUNDS AND DECLARING AN EMERGENCY (Authorized)

5.3.6. **Draft 2024-072** AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE FOLLOWING AGREEMENTS WITH THE CITY OF KENT, OHIO, WITH THE CITY OBTAINING PERMANENT AND TEMPORARY EASEMENTS, FOR RIGHT-OF-WAY PURPOSES, TO INSTALL, CONSTRUCT AND RECONSTRUCT THE ROADWAY FOR THE PROJECT KNOWN AS EAST MAIN STREET IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY. (Authorized)

5.3.7. **Draft 2024-076** AN ORDINANCE AUTHORIZING THE CITY BUDGET & FINANCE DIRECTOR AND LAW DIRECTOR, OR THEIR DESIGNEES, TO SIGN AN EMPLOYMENT CONTRACT BETWEEN THE CITY OF KENT AND DAVID RULLER, AND DECLARING AN EMERGENCY (Authorized)

6. Unfinished Business

7. New Business

8. Councilmembers' Comments

9. Mayor's Report

10. Executive Session

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

11. Return to Regular Meeting

    11.1. Authorization of Draft Ordinances 2024-061, 2024-073, 2024-074, 2024-075

    11.2. **DRAFT 2024-061** A RESOLUTION DECLARING THE INTENT TO APPROPRIATE PROPERTY INTERESTS FOR THE EAST MAIN STREET IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY (Authorized)

    11.3. **Draft 2024-073** AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN MARIA C. ROCK AND THE CITY OF KENT, OHIO, WITH THE CITY OBTAINING A PERMANENT AND TEMPORARY EASEMENT FOR RIGHT-OF-WAY PURPOSE FOR THE PROJECT KNOWN AS EAST MAIN STREET IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY (Authorized)

    11.4. **Draft 2024-074** AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN FAITH LUTHERAN CHURCH OF KENT AND THE CITY OF KENT, OHIO, WITH THE CITY OBTAINING A PERMANENT AND TEMPORARY EASEMENT FOR RIGHT-OF-WAY PURPOSE FOR THE PROJECT KNOWN AS EAST MAIN STREET IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY(Authorized)

    11.5. **Draft 2024-075** AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN SOUTHWARD PRESERVE, LLC AND THE CITY OF KENT, OHIO, WITH THE CITY OBTAINING A TEMPORARY EASEMENT FOR RIGHT-OF-WAY PURPOSE FOR THE PROJECT KNOWN AS EAST MAIN STREET IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY (Unauthorized)

Adjourn

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

City of Kent

Wednesday, June 19, 2024

Regular City Council Meeting

320 S. Depeyster Street, Kent, OH 44240

MINUTES

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

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

MOTION TO EXCUSE MS. ROSENBERG AND MR. TURNER MADE BY Mr. Jack Amrhein, SECONDED by Mr. Chris Hook and CARRIED by a voice vote of 7-0-0.

Mr. Jeff Clapper expressed gratitude to Maurice Drake, sharing a personal anecdote about him. Mr. Clapper reminisced about one of his earliest memories in Kent about the smell of the bakery, and how Maurice was a familiar and friendly figure around town. He highlighted Maurice's quiet but significant contributions to the community, emphasizing that while Maurice may not have received widespread recognition, his impact on individual lives and his dedication to the community were deeply appreciated. Mr. Clapper underscored the importance of serving the community with love, time, and effort, as Maurice did.

He then asked all to stand for the Pledge of Allegiance.

MOTION TO APPROVE THE MAY 15, 2024 REGULAR MEETING MINUTES MADE BY Mr. Roger Sidoti, SECONDED by Ms. Melissa Celko and CARRIED by a voice vote of 7-0-0

Communications

Mayor Fiala read the following statement:

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

Ms. Wilkens called Whitney Randolph to speak.

Ms. Whitney Randolph, a resident of Stow, the current president of the Kent Jaycees, addressed the City Council to discuss the organization's stake in the city's planned restructuring of event permitting processes, particularly those affecting events on East Main Street and North Water Street. She emphasized that the Kent Jaycees host two significant events in this area: the Craft Beer Fest and the Grill for Good, both of which are crucial for the organization's fundraising and community support activities. Whitney highlighted the financial success and impact of the Craft Beer Fest, noting that this year's event generated over $50,000 in revenue and netted over $19,000. The event is meticulously planned, with extensive efforts in brewery agreements, vendor agreements, volunteer recruitment, advertising, and more. The proceeds support various community organizations, young professional development, and the maintenance of the historic train car in Kent. She detailed the Kent Jaycees' community contributions, including over $20,000 in train car improvements and more than $10,000 in donations to local organizations such as the Haymaker Farmers' Market, The Haven of Portage County, Coleman Professional Services, Ben Curtis Family Foundation, CASA of Portage County, Open Arms Adoption, and more recently, the Thomas Anderson Community Garden and Neighborhood Bridges Kent. Whitney stressed the organization's commitment to supporting the Kent community through charitable donations and the development of future leaders. She expressed the Kent Jaycees' eagerness to collaborate with the city and other stakeholders to find positive, fair, and equitable solutions for event permitting. She concluded by reaffirming the organization's dedication to contributing to the community and building the skills of future leaders.

There were no further residents signed in to speak.

Written Communication

1. Standing Rock Cemetery Board Agenda for June 13, 2024 was received and posted on June 6, 2024.
2. Portage County Solid Waste Management Policy Committee Meeting minutes from April 11, 2024 were received on May 23, 2024.
3. Board of Health Meeting Agenda for June 11, 2024 was received on June 7, 2024.
4. Board of Zoning Appeals Agenda and Staff Report for June 17, 2024 was received on June 10, 2024.
5. On June 10, 2024 received notification that the 6/17/24 Board of Zoning Appeals meeting was canceled and cases continued to July 15th.
6. Kent Parks and Rec Meeting Agenda Packet for June 20, 2024 was received on June 14, 2024
7. Portage County Solid Waste Management approved minutes from the May 23, 2024 meeting were received on June 18, 2024

City Manager's Report

MOTION TO APPROVE CITY MANAGER'S REPORT MADE BY Mr. Jack Amrhein, SECONDED by Ms. Heidi Shaffer Bish and CARRIED by a voice vote of 7-0-0.

1. Request for the Council's approval of a temporary right of way agreement negotiated with Taco Bell ($6,975) for the East Main Street Improvement Project. (Draft Number 2024-057)

2. Request for Council's approval to schedule a public hearing at 7 pm on July 10th for the City's proposed 2025 tax budget.
3. Request Committee of the Whole time to provide Council with an opportunity to discuss the process used to select candidates for City Boards and Commissions.
4. Request for Committee of the Whole time to provide Council with a brief update on the status of the new City Hall construction project.
5. Request for Community Development Committee time to present an opportunity to partner with NOPEC to begin planning efforts to "decarbonize" city buildings.
6. Request for Community Development Committee time to present a request to expand the boundaries of the City's Downtown Outdoor Refreshment Area (DORA} to include the new Board and Bevy business at the corner of Depeyster and Summit Street.
7. Request for Community Development Committee time to present a request from the Unitarian Universalist Church (UUC} to designate the Church as a "local historic property."
8. Request for Community Development Committee time to present a proposed Operating Agreement with the owner of Bliss to allow for the sale of adult use marijuana in accordance with the State dual license for medical and adult use marijuana.
9. Request for a public hearing and Finance Committee time to present the proposed 2025 City Tax budget for submission to Portage County.
10. Request for Finance Committee time to present Council with information on the City's insurance coverage.
11. Request Finance Committee time to ask for Council's authorization to submit an OPWC Grant/Loan application.
12. Request Health & Safety Committee time to share an update with Council on the progress of the Fire Department paramedicine program.
13. Request for Streets, Sidewalks & Utilities Committee time to present the "Purpose and Needs Statement" for the N. Mantua Street projects.

Standing Committees & Legislation

Committee of the Whole

MOTION TO APPROVE THE JUNE 5, 2024 COMMITTEE MEETING MINUTES MADE BY Mr. Michael DeLeone, SECONDED by Mr. Jack Amrhein and CARRIED by a voice vote of 7-0-0.

Action(s) Recommended: NONE

MOTION TO APPOINT KAREN BECK TO THE PARTA BOARD MADE BY Mr. Roger Sidoti, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 7-0-0.

MOTION TO APPOINT ALYSSA FLEMING TO THE CRAHC MADE BY Mr. Roger Sidoti, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 7-0-0.

MOTION TO APPROVE INSERTION OF NAMES INTO LEGISLATION MADE BY Mr. Chris Hook, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 7-0-0.

DRAFT 2024-050 A RESOLUTION APPOINTING KAREN BECK TO THE PORTAGE AREA REGIONAL TRANSIT AUTHORITY BOARD AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2024-050 MADE by Mr. Roger Sidoti, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Heidi Shaffer Bish, and Mr. Roger Sidoti. The motion CARRIED by a roll call vote of 7-0-0.

MOTION TO ADOPT DRAFT 2024-050 MADE by Roger Sidoti, SECONDED by Heidi Shaffer Bish. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Heidi Shaffer Bish, and Mr. Roger Sidoti. The motion CARRIED by a roll call vote of 7-0-0.

Resolution 2024-050 passes.

DRAFT 2024- 051 RESOLUTION APPOINTING ALYSSA FLEMING TO THE COMMUNITY REINVESTMENT AREA HOUSING COUNCIL AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2024- 051 MADE by Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Heidi Shaffer Bish, and Mr. Roger Sidoti. The motion CARRIED by a roll call vote of 7-0-0.

MOTION TO ADOPT DRAFT 2024- 051 MADE by Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Heidi Shaffer Bish, and Mr. Roger Sidoti. The motion CARRIED by a roll call vote of 7-0-0.

Resolution 2024-051 passes.

Community Development

MOTION TO APPROVE THE JUNE 5, 2024 COMMITTEE MEETING MINUTES MADE BY Mr. Chris Hook, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 7-0-0.

Action(s) Recommended: NONE

Finance Committee

MOTION TO APPROVE THE JUNE 5, 2024 COMMITTEE MEETING MINUTES MADE BY Mr. Michael DeLeone, SECONDED by Ms. Melissa Celko and CARRIED by a voice vote of 7-0-0.

MOTION TO APPROVE ACTION(S) RECOMMENDED MADE BY Mr. Michael DeLeone, SECONDED by Ms. Melissa Celko and CARRIED by a voice vote of 7-0-0.

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

DRAFT 2024-052 A RESOLUTION DETERMINING TO PROCEED TO SUBMIT TO THE ELECTORS OF THE CITY OF KENT THE QUESTION OF THE RENEWAL OF THE CITY'S EXISTING 1.16-MILL TAX LEVY FOR THE PURPOSE OF PROVIDING FUNDS FOR THE CURRENT EXPENSE OF MAINTAINING AND OPERATING THE GENERAL FUND IN THE CITY OF KENT PURSUANT TO SECTIONS 5705.19(I) AND 5705.191 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2024-052 MADE by Ms.

Melissa Celko, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Heidi Shaffer Bish, and Mr. Roger Sidoti. The motion CARRIED by a roll call vote of 7-0-0.

MOTION TO ADOPT DRAFT 2024-052 MADE by Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Heidi Shaffer Bish, and Mr. Roger Sidoti. The motion CARRIED by a roll call vote of 7-0-0.

Ordinance 2024-052 passes.

DRAFT 2024- 053 AN ORDINANCE AUTHORIZING THE CITY OF KENT HEALTH DEPARTMENT TO APPLY FOR GRANT FUNDS IN THE AMOUNT OF $199,237.00, AND TO ACCEPT THE GRANTS, IF AWARDED, WITH CORRESPONDING APPROPRIATION OF FUNDS AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2024- 053 MADE by Ms. Melissa Celko, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Heidi Shaffer Bish, and Mr. Roger Sidoti. The motion CARRIED by a roll call vote of 7-0-0.

MOTION TO ADOPT DRAFT 2024- 053 MADE by Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Heidi Shaffer Bish, and Mr. Roger Sidoti. The motion CARRIED by a roll call vote of 7-0-0.

Ordinance 2024-053 passes.

DRAFT 2024-054 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF $3,190,000 FOR THE PURPOSE OF REFUNDING AT A LOWER INTEREST COST CERTAIN OF THE CITY'S OUTSTANDING SAFETY CENTER CONSTRUCTION BONDS, SERIES 2014, DATED DECEMBER 11, 2014, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2024-054 MADE by Mr. Jack Amrhein, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Heidi Shaffer Bish, and Mr. Roger Sidoti. The motion CARRIED by a roll call vote of 7-0-0.

MOTION TO ADOPT DRAFT 2024-054 MADE by Mr. Michael DeLeone SECONDED by Mr. Chris Hook. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Heidi Shaffer Bish, and Mr. Roger Sidoti. The motion CARRIED by a roll call vote of 7-0-0.

Ordinance 2024-055 passes.

DRAFT 2024-055 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF $4,185,000 FOR THE PURPOSE OF REFUNDING AT A LOWER INTEREST COST CERTAIN OF THE CITY'S OUTSTANDING VARIOUS PURPOSE BONDS, SERIES 2013, DATED OCTOBER 7, 2013, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2024-055 MADE by Ms. Heidi Shaffer Bish, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Heidi Shaffer Bish, and Mr. Roger Sidoti. The motion CARRIED by a roll call vote of 7-

0-0.

MOTION TO ADOPT DRAFT 2024-055 MADE by Ms. Melissa Celko, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Heidi Shaffer Bish, and Mr. Roger Sidoti. The motion CARRIED by a roll call vote of 7-0-0.

Ordinance 2024-055 passes.

DRAFT 2024- 056 AN ORDINANCE AMENDING ORDINANCE NO. 2023-97, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 20, 2023; SO AS TO ADJUST APPROPRIATIONS, TRANSFERS AND ADVANCES FROM THE VARIOUS FUNDS OF THE CITY OF KENT TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES OF THE CITY FOR THE FISCAL YEAR ENDING DECEMBER 31, 2024; AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2024- 056 MADE by Ms. Melissa Celko, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Heidi Shaffer Bish, and Mr. Roger Sidoti. The motion CARRIED by a roll call vote of 7-0-0.

MOTION TO ADOPT DRAFT 2024- 056 MADE by Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Heidi Shaffer Bish, and Mr. Roger Sidoti. The motion CARRIED by a roll call vote of 7-0-0.

Ordinance 2024-056 passes.

DRAFT 2024-057 AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN TACO BELL OF AMERICA, LLC., AND THE CITY OF KENT, OHIO, WITH THE CITY OBTAINING A TEMPORARY EASEMENT, FOR RIGHT-OF-WAY PURPOSE, TO INSTALL, CONSTRUCT AND RECONSTRUCT THE ROADWAY FOR THE PROJECT KNOWN AS EAST MAIN STREET IMPROVEMENT PROJECT FROM TACO BELL OF AMERICA, LLC., AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2024-057 MADE by Mr. Jack Amrhein, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Heidi Shaffer Bish, and Mr. Roger Sidoti. The motion CARRIED by a roll call vote of 7-0-0.

MOTION TO ADOPT DRAFT 2024-057 MADE by Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Heidi Shaffer Bish, and Mr. Roger Sidoti. The motion CARRIED by a roll call vote of 7-0-0.

Ordinance 2024-057 passes.

Health & Safety Committee

MOTION TO APPROVE THE JUNE 5, 2024 COMMITTEE MEETING MINUTES MADE BY Mr. Jack Amrhein, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 7-0-0.

Action(s) Recommended; NONE

Land Use Committee

MOTION TO APPROVE ACTION(S) RECOMMENDED MADE BY Ms. Heidi Shaffer Bish, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 7-0-0.

Action(s) Recommended

1. Authorize the addition of adult use cannabis and vape retail stores to the City's Industrial District, with the emergency clause.

DRAFT 2024-058 AN ORDINANCE AUTHORIZING AMENDMENTS TO THE CITY OF KENT'S ZONING CODE IN ORDER TO INCORPORATE NEW LAND USE OF "ADULT USE CANNABIS (RECREATIONAL) FACILITIES" AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2024-058 MADE by Mr. Chris Hook, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Heidi Shaffer Bish, and Mr. Roger Sidoti. The motion CARRIED by a roll call vote of 7-0-0.

MOTION TO ADOPT DRAFT 2024-058 MADE by Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Heidi Shaffer Bish, and Mr. Roger Sidoti. The motion CARRIED by a roll call vote of 7-0-0.

Ordinance 2024-058 passes.

Streets, Sidewalks and Utilities

MOTION TO APPROVE THE JUNE 5, 2024 COMMITTEE MEETING MINUTES MADE BY Mr. Roger Sidoti, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 7-0-0.

MOTION TO APPROVE ACTION(S) RECOMMENDED MADE BY Mr. Roger Sidoti, SECONDED byMr. Michael DeLeone and CARRIED by a voice vote of 7-0-0.

Action(s) Recommended

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

DRAFT 2024-059 AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A LICENSE AGREEMENT WITH THE HAYMAKER FARMERS' MARKET (HFM, INC.) TO INSTALL A NEW MURAL BENEATH THE HAYMAKER PARKWAY BRIDGE; AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2024-059 MADE by Ms. Melissa Celko, SECONDED by Mr.Jack Amrhein. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms.

Heidi Shaffer Bish, and Mr. Roger Sidoti. The motion CARRIED by a roll call vote of 7-0-0.

MOTION TO ADOPT DRAFT 2024-059 MADE by Ms. Heidi Shaffer Bish, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Mr. Chris Hook, Ms. Heidi Shaffer Bish, and Mr. Roger Sidoti. The motion CARRIED by a roll call vote of 7-0-0.

Ordinance 2024-059 passes.

Unfinished Business: None

New Business

MOTION TO APPROVE JUNE 19TH NATIONAL HOLIDAY FOR CITY OF KENT EMPLOYEES BEGINNING CALENDAR YEAR 2025 MADE BY Mr. Roger Sidoti, SECONDED by Ms.Heidi Shaffer Bish and CARRIED by a voice vote of 7-0-0.

Mr. Roger Sidoti acknowledged that Council may have overlooked this, for which he makes no excuses. However, he said that addressing it now is the right thing to do. He expressed confidence that the Council has consistently demonstrated a commitment to doing what is right and believes they should take this action on behalf of their employees.

Ms. Heidi Shaffer Bish shared her experiences from both the nonprofit and private sectors regarding the adoption of a holiday. In the nonprofit sector, the holiday was used to educate and discuss the reasons behind it, as well as the ongoing efforts needed to achieve equity. She emphasized that freedom alone isn't sufficient; equity must also be ensured. In contrast, her current private sector organization didn't acknowledge the holiday, which made her feel bad. Ms. Shaffer Bish said it is important for Kent to adopt the holiday thoughtfully, not just as another day off, but in a way that includes meaningful commemoration, possibly involving City staff initiatives.

Next, Ms. Heidi Shaffer Bish emphasized the importance of discussing the city's climate action plan and its progress. She noted that many grants available, especially for capital funding, align with climate-friendly projects. She wants to see these opportunities leveraged by the city and called for a discussion on the current status and future plans of the climate action initiatives. Mr. Ruller mentioned Julie Morris, Sustainability Coordinator, recently provided a presentation and update to Council and there is a discussion planned for the July meeting in regard to solar. Ms. Shaffer Bish acknowledged Julie's efforts and was pleased to hear that updates, particularly on solar energy, are scheduled for next month. Heidi stressed the need to keep climate action in the forefront of the city's agenda and ensure ongoing and planned projects are aligned with these goals.

Next, Mr. Jeff Clapper raised concerns about tree health, especially in rental properties, in light of recent storms. He recounted an incident where a tree, compromised by a landlord cutting its roots, fell during a storm, narrowly avoiding harm to children. Jeff suggested considering an arborist's inspection as part of rental property inspections every few years to prevent such dangers. He acknowledged potential pushback from landlords but emphasized the importance of safety and preventing injuries or fatalities due to falling trees or branches.

MOTION TO SEND TO COMMITTEE A DISCUSSION REGARDING INVOLVING AN ARBORIST IN RENTAL INSPECTIONS MADE BY Mr. Jeff Clapper, SECONDED by Ms. Heidi Shaffer Bish and CARRIED by a voice vote of 7-0-0.

Council Members' Comments: None

Mayor's Report

Mayor Fiala commended all city departments for their exceptional work during the recent storm, acknowledging their efforts in managing the situation despite challenges. He also praised the City's Health Department fair at the recreation center, noting its success and growing popularity. Additionally, he mentioned recent and upcoming ribbon cuttings, indicating positive developments and progress in the city.

MOTION TO ENTER EXECUTIVE SESSION TO DISCUSS AN EMPLOYEE EVALUATION MADE BY Mr. Jack Amrhein, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 7-0-0.

MOTION TO EXCUSE MR. ROBIN TURNER AND MS. GWEN ROSENBERG MADE BY Mr. Michael DeLeone, SECONDED by Ms. Melissa Celko and CARRIED by a voice vote of 7-0-0.

At 7:33 p.m., Council moved into an executive session.

When City Council returned from executive session to the regular meeting, there was no further business and Council adjourned for the evening.

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

City of Kent

Wednesday, July 10, 2024

Special City Council Meeting

320 S. Depeyster Street, Kent, OH 44240

MINUTES

Present:	Mr.Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish,Mr. Robin Turner
Also Present:	Mr. Jerry T. Fiala, Mayor, and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Mr. Jim Bowling, City Engineer; Ms. Amy Wilkens, Clerk of Council
Absent:	Mr. Chris Hook, Roger Sidoti

MOTION TO EXCUSE MR. HOOK AND MR. SIDOTI MADE BY Mr. Michael DeLeone, SECONDED by Mr. Jack Amrhein and CARRIED by a voice vote of 7-0-0.

Authorization of Draft Number 2024-060 , 062, 063, 064 & 065

MOTION TO AUTHORIZE Authorization of Draft Number 2024-060 , 062, 063 MADE BY Mr. Jack Amrhein, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 7-0-0.

Legislation

DRAFT 2024-060 A RESOLUTION ADOPTING THE TAX BUDGET OF THE CITY OF KENT, OHIO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2025, SUBMITTING THE SAME TO THE COUNTY AUDITOR, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2024-060 MADE by Michael DeLeone, SECONDED by Gwen Rosenberg. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner. The motion CARRIED by a roll call vote of 7-0-0.

MOTION TO ADOPT DRAFT 2024-060 MADE by Mr. Michael DeLeone, SECONDED by Ms. Gwen Rosenberg. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner.

Resolution 2024-060 passes.

DRAFT 2024-062 AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN KENT INVESTORS, LLC AND THE CITY OF KENT, OHIO, WITH THE CITY OBTAINING A PERMANENT AND TEMPORARY EASEMENT FOR RIGHT-OF-WAY PURPOSE FOR THE PROJECT KNOWN AS EAST MAIN STREET IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala’s request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2024-062 MADE by Ms. Gwen Rosenberg, SECONDED byMr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner.

MOTION TO ADOPT DRAFT 2024-062 MADE by Mr. Michael DeLeone, SECONDED by Ms. Gwen Rosenberg. OOn Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner.

Ordinance 2024-062 passes.

DRAFT 2024-063 AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN NINTH BRAND REALTY, LLC AND THE CITY OF KENT, OHIO, WITH THE CITY OBTAINING A PERMANENT AND TEMPORARY EASEMENT FOR RIGHT-OF-WAY PURPOSE FOR THE PROJECT KNOWN AS EAST MAIN STREET IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala’s request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2024-063 MADE by Ms. Heidi Shaffer Bish, SECONDED by Ms. Melissa Celko. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner.

MOTION TO ADOPT DRAFT 2024-063 MADE by Mr. Michael DeLeone, SECONDED by Ms. Gwen Rosenberg. On Roll Call Voting "Yes" Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Michael DeLeone, Gwen Rosenberg, Heidi Shaffer Bish, Robin Turner. The motion CARRIED by a roll call vote of 7-0-0.

Ordinance 2024-063 passes.

DRAFT 2024-064 AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN WHOLESOME DEVELOPMENT KENT, LLC AND THE CITY OF KENT, OHIO, WITH THE CITY OBTAINING A TEMPORARY EASEMENT FOR RIGHT-OF-WAY PURPOSE FOR THE PROJECT KNOWN AS EAST MAIN STREET IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala’s request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2024-064 MADE by Ms. Melissa Celko, SECONDED by Gwen Rosenberg. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner.

MOTION TO ADOPT DRAFT 2024-064 MADE by Mr. Michael DeLeone, SECONDED by Ms. Gwen Rosenberg. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner

Ordinance 2024-064 passes.

DRAFT 2024-065 AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN GEORGE AND DIANE E. GROVE-ACKERMAN AND THE CITY OF KENT, OHIO, WITH THE CITY OBTAINING A TEMPORARY

EASEMENT FOR RIGHT-OF-WAY PURPOSE FOR THE PROJECT KNOWN AS EAST MAIN STREET IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2024-065 MADE by Ms. Gwen Rosenberg, SECONDED by Ms. Melissa Celko.On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner.The motion CARRIED by a roll call vote of 7-0-0.

MOTION TO ADOPT DRAFT 2024-065 MADE by Mr. Michael DeLeone, SECONDED by Ms.Gwen Rosenberg. On Roll Call Voting "Yes" Mr. Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Mr. Michael DeLeone, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin TurnerThe motion CARRIED by a roll call vote of 7-0-0.

Ordinance 2024-065 passes.

Hearing no further business, the Special Meeting adjourned at 8:50 p.m.

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

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

City of Kent

Wednesday, July 10, 2024

City Council Committee Meetings

320 S. Depeyster Street, Kent, OH 44240

MINUTES

At 07:00 PM, Mayor Jerry T. Fiala called the City Council Committee Meetings to order. Clerk of Council, Amy Wilkens, called the roll for the two public hearings.

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

MOTION TO EXCUSE MR. CHRIS HOOK AND MR. ROGER SIDOTI MADE BY Ms. Heidi Shaffer Bish, SECONDED by Mr. Jack Amrhein and CARRIED by a voice vote of 7-0-0.

Ms. Rhonda Hall, Budget and Finance Director stated that 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.

Mayor Fiala asked if there were any members of the public who wished to speak. There was no response and the public hearing concluded.

The next public hearing was in regard to the Designated Outdoor Refreshment Area request for expansion. 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.

Mayor Fiala asked if there were any members of the public who wished to speak. There were none.

The Public Hearing concluded at 7:02 p.m.

Council Committee Meetings Immediately Following Public Hearing

Committee of the Whole

Mayor Fiala opened the Committee of the Whole meeting at 7:02 p.m .

Board and Commission Interview Process

Ms. Gwen Rosenberg suggested that the interview process for boards and commissions could be improved. She proposed making it more like a job interview and less like a public trial. Currently, the process involves the entire council, is on the record, and requires city staff to wait until all interviews are completed, which can take up to an hour. She believes the process could be streamlined based on information collected by Amy Wilkens, Clerk of Council. Gwen Rosenberg proposed revising the interview process for boards and commissions to make it more efficient and fair. She suggested conducting interviews before council meetings with a minimum number of council members present, such as two council members and the mayor, or department chairs with substitutes. Interviews should be conducted one at a time with candidates waiting in the hallway to prevent any unfair advantage. This approach would make the process more like a job interview and allow council members to give candidates their undivided attention without rushing. Rosenberg emphasized that this would be fairer and less burdensome for both candidates and city staff.

Ms. Heidi Shaffer Bish expressed concerns about the interview process for board and commission candidates, questioning if virtual interviews could be considered to alleviate the pressure of in-person interviews. The discussion highlighted that if all council members are present, it constitutes a public meeting, which must be open to the public. She suggested that a less formal and more streamlined approach could be achieved by having fewer council members conduct interviews outside the main public meeting. Heidi also proposed having executive sessions before council meetings to interview candidates, thus reducing the time the public and candidates spend waiting. Ms. Shaffer Bish, Mr. Turner and Mr. Clapper all emphasized the need for a friendlier and more efficient process, suggesting a limited number of questions per candidate to avoid lengthy and potentially intimidating sessions.

Ms. Gwen Rosenberg stated that it seems there isn't significant opposition to conducting interviews before a council meeting. The choice is between having an executive session or a public meeting prior to the council meeting. For months with many candidates, a special meeting could be scheduled. Ms. Rosenberg clarified that a public meeting wouldn't necessarily require YouTube streaming, although it would be open to the public, allowing all council members to attend.

MOTION TO APPROVE CHANGING THE BOARD AND COMMISSION INTERVIEW PROCESS, SCHEDULING INTERVIEWS OUTSIDE MEETING TIME IN A PUBLIC MEETING MADE BY Ms. Gwen Rosenberg, SECONDED by Mr. Robin Turner and CARRIED by a voice vote of 7-0-0.

City Hall Project Update

Ms. Melanie Baker provided an update on the progress of the construction site. Initially, the absence of cars on site caused some concern, but it turned out that everyone was inside working. The painters have started on the first floor, specifically where the council chambers are located, and they will finish the third floor drywall and paint it, then move to the second floor. The elevator installation will be completed and operational starting Monday, and light fixtures are being installed inside the building.

By the 22nd, the "Kent City Hall" lettering will be added to the building's front, leading to increased public interest. Site work will begin the first week of August, starting at the front corner of Haymaker and Water Street, and then progressing around the building. Exterior lighting, capable of changing colors, has also started to be installed, which will enhance the building's aesthetic. Overall, the project is progressing well, with many workers diligently contributing to the completion. Additionally, a specific piece of glass that needed replacement has been addressed.

Community Development Committee

Chair Rosenberg opened the Community Development Committee meeting at 7:20 PM.

Decarbonization Planning for the City Buildings

Ms. Bridget Susel, Community Development Director, introduced the topic of discussion. She said 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 plan includes: Analysis of the City's energy and carbon use/emission portfolio; Evaluation of sourcing strategies to reduce emissions; Assessment of four possible "on-site" solar locations, two of which will need to be identified by Council as possible future solar implementation sites; Review of best practices to consider the application of renewable energy credits.

Andrew Smiser, a sustainability consultant with World Kinect, presented an analysis and recommendations for Kent's decarbonization efforts. The study funded by NOPEC covered Kent and four other cities, focusing on energy use and carbon footprint reduction strategies.

Key Points:

Current Carbon Footprint: Kent's carbon footprint is primarily due to electricity, natural gas in buildings, and liquid fuels (gasoline and diesel) for vehicles.

Scope of Study: The study included 16 buildings and multiple electric accounts, excluding the new City Hall. It categorized carbon emissions into three main components: electricity, natural gas, and liquid fuels.

Main Findings:

Electricity is the largest part of the carbon footprint and the easiest to mitigate through renewable energy credits, renewable power contracts, or installing solar panels.
Scope 1 emissions (fuel burned by city operations) are more challenging to reduce, with liquid fuels making up 53% of these emissions.
Electrifying the vehicle fleet could eliminate 50% of Scope 1 emissions.

Recommendations:

Focus on renewable energy, particularly solar, to reduce electricity-related emissions.
Electrify the city vehicle fleet to reduce liquid fuel emissions.
Specific sites recommended for solar installations include the water treatment plant, the Water Reclamation facility, the new safety (police) facility, and the fire station.

Projected Reductions:

Installing solar panels at four key sites could reduce emissions by 628 metric tons,

contributing to the city's goal of a 50% reduction in carbon footprint.
Further reductions can be achieved through renewable energy procurement and energy efficiency measures.

Site-Specific Details:

The Water Treatment plant and Water Reclamation facility are the largest electricity users and prime candidates for significant solar installations. The new safety facility and fire station also present viable opportunities for solar installations, though on a smaller scale.

Next Steps:

Select two of the four proposed sites for a detailed financial analysis, considering funding, rebates, and incentives.
Evaluate the payback periods for solar investments to determine the most cost-effective approach.
Andrew emphasized that all proposed investments would be beneficial long-term, with the selection of sites for further analysis to balance immediate impact and comprehensive understanding of different solar array scales.

Ms. Shaffer Bish raised several pertinent questions regarding the sustainability study presented by Andrew Smiser. She said that the safety facility (police facility) is a high electricity user, though not as high as the fire station. Andrew clarified that both the safety and fire facilities are 24-hour buildings, but the safety facility is larger, contributing to its higher electricity use. Regarding Solar Awnings and Charging Cruisers: she asked about the possibility of using solar awnings to charge police cruisers. Andrew acknowledged that charging cruisers with solar power is an excellent idea but highlighted that solar awnings significantly increase costs due to the additional structure required (pillars and supports). He mentioned that the current solar panel recommendations were based on available large open roof areas with minimal shading.

Andrew Smiser explained that the current designs are preliminary and can be adjusted. The focus was on identifying the best initial layout to set up the decarbonization process and achieve carbon reduction goals.

Ms. Shaffer wanted to know if the studies could be modified. Andrew confirmed that the studies are not final and can be tweaked as the process moves forward to optimize carbon reduction and accommodate practical considerations.Heidi emphasized the importance of visibility for the city's sustainability efforts, highlighting a desire for projects that can inspire others. Here are the main points of her and Andrew's responses:

Visibility and Inspiration:

Ms. Shaffer Bish noted that while the water treatment plant offers a substantial carbon reduction potential, it’s not a location frequently visited by the public.
She suggested that having visible solar projects can serve as a model and inspire others in the city to adopt similar measures.

Balancing Visibility and Impact:

The staff acknowledged the importance of visibility but emphasized that the primary goal is carbon reduction. Andrew suggested that combining a large ground array (like at the water treatment plant) with a visible rooftop installation could balance both goals.

Demonstrating Solar Generation:

Andrew Miser mentioned that even if solar panels are not in highly visible locations, their impact can be showcased through other means. He proposed using graphics, billboards, or digital dashboards to display the power generation data, making the benefits visible to the public.

Mayor Fiala asked about the return on investment for the solar projects, particularly the fire station, leading to a detailed response from Andrew Miser and Mayor Fiala. Andrew noted that they haven't run the specific financial numbers yet because that will be the next step. He mentioned that for larger arrays like the one at the water treatment plant, the payback period is around four to five years due to lower cost per kilowatt and available incentives. For smaller rooftop installations, such as the fire station, the payback period is closer to seven years. He said Solar panels are warranted for 25 years and typically generate power well beyond that, making it a long-term investment in reducing power costs. The power generated by these installations is power that the city won't need to purchase for the next 30 to 40 years. The main maintenance cost is replacing inverters, which usually happens around 15 years after installation. Financial projections will include this cost to provide a realistic view of long-term savings. NOPEC is covering the decarbonization study and the deep dive analysis for two sites, so there is no immediate cost for the next steps of the study.

When the city decides to proceed with solar installations, there will be installation costs. While NOPEC might not cover these, they do have programs that could potentially assist with funding.

MOTION TO APPROVE DECARBONIZATION PLANNING FOR THE CITY BUILDINGS, UTILIZING THE WATER PLANT AND FIRE STATION MADE BY Ms. Heidi Shaffer Bish, SECONDED by Mr. Jeff Clapper and CARRIED by a voice vote of 7-0-0.

Proposed Operating Agreement for the Sale of Adult Use Marijuana

Ms. Bridget Susel revisited her last visit to Council regarding zoning matters with the adult-use dispensaries. Medical dispensaries are now able to have a dual use. Bridget updated the council on the zoning issues related to adult-use cannabis dispensaries. She noted that new licenses for such dispensaries are not available, but existing medical marijuana facilities can apply for dual-use operating licenses under recently passed legislation. Bridget highlighted that the city has the option to prohibit these licenses, but existing facilities can challenge this through a public ballot initiative. To avoid such uncertainties, the city is working on an operating agreement with the owner of the existing dispensary at 331 East Main Street, ensuring compliance with current regulations on lighting, signage, traffic, and parking. While the dispensary has been cleared for a provisional license, adult-use cannabis sales are not yet permitted in Kent.

James Dulick, the owner of the property at 331 East Main Street where Bliss Ohio operates, assured the council that there will be no changes to the dispensary's operations, including name, signage, lighting, and operating hours. He emphasized adherence to state-mandated hours (9:00 AM to 9:00 PM), strict security measures with continuous video surveillance and on-site security guards during business hours, and prohibition of on-site consumption of products. Reflecting on initial community concerns voiced during the zoning process, he noted that none have materialized, and security measures have even helped solve crimes in the area, including an armed robbery nearby, captured on their surveillance system. Bridget, responding to a concern from Dr. Martin, a neighboring dentist, affirmed that overflow parking in his lot would be prohibited by zoning regulations and addressed promptly if reported to the Community Development Department.

Ms. Shaffer Bish asked about increased business and traffic. James Dulick responded to your question about accommodating potential business expansion at the dispensary due to the opening of the adult-use cannabis market. He expressed cautious optimism about increased business but noted that any growth would likely be gradual. He emphasized that the current facility, parking, and staffing are adequate for the existing operations, which have not yet been profitable for the medical marijuana market. Regarding parking, he assured that overflow would be managed, potentially by coordinating with the courthouse nearby rather than impacting Dr. Martin's property. In terms of staffing, he mentioned plans to increase modestly but not excessively, keeping a few bays dedicated to medical marijuana at all times.

Ms. Susel clarified that the recent zoning code amendment allowing dispensaries, cultivators, and processors in the industrial district does not impose different parking requirements compared to the existing medical marijuana dispensary. She emphasized that regardless of the type of cannabis operation, the parking requirements remain consistent with those for retail operations.The parking needs for these facilities would adhere to standard regulations, ensuring they meet or exceed the necessary limits for such land use.

Kelly Wymer, a resident of 306 North Willow, expressed concerns about the potential impact of legal marijuana, both recreational and medicinal, on the neighborhood. She raised issues regarding environmental impact, community safety, and potential effects on children. Ms. Susel clarified that the current discussion only pertains to permitting Bliss Ohio, an existing medical marijuana facility, to also sell recreational marijuana under strict regulatory oversight. The city council's role is limited to approving or denying additional local regulations for this specific business. Residents concerned about specific issues related to the facility can report them to relevant city departments, but broader community opposition would need to be addressed through voting processes.

Dave Smith, a resident of 1613 Woodway Road, expressed concerns at the council meeting regarding the proposed legal operating agreement for Bliss Ohio. He emphasized that while Dr. Martin hasn't reported adverse effects, but he does have reservations about the expansion of the facility and its impact on the neighborhood. Dave, an engineer, suggested adding additional "whereas" clauses to the operating agreement to address federal legality issues of marijuana, security concerns due to banking regulations, and potential zoning discrepancies. He urged the council to consider these factors when making their decision.

MOTION TO APPROVE OPERATING AGREEMENT FOR THE SALE OF ADULT USE MARIJUANA MADE BY Mr. Robin Turner, SECONDED by Mr. Jeff Clapper and CARRIED by a voice vote of 7-0-0.

Dora Expansion Request

Eric Helmstedter, the Economic Development Director, addressed the council to request consideration for expanding the Designated Outdoor Refreshment Area (Dora) to include the Board and Bevy at 141 East Summit Street. He emphasized that since Board and Bevy holds a valid liquor permit and is in proximity to the existing Dora, it's a reasonable request to allow patrons to enjoy alcoholic beverages on their patio. Eric mentioned that both Chief Samles and Chief Shearer had no concerns about this expansion. He sought council authorization to approve the Dora boundary expansion request with emergency authorization.

Ms. Melissa Celko clarified for the public record that the proposed expansion of the Designated Outdoor Refreshment Area (Dora) will cross South Depeyster Street at the intersection with State Route 59, heading southbound to Summit Street. On South Depeyster, the boundary will be on the west side of the centerline of the road, following along the sidewalk of the fire station, and including the property lines that encompass 141 East Summit Street.

Mr. Jeff Clapper began a discussion about expanding the Designated Outdoor Refreshment

Area (Dora) in Kent, Ohio, specifically to include the area around 141 East Summit Street. Mr. Clapper raised a question about whether the boundary could include other areas, such as down to Water Street, to accommodate foot traffic from different directions. It was clarified that the proposed boundary currently follows a specific path to include the requested property, and any further expansions would need to be considered and possibly included in subsequent amendments.

There was a suggestion to amend the expansion to include additional areas, which would require checking with other property owners and possibly holding another public meeting. The council decided to approve the expansion for the specified area and later amend the application to potentially include other areas if feasible and after further consultation.

MOTION TO APPROVE THE DORA EXPANSION REQUEST MADE BY Ms. Heidi Shaffer Bish, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 7-0-0.

Finance Committee

Chair DeLeone opened the Finance Committee meeting at 8:30 p.m. .

Tax Budget

Ms. Rhonda Hall introduced the preliminary tax budget that needed approval by Council before July 15th and submission to Portage County by July 20th. This initial budget outlines the expected revenue for the 2025 fiscal year, which serves as the foundation for planning expenditures in the detailed budget to be presented later in November or December.

MOTION TO APPROVE THE TAX BUDGET MADE BY Ms. Melissa Celko, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 7-0-0.

Insurance Coverage

Ms. Rhonda Hall discussed an update regarding the city bonds held on Mr. Ruller herself, and Brian Huff These bonds, previously managed separately, are now being phased out and integrated into the city's regular insurance coverage. Specifically, they are now part of an employee dishonesty and faithful performance of duty insurance policy. This change ensures coverage for situations where mistakes occur that are beyond their control, aligning with current industry standards and maintaining compliance. This update serves as procedural housekeeping to keep the city's insurance practices current.

MOTION TO APPROVE INSURANCE COVERAGE MADE BY Ms. Gwen Rosenberg, SECONDED by Mr. Jeff Clapper and CARRIED by a voice vote of 7-0-0.

Budget Appropriation Amendment

MOTION TO APPROVE THE BUDGET APPROPRIATION AMENDMENT MADE BY Ms. Gwen Rosenberg, SECONDED by Mr. Jack Amrhein and CARRIED by a voice vote of 7-0-0.

OPWC Grant/Loan Application Request

Mr. Jim Bowling requested approval to submit a grant application to OPWC (Ohio Public Works Commission) for Sunrise Boulevard. The roadwork had been delayed due to scheduled bridge work starting on August 12th. He sought approval to proceed with the application and to sign the agreement if the grant is awarded.He acknowledged the residents' patience and emphasized the necessity of fixing the road once the bridge work is completed.

Ms. Shaffer Bish asked and Mr. Bowling clarified that the roadwork on Sunrise Boulevard would involve replacing pavement, fixing curbs, sidewalks, drive aprons, and overall refurbishment of the street. She acknowledged the logistical challenge of the road being one way in and out, but assured that they had managed similar projects before with residents' patience. If the grant is secured, construction could potentially start in July 2025, pending the availability of the funds.

MOTION TO APPROVE THE OPWC GRANT/LOAN APPLICATION REQUEST MADE BY Ms. Heidi Shaffer Bish, SECONDED by Ms. Melissa Celko and CARRIED by a voice vote of 7-0-0.

Executive Session

MOTION TO ENTER EXECUTIVE SESSION 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 MADE BY Mr.Jack Amrhein, SECONDED by Mr. Jeff Clapper. Roll call was taken.

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

MOTION TO EXCUSE MR. CHRIS HOOK AND MR. ROGER SIDOTI MADE BY Mr. Jack Amrhein, SECONDED by Ms. Melissa Celko and CARRIED by a voice vote of 7-0-0.

MOTION TO RETURN TO REGULAR COUNCIL MEETING WAS MADE AT 8:44 P.M. BY Ms. Gwen Rosenberg, SECONDED by Mr. Jack Amrhein and CARRIED by a voice vote of 7-0-0.

The meeting adjourned at 8:44 p.m.

Amy Wilkens, CMC
Clerk of Council

DRAFT ORDINANCE NO. 2024-066

AN ORDINANCE COMMEMORATING JUNETEENTH AS AN OFFICIAL CITY HOLIDAY FOR ALL EMPLOYEES OF THE CITY OF KENT WHO ARE ENTITLED TO HOLIDAYS AND DECLARING AN EMERGENCY

WHEREAS, Juneteenth, officially Juneteenth National Independence Day, is a federal holiday in the United States. It is celebrated annually on June 19 to commemorate the ending of slavery in the United States. The holiday's name is a portmanteau of the words "June" and "nineteenth", as it was on June 19, 1865, when Major General Gordon Granger ordered the final enforcement of the Emancipation Proclamation in Texas at the end of the American Civil War; and

WHEREAS, early celebrations date back to 1866, at first involving church-centered community gatherings in Texas. They spread across the South amongst newly freed African American slaves and their descendants and became more commercialized in the 1920s and 1930s, often centering on a food festival; and,

WHEREAS, during the Civil Rights Movement of the 1960s, these celebrations were eclipsed by the nonviolent determination to achieve civil rights, but grew in popularity again in the 1970s with a focus on African-American freedom and African-American arts; and,

WHEREAS, beginning with Texas by proclamation in 1938, and by legislation in 1979, every U.S. state and the District of Columbia has formally recognized the holiday in some way; and,

WHEREAS, the day was recognized as a federal holiday in 2021, when President Joe Biden signed the Juneteenth National Independence Day Act into law; and,

WHEREAS, the holiday is considered the "longest-running African-American holiday" and has been called "America's second Independence Day."

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

SECTION 1. Kent City Council hereby authorizes the commemoration of Juneteenth as an official CITY holiday for all City of Kent employees entitled to holidays either via a Collective Bargaining Agreement or General Compensation Plan. Juneteenth shall be celebrated on June 19th of every year.

SECTION 2. As a result of prior negotiation, the Dispatch Unit has Juneteenth as a holiday in its Collective Bargaining Agreement. In order to get the holiday, the Union gave up one floating holiday. That floating holiday shall be restored to the Dispatch Unit

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

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

PASSED: ________________________
Date

____
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____________________
Date

ATTEST: ________________________
Amy Wilkens, CMC
Clerk of Council

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

____
AMY WILKENS, CMC
CLERK OF COUNCIL
(SEAL)

DRAFT ORDINANCE NO. 2024 -067

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A DUAL-USE OPERATING AGREEMENT BETWEEN THE CITY OF KENT AND SLIGHTLY TOASTED, LLC (DBA BLISS OHIO), TO CONTINUE OPERATING AS A MEDICAL MARIJUANA DISPENSARY AND ALSO OPERATE AS AN ADULT USE CANNABIS DISPENSARY, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent desires to enter into a Duel-Use Operating Agreement between the City and Slightly Toasted, LLC (dba Bliss Ohio) so that Slightly Toasted, LLC can continue to operate as a medical marijuana dispensary and also to operate as an adult use cannabis dispensary; and

WHEREAS, the enactment of Issue 2 on December 7, 2023 resulted in a new Ohio Revised Code Chapter 3780 to allow for an current medical marijuana dispensary to participate in a non-medical cannabis market and apply for a dual-use cannabis license.

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

SECTION 1. That Council does hereby authorize the City Manager, or his designee, to enter into a Dual-Use Operating Agreement between the City of Kent and Slightly Toasted, LLC (dba Bliss Ohio), and is more fully described in Exhibit "A" attached hereto and incorporated herein.

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

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

PASSED: ______________________________
Date

____
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: ______________________________
Date

ATTEST: ______________________________
Amy Wilkens, CMC
Clerk of Council

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

(SEAL)

____
AMY WILKENS, CMC
CLERK OF COUNCIL

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

DRAFT ORDINANCE NO. 2024-068

AN ORDINANCE AMENDING THE DOWNTOWN KENT DORA TO EXPAND THE BOUNDARIES TO INCLUDE A NEW BUSINESSES LOCATED AT 141 EAST SUMMIT STREET, AND DECLARING AN EMERGENCY.

WHEREAS, Wulfjam, LLC (dba Board & Bevy) (141 East Summit Street) has submitted an application to be considered to be part of the DORA expansion; and

WHEREAS, this business is either adjacent to or in close proximity to the existing DORA and has a legitimate business reason for their request; and

WHEREAS, this new business parcel expansion is 0.654 acres bringing the total DORA to 42.3 acres which is still well below 150 acre limit for the size of Kent.

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

SECTION 1. Kent City Council approves the expansion to the DORA to include Board & Bevy as a new business to the City of Kent DORA.

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

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

PASSED: ________________________
Date

____
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: ______________________
Date

ATTEST: ________________________
Amy Wilkens, CMC
Clerk of Council

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

____
AMY WILKENS, CMC
CLERK OF COUNCIL
(SEAL)

DRAFT ORDINANCE NO. 2024-069

AN ORDINANCE ENACTING SECTION 133.011 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT TITLED "EMPLOYEE DISHONESTY AND FAITHFUL PERFORMANCE OF DUTY INSURANCE POLICY" AND DECLARING AN EMERGENCY.

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

SECTION 1. That Kent City Council does hereby enact Section 133.011 of the Codified Ordinances of the City of Kent titled "Employee Dishonesty and Faithful Performance of Duty Insurance Policy" per the Exhibit "A" attached hereto and incorporated herein.

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

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

PASSED: ______________________
Date

____
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: ______________________
Date

ATTEST: ______________________
Amy Wilkens, CMC
Clerk of Council

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

____
AMY WILKENS, CMC
CLERK OF COUNCIL
(SEAL)

133.011 EMPLOYEE DISHONESTY AND FAITHFUL PERFORMANCE OF DUTY INSURANCE POLICY

The City shall use an employee dishonesty and faithful performance of duty insurance policy, rather than a surety bond, to 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. Said insurance policy shall apply to the officer, employee, or appointee before the beginning of the individual's term of employment and the officer, employee or appointee shall not commend the discharge of duties until coverage is documented with the City.

DRAFT ORDINANCE NO. 2024 -070

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

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

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

SECTION 1. That the current appropriations Ordinance No. 2023-97 passed December 20, 2023, as amended by Ordinance No. 2024-17, passed 2/21/24, as amended by Ordinance No. 2024-44, passed 5/15/24, as amended by Ordinance 2024-056, passed 6/19/24, be amended as set forth in Exhibit "A", attached hereto and incorporated herein, so as to increase appropriations in Fund 128, Fire & EMS; Fund 136, CHIP Grant; Fund 138 – ARPA; and Fund 301, Capital Improvements; and a decrease in Fund 202, Sewer; and Declaring an Emergency.

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

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

PASSED: ________________________
Date

____
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____________________
Date

ATTEST: ________________________
Amy Wilkens, CMC
Clerk of Council

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

(SEAL)

____
AMY WILKENS, CMC
CLERK OF COUNCIL

Exhibit A

2024 ORIGINAL APPROPRIATIONS

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

2024 ORIGINAL APPROPRIATIONS

Fund - Department/Division	Personnel & Benefits	Other than Personnel & Benefits	Capital	Reserve/ Debt Service	Contingency	Fund & Department Total
Revolving Housing (120)						
Health	178,695	21,270	6,300			206,265
Fund Total	178,695	21,270	6,300	-	-	206,265
State & Local Forfeits (121)						
Police						-
Fund Total	-	-	-	-	-	-
Drug Law Enforcement (122)						
Police		15,000				15,000
Fund Total	-	15,000	-	-	-	15,000
Enforcement & Education (123)						
Police		11,000				11,000
Fund Total	-	11,000	-	-	-	11,000
Income Tax Safety (124)						
Police	8,722,965	863,415				9,586,380
Fund Total	8,722,965	863,415	-	-	-	9,586,380
Law Enforcement Trust (125)						
Police						-
Fund Total	-	-	-	-	-	-
Community Development Block Grant (126)						
Community Development	1,685	199,300	478,179			679,164
Fund Total	1,685	199,300	478,179	-	-	679,164
Fire & E.M.S. (128)						
Fire	6,282,490	962,365	845,100			8,089,955
Fund Total	6,282,490	962,365	845,100	-	-	8,089,955
Wireless 911 (129)						
Safety						-
Fund Total	-	-	-	-	-	-
Swimming Pool Inspections (130)						
Health	10,460		1,200			11,660
Fund Total	10,460	-	1,200	-	-	11,660
Police Pension (132)						
Police	160,000					160,000
Fund Total	160,000	-	-	-	-	160,000
Fire Pension (133)						
Fire	160,000					160,000
Fund Total	160,000	-	-	-	-	160,000
UDAG / EDA-RLF (134)						
City Manager/C.D.		60,000				60,000
Fund Total	-	60,000	-	-	-	60,000
CHIP Grant (136)						
City Manager/C.D.	20,000	175,000				195,000
Fund Total	20,000	175,000	-	-	-	195,000

2024 ORIGINAL APPROPRIATIONS

Fund - Department/Division	Personnel & Benefits	Other than Personnel & Benefits	Capital	Reserve/ Debt Service	Contingency	Fund & Department Total
Local American Rescue Plan Act (138)						
ARPA			5,889,706.05			5,889,706.05
Fund Total	-	-	5,889,706.05	-	-	5,889,706.05
Water (201)						
Service	2,062,257	1,159,545	1,262,400			4,484,202
Service (Capital Facilities)			322,000			322,000
Admin. Support	529,672	164,973	301,500			996,145
Budget & Finance (Debt)				26,740		26,740
Contingency					50,000	50,000
Fund Total	2,591,929	1,324,518	1,885,900	26,740	50,000	5,879,087
Sewer (202)						
Service	1,971,494	964,370	3,495,671			6,431,535
Service (Capital Facilities)			237,280			237,280
Admin. Support	456,045	130,073	173,500			759,618
Budget & Finance (Debt)				443,090		443,090
Contingency					50,000	50,000
Fund Total	2,427,539	1,094,443	3,906,451	443,090	50,000	7,921,523
Utility Billing (204)						
Budget & Finance		112,400				112,400
Fund Total	-	112,400	-	-	-	112,400
Solid Waste (205)						
Admin Support	75,650	176,790	9,000			261,440
Service	394,968	40,500	120,000			555,468
Fund Total	470,618	217,290	129,000	-	-	816,908
Storm Water Utility (208)						
Service	394,968	62,850				457,818
Service (Capital Facilities)		1,000	419,100			420,100
Admin. Support	331,258	78,800	20,000			430,058
Budget & Finance (Debt)				13,350		13,350
Fund Total	726,226	142,650	439,100	13,350	-	1,321,326
Guaranteed Deposits (230)						
Budget & Finance		1,000				1,000
Fund Total	-	1,000	-	-	-	1,000

2024 ORIGINAL APPROPRIATIONS

Fund - Department/Division	Personnel & Benefits	Other than Personnel & Benefits	Capital	Reserve/ Debt Service	Contingency	Fund & Department Total
Capital Projects (301)						
Safety			130,000			130,000
Service			824,000			824,000
Service (Capital Facilities)			6,743,557			6,743,557
Administrative	338,969		757,000			1,095,969
Budget & Finance (Debt)				62,280		62,280
New City Hall (Debt)			150,000	58,993.19		208,993.19
Contingency					25,000	25,000
Fund Total	338,969	-	8,604,557	121,273.19	25,000	9,089,799.19
Municipal Public Improvement Tax Increment Equivalent (302)						
Service (Capital Facilities)						-
Budget & Finance (Debt)				435,905		435,905
Fund Total	-	-	-	435,905	-	435,905
Police Facility (303)						
Safety (Capital Facilities)		66,000		811,250		877,250
Budget & Finance (Debt)						0
Fund Total	-	66,000	-	811,250	-	877,250
Debt Service (402)						
Budget & Finance (Debt)				402,006.81		402,006.81
Fund Total	-	-	-	402,006.81	0	402,006.81
Internal Service (807)						
Health Insurance		4,300,000				4,300,000
Fund Total	-	4,300,000	-	-	-	4,300,000
Total Appropriations	$ 30,403,260	$ 15,798,200	$ 22,436,993	$ 2,279,155	$ 250,000	$ 71,167,608
Original Appropriations	$ 28,632,091	$ 14,896,000	$ 8,855,200	$ 2,279,155	$ 250,000	$ 54,912,446
Amendment #1	1,771,169	534,275	13,272,939	-	-	15,578,383
Amendment #2	-	74,688	500	-	-	75,188
Amendment #3		213,237	288,354			501,591
Amendment #4		80,000	20,000			100,000
Amendment #5						-
Amendment #6						-
Amendment #7						-
Amendment #8						-
	$ 30,403,260	$ 15,798,200	$ 22,436,993	$ 2,279,155	$ 250,000	$ 71,167,608

2024 ORIGINAL APPROPRIATIONS - SCHEDULE OF OPERATING TRANSFERS AND TEMPORARY ADVANCES

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

DRAFT ORDINANCE NO. 2024 - 071

AN ORDINANCE AUTHORIZING THE CITY OF KENT TO SUBMIT A FUNDING APPLICATION TOTALING $689,000 AND TO EXECUTE THE SUBSEQUENT AGREEMENT WITH THE OHIO PUBLIC WORKS COMMISSION (OPWC), AND TO ACCEPT THE GRANT, IF AWARDED, WITH CORRESPONDING APPROPRIATION OF FUNDS AND DECLARING AN EMERGENCY.

WHEREAS, the application submitted to OPWC will be for the Rehabilitation of Sunrise Boulevard from Main Street to the bridge over Fish Creek; and

WHEREAS, the Administration is 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; and

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

SECTION 1. That Kent City Council approves submission of the City's capital project pre-application request for Ohio Public Works Commission grant and loan funding totaling $689,000, execution of the subsequent agreement, and authorized that the Administration provide all information, funds, and documentation required in said application for submission.

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

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

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

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

PASSED: ______________________
Date

____
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: ______________________
Date

ATTEST: ______________________
Amy Wilkens, CMC
Clerk of Council

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

(SEAL)

____
AMY WILKENS, CMC
CLERK OF COUNCIL

DRAFT ORDINANCE NO. 2024 –072

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

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

1) Adair Holdings and Management, LLC (1T) - $1,575
2) United Methodist Church of Kent, LLC (30WD) - $29,890
United Methodist Church of Kent, LLC (30T) - $10,950

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

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

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

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

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

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

PASSED: ________________________
Date

____
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: ______________________
Date

ATTEST: ____________________________
Amy Wilkens, CMC
Clerk of Council

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

(SEAL)

____
AMY WILKENS, CMC
CLERK OF COUNCIL

DRAFT ORDINANCE NO. 2024 -076

AN ORDINANCE AUTHORIZING THE CITY BUDGET & FINANCE DIRECTOR AND LAW DIRECTOR, OR THEIR DESIGNEES, TO SIGN AN EMPLOYMENT CONTRACT BETWEEN THE CITY OF KENT AND DAVID RULLER, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent has entered into an employment agreement initially in 2005 with David Ruller to be the City Manager of Kent; and

WHEREAS, the parties agree to grant a 5% pay increase and an additional week vacation that will be retroactive back to June 15, 2024; and

WHEREAS, time is of the essence.

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

SECTION 1. That Kent City Council hereby authorizes the Budget & Finance Director and the Law Director or their designees to execute the Employment Contract between the City of Kent and Dave Ruller, attached hereto as Exhibit "A", with David Ruller as City Manager of Kent.

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

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

PASSED: ________________________
Date

EFFECTIVE: _____________________
Date

____
Jerry T. Fiala
Mayor and President of Council

ATTEST: _________________________
Amy Wilkens, CMC
Clerk of Council

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

(SEAL)

____
AMY WILKENS, CMC
CLERK OF COUNCIL

CONTRACT OF EMPLOYMENT

THIS AGREEMENT, made and entered into this____ day of_________, 2024, by and between the CITY OF KENT, OHIO, a municipal corporation, hereinafter called "Employer", as party of the first part, and DAVID RULLER, hereinafter called "Employee", as party of the second part, both of whom understand as follows:

WITNESSETH;

WHEREAS, Employer desires to continue the services of said DAVID RULLER as CITY MANAGER of the City of Kent as an employee at will, as provided by Ordinance No. 2005-38 and subsequent ordinances thereto; and

WHEREAS, it is the desire of the Governing Board, hereinafter called "Council", to provide certain benefits, establish certain conditions of employment and to set working conditions of said Employee; and

WHEREAS, it is the desire of the Council to (1) secure and retain the services of Employee; (2) to make possible full work productivity by assuring Employee's morale and peace of mind with respect to future security; (3) to act as a deterrent against malfeasance, misfeasance, or nonfeasance on the part of Employee, and (4) to provide a procedure for terminating Employee's services at such time as he may be unable fully to discharge his duties due to age or disability or when Employer may otherwise desire to terminate his employ; and

WHEREAS, Employee desires to serve as CITY MANAGER of said City of Kent, Ohio.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

SECTION 1. DUTIES

During the period of employment herein described, the Employee shall perform the duties of City Manager, as said duties are prescribed by the Charter of the City of Kent, Ohio, as the same now exists or as it may be amended subsequently, and all ordinances lawfully enacted pursuant thereto, and such other duties as the Council of the City of Kent, Ohio, may lawfully assign to the Employee.

SECTION 2. TERM

A) Nothing in this agreement shall prevent, limit or otherwise interfere with the right of the Council to terminate the services of Employee at any time, subject only to the provisions set forth in Section 4, paragraphs A and B, of this Agreement.

B) Nothing in this agreement shall prevent, limit or otherwise interfere with the right of the Employee to resign at any time from his position with Employer, subject only to the provision set forth in Section 2, paragraph C, and Section 4, of this agreement.

C) Employee agrees to remain in the exclusive employ of Employer beginning June 15, 2022 through June 14, 2030, neither to accept other employment nor to become employed by any other employer until said termination date, unless said termination date is affected as hereinafter provided.

The term "employed" shall not be construed to include occasional teaching, writing, or consulting performed on employee's time off.

SECTION 3. SUSPENSION OR TERMINATION

Employer may suspend the Employee with or without pay and benefits at any time and may terminate the Employee at any time during the term of this agreement, but only in accordance with Section 40 of the City Charter.

SECTION 4. TERMINATION AND SEVERANCE PAY

A) In the event Employee is terminated by the Council or by Charter amendment, before expiration of the aforesaid term of employment or any time thereafter and during such time that Employee is willing and able to perform his duties under this agreement, then in that event Employer agrees to pay Employee a lump sum cash payment equal to six (6) months' aggregate salary, including holidays, family health insurance benefits and accrued vacation; provided, however, that in the event Employee is terminated because of his conviction of any illegal act, then, in that event, Employer shall have no obligation to pay the aggregate severance sum designated in this paragraph.

B) In the event Employer at any time during the term of this agreement reduces the salary or other financial benefits of Employee in a greater percentage than an applicable across-the-board reduction for all employees of Employer, or in the event Employer refuses, following written notice, to comply with any other provision benefitting Employee herein, or the Employee resigns following a suggestion, whether formal or informal, by the Council that he resign, then, in that event, Employee may, at his option, be deemed to be "terminated" at the date of such reduction or such refusal to comply within the meaning and context of the herein severance pay provision.

C) In the event Employee voluntarily resigns his position with Employer before expiration of the aforesaid term of his employment, then Employee shall give Employer two months notice in advance, unless the parties otherwise agree.

SECTION 5. DISABILITY

If Employee is permanently disabled or is otherwise unable to perform his duties because of sickness, accident, injury, mental incapacity or health for a period of four successive weeks beyond any accrued sick leave, or for twenty working days over a thirty working day period, Employer shall have the option to terminate this agreement, subject to the severance pay requirements of Section 4, paragraph A. However, Employee shall be compensated for any accrued sick leave, vacation, holidays, compensatory time and other accrued benefits.

SECTION 6. SALARY

A) For the 2024-25 evaluation period, Employee shall receive five percent (5%) cost of living increase of his salary and personal deferred compensation with an effective date of June 15, 2024. Salary for the remaining years of this contract shall be determined by the parties prior to the anniversary of the employee's hiring annually.

B) In future years, Employee shall be eligible to receive the same amount in cost of living as the “white book” employees pending a satisfactory performance evaluation, plus any merit increase that Council believes Employee has earned.

C) Employee shall continue to receive monies for deferred compensation payable on the same schedule referred to above, to be placed in a retirement account of Employee's choosing. Each year that Employee receives a salary increase, the same percentage shall be applied to increase Employee’s deferred compensation.

SECTION 7. PERFORMANCE EVALUATION

A) The Council shall review and evaluate the performance of the Employee on an annual basis. Further, the Council, or a designee of Council, shall provide the Employee with a summary written statement of the findings of the Council and provide an adequate opportunity for the Employee to discuss his evaluation with the Council.

B) Within the first ninety (90) days, and thereafter, prior to Employee's hiring anniversary date, annually, the Council and Employee shall define such goals and performance objectives which they determine necessary for the proper operation of the City of Kent and in the attainment of the Council's policy objectives and shall further establish a relative priority among those various goals and objectives, said goals and objectives to be reduced to writing. They shall generally be attainable within the time limitations as specified and the annual operating and capital budgets and appropriations provided.

C) In effecting the provisions of this Section, the Council and Employee mutually agree to abide by the provisions of applicable law.

D) Further, Employee's salary shall be reviewed annually during the evaluation process and may be increased by the Council.

SECTION 8. HOURS OF WORK

The parties realize that the position of City Manager requires the person holding such position to work many weekends, evenings and other irregular hours at many locations outside of City Hall during which hours City Hall is not open. The parties further realize that such work during these times is of equal importance to the City Manager's normal daily duties at City Hall. Therefore, in order to encourage the Employee to undertake such work at such irregular hours and still provide the Employee with a reasonable limitation of the total number of hours which he may be required to work in any given week, it is understood and agreed that the Employee shall work whatever hours as may be necessary in order for him to fulfill the requirements of the position of City Manager, but in any event not less than forty (40) hours per week, allowing flexibility for meals, exercise and other important personal activities.

SECTION 9. OUTSIDE ACTIVITIES

Employee shall not spend more than ten (10) hours per week in teaching, counseling or other non-Employer connected business without the prior approval of the Council.

SECTION 10. AUTOMOBILE

During the term of this Agreement the Employee shall receive an automobile allowance of $300.00 per month. This allowance shall compensate the Employee for the use of his personal automobile in the course of City business and shall be paid in lieu of mileage or any other method of reimbursement, pursuant to City Policy on use of Personal Vehicles for City business.

SECTION 11. VACATION LEAVE

A) Employee shall receive five (5) additional working days of paid vacation (for a total of thirty (30), effective as of the date of this agreement. For the term of this contract, the Employee shall continue to be entitled to receive thirty (30) working days of paid vacation leave each year initially vesting January1, 2006 (the same as other senior staff) and annually thereafter; however, Employee agrees to take no more than ten (10) continuous days at any one time without permission of City Council. Up to and including fifteen (15) days of unused accrued vacation leave may be carried forward from one year into the next or "sold back" at any time during the year in which it is received for an amount equal to the number of days "sold back" multiplied by the Employee's then-current annual salary divided by 260. The Employee is encouraged to use as much as possible of his vacation leave. The balance of vacation leave which is not carried forward or "sold back" must be taken in the year in which it is earned. All vacation leave shall vest as of the first day of June of each year covered by this Agreement and any accrued leave shall be "sold back" upon termination of the Employee's employment with the City.

B) Pending satisfactory job performance, Employee is eligible to receive an increase in his accrual rate of vacation time commensurate with the rate provided to the department heads as listed in Article 10, Section 5 and/or Article 20, Section 6 of the City's General Compensation Plan.

SECTION 12. SICK LEAVE

The Employee shall continue to earn ten (10) hours of sick leave for each completed calendar month of service. Accrued sick leave may be accumulated without limit. Upon expiration or termination of this Agreement, the Employee shall be permitted to "sell back" fifty percent (50%) of his accrued sick leave and the remainder shall be forfeited.

SECTION 13. OTHER BUSINESS EXPENSE

Employer shall reimburse the Employee for all other employment-related expenses including, but not limited to, air travel, taxi and auto rental, lodging, meals, memberships and subscriptions to the publications of the International City Management Association, the Ohio City Management Association, registration fees for training programs offered by such organizations, and travel and incidental costs relating to attendance at such programs or the conferences and meetings of such organizations, it being specifically understood that the Employer requests that such activities be undertaken by the Employee, at his option, and shall be considered as part of the Employee's duties. The Employee shall be reimbursed for such other expenses as the City shall approve by motion passed by its City Council.

SECTION 14. GROUP INSURANCE BENEFITS

A) Employer shall pay the full cost of providing the Employee with the present group disability, health, life, medical and dental insurance coverage which the City currently purchases for other City Employees.

B) Employee agrees to submit once per calendar year to a complete physical examination by a qualified physician selected by the Employer, the cost of which shall be paid by the Employer. Employer shall receive a copy of all medical reports related to said examination.

SECTION 15. DUES AND SUBSCRIPTIONS

Employer agrees to budget and to pay for the professional dues and subscriptions of Employee necessary for his continuation and full participation in national regional, state and local associations and organizations necessary and desirable for his continued professional participation, growth and advancement, and for the good of the Employer.

SECTION 16. PROFESSIONAL DEVELOPMENT

A) Employer hereby agrees to budget for and to pay the travel and subsistence expenses of Employee for professional and official travel, meetings and occasions adequate to continue the professional development of Employee and to adequately pursue necessary official and other functions for Employer, including but not limited to the Annual Conference of the International City Management Association, the state league of municipalities and such other national, regional, state and local governmental groups and committees thereof which Employee serves as a member.

B) Employer also agrees to budget and to pay for the travel and subsistence expenses of Employee for short courses, institutes and seminars that are necessary for his professional development and for the good of the Employer.

SECTION 17. INDEMNIFICATION

Employer shall defend, save harmless and indemnify Employee against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Employee's duties as City Manager. Employer will compromise and settle any such claim or suit and pay the amount of any settlement or judgment rendered thereon.

SECTION 18. BONDING

Employer shall bear the full cost of any fidelity or other bonds required of the Employee under any law or ordinance.

SECTION 19. OTHER TERMS AND CONDITIONS OF EMPLOYMENT

The Council shall fix any such other terms and conditions of employment, as it may determine from time to time, relating to the performance of employee, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the City Charter or any other law. Unless otherwise specified herein, Employee shall be entitled to benefits granted to Employees covered the City's General Compensation Plan for all unclassified and various classified employees.

SECTION 20. NO REDUCTION OF BENEFITS

Employer shall not at any time during the term of this Agreement reduce the salary, compensation or other financial benefits of Employee, except to the degree of such a reduction across-the-board for all employees of the Employer.

SECTION 21. RENEWAL

The Employer and Employee may meet to discuss renewal of this Agreement at any time during its term. Should the Employer not renew this contract after five (5) years, Employer shall provide Employee at least ninety (90) days notice prior to June 14, 2013, of its intent to renew, not renew, or terminate this contract.

SECTION 22. NOTICES

Notices pursuant to this Agreement shall be given by deposit in the custody of the United States Postal Service, postage prepaid, addressed as follows:

(1)	EMPLOYER: Kent City Council c/o Clerk of Council 301 S. DePeyster Street Kent, Ohio 44240	(2)	EMPLOYEE: DAVID RULLER Office of the City Manager 301 S. DePeyster Street Kent, Ohio 44240 or at his last current residence address

Alternatively, notices required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as of the date of deposit of such written notice in the course of transmission in the United States Postal Service.

SECTION 23. RELOCATION EXPENSES

A) Employer shall reimburse Employee and his spouse the reasonable expenses of one house-hunting trip from Kingsport, Tennessee, to Kent, including travel (mileage), lodging and meal expenses (excluding alcohol), prior to June 15, 2005.

B) Employer shall pay Employee's relocation expenses for his move to Kent. Employee shall obtain three estimates for the moving expenses and submit those to City Council for approval of the lowest bid.

SECTION 24. GENERAL PROVISIONS

A) The text herein shall constitute the entire agreement between the parties.

B) This Agreement shall be binding upon and inure to the benefit of the heirs at law and executors of Employee.

C) This Agreement shall become effective commencing June 15, 2024.

D) If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, and shall not be affected, and shall remain in full force and effect.

IN WITNESS WHEREOF, the City of Kent has caused this Agreement to be signed and executed on its behalf pursuant to authority and directions given by City Council in Ordinance No. 2024-___, passed July 17 2024, the City's Directors of Budget and Finance and Law, on behalf of the City, and the Employee have caused this Agreement to be executed in duplicate at Kent, Ohio, this _____ day of _________________, 2024.

FOR THE CITY OF KENT, OHIO:	**BY THE EMPLOYEE:**
______________________________	______________________________
Rhonda L. Hall Director of Budget & Finance	David Ruller
______________________________	
Hope L. Jones Director of Law	

CERTIFICATE OF THE LAW DIRECTOR

Approved as to form.

____
Hope L. Jones
Director of Law
City of Beachwood, Ohio
Date:______________

CERTIFICATE F DIRECTOR OF BUDGET AND FINANCE

It is hereby certified that the funds required to meet the contract, agreement, obligation, and/or payment of expenditure, for the above, has been lawfully appropriated or authorized or directed for such purposes and is in the City Treasury or in the process of collection to the credit of the ____ funds free from any obligation or certificates now outstanding.

____
Rhonda L. Hall, Director of Budget and Finance
City of Kent, Ohio

Date: ________________

DRAFT RESOLUTION 2024- 061

A RESOLUTION DECLARING THE INTENT TO APPROPRIATE PROPERTY INTERESTS FOR THE EAST MAIN STREET IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY.

WHEREAS, it is necessary and advisable for the public health, safety and welfare that the City of Kent acquire certain property within the City of Kent for public road improvements, specifically for the East Main Street Improvement Project; and

WHEREAS, Ohio Revised Code Section 719.01 authorizes the appropriation of property by a municipal corporation for such purposes; and

WHEREAS, Ohio Revised Code Section 719.04 requires that a municipal Council adopt a resolution of intent to appropriate property in order to exercise the authority granted to municipal corporations under Section 719.01.

NOW THEREFORE, **BE IT RESOLVED** by the Council of the City of Kent, State of Ohio that:

SECTION 1. It is necessary and it is hereby declared to be the intent of this Council to appropriate certain interests in the following real properties (designated by Portage County Permanent Tax Parcel Number) for the purpose of public right-of-way improvements as part of the Project set forth in the recitals to this Resolution and which properties are hereinafter described and further identified, and the specific interests therein described, in the various Exhibits "A" for each property attached hereto and fully incorporated into this Resolution.

Item Number	Project Parcel Number	Auditor Parcel Number	Appraised Value
1	6T	17-024-33-00-123-000	$26,235

SECTION 2. The City Manager, or his designee, is authorized and directed to cause written notice of the passage of this Resolution, in accordance with Section 719.05 of the Ohio Revised Code, to be given to each owner of the above-listed properties; and the notice shall be served by Federal Express, requiring a signed receipt showing to whom it was delivered, date of delivery and the address where delivered.

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

SECTION 4. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and for the further reason to clear the right of way for construction as soon as possible; wherefore, provided this Resolution receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: ____________________ ____________________

Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: ____________________
Date

ATTEST: ________________________
Amy Wilkens, CMC
Clerk of Council

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

(SEAL)

____
AMY WILKENS, CMC
CLERK OF COUNCIL

EXHIBIT A

LPA RX 887 T

Ver. Date 07/19/23

PID 112026

PARCEL 6-T
POR-59-2.14 (E. MAIN STREET AREA IMPROVEMENTS)
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
REGRADE, RECONSTRUCT DRIVE, REMOVE VEGETATION, REMOVE
RAILROAD TIES, ASPHALT PARKING AREA
FOR 36 MONTHS FROM DATE OF ENTRY BY THE
CITY OF KENT, PORTAGE COUNTY, OHIO

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Portage, City of Kent, being part of Original Lot 24 in Franklin Township, Township 3 North, Range 9 West, being part of lands described in the deeds to ZUGARO REVOCABLE FAMILY TRUST and FRANK R. ZUGARO & NORMA J. ZUGARO (Grantor) as recorded in Deed Volume 1139 Page 95 and Deed Volume 955 Page 299 on file in the Portage County Recorder's Office and laying on the left side of the centerline of right-of-way of East Main Street (State Route 59) as shown on the East Main Street Area Improvements right-of-way plans prepared by Arcadis U.S., Inc for and on file with the City of Kent, Ohio, and more fully described as follows:

Beginning on the northerly right-of-way line of said East Main Street at 40.00 feet left of Station 114+55.02 being the Grantor's southwesterly corner;

1. Thence North 00° 13' 47" West, leaving said northerly right-of-way line and along the Grantor's westerly line, a distance of 22.00 feet being 62.00 feet left of Station 114+55.12;

2. Thence North 89° 31' 04" East, leaving the Grantor's westerly line and through the Grantor, a distance of 124.28 feet being 62.00 feet left of Station 115+79.40;

3. Thence South 00° 13' 17" East, along the Grantor's easterly line, a distance of 22.00 feet to the Grantor's southeasterly corner being 40.00 feet left of Station 115+79.30;

4. Thence South 89° 31' 04" West, leaving the Grantor's easterly, a distance of 124.28 feet to the **Point of Beginning**;

The above described easement contains 0.063 acres (2734 square feet, including 0.000 acres within the present road occupied) all within Parcel Number 17-024-33-00-123-000 and subject to all legal highways and easements of record;

EXHIBIT A

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

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

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

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

STATE OF OHIO
ROBERT G. HOY
8142
REGISTERED
PROFESSIONAL SURVEYOR

DRAFT ORDINANCE NO. 2024 –073

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

WHEREAS, the City of Kent Council desires to obtain a small permanent parcel (0.072 acres) and a small temporary parcel (0.021 acres) from Maria C. Rock for right-of-way purposes; and

WHEREAS, Maria C. Rock is willing to grant the right-of-ways for an amount above the fair market value of $22,355.00. Maria C. Rock has requested an additional amount of $8,645.00 which would bring the settlement amount to $31,000.00. The City's portion of the additional requested amount would be $432.25 (5%); and

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

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

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

SECTION 1. That Council does hereby accept and authorizes the City Manager or his designee to execute the agreement with Maria C. Rock for the City of Kent to obtain a permanent and temporary easement for right-of-way purposes to install, construct and reconstruct the roadway and sidewalks for the project known as East Main Street Improvement Project in substantial conformity with the terms of the Agreement marked as Exhibit "A", attached hereto and made a part hereof.

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

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

PASSED: ________________________
Date

____
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: ______________________
Date

ATTEST: ______________________________
Amy Wilkens, CMC
Clerk of Council

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

(SEAL)

____
AMY WILKENS, CMC
CLERK OF COUNCIL

CITY OF KENT
DEPARTMENT OF PUBLIC SERVICE
DIVISION OF ENGINEERING

MEMO

TO: Mayor Fiala
Dave Ruller
Amy Wilkens

FROM: Jim Bowling Jsb

DATE: 7/12/2024

RE: E Main Street Improvements – R/W Acquisition

The Service Department is requesting an executive session of City Council to discuss a proposed right-of-way settlement with Maria C. Rock. The property in question is located at the northeast corner of E Main Street and Overlook Drive and a multi-unit residential facility is currently located on the parcel. The right-of-way impacts to the property are shown in Figure 1 below. These impacts include a permanent parcel (0.072 acres) and a temporary parcel (0.021 acres). A summary of the purchase values is shown below:

Fair Market Value Estimate -	$22,355
Additional Amount Requested -	$8,645
Negotiated Settlement Amount -	$31,000

The basis of the dispute is the consideration of proximity damages. While the project moves E Main Street farther from the building, a portion of Overlook Drive will be closer to the building. The property owner and their attorney had their own appraisal completed, by an ODOT certified appraiser, to establish their fair market value estimate.

The Ohio Department of Transportation (ODOT) has already approved the Negotiated Settlement Amount. The right-of-way costs for the project are funded with money from grants, KSU and the City. Our portion of the additional requested amount would be $432.25 (5%).

We recommend approving the negotiated settlement.

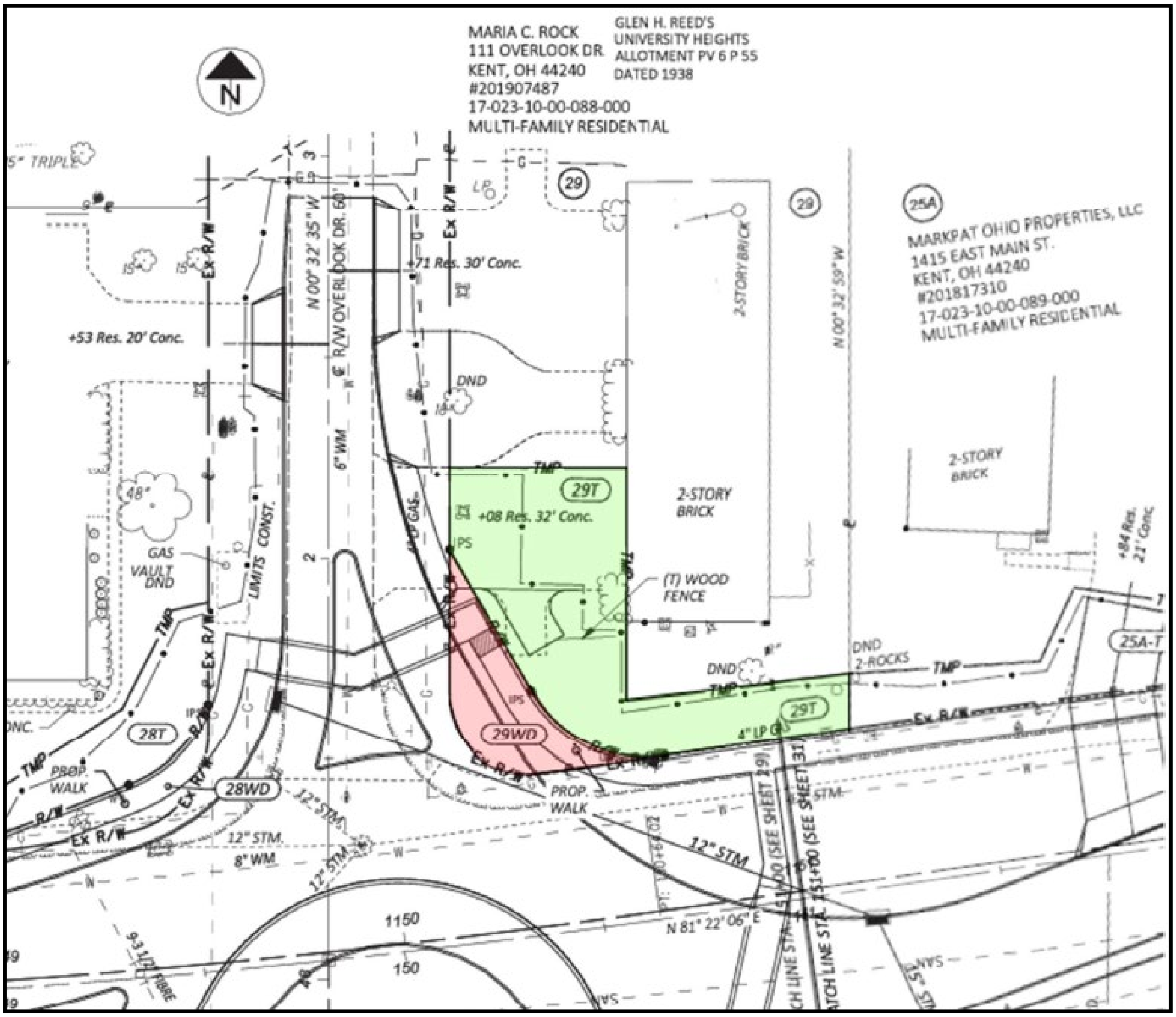

Figure 1 – Temporary (green) and permanent (pink) Right-of-Way from the Maria C. Rock Parcel

C: Hope Jones
Melanie Baker
Sandy Lance
Jon Giaquinto

DRAFT ORDINANCE NO. 2024 –074

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

WHEREAS, the City of Kent Council desires to obtain a small permanent parcel (0.007 acres) and a small temporary parcel (0.028 acres) from Faith Lutheran Church of Kent for right-of-way purposes; and

WHEREAS, Faith Lutheran Church of Kent is willing to grant the right-of-ways for an amount above the fair market value of $13,755.00. Faith Lutheran Church of Kent has requested an additional amount of $1,745.00 which would bring the settlement amount to $15,500.00. The City's portion of the additional requested amount would be $87.25 (5%); and

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

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

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

SECTION 1. That Council does hereby accept and authorizes the City Manager or his designee to execute the agreement with Faith Lutheran Church of Kent for the City of Kent to obtain a permanent and temporary easement for right-of-way purposes to install, construct and reconstruct the roadway and sidewalks for the project known as East Main Street Improvement Project in substantial conformity with the terms of the Agreement marked as Exhibit "A", attached hereto and made a part hereof.

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

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

PASSED: ________________________
Date

____
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: ______________________
Date

ATTEST: ________________________
Amy Wilkens, CMC
Clerk of Council

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

(SEAL)

____
AMY WILKENS, CMC
CLERK OF COUNCIL

CITY OF KENT
DEPARTMENT OF PUBLIC SERVICE
DIVISION OF ENGINEERING

MEMO

TO: Mayor Fiala
Dave Ruller
Amy Wilkens

FROM: Jim Bowling Jsb

DATE: 7/12/2024

RE: E Main Street Improvements – R/W Acquisition

The Service Department is requesting an executive session of City Council to discuss a proposed right-of-way settlement with the Faith Lutheran Church of Kent located at the northwest corner of E Main Street and Luther Avenue. The right-of-way impacts to the property are shown in Figure 1 below. These impacts include a small permanent parcel (0.007 acres) and a small temporary parcel (0.028 acres). A summary of the purchase values is shown below:

Fair Market Value Estimate -	$13,755
Additional Amount Requested -	$1,745
Negotiated Settlement Amount -	$15,500

The basis of the dispute is the price per acre used in the appraisal.

The Ohio Department of Transportation (ODOT) has already approved the Negotiated Settlement Amount. The right-of-way costs for the project are funded with money from grants, KSU and the City. Our portion of the additional requested amount would be $87.25 (%).

We recommend approving the negotiated settlement.

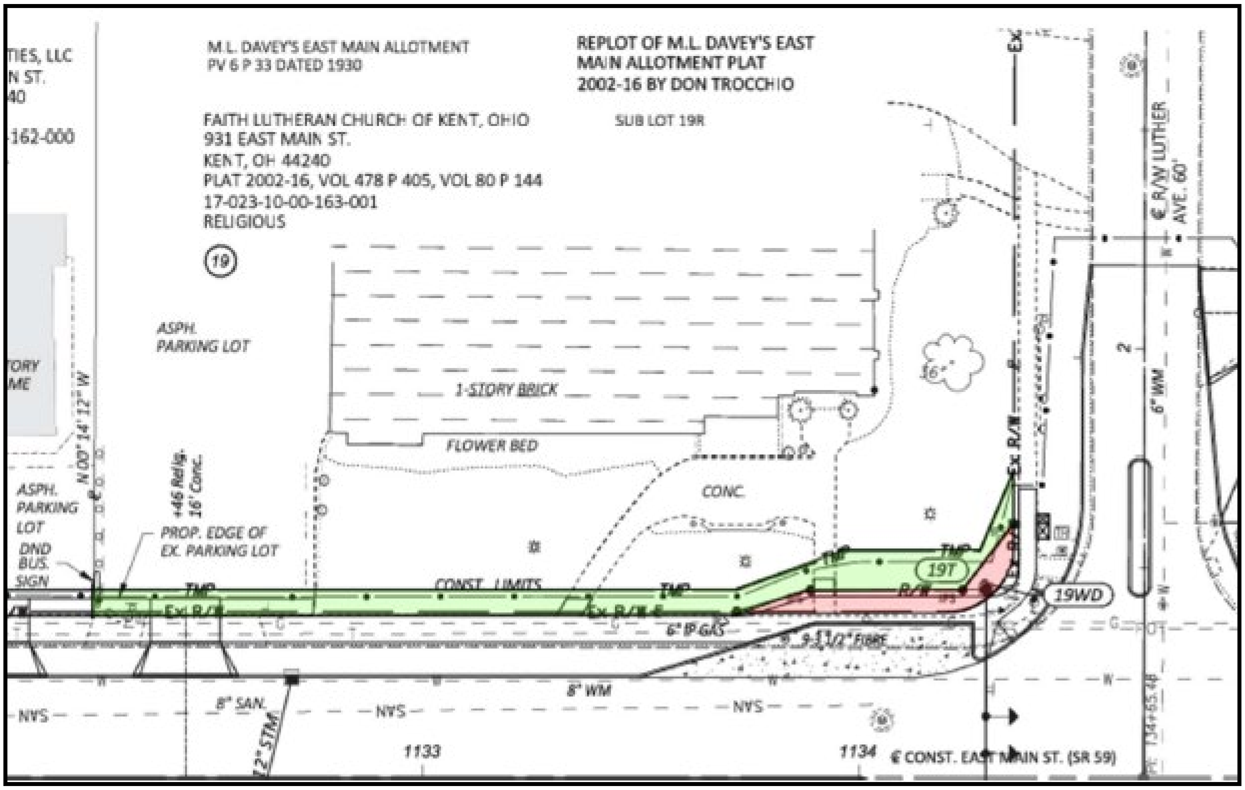

Figure 1 – Temporary (green) and permanent (pink) Right-of-Way from Faith Lutheran Church of Kent Parcel

C: Hope Jones
Melanie Baker
Sandy Lance
Jon Giaquinto

DRAFT ORDINANCE NO. 2024 –075

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

WHEREAS, the City of Kent Council desires to obtain a small temporary parcel (0.031 acres) from Southward Preserve, LLC for right-of-way purposes; and

WHEREAS, Southward Preserve, LLC is willing to grant the right-of-way for an amount above the fair market value of $3,255.00. Southward Preserve, LLC has requested an additional amount of $2,245.00 which would bring the settlement amount to $5,500.00. The City's portion of the additional requested amount would be $112.50 (5%); and

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

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

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

SECTION 1. That Council does hereby accept and authorizes the City Manager or his designee to execute the agreement with Southward Preserve, LLC for the City of Kent to obtain a temporary easement for right-of-way purposes to install, construct and reconstruct the roadway and sidewalks for the project known as East Main Street Improvement Project in substantial conformity with the terms of the Agreement marked as Exhibit "A", attached hereto and made a part hereof.

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

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

PASSED: ______________________
Date

____
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: ____________________
Date

ATTEST: ______________________
Amy Wilkens, CMC
Clerk of Council

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

(SEAL)

AMY WILKENS, CMC
CLERK OF COUNCIL

CITY OF KENT
DEPARTMENT OF PUBLIC SERVICE
DIVISION OF ENGINEERING

MEMO

TO: Mayor Fiala
Dave Ruller
Amy Wilkens

FROM: Jim Bowling Jab

DATE: 7/12/2024

RE: E Main Street Improvements – R/W Acquisition

The Service Department is requesting an executive session of City Council to discuss a proposed right-of-way settlement with Southward Preserve, LLC whose parcel is located on the north side of Main Street between Frances Drive and Fairview Drive. A multi-unit residential facility is currently located on the parcel. The right-of-way impacts to the property are shown in Figure 1 below. These impacts include a small temporary parcel along the frontage of the property totaling (0.031 acres). A summary of the purchase values are shown below:

Fair Market Value Estimate -	$3,255
Additional Amount Requested -	$2,245
Negotiated Settlement Amount -	$5,500

The basis of the dispute is the price per acre used in the appraisal.

The Ohio Department of Transportation (ODOT) has already approved the Negotiated Settlement Amount. The right-of-way costs for the project are funded with money from grants, KSU and the City. Our portion of the additional requested amount would be $112.50 (5%).

We recommend approving the negotiated settlement.

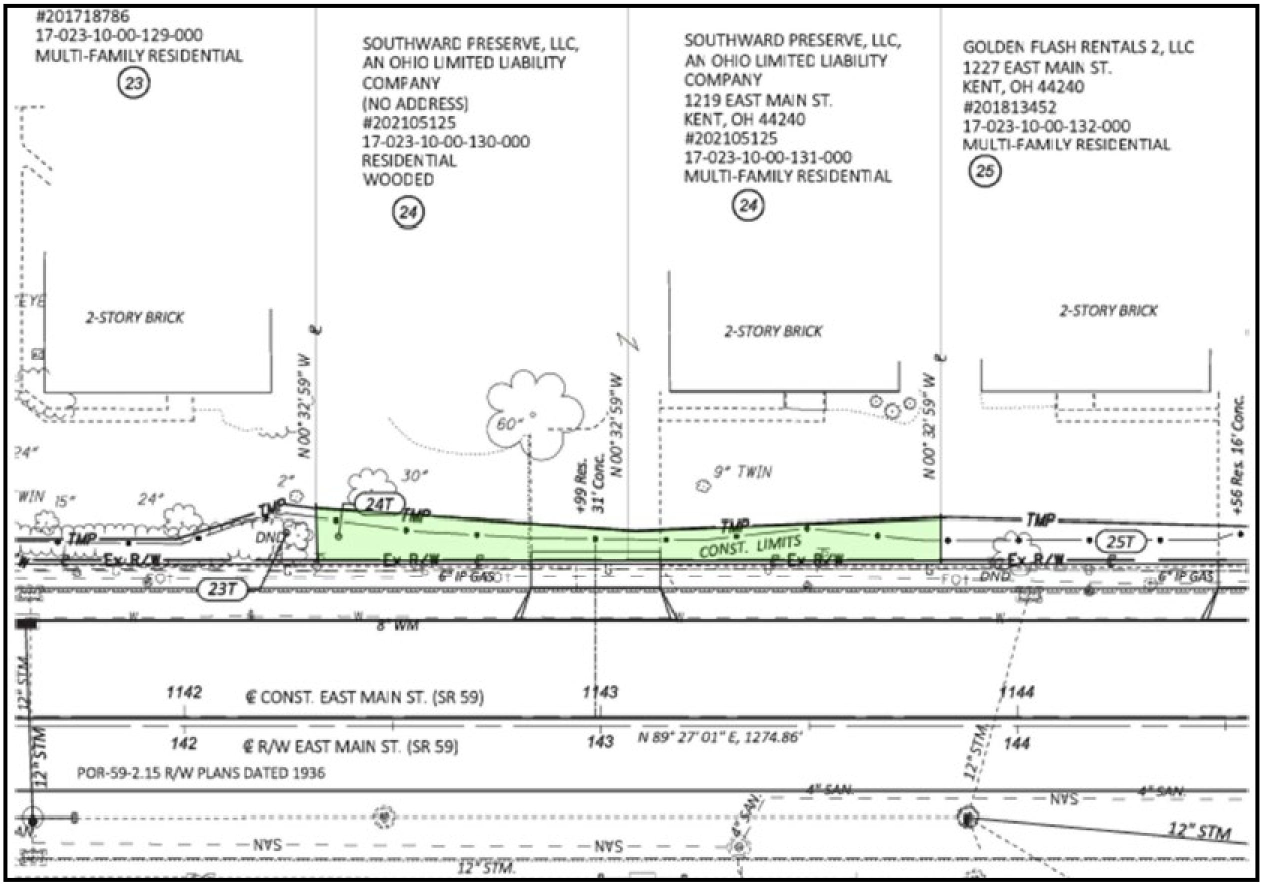

Figure 1 – Temporary (green) Right-of-Way from the Southward Preserve, LLC Parcel

C: Hope Jones
Melanie Baker
Sandy Lance
Jon Giaquinto