



City of Kent
Wednesday, October 16, 2024
Regular City Council Meeting
320 S. Depeyster Street, Kent, OH 44240

AGENDA

6:55 P.M. Board of Control

1. 7:00 P.M. Public Hearing - Consolidated Annual Performance and Evaluation Report (CAPER)

Regular Council Meeting Immediately Following Public Hearing

2. Roll Call
3. Opening Remarks and Pledge of Allegiance - Ms. Melissa Celko
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)
 - Email received from Greg Coleridge on October 7, 2024, thanking Council for being attentive to his remarks at Democracy Day, and encouraging support of the WethePeopleAmendment, HJR54.
 - Application for a position on the Sustainability Commission was received from Justine Gallo on October 9, 2024.
 - Email received from Jean Chrest, Standing Rock Cemetery Clerk, on October 3, 2024, with SRC's October agenda.
 - Email received from Sherry Rose, League of Women Voters of Kent, with a letter to Council with their response to the recent free speech intimidation in Portage County. SEE ATTACHMENT
 - Sandee Reid with Davey Tree invited Council members and senior City staff to a guided tour of the new SEED campus on October 24, 2024, with a light lunch at 11:45 at the corporate office, followed by the tour by shuttle, and finishing up by 1:00pm.
 - 4.3. City Manager's Report
5. Consent Agenda

- 5.1. Items listed under the Consent Agenda are considered routine. Each item will be read individually into the record and the Consent Agenda will then be enacted as a whole by one motion and one roll call. There will be no separate discussion of these items. If discussion by Council is desired on any item on the Consent Agenda, that item will be removed from the Consent Agenda by Council motion and considered in its normal sequence under the Regular Order of Business.
- 5.2. Motion for Minutes and Actions
 - 5.2.1. 10-02-24 City Council Committee Meeting w Democracy Day minutes
 - 5.2.2. 09-18-24 Regular Council Meeting minutes
- 5.3. Action Recommended: Proceed with the appropriation of temporary easement of the real property located at 405 East Main Street, Kent, Ohio, with the emergency clause.
- 5.4. Action Recommended: Authorize the Civil Service Commission to change the Civil Service rules to allow for Clerk of City Council to perform the duties of the Civil Service Coordinator and change the pay grade, with the emergency clause.
- 5.5. Action Recommended: Appropriate property interests for the East Main Street Improvement project, with the emergency clause.
- 5.6. **Draft 2024-104** A RESOLUTION DIRECTING THE ADMINISTRATION TO PROCEED WITH THE APPROPRIATION OF TEMPORARY EASEMENT OF THE REAL PROPERTY LOCATED AT 405 EAST MAIN STREET, KENT, OHIO, PPN: 17-024-33-00-123-000 FOR THE EAST MAIN STREET IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY
- 5.7. **Draft 2024-105** AN ORDINANCE AUTHORIZING THE CIVIL SERVICE COMMISSION TO CHANGE THE CIVIL SERVICE RULES TO ALLOW FOR CLERK OF CITY COUNCIL TO PERFORM THE DUTIES OF THE CIVIL SERVICE COORDINATOR, CHANGING THE PAY GRADE AND DECLARING AN EMERGENCY.
- 5.8. **Draft 2024-108** A RESOLUTION DECLARING THE INTENT TO APPROPRIATE PROPERTY INTERESTS FOR THE EAST MAIN STREET IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY.

6. Standing Committees & Legislation

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

- 6.1.1. Voting on Board and Commission Candidate
- 6.1.2. Motion to Authorize Insertion on Name into Legislation

- 6.1.3. **Draft 2024-109** A RESOLUTION APPOINTING _____ AND _____ TO THE CIVIL SERVICE COMMISSION AND DECLARING AN EMERGENCY (Unauthorized)
- 6.1.4. **Draft 2024-110** A RESOLUTION AFFIRMING THE CITY OF KENT AND ITS COUNCIL'S COMMITMENT THAT SAFE AND FAIR VOTING ENVIRONMENTS FOR VOTERS IS A RIGHT AND DECLARING AN EMERGENCY.
- 6.2. **Community Development** Chair Rosenberg/ Vice-Chair Clapper
 - 6.2.1. **Draft 2024-103** AN ORDINANCE AUTHORIZING AMENDMENTS TO THE CITY OF KENT'S ZONING CODE IN ORDER TO INCLUDE ELEMENTS FROM THE RECENTLY UPDATED DESIGN GUIDELINES AND DECLARING AN EMERGENCY. (Authorized)
 - 6.2.2. **Draft 2024-106** AN ORDINANCE AUTHORIZING AN AGREEMENT WITH KLABEN PROPERTY MANAGEMENT, LLC AND KLABEN FORD LINCOLN, INC. PROVIDING FOR A PROJECT (NEW DEALERSHIP) AND REAL PROPERTY TAX EXEMPTION PURSUANT TO THE OHIO COMMUNITY REINVESTMENT AREA PROGRAM (CRA), AND DECLARING AN EMERGENCY.
 - 6.2.3. **Draft 2024-107** AN ORDINANCE AUTHORIZING AN AGREEMENT WITH KLABEN PROPERTY MANAGEMENT, LLC AND KLABEN FORD LINCOLN, INC. PROVIDING FOR A PROJECT (SERVICE CENTER) AND REAL PROPERTY TAX EXEMPTION PURSUANT TO THE OHIO COMMUNITY REINVESTMENT AREA PROGRAM (CRA), AND DECLARING AN EMERGENCY.
- 6.3. **Health & Safety Committee** Chair Amrhein/ Vice-Chair Sidoti
 - 6.3.1. Action(s) Recommended: NONE. See Consent Agenda as applicable.
- 6.4. **Land Use Committee** Chair Shaffer Bish/ Vice-Chair Hook
 - 6.4.1. Action(s) Recommended: NONE. See Consent Agenda as applicable.
- 6.5. **Streets, Sidewalks and Utilities** Chair Sidoti/ Vice-Chair Clapper
 - 6.5.1. Action(s) Recommended: NONE. See Consent Agenda as applicable.
- 6.6. **Finance Committee** Chair DeLeone/ Vice-Chair Celko
 - 6.6.1. Action(s) Recommended: NONE. See Consent Agenda as applicable.
7. Unfinished Business
8. New Business
9. Councilmembers' Comments
10. Mayor's Report

Adjourn

Any person who requires an auxiliary aid or service for effective communication or a modification of policies and procedures to participate in any City or City Council public meeting or event should contact the Clerk of Council at 330-678-8007. 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.

September 24, 2024

Kent City Council
Attn: Amy Wilkins

In light of recent events in Portage County, The League of Women Voters wishes to express our deep concern regarding the troubling actions taken by Sheriff Bruce Zuchowski and the election officials who have failed to hold him accountable for his harmful rhetoric.

When a public, elected official tasked with upholding the law engages in actions that target and intimidate members of our community for their political views, it undermines the very core of our democratic values.

Such intimidation, particularly from someone in a position of power, is unconscionable and deeply troubling. These actions, which have gone mostly unchecked, even by Secretary of State Frank LaRose, our highest election official, are examples of voter suppression and fear tactics which have no place in Portage County or anywhere in our democracy. As Americans, we must uphold the right to free expression and ensure all voices can be heard without fear of intimidation or retaliation.

The emotional toll on individuals who simply wish to participate in the political process cannot be ignored. When law enforcement acts to intimidate rather than protect, it creates a chilling effect on our democratic engagement.

Every voter, regardless of political affiliation or background, must feel confident in their right to express their views without fear of reprisal. The League of Women Voters of Kent stands firmly against these divisive actions. We urge our officials to act in the best interest of all citizens by ensuring intimidation and threats have no place in our community or our elections.

Together, we must protect the rights of every voter, uphold the principles of democracy, and stand against any form of intimidation or oppression.

Respectfully submitted,



Sherry Rose
President – League of Women Voters of Kent



City of Kent
Wednesday, October 2, 2024
City Council Committee Meetings
320 S. Depeyster Street, Kent, OH 44240

MINUTES

Board and Commission Interviews

Sarah Wesley introduced herself to City Council as a member of the community member looking to get more involved by joining the Civil Service Commission.

- Mr. Sidoti asked her what she knows about the Civil Service Commission.
- Ms. Shaffer Bish asked if she owns a business and if she has experience hiring people. She said she has experience hiring, firing, applications, etc. and referred to herself as a "one woman show."
- Mr. Turner thanked the applicant and asked her what her prime attributes were to the position.
- Mr. Sidoti asked her why she decided not to teach.

Democracy Day Public Hearing

At 6:00 PM, Mayor Jerry T. Fiala called the Democracy Day Public Hearing to order.

Mr. Bill Wilen was the first speaker and thanked City Council for the ninth year bringing Democracy Day to them. He highlighted a feature from Move to Amend entitled "Questions we would have asked the Presidential candidates."

Mr. Andrew Rome, the Director of the Haymaker Farmers' Market, was next, thanking City Council for supporting the Haymaker Farmer's Market, and providing an overview of the Market's success, and outlining the importance of supporting local food resources.

Mr. Greg Coleridge, Director of the National Coalition for the Move to Amend, spoke next on the topic of corporate constitutional rights and the influence of corporate funding in the election process.

The final speaker was Ms. Nancy Worlop, who related personal stories of the aftermath of Hurricane Helene, and the connection between severe weather, global warming, and large corporate interests.

At 6:35, Mayor Fiala announced the order of the agenda would be changed due to the Public Hearings ending early.

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

Also Present: Mr. Jerry T. Fiala, Mayor, and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; 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; Mr. Erik Fink, Prosecutor; Ms. Angela Manley, Parks and Recreation Director; Ms. Suzanne Stemnock, Human Resources Director; Mr. Oliver Wuensch, Marketing & Special Events Coordinator; Ms. Kathy Coleman, Secretary to the Chief, Police Department; Ms. Amy Wilkens, Clerk of Council.

Absent:

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

Parks and Recreation Update

Ms. Angela Manley, Director of Parks and Recreation, came to Council to speak about all the offerings provided to Kent's residents. Discussion stemming from the presentation included ways Council could support Parks and Rec over the next 3-5 years, collaboration with Kent State, capital funding projects, getting information out to the community, public/private partnerships, and the Parks & Rec Master plan.

Community Development Committee - Chair Rosenberg/Vice-Chair Clapper

Chair Rosenberg opened the Community Development Committee meeting at 6:35 PM.

Zoning Code Text Amendments

Ms. Bridget Susel discussed changes to the following chapters of the zoning code:

CHAPTER 1102: DEFINITIONS

CHAPTER 1103: ZONING DISTRICTS, LAND USE, AND ZONING MAP

CHAPTER 1104: SUPPLEMENTAL ZONING DISTRICT STANDARDS AND

OVERLAY ZONING DISTRICTS
CHAPTER 1106: GENERAL PROVISIONS
CHAPTER 1109: SIGNS

CRA Agreement, Klaben: New Lincoln Dealership Building

Ms. Bridget Susel explained the CRA 2 District and presented two projects with Klaben. Ms. Susel reviewed the specifics of the project.
Mr. Rich Klaben came to Council to speak about the project. He gave the background of the company, which began in 1973. He gave an indepth overview of his dealership over the years and plans for the future.

Discussion included questions about the number of jobs being created by the CRA, the move to electronic vehicles, interest rates and expectation of growth.

CRA Agreement, Klaben: Renovation/Expansion of Service Center

See above

Design recommendation on proposed exterior facade alterations to 265 West Main Street

MOTION TO APPROVE Design recommendation on proposed exterior facade
MADE BY Robin Turner, SECONDED by Mr. Jeff Clapper and CARRIED by a
voice vote of 10-0-0.

Health and Public Safety Committee - Chair Amrhein/Vice-Chair Sidoti

Paramedicine Program Update

Fire Chief Jamie Samels introduced the topic and paramedicine nurse Sara Slanina provided a description of the program, slideshow, and statistics. Dr. John Hill, an ED physician at UH Portage and Medical Director for KFD, spoke about the success of the program and how it is being used as a template of sorts to start paramedicine programs in other communities.

Streets, Sidewalks & Utilities Committee - Chair Sidoti/Vice-Chair Clapper

Mr. Sidoti referenced a motion on the table to proceed with the East Main Street improvement process. Hope Jones advised that once a resolution to proceed was approved, the process could move forward and be handed over to an outside attorney to finish the work of appropriation.

MOTION to authorize the resolution with the emergency clause was MADE by Heidi Shaffer-Bish, SECONDED by Chris Hook, and PASSED by unanimous voice vote.

Executive Session

MOTION to enter into Executive Session Council 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; to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official; to confer with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action
was MADE by John Amrhein, SECONDED by Chris Hook, and PASSED by roll call vote 10-0-0. Council entered Executive Session at 8:26pm.

MOTION TO RETURN TO THE REGULAR COMMITTEE MEETING MADE BY Mr. Jack Amrhein, SECONDED by Mr. Chris Hook and CARRIED by unanimous voice vote.

Hearing no further business, the meeting adjourned at 9:16pm.

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Democracy Day Hearing
Kent City Council
Oct. 2, 2024
Bill Wilen, presenter

Home » Announcements

Questions we would have asked the Presidential candidates

Posted by Greg Coleridge 1810.20pc on September 12, 2024

The moderators of the ABC-sponsored Presidential debate offered questions on a range of issues. They ignored, however, a major set of questions.



If MTA instead of ABC had moderated the debate, here are 10 questions we would have made sure to include.

"Good evening. Welcome former President Trump and Vice President Harris. We'd like to begin tonight's debate asking the both of you the following questions.

1. Each election season has set new records in money raised and spent since the 2010 *Citizens United* Supreme Court decision. The 2024 Presidential and Congressional elections are no different. Do you support overturning *Citizens United*?

2. The corrupting effect of money donated (or invested) in elections from the super rich precedes *Citizens United*. It originated in ***Buckley v Valeo***, another Supreme Court

decision in the 1970's that defined money as First-Amendment protected free speech. Do you believe money equals free speech?

3. The Supreme Court in yet another decision, ***First National Bank of Boston v Bellotti***, asserted that corporations for the first time had the First Amendment political free speech rights to spend or invest money on political elections. Do you believe any corporation, which may have literally unlimited economic resources, should have First Amendment political free speech rights?

4. Consumers often lack basic information about ingredients in food products, energy alternatives and other basic needs because corporations assert First Amendment rights NOT to speak that were **granted by courts**. Do you believe the rights of individuals to basic health and safety information should take precedence over the constitutional right of corporations not to disclose such information?

5. Surprise public inspections of corporate plants and factories to protect the safety of workers, facilities and the external environment are often illegal due to Fourth Amendment so-called "**privacy rights**" of corporations. Do you believe that a corporation should have these rights that were originally intended under the Bill of Rights to apply exclusively to individuals?

6. Many environmental scientists claim that a fundamental way to prevent the further destruction of our climate is to keep fossil fuels (i.s. oil, gas and coal) in the ground vs finding "cleaner" ways to burn them. Doing so would likely result in fossil fuel corporations claiming Fifth Amendment so-called "**takings rights**" resulting in lost future profits of tens of billions, if not trillions of dollars in compensation. Do you agree that individuals should have the right to a livable world over fossil fuel corporations claiming Fifth Amendment constitutional rights that were intended under the Bill of Rights to apply exclusively to individuals?

7. Communities are often unable to provide preferential economic or regulatory support to locally owned businesses due to big box chain stores claiming "**discrimination**" under the Fourteenth Amendment. Do you support corporations having the ability to overrule local communities by claiming constitutional rights that were intended exclusively to liberate former enslaved human beings?

8. Former President Trump: You stated in 2015 "The fact is that whether it's Jeb or Hillary or any of them, they're all controlled by these people and the people that control them are the special interests, the lobbyists, and the donors." If you sincerely believe money in politics is a "yuge" problem, would you, if elected, do everything in your power to encourage Congress to enact the **We the People Amendment (HJR54)** that would allow We the People to regulate money in elections and end corporate rule?

9. Vice President Harris: When you first ran for the U.S. Senate in 2016, you took Move to Amend's Pledge to Amend which states: "I support amending the U.S. Constitution to make clear that corporations and other artificial entities do not have Constitutional rights and that money is not speech and campaign spending should be limited through regulation." Would you, if elected, do everything in your power to encourage Congress to enact the **We the People Amendment (HJR54)** that would allow We the People to regulate money in elections and end corporate rule?

10. Finally, to you both. Constitution Day is next week, September 17. While the Constitution was in some ways revolutionary compared to exclusive rule by a King or Queen in other ways it affirmed political control of a privileged minority over the majority. What other changes to the Constitution do you support to make it more just and relevant to our current times?

[Other questions asked.]

"Thank you both for being here. We invite everyone to go to **MovetoAmend.org** (especially to our Corporate Constitutional Rights Resources page) to learn more about the issues of corporate rule and the corrupting influence of money in elections that are completely ignored by the corporate media, as well as to take action.

"Finally, both candidates tonight and their respective organizational supporters will spent several billion dollars in this election. A large percentage of this funding will come from billionaires and indirectly from major corporations. By contrast, Move to Amend runs on a budget of a couple hundred thousand dollars -- a large percentage coming from individual grassroots supporters and none of it from billionaires and business corporations. If you must donate to political candidates, please consider setting aside some funds to "elect" the only grassroots-based movement seeking to abolish corporate rule by donating to Move to Amend at **movetoamend.org/donate**.

"Thank you and good night."

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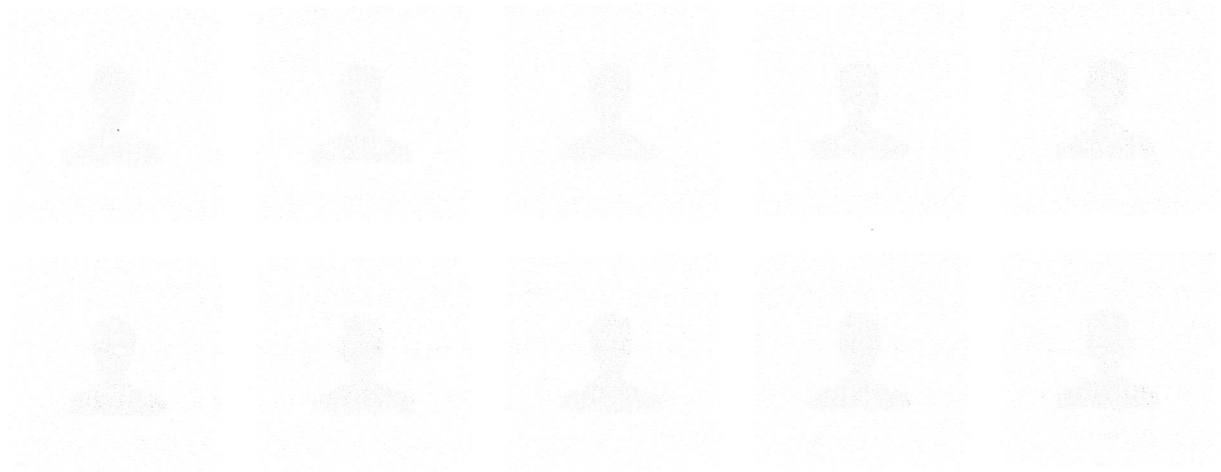
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Move To Amend

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City of Kent - Democracy Day remarks – 10/2/2024

Andrew Rome, Haymaker Farmers' Market

Hello, my name is Andrew Rome and I'm the Director of Haymaker Farmers' Market in Kent. I'm here for Democracy Day because I believe that supporting local businesses, not the interests of big corporate lobbyists, is what makes our Kent community such a vibrant and thriving place to live, work, and play. Thanks to Bill Wilen for his invitation to participate and speak to Council today – and thanks to the City of Kent for their ongoing support of the Market! Kent leases the Franklin Ave parking lot to Haymaker each year at a very fair, discount rate – and supports us by maintaining the parking lot, allowing us electric access, posts signs around town, and funding our "Music at the Market" program. Haymaker is proud to contribute to Kent's downtown – with 39,000 customer visits in 2023 and over \$1.4 million in economic impact with the participation of our 63 vendors, 106 artists and musicians, and 18 non-profits and community organizations. We've been growing for the past 32 years since our founding and we're excited to continue to serve Kent area food and agriculture businesses by making local foods more accessible to everyone. We participate in all the food assistance programs possible – even creating new ones with our local partners – distributing over \$76,000 of food assistance last year. Everyone deserves healthy, fresh food – and in Kent they can get it!

The good work happening in Kent is not the norm. Especially during this election season we can see the dysfunction of government when it is steered by the interests of big corporate donations. Our national food system subsidizes cheap, unhealthy, processed foods, with profits taken out of our community – rather than reinvesting in our local producers. Our national debate over the "Farm Bill" renewal has stalled yet again, with proposed cuts to the SNAP food assistance program. This isn't abstract to us – our largest food assistance program is SNAP, which we offer with double benefits for the purchase of fresh fruits and vegetables at Market every week. This is a real win-win – support local business and feed local people.

We can't fix national politics – although "Move to Amend" offers a way forward – but we can continue to grow our local food system in Kent. I'm always glad to see Council members at Market on Saturday mornings – and I've been so happy to work with Bridget Susel and Jim Bowling on Market projects this year. With local sponsors, Haymaker is expanding our "Market Stanzas" public art mural under Haymaker Parkway Bridge – thanks Jim. With the Kent Health Department, thanks to Joan and Jalessa, we started a grant funded "Produce Prescription" program, distributing healthy food vouchers to Axxess Pointe patients. I hope we can count on continued support from Council and the City for Haymaker's programs and for our local food system. Thank you for participating in Democracy Day and for all your great work in our community.

 **END CORPORATE RULE. LEGALIZE DEMOCRACY.**

MOVE TO AMEND

**Testimony of Greg Coleridge | Co-Director, National Move to Amend Coalition | Kent,
Ohio Democracy Day Public Hearing | October 2, 2024**

Happy Democracy Day.

Growing up in Akron, it was always a treat to come to Kent – first as a child to see my much older brother perform piano concerts as a graduate music student and later to hang out or to speak to student groups on campus, at the UCC or UU churches or to attend the Kent Friends Meeting.

Among the many impressive and unique features of Kent Ohio then and still now are the number and diversity of local businesses. They give Kent character. They also give Kent an economic anchor. Local businesses are generally more accountable and responsible to their patrons since the owners are local. Makes sense.

What makes absolutely no sense, however, is the weapon that many big box and other chain stores and businesses have used across the country to come into communities that local public officials like yourselves and local businesses don't want. Local communities that have tried to protect themselves against the invasion of unwanted chains, including providing special support for local businesses, have been sued or threatened to be sued on constitutional grounds as, get this, being discriminatory under the 14th Amendment of the U.S. Constitution.

The 14th Amendment, if you recall, was one of the three post-war Civil War Amendments meant to provide various rights to formerly enslaved human "persons." It wasn't long, however, after its passage that corporate lawyers claimed that corporations were "persons" under its due process and equal protection clauses. If discrimination against former slaves was unconstitutional under the 14th Amendment, then corporate attorneys with straight faces argued that obviously discrimination against corporations was unconstitutional. The Supreme Court, composed of several former railroad corporation attorneys, agreed. Thus, the corporate hijacking of Constitutional Amendments began. Local communities trying to protect the health, safety and welfare of their community residents and business were preempted or perverted by the so-called constitutional "rights" of corporations.

Corporate constitutional rights reduce your power and authority as local public officials. The same goes for citizens who might want to pass a ballot initiative protecting the community.. Corporate constitutional rights are a fundamental threat to self-determination, self-governance, democracy, sovereignty, the right to decide.

Corporations have since hijacked many other constitutional amendments – including the 4th, 5th, 1st Amendment right NOT to speak and, of course, the the 1st Amendment right TO speak – which along with with the Supreme Court decision equating money with free speech has resulted in the complete hurricane or tsuamin of money into political elections from the super rich and corporate entities that is drowning out the right of people without money to have their voices heard, needs met and communities helped.

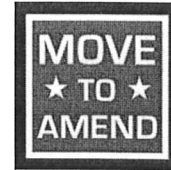
Yes, the 2010 *Citizens United* Supreme Court decision widened and deepened the political power of corporate entities to influence elections. Yet, if we reversed the decision tomorrow, the many other forms of constitutional rights that corporate entities have hijacked would remain.

Corporate Constitutional Rights

Key Non-1st Amendment “Right to Speak”

Supreme Court Decisions Creating or

Expanding Corporate Constitutional Rights



1819 Dartmouth College v. Woodward

A corporate charter is ruled to be a contract and can't be altered by government. The word “corporation” does not appear in the Constitution and this ruling gave the corporation a standing in the Constitution. It also made it difficult for the government to control corporations, so states began to write controls into the charters they granted. The Supreme Court had “found” the corporation in the Constitution.

1882 The Railroad Tax Cases

In one of these cases, *San Mateo County v. Southern Pacific Railroad*, it was argued that corporations were persons and that the committee drafting the 14th Amendment had intended the word person to mean corporations as well as natural persons. Senator Roscoe Conkling waved an unknown document in the air and then read from it in an attempt to prove that the intent of the Joint Committee was for corporate personhood. The court did not rule on corporate personhood, but this is the case in which they heard the argument.

1886 Santa Clara County v. Southern Pacific Railroad

“The court does not wish to hear argument on the question whether the provision in the 14th Amendment to the Constitution, which forbids a State to deny to any person within its jurisdiction the equal protection of the laws, applies to corporations. We are all of the opinion that it does.” This statement by the Supreme Court before the hearing began gave corporations inclusion in the word “person” in the 14th Amendment to the Constitution and claim to equal protection under law. (The case was decided on other grounds.)

1889 Minneapolis & St. Louis Railroad Co. v. Beckwith

Supreme Court rules a corporation is a “person” for both due process and equal protection.

1893 Noble v. Union River Logging R. Co.

For the first time corporations have claim to the Bill of Rights. The 5th Amendment says: “. . . nor be deprived of life, liberty, or property, without due process of law.”

1905 Lochner v. New York

“Lochner” became shorthand for using the Constitution to invalidate government regulation of the corporation. It embodies the doctrine of “substantive due process.” From 1905 until the mid 1930s the Court invalidated approximately 200 economic regulations, usually under the due process clause of the 14th Amendment .

1906 Hale v. Henkel

Corporations get 4th Amendment “search and seizure” protection. Justice Harlan disagreed on this point: “. . . the power of the government, by its representatives, to look into the books, records and papers of a corporation of its own creation, to ascertain whether that corporation has obeyed or is defying the law, will be greatly curtailed, if not destroyed.”

1919 Dodge v. Ford Motor Co.

Michigan Supreme Court says, “A business corporation is organized and carried on primarily for the profit of the stockholders. The powers of the directors are to be employed for that end.” “Stockholder primacy” is established. This is still the leading case on corporate purpose.

1922 Pennsylvania Coal Co. v. Mahon

Corporations get 5th Amendment “takings clause”: “. . . nor shall private property be taken for public use, without just compensation.” A regulation is deemed a takings.

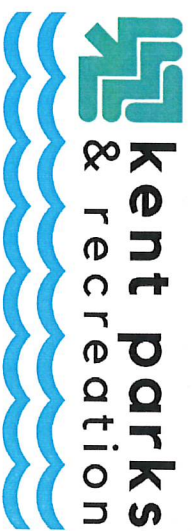
1996 International Dairy Foods Association v. Amestoy

The U.S. Second Circuit Court of Appeals overturns a Vermont law requiring the labeling of all products containing bovine growth hormone. The right not to speak inheres in political and commercial speech alike and extends to statements

2014 Burwell v. Hobby Lobby Stores

A landmark decision allowing closely held for-profit corporations to be exempt from a law its owners religiously object to if there is a less restrictive means of furthering the law’s interest. It is the first time that the court has recognized a for-profit corporation’s claim of religious belief. The decision is an interpretation of the Religious Freedom Restoration Act (RFRA) and does not address whether such corporations are protected by the free-exercise of religion clause of the 1st Amendment.

Source: *Timeline of Personhood Rights and Powers* by Jan Edwards et al. | <https://movetoamend.org/timeline>



93% of surveyed residents rated Kent Parks as good or excellent*

KPR programs provide over **51,000** hours of childcare annually

50% of surveyed residents visit a Kent Park at least **20** times in a year*

Art in the Park draws in an estimated **15,000** visitors annually

10 Full Time Staff, **4** below the median benchmark agency*

Kent's Youth Soccer Program enrolled **740** kids in 2024

Mission

To provide exceptional parks, programs, and experiences for all.

Vision

Our parks and programs improve the health and wellbeing of the whole Kent community and beyond.

Parks & Facilities

- 392 Acres of Parkland
- 16 Parks & 2 Athletic Complexes
- 12 Playgrounds and 15 Shelters
- Hike & Bike Trail Maintenance
- Playground Improvements & Replacements

Childcare

- \$350,000 gross revenue from Childcare programs
- 4 Summer Camps & 3 School Year sites
- 1750+ hours of childcare per program staff
- \$94,500 in grant funding spent in 2024
- 114 Kent Students served Weekly (School Year)

Athletics

- Over 2000 youth athletic participants
- 63% Resident and 37% Non-resident
- Over \$150,000 gross revenue from Athletics
- 288 participants across 8 different Sports Camps
- 1000+ Participants in Adult Softball Leagues

Special Events

- New Event: Kent Acoustic Fest
- New Partnership: Wizardly Weekend 5 3/4K Race
- Solar Eclipse Event & Mural
- 530 Runners for 2023 Turkey Trot
- 300 Adult Egg Scramble Participants

The background features a large, faded Maltese cross logo for the Kent Fire Department. The cross is blue with a yellow border. Inside the cross, there is a shield with a red and white striped field, a blue top section with white stars, and the year '1876' in the center. The word 'FIRE' is written in white on the top arm of the cross, 'KENT' on the left arm, 'CITY' on the right arm, and 'DEPT.' on the bottom arm.

**KENT FIRE DEPARTMENT
COMMUNITY PARAMEDICINE
PROVIDER
SARA SLANINA, PARAMEDIC,
RN, BSN, C-CP**



Mission Statement

To provide compassionate quality care and service built around the needs of the patients and communities we serve through effective partnerships.

The background of the slide features a large, faint, light blue watermark of the Kent City Fire Department logo. The logo is a Maltese cross with 'FIRE' at the top, 'DEPT.' at the bottom, 'KENT' on the left, and 'CITY' on the right. In the center of the cross is a shield with a yellow star at the top, a blue field with white stars, and a red and white striped field below.

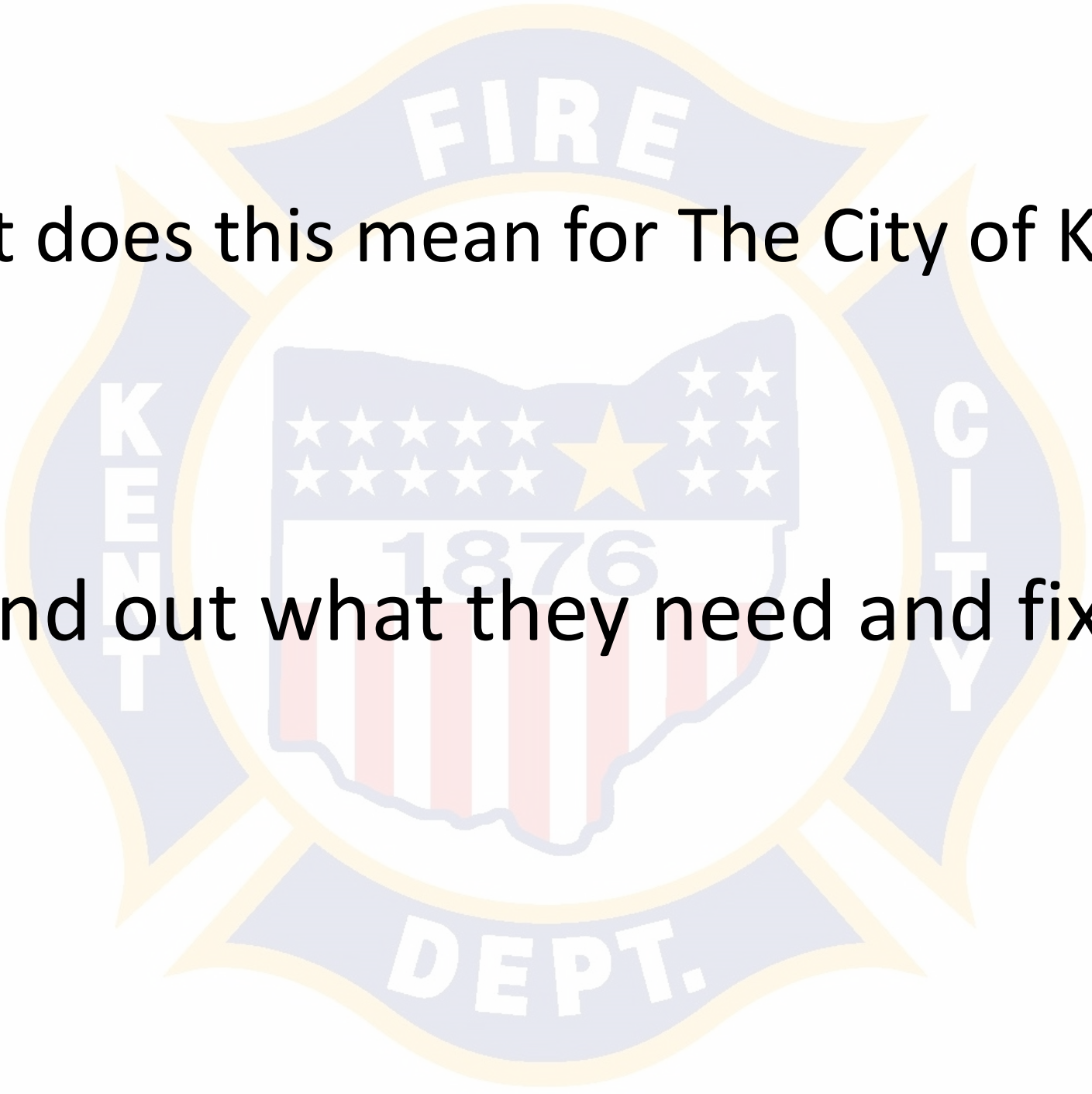
Objectives

The background of the slide features a large, faint watermark of the Kent City Fire Department seal. The seal is circular with a star in the center, surrounded by the words "KENT CITY" and "FIRE DEPT." The year "1876" is also visible within the seal.

Improve the
health of at-risk
community
members to
decrease 911
usage

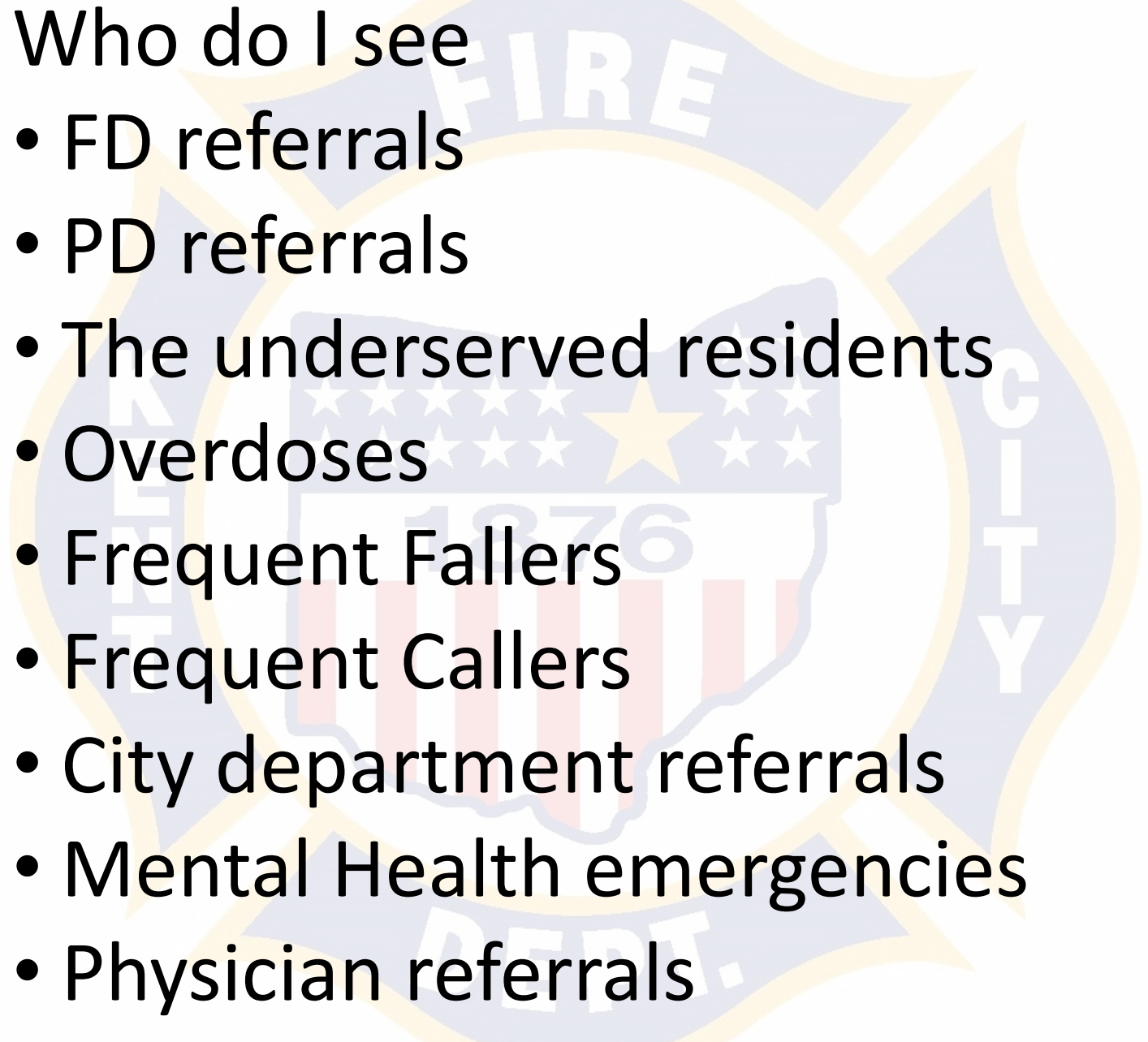
Reduce
emergency
department
admissions
and
readmissions

Connect
residents to
services

The logo of the Kent City Fire Department is a Maltese cross. The top arm contains the word "FIRE" in white capital letters on a blue background. The left arm contains "KENT" and the right arm contains "CITY", both in white capital letters on a blue background. The bottom arm contains "DEPT." in white capital letters on a blue background. In the center of the cross is a shield. The top half of the shield features a blue field with white stars, including a large yellow five-pointed star in the center. Below this is a white horizontal band with the year "1876" in blue. The bottom half of the shield has red and white vertical stripes. The entire logo is semi-transparent and serves as a background for the text.

What does this mean for The City of Kent?

I find out what they need and fix it



Who do I see

- FD referrals
- PD referrals
- The underserved residents
- Overdoses
- Frequent Fallers
- Frequent Callers
- City department referrals
- Mental Health emergencies
- Physician referrals

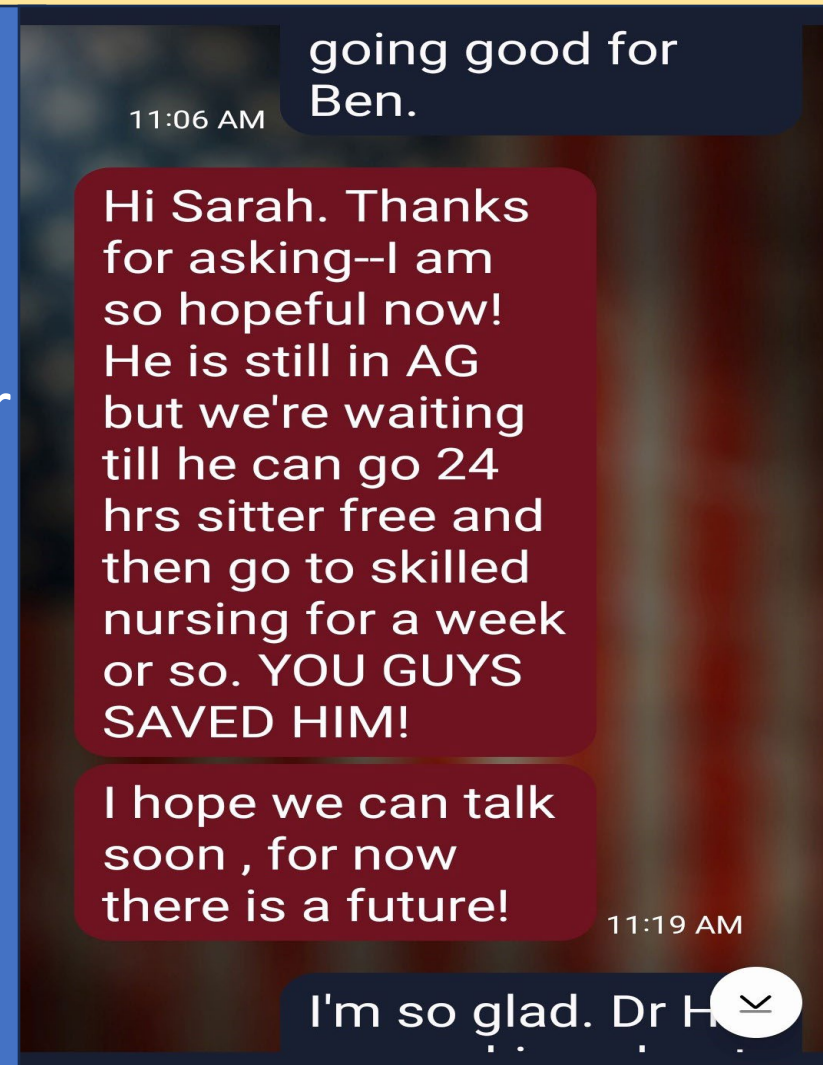
S.A. 73 years old

Hospital tried to send her home, I advocated with the hospital physician and their primary care provider to get her sent to a rehab facility due to safety concerns at home.

11:31 AM, Nov 14

Hi Sarah! Thank you so much for checking in. Mom is at Tamarack Ridge short term care for now. Medicare finally approved her coverage. She will not be able to go back to her house due to the danger of the stairs. She will be moving in with us after she finishes her rehab. So there will be a lot of big changes coming for all of us. Thank you again for all your help and encouragement. This is all new to me and sometimes it can be overwhelming butting we're getting by day by day

B.K. 28 year old male who had a rare neurological disease and was unable to get proper care. Dr Hill and I advocated for him with his physicians and the hospitals and were able to get him long term placement.



E.T.

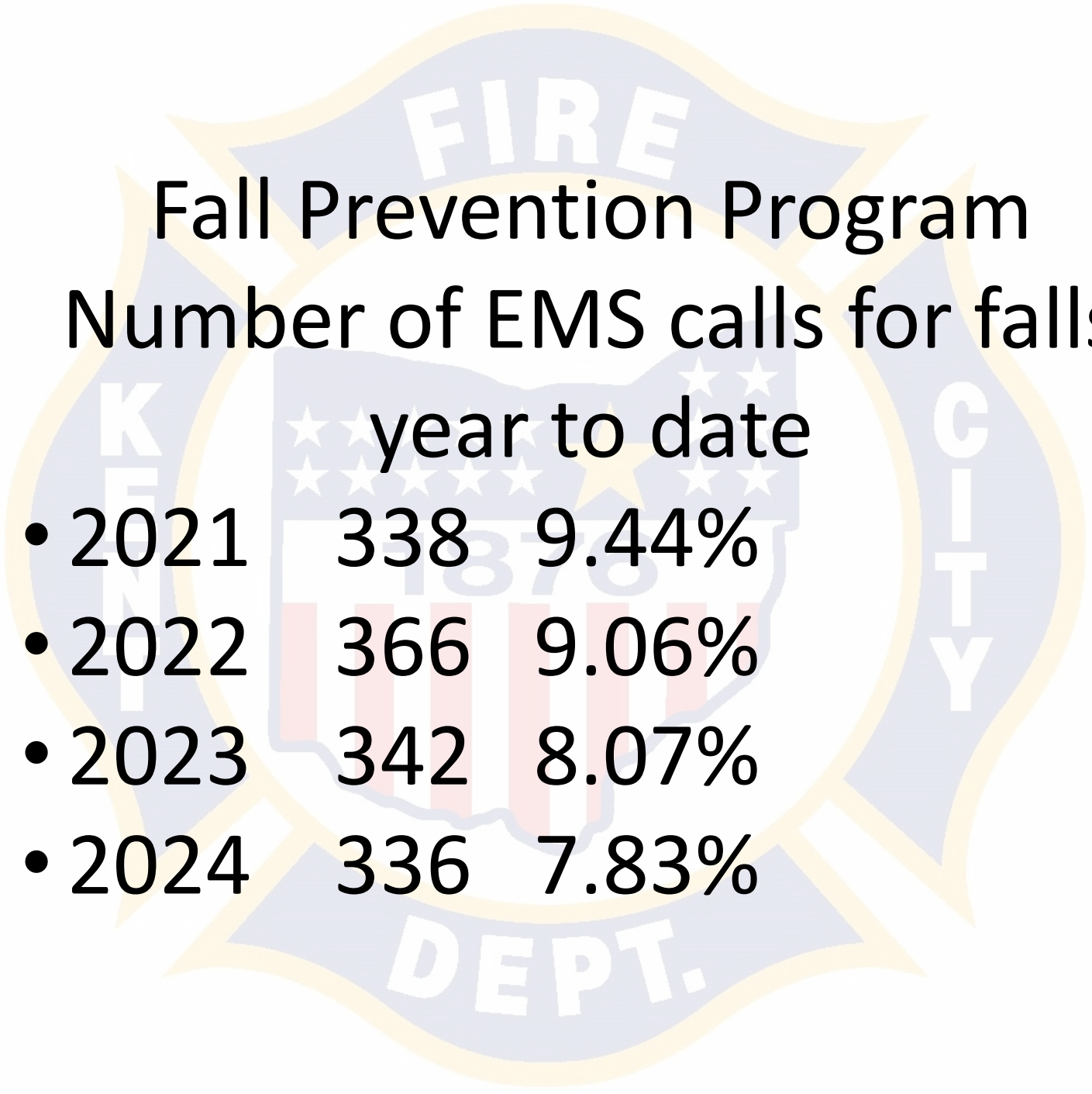
35 year old male

Endangered Adult

Portage County Guardianship Board

Placed in group home

J.I.
61 year old male
Chronic COPD
Between 2016-2023 38 EMS calls
No calls since March 2023

The background of the slide features a large, faint watermark of the Kenilworth Fire Department logo. The logo is a Maltese cross with a blue center and yellow points. The word "FIRE" is at the top, "KENILWORTH" is on the left, "CITY" is on the right, and "DEPT." is at the bottom. In the center of the cross is a shield with a blue top half containing white stars and a red bottom half containing white stripes. The year "1878" is written across the shield.

Fall Prevention Program

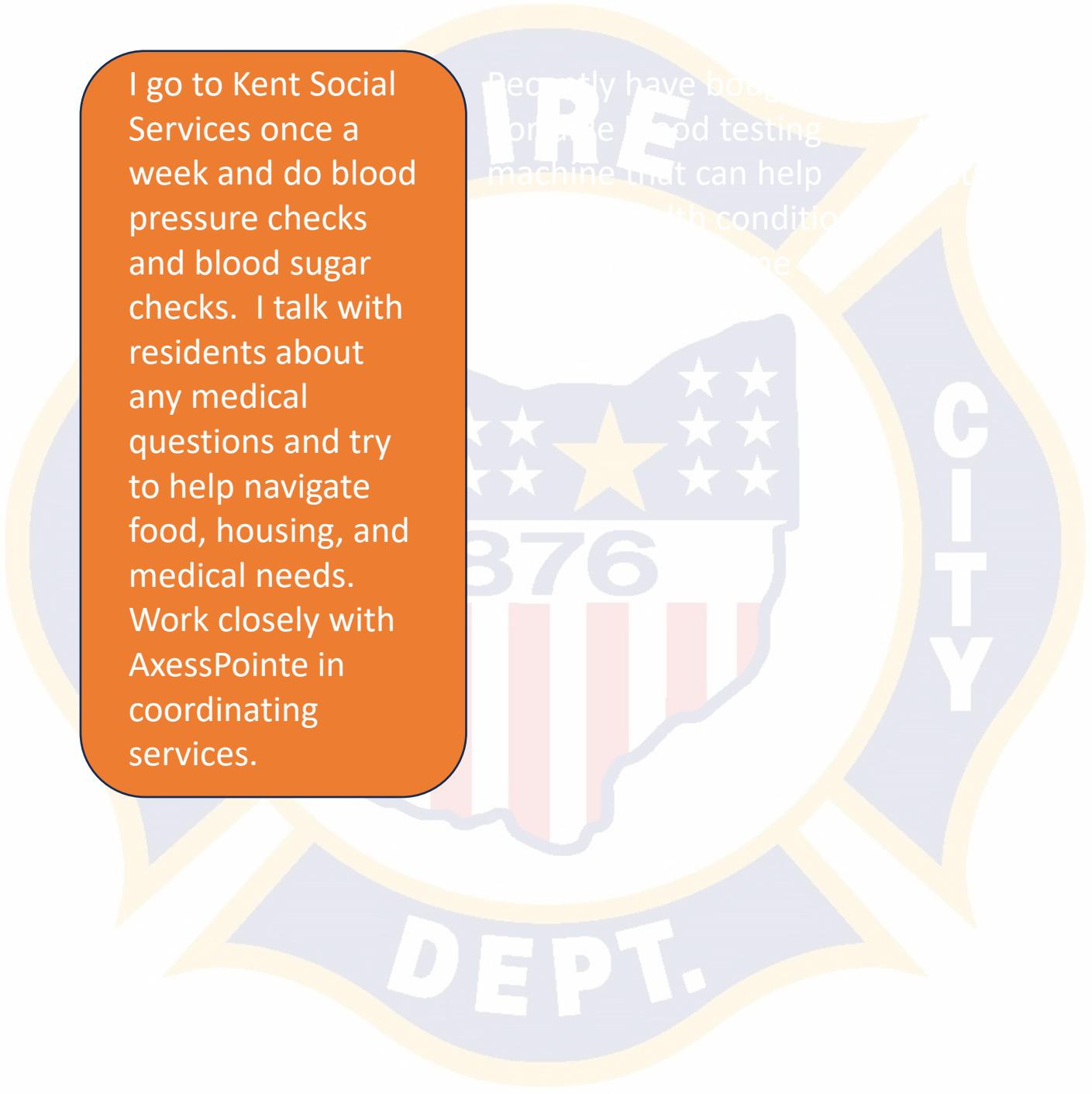
Number of EMS calls for falls

year to date

- 2021 338 9.44%
- 2022 366 9.06%
- 2023 342 8.07%
- 2024 336 7.83%

Created a Community Partners Coalition that meets once a month. It consists of multiple city and county organizations with the goal of coordinating services. We talk about issues within the city and how we can work together to provide the best solution to our citizens.



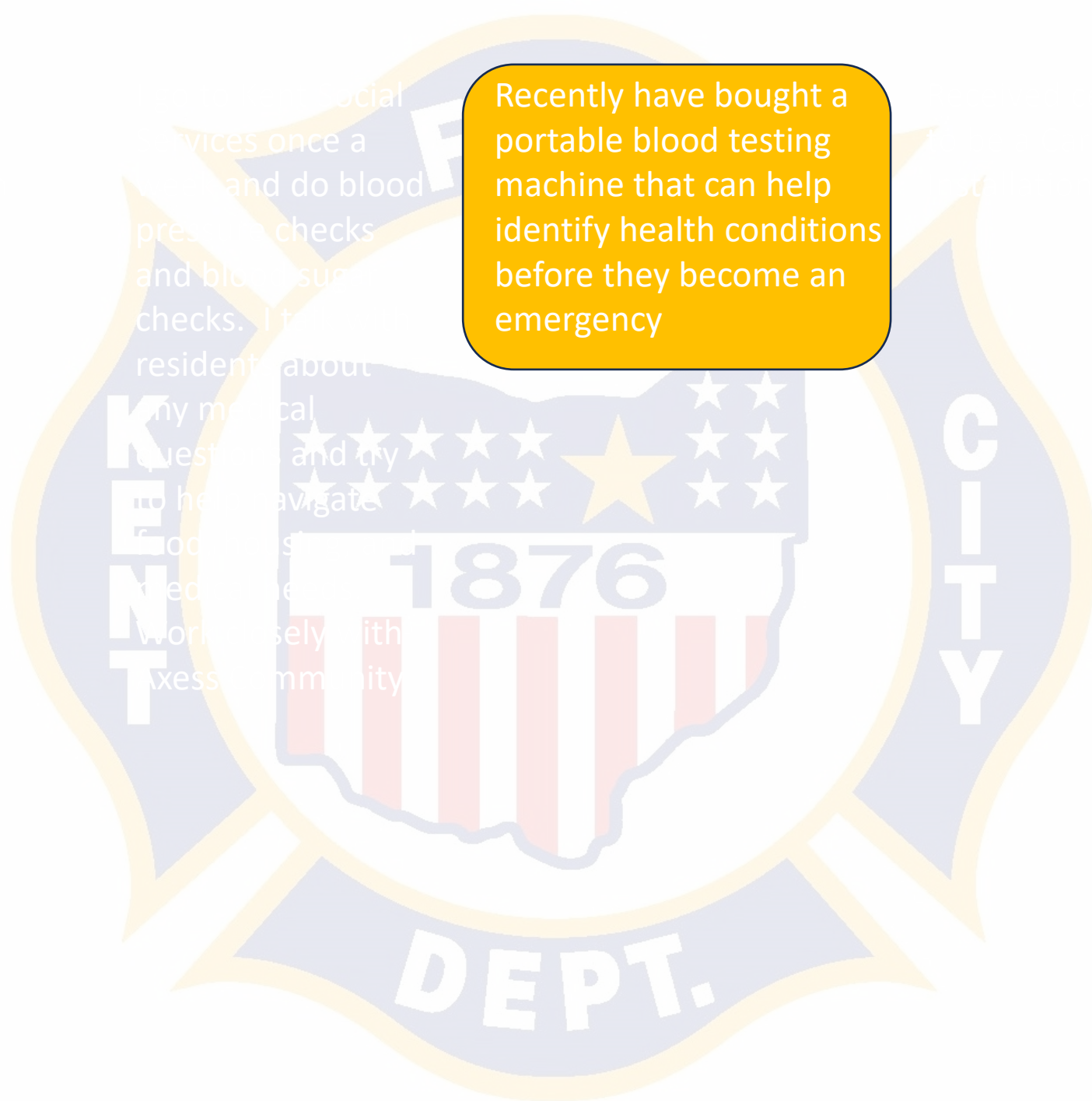
The background of the slide features a large, light blue and yellow fire department Maltese cross logo. The cross has a central shield with a yellow star, the number '376', and a map of Kent, Ohio. The words 'FIRE' and 'CITY' are on the upper arms, and 'DEPT.' is on the lower arm.

I go to Kent Social Services once a week and do blood pressure checks and blood sugar checks. I talk with residents about any medical questions and try to help navigate food, housing, and medical needs. Work closely with AxessPointe in coordinating services.

Recently have bought a portable food testing machine that can help with food safety and health conditions.

...social
...services once a
...and do blood
...checks
...and blood sugar
...checks. I try to
...resident about
...my medical
...questions and try
...to help navigate
...food stamps
...medicaid
...work closely with
...access community

Recently have bought a portable blood testing machine that can help identify health conditions before they become an emergency

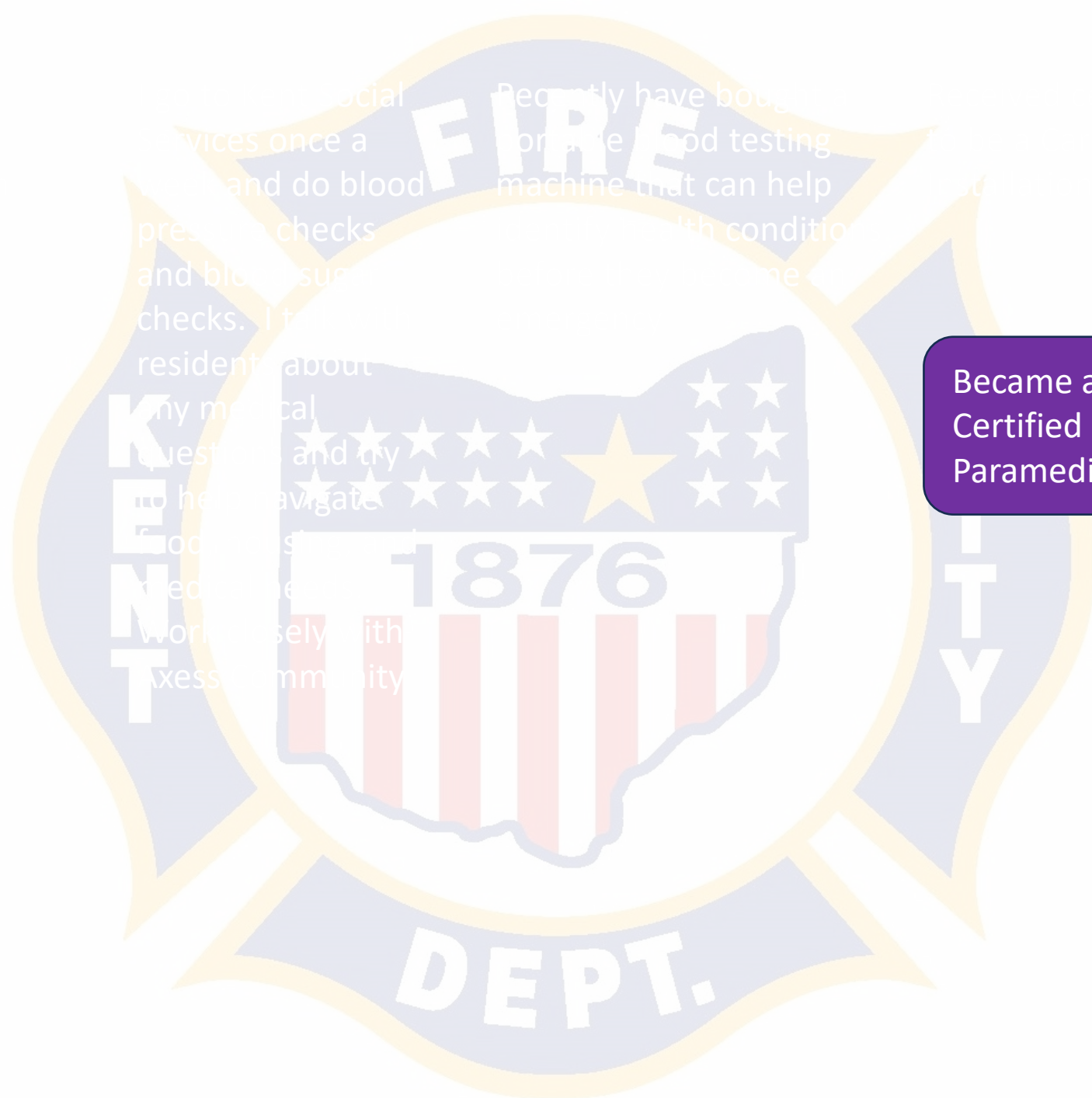




...social services once a week and do blood pressure checks and blood sugar checks. I talk to residents about my medical questions and try to help navigate food stamps and medical needs. I work closely with the business community.

Recently have bought a portable blood testing machine that can help with health conditions.

Received certification to be a Car Seat Installation Technician



...social
...services once a
...and do blood
...checks
...and blood sugar
...checks. I
...resident about
...my medical
...questions and try
...to help navigate
...food stamps
...medical
...work closely with
...access community

Recently have bought
...for the blood testing
...machine that can help
...health condition

Became a Board
Certified Community
Paramedicine Provider

Social Determinants of Health



1 Economic Stability

2 Education Access & Quality

3 Neighborhood & Built Environment

4 Social & Community Context

5 Health Care Access & Quality

Reduce the proportion of emergency department visits with a longer wait time than recommended

Increase the proportion of adults who get recommended evidence-based preventive health care

Increase the number of community organizations that provide prevention services

Increase the proportion of people with a substance use disorder who got treatment in the past year

Reduce the proportion of people who can't get prescription medicines when they need them

Increase use of the oral health care system

Reduce the proportion of people who can't get medical care when they need it

Increase the proportion of people with a usual primary care provider

Increase the ability of primary care and behavioral health professionals to provide more high-quality care to patients who need it

The background of the slide features a large, faded Maltese cross logo of the Kent Fire Department. The cross is light blue with a yellow border. Inside the cross, the word "FIRE" is at the top, "KENT" is on the left, "City" is on the right, and "DEPT." is at the bottom. The center of the cross contains a shield with a yellow star at the top, a row of white stars, the year "1878", and a stylized American flag with red and white stripes and a blue field with white stars.

Additional benefits to the City of Kent

Economic Development

Community Paramedicine Programs attract
citizens to relocate
to our city and help retain the citizens we
already have





Positive outcomes of the Community Paramedicine Program

- Taken 3 people to alcohol treatment
- I helped get 3 people permanent housing
- Worked with physicians and pharmacists to correct medications
- Working with guardianship board to intervene in dangerous situations
- Perform medication reviews to look for fall risks, interactions, etc.
- Collaborate with physicians on treatment plans
- Identified major health problems before they became fatal
- Collaborated with outside agencies to provide better healthcare to our residents



HOW TO PROTECT OLDER ADULTS FROM FALLS AND FRACTURES

Did you know that 1 in 5 falls in older adults results in a major injury, such as a head injury or broken bones?



**STOP
OVERDOSE**



City of Kent
Wednesday, September 18, 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, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner

Also Present: Mr. Jerry T. Fiala, Mayor, and President of Council; Mr. Dave Ruller, City Manager; Ms. Bridget Susel, Community Development Director; Mr. Jim Bowling, City Engineer; Mr. Jamie Samels, Fire Chief; Ms. Amy Wilkens, Clerk of Council

Absent: Gwen Rosenberg

Opening Remarks and Pledge of Allegiance

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

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."

A resident that lives at 537 Cherry Street spoke to Council about the homeless population and public safety concerns. The City Manager and Community Development Director said that this is something that they are actively working on with many departments within the City.

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

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

1. Portage County Solid Waste Management District Policy Committee Meeting Minutes from the July 16, 2024 meeting received and forwarded to Council on August 22, 2024.
2. Email from Chris Klein resigning from the Civil Service Commission was received on August 25, 2024.
3. Email from Garret Ferrara was received on August 27, 2024, sharing event information with Council about the Jewish Festival at KSU called the "Let HERE Be Light" Tour, being held on Thursday, September 5, 2024, from 5-7 pm.
4. Letter from First Energy regarding their application with the Public Utilities Commission of Ohio to adjust base distribution rates was received and forwarded to Council on August 27, 2024.
5. Email from Daniel Feuer, Kent State University Student, was received on August 29, 2024 asking to collaborate with the City of Kent on a parking system he is proposing to create.
6. Standing Rock Cemetery Board of Trustees agenda for September 19, 2024 was received and posed on August 28, 2024.
7. Letter received on August 26, 2024 from the Portage County Board of Elections regarding galley proofs of all ballots for the General Election on November 5, 2024 being available to be viewed at the Board of Elections Office.
8. Sustainability Commission Agenda for September 9, 2024 and the August, 5, 2024 Meeting Minutes received and uploaded on September 3, 2024.
9. Email from Joan Seidel, Health Commissioner announcing a Pop-up Food Pantry being held on September 25, 2024, from 11:00 am to 1:00pm at the 201 East Erie Street, Nurse Clinic was received on September 5, 2024.

Communication received after agenda publication:

1. Board of Health Meeting Agenda for September 10, 2024 was received on September 9, 2024.
2. Board of Zoning Appeals Agenda for September 16, 2024 was received on September 9, 2024.
3. Planning Commission Agenda and Staff Report for September 17, 2024 were received on September 10, 2024.
4. Parks and Recreation Board Meeting Agenda for September 19, 2024 was received on September 13, 2024.
5. Civil Service Commission Agenda for September 16, 2024 was received on September 13, 2024.
6. An email from Mathew Hathaway was received on September 16, 2024 notifying the Kent Civil Service Coordinator of his resignation from the Civil Service Commission.
7. Civil Service Commission application from Tony Mosca was received on September 16, 2024.

MOTION TO APPROVE City Manager's Report MADE BY Jack Amrhein,
SECONDED by Roger Sidoti and CARRIED by a voice vote of 8-0-0.

1. The City Manager is requesting Council's authorization to appoint Eric Helmstedter, Economic Development Director, as the City's representative to the board of the Kent Convention and Visitor's Bureau.
2. Nick Cecil is requesting Council's authorization to recycle/dispose of City traffic server equipment which has exceeded its service life and has been decommissioned. (Draft #2024-085).
3. Chief Samels has requested Council's authorization to accept and allocate FEMA Assistance to Firefighters Grant (AFG) funds in the amount of \$25,254.54 to be used to replace fire hoses.
4. Jim Bowling has asked for Council's authorization of temporary and permanent right of way easement purchases, and acceptance of a temporary right of way easement donation for the East Main Street Improvement Project. (Draft #2024-101)
5. Rhonda has requested Council's approval of the latest "then and now" purchases as required by the City's auditing standards. (Draft #2024-102)
6. The City Clerk has asked for Council's approval to schedule the annual Democracy Day hearing for October 2, 2024.
7. Bridget has asked for Council's approval to schedule a public hearing on Zoning text amendments on October 2, 2024.
8. Angela has requested Committee of the Whole time to present Council with an update of Parks and Recreation programs and events.
9. Bridget has requested Community Development time to review proposed text amendments to the City's Zoning code.
10. Bridget has asked for Community Development Committee time to present a new CRA Agreement with Klaben Lincoln, and a separate new CRA Agreement with Klaben for the renovation and expansion of the Service Center.
11. Bridget has asked for Community Development Committee time to present a project for Council to consider as acting in the role of the temporary architectural review board.
12. Chief Samels has requested Health and Safety Committee time to provide Council with an update on the performance and results of the paramedicine program.
13. The City Manager has asked for Council's approval of the letter of support for Issue 3 (renewal levy) under Council's signature for public information.

Consent Agenda

MOTION TO APPROVE August 21, 2024 Regular Council Meeting Minutes
MADE BY Michael DeLeone, SECONDED by Mr. Jeff Clapper and CARRIED by a voice vote of 8-0-0.

Actions Recommended:

MOTION TO APPROVE Actions Recommended: MADE BY Michael DeLeone, SECONDED by Mr. Jeff Clapper and CARRIED by a voice vote of 8-0-0.

- Authorize the TREX Liquor License request for Beware of the Leopard, LLC located at 176 East Main Street with the emergency clause.
- Authorize and certify the tax rates and amounts for submission to the Portage County Auditor, with the emergency clause.
- Authorize the renewal of the School Resource Officer for the 2024-2025 academic year, with the emergency clause.
- Authorize the new street closure of Franklin Avenue between Summit Street and Haymaker Bridge overpass for the Lion's Club Car Show on October 5, 2024, with the emergency clause.
- Authorize updates to the City's Parking Code for Pioneer Avenue, with the emergency clause.

Draft 2024-085 AN ORDINANCE AUTHORIZING THE RECYCLING OF OLD TRAFFIC SYSTEM NETWORK EQUIPMENT THAT ARE NO LONGER NEEDED FOR MUNICIPAL PURPOSES, AND DECLARING AN EMERGENCY (Authorized August 21, 2024)

DRAFT 2024-091 AN ORDINANCE AUTHORIZING THE TRANSFER OF A TREX LIQUOR LICENSE INTO THE CITY OF KENT BY BEWARE OF THE LEOPARD, LLC, AN OHIO LIMITED LIABILITY COMPANY, CONDITIONED UPON THE EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF KENT, OHIO AND BEWARE OF THE LEOPARD, LLC, AND DECLARING AN EMERGENCY (Authorized)

Draft 2024-092 RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR (Authorized)

Draft 2024-093 AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPROVE AND EXECUTE AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF KENT, OHIO AND THE KENT CITY BOARD OF EDUCATION REGARDING THE SCHOOL RESOURCE OFFICER PROGRAM, EXTENDING THIS AGREEMENT UNTIL JUNE 2, 2025, AND DECLARING AN EMERGENCY (Authorized)

DRAFT 2024-094 AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPROVE A NEW SPECIAL EVENT APPLICATION FROM MISSY HARMON ON BEHALF OF THE KENT LIONS CLUB TO BE HELD ON OCTOBER 5, 2024, AND THE TEMPORARY CLOSURE OF THE KENT DOWNTOWN STREETS, AND DECLARING AN EMERGENCY

(Authorized)

Draft 2024-095 AN ORDINANCE AUTHORIZING THE CITY OF KENT FIRE DEPARTMENT TO ACCEPT A GRANT IN THE AMOUNT OF \$25,254.54 TO REPLACE OLD FIRE HOSE WITH CORRESPONDING APPROPRIATION OF FUNDS AND DECLARING AN EMERGENCY (Authorized March 20, 2024 City Manager's Report)

Draft 2024-096 AN ORDINANCE AMENDING SECTION 353.02 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT TITLED "PARKING REGULATION AUTHORIZATION" AND DECLARING AN EMERGENCY.
(Authorized)

Draft 2024-101 AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE FOLLOWING AGREEMENTS WITH THE CITY OF KENT, OHIO, WITH THE CITY OBTAINING TEMPORARY EASEMENTS, FOR RIGHT-OF-WAY PURPOSES, TO INSTALL, CONSTRUCT AND RECONSTRUCT THE ROADWAY FOR THE PROJECT KNOWN AS EAST MAIN STREET IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY (Authorized)

Draft 2024-102 AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR, UPON THE ISSUANCE OF A CERTIFICATE OF AVAILABILITY OF FUNDS, TO PAY CERTAIN PURCHASE ORDERS MADE THAT EXCEED \$3000.00; AND DECLARING AN EMERGENCY (Unauthorized)

MOTION TO SUSPEND Motions to Suspend Ordinances 2024-085 to 2024-102 MADE BY Roger Sidoti, SECONDED by Mr. Jeff Clapper and CARRIED by a voice vote of 8-0-0.

MOTION TO ADOPT Motions to Adopt Ordinances 2024-085 to 2024-102 MADE BY Michael DeLeone, SECONDED by Roger Sidoti and CARRIED by a voice vote of 8-0-0.

Standing Committees & Legislation

Mayor Fiala opened the Committee of the Whole meeting at 7:10pm.

Action(s) Recommended: None

Community Development

Vice-Chair Clapper opened the Community Development Committee meeting at 7:15 PM.

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

Action(s) Recommended

Authorize text changes to amend the City's procedures for collecting outstanding rental fees, with the emergency clause.
Approve facade changes at 252 N. Water Street.

Draft 2024-097 AN ORDINANCE AMENDING CHAPTER 501 (GENERAL PROVISIONS & PENALTY) AND CHAPTER 1367 (LICENSING REQUIREMENTS) OF THE CODIFIED ORDINANCES OF THE CITY OF KENT, AND DECLARING AN EMERGENCY (Authorized) was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF Draft 2024-097 MADE by Michael DeLeone, SECONDED by Roger Sidoti. On Roll Call Voting "Yes" Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Michael DeLeone, Mr. Chris Hook, Heidi Shaffer Bish, Roger Sidoti, Robin Turner The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2024-097 MADE by Roger Sidoti, SECONDED by Michael DeLeone. On Roll Call Voting "Yes" Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Michael DeLeone, Mr. Chris Hook, Heidi Shaffer Bish, Roger Sidoti, Robin Turner. The motion CARRIED by a roll call vote of 8-0-0.

Finance Committee Chair DeLeone/Vice-Chair Celko

Action(s) Recommended:

Approve the submission and allocation of funds for the 911 Fund Appropriation with the emergency clause.

Draft 2024-098 AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT WITH APCO INTERNATIONAL AND MOTOROLA SOLUTIONS, WAIVING COMPETITIVE BIDDING AND INCREASING THE APPROPRIATIONS IN THE WIRELESS 911 FUND IN THE AMOUNT OF \$184,333.84, AND DECLARING AN EMERGENCY (Authorized) was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF Draft 2024-098 MADE by Heidi Shaffer Bish, SECONDED by Melissa Celko. On Roll Call Voting "Yes" Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Michael DeLeone, Mr. Chris Hook, Heidi Shaffer Bish, Roger Sidoti, Robin Turner The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2024-098 MADE by Heidi Shaffer Bish, SECONDED by Jeff Clapper. On Roll Call Voting "Yes" Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Michael DeLeone, Mr. Chris Hook, Heidi Shaffer Bish, Roger Sidoti, Robin Turner. The motion CARRIED by a roll call vote of 8-0-0.

Health & Safety Committee Chair Amrhein/ Vice-Chair Sidoti

Action(s) Recommended:

No additional recommendations (See Consent Agenda)

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

Action(s) Recommended:

Approve the new Safe Routes to School Travel Plan with the emergency clause.
Authorize the new water planning study agreement with Portage County Water Resources, with the emergency clause.

Draft 2024-099 AN ORDINANCE APPROVING THE SCHOOL TRAVEL PLAN (STP) AS CREATED IN CONJUNCTION WITH THE KENT CITY SCHOOL DISTRICT AND DECLARING AN EMERGENCY (Authorized) was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF Draft 2024-099 MADE by Melissa Celko, SECONDED by Jeff Clapper. On Roll Call Voting "Yes" Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Michael DeLeone, Mr. Chris Hook, Heidi Shaffer Bish, Roger Sidoti, Robin Turner The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2024-099 MADE by Roger Sidoti, SECONDED by Michael DeLeone. On Roll Call Voting "Yes" Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Michael DeLeone, Mr. Chris Hook, Heidi Shaffer Bish, Roger Sidoti, Robin Turner. The motion CARRIED by a roll call vote of 8-0-0.

Draft 2024-100 AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A WATER PLANNING AGREEMENT BETWEEN THE CITY OF KENT AND PORTAGE COUNTY WATER RESOURCES (PCWR) TO JOINTLY STUDY THE ABILITY TO SERVE POTABLE WATER TO THE SOUTH AREA OF KENT, AND DECLARING AN EMERGENCY (Authorized) was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF Draft 2024-100 MADE by Melissa Celko, SECONDED by Michael DeLeone. On Roll Call Voting "Yes" Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Michael DeLeone, Mr. Chris Hook, Heidi Shaffer Bish, Roger Sidoti, Robin Turner The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2024-100 MADE by Heidi Shaffer Bish, SECONDED by Melissa Celko. On Roll Call Voting "Yes" Jack Amrhein, Ms. Melissa Celko, Mr. Jeff Clapper, Michael DeLeone, Mr. Chris Hook, Heidi

Shaffer Bish, Roger Sidoti, Robin Turner. The motion CARRIED by a roll call vote of 8-0-0.

New Business

Discussion was held regarding winter warming centers within the City of Kent, and the need to begin planning as soon as possible. The decision was made to move the discussion to committee for further examination.

MOTION TO SEND TO COMMITTEE A DISCUSSION ABOUT WINTER WARMING CENTERS IN KENT was MADE by Chris Hook, SECONDED by Michael DeLeone and CARRIED by a voice vote of 8-0-0.

Councilmembers' Comments

COMMENTS SUBMITTED BY COUNCIL MEMBER MELISSA CELKO:

As the election draws near, and language becomes provocative, it is important to remember that what unites us is often greater than what divides us.

Voting, an essential right protected in the constitution, is one of those things that we have in common. Quoting directly from the Portage County Board of Elections, "Voter intimidation should never be a part of the election process and voters are protected by Ohio law from such intimidation. If you believe you are a victim of voter intimidation, it is suggested that you reach out to local law enforcement, the prosecutor's office, the Ohio Secretary of State's Election Integrity Department, Ohio Attorney General's Office and/or Ohio's Election Protection Hotline."

The last day to register to vote is October 7th, early voting begins on October 8th at the Portage County Board of Elections in Ravenna, or you can vote by mail. Election Day is Tuesday, November 5th.

There being no further business, the meeting was adjourned at 7:42pm.

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 330-678-8007. 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.

EXHIBIT A

LPA RX 887 T

Page 1 of 2

Rev. 07/09

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

LPA RX 887 T

Page 2 of 2

Rev. 07/09

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



DRAFT RESOLUTION NO. 2024 –104

A RESOLUTION DIRECTING THE ADMINISTRATION TO PROCEED WITH THE APPROPRIATION OF TEMPORARY EASEMENT OF THE REAL PROPERTY LOCATED AT 405 EAST MAIN STREET, KENT, OHIO, PPN: 17-024-33-00-123-000 FOR THE EAST MAIN STREET IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY

WHEREAS, on July 24, 2024, the Council adopted Resolution No. 2024-061 declaring the necessity of and intention to appropriate a temporary easement in and to a portion of the real property known as 405 East Main Street, Kent, Ohio, PPN: 17-024-33-00-123-000 ("Property") for the East Main Street Improvement Project; and

WHEREAS, pursuant to Ohio Revised Code Section 719.05, the City has caused notice of the City's intent to appropriate [interest] in said Property to be given to the title owners of the Property; and

WHEREAS, pursuant to R.C. § 163.04, the City may appropriate real property only after the agency is unable to agree on a conveyance or the terms of a conveyance, for any reason, with any owner or the guardian or trustee of any owner unless each owner is incapable of contracting in person or by agent to convey the property and has no guardian or trustee, each owner is unknown, or the residence of each owner is unknown to the agency and the residence of no owner can with reasonable diligence be ascertained; and

WHEREAS, the City has been unable to reach an agreement with the property owner in order to acquire the [interest] in the Property.

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

SECTION 1. This Council hereby directs the appropriation of a temporary easement in and to that portion of 405 East Main Street, Kent, Ohio, PPN: 17-024-33-00-123-000 necessary for the Project, as depicted in the attached Exhibit A [legal description], attached hereto and made a part hereof.

SECTION 2. The Director of Law and/or her designee be, and hereby is, authorized and directed to petition a court of competent jurisdiction to have a jury empaneled to make inquiry into and assess the compensation to be paid for the temporary easement in the Property.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such 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 4. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reason manifest to this Council this Resolution 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: _____
Kathy Coleman
Interim Clerk of Council

I, KATHY COLEMAN, INTERIM 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)

KATHY COLEMAN
INTERIM CLERK OF COUNCIL

DRAFT

- 1.05 The Commission ~~may employ a suitable person as Civil Service Coordinator will be~~ staffed by the Clerk of Council. ~~The Civil Service Coordinator shall be in the classified service and shall be chosen according to merit and fitness to perform the required tasks.~~

The ~~Civil Service Coordinator~~ Clerk of Council shall attend all the meetings of the Commission and keep the minutes thereof; shall keep, in the form of minutes, a record of the official actions of the Commission; shall accurately and properly keep all the records of the Commission; shall keep all files in proper order; shall prepare and deliver or cause to be delivered notices and other communications ordered by the Commission; shall properly furnish appointing authorities with eligible lists; shall maintain an official roster; shall review payrolls for certification; shall handle such correspondence as the Commission shall determine; shall, in conjunction with the Chairperson, sign all warrants or orders for the payment of money on behalf of the Commission; and shall perform such other duties as may be required by the Commission. ~~In the absence of the Civil Service Coordinator the Co-Chairperson shall act as the Civil Service Coordinator.~~

- 5.05 Examinees have the right to review their own answer sheets, inform themselves as to the markings given on each subject, and to submit in writing for the Commission's consideration any objections or protest the applicant may wish to make concerning a question or the scores given. The review must be requested in writing to the ~~Civil Service Coordinator~~ Clerk of Council no later than five (5) days after the administration of the written portion of the examination. Note-taking in regard to the exam content shall not be permitted. An applicant who exercises the right to inspect the examination papers shall not be permitted to take an examination again for the same classification within a six month period following the inspection, unless an alternative form of examination is given.

No objection or protest concerning an examination not submitted in writing shall be considered unless it relates to the conduct of examiners, the securing of unlawful assistance by a competitor or such other circumstances in connection with an examination as would call for an investigation on the part of the Commission, and which would require that the information submitted be given in confidence. The Commission will consider the objections and take such action as the circumstances warrant and its findings shall be final. Any clerical error may be corrected by the ~~Coordinator~~ Clerk of Council upon discovery at any time during the life of the eligibility list, but no such correction shall affect an appointment from a certification made prior to the correction. (August 26, 2019)

- 5.08 Examinees have the right to review their own answer sheets, inform themselves as to the markings given on each subject, and to submit in writing for the Commission's consideration any objections or protest the applicant may wish to make concerning a question or the scores given. The review must be requested

in writing to the ~~Civil Service Coordinator~~ Clerk of Council no later than five (5) days after the administration of the written portion of the examination. Note-taking in regard to the exam content shall not be permitted. An applicant who exercises the right to inspect the examination papers shall not be permitted to take an examination again for the same classification within a six month period following the inspection, unless an alternative form of examination is given.

No objection or protest concerning an examination not submitted in writing shall be considered unless it relates to the conduct of examiners, the securing of unlawful assistance by a competitor or such other circumstances in connection with an examination as would call for an investigation on the part of the Commission, and which would require that the information submitted be given in confidence. The Commission will consider the objections and take such action as the circumstances warrant and its findings shall be final. Any clerical error may be corrected by the ~~Coordinator~~ Clerk of Council upon discovery at any time during the life of the eligibility list, but no such correction shall affect an appointment from a certification made prior to the correction. (August 26, 2019)

DRAFT ORDINANCE NO. 2024 - 105

AN ORDINANCE AUTHORIZING THE CIVIL SERVICE COMMISSION TO CHANGE THE CIVIL SERVICE RULES TO ALLOW FOR CLERK OF CITY COUNCIL TO PERFORM THE DUTIES OF THE CIVIL SERVICE COORDINATOR, CHANGING THE PAY GRADE 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 hereby authorizes the Civil Service Commission to allow for the Clerk of Council to perform the duties of the Civil Service Coordinator and is more fully set forth in Exhibit "A", attached hereto and incorporated herein.

SECTION 2. That the paygrade for Clerk of Council shall be placed in the General Compensation Plan Class V Professional.

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

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

PASSED: _____
Date _____ Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date _____

ATTEST: _____
Kathy Coleman
Interim Clerk of Council

I, KATHY COLEMAN, INTERIM 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)

KATHY COLEMAN
INTERIM CLERK OF COUNCIL

DRAFT RESOLUTION 2024-108

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	19T	17-023-10-00-163-001	\$ 7,350.00
2	19WD	17-023-10-00-163-001	\$ 6,405.00
		Total	\$13,755.00

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: _____
Kathy Coleman
Interim Clerk of Council

I, KATHY COLEMAN, INTERIM 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)

KATHY COLEMAN
INTERIM CLERK OF COUNCIL

EXHIBIT A

LPA RX 851 WD

Page 1 of 3

Rev. 06/09

Ver. Date 04/19/23

PID 112026

**PARCEL 19-WD
POR-59-2.14 (E. MAIN STREET AREA IMPROVEMENTS)
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
CITY OF KENT, PORTAGE COUNTY, OHIO**

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

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Portage, City of Kent, being part of Original Lot 23 in Franklin Township, Township 3 North, Range 9 West, being part of lands described in the deed to FAITH LUTHERAN CHURCH OF KENT, OHIO (Grantor) as recorded in Instrument Plat 2002-16, Deed 478 Volume 405 and Deed 80 Volume 144 on file in the Portage County Recorder's Office and laying on the left side of the centerline of right-of-way of East Main Street (State Route 59) as shown on the East Main Street Area Improvements right-of-way plans prepared by Arcadis U.S., Inc for and on file with the City of Kent, Ohio, and more fully described as follows:

Commencing at a 1 inch diameter steel rod found in a monument box at the intersection of the centerline of right-of-way of said East Main Street (State Route 59) and Luther Avenue as shown on said right-of-way plans being Station 134+65.48; said rod being North 89° 31' 04" East a distance of 2166.28 feet from a 1 inch diameter steel rod to be set in a monument box at the intersection with the centerline of Haymaker Parkway (State Route 59) as shown on said right-of-way plans;

Thence South 89° 31' 04" West, along said centerline, a distance of 93.48 feet being Station 133+72.00;

Thence North 00° 28' 56" West, leaving said centerline, a distance of 40.00 feet to the northerly right-of-way line of said East Main Street and to the Grantor's southerly line being the **Point of Beginning** being 40.00 feet left of Station 133+72.00 where a capped rebar set;

EXHIBIT A

LPA RX 851 WD

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1. Thence North $73^{\circ} 07' 42''$ East, leaving said northerly right-of-way line and through the Grantor, a distance of 17.72 feet to a capped rebar set 45.00 feet left of Station 133+89.00;
2. Thence North $89^{\circ} 31' 04''$ East, continuing through the Grantor, a distance of 35.00 feet a to a capped rebar set 45.00 feet left of Station 134+24.00;
3. Thence North $37^{\circ} 10' 18''$ East, continuing through the Grantor, a distance of 19.05 feet to the westerly right-of-way line of Luther Avenue as shown on said right-of-way plans being 30.00 feet left of Luther Avenue Station 1+60.00 where a capped rebar set;
4. Thence South $00^{\circ} 19' 50''$ East, along the Grantor's easterly line and along said westerly right-of-way line, a distance of 5.12 feet being 30.00 feet left of Luther Avenue Station 1+54.88;
5. Thence along the arc of a curve to the left, along westerly right-of-way line of said Luther Avenue, a distance of 23.52 feet to said northerly right-of-way line being 40.00 feet left of Station 134+20.62; said curve having a radius of 15.00 feet, a central angle of $89^{\circ} 50' 55''$, and a chord length of 21.19 feet which bears South $44^{\circ} 35' 37''$ West;
6. Thence South $89^{\circ} 31' 04''$ West, along said northerly right-of-way line and along the Grantor's southerly line, a distance of 48.62 feet to the **Point of Beginning**;

The above described parcel contains 0.007 acres (315 square feet, including 0.000 acres within the present road occupied) within Parcel Number 17-023-10-00-163-001 and subject to all legal highways and easements of record;

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

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

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

EXHIBIT A

LPA RX 851 WD

Page 3 of 3

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

Arcadis U.S., Inc.

Robert G. Hoy, Ohio Professional Surveyor No. 8142



EXHIBIT A

LPA RX 887 T

Page 1 of 2

Rev. 07/09

Ver. Date 04/19/23

PID 112026

**PARCEL 19-T
POR-59-2.14 (E. MAIN STREET AREA IMPROVEMENTS)
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
REGRADE
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 23 in Franklin Township, Township 3 North, Range 9 West, being part of lands described in the deed to FAITH LUTHERAN CHURCH OF KENT, OHIO (Grantor) as recorded in Instrument PLAT 2002-16, Deed Volume 478 Page 405 and Deed Volume 80 Page 144 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 westerly right-of-way line of Luther Avenue as shown on said right-of-way plans at 30.00 feet left of Luther Avenue Station 1+72.00;

1. Thence South 00° 19' 50" East, along said westerly right-of-way line, a distance of 12.00 feet being 30.00 feet left of Luther Avenue Station 1+60.00;
2. Thence South 37° 10' 18" West, leaving said westerly right-of-way line and through the Grantor, a distance of 19.05 feet being 45.00 feet left of Station 134+24.00;
3. Thence South 89° 31' 04" West, continuing through the Grantor, a distance of 35.00 feet being 45.00 feet left of Station 133+89.00;
4. Thence South 73° 07' 42" West, continuing through the Grantor, a distance of 17.72 feet to the northerly right-of-way line of said East Main Street being 40.00 feet left of Station 133+72.00;
5. Thence South 89° 31' 04" West, along said northerly right-of-way line, a distance of 147.44 feet to the Grantor's southwesterly corner being 40.00 feet left of Station 132+24.56;

EXHIBIT A

LPA RX 887 T

Page 2 of 2

Rev. 07/09

6. Thence North 00° 14' 12" West, along the Grantor's westerly line, a distance of 5.00 feet to the Grantor's northwesterly corner being 45.00 feet left of Station 132+24.58;
7. Thence North 89° 31' 04" East, leaving the Grantor's westerly line and through the Grantor, a distance of 147.42 feet being 45.00 feet left of Station 133+72.00;
8. Thence North 70° 25' 28" East, continuing through the Grantor, a distance of 27.51 feet being 54.00 feet left of Station 133+98.00;
9. Thence North 89° 31' 04" East, continuing through the Grantor, a distance of 30.00 feet being 54.00 feet left of Station 134+28.00;
10. Thence North 22° 29' 53" East, continuing through the Grantor, a distance of 19.64 feet to the **Point of Beginning**;

The above-described easement contains 0.028 acres (1217 square feet, including 0.000 acres within the present road occupied) all within Parcel Number 17-023-10-00-163-001 and subject to all legal highways and easements of record;

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

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

The stations are from the existing centerline of right-of-way of East Main Street (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



DRAFT RESOLUTION 2024 -109

A RESOLUTION APPOINTING _____ AND _____ TO THE CIVIL SERVICE COMMISSION AND DECLARING AN EMERGENCY.

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

SECTION 1. That _____ and _____ ARE hereby appointed to the CIVIL SERVICE COMMISSION.

NAMES
SARAH WESLEY
TONY MOSCA

TERM
10/16/2024 – 10/16/2026
10/16/2024 – 10/16/2026

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

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 meeting open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

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

PASSED: _____
Date _____

EFFECTIVE: _____
Date _____

ATTEST: _____
Kathy Coleman
Interim Clerk of Council

I, AMY WILKENS, ACTING 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)

KATHY COLEMAN
INTERIM CLERK OF COUNCIL

DRAFT RESOLUTION NO. 2024 -

A RESOLUTION AFFIRMING THE CITY OF KENT AND ITS COUNCIL'S COMMITMENT THAT SAFE AND FAIR VOTING ENVIRONMENTS FOR VOTERS IS A RIGHT AND DECLARING AN EMERGENCY.

WHEREAS, the right to vote is a fundamental democratic principle protected by law, and every citizen deserves to participate in elections free from intimidation or coercion; and

WHEREAS, intimidation at polling places undermines the voting process, discourages voter participation, and disproportionately affects marginalized communities; and

WHEREAS, voters can have confidence in election outcomes *only if* they can trust that the process is fair and honest.

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

SECTION 1. The City of Kent and its Council affirm our commitment and belief that ensuring safe, accessible, and fair voting for all citizens is a right and by calling for the following measures:

- a. **Prohibition of Intimidation:** We support the strict enforcement of laws prohibiting voter intimidation, including aggressive questioning, harassment, or any actions that may deter individuals from exercising their right to vote.
- b. **Training for Poll Workers:** We support the implementation of comprehensive training programs for poll workers to recognize and address intimidation tactics, ensuring they can provide immediate assistance to affected voters.
- c. **Clear Reporting Mechanisms:** We urge the establishment of clear, accessible channels for voters to report incidents of intimidation, with assurances of anonymity and protection for those who come forward.
- d. **Monitoring and Accountability:** We support the deployment of independent observers to monitor polling places and report any incidents of intimidation, ensuring accountability and transparency in the electoral process.
- e. **State and Local Voter Reporting:** We urge any voter who believes that they are a victim of voter intimidation to call local law enforcement agencies, the prosecutor's office, the Ohio Secretary of State's Election Integrity Department, the Ohio Attorney General's Office and/or Ohio's Election Protection Hotline.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such 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 Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reason manifest to this Council this Resolution 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: _____
Kathy Coleman
Interim Clerk of Council

I, KATHY COLEMAN, INTERIM 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)

KATHY COLEMAN
INTERIM CLERK OF COUNCIL

DRAFT ORDINANCE NO. 2024 - 103

AN ORDINANCE AUTHORIZING AMENDMENTS TO THE CITY OF KENT'S ZONING CODE IN ORDER TO INCLUDE ELEMENTS FROM THE RECENTLY UPDATED DESIGN GUIDELINES AND DECLARING AN EMERGENCY.

WHEREAS, Kent City Council approved an updated Design Guideline in December, 2023 in the Kent Zoning Code. The first grouping includes signs and lighting in the Overlay District; and

WHEREAS, on September 17, 2024, staff met with the Planning Commission to discuss the proposed text amendments and voted unanimously to recommend Council approve all the proposed text amendments; and

WHEREAS, the following chapters will be amended:

- 1) Chapter 1102: Definitions;
- 2) Chapter 1103: Zoning Districts, Land Use, and Zoning Map;
- 3) Chapter 1104: Supplemental Zoning District Standards and Overlay Zoning Districts;
- 4) Chapter 1106: General Provisions;
- 5) Chapter 1109: Signs.

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

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

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

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

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Kathy Coleman
Interim Clerk of Council

I, KATHY COLEMAN, INTERIM 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)

KATHY COLEMAN

DRAFT

Proposed Zoning Code Text Amendments

1102.03 DEFINITIONS.

(a) Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section must have the meaning indicated when used in this Code.

(2) **Accessory Subordinate Building and Accessory Subordinate Structure:** A subordinate secondary building or structure detached from but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use. Accessory A subordinate building or structure includes, but are not limited to, garages, carports, decks, sheds, and various commercial and/or industrial accessory uninhabitable buildings or structures.

(3) **Accessory Use:** A use on the same lot with and of a nature customarily incidental and subordinate to the principal use.

1106.10 ACCESSORY SUBORDINATE BUILDINGS AND SUBORDINATE STRUCTURES.

An accessory subordinate building or structure may be erected upon a lot on which a principle principal structure already exists. The use of the accessory subordinate building or structure must be secondary and incidental to the principle principal use. An accessory subordinate building or structure cannot exist without a principle principal building on the same lot.

(a) **Accessory Subordinate Buildings or Structures:** Accessory Subordinate buildings or structures must not be located closer than fifteen (15) feet to the principle principal building and not less than ten (10) feet from the side and rear property lines. Subject to the following:

(1) One or more accessory buildings must not occupy more than thirty (30) percent of a required rear yard. No more than two (2) detached accessory buildings are permitted per lot.

(2) Accessory buildings must not be located in front of the primary structure.

(3) Detached accessory buildings in residential zoning districts must not exceed fifteen (15) feet in height.

(4) In all other zoning districts, the maximum height must not exceed the principle building height.

(b) **Substandard Lot Exception:** On any substandard lot as defined in Section 1106.06 (a) of this Code, accessory buildings must:

- (1) Not be located closer than ten (10) feet to the main building.
 - (2) Not less than five (5) feet from the side and rear property lines.
 - (3) One or more accessory buildings must not occupy more than fifty (50) percent of a required rear yard.
 - (4) Accessory buildings must not be located in front of the primary structure.
 - (5) Detached accessory buildings in residential zoning districts must not exceed fifteen (15) feet in height.
-

1104.01 ARCHITECTURAL DESIGN REVIEW OVERLAY DISTRICTS.

1104.01 (f). Downtown / West River Overlay District Exterior Design Requirements.

(1). Signs and Lighting

- i. Box and cabinet wall signs are prohibited.
 - ii. Internally lit signs are prohibited.
 - iii. Wall and blade signs for street level and second story uses must be externally lit.
 - iv. Wall and blade signs must use dimensional letter forms, a minimum of a half-inch in depth, and cannot be painted acrylic.
 - v. Back-lit/halo illumination signs can be installed on buildings with a minimum of three (3) or more stories, measured from street level finished grade, and that contain commercial or mixed uses.
-

1109.06 GENERAL REQUIREMENTS FOR ALL SIGNS AND DISTRICTS.

The following conditions apply to all signs erected or located in any zoning district:

(A) Sign Location.

(1) **Right-of-Way Prohibited.** Except as provided, no sign will be placed or deposited within any public right-of-way or on any tree, pole, post, meter, or similar object located within the public right-of-way.

A. Blade signs attached to a building may project a maximum of forty inches over a public right-of-way provided the lowest part of the sign is at least eight feet but no more than fifteen feet above the pedestrian thoroughfare and provided said sign has received a Sign Permit from the Zoning Inspector.

B. Under no circumstance may any signs that are permitted in the public right-of-way interfere with vehicular or pedestrian visibility.

(2) **Clear Vision Triangle Area Prohibited.** No sign will be located in the clear vision triangle area described in Section 1106.09.

(3) **Sign Height.** No sign otherwise permitted will project above the maximum sign height limitation of the zoning district as specified in the "Dimensional Regulations" in each zoning district.

(4) **Alterations** - No sign will be altered, rebuilt, enlarged, extended or relocated except in conformity with the provisions of this Chapter. Restoring a sign to its original condition by repainting or refacing the sign is not an alteration within the meaning of this Chapter.

(5) **Sign Attachment and Support** - A sign must not be attached to or supported by a tree, utility pole, light pole, trash receptacle, bench, vending machine, gasoline pump or hose, public shelter, or be painted or drawn upon rocks or other natural features.

(B) Sign Power Source. All power sources, raceways, and conduit must be concealed from view.

1109.08 PROHIBITED SIGNS.

The following signs and types of signs are inconsistent with the purposes and standards of this Chapter and are prohibited in all zoning districts:

(a) A sign made of a material not designed for outdoor signage, including but not limited to, bed linens, tarps, or untreated or unfinished plywood;

(b) Abandoned Signs;

(c) Any advertising device that simulates or imitates in size, color, letter, or design any traffic sign or signal or other word, phrase, symbol or character in such a manner as to interfere with, mislead, or confuse traffic;

(d) Any sign containing off-premise commercial content, except as permitted by Section [1109.11](#);

(e) Any sign that is deemed structurally or electrically unsafe by the Chief Building Official;

(f) Any sign, structure, support or frame that was previously part of an on-premise commercial sign, but no longer supports or contains a sign relating to a commercial activity, business, or usage on the premises, which has been discontinued at least ninety (90) days must be removed in accordance with Section [1109.15](#) or brought into compliance with this chapter.

(g) Bench signs;

(h) Billboard sign;

(i) Feather Signs;

(j) Festoons air-activated, and balloon signs except for decorations commemorating a time limited event or holiday. This time period is determined at the sole discretion of the Community Development Director;

(k) Obscene sign, which is any signs containing words or pictures that are lewd, obscene, profane, or libelous;

(l) Pole signs, including signs attached to light poles, utility poles, street sign post, and trees. Prohibited pole signs do not include pole signs lawfully installed by an authorized public entity;

(m) Portable message signs unless authorized by the appropriate government entity in a public or private road Right-of-Way;

(n) Roof signs;

(o) Signs that obstruct any fire escape;

(p) Signs within any public right-of-way unless specifically authorized under Section [1109.06\(a\)\(1\)](#); and

(q) Vehicle signs; and

(r) Mounting of neon signs on the exterior façade of any building.

1109.09 STANDARDS FOR SPECIFIC SIGN TYPES.

(A) Awning and Canopy Signs. Awning and canopy signs may be permitted only as an integral part of the awning or canopy to which they are attached or applied and must meet the following conditions:

(1) **Location.** Signs may be placed only on awnings or canopies that are located on first-story and second-story building frontages, including those fronting a parking lot or pedestrian way.

(2) **Prohibited Locations.** Awnings and canopies must not extend beyond the width of the building or tenant space, nor encroach above the roof line.

(3) **Extension.** Such signs must not extend more than six (6) feet from the face of the building to which they are attached.

(4) **Minimum clearance.** A minimum clearance of eight (8) feet must be maintained above sidewalks.

(5) **Illumination.** Internal illumination is prohibited.

(6) **Material.** Awnings and canopies must be constructed of materials designed specifically for outdoor use.

(B) Blade Signs.

(1) **Location.** Blade signs must be placed only on a ground floor facade, except for businesses located above the ground level with direct exterior pedestrian access.

(2) **Height above finished grade.** The lowest point of a blade signs must be at least eight (8) feet but no more than fifteen (15) feet above finished grade. Blade signs must not extend vertically above the roof line.

(3) **Maximum Distance from the Wall.** The distance between a blade sign and the wall to which it is attached may not be greater than twenty-four (24) inches.

(4) **Sign structure.** Sign supports and brackets must be compatible with the design and scale of the sign. Brackets and/or hardware for the sign may not extend more than four inches from the outside face of the sign.

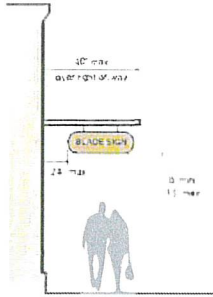
(5) **Square footage.** A maximum of six (6) square feet will be allowed.

(6) **Illumination.** Internal illumination is prohibited.

(7) **Minimum Setback from Intersections.** Blade signs must not be located closer than ten (10) feet to any intersecting of a public right-of-way with another public right-of-way.

(8) **Review of Blade Signs in the Public Right-of-Way.** Prior to the erection of a sign overhanging a public right-of-way, the person erecting such sign must receive the approval of the City.

(9) **Design of Hardware, Supports, and Brackets.** Mounting hardware, such as supports and brackets, must complement the design of the sign, the building, or both. See Figure 33.



(C) **Banner or Pennant Signs** - Banner or Pennant Signs are Temporary Signs and subject to the following conditions:

(H) **Window Signs.** Window Signs are permitted in any non-residential zoning district and do not require a Sign Permit. However, unless further restricted in this Chapter, all window signs must meet the following conditions:

(1) **Surface Coverage.** Window signs, both permanent and temporary, must not exceed ~~fifty percent (50%)~~ thirty (30%) of the area within a single windowpane, and the total area of window signs must not exceed ~~fifty~~ thirty percent (~~50%~~ 30%) of the total window area per tenant.

(2) **Illumination.** Window Signs may be internally illuminated. ~~illuminated internally.~~ Internally illuminated window signs are limited to no more than two (2) ~~illuminated~~ signs per tenant and must be fixed lighting (i.e. no flashing, scrolling, dissolving, osculating, spinning, twirling, or any other type of motion). (Ord. 2023-051. Passed 8-16-23.)

PROPOSED 1103.07(B)

Table of Residential Uses by Zoning District

PROPOSED 1103.07(B)

Table of Residential Uses by Zoning District

Specific Zoning Land Use Category by Zoning District																
	O-R	R-1	R-2	R-3	R-3A	R-4	Zoning District				C	C-D	N-C	U	R-T-O	I
							R-C	C-R	IC-R							
(70) Dwelling, Apartment Complex						C								C		
(71) Dwelling, Dormitory														C		
(72) Dwelling, Multifamily				C	C	C	C	C	C			C	C	C		
(73) Dwelling, Single Family	P	P	P	P	P	P	P	P	C	C	C	P	P	C		
(74) Dwelling, Two Family			P	P	P	P	P	P	C	C	C	P	P	C		
(105) House, Boarding						C	C	C	C	C						
(106) House, Rooming						C	C	C	C		C					

NOTES

Must consider definitions for each word in Zoning Land Use Category.
Numbers in parentheses reference definition # in CH 1102

KEY

C: Conditionally Permitted Use
P: Permitted Use
Gray Cell: Not permitted nor conditionally permitted in zoning district

General Definitions

- (69) **Dwelling:** Any building, or portion thereof, which is designed or used primarily for residential purposes, including single family, a household unit, or three (3) or more unrelated individuals, but not including hotels, motels, and bed and breakfasts.
- (75) **Dwelling Unit:** Any room or group of rooms located within a dwelling and forming a residential household unit with facilities that are used or intended to be used for living, sleeping, cooking and eating, with a restroom(s) and bathing facility(ies) to be utilized by a family, a household unit, as defined in this Chapter, or three or more unrelated individuals.
- (79) **Family:** Individuals who are related by marriage, legally recognized civil union, adoption, or who are within three (3) degrees (or fewer) of consanguinity.
- (102) **Household Unit:** A family, a single family and one (1) unrelated individual, two (2) unrelated individuals, or any of these four (4) designations and a caregiver(s) (as defined by this Code) residing in a dwelling unit. Individuals residing in an apartment complex, rooming house, boarding house, hotel, motel, group dwelling, dormitory, fraternity house, or sorority house, together, do not constitute a household unit.

DRAFT ORDINANCE NO. 2024 - 106

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH KLABEN PROPERTY MANAGEMENT, LLC AND KLABEN FORD LINCOLN, INC. PROVIDING FOR A PROJECT (NEW DEALERSHIP) AND REAL PROPERTY TAX EXEMPTION PURSUANT TO THE OHIO COMMUNITY REINVESTMENT AREA PROGRAM (CRA), AND DECLARING AN EMERGENCY.

WHEREAS, the General Assembly of the State of Ohio, by the enactment of Ohio Revised Code Sections 3735.65 et seq. the Community Reinvestment Area Program, has heretofore authorized municipal corporations to designate Community Reinvestment Areas within the State in order to provide incentives for new residential, commercial or industrial development and/or rehabilitation in such areas, by making available real property tax exemption for such new development or rehabilitation; and

WHEREAS, pursuant to said Community Reinvestment Area Program, this City Council by Ordinance No. 2005-55, approved the designation of the geographic area described in said Ordinance as Community Reinvestment Area II; and

WHEREAS, Klaben Property Management, LLC (the "Company") main office located at 1250 West Main Street and Klaben Ford Lincoln, Inc.'s main office located at 1089 West Main Street, are proposing a real property investment of \$3 million which includes \$500,000 for property acquisition and \$2.5 million for the construction of a new Lincoln dealership (the "Project") at 1238 West Main Street; and

WHEREAS, Klaben Property Management, LLC and Klaben Ford Lincoln, Inc., shall create, within a time period not exceeding thirty-six (36) months after completion of construction and renovation of the facility, four (4) full-time permanent jobs and retain six (6) full-time permanent jobs at the project a site; and

WHEREAS, the Company has submitted an application to the City requesting a real property tax exemption for the Project, and the City desires to enter into a Community Reinvestment Area Agreement (the "Agreement") with the Company; and

WHEREAS, the Project is located in the Kent City School District and the Board of Education of the Kent City School District, has been notified of the proposed Agreement in accordance with Ohio Revised Code Section 5709.83, and for the reasons stated in Section 2 of this Ordinance and Ohio Revised Code Section 3735.671(A)(2), no Board of Education approval is required; and

WHEREAS, the City Council has determined that it will be in the best interests of the City and its citizens to proceed to enter into the Agreement with the Company, and that fulfillment of such Agreement will carry out the purposes of the Community Reinvestment Area Program.

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

SECTION 1. That this City Council hereby approves the Agreement providing for the Project and for an exemption from real property taxation of 75% of the increase in the assessed valuation of real property resulting from improvements to real property for 15 years. Said Agreement shall be in substantially the form of the Agreement on file with the Clerk of Council, with such revisions as are approved by the Director of Law of the City; and this Council hereby authorizes the City Manager to execute the Agreement on behalf of the City.

SECTION 2. That this Council hereby estimates that for each tax year the real property is exempted from taxation, the amount of any payment by the City to the Kent City School District pursuant to Section 5709.82 of the Ohio Revised Code, together with the amount of taxes charged and payable on any portion of the assessed valuation of the renovation and addition to the property that will not be exempted from taxation under the Agreement, equals or exceeds twenty-five (25%) percent of the amount of taxes that would have

been charged and payable that year upon the real property had that property not been exempted from taxation. This Council hereby certifies to the Kent City School District Board of Education that this estimate is made in good faith.

SECTION 3. That this Council hereby authorizes the City Manager, Mayor, Director of Law, Finance Director and Community Development Director to take such additional steps, execute such documents and provide such information and certifications as are necessary and appropriate to carry out and implement the terms and conditions of the aforesaid Agreement and the requirements and policies of the Community Reinvestment Area Program.

SECTION 4. That pursuant to Section 3735.671 of the Ohio Revised Code, the authorized officer is hereby directed to deliver a copy of the Agreement to the Director of the Department of Development of the State of Ohio within fifteen (15) days after the Agreement is entered into. On or before March 31 of each year that the exemption set forth in Section 1 hereof remains in effect, the Mayor or other authorized officer of this City shall prepare and submit to the Director of the Department of Development of the State of Ohio and to the Kent City School District a status report required under Section 3735.672 of the Ohio Revised Code.

SECTION 5. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed 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 actions, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 6. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City and for the further reason that this Ordinance is required to be immediately effective in order to authorize the execution of the Agreement, in order to provide for creation of jobs and economic opportunities in such area, which are vitally needed in order to enhance revenues for the City, and to improve the economic welfare of the people, for which reasons and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Kathy Coleman
Interim Clerk of Council

I, KATHY COLEMAN, INTERIM 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)

KATHY COLEMAN
INTERIM CLERK OF COUNCIL

DRAFT ORDINANCE NO. 2024 - 107

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH KLABEN PROPERTY MANAGEMENT, LLC AND KLABEN FORD LINCOLN, INC. PROVIDING FOR A PROJECT (SERVICE CENTER) AND REAL PROPERTY TAX EXEMPTION PURSUANT TO THE OHIO COMMUNITY REINVESTMENT AREA PROGRAM (CRA), AND DECLARING AN EMERGENCY.

WHEREAS, the General Assembly of the State of Ohio, by the enactment of Ohio Revised Code Sections 3735.65 et seq. the Community Reinvestment Area Program, has heretofore authorized municipal corporations to designate Community Reinvestment Areas within the State in order to provide incentives for new residential, commercial or industrial development and/or rehabilitation in such areas, by making available real property tax exemption for such new development or rehabilitation; and

WHEREAS, pursuant to said Community Reinvestment Area Program, this City Council by Ordinance No. 2005-55, approved the designation of the geographic area described in said Ordinance as Community Reinvestment Area II; and

WHEREAS, Klaben Property Management, LLC (the "Company") main office located at 1250 West Main Street and Klaben Ford Lincoln, Inc.'s main office located at 1089 West Main Street, are proposing a real property investment of \$4,425,000 million which excludes an additional \$800,000 investment in machinery and equipment, for the construction of an approximately 15,000 square foot addition to the current Service Center operations located at 1085 West Main Street; and

WHEREAS, Klaben Property Management, LLC and Klaben Ford Lincoln, Inc. shall create, within a time period not exceeding thirty-six (36) months after completion of construction and renovation of the facility, eight (8) full-time permanent jobs and retain fifteen (15) full-time permanent jobs at the project a site; and

WHEREAS, the Company has submitted an application to the City requesting a real property tax exemption for the Project, and the City desires to enter into a Community Reinvestment Area Agreement (the "Agreement") with the Company; and

WHEREAS, the Project is located in the Kent City School District and the Board of Education of the Kent City School District, has been notified of the proposed Agreement in accordance with Ohio Revised Code Section 5709.83, and for the reasons stated in Section 2 of this Ordinance and Ohio Revised Code Section 3735.671(A)(2), no Board of Education approval is required; and

WHEREAS, the City Council has determined that it will be in the best interests of the City and its citizens to proceed to enter into the Agreement with the Company, and that fulfillment of such Agreement will carry out the purposes of the Community Reinvestment Area Program.

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

SECTION 1. That this City Council hereby approves the Agreement providing for the Project and for an exemption from real property taxation of 75% of the increase in the assessed valuation of real property resulting from improvements to real property for 12 years. Said Agreement shall be in substantially the form of the Agreement on file with the Clerk of Council, with such revisions as are approved by the Director of Law of the City; and this Council hereby authorizes the City Manager to execute the Agreement on behalf of the City.

SECTION 2. That this Council hereby estimates that for each tax year the real property is exempted from taxation, the amount of any payment by the City to the Kent City School District pursuant to Section 5709.82 of the Ohio Revised Code, together with the amount of taxes charged and payable on any portion of the assessed valuation of the renovation and addition to the property that will not be exempted from taxation

under the Agreement, equals or exceeds twenty-five (25%) percent of the amount of taxes that would have been charged and payable that year upon the real property had that property not been exempted from taxation. This Council hereby certifies to the Kent City School District Board of Education that this estimate is made in good faith.

SECTION 3. That this Council hereby authorizes the City Manager, Mayor, Director of Law, Finance Director and Community Development Director to take such additional steps, execute such documents and provide such information and certifications as are necessary and appropriate to carry out and implement the terms and conditions of the aforesaid Agreement and the requirements and policies of the Community Reinvestment Area Program.

SECTION 4. That pursuant to Section 3735.671 of the Ohio Revised Code, the authorized officer is hereby directed to deliver a copy of the Agreement to the Director of the Department of Development of the State of Ohio within fifteen (15) days after the Agreement is entered into. On or before March 31 of each year that the exemption set forth in Section 1 hereof remains in effect, the Mayor or other authorized officer of this City shall prepare and submit to the Director of the Department of Development of the State of Ohio and to the Kent City School District a status report required under Section 3735.672 of the Ohio Revised Code.

SECTION 5. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed 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 actions, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 6. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City and for the further reason that this Ordinance is required to be immediately effective in order to authorize the execution of the Agreement, in order to provide for creation of jobs and economic opportunities in such area, which are vitally needed in order to enhance revenues for the City, and to improve the economic welfare of the people, for which reasons and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Kathy Coleman
Interim Clerk of Council

I, KATHY COLEMAN, INTERIM 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____.

KATHY COLEMAN
INTERIM CLERK OF COUNCIL
(SEAL)

DRAFT