



City of Kent
Regular City Council Meeting
320 S. Depeyster Street, Kent, Ohio 44240
Wednesday, February 19, 2025

AGENDA

6:55PM PUBLIC HEARING - Community Development Block Grant (CDBG) Public Hearing #1: PY2025 Annual Action Plan and 2025-2029 Consolidated Plan

BOARD OF CONTROL will begin immediately after Public Hearing

REGULAR CITY COUNCIL MEETING will begin immediately after Board of Control

1. ROLL CALL

2. OPENING REMARKS AND PLEDGE OF ALLEGIANCE – Mr. Sidoti

3. COMMUNICATIONS

- 3.1 **Public Comment** – Anyone wishing to address Council must submit their written comments to the Clerk of Council at councilclerk@kentohio.gov by 4:30pm on the meeting day. If also requesting to speak at the meeting, comments are limited to three (3) minutes.
- 3.2 **Written Communication** (on file in Clerk of Council's office)
 - 3.2.1 On January 28, 2025, the February agenda and January minutes were received from Standing Rock Cemetery and posted online.
 - 3.2.2 On February 6, 2025, the February agenda and January minutes and statistical report were received from the Health Department and posted online.
 - 3.2.3 On February 6, 2025, a liquor license transfer request for license transferring from Umbrian Hills LLC at 257 N. Water St., Kent to Maddalenas LLC at 252 N. Water St., Kent was received. Chief Shearer had no objections.
- 3.3 **City Manager's Report**

4. CONSENT AGENDA

Items listed under the Consent Agenda are considered routine. Each item will be read individually into the record and 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.

- 4.1 Approval of January Regular Council Meeting minutes
- 4.2 Approval of February Council Committee Meeting minutes
- 4.3 **DRAFT 2025-009** AN ORDINANCE AFFIRMING KENT'S DESIGN & PRESERVATION COMMITTEE'S DESIGNATION OF THE HOMETOWN BANK BUILDING AS A "LOCAL HISTORIC PROPERTY" AND DECLARING AN EMERGENCY.
- 4.4 **DRAFT 2025-010** AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO RENEW THE AGREEMENT WITH THE HAYMAKER FARMERS' MARKET FOR THE SUB-LAND LEASE OF A PARKING LOT LOCATED NORTH OF SUMMIT STREET, WEST OF FRANKLIN AVENUE, AND EAST OF AKRON BARBERTON CLUSTER RAILWAY COMPANY'S MAIN LINE TRACK, CONTAINING 0.168 ACRES, FOR THE PERIOD OF APRIL 5, 2025 THROUGH NOVEMBER 29, 2025; CONTINGENT ON THE CONTINUATION OF THE CITY'S LEASE WITH THE AKRON BARBERTON CLUSTER RAILWAY COMPANY, FOR THE AMOUNT OF \$1.00; AND DECLARING AN EMERGENCY.
- 4.5 **DRAFT 2025-011** AN ORDINANCE AMENDING "PART THIRTEEN-BUILDING CODE" AND "PART FOURTEEN-PROPERTY MAINTENANCE AND HOUSING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF KENT TO CORRECT CONFLICTING LANGUAGE, AND DECLARING AN EMERGENCY.
- 4.6 **DRAFT 2025-012** AN ORDINANCE AMENDING ORDINANCE NO. 2024-131, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 18, 2024; SO AS TO ADJUST APPROPRIATIONS, TRANSFERS AND ADVANCES FROM THE VARIOUS FUNDS OF THE CITY OF KENT TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES OF THE CITY FOR THE FISCAL YEAR ENDING DECEMBER 31, 2025; AND DECLARING AN EMERGENCY.
- 4.7 **DRAFT 2025-013** AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE A PURCHASE AGREEMENT BETWEEN PORTAGE COUNTY LAND REUTILIZATION CORPORATION AND THE CITY OF KENT, OHIO FOR PARCEL #17-011-20-00-003-000 (603 WEST STREET) FOR \$100.00 TO

MAINTAIN THE STORM WATER FACILITY, AND DECLARING AN EMERGENCY.

5. STANDING COMMITTEES AND LEGISLATION

- 5.1 Committee of the Whole – Chair Mayor Fiala/Vice-Chair Amrhein
- 5.2 Community Development Committee – Chair Rosenberg/Vice-Chair Clapper
- 5.3 Health & Safety Committee – Chair Amrhein/Vice-Chair Sidoti
- 5.4 Land Use Committee – Chair Shaffer Bish/Vice-Chair Hook
- 5.5 Streets, Sidewalks & Utilities Committee – Chair Sidoti/Vice-Chair Clapper

- 5.5.1 **DRAFT 2025-015** AN ORDINANCE AUTHORIZING THE CITY OF KENT SERVICE DEPARTMENT TO APPLY FOR GRANT FUNDS FROM THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) IN THE AMOUNT OF \$500,000, AND TO ACCEPT THE GRANT, IF AWARDED, WITH CORRESPONDING APPROPRIATION OF FUNDS AND DECLARING AN EMERGENCY.

6. UNFINISHED BUSINESS

7. NEW BUSINESS

8. COUNCIL MEMBERS' COMMENTS

9. MAYOR'S REPORT

10. ADJOURNMENT

ORDINANCE NO. 2025 - 014

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.

WHEREAS, the Finance Director is required by ORC 5705.41(D) to certify the availability of funds to pay for goods or services upon all contracts and purchase orders; and,

WHEREAS, if the Certification of the Finance Director is not attached to the contract or purchase order over Three Thousand Dollars and No Cents (\$3,000.00) Council must pass an ordinance allowing for a warrant for payment to be issued upon the Finance Director's certification that at the time of making the contract or order and at the time of the certification there was sufficient funds necessary for the payment of such contract and orders; and,

WHEREAS, the Finance Director has indicated that such a certification described above can be executed.

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

SECTION 1. That the Finance Director is authorized to make such warrants as are necessary to pay the due and owing amounts detailed in Exhibit "A", attached hereto and made an integral part hereof.

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

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

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Kathleen Coleman
Interim Clerk of Council

I, KATHLEEN 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)

KATHLEEN COLEMAN
INTERIM CLERK OF COUNCIL



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

To: Dave Ruller, City Manager
From: Rhonda C. Hall, CPA, Director of Budget and Finance
Date: February 12, 2025
Re: Then and Now Purchase Order Approval Request

In accordance with Section 5705.41 (D) of the Ohio Revised Code the City must receive approval from Council for all Then and Now purchase orders of more than \$3,000 on a monthly basis. Attached is a list of Then and Now P.O.'s in excess of \$3,000 that are dated January 22, 2025 through February 11, 2025.

Thank you.

Purchase Order Report

G/L Date Range 01/22/25 - 02/11/25
Sort by Department - Purchase Order Number
Detail Listing

Purchase Order	2025-00000584	G/L Date	01/23/2025	Amount	42,430.22
Description	FIN- OPWC Loans	Deliver by Date		Voided	.00
Department	07.708 Budget & Finance Department,Financial Admin.	Printed Date	01/23/2025	Discounted	.00
Vendor	1433 - Ohio Treasurer/OPWC	Completed Date	01/23/2025	Expensed	42,430.22
Type	Then/Now	Expiration Date		Remaining	.00
Status	Complete			Encumbered	.00
Item 1	Description	OWDA/OPWC Princ - East Summit Street Imprpv (301)	Status	Complete	Amount
	Quantity	1.0000	Vendor Part Number	Voided	12,500.00
	U/M	Each	Contract Number	Discounted	.00
	Price per Unit	12,500.00	Discount	Expensed	.00
				Remaining	12,500.00
				Encumbered	.00
	G/L Account	Project		Amount	
	301-07-570-800.7810 (Capital Improvements-Budget & Finance-General			12,500.00	
	Governement-Debt Reduction.Debt Reduction princ)				
Item 5	Description	OWDA/OPWC Princ - Erie & Depeyster St Recon.-301	Status	Complete	Amount
	Quantity	1.0000	Vendor Part Number	Voided	9,880.00
	U/M	Each	Contract Number	Discounted	.00
	Price per Unit	9,880.00	Discount	Expensed	.00
				Remaining	9,880.00
				Encumbered	.00
	G/L Account	Project		Amount	
	301-07-570-800.7810 (Capital Improvements-Budget & Finance-General			9,880.00	
	Governement-Debt Reduction.Debt Reduction princ)				
Item 8	Description	OWDA/OPWC Princ - S.Chestnut/Middlebury Rd Rehab-301	Status	Complete	Amount
	Quantity	1.0000	Vendor Part Number	Voided	6,153.56
					.00

Purchase Order Report

G/L Date Range 01/22/25 - 02/11/25
Sort by Department - Purchase Order Number
Detail Listing

U/M		Each	Contract Number		Discounted	.00
Price per Unit		6,153.56	Discount		Expensed	6,153.56
			0%		Remaining	.00
					Encumbered	.00
G/L Account		Project		Amount		
301-07-570-800.7810 (Capital Improvements-Budget & Finance-General Government-Debt Reduction.Debt Reduction princ)				6,153.56		
Purchase Order	2025-00000585	G/L Date	01/23/2025	Amount	15,957.96	
Description	FIN - OPWC Loan Payments	Deliver by Date		Voided	.00	
Department	07.708 Budget & Finance Department,Financial Admin.	Printed Date	01/23/2025	Discounted	.00	
Vendor	1433 - Ohio Treasurer/OPWC	Completed Date	01/23/2025	Expensed	15,957.96	
Type	Then/Now	Expiration Date		Remaining	.00	
Status	Complete			Encumbered	.00	
Item 1	Description	OWDA/OPWC Princ - Cuyahoga, Stinaff, Majors Waterline	Status	Complete	Amount	7,368.72
	Quantity	1.0000	Vendor Part Number	Voided	.00	
	U/M	Each	Contract Number	Discounted	.00	
	Price per Unit	7,368.72	Discount	Expensed	7,368.72	
				Remaining	.00	
				Encumbered	.00	
G/L Account		Project		Amount		
201-07-550-800.7812 (Water-Budget & Finance-Basic Utility Services-Debt Reduction.OWDA/OPWC princ)				7,368.72		
Item 2	Description	OWDA/OPWC Princ - Middlebury Road	Status	Complete	Amount	5,434.41
	Quantity	1.0000	Vendor Part Number	Voided	.00	
	U/M	Each	Contract Number	Discounted	.00	
	Price per Unit	5,434.41	Discount	Expensed	5,434.41	

Purchase Order Report

G/L Date Range 01/22/25 - 02/11/25
Sort by Department - Purchase Order Number
Detail Listing

Remaining .00
Encumbered .00

G/L Account Project Amount
301-07-570-800.7810 (Capital Improvements-Budget & Finance-General 5,434.41
Governement-Debt Reduction.Debt Reduction princ)

Purchase Order	2025-00000633	G/L Date	01/28/2025	Amount	11,687.35
Description	FIN - 4th Quarter hotel/motel taxes for Down KSU Hotel	Deliver by Date		Voided	.00
Department	07.708 Budget & Finance Department,Financial Admin.	Printed Date	01/28/2025	Discounted	.00
Vendor	3466 - Destination Kent Convention & Visitors Bureau, Inc	Completed Date	01/30/2025	Expensed	11,687.35
Type	Then/Now	Expiration Date		Remaining	.00
Status	Complete			Encumbered	.00

Item 1	Description	Hotel/Motel Tax	Status	Complete	Amount	11,687.35
	Quantity	1.0000	Vendor Part Number	Voided		.00
	U/M	Each	Contract Number	Discounted		.00
	Price per Unit	11,687.35	Discount	Expensed	11,687.35	
				Remaining	.00	
				Encumbered	.00	

G/L Account Project Amount
001-08-570-703.7780 (General Government-Council-General 11,687.35
Governement-Community Support.Bed Tax)

Purchase Order	2025-00000639	G/L Date	01/29/2025	Amount	3,274.21
Description	FIN- Sept 24 balance of invoice	Deliver by Date		Voided	.00
Department	07.708 Budget & Finance Department,Financial Admin.	Printed Date	01/29/2025	Discounted	.00
Vendor	1310 - Life Force Mgmnt Inc	Completed Date	01/30/2025	Expensed	3,264.15
Type	Then/Now	Expiration Date		Remaining	.00

Purchase Order Report

G/L Date Range 01/22/25 - 02/11/25
Sort by Department - Purchase Order Number
Detail Listing

Status	Complete		Encumbered	.00
Purchase Order	2025-00000641			
Description	FIN - Oct 24 Invoice	G/L Date	01/29/2025	Amount 8,170.12
Department	07.708 Budget & Finance Department,Financial Admin.	Deliver by Date		Voided .00
Vendor	1310 - Life Force Mgmt Inc	Printed Date	01/29/2025	Discouted .00
Type	Then/Now	Completed Date	01/30/2025	Expensed 8,170.12
Status	Complete	Expiration Date		Remaining .00
				Encumbered .00
Item 1	Description Misc Contractual - 001.07.570.708.7390	Status	Complete	Amount 8,170.12
	Quantity 1.0000	Vendor Part Number		Voided .00
	U/M Each	Contract Number		Discouted .00
	Price per Unit 8,170.12	Discount	0%	Expensed 8,170.12
				Remaining .00
				Encumbered .00
	G/L Account	Project		Amount
	001-07-570-708.7390 (General Government-Budget & Finance-General			8,170.12
	Governement-Financial Administration,Misc Contractual)			
Purchase Order	2025-00000642	G/L Date	01/29/2025	Amount 4,978.40
Description	FIN- Jan 2025 Invoice for water bills	Deliver by Date		Voided .00
Department	07.708 Budget & Finance Department,Financial Admin.	Printed Date	01/29/2025	Discouted .00
Vendor	1650 - Smartbill, LTD	Completed Date	01/30/2025	Expensed 4,978.40
Type	Then/Now	Expiration Date		Remaining .00
Status	Complete			Encumbered .00
Item 2	Description Communications-Phone Service - 204.07.550.708.7320-utility billing	Status	Complete	Amount 3,662.67

Purchase Order Report

G/L Date Range 01/22/25 - 02/11/25
Sort by Department - Purchase Order Number
Detail Listing

Quantity		1.0000	Vendor Part Number		Voided	.00
U/M		Each	Contract Number		Discounted	.00
Price per Unit		3,662.67	Discount		Expensed	3,662.67
			0%		Remaining	.00
					Encumbered	.00
G/L Account		Project		Amount		
204-07-550-708.7320 (Utility Billing-Budget & Finance-Basic Utility Services-Financial Administration.Communications-Phone Service and Postage)				3,662.67		
Purchase Order	2025-00000645	G/L Date	01/29/2025	Amount	12,313.11	
Description	FIN - Balance of 2024 Electric Bills	Deliver by Date		Voided	.00	
Department	07.708 Budget & Finance Department,Financial Admin.	Printed Date	01/29/2025	Discounted	.00	
Vendor	1394 - Ohio Edison Company	Completed Date	01/30/2025	Expensed	12,313.11	
Type	Then/Now	Expiration Date		Remaining	.00	
Status	Complete			Encumbered	.00	
G/L Account		Project		Amount		
001-05-570-710.7310 (General Government-Service Department-General Governement-Service Administration.Utilities)				869.79		
Item 2	Description	Status	Complete	Amount	11,338.57	
Utilities - SCMR		Vendor Part Number		Voided	.00	
Quantity		Contract Number		Discounted	.00	
U/M		Discount		Expensed	11,338.57	
Price per Unit			0%	Remaining	.00	
				Encumbered	.00	
G/L Account		Project		Amount		
102-05-560-601.7310 (SCMR-Service Department-Central Maintenance-Transportation - Central Maint..Utilities)				11,338.57		

Purchase Order Report

G/L Date Range 01/22/25 - 02/11/25
Sort by Department - Purchase Order Number
Detail Listing

Purchase Order	2025-00000720	G/L Date	02/04/2025	Amount	4,496.49
Description	FIN - Gas bill from Dec 2024	Deliver by Date		Voided	.00
Department	07.708 Budget & Finance Department,Financial Admin.	Printed Date	02/04/2025	Discounted	.00
Vendor	3794 - The East Ohio Gas Co.	Completed Date	02/06/2025	Expensed	4,496.49
Type	Then/Now	Expiration Date		Remaining	.00
Status	Complete			Encumbered	.00

Item 1	Description	Utilities	Status	Complete	Amount	4,402.16
	Quantity	1.0000	Vendor Part Number	Voided		.00
	U/M	Each	Contract Number	Discounted		.00
	Price per Unit	4,402.16	Discount	Expensed	4,402.16	
				Remaining	.00	
				Encumbered	.00	

G/L Account
001-05-570-710.7310 (General Government-Service Department-General
Government-Service Administration.Utilities)

Project
Amount
4,402.16

Purchase Order	2025-00000809	G/L Date	02/10/2025	Amount	10,371.98
Description	FIN - First Health Access Fees Dec 2024	Deliver by Date		Voided	.00
Department	07.708 Budget & Finance Department,Financial Admin.	Printed Date	02/10/2025	Discounted	.00
Vendor	4111 - Apex Benefits Services LLC	Completed Date	02/13/2025	Expensed	10,371.98
Type	Then/Now	Expiration Date		Remaining	.00
Status	Complete			Encumbered	.00

Item 1	Description	Insurance & Bonding	Status	Complete	Amount	10,371.98
	Quantity	1.0000	Vendor Part Number	Voided		.00
	U/M	Each	Contract Number	Discounted		.00
	Price per Unit	10,371.98	Discount	Expensed	10,371.98	
				Remaining	.00	

Purchase Order Report

G/L Date Range 01/22/25 - 02/11/25
Sort by Department - Purchase Order Number
Detail Listing

			Encumbered	.00
G/L Account	Project	Amount		
807-07-580-905.7360 (Ee Insurance-Budget & Finance-Non Programs-Insurance Deposits. Insurance & Bonding)		10,371.98		



City of Kent
City Council Committee Meeting
320 S. Depeyster Street, Kent, Ohio 44240
Wednesday, February 5, 2025

MINUTES

At 7:00pm, a Public Hearing was held to receive public comment on the proposed local historic property designation for Hometown Bank at 136 N. Water St., Kent. There were no comments from the public.

Immediately following the Public Hearing, Mayor Jerry T. Fiala called the City Council Committee meeting to order.

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

Also present: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Rhonda Hall, Finance Director; Bridget Susel, Community Development Director; Melanie Baker, Service Director; Mr. Nick Cecil, IT Director; Mr. Jim Bowling, City Engineer

COMMITTEES

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

City.Hall.Update.-.Melanie.Baker

Ms. Baker presented a slide show with updates on the new City Hall and outlined features that will be available in the building. Temporary occupancy was granted on January 27, 2025, and full HVAC plumbing and building approvals are in place. The full electrical approval is not in place yet because some exterior lighting is still in the process. The contractor has 45 days to complete their punch list, but they are hoping to complete it this week. Furniture delivery is planned to start next week, with the final delivery to be the week of April 7, 2025. However, most of the furniture necessary for operations in the building will be received prior to that, most likely mid-March. Outside landscaping will be installed once the weather warms up.

Update.to.the.Pending.List.for.8680-.Dave.Ruller

Mr. Ruller reviewed each of the items on the current Pending List and provided recommendations to Council regarding whether to retain or remove from the list. The following items were discussed, with details included in the City Manager's Communication:

Administration

1. Explore Senior Center Advisory Committee – Retain
2. Franklin Twp. Sidewalk Shoveling – Retain
3. Roadwork on Portage Street – Remove
4. Semi Tractor Trailer parking – Remove
5. Adult Use Marijuana Moratorium – Remove
6. Consent Agenda – Retain *(This item was initially recommended to be removed, but Council pointed out that the original plan was to try the Consent Agenda for six months, then decide. The six-month mark has not yet been reached, so the item will remain on the Pending List.)*
7. Recognize Juneteenth as City Holiday – Remove

Committees

1. Land O'Lakes Noise – Remove
2. Noise Ordinance – Retain
3. Fur Regulations – Remove
4. Downtown Street Closures – Remove
5. Downtown Historic District – Retain
6. Architectural Review Board – Retain
7. Parks & Recreation Resident Survey and Master Plan – Remove
8. In Person Board Interviews – Retain
9. Arborist and Health Dept included in Rental Inspections – Retain
10. Warming Centers for Unhoused – Retain

MOTION TO APPROVE UPDATES TO THE PENDING LIST AS DISCUSSED/AMENDED was MADE by Ms. Rosenberg, SECONDED by Mr. Hook, and CARRIED by unanimous voice vote.

Community Development Committee – Chair Rosenberg/Vice-Chair Clapper***Hometown.Bank.Historic.Property.Designation.-.Bridget.Susel***

Ms. Susel introduced Howard Boyle, former bank President, who provided the history of the bank building and answered questions from Council. Ms. Susel explained that Hometown Bank has filed for the local historic property designation, and as a certified local government (CLG),

the City is authorized to designate local properties as historic. The City's Design and Preservation Committee met to review the application and unanimously recommended Council's support for the local historic designation.

MOTION TO APPROVE THE LOCAL HISTORIC DESIGNATION FOR THE HOMETOWN BANK PROPERTY WITH THE EMERGENCY CLAUSE was MADE by Ms. Shaffer Bish, SECONDED by Mr. Sidoti, and CARRIED by unanimous voice vote.

Haymaker.Farmer's.Market.Sub Lease.Renewal.-.Msj.Susel

Ms. Susel introduced Andrew Rhome, Director of the Market, who thanked Council and the City for its ongoing support and allowing the continued use of the Franklin lot. Ms. Susel requested Council renew the City's sublease with the Farmer's Market for the property that the City leases from the railroad along Franklin Avenue for the 2025 season for \$1, the amount that the Market has paid historically. There were no questions from Council.

MOTION TO AUTHORIZE THE RENEWAL OF THE SUBLEASE FOR THE FARMER'S MARKET, WITH THE EMERGENCY CLAUSE, was MADE by Ms. Celko, SECONDED by Ms. Shaffer Bish, and CARRIED by unanimous voice vote.

Proposed.Text.Updates.to.Part.79.of.the.Building.Code.-.Msj.Susel

Ms. Susel presented proposed administrative changes to Part 13 of the Building Code in order to ensure that different sections of the Code are mutually compatible and enforceable. Part 13 has outdated Code references that staff have proposed new language to correct. There were no questions from Council.

MOTION TO AUTHORIZE THE PROPOSED TEXT UPDATES TO PART 13 OF THE BUILDING CODE, WITH THE EMERGENCY CLAUSE, was MADE by Mr. Amrhein, SECONDED by Mr. Clapper, and CARRIED by unanimous voice vote.

Finance Committee – Chair DeLeone/Vice-Chair Celko

8680 Budget.Appropriations.Amendment.-.Msj.Hall

Ms. Hall presented appropriation amendments to balance various budget line items and requested Council's authorization of the amendments.

MOTION TO AUTHORIZE 2025 BUDGET AMENDMENTS, WITH THE EMERGENCY CLAUSE, was MADE by Mr. Sidoti, SECONDED by Ms. Rosenberg, and CARRIED by unanimous voice vote.

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

Request.to.Acquire.Vacant.Parcel.- Jim.Bowling

Mr. Bowling requested Council’s authorization to purchase a parcel of property located at 603 West Street from the Portage County Land Bank for \$100. The property is located between two railroad properties, a “paper” alley, and a City parcel which is used to maintain a storm water ditch behind properties on Harris St. and under the Wheeling and Lake Erie Railroad. Acquisition of the parcel will allow for improved access to the existing City parcel to assist in stormwater management.

MOTION TO AUTHORIZE THE CITY’S ACQUISITION OF THE PARCEL AT 603 WEST ST. FROM THE LAND BANK FOR \$100, WITH THE EMERGENCY CLAUSE, was MADE by Mr. Amrhein, SECONDED by Ms. Rosenberg, and CARRIED by unanimous voice vote.

There being no further business, the meeting was adjourned at 8:11pm.

Kathleen Coleman
Clerk of Council



City of Kent
Regular City Council Meeting
320 S. Depeyster Street, Kent, Ohio 44240
Wednesday, January 22, 2025

MINUTES

At 7:00pm, Mayor Jerry T. Fiala called the Regular City Council meeting to order.

Present: Mr. Jack Amrhein; Ms. Melissa Celko; Mr. Jeff Clapper; Mr. Michael DeLeone; Mr. Chris Hook; Ms. 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; Mr. Nick Cecil, IT Director; Ms. Dominique Bollenbacher, Community Outreach Coordinator; Ms. Melanie Baker; Service Director; Ms. Kathy Coleman, Interim Clerk of Council

Ms. Rosenberg led Council in the Pledge of Allegiance.

COMMUNICATION

- On 12/27/24, the December meeting notes and January agenda for Standing Rock Cemetery were received and posted online.
- On 1/7/25, Oviya Blackerby submitted an application and resume for a position on the Parks & Recreation Board.
- On 1/10/25, the January agenda, December draft meeting minutes and statistical report was received from the Health Department.
- On 1/14/25, the January agenda and staff report for the January Planning Commission meeting were received.
- On 1/14/25, the Official List of Elected Officials and Notification of Filing Requirement was received from the Ohio Ethics Commission, signed and returned.

CITY MANAGER'S REPORT

MOTION TO AUTHORIZE ITEMS 1-10 ON THE CITY MANAGER'S REPORT was MADE by Mr. Amrhein, SECONDED by Ms. Rosenberg, and CARRIED by unanimous voice vote.

1. Accept and allocate a donation in the amount of \$1,500 from the Henry V. and Frances W. Christenson Foundation to Kent Parks and Recreation.

2. Accept a Sport Fish Restoration grant from the Ohio Department of Natural Resources in the amount of \$2,069.51, which will be used to support Kent Parks & Recreation annual River Days. (Draft 2025-002)
3. Authorize partnership with Main Street Kent to apply for a General Motors placemaking grant in the amount of \$100,000. The application due date is January 31, 2025. (Draft 2025-008)
4. Authorize a public hearing to receive comment on the proposed local historic property designation for Hometown Bank at 136 N. Water Street.
5. Approve Committee of the Whole time for Melanie Baker to provide Council with an update on the opening of the new City Hall.
6. Approve Community Development Committee time to present the request from Hometown Bank for the City to designate the bank property as historic.
7. Approve Community Development Committee time to present proposed updates to Part 13 of the City's Building Code that need to be made for internal consistency with other parts of the City Code.
8. Approve Community Development Committee time to present a recommendation to renew the sublease with the Haymaker Farmers' Market for the 2025 season.
9. Approve Finance Committee time to request Council's consideration of a 2025 Budget Appropriations Amendment.
10. Approve Streets, Sidewalks and Utilities Committee time to present an opportunity to purchase a parcel of property (603 West Street) from the Portage County Land Bank for \$100 which will assist in stormwater management in the area.

CONSENT AGENDA

Approval of December Regular Council Meeting minutes

Approval of January Council Committee Meeting minutes

MOTION TO SUSPEND THREE READINGS OF DRAFTS 2024-120, 2025-002 THROUGH 2025-006, AND DRAFT 2025-008 was MADE by Ms. Shaffer Bish, **SECONDED** by Mr. Hook, and **CARRIED** by roll call vote 9-0-0.

MOTION TO ADOPT DRAFTS 2024-120, 2025-002 THROUGH 2025-006, AND DRAFT 2025-008 was MADE by Ms. Rosenberg, **SECONDED** by Mr. Hook, and **CARRIED** by roll call vote 9-0-0.

- ***DRAFT.8680_786 A RESOLUTION DECLARING THE OFFICIAL INTENT AND REASONABLE EXPECTATION OF THE CITY OF KENT ON BEHALF OF THE STATE OF OHIO (THE BORROWER) TO REIMBURSE ITS 202 SEWER FUND FOR THE CG29AB / CG30AB, WRF PRIMARY CLARIFIER NO. 1 REHABILITATION WITH THE PROCEEDS OF TAX-EXEMPT DEBT OF THE STATE OF OHIO AND DECLARING AN EMERGENCY.***

(Suspension of three readings passed at December 18, 2024 Regular Council meeting, but final vote on adoption was overlooked)

- ***DRAFT.8680668*** AN ORDINANCE AUTHORIZING THE CITY OF KENT PARKS & RECREATION DEPARTMENT TO APPLY FOR GRANT FUNDS IN THE AMOUNT OF \$2,069.51, AND TO ACCEPT THE GRANT, IF AWARDED, WITH CORRESPONDING APPROPRIATION OF FUNDS AND DECLARING AN EMERGENCY. (UNAUTHORIZED) (Finance Committee)
- ***DRAFT.8680669*** - 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. (Finance Committee)
- ***DRAFT.8680660*** AN ORDINANCE AMENDING PART THIRTEEN-BUILDING CODE OF THE KENT CODIFIED ORDINANCES IN ORDER TO ENSURE CONSISTENCY OF THE CIVIL OFFENSE WARNING AND/OR FINE IN THE PENALTY SECTIONS AND DECLARING AN EMERGENCY. (Community Development Committee)
- ***DRAFT.8680660*** AN ORDINANCE AMENDING CHAPTER 315 TITLED “BLOCK PARTIES AND STREET ASSEMBLAGES, CHAPTER 316 TITLED “SPECIAL EVENTS-PARADES, FESTIVALS, CARNIVALS, PUBLIC ASSEMBLIES, ETC” AND CHAPTER 744 TITLED “MOBILE FOOD UNIT REGULATIONS” OF THE CODIFIED ORDINANCES OF THE CITY OF KENT TO UPDATE THE EVENT PERMIT PROCESS, AND DECLARING AN EMERGENCY (Streets, Sidewalks & Utilities Committee)
- ***DRAFT.8680662*** AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A LICENSE AGREEMENT BETWEEN THE CITY OF KENT AND ONSITE PARTNERS, LLC TO ALLOW FOR THE INSTALLATION OF AN ELECTRIC CONDUIT LINE ACROSS THE CITY AND DECLARING AN EMERGENCY. (Streets, Sidewalks & Utilities Committee)
- ***DRAFT.8680664*** AN ORDINANCE AUTHORIZING THE CITY OF KENT COMMUNITY DEVELOPMENT DEPARTMENT TO PARTNER WITH MAIN STREET KENT TO APPLY FOR GRANT FUNDS IN THE AMOUNT OF \$100,000, AND TO ACCEPT THE GRANT, IF AWARDED, WITH CORRESPONDING APPROPRIATION OF FUNDS AND DECLARING AN EMERGENCY. (UNAUTHORIZED)(Finance Committee)

Consent Agenda passes.

STANDING COMMITTEES & LEGISLATION

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

MOTION TO SUSPEND THREE READINGS OF DRAFT 2025-007 was MADE by Ms. Rosenberg, SECONDED by Mr. Sidoti, and CARRIED by unanimous roll call vote 9-0-0.

MOTION TO ADOPT DRAFT 2025-007 was MADE by Mr. Sidoti, SECONDED by Mr. Amrhein, and CARRIED by unanimous roll call vote 9-0-0.

- ***DRAFT.868~~1~~66~~3~~**AN ORDINANCE APPOINTING KATHLEEN COLEMAN AS CLERK OF COUNCIL FOR THE CITY OF KENT AND DECLARING AN EMERGENCY.*

Ordinance 2025-107 passes.

MOTION TO APPOINT JUSTINE GALLO TO THE SUSTAINABILITY COMMISSION AND DECLARING AN EMERGENCY was MADE by Mr. Clapper, SECONDED by Ms. Rosenberg, and CARRIED by unanimous voice vote.

MOTION TO AUTHORIZE INSERTION OF THE NAMES INTO LEGISLATION was made by Mr. Sidoti, SECONDED by Mr. Amrhein, and CARRIED by unanimous voice vote.

MOTION TO SUSPEND THREE READINGS OF DRAFT 2025-001 was MADE by Ms. Shaffer Bish, SECONDED by Mr. Sidoti and CARRIED by unanimous roll call vote 9-0-0.

MOTION TO ADOPT DRAFT 2025-001 was MADE by Mr. DeLeone, SECONDED by Ms. Shaffer Bish, and CARRIED by unanimous roll call vote 9-0-0.

- ***DRAFT.868~~1~~66~~7~~**A RESOLUTION TO APPOINT JUSTINE GALLO TO THE SUSTAINABILITY COMMISSION AND DECLARING AN EMERGENCY*

Resolution 2025-001 passes.

Community Development Committee – Chair Rosenberg/Vice-Chair Clapper

No action.

Health & Safety Committee – Chair Amrhein/Vice-Chair Sidoti

No action.

Land Use Committee – Chair Shaffer Bish/Vice-Chair Hook

No action.

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

No action.

UNFINISHED BUSINESS None.

NEW BUSINESS None.**COUNCIL MEMBERS' COMMENTS**

- Mr. Turner requested clarification on the operation of the warming center at Shepherd's House and the City's involvement. Mr. Ruller explained that the City had allocated \$8,000 in order to help ensure transportation to Shepherd House by PARTA for City residents during periods of extreme weather, and to offset associated costs incurred by Shepherd's House. He stated that once the worst of the winter weather was over, the process will be reviewed and adjustments can be made subsequently.
- Mr. Hook questioned whether a levy in support of the Parks and Recreation Department will be on the ballot this year. Mr. Ruller stated that we are looking at other options before going to a levy, and that it was likely Council will have related issues to vote on later in the year.

MAYOR'S REPORT

Mayor Fiala wished Mr. Turner a happy birthday.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:23pm.

Kathleen Coleman
Interim Clerk of Council

Jerry T. Fiala
Mayor and President of Council

ORDINANCE NO. 2025 – 009

AN ORDINANCE AFFIRMING KENT’S DESIGN & PRESERVATION COMMITTEE’S DESIGNATION OF THE HOMETOWN BANK BUILDING AS A “LOCAL HISTORIC PROPERTY” AND DECLARING AN EMERGENCY.

WHEREAS, the Hometown Bank Building located at 136 North Water Street is requesting to be designated as a “Local Historic Property”; and

WHEREAS, pursuant to Chapter 1393, the Committee on Design & Preservation held a meeting on January 14, 2025 and the members voted unanimously to recommend the Hometown Bank Building be designated as a “Local Historic Property”.

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

SECTION 1. That Kent City Council does hereby affirm the Design and Preservation Committee’s designation of the Hometown Bank Building as a “Local Historic Property”.

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: _____
Kathleen Coleman
Clerk of Council

I, KATHLEEN COLEMAN, 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)

KATHLEEN COLEMAN
CLERK OF COUNCIL



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: January 22, 2025
TO: Dave Ruller, City Manager
FROM: Bridget Susel, Community Development Director
RE: Designation: Hometown Bank Building

The City of Kent's Committee on Design & Preservation received correspondence from Hometown Bank requesting the Committee consider recommending to Kent City Council that the Hometown Bank Building, located at 136 North Water Street, be designated as a "Local Historic Property," as defined in the City's Historic Preservation Chapter 1393.

Pursuant to the requirements of Chapter 1393, the Committee on Design & Preservation held a meeting on January 14, 2025 to discuss the designation request and the members of the Committee voted unanimously to recommend to Council that the Hometown Bank Building be designated as a "Local Historic Property."

A public hearing has been scheduled to be held at 7:00 p.m., at the start of the February 5, 2025 Committee meeting in order to seek comments from the public on the proposed designation.

I am respectfully requesting time at the February 5th Committee meeting to discuss the designation of the building in greater detail and to request Council affirm the Committee on Design & Preservation recommendation and formally approve designating the Hometown Bank building as a "Local Historic Property."

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

Thank you.

Attachment

Cc: Hope Jones, Law Director
Kathy Coleman, Interim Clerk of Council
2025 Hometown Bank Designation File



Bridget Susel
Community Development Director
City of Kent, Ohio
930 Overholt Rd
Kent, OH 44240

Dear Bridget,

This letter and the attached documentation constitute Hometown Bank's formal request to have the property located at 136 North Water Street considered for historical designation.

Designation of the property as a historical building may allow Hometown Bank to be eligible for future grants and tax credits. Having access to these advantages would allow Hometown Bank to continue supporting the community in downtown Kent as it has for over 126 years.

We understand this is a process that will take time and careful consideration, we ask that you keep us abreast of the process as you move through your procedures. If you have any questions regarding our request, please don't hesitate to reach out to either Michael or myself. We look forward to working with you on this project.

Thank you,

Howard T. Boyle II
Chairman of the Board

Michael A. Lewis
President and CEO



Inst # 769341

Request for 136 North Water Street to be Designated as a Historical Building

Built in the winter of 1888-1889 and first occupied in the spring of 1889 the Carver Building, now the Hometown Bank Building, has been a successful commercial asset to our community for the past 135 years. We have been fortunate that the that the building has had excellent owners and stewards the entire time of its existence. The first floor of the building had longtime commercial tenants including Keifel Grocery, Getz Brothers Hardware, Barber Shops and Beauty Shops and several confectionery stores and restaurants. On the Second Floor the Knights of Pythias Hall (K &P) as well as the office of Dr. Emily Widdecombe, Kents first female physician, and two apartments. The K & P Hall took half of the second floor and was once also used by the Elks Club.

The building was built on the site of the Levi Reed Livery Stable that burned in 1887. Betsy Carver and her two sons had the building built to continue the retail and commercial area on North Water Street to enhance their other properties south of the new building. At the time it was very uncommon a town to have a female entrepreneur, but Betsy was a powerhouse and controlled her family business after the death of her husband.

In 1898 the founding of the Home Building and Loan company took place in the offices of the Getz Brothers Hardware store and has evolved into the Hometown Bank of today. Over the last forty years the bank purchased the corner lot parcels on which housed the Kent Building that was built in 1836 by the Kent Family as the Franklin Exchange Building. That building burned in 1972. In 1998 the bank designed and built the Hometown Plaza for use of the people of Kent for entertainment purposes. It gave our community a prominent green venue in the downtown and became the front yard of the Hometown Bank Building.

The building was later sold to the tenants of the building with a loose arrangement of percentage of ownership with the Getz Brothers managing the building. It remained in that configuration until it was purchase in the early 1970's. The building was purchased by the Bank, therefore finally consolidating the ownership into a single entity who still owns it today. We feel we have been good stewards of this fine old commercial building since our ownership as well as the Plaza next door.

The building was originally a late century Gothic design, the front façade being destroyed in a fire in February of 1937. The building was redesigned to a more common commercial design and updated in the restoration of the building after the fire in 1937. The bank has continued to remake the building to the period of its original construction. All the storefronts and as well as the original window openings have been preserved. The inside of the building has the original design of the woodwork as found in the rehab and remodeled to the bank needs in the 1970's, 1983 and 2003 renovation

projects. The building may be 135 years old, but it has been updated to all current codes and is effectively new inside.

From the beginning of its occupancy the building has been occupied by dynamic individuals. Community leaders who have served in many capacities such as Mayor, Councilpersons, Members of the Board of Education, Chamber of Commerce leaders as well as other leading professional leaders in their fields of endeavor. Once occupant served for 16 years as our State Representative in Columbus.

We are asking for this designation so that we may in the future avail ourselves of the possible tax credits or grants that we could obtain to maintain or improve this fine old structure. All old buildings are costly to maintain and any help that this would bring us would be helpful.

ORDINANCE NO. 2025 - 010

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO RENEW THE AGREEMENT WITH THE HAYMAKER FARMERS' MARKET FOR THE SUB-LAND LEASE OF A PARKING LOT LOCATED NORTH OF SUMMIT STREET, WEST OF FRANKLIN AVENUE, AND EAST OF AKRON BARBERTON CLUSTER RAILWAY COMPANY'S MAIN LINE TRACK, CONTAINING 0.168 ACRES, FOR THE PERIOD OF APRIL 5, 2025 THROUGH NOVEMBER 29, 2025; CONTINGENT ON THE CONTINUATION OF THE CITY'S LEASE WITH THE AKRON BARBERTON CLUSTER RAILWAY COMPANY, FOR THE AMOUNT OF \$1.00; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent and the Akron Barberton Cluster Railway Company entered into a lease agreement for the use of a parking lot, located north of Summit Street, west of Franklin Avenue, and east of the Akron Barberton Cluster Railway Company's main line track, containing 0.168 acres; and

WHEREAS, the City of Kent wishes to continue to sub-lease said parking lot on Saturday mornings to the Haymaker Farmers' Market; contingent on the continuation of the City's lease with the Akron Barberton Cluster Railway Company; and

WHEREAS, a Farmers' Market is a benefit to the citizens of Kent, Ohio; and

WHEREAS, time is of the essence to allow the Farmers' Market to open with good weather.

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

SECTION 1. That the City Manager, or his designee, be and hereby is authorized to renew the Sub-land Lease with Haymaker Farmers' Market for a parking lot located north of Summit Street, west of Franklin Avenue, and east of the Akron Barberton Cluster Railway Company's main line tract, contingent on continuation of the City's lease with the Akron Barberton Cluster Railway Company; in substantial compliance with the terms of Exhibit "A", attached hereto.

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: _____
Kathleen Coleman
Clerk of Council

I, KATHLEEN COLEMAN, 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)

KATHLEEN COLEMAN
CLERK OF COUNCIL



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: January 21, 2025

TO: Dave Ruller, City Manager

FROM: Bridget Susel, Community Development Director

RE: Sublease Renewal: Haymaker Farmers' Market

The City of Kent leases the unimproved area on the west side of Franklin Avenue, just south of the Over Easy Restaurant paved parking area, from the Akron Barberton Cluster (ABC) Railway Company (aka Wheeling Lake Erie Railroad (WLER)), in order to provide space for additional long-term parking in the downtown business district.

Since 2012, the City has allowed the Haymaker Farmers' Market to sublease this area for use on Saturday's, from 9:00 a.m. to 1:00 p.m. This year's outdoor season will begin with the first Saturday in April and extend through the last Saturday in November. The Haymakers' Farmers Market is an incorporated nonprofit organization, and it leases the space from the City for the nominal annual fee of \$1.00.

I am respectfully requesting time at the February 5, 2025 Council Committee session to discuss this item in greater detail and to request Council's authorization, with emergency, for the renewal of the sub-lease with the Haymaker Farmers' Market.

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

Thank you.

Attachments

Cc: Hope Jones, Law Director
Kathy Coleman, Interim Clerk of Council

CITY OF KENT, OHIO



SUB-LAND LEASE

THIS SUB-LEASE, made this ____ day of _____, **2025**, between **THE CITY OF KENT, OHIO**, whose address is 301 South Depeyster Street, Kent, Ohio 44240, hereinafter referred to as SUB-LESSOR, and **HAYMAKER FARMERS' MARKET**, which has its summer market operations at the intersection of Franklin Avenue and Summit Street, Kent, Ohio 44240, hereinafter referred to as SUB-LESSEE.

I. PREMISES

SUB-LESSOR does hereby lease unto SUB-LESSEE certain unimproved land, located in the City of Kent, Portage County, Ohio, hereinafter called "the premises," as shown on the map attached hereto and hereby made a part hereof, described as follows:

Being a rectangular parcel of land located north of Summit Street, west of Franklin Avenue and east of LESSOR's main line track containing an area of 0.168 acres, more or less as shown in green, attached hereto as Exhibit "A."

SUB-LESSOR currently leases the subject premises from Akron Barberton Cluster Railway Company (the ORIGINAL LESSOR) pursuant to a land lease agreement dated October 26, 2011, No. 35-04380, as amended July 16, 2014.

II. TERMS AND CONDITIONS

In consideration of the covenants and agreements herein contained and other good and valuable consideration, and intending to be legally bound, it is agreed as follows:

1. Use. SUB-LESSEE shall use and occupy the premises solely for the purpose of a farmers' market held on Saturday morning (9:00 a.m. to 1:00 p.m.).

2. Term and Rent. To hold the demised premises for and during the term of April 5, 2025 through November 29, 2025 (unless sooner terminated as hereinafter provided) for the rent or sum of one dollar (\$1.00) payable in advance.

3. **Expenses.** SUB-LESSOR shall be responsible for snow plowing costs, any utility costs or charges and shall maintain insurance on the premises pursuant to their lease with ORIGINAL LESSOR.

4. **Approval of Plans.** SUB-LESSEE, prior to erecting any structure on the premises, shall submit plans to, and secure approval in writing of, SUB-LESSOR and the ORIGINAL LESSOR. SUB-LESSEE shall not erect or place or allow to be erected or placed on the premises any buildings, structures, fixtures or obstructions of any kind, either temporary or permanent.

5. **Fire and Damage.** SUB-LESSEE shall cooperate with SUB-LESSOR and shall promptly comply with fire prevention measures requested by SUB-LESSOR. SUB-LESSEE shall make no electrical installation or alterations in and to the improvements or electrical circuits (whether for power, light, heat or other purposes) located on the premises except by a duly licensed electrician, and shall make no installation of natural gas, propane, kerosene or other combustion fuel heating or cooling units, except by licensed heating or cooling contractor; and no such alterations or installations shall be made without prior written approval of the ORIGINAL LESSOR.

6. **Ordinances and Regulations.**

6.1 SUB-LESSEE, at SUB-LESSEE's sole cost and expense, shall comply with all applicable ordinances, rules, regulations, requirements and laws of any governmental authority having jurisdiction over the premises or SUB-LESSEE's intended use thereof, including but not limited to zoning, health, safety, building or environmental matters. SUB-LESSEE shall supply SUB-LESSOR and ORIGINAL LESSOR with copies of letters or certificates of approval of SUB-LESSEE's use.

7. **Maintenance and Repairs.**

7.1 SUB-LESSEE will not create or permit any nuisance in, on or about the premises, and SUB-LESSEE shall maintain the premises in a neat and clean condition. Any approved structures of SUB-LESSEE shall be erected and/or maintained on the premises by SUB-LESSEE to the satisfaction of the ORIGINAL LESSOR.

7.2 SUB-LESSEE will not utilize the City of Kent trash containers or the area near the trash containers, for the disposal of produce, perishable products, boxes, crates, storage containers, bags of trash or any other form of refuse generated by vendors operating on the premises.

7.3 SUB-LESSEE will not make, or permit to be made, any improvements or alterations to the premises without the written consent of the ORIGINAL LESSOR. Approval by the ORIGINAL LESSOR of any improvements or installations made by SUB-LESSEE, or failure of the ORIGINAL LESSOR to object to any work done or material used, or the method of construction or installation, shall not be construed as an admission of

responsibility by the ORIGINAL LESSOR or SUB-LESSOR or as a waiver of any of SUB-LESSEE's obligations under this Sub-Lease.

7.4 All work performed by SUB-LESSEE, or SUB-LESSEE contractor(s), pursuant to Section 7 shall be subject to the written approval of the ORIGINAL LESSOR's Chief Engineer or his duly authorized representative.

8. Service and Utilities. The ORIGINAL LESSOR will be under no obligation to furnish the premises with water, gas, sewage, electricity, heat or other services and supplies that may be necessary or desirable in connection with SUB-LESSEE use and occupancy of the premises. The SUB-LESSOR shall bear all costs of utilities used on the premises, including heat, electricity, hot water and sewer use charges. SUB-LESSEE shall reimburse SUB-LESSOR for any utilities SUB-LESSEE uses.

9. Adjacent Areas. Except as provided in Section 10 hereafter, SUB-LESSEE shall not use, for utility lines or otherwise, any property of the ORIGINAL LESSOR and SUB-LESSOR other than the premises herein leased without first obtaining ORIGINAL LESSOR's prior written consent and complying with all requirements of the ORIGINAL LESSOR applicable thereto.

10. Ingress and Egress. The ORIGINAL LESSOR, SUB-LESSOR and SUB-LESSEE shall have the right to use, in common with SUB-LESSOR and others authorized by SUB-LESSOR, existing driveway(s) or other property designated by SUB-LESSOR as means of Ingress to and Egress from the premises. SUB-LESSOR shall be under no obligation with respect to the condition or maintenance of said driveway(s) or other property, and SUB-LESSEE use of same shall be subject to all of the covenants, terms and conditions of this Sub-Lease.

11. Pipe and Wire Lines. The ORIGINAL LESSOR shall at all times have the right to maintain and/or construct, and to permit others to maintain and/or construct, overhead and/or underground pipe and/or wire lines now or hereafter installed upon or across the premises, and to use, repair, renew and remove the same.

12. Claim of Title.

12.1 SUB-LESSEE shall not at any time own or claim any right, title or interest in or to the premises, nor shall the exercise of this Sub-Lease for any length of time give rise to any right, title or interest in or to the premises, other than the Sub-Leasehold herein created.

12.2 SUB-LESSEE shall pay all debts incurred to, and shall satisfy all liens of contractors, subcontractors, mechanics, laborers and material suppliers in respect to any construction, alteration and/or repair in and to the demised premises, and any improvements thereof. Further, SUB-LESSEE shall have no authority to create any liens for labor or material on or against SUB-LESSOR or the ORIGINAL LESSOR's interest in the premises and shall specify in all contracts let by SUB-LESSEE for any construction, erection,

installation, alteration, maintenance or repair of any building or other improvement on the premises.

13. Termination, Notices and Removal.

13.1 This Sub-Lease may be terminated by either party at any time upon not less than thirty (30) days' notice in writing sent by registered or certified mail to the other party. However, in the event of a breach of any of the covenants, terms and conditions hereof by SUB-LESSEE, SUB-LESSOR shall have the right to terminate this Sub-Lease immediately.

13.2 Should original LESSOR terminate its lease with SUB-LESSOR, this Sub-lease between SUB-LESSOR and SUB-LESSEE shall also terminate.

13.3 Should SUB-LESSOR default on their lease terms to the ORIGINAL LESSOR, SUB-LESSEE may contact ORIGINAL LESSOR in efforts to step-in for SUB-LESSOR, correct the default of SUB-LESSOR, and take SUB-LESSOR'S role in the original land lease agreement dated October 26, 2011, No. 35-04380.

13.4 All notices and communications concerning this Sub-Lease shall be addressed to SUB-LESSOR or the SUB-LESSEE at their respective addresses hereinabove set forth or at such other, the ORIGINAL LESSOR, address as either party may designate in writing to the other party.

13.5 Upon termination of this Sub-Lease by expiration of term or any other reason, SUB-LESSEE shall remove all buildings or structures (except tracks, rail facilities and other designated property of the ORIGINAL LESSOR), within the time specified in any notice of termination or at the latest within fifteen (15) days after such termination. In effecting such removal, the premises shall be restored by SUB-LESSEE to a condition satisfactory to the ORIGINAL LESSOR, including the removal of all structures and facilities whether on the surface or underground) to ground level, and the filing of all excavations and holes, which shall be tamped, compacted and graded uniformly. If SUB-LESSEE shall fail to make the removal in the manner and time set forth herein, after notice to do so, SUB-LESSOR or the ORIGINAL LESSOR may remove said buildings, structures, and/or facilities and make said restoration, all at the sole risk, cost and expense of SUB-LESSEE, and may also dispose of any removed items without necessity to account for the same or to give further notice to SUB-LESSEE.

13.6 If SUB-LESSEE shall fail to make removal of any such property, SUB-LESSOR or the ORIGINAL LESSOR shall have the option to elect and notify SUB-LESSEE that all right, title and interest of SUB-LESSEE in certain building(s), structure(s) and/or facility(ies) shall be forfeit and may also dispose of any removed items without necessity to account for the same or to give further notice to SUB-LESSEE.

13.7 If SUB-LESSEE shall fail to make removal of any such property, the ORIGINAL LESSOR shall have the further option to elect and notify SUB-LESSEE that all

right, title and interest of SUB-LESSEE in certain building(s) and/or facility(ies) shall be forfeit and shall vest absolutely in the ORIGINAL LESSOR as of the date of notice of such election.

13.8 In the event that SUB-LESSEE prepays monthly or annual rentals in advance and this Sub-Lease is terminated by notice of either party (other than for breach or cause), SUB-LESSOR shall refund to SUB-LESSEE the proration of any prepaid base rental and taxes paid in advance, which SUB-LESSEE shall accept in full settlement, satisfaction and discharge of the remainder of the term or period.

14. Lessor. The term "the ORIGINAL LESSOR" as used in Section 14 hereof shall include any other company or companies whose property at the aforesaid location may be leased or operated by ORIGINAL LESSOR.

15. Insurance.

15.1 Prior to commencement of occupation or use of the premises/track for activities provided herein, SUB-LESSEE, at its sole cost and expense, shall procure and shall maintain during continuance of this Sub-Lease Public Liability Insurance covering liability assumed by SUB-LESSEE under this Sub-Lease with a combined single limit of not less than Two Million (\$2,000,000.00) Dollars for personal injury and property damage per occurrence. SUB-LESSEE shall furnish the ORIGINAL LESSOR's Director of Real Estate, 100 East First Street, Brewster, Ohio 44613 a certificate of insurance referring to this Sub-Lease by date, name of SUB-LESSOR, description of Sub-Lease and location covered. The certificate shall be endorsed to provide for thirty (30) days' notice to said Director of Real Estate prior to termination of or change in the coverage provided. If a higher limit of liability is required by the ORIGINAL LESSOR, the ORIGINAL LESSOR shall provide SUB-LESSEE written notice of the limit required and within thirty (30) days thereafter SUB-LESSEE shall provide revised certificate of insurance for the increased required limit. Furnishing of this insurance by SUB-LESSEE shall not limit SUB-LESSEE liability under this Sub-Lease but shall be additional security therefor. SUB-LESSOR shall be named as an additional insured on said policy.

15.2 The insurance requirements herein are minimum requirements for this Agreement and in no way limit the indemnity covenants contained in this Agreement. The ORIGINAL LESSOR in no way warrants that the minimum limits contained herein are sufficient to protect SUB-LESSOR from liabilities that may arise out of the performance of the services under this Agreement by SUB-LESSOR, its agents, representatives, employees or subcontractors and SUB-LESSOR is free to purchase additional insurance as may be determined necessary.

16. Condemnation. Should the premises or any part thereof be condemned, appropriated and/or acquired for public use, then this Sub-Lease, at the option of SUB-LESSOR or the ORIGINAL LESSOR, shall terminate upon the date when the premises or part thereof shall be taken. No part of any damages or award shall belong to SUB-LESSEE, except to the extent of any specific award from the governmental authority for improvements

and/or facilities of SUB-LESSEE. SUB-LESSOR's land shall be valued as of such date (or other legal date of valuation) as vacant land, without consideration of this Sub-Lease or SUB-LESSEE improvements on said land as an enhancement or detriment to said land value. Improvements and/or facilities of SUB-LESSEE not so condemned, appropriated and/or acquired shall be removed in accordance with Section 13 hereof.

17. Successors and Assigns.

17.1 The terms, covenants and provisions hereof shall inure to the benefit of and be binding upon the successors and assigns of SUB-LESSOR and the ORIGINAL LESSOR and the successors and assigns of SUB-LESSEE.

17.2 However, SUB-LESSEE shall not transfer, assign, encumber or sublet this Sub-Lease or any part of the premises or any part of the premises or any rights and privileges herein granted except to a subsidiary, parent or common controlled affiliate as approved by SUB-LESSOR. This covenant shall also apply whether such sale or transfer is made voluntarily by SUB-LESSEE or involuntarily in any proceeding at law or in equity to which SUB-LESSEE may be a party whereby any of the rights, duties and obligations of SUB-LESSEE shall be sold, transferred, conveyed, encumbered, abrogated or in any manner altered, without the prior notice to and consent of the ORIGINAL LESSOR and SUB-LESSOR. In the event of any such unauthorized sale, transfer, assignment, sublease or encumbrance of this Sub-Lease, or any of the rights and privileges hereunder, the ORIGINAL LESSOR or SUB-LESSOR, at its option, may immediately terminate this Sub-Lease by giving SUB-LESSEE or any such assignee written notice of such termination and LESSOR or SUB-LESSOR may thereupon enter and retake possession of the premises.

18. Severability. It is understood and agreed that this Sub-Lease is executed by all parties under current interpretation of any and all applicable federal, state, county, municipal or other local statute, ordinance or law. Further, it is understood and agreed that each and every separate division (paragraph, clause, item, term, condition, covenant or agreement) herein contained shall have independent and severable status from each other separate division or combination thereof for the determination of legality so that if any separate division herein is determined to be unconstitutional, illegal, violative of trade or commerce, in contravention of public policy, void, voidable, invalid or unenforceable for any reason, that separate division shall be treated as a nullity but such holding or determination shall have no effect upon the validity or enforceability of each and every other separate division herein contained or any other combination thereof.

19. Breach or Waiver. If under the provisions hereof SUB-LESSOR shall institute proceedings and a compromise or settlement thereof shall be made, the same shall not constitute a permanent or general waiver of any covenant herein contained nor of any of SUB-LESSOR's rights hereunder. No waiver by SUB-LESSOR of any breach of any covenant, condition or agreement herein contained shall operate as a permanent waiver of such covenant, condition or agreement itself or of any subsequent breach thereof. No payment by SUB-LESSEE or receipt by SUB-LESSOR of a lesser amount than the monthly installments

of rent herein stipulated shall be deemed to be other than on account of the earliest stipulated rent, nor shall any endorsement or statement on any check or letter accompanying a check for payment of rent be deemed an accord and satisfaction and SUB-LESSOR may accept such check or payment without prejudice to SUB-LESSOR's right to recover the balance of such rent or to pursue any other remedy provided in this Sub-Lease. No re-entry by SUB-LESSOR after a breach shall be considered an acceptance of a surrender of the Sub-Lease.

20. Train Protection. In case of any construction work which may be performed by the SUB-LESSEE at or near the ORIGINAL LESSOR's tracks or facilities, the SUB-LESSEE agrees to notify SUB-LESSOR and the ORIGINAL LESSOR forty-eight (48) hours in advance and further agrees to pay the cost of such supervision or train protection as, in the sole discretion of the ORIGINAL LESSOR, may be necessary or proper for the safe operation of trains.

21. Snow and Ice Removal. It is hereby understood and agreed that the ORIGINAL LESSOR shall not at any time be responsible for the removal of snow and/or ice on or about the leased premises. Such snow and/or ice removal shall be at the sole risk and expense of the SUB-LESSOR and shall be performed in such a manner so as not to obstruct or interfere with any of the ORIGINAL LESSOR's operations on or about the leased premises, including the ORIGINAL LESSOR's own snow removal operations. In carrying out the foregoing, the SUB-LESSOR shall not plow, place, dump or deposit snow onto or upon the property of the ORIGINAL LESSOR, nor shall the SUB-LESSEE permit nor tolerate any of the foregoing.

22. Fiber Optics. It is the responsibility of the SUB-LESSEE to have knowledge of, locate, and protect against damage to fiber optic cables along, across or under the Railway's property and right-of-way. Any damage to or disruption of any fiber optic cable will be the sole responsibility of SUB-LESSEE, which will indemnify and hold harmless the Railway for any expenses resulting therefrom. Before any construction may commence, the following number, where applicable, must be called: **DIG SAFE 1-800-362-2764** provided that calling such number or numbers shall not release or otherwise diminish the remaining obligations of SUB-LESSEE hereunder.

23. Environmental Compliance.

23.1 SUB-LESSEE represents that it has conducted a complete inspection of the Premises and except as noted herein, finds the Premises to be reasonably free from pollution-induced conditions. It is understood between the parties that, at the time this Sub-Lease is entered into, the condition of the premises meets all federal, state, and local laws, rules, and regulations designed to prevent or control the discharge of substances into the land, water and air.

23.2 Without limiting any other provisions of this Sub-Lease, SUB-LESSEE will at all times maintain and keep the Premises and all improvements and property now or hereafter erected or placed thereon, at its expense, including but not limited to the structures,

equipment, and operations, in compliance with all federal, state, and local laws, rules and regulations designed to prevent the discharge of substances on the land, water, or air.

23.3 Without limiting any other provision this Sub-Lease, SUB-LESSOR and ORIGINAL LESSOR shall have the right to enter and inspect the Premises in order to determine whether SUB-LESSEE is complying with such laws, rules, or regulations, but no such inspection or absence of inspection by the SUB-LESSOR or the ORIGINAL LESSOR shall be construed to relieve SUB-LESSEE of its obligations to comply with all such laws, rules or regulations.

24. Quiet Enjoyment. Nothing herein contained shall imply or import a covenant on the part of SUB-LESSOR or ORIGINAL LESSOR of quiet enjoyment.

25. Hold-Over Clause. If SUB-LESSEE, with consent of SUB-LESSOR, holds over and remains in possession of demised premises after expiration of said term, this Sub-Lease shall be considered as renewed and shall continue in effect upon the same terms and conditions as are herein contained until terminated by either party giving the other written notice of intention to terminate same in the manner herein provided and with like effect.

26. Notices. Any notice or other communication required to be given to a party hereto shall be in writing and either hand-delivered or mailed by registered or certified mail, return receipt requested, postage prepaid, addressed as set forth below. For all purposes hereunder, "receipt" shall be deemed to occur on the date of actual receipt.

As to SUB-LESSOR:

CITY OF KENT, OHIO
c/o City Manager
301 South Depeyster Street
Kent, Ohio 44240

As to SUB-LESSEE:

HAYMAKER FARMERS' MARKET

(Print Mailing Address)
Kent, Ohio 44240

As to ORIGINAL LESSOR:

AKRON BARBERTON CLUSTER RAILWAY COMPANY
100 East First Street
Brewster, OH 44613

27. General Provisions.

27.1 A determination that any part of this Agreement is invalid shall not affect the validity or enforceability of any other part of this Agreement.

27.2 This Agreement shall be governed by the laws of the State of Ohio.

27.3 Section headings are inserted for convenience only and shall not affect the construction or interpretation of this Agreement.

27.4 This Agreement contains the entire agreement of the parties and supersedes any prior written or oral understandings, agreements or representations.

27.5 This Agreement may not be amended, waived or discharged except by an instrument in writing signed by the parties.

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III. EXECUTION

IN WITNESS THEREOF, the parties hereto have caused this Sub-Lease to be executed, in duplicate as of the day and year first above written.

HAYMAKER FARMERS' MARKET

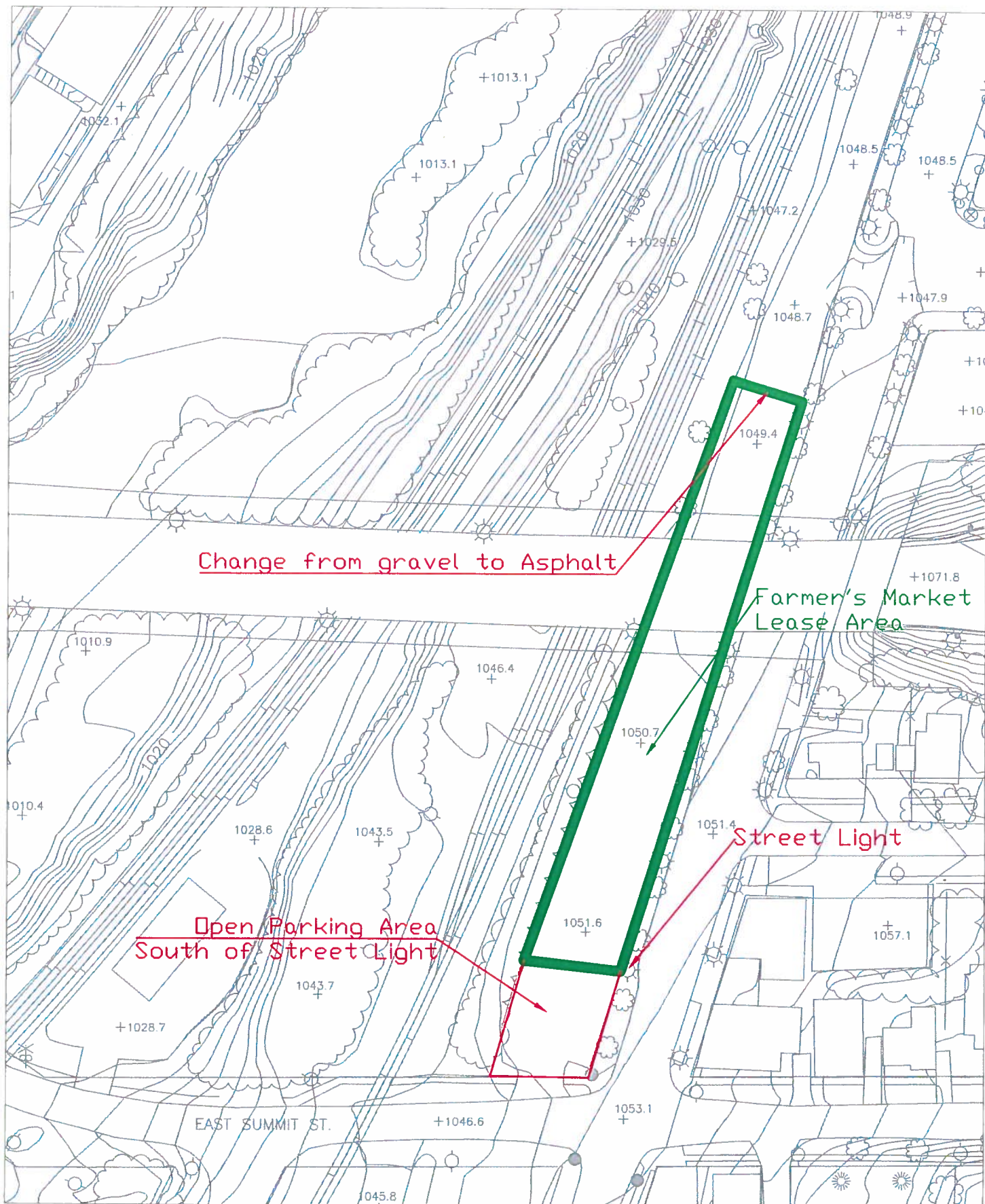
J. Andrew Rome, Director

CITY OF KENT, OHIO

Dave Ruller, City Manager

APPROVED AS TO FORM:

Hope L. Jones, Law Director
City of Kent, Ohio



Farmers Market Exhibit "A"

ORDINANCE NO. 2025 - 011

AN ORDINANCE AMENDING “PART THIRTEEN-BUILDING CODE” AND “PART FOURTEEN-PROPERTY MAINTENANCE AND HOUSING CODE” OF THE CODIFIED ORDINANCES OF THE CITY OF KENT TO CORRECT CONFLICTING LANGUAGE, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent wishes to amend “Part Thirteen-Building Code” and “Part Fourteen-Property Maintenance and Housing Code” of the Codified Ordinances in order to address language that is subjective in nature, correct conflicting language in certain sections and more clearly delineate some of the City’s property maintenance regulations.

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

SECTION 1. That Council does hereby amend “Part Thirteen-Building Code” and “Part Fourteen-Property Maintenance and Housing Code” of the Codified Ordinances to correct conflicting language per Exhibit “A”, attached hereto and made a part thereof.

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: _____
Kathleen Coleman
Clerk of Council

I, KATHLEEN COLEMAN, 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)

KATHLEEN COLEMAN
CLERK OF COUNCIL

1401.01 PURPOSE AND INTENT.

These regulations shall be known as the Property Maintenance Code of the City of Kent, Ohio. The Property Maintenance Code was adopted using the 2006 International Property Maintenance Code, as amended, and with revisions. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare in so far as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

1405.03 PROSECUTION OF VIOLATION.

Any person failing to comply with a notice of violation or order served in accordance with the provisions of this Chapter shall be deemed guilty of a ~~misdemeanor or~~ civil ~~infraction~~ offense as specified in Section 501.13 “Civil Offenses” of the Kent Codified Ordinances ~~determined by the City of Kent, and the violation shall be deemed a strict liability offense.~~

1405.04 VIOLATION PENALTIES.

~~Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~ Any owner, contractor, developer, operator or designer in violation of the standards set forth in this Section shall be subject to a civil offense in accordance with Section 501.13 of the Codified Ordinances, including the right to notice, the right to answer a charge, the right to appeal, the amount of the fine, and the City’s right to have the fine increase. Issuing a Notice of Civil Offense does not limit the City of Kent from pursuing any other additional remedies not prohibited by ordinance.

CHAPTER 1407

Condemnation and Demolition

1407.02 Notices and orders.

1407.03 ~~Failure to comply.~~ Corrective Action-Condemnation

1407.04 ~~Salvage materials.~~ Corrective Action -Demolition

~~1407.03~~ 1407.05 Failure to comply.

~~1407.04~~ 1407.06 Salvage materials.

1407.01 GENERAL.

The Code Official shall order the owner of any property, upon which is located any structure, which in the Code Official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such.

1407.03 CORRECTIVE ACTION - CONDEMNATION.

Any dwelling or structure shall be designated as unfit for human habitation when any of the following defects or conditions are found, and when, in the judgment of the Code Officer, such defects create a hazard to the health, safety, or welfare of the occupants or to the public. Such designation shall be declared whenever said structure:

- (a) Is damaged, decayed, dilapidated, unsanitary, unsafe, and/or vermin infested and/or contains hazardous levels of lead based paint or other substance, or
- (b) The general condition of the occupied premises is unsanitary, unsafe and/or unhealthful, or
- (c) It meets two or more of the conditions of a blighted parcel as listed in Section 1.08 of the Ohio Revised Code.

Whenever any dwelling or premise has been designated as unfit for human habitation, the Code Officer shall placard the dwelling or premise indicating that it is unfit for human habitation, and, if occupied, shall order dwelling or premise vacated within a reasonable time.

The owner of any dwelling or structure which has been designated as unfit for human habitation shall be given notice of this order in the manner specified in Section 501.13 “Civil Offenses” of the Kent Codified Ordinances.

Any dwelling or premise which shall have been designated as unfit for human habitation or use, shall not again be used until written approval has been obtained from the Code Officer. The Code Officer shall remove such designation whenever the defects that resulted in condemnation have been eliminated.

1407.04 CORRECTIVE ACTION - DEMOLITION.

The Code Officer shall order a dwelling or structure to be demolished if it has been designated as unfit for human habitation, has been placarded as such, has been vacated, has not been put into proper repair so as to rescind the designation as unfit for human habitation and to cause the placard to be removed, and is determined by the Code Officer not to warrant repairs under applicable sections of the Kent Codified Ordinances.

The owner of any dwelling or structure which has been ordered demolished shall be given notice of this order in the manner specified in Section 501.13 “Civil Offenses” of the Kent Codified Ordinances.

When the owner fails, neglects, or refuses to demolish an unfit, unsafe or unsanitary dwelling or structure within the requisite time, the Code Officer may request the City Law Director apply to a court of competent jurisdiction for a demolition order. The costs and expense of such action shall be paid by the City and may be certified to the County Auditor to be assessed against the property.

A demolition permit is required as outlined in the Codified Ordinances Chapter 1311 , as amended. Removal of utility service connections and foundation material, along with the filling of excavations and ditches, whether carried out by the owner or by the City, shall be performed as outlined in Section 1311.05 , as amended.

1407.~~03~~ 05 FAILURE TO COMPLY.

If the owner of a premises fails to comply with a demolition order within the time prescribed, the Code Official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure

1407.~~04~~ 06 SALVAGE MATERIALS.

When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale,

after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, to the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

1409.01 GENERAL

(a) Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

(b) Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

(c) Terms Defined in Other Codes. Where terms are not defined in this code and are defined in the International Building Code, International Fire Code, ~~the Kent Zoning Code~~, **PART ELEVEN - PLANNING AND ZONING CODE** and **Chapter 1363 of TITLE SEVEN Environmental Health and Housing Maintenance Code of the Kent Codified Ordinances**, the International Plumbing Code, International Mechanical Code or the ICC Electrical Code, such terms shall have the meanings ascribed to them as stated in those codes.

(d) Terms Not Defined. Where terms are not defined through the methods authorized by this section, such terms shall be given a meaning as found in Webster's Dictionary.

~~(e) Parts. Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit" "housekeeping unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."~~

(f) Definitions.

(13) **EXTERIOR PROPERTY**. **The portions of a structure which are exposed to public view and** ~~t~~The open space on the premises and on adjoining property under the control of owners or operators of such premises.

(15) **GARBAGE**. The animal, ~~or~~ vegetable, **or other waste** resulting from the handling, preparation, cooking and consumption of food **or products, but not inclusive of a maintained compost pile**.

~~(18) **HOUSEKEEPING UNIT**. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.~~

(33) **PUBLIC NUISANCE**. ~~Public nuisance~~: Includes, but is not limited to, any of the following:

(1) The physical condition or occupancy of any premises regarded as a public nuisance at common law;

(2) Any premise designated by the Health Department of the City of Kent as unsafe for human habitation.

(3) Any premise that contains a condition which is a fire hazard.

(4) Any premise that is unsanitary, or that is littered with rubbish or garbage, or that has an uncontrolled growth of weeds;

(5) Any structure that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; vacant or abandoned; damaged by fire to the extent so as not to provide shelter; in danger of collapse or failure; and dangerous to anyone on or near the premises.

(6) Graffiti which remains upon any building, property or premise, in excess of fourteen days.

(7) Any accumulation upon any lot of land of earth, rubbish or other material which attracts or propagates rats, vermin or insects in such manner that it endangers the public, health, safety, welfare of property.

(8) Any building or structure upon any lot of land is so out of repair that it constitutes a hazard.

(9) Any condition that exists which has been declared a public nuisance by the Ohio Revised Code.

~~(33)~~ (34) PUBLIC-RIGHT-WAY. See Kent Zoning Code Definition

~~(35) ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.~~

~~(36) SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.~~

~~(37) STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.~~

~~(38)~~ (35) STRUCTURE. See Kent Zoning Code Definition.

~~(39)~~ (36) TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

~~(40)~~ (37) TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

~~(41)~~ (38) ULTIMATE DEFORMATION. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to eighty percent (80%) or less of the maximum strength.

~~(42)~~ (39) VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

~~(43)~~ (40) WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

~~(44)~~ (41) YARD. See Kent Zoning Code Definition.

1410.03 VACANT STRUCTURES, LANDS AND LOTS.

(a) All vacant structures and premises thereof or vacant lands and lots shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

(b) If any vacant structure and premises thereof or vacant land or lot shall become blighted, it shall be designated a nuisance property affecting or endangering surrounding property and to be detrimental to the public health, safety and general welfare of the community and shall be abated.

Whenever any vacant structure and premises thereof or vacant land or lot is designated a nuisance property, notice of a civil offense shall be given in the manner specified in Section 501.13 “Civil Offenses” of the Kent Codified Ordinances.

Upon the failure, neglect or refusal of any owner to comply with the notice to abate such nuisance property, the Code Official shall advise the Law Director of all the facts and the Law Director shall proceed to exercise on behalf of the City any remedy which shall then be available to it to secure an abatement of such nuisance property, including any that pertains to the abatement of a public nuisance, and to recover any damages or enforce any penalties which may be recovered or imposed by the City.

Vacant lands and lots shall be maintained in accordance with all applicable sections of the Kent Codified Ordinances. Any vacant land or lot shall be provided with grass or other appropriate ground cover or landscaping material so as to assure absorption of rainfall and prevent erosion and paid run off of surface water.

1411.01 GENERAL.

The exterior of a structure, as well as the yard, shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

1411.16 APPURTENANT STRUCTURES.

(a) All structures located in the yard area contiguous to any residential structure, such as sheds, barns, garages, bins and the like, shall be maintained in good repair in conformance with other provisions of this Code having regard to foundations, roofs, and exterior surfaces.

(b) Any broken, deteriorated or decayed fence, yard enclosure or other device or structure located in the yard area contiguous to any residential structure within the City shall be repaired or removed.

1419.01 CORRECTIVE ACTION - CONDEMNATION.

Any dwelling or structure shall be designated as unfit for human habitation when any of the following defects or conditions are found, and when, in the judgment of the Code Officer, such defects create a hazard to the health, safety, or welfare of the occupants or to the public. Such designation shall be declared whenever said structure:

- (a) Is damaged, decayed, dilapidated, unsanitary, unsafe, and/or vermin infested and/or contains hazardous levels of lead based paint or other substance, or
- (b) The general condition of the occupied premises is unsanitary, unsafe and/or unhealthful, or
- (c) It meets two or more of the conditions of a blighted parcel as listed in Section 1.08 of the Ohio Revised Code.

Whenever any dwelling or premise has been designated as unfit for human habitation, the Code Officer shall placard the dwelling or premise indicating that it is unfit for human habitation, and, if occupied, shall order dwelling or premise vacated within a reasonable time.

The owner of any dwelling or structure which has been designated as unfit for human habitation shall be given notice of this order in the manner specified in Section 501.13 "Civil Offenses" of the Kent Codified Ordinances.

Any dwelling or premise which shall have been designated as unfit for human habitation or use, shall not again be used until written approval has been obtained from the Code Officer. The Code Officer shall remove such designation whenever the defects that resulted in condemnation have been eliminated.

1419.02 CORRECTIVE ACTION - DEMOLITION.

The Code Officer shall order a dwelling or structure to be demolished if it has been designated as unfit for human habitation, has been placarded as such, has been vacated, has not been put into proper repair so as to rescind the designation as unfit for human habitation and to cause the placard to be removed, and is determined by the Code Officer not to warrant repairs under applicable sections of the Kent Codified Ordinances.

The owner of any dwelling or structure which has been ordered demolished shall be given notice of this order in the manner specified in Section 501.13 “Civil Offenses” of the Kent Codified Ordinances.

When the owner fails, neglects, or refuses to demolish an unfit, unsafe or unsanitary dwelling or structure within the requisite time, the Code Officer may request the City Law Director apply to a court of competent jurisdiction for a demolition order. The costs and expense of such action shall be paid by the City and may be certified to the County Auditor to be assessed against the property.

A demolition permit is required as outlined in the Codified Ordinances Chapter 1311 , as amended. Removal of utility service connections and foundation material, along with the filling of excavations and ditches, whether carried out by the owner or by the City, shall be performed as outlined in Section 1311.05 , as amended.

CHAPTER 1341

Annual Registration of Vacant Houses and Buildings and Registration Fees

~~1341.01 Purpose.~~

~~1341.02 Definitions and applicability; registration statement and fees.~~

~~1341.03 Application.~~

~~1341.04 Applicability.~~

~~1341.05 Issuance.~~

~~1341.06 Vacated Building Maintenance Standards.~~

~~1341.07 Registration statement and fees; local agent; postings.~~

~~1341.08 Procedure for Renewal.~~

~~1341.09 Appeal rights.~~

~~1341.10 One time waiver of registration fee.~~

~~1341.11 Two-year waiver.~~

~~1341.12 Delinquent registration fees as a lien.~~

~~1341.13 Duty to amend registration statement.~~

~~1341.14 Exceptions.~~

~~1341.15 General liability and fire/casualty insurance requirements.~~

~~1341.16 Board of Zoning Appeals.~~

~~1341.17 Grounds for appeal.~~

~~1341.99 Violations and penalties.~~

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1341.01 PURPOSE.

~~—The purpose of this section is to require the registration of any and all vacant houses and buildings within the corporate limits of the City of Kent, and to require property owners to be fined and to pay an annual registration fee to assist the city government, particularly the departments of Police, Fire, Building and Housing, in protecting the public health, safety, welfare and property values; to monitor the number of vacant houses and buildings in the city; to assess property owners for the impact of the effects of the condition of those houses and buildings on nearby businesses and the neighborhoods in which they are located, particularly in light of fire safety hazards, illegal dumping, scrapping, vandalism, general crime and nuisances, and unlawful, temporary occupancy by transients, including illicit drug users and drug traffickers; and to require of the owners of such vacant houses and buildings to register with the City and to pay related fees; and to promote substantial efforts on the part of all property owners to rehabilitate such vacant houses and buildings. The provisions of this section are applicable to the owners of such vacant houses and buildings as set forth herein and are in addition to and not in lieu of any and all other applicable provisions of this chapter, the health and sanitation code, and any other applicable provisions of the Codified Ordinances of the City of Kent or Ohio law.~~

~~(Ord. 2011-124. Passed 12-14-11.)~~

1341.02 DEFINITIONS AND APPLICABILITY; REGISTRATION STATEMENT AND FEES.

~~—For purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them as follows:~~

~~—(a) **Blighted area:** Shall have the same meaning as Ohio Revised Code Chapter 1.08.~~

~~—(b) **Boarded:** A building or structure subject to the provisions of this section shall be deemed to be "boarded" if in place of one or more exterior doors, other than a storm door, or of one or more windows, there is a sheet or sheets of plywood or similar material covering the space for such door or window.~~

~~—(c) **Exterior maintenance and major systems:** The phrase "exterior maintenance and major systems" shall mean the safe and lawful maintenance of the facade, windows, doors, roof, and other parts of the exterior of the building and the maintenance of its major systems consisting of the roof, the electrical and plumbing systems, the water supply system, the sewer system, and the sidewalk, drive way, if any, area of the lot, as applicable and as enforced by the departments of Building and Housing.~~

~~—(d) **Occupied:** Any building or structure shall be deemed to be occupied if one or more persons actually conducts a lawful business or resides in all or any part of the building as the licensed business occupant, or as the legal or equitable owner/occupant(s) or tenant(s) on a permanent, non-transient basis, or any combination of the same. For purposes of this section, evidence offered to prove that a building is so occupied may include, but shall not be limited to, the regular receipt of delivery of regular mail through the U.S. Postal Service; proof of continual telephone, electric, gas, heating, water and sewer services; a valid and current Certificate of Business Occupancy, Certificate of Occupancy and registration with the City of Kent's Municipal Income Tax Department, or the most recent, federal, state, or city income tax statements indicating that the subject property is the official business or residence address of the person or business claiming occupancy; or proof of pre-rental inspection.~~

~~—(e) **Open:** A building or structure subject to the provisions of this section shall be deemed to be "open" if any one or more exterior doors other than a storm door is broken, open and, or closed but, without a properly functioning lock to secure it, or if one or more windows is broken or not capable of being locked and secured from intrusion, or any combination of the same.~~

~~—(f) **Owner:** An owner of the freehold of the premises or any lesser estate therein, a mortgagee, a vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation that is directly or indirectly in control of a building subject to the provisions of this section, and as set forth below, regardless of whether or not the property has been transferred from a previous owner to a new owner during a foreclosure action.~~

~~—(g) **Vacant:** A building or structure shall be deemed to be vacant if no person or persons actually or currently conducts a lawfully licensed business, or lawfully resides or lives in any part of the building as the legal or equitable owner(s) or tenant-occupant(s), or owner-occupants, or tenant(s) on a permanent, non-transient basis.~~

~~—(h) **Well-kept and Maintained:** A house or building is well-kept and maintained when the property owner has boarded the property and keeps it boarded; the property owner is cutting the grass, weeds and trimming bushes and trees; the property owner is keeping the property free of trash or debris; the property owner is keeping the property painted, sightly and in generally good condition.~~

~~—(Ord. 2011-124. Passed 12-14-11.)~~

~~**1341.03 APPLICATION.**~~

~~—Application for a Vacated Building Maintenance License shall be made on a form provided by the Chief Building Official and verified by the owner. The application shall disclose all measures to be taken to ensure that the building will be kept weather tight and secure from trespassers, safe for entry by police officers and firefighters in times of emergency, and together with its premises, free from nuisance and in good order. At the time of application, the owner may arrange for a~~

~~preliminary inspection of the premises by a Building Inspector or Housing Inspector in the presence of the owner or an agent of the owner having responsibility for maintenance of the premises. Upon request by the owner, the Building Inspector or Housing Inspector shall, after completing the preliminary inspection, issue a report in writing to the owner specifying the reasons why the premises does not conform with the vacated building maintenance standards set forth in this ordinance. Upon conclusion of the time for compliance and an extension granted pursuant to Section 1341.06 of this ordinance, the Building Inspector or Housing Inspector shall conduct a final inspection to determine if the premises conforms with the vacated building maintenance standards set forth in this ordinance. If the owner fails or refuses to consent to and arrange for an inspection, the Community Development Director, Chief Building Official, Chief of Fire must first obtain a search warrant from a court of competent jurisdiction to authorize inspection of the premises for the purpose of determining the structural integrity of the building~~
(Ord. 2011-124. Passed 12-14-11.)

~~1341.04 APPLICABILITY.~~

~~—The requirements of this section shall be applicable to each owner of any building that is not a dwelling that shall have been vacant and not maintained for more than 45 consecutive days, and to each owner of any property consisting of one or more vacant dwellings that shall have been vacant for more than 45 consecutive days. Each such property owner shall cause to be filed a notarized registration statement, which shall include the street address and parcel number of each such vacant building, the names and addresses of all owners, as hereinafter described, copies of each owner's driver's license and any other information deemed necessary by the departments of Building and Housing. The registration fee(s) shall be billed by the Building Department and shall be paid no later than December 31 of each year. For purposes of this section, the following shall also be applicable:~~

~~(a) If the owner is a corporation, the registration statement shall provide the names and residence addresses of all officers and directors of the corporation and shall be accompanied by a copy of the most recent annual franchise tax report filed with the Secretary of State;~~

~~(b) If an estate, the name, business address and telephone number of the executor of the estate;~~

~~(c) If a trust, the name, residential addresses and telephone numbers of all trustees, grantors, and beneficiaries;~~

~~—(d) If a partnership, the names, residential addresses and telephone numbers of all partners with an interest of 10 percent or greater;~~

~~(e) If any other form of unincorporated association, the names, residential addresses and telephone numbers of all principals with an interest of 10 percent or greater; and~~

~~(f) If an individual person, the name, residential address, direct telephone number and other contact information of that individual person.~~

~~—(Ord. 2011-124. Passed 12-14-11.)~~

~~1341.05 ISSUANCE.~~

~~—The Community Development Director shall authorize the issuance of a Vacated Building Maintenance License of being satisfied after the Chief Building Official, Housing Inspector or Building Inspector has inspected the building and determining that it is in compliance with the Vacated Building Maintenance Standards set forth in Section 1341.06 of this chapter, and that it is adequately protected from intrusion by trespassers and from deterioration by weather.~~
(Ord. 2012-21. Passed 02-15-12.)

~~1341.06 VACATED BUILDING MAINTENANCE STANDARDS.~~

~~—A building shall be deemed well kept and adequately protected from intrusion by trespassers and from deterioration by the weather if~~

~~—(a) **Building openings:** Doors, windows, areaways and other openings are weather tight and secured against entry by birds, vermin and trespassers. Missing or broken doors, windows and opening coverings are covered with at least one-half inch of CDX plywood, weather protected, tightly fitted to the opening and secured by screws or bolts.~~

~~—(b) **Roofs:** The roof and flashings are sound, tight, will not admit moisture, and drained to prevent dampness or deterioration in the walls or interior.~~

~~—(c) **Drainage:** The building gutters and downspouts are watertight and entire storm drainage system is adequately sized, installed in an approved manner, functional and discharged in an approved manner.~~

~~—(d) **Building Structure:** The building is maintained in good repair, structurally sound, free from debris, rubbish and garbage, and sanitary, and interior floors, walking surfaces and stairs are structurally sound, and interior walls and ceilings are free of loose or hanging plaster and finishes, so as not to pose a threat to the public health or safety.~~

~~—(e) **Structural Members:** The structural members are free of deterioration and capable of safely bearing imposed dead and live loads.~~

~~—(f) **Foundation Walls:** The foundation walls are plumb, free from open cracks and breaks, and rat proof.~~

~~—(g) **Exterior Walls:** The exterior walls are free of holes, breaks, and loose or rotting materials. Exposed metal and wood surfaces are protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.~~

~~—(h) **Decorative Features:** The cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features are safe, anchored, and in good repair. Exposed metal and wood surfaces are protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.~~

~~—(i) **Structure Extensions:** All balconies, porches, canopies, marquees, signs, metal awnings, cornices, stairways, fire escapes, standpipes, exhaust ducts and similar features are in good repair, anchored, safe and sound. Exposed metal and wood surfaces are protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.~~

~~—(j) **Chimneys and Towers:** Chimneys, cooling towers, smokestacks, and similar appurtenances are structurally safe. Exposed metal and wood surfaces are protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.~~

~~—(k) **Sidewalk Openings:** Yard walks, steps, and openings in sidewalks are safe for pedestrian travel.~~

~~—(l) **Accessory and Appurtenant Structures:** Accessory and appurtenant structures such as garages, sheds, and fences are free from safety, health, and fire hazards.~~

~~—(m) **Premises:** The premises on which a structure is located is clean, safe and sanitary, maintained free of weeds, junk cars, and litter, and does not pose a threat to the public health or safety.~~

~~—(Ord. 2011-124. Passed 12-14-11.)~~

~~**1341.07 REGISTRATION STATEMENT AND FEES; LOCAL AGENT; POSTINGS.**~~

~~—(a) If the owner of the property is shown at an address outside the State of Ohio, the registration statement also shall provide the name, address and telephone number of a person who resides~~

~~within the state and who is authorized to accept service of process on behalf of the owners and who shall be designated as a responsible, local party or agent, both for purposes of notification in the event of an emergency affecting the public health, safety or welfare and for purposes of service of any and all notices or registration statements as herein authorized and in connection herewith.~~

~~—Out of Area Owner Language:~~

~~—(b) If a vacant property is owned by a corporation and/or out of area beneficiary/trustee/owner, a local property management company shall be contracted to perform inspections every six (6) months to verify that the requirements of this chapter, and any other applicable laws, are being met.~~

~~All vacant property shall be posted with name and 24 hour contact phone number of the owner or the local property management company. The posting shall be no less than 18 inches by 24 inches and shall be of a font that is legible from the city public right of way and shall contain along with the name and 24 hour contact number the words “THIS PROPERTY MANAGED BY” and “TO REPORT PROBLEMS OR CONCERNS CALL.” The posting shall be placed on the interior of a window facing the street to the front of the property so it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the property so it is visible from the street or, if no such area exists, on a stake of sufficient size to support the posting in a location that is visible from the street to the front of the property but not readily accessible to vandals. Exterior posting must be constructed of and printed with weather resistant materials.~~

~~—(2) “Out of area” owner means an owner that lives outside the State of Ohio.~~

~~—(c) Registration shall be required for all vacant houses and buildings, whether vacant and secure, vacant and open or vacant and boarded; and shall be required whenever any building has remained vacant for 45 consecutive days or more. A house must be vacant for one year prior to registration being required.~~

~~—In no instance shall the registration of a vacant house or building, and the payment of registration fees be construed to exonerate the owner, agent or responsible party from responsibility for compliance with any other building code or housing code requirement. One registration statement may be filed to include all vacant houses and buildings of the owner so registering.~~

~~—The owner of the vacant property, no earlier than November 1 of each calendar year, shall be responsible for the payment of the non-refundable five hundred dollars (\$500.00) annual registration fee. Said fee shall be billed through the Community Development Department and based on the duration of the vacancy as determined by the following scale and conditions:~~

~~No fee for properties vacant less than 365 days if the property is actively being rented, sold or rehabilitated, and that are well-kept and maintained;~~

~~Five hundred dollars (\$500.00) annual registration fee for vacant commercial properties where the owner of the property is maintaining it in such a condition that it is well-kept and maintained; and where the owner is in compliance with all applicable ordinances, city, state and federal tax laws; and where the owner has placed a clearly identifiable placard on the property that contains the names, addresses and telephone numbers of any and all owners as defined by this ordinance;~~

~~One thousand dollars (\$1,000) annually for commercial properties vacant and not well-kept and maintained over 45 days but less than one year;~~

~~Fifty dollars (\$50.00) annually registration fee for residential vacant properties where the owner of the property is maintaining it in such a condition that it is well-kept and maintained; and where the owner is in compliance with all applicable ordinances, city, state and federal tax laws; and where the owner has placed a clearly identifiable placard on the property that contains the names, addresses and telephone numbers of any and all owners as defined by this ordinance;~~

~~Two hundred dollars (\$200.00) annually for residential properties vacant and not well-kept and maintained over 45 days but less than one year.~~

~~— (Ord. 2011-124. Passed 12-14-11.)~~

~~1341.08 PROCEDURE FOR RENEWAL.~~

~~—At the time of application for a renewal of a vacated building maintenance license the owner may arrange with the Chief Building Official for the inspection of the building, its premises and interior. If the owner fails or refuses to consent to and arrange for an inspection, the Chief Building Official must first obtain a search warrant from a court of competent jurisdiction to authorize inspection of the premises for the purpose of determining the structural integrity of the building, that it will be safe for entry by fire fighters and police officers in time of emergency, and that the building and its contents do not present a hazard to the public during the time that the building remains vacant. The Chief Building Official shall renew a vacated building maintenance license on being satisfied after having inspected the building that the building is in compliance with the vacated building maintenance standards set forth in Section 1341.06 of this ordinance, adequately protected from intrusion by trespassers and from deterioration by the weather, will not be detrimental to the public health, safety and welfare, will not unreasonably interfere with the reasonable and lawful use and enjoyment of other premises within the neighborhood, and will not pose any extraordinary hazard to police officers or fire fighters entering the premises in times of emergency; otherwise the director shall deny renewal.~~

~~—The license renewal shall be for one year, which renewal shall run from the calendar year by the Chief Building Official.~~

~~(Ord. 2011-124. Passed 12-14-11.)~~

~~1341.09 APPEAL RIGHTS.~~

~~—The owner shall have the right to appeal the imposition of the registration fees to the Board of Zoning Appeals, upon filing an application in writing with the applicable \$50 non-refundable filing fee to the Building Department no later than 30 calendar days from the date of the billing statement. On appeal, the owner shall bear the burden of providing satisfactory objective proof of occupancy, as defined in Section 1341.02 (d).~~

~~(Ord. 2011-124. Passed 12-14-11.)~~

~~1341.10 ONE TIME WAIVER OF REGISTRATION FEE.~~

~~—A one-time waiver of the registration fee or an extension of a waiver for up to 90 days may be granted by the Community Development Director upon application of the owner and upon review and advice of the Law Director, within 30 calendar days from the date of the bill for the registration fee; or if denied by the Community Development Director, upon appeal to the Council, if the owner:~~

~~—(a) Demonstrates with satisfactory proof that he/she is in the process of demolition, rehabilitation, or other substantial repair of the vacant house or building; and~~

~~—(b) Objectively demonstrates the anticipated length of time for the demolition, rehabilitation, or other substantial repair of the vacant house or building; or~~

~~—(c) Provides satisfactory proof that he/she was actively attempting to sell or lease the property during the vacancy period.~~

~~—(d) Has paid all past due vacant registration fees and all other financial obligations and/or debts owed to the City of Kent which are associated with the vacant property. With regard to an extension of a waiver only, the time period of the extension shall commence on the date of the written decision granting the extension and, in no event shall an extension exceed 90 days. An extension of a waiver shall only be granted once.~~

~~—(Ord. 2011-124. Passed 12-14-11.)~~

~~1341.11 TWO-YEAR WAIVER.~~

~~—Upon application by the owner and satisfaction of Section 1341.10 (d) above, the Board of Zoning Appeals may grant a one-time two-year waiver of the registration fee, or an extension of a waiver for up to 90 days or if denied by the Community Development Director, upon appeal to the Council, if the owner meets the criteria for non-profit organizations as defined by section 501(c)(3) of the Internal Revenue Code. With regard to an extension of a waiver only, the time period of the extension shall commence on the date of the written decision granting the extension and, in no event shall an extension exceed 90 days. An extension of a waiver shall only be granted once (Ord. 2011-124. Passed 12-14-11.)~~

~~1341.12 DELINQUENT REGISTRATION FEES AS A LIEN.~~

~~—After the owner is given notice of the amount of the registration fee due, except for those owners that have properly perfected an appeal pursuant to Sections 1341.10 and 1341.11, and the owner fails to pay the amount due, said amount shall constitute a debt due and owing to the city, and shall constitute a lien. The City shall commence a civil action to collect the unpaid debt.~~

~~(Ord. 2011-124. Passed 12-14-11.)~~

~~1341.13 DUTY TO AMEND REGISTRATION STATEMENT.~~

~~—If the status of the registration information changes during the course of any calendar year, it is the responsibility of the owner, responsible party or agent for the same to contact the department of Building and Housing within 30 days of the occurrence of such change and advise the departments in writing of those changes.~~

~~(Ord. 2011-124. Passed 12-14-11.)~~

~~1341.14 EXCEPTIONS.~~

~~—This section shall not apply to any building owned by the United States, the state, the city, nor to any of their respective agencies or political subdivisions.~~

~~(Ord. 2011-124. Passed 12-14-11.)~~

~~1341.15 GENERAL LIABILITY AND FIRE/CASUALTY INSURANCE REQUIREMENTS.~~

~~—The owner of a building or house kept vacant shall acquire or otherwise maintain general liability insurance in an amount of not less than \$300,000 for buildings designed primarily for use as residential units, including buildings containing no more than four dwelling units; and not less than \$1,000,000 for any other building, including but not limited to buildings designed for manufacturing, industrial, storage or commercial uses, including buildings containing five or more dwelling units. Any insurance policy shall provide for written notice to the Community Development Director within 30 days of any lapse, cancellation or change in coverage. Upon request, the owner shall provide evidence of the insurance to the Director of Law, the Chief of Police, Chief of Fire, Director of Community Development or the Chief Building Official.~~

~~(Ord. 2011-124. Passed 12-14-11.)~~

~~1341.16 BOARD OF ZONING APPEALS.~~

~~—(a) Written Determination by the Director: Any person who has a bona fide controversy with the Chief Building Official as to the interpretation or application of a provision or provisions of Chapter 1341 of the codified ordinances, OBC, or other related laws and ordinances subject to administration by the Chief Building Official may apply in writing to the Community Development Director for a written interpretation or ruling, setting forth in the application the provisions of Chapter 1341 of the codified ordinances, and giving full details and any other~~

information, including approved plans when necessary, as may be required by the Chief Building Official to determine a ruling.

~~—(b) Appeals: Any person adversely affected by a ruling of the Chief Building Official inspections issued pursuant to Section 1341.06 may appeal the ruling to the Board of Zoning Appeals.~~

~~—(c) Notice of Appeal: The notice of appeal shall set forth in writing the interpretation, ruling, or order appealed from, and the provisions of all related laws and ordinances involved and shall state wherein the interpretation, ruling, or order is claimed to be erroneous. If the appeal is based on a modified application or alternative arrangement, the notice shall describe the modified application or alternative arrangement that can be put into effect without defeating the public safety, health, and general welfare purpose and intent of the provisions of Chapter 1341 of the codified ordinances.~~

~~—(d) Time Limits on Appeals: A notice of appeal to the Board of Zoning Appeals shall be in writing and filed with the secretary of the board within the time limits provided by this Section. The time for appeal shall be the earliest of the following times:~~

~~—10 days from the date of personal delivery of an order to demolish or barricade a building.~~

~~—15 days from the date of mailing, posting, or delivery to the residence or business of an order to demolish or barricade a building.~~

~~—30 days in all other cases where the board has jurisdiction to hear the appeal.~~

~~—(e) Appeal Fee: With the filing of an appeal, the appellant shall pay the fee prescribed in this ordinance. Such filing fee shall be in addition to the payment of the regular building permit fee and any other fee that thereafter may accrue, and no portion of such filing fee shall be refunded whatever the outcome of the appeal.~~

~~(Ord. 2011-124. Passed 12-14-11.)~~

~~1341.17 GROUNDS FOR APPEAL.~~

~~—An appeal shall be based on one or both of the following grounds:~~

~~—(a) That the interpretation, ruling, or order is erroneous or constitutes an erroneous application of the particular provision of this ordinance or related laws and ordinances involved, or is otherwise contrary to law;~~

~~—(b) That a modified application or alternative arrangement is available and feasible where by the strict application of a particular provision or provisions may be modified without defeating the public safety, health, and general welfare purpose and intent of the provisions of Chapter 1341 and without permitting or constituting a provision for safety or sanitation which would be, or is less safe or sanitary than is required by the Ohio Building Code.~~

~~—(c) That a variance from the applicable section of Chapter 1341, the administration thereof, or any rule or regulation made there under, in the specific case, will not be contrary to the public interest and a literal enforcement of such provisions will result in undue hardship.~~

~~—(Ord. 2011-124. Passed 12-14-11.)~~

~~1341.99 VIOLATIONS AND PENALTIES.~~

~~—The failure or refusal for any reason of any owner, or agent of an owner acting on behalf of the owner, to register a vacant house or building or to pay any fees required to be paid pursuant to the provisions of this section, within 30 days after they become due, shall be fined ten dollars (\$10.00) per day for each day it is late.~~

~~—(a) Renewal Fee: The fee for renewal of a vacated building maintenance license to be determined by Section 1341.07, shall be paid at the time of application for renewal. A renewal~~

~~license shall expire on the annual renewal date. The annual renewal date shall be December 31 of each year.~~

~~—(b) Late Fee: In addition to the amount assessed for the vacated building maintenance license, the Chief Building Official shall charge a late fee equal to the license or renewal fee or \$100.00, whichever is less, if the owner fails to obtain a vacated building maintenance license within the time provided by Section 1341.04 and Section 1341.07 or if the owner fails to apply for renewal of a vacated building maintenance license before the annual renewal date. Unpaid Late Fees shall be considered a debt collectible pursuant to Section 1341.12.~~

~~—(c) Refund: The Community Development Director inspections shall refund the fees for a vacated building maintenance license paid if the subject building is brought into compliance with the standards of Chapter 1341 and reoccupied within one year of payment of the application fee.~~

~~—(d) Revocation of waivers. One year, two year and 90 day extension of waivers issued pursuant to Section 1341.10 and 1341.11 shall be revoked by the Community Development Director if the property owner violates or provides false information in any provision, of sections 1341.03, 1341.06, 1341.07, 1341.08, 1341.13, 1341.15 of this chapter.~~

~~—(Ord. 2011-124. Passed 12-14-11.)~~

~~TITLE TEN—Exterior Property Maintenance Code~~

~~Chap. 1381. Title, scope, and conflict.~~

~~Chap. 1383. Definitions.~~

~~Chap. 1385. Administration and Enforcement.~~

~~Chap. 1387. Exterior Property Maintenance.~~

~~Chap. 1389. Notice of Violation, Corrective Action, and Appeals.~~

~~Chap. 1391. Effective Date.~~

~~1381.01—Title.~~

~~1381.02—Scope.~~

~~1381.03—Purposes.~~

~~1381.04—Declaration of policy.~~

~~1381.05—Applicability.~~

~~1381.06—Conflict of laws.~~

~~1381.01 TITLE.~~

~~—The provisions of Title Ten of the Building Code shall be known as the "Exterior Property Maintenance Code" of the City of Kent, Ohio and hereinafter shall be referred to as the "Code". (Ord. 2001-25. Passed 3-21-01.)~~

~~1381.02 SCOPE.~~

~~—This Code is strictly limited to the establishment of minimum standards for the maintenance of exterior surfaces and exterior functioning units of all structures and buildings within the City. No provisions of this Code shall, in any way, directly or indirectly, be interpreted to interfere with, or limit the right of, any owner or resident to inhabit real property owned or leased by them in such manner and form as they may determine appropriate, consonant with other applicable provisions of law. This Code is directed to obvious visual problems which may occasion safety, health, welfare, or incipient blighting conditions within the City. All matters of the interior use, occupancy of habitation of any structure of building within the City are specifically excluded from the provisions of this Code. (Ord. 2001-25. Passed 3-21-01.)~~

1381.03 PURPOSES.

~~—The purpose of this Code is to enhance public welfare by establishing minimum standards governing the maintenance, appearance, and exterior condition of all residential structures throughout the City; to fix certain responsibilities and duties upon owners, operators, and agents of the same as to both separate and correlative responsibilities and duties; to authorize and establish procedures for the exterior inspection of such structures; to fix penalties for the violations of this Code; and to provide for the repair, demolition, or vacation of structures unfit for human habitation, occupancy or use. It is also the purpose of this Code to have graffiti removed from all property, be it residential, commercial or industrial, to prevent blight and to enhance public welfare and property values. This Code is hereby declared to be remedial and pre-emptive, and it is intended that this Code be construed and interpreted to effectuate the purposes as stated herein. (Ord. 2001-25. Passed 3-21-01.)~~

1381.04 DECLARATION OF POLICY.

~~—It is found and declared that, by reason of lack of maintenance and progressive deterioration, the exterior appearance of certain properties have the effect of creating blighting conditions and initiating depressed neighborhood groupings, and that if the same are not curtailed and corrected, the conditions are likely to grow and spread, and necessitate, in time, the expenditure of large amounts of public funds to correct and eliminate the same, and that by reason of timely regulations and restrictions as herein contained, the growth of such blight may be prevented and the immediate neighborhood and property values thereby maintained and enhanced. (Ord. 2001-25. Passed 3-21-01.)~~

1381.05 APPLICABILITY.

~~—(a) Every residential building and the land on which it is situated, used or intended to be used for dwelling shall comply with the provisions of this Code, whether or not such building shall have been constructed, altered or repaired before or after the enactment of this Code, and without regard to any permits or licenses which shall have been issued for the use or occupancy of the building or premises for the construction or repair of the building, or for the installation or repair of equipment or facilities prior to the effective date of this Code. This Code establishes minimum standards for the initial and continued occupancy and use of all such structures and does not replace or modify standards otherwise established for the construction, repair, or use of the building.~~

~~—(b) All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.~~

~~—(c) All property within the City, be it residential, commercial, or industrial, shall be free of graffiti, pursuant to Sections 1383.01(e) and (i)(6), and 1387.03 (d).~~

~~(Ord. 2001-25. Passed 3-21-01.)~~

~~1381.06 CONFLICT OF LAWS.~~

~~—In any case where a provision of this Chapter imposes a higher standard than that set forth in any Ordinance by the City or law of the State, then the standard set forth herein shall prevail, but if a provision of this Code imposes a lower standard than that imposed by any other Ordinance of the City or law of the State, then the higher standard contained in any such other Ordinance or law shall prevail. (Ord. 2001-25. Passed 3-21-01.)~~

~~1383.01—Definitions.~~

~~1383.01 DEFINITIONS.~~

~~—The following definitions shall apply in the enforcement and interpretation of this regulation (the term "shall" indicates that which is required):~~

- ~~—(a) Abandoned: Vacant and in need of repair or maintenance for a period greater than 120 days.~~
- ~~—(b) Code Official: The official who is charged with the administration and enforcement of this Code, or any duly authorized representative.~~
- ~~—(c) Exterior Property: Indicates those portions of a structure which are exposed to public view as well as the open space contiguous to the structure.~~
- ~~—(d) Garbage: The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food, not to be inclusive of a maintained compost pile.~~
- ~~—(e) "Graffiti" means any unauthorized inscription, word, figure or design which is marked, scratched, etched, drawn, applied or painted on any structural component of a building, structure or other facility regardless of the nature of the material of the structural component. Such inscription, word, figure or design shall be deemed unauthorized if the property owner has not granted written permission prior to its application to the structure.~~
- ~~—(f) Operator: Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.~~
- ~~—(g) Owner: Any person, agent, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.~~

~~—(h) Person: Includes a firm, association, organization, partnership, trust, company, corporation or other legal entity, as well as an individual.~~

~~—(Ord. 2001-25. Passed 3-21-01.)~~

~~—(i) Public nuisance: Includes, but is not limited to, any of the following:~~

~~—(1) The physical condition or occupancy of any premises regarded as a public nuisance at common law;~~

~~—(2) Any premise designated by the Health Department of the City of Kent as unsafe for human habitation.~~

~~—(3) Any premise that contains a condition which is a fire hazard.~~

~~—(4) Any premise that is unsanitary, or that is littered with rubbish or garbage, or that has an uncontrolled growth of weeds;~~

~~—(5) Any structure that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; vacant or abandoned; damaged by fire to the extent so as not to provide shelter; in danger of collapse or failure; and dangerous to anyone on or near the premises.~~

~~—(6) Graffiti which remains upon any building, property or premise, in excess of fourteen days.~~

~~—(7) Any accumulation upon any lot of land of earth, rubbish or other material which attracts or propagates rats, vermin or insects in such manner that it endangers the public, health, safety, welfare of property.~~

~~—(8) Any building or structure upon any lot of land is so out of repair that it constitutes a hazard.~~

~~—(9) Any condition that exists which has been declared a public nuisance by the Ohio Revised Code. (Ord. 2011-99. Passed 10-19-11.)~~

~~—(j) Premises: A lot, plot or parcel of land including any structures thereon.~~

~~—(k) Rubbish: Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal and other combustible materials, paper, rags, cartons, boxes, wood, rubber, leather, tin cans, metals, glass, and other similar materials.~~

~~—(l) Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground.~~

~~—(m) Undefined Words: Words not specifically defined in this Code shall have the common definition set forth in a standard American English dictionary.~~

~~—(n) Yard: An open space on the same lot with a structure.~~

~~—(Ord. 2001-25. Passed 3-21-01.)~~

~~**1385.01 Enforcement.**~~

~~**1385.02 Notices and orders.**~~

~~**1385.03 Right of entry.**~~

~~**1385.04 Identification.**~~

~~**1385.05 Coordination of enforcement.**~~

~~**1385.06 Conflict of interest.**~~

~~**1385.07 Relief from personal responsibility.**~~

~~**1385.08 Official records.**~~

~~**1385.01 ENFORCEMENT.**~~

~~—The responsibility of enforcement of all provisions of this Code shall be placed with the Director of Community Development, who will designate those responsible for administration and active enforcement of this Code. (Ord. 1997-88. Passed 12-17-97.)~~

~~**1385.02 NOTICES AND ORDERS.**~~

~~—The Code Official shall issue all necessary notices or orders to ensure compliance with the Code. (Ord. 1997-88. Passed 12-17-97.)~~

~~**1385.03 RIGHT OF ENTRY.**~~

~~—The Code Official is authorized to enter the premises at reasonable times and upon adequate notice (24 hours), subject to constitutional restrictions on unreasonable searches and seizures, for the purpose of determining whether there is compliance with the provisions of this Code. If entry is refused or not obtained, the Code Official is authorized to pursue recourse as provided by law. (Ord. 1997-88. Passed 12-17-97.)~~

~~**1385.04 IDENTIFICATION.**~~

~~—The Code Official shall carry proper identification when inspecting structures or premises in the performance of duties under this Code. (Ord. 1997-88. Passed 12-17-97)~~

~~**1385.05 COORDINATION OF ENFORCEMENT.**~~

~~—Inspection of premises, the issuance of notices and orders and enforcement thereof shall be the responsibility of the Code Official. Whenever inspections are necessary by any other department of the City, the Code Official shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. A department shall not, however, delay the issuance of any emergency orders. (Ord. 1997-88. Passed 12-17-97.)~~

~~**1385.06 CONFLICT OF INTEREST.**~~

~~—An official or employee connected with the enforcement of this Code shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of any City Department. (Ord. 1997-88. Passed 12-17-97.)~~

~~**1385.07 RELIEF FROM PERSONAL RESPONSIBILITY.**~~

~~—The Code Official, officer or employee charged with enforcement of this Code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this Code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The Code Official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this Code; and any officer of the City, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.~~

~~—The City will not be liable for the actions of any independent contractor, hired by the City to effect this Code, that lies outside the scope of official duties.~~

~~(Ord. 1997-88. Passed 12-17-97.)~~

~~1385.08 OFFICIAL RECORDS.~~

~~—An official record shall be kept of all inspections and related activities of the Code Official and all such records shall be open to public inspection during business hours and according to reasonable rules to maintain the integrity and security of such records.~~

~~(Ord. 1997-88. Passed 12-17-97.)~~

~~1387.01—Maintenance responsibility.~~

~~1387.02—General exterior maintenance requirements.~~

~~1387.03—Exterior surfaces.~~

~~1387.04—Foundations.~~

~~1387.05—Stairs, porches, decks and balconies.~~

~~1387.06—Roofs and drainage.~~

~~1387.07—Chimneys.~~

~~1387.08—Overhang extensions.~~

~~1387.09—Appurtenant structures.~~

~~1387.10—Abandoned structures and unoccupied lots.~~

~~1387.01 MAINTENANCE RESPONSIBILITY.~~

~~—The owner, operator, or agent of any structure within the City shall be responsible for maintaining the exterior surfaces as well as the yard area contiguous thereto in conformance with the provisions of this Code. (Ord. 1997-88. Passed 12-17-97.)~~

~~1387.02 GENERAL EXTERIOR MAINTENANCE REQUIREMENTS.~~

~~—The exterior surfaces of all structures within the City, be the same functional or aesthetic, shall be maintained in good repair. Any exterior part or feature thereof having functional use shall be capable of performing the use for which such part or feature was designed.~~

~~(Ord. 1997-88. Passed 12-17-97.)~~

1387.03 EXTERIOR SURFACES.

~~—(a) All exterior surfaces of every structure within the City shall be maintained so as to resist decay or deterioration from any naturally occurring cause. All exterior surfaces shall be covered with paint, finish or other surface coating so as to prevent such decay or deterioration. An exterior wall segment, facing or other distinguishable surface area determined by the Code Official to have more than twenty five percent (25%) of its total area are, peeling, flaking, corroded, or otherwise deteriorated, shall be surface coated in its entirety.~~

~~—(b) All deteriorated or decayed exterior walls, doors, porches, floors, steps, railings, decks, roofs, or parts or features thereof, shall be repaired or replaced.~~

~~—(c) All damaged or broken windows, and deteriorated or decayed sill, sash, molding, lintel, frame or trim thereof shall be repaired or replaced.~~

~~—(d) The exterior of all privately owned dwellings, structures and premises shall be free from graffiti when such graffiti is visible from a right of way. Owners on whose property graffiti is displayed shall completely remove the graffiti or shall completely and uniformly cover the graffiti with appropriate wall covering within fourteen days of the occurrence of the graffiti.~~

~~(Ord. 2001-25. Passed 3-21-01.)~~

1387.04 FOUNDATIONS.

~~—All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads and shall be maintained plumb and free from open cracks and breaks, so as not to be detrimental to public safety and welfare. (Ord. 1997-88. Passed 12-17-97.)~~

1387.05 STAIRS, PORCHES, DECKS AND BALCONIES.

~~—Every stair, porch, deck, balcony and all appurtenances attached thereto shall be safe to use and capable of supporting the loads to which it was constructed.~~

~~(Ord. 1997-88. Passed 12-17-97.)~~

1387.06 ROOFS AND DRAINAGE.

~~—(a) All missing shingles, or other roofing materials shall be replaced.~~

~~—(b) Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof drains shall be discharged into the public storm sewer except where no storm~~

~~sewer exists, whereupon said drainage shall discharge into street gutter or street ditch or swale.
(Ord. 1997-88. Passed 12-17-97.)~~

~~1387.07 CHIMNEYS.~~

~~—The chimney of every structure shall be maintained structurally sound and in good repair, free of loose, missing or deteriorated mortar and bricks, or other chimney building materials. Any such loose, missing or deteriorated mortar or bricks shall be refitted, replaced or repaired.~~

~~(Ord. 1997-88. Passed 12-17-97.)~~

~~1387.08 OVERHANG EXTENSIONS.~~

~~—All canopies, marquees, signs, metal awnings, fire escapes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment. (Ord. 1997-88. Passed 12-17-97.)~~

~~1387.09 APPURTENANT STRUCTURES.~~

~~—(a) All structures located in the yard area contiguous to any residential structure, such as sheds, barns, garages, bins and the like, shall be maintained in good repair in conformance with other provisions of this Code having regard to foundations, roofs, and exterior surfaces.~~

~~—(b) Any broken, deteriorated or decayed fence, yard enclosure or other device or structure located in the yard area contiguous to any residential structure within the City shall be repaired or removed. (Ord. 1997-88. Passed 12-17-97.)~~

~~1387.10 ABANDONED STRUCTURES AND UNOCCUPIED LOTS.~~

~~—If any structure shall become abandoned, such structure shall be presumed to be a nuisance affecting or endangering surrounding property values and to be detrimental to the public health, safety and general welfare of the community and shall be abated.~~

~~—Whenever the Code Official shall find any structure to be abandoned within the meaning of this Section, (s)he shall give notice in the same manner as service of summons in civil cases or by certified mail addressed to the owner of record of the premises at the last known address or to the address to which tax bills are sent, or a combination of the foregoing methods, to abate such abandoned condition within thirty (30) days either by placing the structure for another use permitted in the Zoning District, or by razing the structure, removing all debris, any signs, goods, supplies and equipment and filling depressions to the grade level of the lot.~~

~~—Upon the failure, neglect or refusal of any owner to comply with the notice to abate such abandonment, the Code Official shall advise the Law Director of all the facts and the Law Director shall proceed to exercise on behalf of the City any remedy which shall then be available~~

~~to it to secure an abatement of such abandonment, including any that pertains to the abatement of a public nuisance, and to recover any damages or enforce any penalties which may be recovered or imposed by the City.~~

~~—Unoccupied or inoperative structures, whether or not abandoned, as well as the lot upon which any such structure is located, as with any other unoccupied lot, shall be maintained in accordance with the provisions of this Code. Any such lot shall be provided with grass or other appropriate ground cover or landscaping material so as to assure absorption of rainfall and prevent erosion and paid run-off of surface water. (Ord. 1997-88. Passed 12-17-97.)~~

~~**1389.01—Notice of violation.**~~

~~**1389.02—Corrective action—repairs.**~~

~~**1389.03—Correction action—condemnation.**~~

~~**1389.04—Corrective action—demolition.**~~

~~**1389.05—Appeals.**~~

~~**1389.06—Powers and duties of Board.**~~

~~**1389.01 NOTICE OF VIOLATION.**~~

~~—Where a violation of this Code is found to exist, a written notice from the Code Official shall be served upon the person or persons responsible for the corrections thereof. Such notice shall specify the violation or violations committed. Such notice shall be served by certified mail addressed to the owner or responsible party at his resident or at the tax mailing address as indicated by the records of the County Treasurer or personally delivered to same. If service of notice is refused or unclaimed, and the Certified Mail envelope is returned with an endorsement showing such refusal, or shows the notice unclaimed, or the return of the person serving process states that service of notice has been refused, the Code Official shall send by ordinary mail, a copy of the notice to be served to the persons responsible at the tax mailing address. The mailing shall be evidenced by a certificate of mail. Service shall be deemed complete when the certificate of mail is obtained. If the last known address cannot be ascertained, the notice shall be posted on the outside front entrance of the structure in alleged violation.~~

~~—The owner, operator, or agent of the cited property shall have seven (7) days to respond in writing to the Department of Community Development specifying a plan of corrective action and a schedule for completion. Such plan and schedule must be approved by the Code Official. Upon receipt of approval, the correction action can begin. In the event that weather is a consideration~~

~~in correcting or abating a violation, the Code Officer shall extend the time set out to take the corrective action.~~

~~—In the absence of an appeal, as provided below, the completion of notice, and failure to comply, shall constitute a Final Order as to these administrative proceedings.~~

~~(Ord. 1999-128. Passed 11-17-99.)~~

~~1389.02 CORRECTIVE ACTION – REPAIRS.~~

~~—Whenever an owner, operator, or agent of a dwelling or premise fails, neglects, or refuses to make other repairs or other corrective action called for by the order or notice of violation issued pursuant to Section 1389.01, the Code Officer may undertake such repairs or action, when, in his judgment or by a court order, a failure to make them will endanger the public health, safety or welfare. The cost of such repairs and action will not exceed fifty (50%) percent of the fair market value of the structure to be repaired. Determination of such shall be made by a certified appraiser to be contracted for that purpose by the City.~~

~~—When repairs are made or other corrective action taken at the direction of the Code Officer, cost of such repairs and corrective action shall be paid by the City and shall constitute a debt in favor of the City against the owner of the repaired structure. In the event said owner fails, neglects, or refused to pay the City the amount of this debt within sixty (60) days from receipt of bill for repairs, the City shall certify the cost and expense of repairs to the county auditor and the same shall become a lien upon real estate.~~

~~(Ord. 1997-88. Passed 12-17-97.)~~

~~1389.03 CORRECTIVE ACTION – CONDEMNATION.~~

~~—Any dwelling or structure shall be designated as unfit for human habitation when any of the following defects or conditions are found, and when, in the judgment of the Code Officer such defects create a hazard to the health, safety, or welfare of the occupants or to the public. Such designation shall be declared whenever said structure:~~

~~—(a) Is damaged, decayed, dilapidated, unsanitary, unsafe, and/or vermin infested and/or contains hazardous levels of lead based paint or other substance, or~~

~~—(b) The general condition of the occupied premises is unsanitary, unsafe and/or unhealthful.~~

~~—Whenever any dwelling or premise has been designated as unfit for human habitation, the Code Officer shall placard the dwelling or premise indicating that it is unfit for human habitation, and, if occupied, shall order dwelling or premise vacated within a reasonable time.~~

~~Any dwelling or premise which shall have been designated as unfit for human habitation or use, shall not again be used until written approval has been obtained from the Code Officer. The Code~~

Officer shall remove such designation whenever the defects that resulted in condemnation have been eliminated. (Ord. 1997-88. Passed 12-17-97.)

1389.04 CORRECTIVE ACTION – DEMOLITION.

~~—The Code Officer shall order a dwelling or structure to be demolished if it has been designated as unfit for human habitation, has been placarded as such, has been vacated, has not been put into proper repair so as to rescind the designation as unfit for human habitation and to cause the placard to be removed, and is determined by the Code Officer not to warrant repairs under Section 1389.02.~~

~~—The owner of any dwelling or structure which has been ordered demolished shall be given notice of this order in the manner provided for service of notice in Section 1389.01 and shall be given a reasonable time, not to exceed thirty (30) days, to demolish such structure.~~

~~—Any owner aggrieved by the notice to demolish may, within fourteen (14) days of receiving said notice, seek a hearing in a manner provided in Section 1389.05.~~

~~—When the owner fails, neglects, or refuses to demolish an unfit, unsafe or unsanitary dwelling or structure within the requisite time, the Code Officer may apply to a court of competent jurisdiction for a demolition order. The costs and expense of such action shall be paid by the City and certified to the county auditor to be assessed against the property and thereby made lien upon real estate.~~

~~—A demolition permit is required as outlined in the Codified Ordinances Chapter 1311. Removal of utility service connections and foundation material, along with the filling of excavations and ditches, whether carried out by the owner or by the City, shall be performed as outlined in Section 1311.05. (Ord. 1997-88. Passed 12-17-97.)~~

1389.05 APPEALS.

~~—There is hereby created a Property Maintenance Appeals Board consisting of five (5) members. The members of the Board of Zoning Appeals shall henceforth function as the Property Maintenance Appeals Board. The term of each Board shall coincide. The Property Maintenance Appeals Board shall meet on the first Monday of each month, as needed. Whenever the first Monday of the month falls on a legal holiday, that meeting shall be scheduled for the second Monday of the month. All meetings of the Board shall be open to the public.~~

~~—Members of the Board shall be citizens of the United States, residents of the City and shall serve without compensation. The Board shall adopt procedures as it deems necessary to carry out the intent of this Code and all decisions and findings shall be made part of the public record. All adopted procedures and Board decisions and findings shall be in writing.~~

~~Any person aggrieved by a notice of the Code Officer issued in connection with any alleged violation of this regulation or of any applicable rules issued pursuant thereto, or by any order~~

~~requiring repair or demolition, may apply to the Property Maintenance Appeals Board for a reconsideration of such notice or order provided such application is made within fourteen (14) days after the date the notice or order was issued, upon a form and in such manner as required by the Board and accompanied by a deposit of fifteen (\$15) dollars.~~

~~—No license or permit or other certification of compliance with this Code shall constitute a defense against any violation of any other local ordinance applicable to any structure or premise, nor shall any provision herein relieve any owner, operator, or agent from complying with any other provision, nor any official of the City from enforcing any such other provision.~~

~~(Ord. 1998-61. Passed 7-8-98.)~~

~~1389.06 POWERS AND DUTIES OF BOARD.~~

~~—The Property Maintenance Appeals Board, upon the receipt of a timely filed appeal shall set a time for a hearing within thirty (30) days of the receipt of such application and shall advise the applicant in writing of such time and place, at least seven (7) days prior to the date of the hearing.~~

~~—At such a hearing the applicant shall be given an opportunity to be heard and to show cause why such notice or order should be modified, withdrawn or a variance granted.~~

~~—The Board, by a majority vote of the entire Board, may sustain, modify, or withdraw, in whole or in part, any action required to correct or abate the violation set forth in the notice and shall issue an order incorporating its determinations, and such order shall be a Final Order as to these administrative proceedings, provided, however, that any order of modification or dismissal shall be effective for two (2) years following the date of issuance of such order, and thereafter, the subject matter of such order or modification or dismissal may be amendable to further inspection, notice, and appeal as set forth herein.~~

~~—Three (3) members of the Property Maintenance Appeals Board shall constitute a quorum and a concurring vote of three (3) members of the Board shall be necessary to effect an order or resolution.~~

~~—The Board shall consider only the following in determining appropriate action to be taken, to wit:~~

~~—(a) That any modification of the original order of the Code Official shall not, in any material way alter the standards of this Code, and shall not affect detrimentally the welfare of either the occupants of the premises or owners of adjacent premises or of the immediate neighborhood; and,~~

~~—(b) That strict enforcement would constitute an undue and unnecessary hardship on the owner, operator, or agent, by reason of compelling expenditure for repair of the premises which would~~

~~be substantially disproportionate to any benefit to health, safety, or welfare of the community that might be derived therefrom.~~

~~—(Ord. 1997-88. Passed 12-17-97.)~~

~~1391.01 Effective Date.~~

~~1391.01 EFFECTIVE DATE.~~

~~—The provisions of the Exterior Maintenance Code, as elaborated herein, shall take effect on April 1, 1998. (Ord. 1997-88. Passed. 12-17-97.)~~

ORDINANCE NO. 2025 - 012

AN ORDINANCE AMENDING ORDINANCE NO. 2024-131, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 18, 2024; SO AS TO ADJUST APPROPRIATIONS, TRANSFERS AND ADVANCES FROM THE VARIOUS FUNDS OF THE CITY OF KENT TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES OF THE CITY FOR THE FISCAL YEAR ENDING DECEMBER 31, 2025; AND DECLARING AN EMERGENCY.

WHEREAS, it is necessary to amend current appropriations, transfers and advances for the expenses and other expenditures for the City of Kent, Ohio, for the fiscal year ending December 31, 2025.

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

SECTION 1. That the current appropriations Ordinance No. 2024-131 passed December 18, 2024, be amended as set forth in Exhibit "A", attached hereto and incorporated herein, so as to increase appropriations in Fund 001, General; Fund 106, Parks & Recreation; Fund 107, Food Service; Fund 110, Health Department; Fund 120, Revolving Housing; Fund 124, Income Tax Safety; Fund 128 Fire & EMS; Fund 130, Swimming Pool; Fund 201, Water; Fund 202, Sewer; Fund 208, Storm Water; and Fund 301, Capital Improvements; and Declaring an Emergency.

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

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

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Kathleen Coleman
Clerk of Council

I, KATHLEEN COLEMAN, 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)

KATHLEEN COLEMAN
CLERK OF COUNCIL

Exhibit A

2025 ORIGINAL APPROPRIATIONS

<u>Fund - Department/Division</u>	<u>Personnel & Benefits</u>	<u>Other than Personnel & Benefits</u>	<u>Capital</u>	<u>Reserve/Debt Service</u>	<u>Contingency</u>	<u>Fund & Department Total</u>
<u>General Fund (001)</u>						
City Council	\$ 232,425	\$ 81,695	\$ -	\$ -	\$ -	\$ 314,120
Mayor	13,725	3,400				17,125
Community Support		122,000				122,000
City Manager	398,785	55,597				454,382
Community Engagement	114,375	32,800				147,175
Information Technology	304,930	629,165				934,095
Urban Renewal		33,600				33,600
Human Resources	134,680	26,932				161,612
Law	376,840	121,743				498,583
Budget & Finance	562,980	149,625				712,605
Community Development	710,100	210,131				920,231
Economic Development	145,445	33,830				179,275
Public Parking		90,600				90,600
Main Street Program		75,600				75,600
Service Administration	171,410	451,809				623,219
Shade Tree		132,180	20,000			152,180
Sustainability	109,090	27,500				136,590
Building	420,830	46,785				467,615
Land banking		5,000				5,000
Engineering	286,530	181,476				468,006
Miscellaneous & Sundry		470,250				470,250
Contingency					100,000	100,000
Fund Total	3,982,145	2,981,718	20,000	-	100,000	7,083,863
<u>West Side Fire (101)</u>						
Fire	213,185	38,800				251,985
Fund Total	213,185	38,800	-	-	-	251,985
<u>Street Construction Maintenance & Repair (102)</u>						
Service	1,447,610	1,203,264				2,650,874
Contingency					25,000	25,000
Fund Total	1,447,610	1,203,264	-	-	25,000	2,675,874
<u>State Highway (103)</u>						
Service		100,000				100,000
Fund Total	-	100,000	-	-	-	100,000
<u>Recreation (106)</u>						
Parks & Recreation	1,557,570	622,045	120,100			2,299,715
Fund Total	1,557,570	622,045	120,100	-	-	2,299,715
<u>Food Service (107)</u>						
Health	108,085	30,965	14,700			153,750
Fund Total	108,085	30,965	14,700	-	-	153,750
<u>Health Department (110)</u>						
Administration	515,125	220,005	42,434			777,564
Workforce Grant	97,045	56,750				153,795
Tobacco Grant	20,000	26,950	13,132			60,082
Other Grants	4,855	123,555				128,410
Fund Total	637,025	427,260	55,566	0	0	1,119,851

2025 ORIGINAL APPROPRIATIONS

<u>Fund - Department/Division</u>	<u>Personnel & Benefits</u>	<u>Other than Personnel & Benefits</u>	<u>Capital</u>	<u>Reserve/ Debt Service</u>	<u>Contingency</u>	<u>Fund & Department Total</u>
<u>Income Tax (116)</u>						
Budget/Finance/IncTaxAdmin	159,840	652,400				812,240
Managed Reserve				25,540		25,540
Fund Total	159,840	652,400	-	25,540	-	837,780
<u>Revolving Housing (120)</u>						
Health	159,305	27,895	14,700			201,900
Fund Total	159,305	27,895	14,700	-	-	201,900
<u>State & Local Forfeits (121)</u>						
Police						-
Fund Total	-	-	-	-	-	-
<u>Drug Law Enforcement (122)</u>						
Police		15,000				15,000
Fund Total	-	15,000	-	-	-	15,000
<u>Enforcement & Education (123)</u>						
Police		11,000				11,000
Fund Total	-	11,000	-	-	-	11,000
<u>Income Tax Safety (124)</u>						
Police	9,298,700	876,817				10,175,517
Fund Total	9,298,700	876,817	-	-	-	10,175,517
<u>Law Enforcement Trust (125)</u>						
Police						-
Fund Total	-	-	-	-	-	-
<u>Community Development Block Grant (126)</u>						
Community Development	1,155	162,275	170,000			333,430
Fund Total	1,155	162,275	170,000	-	-	333,430
<u>Fire & E.M.S. (128)</u>						
Fire	6,402,980	942,609	1,012,600			8,358,189
Fund Total	6,402,980	942,609	1,012,600	-	-	8,358,189
<u>Wireless 911 (129)</u>						
Safety						-
Fund Total	-	-	-	-	-	-
<u>Swimming Pool Inspections (130)</u>						
Health	8,410	3,450	13,034			24,894
Fund Total	8,410	3,450	13,034	-	-	24,894
<u>Police Pension (132)</u>						
Police	160,000					160,000
Fund Total	160,000	-	-	-	-	160,000
<u>Fire Pension (133)</u>						
Fire	160,000					160,000
Fund Total	160,000	-	-	-	-	160,000

2025 ORIGINAL APPROPRIATIONS

<u>Fund - Department/Division</u>	<u>Personnel & Benefits</u>	<u>Other than Personnel & Benefits</u>	<u>Capital</u>	<u>Reserve/Debt Service</u>	<u>Contingency</u>	<u>Fund & Department Total</u>
<u>UDAG / EDA-RLF (134)</u>						
City Manager/C.D.		50,000				50,000
Fund Total	-	50,000	-	-	-	50,000
<u>CHIP Grant (136)</u>						
City Manager/C.D.		75,000				75,000
Fund Total	-	75,000	-	-	-	75,000
<u>Local American Rescue Plan Act (138)</u>						
ARPA						0
Fund Total	-	-	-	-	-	0
<u>Water (201)</u>						
Service	2,146,095	1,285,099	2,770,000			6,201,194
Service (Capital Facilities)			727,056			727,056
Admin. Support	512,850	211,664	142,500			867,014
Budget & Finance (Debt)				124,204		124,204
Contingency					50,000	50,000
Fund Total	2,658,945	1,496,763	3,639,556	124,204	50,000	7,969,468
<u>Sewer (202)</u>						
Service	1,905,950	1,001,390	1,278,877			4,186,217
Service (Capital Facilities)			978,215			978,215
Admin. Support	438,290	144,764	63,300			646,354
Budget & Finance (Debt)				157,522		157,522
Contingency					50,000	50,000
Fund Total	2,344,240	1,146,154	2,320,392	157,522	50,000	6,018,308
<u>Utility Billing (204)</u>						
Budget & Finance		106,140				106,140
Fund Total	-	106,140	-	-	-	106,140
<u>Solid Waste (205)</u>						
Admin Support	49,630	177,494				227,124
Service	435,555	41,100	70,000			546,655
Fund Total	485,185	218,594	70,000	-	-	773,779
<u>Storm Water Utility (208)</u>						
Service	437,355	63,550	210,000			710,905
Service (Capital Facilities)			1,775,000			1,775,000
Admin. Support	319,320	89,960	4,800			414,080
Budget & Finance (Debt)				13,346		13,346
Fund Total	756,675	153,510	1,989,800	13,346	-	2,913,331

2025 ORIGINAL APPROPRIATIONS

<u>Fund - Department/Division</u>	<u>Personnel & Benefits</u>	<u>Other than Personnel & Benefits</u>	<u>Capital</u>	<u>Reserve/ Debt Service</u>	<u>Contingency</u>	<u>Fund & Department Total</u>
<u>Guaranteed Deposits (230)</u>						
Budget & Finance		1,000				1,000
Fund Total	-	1,000	-	-	-	1,000
<u>Capital Projects (301)</u>						
Safety			140,000			140,000
Service			881,000			881,000
Service (Capital Facilities)			25,149,360			25,149,360
Administrative	286,530	50,000	90,400			426,930
Budget & Finance (Debt)				73,155		73,155
New City Hall (Debt)				456,520		456,520
Contingency					25,000	25,000
Fund Total	286,530	50,000	26,260,760	529,675	25,000	27,151,965
<u>Municipal Public Improvement Tax Increment Equivalent (302)</u>						
Service (Capital Facilities)						-
Budget & Finance (Debt)				419,685		419,685
Fund Total	-	-	-	419,685	-	419,685
<u>Police Facility (303)</u>						
Safety (Capital Facilities)		66,000	30,000			96,000
Budget & Finance (Debt)				1,030,260		1,030,260
Fund Total	-	66,000	30,000	1,030,260	-	1,126,260
<u>Internal Service (807)</u>						
Health Insurance		4,410,000				4,410,000
Fund Total	-	4,410,000	-	-	-	4,410,000
Total Appropriations						
	<u>\$ 30,827,585</u>	<u>\$ 15,868,659</u>	<u>\$ 35,731,208</u>	<u>\$ 2,300,232</u>	<u>\$ 250,000</u>	<u>\$ 84,977,684</u>
Original Appropriations	\$ 30,581,585	\$ 15,669,465	\$ 31,219,700	\$ 2,300,232	\$ 250,000	\$ 80,020,982
Amendment #1	246,000	199,194	4,511,508			4,956,702
Amendment #2						-
Amendment #3						-
Amendment #4						-
Amendment #5						-
Amendment #6						-
Amendment #7						-
Amendment #8						-
	<u>\$ 30,827,585</u>	<u>\$ 15,868,659</u>	<u>\$ 35,731,208</u>	<u>\$ 2,300,232</u>	<u>\$ 250,000</u>	<u>\$ 84,977,684</u>

2025 ORIGINAL APPROPRIATIONS - SCHEDULE OF OPERATING TRANSFERS AND TEMPORARY ADVANCES

<u>Operating Fund</u>	<u>Paying Fund</u>	<u>Original</u>	<u>Request</u>	<u>Change</u>	<u>Receiving Fund</u>
Fund 116 - Income Tax		\$ 4,336,500			Fund 001 - General
Fund 116 - Income Tax		700,000			Fund 102 - St Const Maint & Repair
Fund 116 - Income Tax		4,567,280			Fund 124 - Income Tax Safety
Fund 116 - Income Tax		4,567,280			Fund 128 - Fire & E.M.S.
Fund 116 - Income Tax		3,813,280			Fund 301 - Capital Projects
Fund 116 - Income Tax		2,283,640			Fund 303 - Police Facility
Total Fund 116 Income Tax		20,267,980	-	-	
Fund 201 - Water		55,000			Fund 204 - Utility Billing
Fund 202 - Sewer		55,000			Fund 204 - Utility Billing
Fund 001 - General		700,000	800,000	100,000	Fund 110 - Health
Fund 001 - General		4,700,000			Fund 124 - Income Tax Safety
Fund 001 - General		3,700,000			Fund 128 - Fire & EMS
Subtotal - Total Operating Transfers		9,210,000	800,000	100,000	
Grand Total - All Transfers		\$ 29,477,980	\$ 800,000	\$ 100,000	

ORDINANCE NO. 2025- 013

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE A PURCHASE AGREEMENT BETWEEN PORTAGE COUNTY LAND REUTILIZATION CORPORATION AND THE CITY OF KENT, OHIO FOR PARCEL #17-011-20-00-003-000 (603 WEST STREET) FOR \$100.00 TO MAINTAIN THE STORM WATER FACILITY, AND DECLARING AN EMERGENCY.

WHEREAS, the Portage County Land Reutilization Corporation (the "Land Bank") has acquired a vacant subplot in the City, Parcel #17-011-20-00-003-000 (603 West Street); and

WHEREAS, the Land Bank desires to sell the subplot to the City and the City desires to purchase it under the Land Bank's Vacant Lot Disposition Program; and

WHEREAS, the City of Kent acquiring the subplot will be able to maintain a storm water ditch that flows behind properties on Harris Street and under the Wheeling & Lake Erie RR.

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

SECTION 1. That Council does hereby authorize the City Manager, or his designee, to execute a purchase agreement between Portage County Land Reutilization Corporation for parcel #17-011-20-00-003-000 (603 West Street) for \$100.00 and is more fully described in Exhibit "A" attached hereto and incorporated herein.

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

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

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Kathleen Coleman
Clerk of Council

I, KATHLEEN COLEMAN, 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)

KATHLEEN COLEMAN
CLERK OF COUNCIL

CITY OF KENT
DEPARTMENT OF PUBLIC SERVICE
DIVISION OF ENGINEERING

MEMO

TO: Dave Ruller
Kathy Coleman

FROM: Jim Bowling *JB*

DATE: 1/7/2025

RE: 603 West Street – Vacant Parcel Acquisition

The Service Department is requesting council consideration and approval of the purchase of Parcel #17-011-20-00-003-000 (603 West Street) for \$100. The proposed purchase agreement is attached. The parcel is currently owned by the Portage County Reutilization Corporation (Land Bank). The Land Bank reached out to the City to determine the City's interest in accepting the purchase of the property. The property is located between two separate Wheeling and Lake Erie Railroad properties, a "paper" alley and a city parcel. See the attached figure for clarification.

The existing City parcel is used to maintain a storm water ditch that flows behind properties on Harris Street and under the Wheeling & Lake Erie RR. The acquisition of the requested parcel will allow for improved access to the existing City Parcel to maintain the storm water facility.

C: Melanie Baker
Hope Jones
Brad McKay
Gary Labajetta
Hallie Stone
Sandy Lance

Real Estate Sale and Purchase Agreement

This Agreement is entered into this _____, 20____, by the Portage County Land Reutilization Corporation (the "Land Bank"), an Ohio nonprofit corporation, and the City of Kent, Portage County, Ohio (the "City"), an Ohio municipal corporation.

Whereas, the Land Bank has acquired a vacant subplot in the City (PPN 17-011-20-00-003-000), as more fully described in attached **Exhibit A** (the "Sublot"); and

Whereas, the Land Bank desires to sell the Sublot to the City, and the City desires to purchase it under the Land Bank's Vacant Lot Disposition Program; and

Whereas, acquiring the Sublot will facilitate the City being able to maintain its sewer inlet that is located on the contiguous City-owned parcel (PPN 17-011-20-00-007-000); and

NOW, THEREFORE, in consideration of the covenants made each to the other, as set forth below, the parties agree as follows:

(1) Sale. The Land Bank will sell and convey the Sublot to the City, and the City will purchase the Sublot on the terms and conditions outlined in this Agreement.

(2) Purchase Price. The purchase price for the Sublot is \$100.00, payable in cash at closing.

(3) Deed. On payment of the purchase price, the Land Bank will execute and deliver a quitclaim deed describing the Sublot and conveying it to the City.

(4) Title. At the City's request and cost, the Land Bank will furnish for its examination as soon as practicable a preliminary title report issued by AMS Title Agency, Inc., 229 South Chestnut Street, Ravenna, Ohio 44266, 330-298-1070, showing the condition of the title of the Sublot as of the date of issuance of the report. Title to the Sublot will be good and marketable, free and clear of all liens and encumbrances, except those created or assumed by the City, zoning laws, legal highways, and covenants, restrictions, conditions, and easements of record. If any title restrictions, defects, or burdens appear on the report to which the City objects, the objection will be stated in writing to the Land Bank and will be allowed a reasonable time, not exceeding 30 days, to correct the same. If the Land Bank is unable or unwilling to do so, the City may terminate this Agreement or accept the Sublot with all such restrictions, defects, or burdens. If the City does not request a title report within 10 days of this date, it accepts the Sublot with all title restrictions, defects, or burdens.

(5) Closing; Costs; Time of Essence. Unless extended by written agreement of the parties, this Agreement will be completed, and the transaction closed by the AMS Title Agency, per its standard escrow, on or before _____, 20____. The Land Bank will prepare the deed;

tax apportionment will be unnecessary (the Land Bank is tax-exempt under Ohio R.C. 5709.12(F)). Time is of the essence of this contract.

(6) Transfer of the Sublot; Inspection. The City will have possession of the Sublot on the date the deed is recorded. The City acknowledges that the Land Bank (or its agents, including its Executive Director) has made no representations or warranties concerning the Sublot, that the City is purchasing the Sublot in its present "AS IS" condition, that the City is relying solely on its investigation and inspection of the Sublot regarding access and the condition, character, and size, and that the City has completed that investigation and inspection before signing this Agreement.

(7) Binding Effect; Entire Agreement. This Agreement will inure to the benefit of and bind the successor and assigns of the respective parties. This Agreement constitutes the entire agreement between the Land Bank and the City regarding the Sublot and supersedes any other prior communications, representations, or statements regarding this transaction.

The City affirms that before entering into this Agreement, it had an opportunity to seek advice and counsel from others, including an attorney, regarding this Agreement and the purchase of the Sublot.

IN WITNESS WHEREOF, the parties have signed as of the date indicated above.

Portage County Land Reutilization Corporation: The City of Kent:

By _____
Dan Morganti, its Executive Director

By _____
Dave Ruller, its City Manager

Exhibit A

SITUATED IN THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO: AND KNOWN AS ALL OF LOT NUMBER 50 IN HENRY AINSWORTH ADDITION TO THE VILLAGE OF KENT, OHIO, AS RECORDED IN DEED VOLUME 88, PAGE 3 OF PORTAGE COUNTY, OHIO, RECORDS, EXCEPT SUCH PART OF SAID LOT HERETOFORE DEEDED TO THE CITY OF KENT, OHIO, TOGETHER WITH ANY AND ALL BUILDINGS AND IMPROVEMENTS THEREON SITUATE.

PPN 17-011-20-00-003-000

Legend:

- Existing City of Kent Property
- Property Requesting Acquisition
- Wheeling & Lake Erie RR Property



ORDINANCE NO. 2025 - 015

AN ORDINANCE AUTHORIZING THE CITY OF KENT SERVICE DEPARTMENT TO APPLY FOR GRANT FUNDS FROM THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) IN THE AMOUNT OF \$500,000, AND TO ACCEPT THE GRANT, IF AWARDED, WITH CORRESPONDING APPROPRIATION OF FUNDS AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent Service Department would like to apply for a Safe Routes to School (SRTS) grant from the Ohio Department of Transportation (ODOT) to be used for the North Mantua Street Project. If awarded, the grant would be worth \$500,000; and

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

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

SECTION 1. That Kent City Council approves submission of the application for the Safe Routes to School (SRTS) grant funds through the Ohio Department of Transportation (ODOT), execution of the subsequent agreements, and authorized that the Administration provide all information, funds, and documentation required in said applications for submission.

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

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

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

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

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Kathleen Coleman
Clerk of Council

I, KATHLEEN COLEMAN, 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)

KATHLEEN COLEMAN
CLERK OF COUNCIL

CITY OF KENT
DEPARTMENT OF PUBLIC SERVICE
DIVISION OF ENGINEERING

MEMO

TO: Dave Ruller
Kathy Coleman

FROM: Jim Bowling *JB*

DATE: February 14, 2025

RE: North Mantua Street - Grant Application

The Service Department is requesting City Council Approval to submit to the Ohio Department of Transportation (ODOT) for a Safe Routes to School (SRTS) Grant for the North Mantua Street Project ("Project"). We are requesting to ask for \$500,000, which is based on the direct costs of SRTS improvements in the Project. The project is currently funded through design and the right-of-way costs are a donation. Therefore, the construction is the last phase of the project to be funded.

The current opinion of probable construction cost is approximately \$5 million. Funds have been obtained from AMATS as part of the Carbon Reduction Program (CRP) and ODOT's Municipal Paving Program. These grants, plus their required local match, total \$2.78 million. Therefore, we are looking for outside opportunities, like the SRTS program, to help fund the remaining \$2.22 million.

This project is being proposed for the SRTS program at this time for several reasons. Most notably is the public's long-standing desire to have this area improved. In addition, this project has been progressing since 2022, when we entered into a partnership agreement with the Kent School District (KSD) and the Davey Tree Corporation ("Davey") to address the needs in this area. The project is currently included in the capital plan for construction in 2027, assuming additional funds can be obtained to complete the project. Lastly, we have spoken with the ODOT on the applicability of this project to the SRTS program. ODOT noted there are several favorable aspects of the project, including, but not limited to, the impacts on improving walkability for students to the high school and middle school, the partnerships with the KSD and Davey, and the other funding that is being leveraged with this project.

We appreciate City Council's consideration of this request.

C: Melanie Baker
Sandy Lance
Hope Jones
Patti Long
Mike Woodring (AECOM)