



City of Kent  
Regular City Council Meeting  
319 S. Water Street, Kent, Ohio 44240  
Council Chambers

**Wednesday, March 18, 2026**

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**AGENDA**

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**6:55PM BOARD OF CONTROL**

**REGULAR CITY COUNCIL MEETING will begin immediately after Board of Control**

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**1. ROLL CALL**

**2. OPENING REMARKS AND PLEDGE OF ALLEGIANCE – Ms. Wesley**

**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](mailto: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 February 24, 2026, the Clerk's office received notice that the March 3<sup>rd</sup> Planning Commission meeting had been canceled due to a lack of agenda items.
  - 3.2.2 On March 2, 2026, a whitepaper regarding snow removal in the City of Kent was received from Rick Hawksley and shared with Council.
  - 3.2.3 On March 5, 2026, the February minutes and March agenda for the Standing Rock Cemetery trustees meeting were received and posted online.
  - 3.2.4 On March 9, 2026, the Clerk's office received notice that there would be no Board of Zoning Appeals meeting in March.
  - 3.2.5 On March 11, 2026, the Clerk's office received notice that the March 17<sup>th</sup> Planning Commission meeting had been cancelled due to lack of quorum. The case that was to be considered will be presented at the next scheduled Planning Commission meeting on Tuesday, April 7, 2026.

**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 February Regular Council Meeting minutes
- 4.2 Approval of March Council Committee Meeting minutes
- 4.3 **DRAFT 2026-18** 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.
- 4.4 **DRAFT 2026-21** AN ORDINANCE AUTHORIZING A WATER TAP-IN FOR THE PROPERTY LOCATED AT 5873 HORNING ROAD, OUTSIDE THE CITY OF KENT, AND DECLARING AN EMERGENCY.
- 4.5 **DRAFT 2026-22** 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 4, 2026 THROUGH NOVEMBER 28, 2026; 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.
- 4.6 **DRAFT 2026-23** AN ORDINANCE AMENDING CHAPTER 1337 TITLED "FLOOD DAMAGE CONTROL," IN ORDER TO STAY IN COMPLIANCE WITH RECENT UPDATES TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD DAMAGE CONTROL REGULATIONS AND DECLARING AN EMERGENCY.
- 4.7 **DRAFT 2026-24** AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCEPT THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2026 COMMUNITY EVENT SPONSORSHIP PROGRAM AWARD IN THE AMOUNT OF \$2,000.00, AND DECLARING AN EMERGENCY.
- 4.8 **DRAFT 2026-25** AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACCEPT THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) ENERGIZED COMMUNITY GRANT AWARD IN THE AMOUNT OF

*Any person who requires an auxiliary aid or service for effective communication or a modification of policies and procedures to participate in any City or City Council public meeting or event should contact the Clerk of Council at 330-678-8007. Any request for auxiliary aid or other accommodation should be made as soon as possible, but no later than forty-eight hours prior to the event.*

\$49,965.00, PLACING IT IN ESCROW WITH NOPEC AND DECLARING AN EMERGENCY.

- 4.9 **DRAFT 2026-26** AN ORDINANCE AMENDING ORDINANCE NO. 2025-111, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 17, 2025; 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, 2026; AND DECLARING AN EMERGENCY.
- 4.10 **DRAFT 2026-27** AN ORDINANCE AMENDING SECTION 353.02 “PARKING REGULATION AUTHORIZATION” OF THE CODIFIED ORDINANCES OF THE CITY OF KENT TO CHANGE THE LANGUAGE ON NATHAN DRIVE AND PHILLIP DRIVE AND DECLARING AN EMERGENCY.
- 4.11 **DRAFT 2026-28** AN ORDINANCE AMENDING ORDINANCE NO. 2025-128 THE POSITION ALLOCATION AND THE GENERAL COMPENSATION PLAN AND DECLARING AN EMERGENCY.

**5. STANDING COMMITTEES AND LEGISLATION**

**5.1 Committee of the Whole – Chair Amrhein/Vice-Chair Clapper**

5.1.1 Voting on Board/Commission Appointments

- 5.1.1.1 MOTION TO APPOINT \_\_\_\_\_ TO THE PLANNING COMMISSION
- 5.1.1.2 MOTION TO AUTHORIZE INSERTION OF NAME INTO DRAFT 2026-19
- 5.1.1.3 MOTION TO SUSPEND THREE READINGS OF DRAFT 2026-19
- 5.1.1.4 **DRAFT 2026-19** AN ORDINANCE APPOINTING \_\_\_\_\_ TO THE PLANNING COMMISSION AND DECLARING AN EMERGENCY.
- 5.1.1.5 MOTION TO APPOINT \_\_\_\_\_ TO THE CIVIL SERVICE COMMISSION
- 5.1.1.6 MOTION TO AUTHORIZE INSERTION OF NAME INTO DRAFT 2026-20
- 5.1.1.7 MOTION TO SUSPEND THREE READINGS OF DRAFT 2026-20
- 5.1.1.8 **DRAFT 2026-20** AN ORDINANCE APPOINTING \_\_\_\_\_ TO THE CIVIL SERVICE COMMISSION AND DECLARING AN EMERGENCY.

- 5.2 **Community Development Committee – Chair Shaffer Bish/Vice-Chair Wallach**  
No business
- 5.3 **Finance Committee – Chair Celko/Vice-Chair Tipton**  
No business
- 5.4 **Health & Safety Committee – Chair Hook/Vice-Chair Clapper**  
No business
- 5.5 **Land Use Committee – Chair Clapper/Vice-Chair Hook**  
No business
- 5.6 **Streets, Sidewalks & Utilities Committee – Chair Wallach/Vice-Chair Tipton**  
No business

**6. UNFINISHED BUSINESS**

**7. NEW BUSINESS**

**8. COUNCIL MEMBERS' COMMENTS**

**9. MAYOR'S REPORT**

**10. ADJOURN**



# City of Kent

## Regular City Council Meeting

319 S. Water Street, Kent, Ohio 44240

February 18, 2026

### MINUTES

At 7:00pm, the **Public Hearing** regarding the Community Development Block Grant PY 2026 Annual Action Plan was presented by Ms. Susel. She stated that there are three national objectives in the City's 5-year consolidated plan: targeted infrastructure; safe and decent housing through housing assistance; and supportive services, all for low to moderate income neighborhoods. The city is awaiting confirmation on this year's allocation, with last year's amount being \$264,000. There were no public comments.

Immediately following the Public Hearing, Mayor Amrhein called the Regular City Council meeting to order.

Present: Ms. Melissa Celko; Mr. Jeff Clapper; Mr. Eric Dreger; Mr. Chris Hook; Ms. Heidi Shaffer Bish; Mr. Benjamin Tipton; Ms. Tracy Wallach; Ms. Sarah Wesley

Also Present: Mr. Jack Amrhein, Mayor and President of Council; Ms. Kathy Coleman, Clerk of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Melanie Baker, Services Director; Ms. Bridget Susel, Community Development Director; Mr. Jim Bowling, City Engineer

Motion to excuse Mr. Turner was made by Ms. Shaffer Bish, seconded by Mr. Hook, and carried by unanimous voice vote.

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#### OPENING REMARKS and PLEDGE OF ALLEGIANCE

Mayor Amrhein led Council in the Pledge of Allegiance, then acknowledged the loss of two significant individuals in the community, Judge Mark Fankhauser and Dr. Jerry Lewis from Kent State University, and led a moment of silence in remembrance.

#### COMMUNICATIONS

##### Public Comment

- Ms. Chris Untrauer, of Murray Avenue in Ravenna, addressed Council regarding the Veterans Grave Marker Project, which aims to identify and mark veterans' unmarked graves in local cemeteries, including Standing Rock, where they have already ordered two

markers. She emphasized the importance of honoring veterans, many of whom have gone unrecognized for their service. She seeks volunteers for genealogy research and community support, mentioning the need for assistance in updating records. A fundraiser event to support the project will be held at the American Legion in Kent on May 2nd. She encouraged community members to reach out and participate in the initiative. Mayor Amrhein encouraged her to contact the Kent Historical Society as well.

- Mr. Rich Hager of Horning Road addressed Council regarding a personal crisis that he and his family are experiencing as a result of the inability to connect to the City's water line due to the governmental processes involved. The family has been without running water for 23 days since their well malfunctioned. He stressed the urgency of their situation, emphasizing the emotional burden it places on their family, particularly on young children. He appealed to Council for immediate action, urging them to bypass standard procedures to address the situation and expedite the approval for access to the city's water supply.

Mr. Ruller stated that the related ordinance was scheduled to be addressed at the next committee meeting, but asked Council to approve its placement on the City Manager's current report as an unauthorized item, which would allow the process to start sooner.

#### Written Communication:

- On January 26, 2026, the agenda for the February 3rd Planning Commission was received and posted in the foyer of City Hall.
- Between January 27<sup>th</sup> and February 2<sup>nd</sup>, the Clerk's office was cc'd on multiple emails between Rick Hawksley and Bridget Susel regarding snow removal efforts in the City. These were shared with Council.
- Between February 2<sup>nd</sup> and 4<sup>th</sup>, the Clerk's office was cc'd on multiple emails between concerned residents of the Forest Lakes subdivision and Bridget Susel, regarding the Agricultural District application at 100 Johnson Rd. These were shared with Council.
- On February 2, 2026, an email from Lynn Harvey of the Kent Historical Society was shared with the Clerk's office, requesting that the building at 237 E. Main St. be designated a local historic building. This email was shared with Council.
- On February 4, 2026, the January minutes and February agenda for the Standing Rock Cemetery Board of Trustees meetings were received and posted online.
- RECEIVED AFTER AGENDA NOTIFICATION: an email from Rick Hawksley on February 17 regarding ICE and a suggestion to pass a resolution regarding immigration enforcement. This email was shared with Council.

## City Manager's Report

**MOTION TO APPROVE THE CITY MANAGER'S REPORT AS AMENDED** with the addition of the Horning Road water tie-in was made by Mr. Clapper, seconded by Ms. Wallach, and passed by unanimous voice vote.

## CONSENT AGENDA

Ms. Wallach requested that the February Committee and Special minutes be removed from the consent agenda.

**MOTION TO SUSPEND THREE READINGS OF DRAFTS 2026-11 through 2026-16** was made by Mr. Hook, seconded by Ms. Celko, and carried by unanimous roll call vote, 8-0-0.

**MOTION TO APPROVE THE CONSENT AGENDA** as amended was made by Ms. Wallach, seconded by Mr. Hook, and carried by unanimous roll call vote, 8-0-0.

- **Approval of January Regular Council meeting minutes**
- **DRAFT 2026-11** 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.
- **DRAFT 2026-12** AN ORDINANCE AMENDING ORDINANCE NO. 2025-111, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 17, 2025; 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, 2026; AND DECLARING AN EMERGENCY.
- **DRAFT 2026-13** AN ORDINANCE AFFIRMING THE KENT DESIGN & PRESERVATION COMMITTEE'S DESIGNATION OF THE KENT HISTORICAL SOCIETY BUILDING LOCATED AT 237 EAST MAIN STREET AS A "LOCAL HISTORIC PROPERTY" AND DECLARING AN EMERGENCY.
- **DRAFT 2026-14** AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN ACQUISITION ASSISTANCE AGREEMENT WITH COPEN MACHINE FOR THE PURCHASE AND FUTURE DEVELOPMENT OF THE 200 WEST WILLIAMS STREET PROPERTY AND DECLARING AN EMERGENCY
- **DRAFT 2026-15** AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AMENDMENT OF THE DUAL-USE CANNABIS OPERATING AGREEMENT BETWEEN THE CITY OF KENT AND SLIGHTLY TOASTED, LLC (DBA BLISS OHIO), TO MODIFY ITS OPERATING HOURS IN ACCORDANCE WITH THE OHIO ADMINISTRATIVE CODE (OAC) AND DECLARING AN EMERGENCY.

- **DRAFT 2026-16** 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 \$800,000, AND TO ACCEPT THE GRANT, IF AWARDED, WITH CORRESPONDING APPROPRIATION OF FUNDS AND DECLARING AN EMERGENCY.

**Consent agenda passed.**

## **STANDING COMMITTEES AND LEGISLATION**

### **Committee of the Whole – Chair Amrhein**

- **Approval of February Committee and Special meeting minutes**

MOTION TO APPROVE FEBRUARY COMMITTEE AND SPECIAL MEETING MINUTES was made by Ms. Shaffer Bish, seconded by Mr. Hook, and carried by voice vote 7-0-1, with Ms. Wallach abstaining.

### **Finance Committee – Chair DeLeone/Vice-Chair Celko**

No action.

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

No action.

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

- **Application for Placement of Property in Agricultural District**

**MOTION TO SUSPEND 3 READINGS OF DRAFT 2026-17** was made by Ms. Shaffer Bish, seconded by Ms. Wallach, and carried by unanimous roll call vote, 8-0-0.

**MOTION TO ADOPT DRAFT 2026-17** was made by Ms. Wallach, seconded by Ms. Celko, and carried by unanimous roll call vote, 8-0-0.

**DRAFT 2026-17** A RESOLUTION REJECTING THE APPLICATION OF ERIC KOLB / KOLB ACRES LLC FOR PLACEMENT OF PROPERTY IN AN AGRICULTURAL DISTRICT PURSUANT TO OHIO REVISED CODE CHAPTER 929, AND DECLARING AN EMERGENCY.

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

No action.

## **UNFINISHED BUSINESS**

None.

## **NEW BUSINESS**

None.

## **COUNCIL MEMBERS' COMMENTS**

Ms. Shaffer Bish commented on the recent snowstorm's aftermath, emphasizing the importance of property owners clearing snow and ice from sidewalks. She highlighted the challenges faced by the city in managing state route sidewalks and suggested the need for community initiatives to honor those who maintain sidewalks. She stressed collective responsibility for the benefit of the neighborhood.

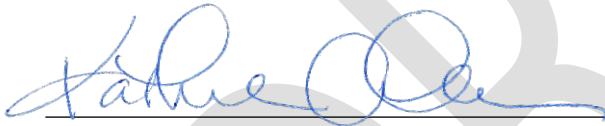
Ms. Wesley suggested initiating a campaign focused on pedestrian safety and community service, particularly concerning snow removal on the east side of Kent. She noted that university students, older individuals, and dog walkers struggle with icy pathways, often in inadequate footwear. Encouraging the clearing of sidewalks, even those not directly owned, would benefit everyone.

## **MAYOR'S REPORT**

Mayor Amrhein reported that during the last month, he met with young children from Kent State's Child Development Center who toured City Hall and interacted with local officials. He participated in a meeting with Family and Children First and Health Commissioner Seidel to discuss community initiatives, and attended the fire and police awards ceremony to honor outstanding recipients. He will be attending a safety meeting with Kent State University and local city leaders to enhance community safety collaboration.

## **ADJOURN**

There being no further business, the meeting was adjourned at 7:22pm.



Kathleen Coleman  
Clerk of Council

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Jack Amrhein  
Mayor and President of Council



**City of Kent**  
**City Council Committee Meeting**  
319 S. Water St., Kent Ohio 44240

**March 4, 2026**

**MINUTES**

**CALL TO ORDER**

Mayor Jack Amrhein called the Committee meeting to order at 7:00pm.

Present: Mr. Jeff Clapper; Mr. Eric Dreger; Mr. Chris Hook; Ms. Heidi Shaffer Bish; Mr. Benjamin Tipton; Mr. Robin Turner; Ms. Tracy Wallach; Ms. Sarah Wesley

Also Present: Mr. Jack Amrhein, Mayor and President of Council; Ms. Kathy Coleman, Clerk of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Mr. Jamie Samels, Fire Chief; Mr. Jim Bowling, City Engineer; Dominique Bollenbacher, Community Outreach Coordinator; Ms. Bridget Susel, Community Development Director; Ms. Rhonda Hall, Finance Director; Ms. Angela Manley, Parks & Recreation Director; Ms. Melanie Baker, Service Director; Mr. Nick Cecil, IT Director, Mr. Jordan Snyder, IT Technician; Ms. Kailyn Cyrus, Zoning and Grants Coordinator

**COMMITTEES**

**Committee of the Whole – Chair Amrhein/Vice-Chair Clapper**

**Board and Commission Interviews**

- *Interview for Planning Commission – Adam Stephens*  
Mr. Stephens expressed a strong interest in local government and a desire to increase his engagement with the community. He referenced a positive experience on the Charter Review Commission and mentioned contemplating a run for council at some point. He felt the Planning Commission would be a good opportunity to learn more about how Kent’s government runs.
- *Interview for Civil Service Commission – Mariah Taylor*  
Ms. Taylor is a senior internal auditor at the University of Akron with past experience on the governance board at Kent State. She seeks to serve on the commission to give back to her community, believing it aligns with her background in regulation and policy enforcement based on documented standards.
- *Interview for Civil Service Commission – Darlene Rocco*  
Ms. Rocco reported an interest in this commission due to her enlightening experience on the Charter Review Commission last year, which fueled her desire to engage more in the local community. She has over 20 years of executive leadership experience in the healthcare industry and currently leads a quality department focused on developing policies and procedures for compliance and standardization, with extensive knowledge of federal and state regulations.

- Interview for Civil Service Commission – **Robert Hamer**

Mr. Hamer expressed his desire to serve on a committee due to nearly 30 years of experience in human resources and government relations. He aims to leverage his skills to give back to his community, emphasizing the importance of government transparency, equitable treatment, and merit-based systems.

The candidates were all advised that voting would take place at the March 18, 2026 regular Council meeting and they would be notified of the results by email.

## KSU Update

**Ms. Dana Lawless-Andric** introduced **Ivory Kendrick**, the undergraduate student government president at Kent State University. He spoke about fostering stronger connections between the university and the city of Kent. As a public health major and elected president since May 2025, Mr. Kendrick emphasized the importance of collaboration to enhance community engagement and culture. He encouraged Council members to work together with students to further mutual interests and improve the relationship between the university and the City, promoting a sense of unity and teamwork.

**Ms. Lawless-Andric** continued with updates from KSU, including challenges in enrollment, collaborative community events to engage and support the community, leadership stability, academic restructuring, building updates, housing priorities and commencement ceremonies from May 7-10, 2026.

## City Staff Updates

### DePeyster St. Church Update

- **Ms. Manley** provided an update on the former Kent Church of Christ building at 319 South DePeyster, which Council voted to purchase. She noted that significant renovations are needed to bring the building up to code. Meetings with contractors are underway to estimate repair costs, which will influence the building's future usage. Potential plans include recreational and educational programming, adding it as a rental space due to high demand in the area, and relocating existing programs there. Initial estimates for necessary repairs range from \$50,000 to \$100,000, with the final cost impacting how the space will be utilized. The building has two floors, but the basement may not be accessible to the public. Various questions regarding capabilities and previous ownership transitions were addressed, affirming interest in senior programming and clarifying the structure's layout and parking availability.

### Kent/Ravenna Emergency Interconnect MOU

- **Ms. Baker** addressed Council regarding the emergency water interconnect between the City and Ravenna, located at the intersection of Powdermill and Summit. A contractual agreement from 2002 exists, but has not been updated despite recent changes in Ravenna's housing developments. Consequently, discussions on operational updates were initiated to improve collaboration, including a memorandum of understanding for reviewing the existing water line and valve operations. A six-month trial period aims to ensure water quality and operational efficiency, with ongoing meetings to address any necessary adjustments. She stated that she would report back in mid to late summer

with the contractual agreement again for Council to review and approve.

### Phone System Update

- **Mr. Cecil** reported on a periodic update to the city's network and phone systems. This year's update focuses on network equipment and the phone system. IT is collaborating with department heads to better understand their unique usage needs, resulting in improvements to auto attendants and direct lines for staff. The update is being conducted building by building, minimizing disruption, and is currently about halfway complete. The update aims to ensure the reliable delivery of data across departments, maintaining system performance effectively.

## **Community Development Committee-Chair Shaffer Bish/Vice-Chair Wallach**

### CDBG Program Year 2026 Projects

- **Ms. Cyrus** provided Council with an overview of the 2026 CDBG programs. She reported that in January, a request for proposals was issued, and funds for various projects totaling \$34,000 were proposed, though final approvals will not occur until May following a public hearing and comment period. The proposals align with a five-year consolidated plan focusing on infrastructure improvements, housing programs, and supportive services for low to moderate income individuals. Key projects include a \$157,000 reconstruction of Elm Street, a \$43,000 furnace inspection and replacement program, and various other services such as small business counseling and fair housing support. The total funding recommendations reflect allocations based on prior funding amounts, acknowledging that actual funding for 2026 remains uncertain.

MOTION TO APPROVE STAFF RECOMMENDATIONS REGARDING CDBG FUNDING PROPOSALS was made by Mr. Clapper, seconded by Ms. Wallach and carried by unanimous voice vote.

### Haymaker Farmers' Market 2026 Sublease Renewal

- **Ms. Susel** discussed the renewal of the Haymaker Farmers' Market sublease. She reported that the area is owned by the Wheeling Lake Erie Railroad and the City leases the property for public parking and then subleases it to the farmers market for a nominal fee of one dollar, covering the period from the first Saturday in April to the last Saturday in November. The sublease is subject to annual approval and is based on a multi-year agreement with the railroad that includes scheduled increases, with the next increase anticipated next year.

MOTION TO APPROVE THE RENEWAL OF THE HAYMAKER FARMERS' MARKET SUBLEASE was made by Ms. Wesley, seconded by Mr. Hook, and carried by unanimous voice vote.

### KCO "Chapter 1337: Flood Damage Control" Amendments

- **Ms. Susel** reported that in March 2025, the Ohio Department of Natural Resources monitored Kent's flood plain program, which recently passed inspection despite issuing only three flood plain permits in 12 years. The regulations, established in 2009, required updates to align with FEMA's new definitions and erosion standards after the flood insurance rate maps were updated in 2017. The city does not currently have flood plain management regulations, which are necessary for federal insurance eligibility. A notable change is the designation of a community development director as the flood plain administrator, supported by a licensed senior engineer, to improve management of flood-related permits. The city's approach prioritizes efficiency and expertise in handling flood and storm water management, balancing the needs of the community with regulatory requirements.

MOTION TO AUTHORIZE AMENDMENTS TO KCO 1337: FLOOD DAMAGE CONTROL was made by Mr. Clapper, seconded by Ms. Wesley and carried by unanimous voice vote.

Celebrate Kent! 2026 Grant Funding Awards

- **Ms. Susel** discussed the Celebrate Kent! awards, traditionally funded by Council under the Community Development budget to support events that attract visitors to downtown Kent. The program, initiated years ago by former economic development director Dan Smith, has an annual budget of \$15,000. This year, \$18,000 in funding requests were received, with one application for a South End block party. They allocated \$13,800 for various events after considering attendee numbers and previous allocations. Notably, all applicants received funding, including first-time applicant Kent State for their "Flashes First Friday." Funding supports operational costs for events, mostly involving volunteer initiatives, and excludes administrative expenses. The economic impact of the events is linked to attendee numbers, with positive feedback from local businesses, although a recent comprehensive survey hasn't been conducted. Future initiatives to gather feedback from businesses about these events are planned. This agenda item was informational only.

**Finance Committee – Chair Celko/Vice-Chair Tipton**

NOPEC Community Event Sponsorship Grant 2026

- **Ms. Baker** reported on the NOPEC Community Event Sponsorship Grant for 2026, providing new Council members with information about NOPEC (Northeast Ohio Public Energy Council). Founded in 2000, NOPEC serves over 240 communities in Northeast Ohio, enabling bulk buying for competitive electricity and natural gas pricing. Kent has historically received a \$2,000 grant, which is intended to be allocated to the Heritage Festival in July to support community engagement. The event meets the necessary criteria of being free, open to all residents, and beneficial for NOPEC's community connection.

MOTION TO AUTHORIZE ACCEPTANCE OF THE 2026 NOPEC COMMUNITY EVENT SPONSORSHIP GRANT was made by Mr. Clapper, seconded by Ms. Shaffer Bish and carried by unanimous voice vote.

NOPEC Energized Community Grant 2026

- **Ms. Baker** reported on the NOPEC community grant awarded for 2026, which amounted to \$49,965. Previous funding from this grant has supported projects like a water reclamation facility, an HVAC replacement, and installation of energy-efficient door openers. The current request is for council approval to accept the grant and place the funds in escrow until suitable projects are identified, potentially including energy efficiency upgrades at the 319 Depeyster location. The funds can serve as matching funds for future grants, and there is a deadline of three years to allocate the funds.

MOTION TO ACCEPT THE GRANT AND PLACE FUNDS IN ESCROW was made by Mr. Hook, seconded by Ms. Wallach and carried by unanimous voice vote.

Proposed 2026 Budget Appropriations Amendment #2

- **Ms. Hall** presented the second budget appropriation amendment of 2026 to Council.

MOTION TO APPROVE THE BUDGET APPROPRIATIONS AMENDMENT was made by Mr. Clapper, seconded by Mr. Hook, and carried by unanimous voice vote.

**Health and Public Safety – Chair Hook/Vice-Chair Clapper**

No report.

**Land Use – Chair Clapper/Vice-Chair Hook**

No report.

**Streets, Sidewalks, and Utilities Committee-Chair Wallach/Vice-Chair Tipton**

Codified Ordinance 353.02 Parking Regulation – Change of language for Nathan and Phillip Drives

- **Ms. Baker** reported that the Traffic Engineering and Safety Committee reviewed streets around Nathan Drive and Philip Drive in December 2025 due to improperly placed no-parking signs. It was determined that these streets require a review to ensure safety and proper signage as per city ordinances. Findings indicate that Adrian Avenue is marked correctly but needs more signs; Bruce Drive and Cottage Gate are also compliant, though Cottage Gate has two misplaced signs. Nathan Drive and Philip Drive need adjustments, changing no-parking from the south side to the north side due to nearby hydrants. The council is requested to approve these changes for proper sign placement and compliance with codified ordinances.

MOTION TO AUTHORIZE CHANGES TO CODIFIED ORDINANCE 352.02 PARKING REGULATION was made by Mr. Clapper, seconded by Ms. Wesley, and carried by unanimous voice vote.

**EXECUTIVE SESSION**

At 8:26, Mr. Clapper moved, and Mr. Hook seconded, to go into executive session to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official. MOTION TO EXCUSE MS. CELKO was made by Ms. Shaffer Bish, seconded by Mr. Hook, and carried by unanimous voice vote. MOTION TO MOVE INTO EXECUTIVE SESSION carried by unanimous roll call vote.

**RETURN TO REGULAR SESSION**

Council returned from executive session at 9:02pm.

MOTION TO AUTHORIZE CHANGES TO THE POSITION ALLOCATION was made by Mr. Turner, seconded by Ms. Wallace, and carried by unanimous voice vote.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:03pm.



City of Kent Clerk of Council

**ORDINANCE NO. 2026 - 18**

**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 immediately after passage.

PASSED: \_\_\_\_\_  
Date

\_\_\_\_\_  
Jack Amrhein  
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

# Purchase Order Report

G/L Date Range 02/10/26 - 03/09/26  
 Sort by Department - Purchase Order Number  
 Detail Listing

Purchase Order	2026-00000764	G/L Date	02/16/2026	Amount	8,400.00
Description	KPR Adult Softballs 2026	Deliver by Date		Voided	.00
Department	03-530 Park & Recreation Board, Park Services	Printed Date	02/17/2026	Discounted	.00
Vendor	2629 - Ohio Amateur Softball/Usa Softball of Ohio	Completed Date	02/17/2026	Expensed	8,400.00
Type	Then/Now	Expiration Date		Remaining	.00
Status	Complete			Encumbered	.00

Item 1	Description	Operating Materials - KPR Adult Softballs 2026	Status	Complete	Amount	8,400.00
	Quantity	1.0000	Vendor Part Number		Voided	.00
	U/M	Each	Contract Number		Discounted	.00
	Price per Unit	8,400.00	Discount	0%	Expensed	8,400.00
					Remaining	.00
					Encumbered	.00

G/L Account  
 Project  
 106-03-530-301.7420 (Recreation-Parks & Rec-Parks & Recreation-Recreation Programs.Operating Materials)  
 Amount  
 8,400.00

Purchase Order	2026-00000781	G/L Date	02/17/2026	Amount	8,340.00
Description	KPR Cav Uniforms for Youth Bball 2026	Deliver by Date		Voided	.00
Department	03-530 Park & Recreation Board, Park Services	Printed Date	02/17/2026	Discounted	.00
Vendor	4811 - Cavaliers Operating Co LLC or Rocket Mortgage FH	Completed Date	02/17/2026	Expensed	8,340.00
Type	Then/Now	Expiration Date		Remaining	.00
Status	Complete			Encumbered	.00

Item 1	Description	Operating Materials - KPR Cav Uniforms for Youth Bball 2026	Status	Complete	Amount	8,340.00
	Quantity	1.0000	Vendor Part Number		Voided	.00
	U/M	Each	Contract Number		Discounted	.00
	Price per Unit	8,340.00	Discount	0%	Expensed	8,340.00

# Purchase Order Report

G/L Date Range 02/10/26 - 03/09/26  
 Sort by Department - Purchase Order Number  
 Detail Listing

Remaining .00  
 Encumbered .00

Project  
 Amount  
 8,340.00

G/L Account  
 106-03-530-301.7420 (Recreation-Parks & Rec-Parks & Recreation-  
 Recreation Programs.Operating Materials)

.....  
 Department **05.560 Public Services Department,Central Maintenance Division**  
 .....  
 Purchase Order 2026-00000761

Description	CM 2025 Asphalt	G/L Date	02/16/2026	Amount	5,433.05
Department	05.560 Public Services Department,Central Maintenance Division	Deliver by Date		Voided	.00
Vendor	4223 - Shelly Materials, Inc	Printed Date	02/17/2026	Discourted	.00
Type	Then/Now	Completed Date		Expensed	5,433.05
Status	Open	Expiration Date		Remaining	.00
				Encumbered	.00

Item 1	Description	Operating Materials	Status	Open	Amount	5,433.05
	Quantity	1.0000	Vendor Part Number		Voided	.00
	U/M	Each	Contract Number		Discourted	.00
	Price per Unit	5,433.05	Discount	0%	Expensed	5,433.05
					Remaining	.00
					Encumbered	.00

Project  
 Amount  
 5,433.05

G/L Account  
 102-05-560-601.7420 (SCMR-Service Department-Central Maintenance-  
 Transportation - Central Maint..Operating Materials)

Purchase Order	2026-00000826	G/L Date	02/24/2026	Amount	5,199.00
Description	CM Electrical Repairs @ 930	Deliver by Date		Voided	.00
Department	05.560 Public Services Department,Central Maintenance Division	Printed Date	02/24/2026	Discourted	.00
Vendor	3478 - Cioca Electric Inc.	Completed Date	03/03/2026	Expensed	5,199.00

# Purchase Order Report

G/L Date Range 02/10/26 - 03/09/26  
 Sort by Department - Purchase Order Number  
 Detail Listing

Type	Then/Now	Expiration Date	Remaining
Status	Complete		Encumbered
Item 1	Description Maint of Equip & Facilities Quantity 1.0000 U/M Each Price per Unit 1,066.33	Status Vendor Part Number Contract Number Discount	Amount 1,066.33 Voided .00 Discounted .00 Expensed 1,066.33 Remaining .00 Encumbered .00
	G/L Account 102-05-560-601.7350 (SCMR-Service Department-Central Maintenance-Transportation - Central Maint..Maint of Equip & Facilities)	Project	Amount 1,066.33
Item 2	Description Maint of Equip & Facilities Quantity 1.0000 U/M Each Price per Unit 1,066.33	Status Vendor Part Number Contract Number Discount	Amount 1,066.33 Voided .00 Discounted .00 Expensed 1,066.33 Remaining .00 Encumbered .00
	G/L Account 201-05-550-605.7350 (Water-Service Department-Basic Utility Services-Central Maintenance Distribution,Maint of Equip & Facilities)	Project	Amount 1,066.33
Item 3	Description Maint of Equip & Facilities Quantity 1.0000 U/M Each Price per Unit 1,066.34	Status Vendor Part Number Contract Number Discount	Amount 1,066.34 Voided .00 Discounted .00 Expensed 1,066.34 Remaining .00 Encumbered .00



# Purchase Order Report

G/L Date Range 02/10/26 - 03/09/26  
 Sort by Department - Purchase Order Number  
 Detail Listing

Vendor	3478 - Cioca Electric Inc.	Completed Date	03/03/2026	Expensed	5,407.00
Type	Then/Now	Expiration Date		Remaining	.00
Status	Complete			Encumbered	.00
Item 1	Description Maint of Equip & Facilities Quantity 1.0000 U/M Each Price per Unit 1,802.34	Status Complete Vendor Part Number Contract Number Discount 0%	Amount 1,802.34 Voided .00 Discounted .00 Expensed 1,802.34 Remaining .00 Encumbered .00		
	G/L Account 102-05-560-601.7350 (SCMR-Service Department-Central Maintenance- Transportation - Central Maint..Maint of Equip & Facilities)	Project	Amount		1,802.34
Item 2	Description Maint of Equip & Facilities Quantity 1.0000 U/M Each Price per Unit 1,802.33	Status Complete Vendor Part Number Contract Number Discount 0%	Amount 1,802.33 Voided .00 Discounted .00 Expensed 1,802.33 Remaining .00 Encumbered .00		
	G/L Account 201-05-550-605.7350 (Water-Service Department-Basic Utility Services- Central Maintenance Distribution.Maint of Equip & Facilities)	Project	Amount		1,802.33
Item 3	Description Maint of Equip & Facilities Quantity 1.0000 U/M Each Price per Unit 1,802.33	Status Complete Vendor Part Number Contract Number Discount 0%	Amount 1,802.33 Voided .00 Discounted .00 Expensed 1,802.33 Remaining .00		

# Purchase Order Report

G/L Date Range 02/10/26 - 03/09/26  
 Sort by Department - Purchase Order Number  
 Detail Listing

Encumbered .00

G/L Account		Project		Amount
202-05-550-605.7350 (Sewer-Service Department-Basic Utility Services-Central Maintenance Distribution,Maint of Equip & Facilities)				1,802.33
.....				
Department	<b>05.602 Public Services Department, Vehicle Maintenance</b>	G/L Date	02/17/2026	Amount
Purchase Order	2026-00000778	Deliver by Date		4,439.75
Description	VM Sop Air Compressor Head Install	Printed Date	02/24/2026	Voided
Department	05.602 Public Services Department,Vehicle Maintenance	Completed Date	02/24/2026	Discounted
Vendor	5491 - Tri-State Air Compressor LLC	Expiration Date		Expensed
Type	Then/Now			Remaining
Status	Complete			Encumbered

Item 1	Description	Maint of Equip & Facilities	Status	Complete	Amount
	Quantity	1.0000	Vendor Part Number		4,439.75
	U/M	Each	Contract Number		.00
	Price per Unit	4,439.75	Discount	0%	.00
					4,439.75
					.00
					.00

G/L Account		Project		Amount
102-05-560-602.7350 (SCMR-Service Department-Central Maintenance-Vehicle Maintenance,Maint of Equip & Facilities)				4,439.75

**RESOLUTION 2026-19**

**A RESOLUTION APPOINTING ADAM STEPHENS TO THE PLANNING COMMISSION AND DECLARING AN EMERGENCY.**

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

**SECTION 1.** That ADAM STEPHENS IS hereby appointed to the PLANNING COMMISSION

**NAME**  
**ADAM STEPHENS**

**TERM**  
**March 19, 2026 – March 18, 2031**

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

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

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

PASSED: \_\_\_\_\_  
Date

\_\_\_\_\_  
Jack Amrhein  
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 *RESOLUTION No.* \_\_\_\_\_ ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON \_\_\_\_\_.

(SEAL)

\_\_\_\_\_  
KATHLEEN COLEMAN  
CLERK OF COUNCIL

**RESOLUTION 2026-20**

**A RESOLUTION APPOINTING MARIAH TAYLOR TO THE CIVIL SERVICE COMMISSION AND DECLARING AN EMERGENCY.**

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

**SECTION 1.** That MARIAH TAYLOR IS hereby appointed to the CIVIL SERVICE COMMISSION

**NAME**  
**MARIAH TAYLOR**

**TERM**  
**March 19, 2026 – March 18, 2032**

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

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

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

PASSED: \_\_\_\_\_  
Date

\_\_\_\_\_  
Jack Amrhein  
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 RESOLUTION No. \_\_\_\_\_ ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON \_\_\_\_\_.

(SEAL)

\_\_\_\_\_  
KATHLEEN COLEMAN  
CLERK OF COUNCIL

**ORDINANCE NO. 2026 - 21**

**AN ORDINANCE AUTHORIZING A WATER TAP-IN FOR THE PROPERTY LOCATED AT 5873 HORNING ROAD, OUTSIDE THE CITY OF KENT, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the owner of a single-family, owner-occupied home requests water service outside of the City of Kent for property located at 5873 Horning Road located in Franklin Township (the "Property"); and

**WHEREAS**, the Property will be subject to a 25% water surcharge since it is located in Franklin Township. The fee for this request will be \$5,736.25; and

**WHEREAS**, the City has a 12" watermain along Horning Road adjacent to the property and are capable of providing water to this property; and

**WHEREAS**, the City Division of Engineering recommends approving the water tap-in.

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

**SECTION 1:** That Kent City Council does hereby authorize a water tap-in to the Property located at 5873 Horning Road subject to KCO 913.09 and the City water rules and regulations.

**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

\_\_\_\_\_  
Jack Armhein  
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)

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KATHLEEN COLEMAN  
CLERK OF COUNCIL

DRAFT

**ORDINANCE NO. 2026 - 22**

**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 4, 2026 THROUGH NOVEMBER 28, 2026; 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

\_\_\_\_\_  
Jack Armhein  
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

DRAFT

*CITY OF KENT, OHIO*



***SUB-LAND LEASE***

**THIS SUB-LEASE**, made this \_\_\_\_ day of \_\_\_\_\_, **2026**, 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 4, 2026 through November 28, 2026 (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 there for. 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  
319 South Water Street  
Kent, Ohio 44240

**As to SUB-LESSEE:**

HAYMAKER FARMERS' MARKET  
c/o HFM Board President

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(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.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

**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**

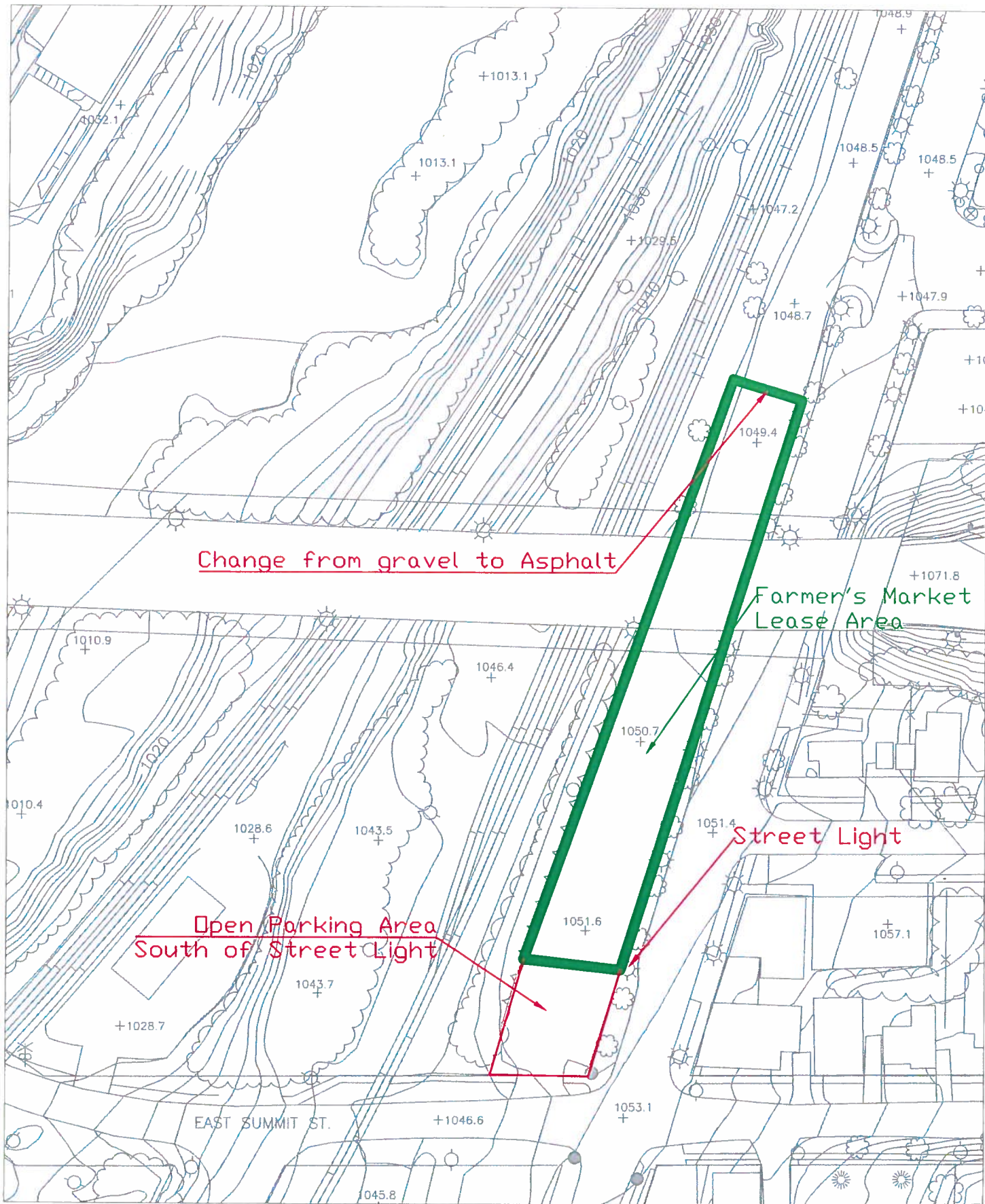
\_\_\_\_\_  
Mekal Banyasz, President  
Board of Directors

**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. 2026 - 23**

**AN ORDINANCE AMENDING CHAPTER 1337 TITLED "FLOOD DAMAGE CONTROL," IN ORDER TO STAY IN COMPLIANCE WITH RECENT UPDATES TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD DAMAGE CONTROL REGULATIONS AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Kent wishes to amend Chapter 1337 titled "Flood Damage Control" in order to stay in compliance with recent updates to the Federal Emergency Management Agency (FEMA) flood damage control regulations.

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

**SECTION 1.** That Council does hereby amend Chapter 1337 titled "Flood Damage Control" in order to stay in compliance with recent updates to the Federal Emergency Management Agency (FEMA) flood damage control regulations of the Codified Ordinances 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

\_\_\_\_\_  
Jack Armhein  
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

## CHAPTER 1337

### SPECIAL PURPOSE FLOOD DAMAGE ~~CONTROL~~ REDUCTION

#### Flood Damage ~~Control~~ Reduction

[1337.01](#) General Provision.

[1337.02](#) Definitions.

[1337.03](#) Administration.

[1337.04](#) Use and Development Standards for Flood Hazard Reduction.

[1337.05](#) Appeals and Variances.

[1337.06](#) Enforcement and Penalty.

[1337.07](#) Adoption

#### CROSS REFERENCES

Flood control bonds; public capital improvement see Ohio Const. Art. VIII, Sec. 21; Ohio R.C. 129.70 et seq., [as amended](#)

County Commission flood control aid to governmental units see Ohio R.C. 307.77, [as amended](#)

Basis of zoning districts see Ohio R.C. 713.10, [as amended](#)

Levees - see Ohio R.C. 717.01, [as amended](#)

Construction permits and prohibitions for dams, dikes or levees see Ohio R.C. 1521.06, [as amended](#)

~~Marking flood areas~~ Action to enforce national flood inspection program standards see Ohio R.C. 1521.14, [as amended](#)

Floodplain Management Ordinance or Resolution see Ohio R.C. 1521.18, [as amended](#)

~~Ohio Water Commission see Ohio R.C. 1525.01 et seq.~~

Conservancy districts, purpose see Ohio R.C. 6101.04, [as amended](#)

#### SECTION 1337.01: GENERAL PROVISIONS

(a) **Statutory Authorization**

ARTICLE XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens. Therefore, the City Council of Kent, State of Ohio, does ordain as follows:

(b) **Findings of Fact**

The City of Kent has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also

contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

(c) **Statement of Purpose**

It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

- 1) Protect human life and health;
- 2) Minimize expenditure of public money for costly flood control projects;
- 3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- 4) Minimize prolonged business interruptions;
- 5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- 6) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
- 7) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- 8) Minimize the impact of development on adjacent properties within and near flood prone areas;
- 9) Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- 10) Minimize the impact of development on the natural, beneficial values of the floodplain;
- 11) Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- 12) Meet community participation requirements of the National Flood Insurance Program.

(d) **Methods of Reducing Flood Loss**

In order to accomplish its purposes, these regulations include methods and provisions for:

- 1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- 2) Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- 3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- 4) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
- 5) Preventing or regulating the construction of flood barriers, which will unnaturally divert flood, waters or which may increase flood hazards in other areas.

(e) **Lands to Which These Regulations Apply**

These regulations shall apply to all areas of special flood hazard within the jurisdiction of the City of Kent as identified in Section 1337.01(f), including any additional areas of special flood hazard annexed by the City of Kent.

(f) **Basis for Establishing the Areas of Special Flood Hazard**

For the purposes of these regulations, the following studies and/or maps are adopted:

- 1) Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS) for Portage County, Ohio and Incorporated Areas dated March 7, 2017, effective March 8, 2017.
  - 2) Other studies and/or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard.
  - 3) Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the City of Kent as required by Section 41337.04(c) Subdivisions and Other New Developments.
- Any revisions to the aforementioned maps and/or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the Service Administration Complex located at 930 Overholt Road, Kent, Ohio 44240.

**(g) Abrogation and Greater Restrictions**

These regulations are not intended to repeal any existing ordinances including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall be followed. These regulations are not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**(h) Interpretation**

In the interpretation and application of these regulations, all provisions shall be:

- 1) Considered as minimum requirements;
- 2) Liberally construed in favor of the governing body; and,
- 3) Deemed neither to limit nor repeal any other powers granted under State statutes.

Where a provision of these regulations may be in conflict with a State or Federal law, such State or Federal law shall take precedence over these regulations.

**(i) Warning and Disclaimer of Liability**

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the City of Kent, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

**(j) Severability**

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

## **1337.02 DEFINITIONS**

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application.

### **Accessory Structure**

**means** A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

### **Appeal**

**means** A request for review of the floodplain administrator's interpretation of any provision of these regulations or a request for a variance.

### **Base Flood**

**means** The flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% chance annual flood or one-hundred (100) year flood.

### **Base (100-Year) Flood Elevation (BFE)**

**means** The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the lowest adjacent natural grade elevation plus the depth number (from 1 to 3 feet).

### **Basement**

**means** Any area of the building having its floor subgrade (below ground level) on all sides.

### **Development**

**means** Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

### **Enclosure Below the Lowest Floor**

See "Lowest Floor."

### **Executive Order 11988 (Floodplain Management)**

**means** Issued by President Carter in 1977, this order requires that no Federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

### **Federal Emergency Management Agency (FEMA)**

**means** The agency with the overall responsibility for administering the National Flood Insurance Program.

### **Fill**

**means** A deposit of earth material placed by artificial means.

### **Flood or Flooding**

**means** A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters, and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

### **Flood Hazard Boundary Map (FHBM)**

**Usually** The initial map, **usually** produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.

### **Flood Insurance Rate Map (FIRM)**

**means** An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.

### **Flood Insurance Risk Zones**

**means** Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:

#### Zone A:

Special flood hazard areas inundated by the 100-year flood in any given year; base flood elevations are not determined.

#### Zones A1-30 and Zone AE:

Special flood hazard areas inundated by the 100-year flood in any given year; base flood elevations are determined.

#### Zone AO:

Special flood hazard areas inundated by the 100-year flood in any given year; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.

#### Zone AH:

Special flood hazard areas inundated by the 100-year flood in any given year; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.

#### Zone A99:

Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.

#### Zone B and Zone X (shaded):

Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.

#### Zone C and Zone X (unshaded):

Areas determined to be outside the 500-year floodplain.

### **Flood Insurance Study (FIS)**

**means**—The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.

## **Floodproofing**

Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

## **Flood Protection Elevation (FPE)**

~~means~~ The Flood Protection Elevation, or FPE, is the base flood elevation, plus two feet (2ft) of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.

## **Floodway**

~~means~~ A floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community.

The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

## **Freeboard**

~~means~~ A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

## **Historic structure**

~~means~~ Any structure that is:

- 1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
- 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
- 3) Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.
- 4) Individually listed on a local inventory of local historic places maintained by City of Kent's historic preservation program, which program is certified by the Ohio Historic Preservation Office.

### **Hydrologic and hydraulic engineering analysis**

**means** An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

### **Letter of Map Change (LOMC)**

**means** An official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are broken down into the following categories:

- 1) **Letter of Map Amendment (LOMA)**  
A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.
- 2) **Letter of Map Revision (LOMR)**  
A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.
- 3) **Conditional Letter of Map Revision (CLOMR)**  
A comment by FEMA regarding a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

### **Lowest floor**

**means** The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

### **Manufactured home**

**means** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 4781 of the Ohio Revised Code.

### **Manufactured home park**

**means** As specified in the Ohio Adm. Code 4781-12-01(K), a manufactured home park means any tract of land upon which three or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is

subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority. Manufactured home park does not include any tract of land used solely for the storage or display for sale of manufactured homes.

### **Mean sea level**

For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

### **National Flood Insurance Program (NFIP)**

**means** A Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.

### **New construction**

**means** Structures for which the "start of construction" commenced on or after effective date of a floodplain regulation adopted by the City of Kent ~~Flood Insurance Rate Map, March 15, 1978~~, and includes any subsequent improvements to such structures. **For the purposes of determining insurance rates, structures for which the "start of construction"** commenced on or after the effective date of an initial FIRM date of March 15, 1978, and includes any subsequent improvements to such structures.

### **Person**

Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies. An agency is further defined in the Ohio Rev. Code §111.15(A)(2) as any governmental entity of the State and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, State college or university, community college district, technical college district, or State community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.

### **Recreational vehicle**

**means** A vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

### **Registered Professional Architect**

**means** A person registered to engage in the practice of architecture pursuant to Ohio Rev. Code §4703.01 and 4703.19.

### **Registered Professional Engineer**

**means** A person registered as a professional engineer pursuant to Ohio Rev. Code Chapter 4733.

### **Registered Professional Surveyor**

**means** A person registered as a professional surveyor pursuant to Ohio Rev. Code Chapter 4733.

### **Special Flood Hazard Area**

Also known as “Areas of Special Flood Hazard”, it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, or ~~and~~ A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other Federal, State or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

### **Start of construction**

**means**—The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

### **Structure**

**means** A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

### **Substantial Damage**

**means** Damage of any origin sustained by a structure whereby the cost of restoring the structure to the ‘before damaged’ condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

### **Substantial Improvement**

**means** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include:

~~Any improvement to a structure that is considered "new construction."~~

- 1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- 2) Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure."

### **Variance**

~~means~~ A grant of relief from the standards of these regulations consistent with the variance conditions herein.

### **Violation**

~~means~~ The failure of a structure or other development to be fully compliant with these regulations.

## **SECTION 1337.03: ADMINISTRATION**

### **(a) Designation of the Floodplain Administrator**

The ~~Chief Building Official~~ **Community Development Director and/or their designees** is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

### **(b) Duties and Responsibilities of the Floodplain Administrator**

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- 1) Evaluate applications for permits to develop in special flood hazard areas.
- 2) Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
- 3) Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.
- 4) Inspect buildings and lands to determine whether any violations of these regulations have been committed.
- 5) Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, floodproofing certificates, variances, and records of enforcement actions taken for violations of these regulations.
- 6) Enforce the provisions of these regulations.
- 7) Provide information, testimony, or other evidence as needed during variance hearings.
- 8) Coordinate map maintenance activities and FEMA follow-up.
- 9) Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

(c) **Floodplain Development Permits**

It shall be unlawful for any person to begin construction or other development activity including but not limited to filling, grading, construction, alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 1.6, until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

(d) **Application Required**

An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:

- 1) Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- 2) Elevation of the existing, natural ground where structures are proposed.
- 3) Elevation of the lowest floor, including basement, of all proposed structures.
- 4) Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.
- 5) Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:
  - A. Floodproofing certification for non-residential floodproofed structure as required in Section 1337.04(e).
  - B. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section ~~1337~~ 1337.04(d)(5) are designed to automatically equalize hydrostatic flood forces.
  - C. Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section ~~1337~~ 1337.04(i)(3).
  - D. A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency

Management Agency has provided base flood elevations but no floodway as required by Section ~~1337~~ 1337.04(i)(2).

- E. A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 1337.04(i)(1).
- F. Generation of base flood elevation(s) for subdivision and other new developments as required by Section 1337.04(c).

(e) **Review and Approval of a Floodplain Development Permit Application**

1) Review

- A. After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in Section 1337.03(d) has been received by the Floodplain Administrator.
- B. The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those Federal, State or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.

2) Approval

Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If the Floodplain Administrator is satisfied that the development proposed in the floodplain development application conforms to the requirements of this ordinance, the Floodplain Administrator shall issue the permit. All floodplain development permits shall be conditional upon the commencement of work within 180 days. A floodplain development permit shall expire 180 days after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.

(f) **Inspections**

The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.

(g) **Post-Construction Certifications Required**

The following as-built certifications are required after a floodplain development permit has been issued:

- 1) For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a *Federal Emergency Management Agency Elevation Certificate* completed by a registered professional surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood

elevation, the elevation certificate may be completed by the property owner or owner's representative.

- 2) For all development activities subject to the standards of Section 1337.03(j)(1), a Letter of Map Revision.
- 3) For new or substantially improved nonresidential structures that have been floodproofed in lieu of elevation, where allowed, the applicant shall supply a completed *Floodproofing Certificate for Non-Residential Structures* completed by a registered professional engineer or architect together with associated documentation.

**(h) Revoking a Floodplain Development Permit**

A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Appeals Board in accordance with Section 1337.05 of these regulations.

**(i) Exemption from Filing a Development Permit**

1) An application for a floodplain development permit shall not be required for maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than ~~five thousand dollars (\$5,000)~~ two thousand five hundred dollars (\$2,500).

~~1. Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 3701.~~

~~2. Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.~~

~~3. Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.~~

~~4. Development activities undertaken by a Federal agency and which are subject to Federal Executive Order 11988 B Floodplain Management.~~

2) State and Federal Development

A. Development that is funded, financed, undertaken, or preempted by State agencies shall comply with minimum NFIP criteria.

B. Before awarding funding or financing or granting a license, permit, or other authorization for a development that is or is to be located within a 100-year floodplain, a State agency shall require the applicant to demonstrate to the satisfaction of the agency that the development will comply with minimum NFIP criteria and any applicable local floodplain management resolution or ordinance as required by Ohio Revised Code Section 1521.13. This includes, but is not limited to:

1. Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Commerce and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 4781-12.

2. Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.

3. Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.
4. Development activities undertaken by a Federal agency and which are subject to:
  - i. Federal Executive Order 11988 – Floodplain Management.
  - ii. Each Federal agency has a responsibility to evaluate the potential effects of any actions it may take in a floodplain; to ensure that its planning programs and budget request reflect consideration of flood hazards and floodplain management; and to prescribe procedures to implement the policies and requirements of EO 11988.

Any proposed action exempt from filing for a floodplain development permit is also exempt from the standards of these regulations.

**(j) Map Maintenance Activities**

To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the City of Kent’s flood maps, studies and other data identified in Section 1337.01(f) accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

1) Requirement to Submit New Technical Data

- A. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:
  1. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
  2. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
  3. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
  4. Subdivision or other new development proposals requiring the establishment of base flood elevations in accordance with Section 1337.04(c).
- B. It is the responsibility of the applicant to have technical data, required in accordance with Section 1337.03(j)(1), prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
- C. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
  1. Proposed floodway encroachments that increase the base flood elevation; and
  2. Proposed development which increases the base flood elevation by more than one foot (1ft) in riverine areas where FEMA has provided base flood elevations but no floodway.

D. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 1337.03(j)(1)A.

2) Right to Submit New Technical Data

The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the ~~Mayor~~ City Manager of the City of Kent and may be submitted at any time.

3) Annexation / Detachment

Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Kent have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the City of Kent's Flood Insurance Rate Map accurately represent the City of Kent boundaries, include within such notification a copy of a map of the City of Kent suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Kent has assumed or relinquished floodplain management regulatory authority.

(k) Data Use and Flood Map Interpretation

The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:

- 1) In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a Federal, State, or other source.
- 2) Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.
- 3) The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1337.05, Appeals and Variances.
- 4) Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this ordinance applicable to the most restrictive flood zone and the highest base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.

**(l) ~~When Use of Preliminary Flood Insurance Rate Map and/or Flood Insurance Study Data have been provided by FEMA~~**

1) Zone A:

- A. Within Zone A areas designated on an effective FIRM, data from the preliminary FIRM and/or FIS shall be reasonably utilized as best available data.
- B. When all appeals have been resolved and a notice of final flood elevation determination has been provided in a Letter of Final Determination (LFD), BFE and floodway data from the preliminary FIRM and/or FIS shall be used for regulating development.

2) Zones AE, A1-30, AH, and AO:

- A. BFE and floodway data from a preliminary FIS or FIRM restudy are not required to be used in lieu of BFE and floodway data contained in an existing effective FIS and FIRM. However,
  - 1. Where BFEs increase in a restudied area, communities have the responsibility to ensure that new or substantially improved structures are protected. Communities are encouraged to reasonably utilize preliminary FIS or FIRM data in instances where BFEs increase and floodways are revised to ensure that the health, safety, and property of their citizens are protected.
  - 2. Where BFEs decrease, preliminary FIS or FIRM data should not be used to regulate floodplain development until the LFD has been issued or until all appeals have been resolved.
- B. If a preliminary FIRM or FIS has designated floodways where none had previously existed, communities should reasonably utilize this data in lieu of applying the encroachment performance standard of Section 4.9(B) since the data in the draft or preliminary FIS represents the best data available.

3) Zones B, C, and X:

Use of BFE and floodway data from a preliminary FIRM or FIS are not required for areas designated as Zone B, C, or X on the effective FIRM which are being revised to Zone AE, A1-30, AH, or AO. Communities are encouraged to reasonably utilize preliminary FIS or FIRM data to ensure that the health, safety, and property of their citizens are protected.

~~A. Upon the issuance of a Letter of Final Determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering these regulations.~~

~~B. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and/or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.~~

~~(4) The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person~~

~~contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1337.05, Appeals and Variances.~~

~~—(5) Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, etc.) shall prevail.~~

**(m) Substantial Damage Determinations**

Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, *etc.* After such a damage event, the Floodplain Administrator shall:

- A. Determine whether damaged structures are located in special flood hazard areas;
- B. Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and
- C. ~~Make reasonable attempt to notify~~ **Require** owners of substantially damaged structures ~~of the need~~ to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.

Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other Federal, State, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims.

**SECTION 1337.04: USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION**

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 1337.01(f), 1337.03(k)(1), **1337.03(l)**:

**(a) Use Regulations**

1) Permitted Uses:

All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by the City of Kent are allowed provided they meet the provisions of these regulations.

2) Prohibited Uses:

A. Private water supply systems in all special flood hazard areas identified by FEMA, permitted under Section 3701 of the Ohio Revised Code.

B. Infectious waste treatment facilities in all special flood hazard areas, permitted under Section 3734 of the Ohio Revised Code.

**(b) Water and Wastewater Systems**

The following standards apply to all water supply, sanitary sewerage and waste disposal systems ~~not otherwise regulated~~ in the absence of any more restrictive standard provided under the Ohio Revised Code or applicable State rules:

- 1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;
- 2) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
- 3) On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.

(c) **Subdivisions and Other New Developments** ~~Large Developments (50 lots or 5 acres,--  
whichever is less)~~

- 1) All subdivision proposals **and all other proposed new development** shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;
- 2) All subdivision proposals **and all other proposed new development** shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
- 3) All subdivision proposals **and all other proposed new development** shall have adequate drainage provided to reduce exposure to flood damage; and
- 4) In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.
- 5) The applicant shall meet the requirement to submit technical data to FEMA in Section 1337.03(j)(1)A.4. when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 1337.04(c)(4).

(d) **Residential Structures**

The requirements of this Section apply to new construction of residential structures and to substantial improvements of residential structures in zones A, A1-30, AE, AO, and AH, when designated on the community's effective FIRM, and when designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in Section 1337.03(l).

- 1) New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring (Section 1337.04(d)(1)) and construction materials resistant to flood damage (Section 1337.04(d)(2)) are satisfied.
- 2) New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.
- 3) New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service

- facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- 4) New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation. Where flood protection elevation data are not available the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.
  - 5) New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings to allow the automatic equalization of hydrostatic pressure may have an enclosure below the lowest floor provided the enclosure meets the following standards:
    - A. Be used only for the parking of vehicles, building access, or storage; and
    - B. be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
    - C. have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
  - 6) Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
  - 7) Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of Section 1337.04(d).
  - 8) In AO Zones, new construction and substantial improvement shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

(e) **Nonresidential Structures**

The requirements of this Section apply to new construction and to substantial improvements of nonresidential structures in Zones A, A1-30, AE, AO, and AH, when designated on the community's effective FIRM, and when designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in Section 1337.03(1).

- 1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 1337.04(d)(1)-(3) and (5)-(8).
- 2) New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement,

elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:

- A. Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;
  - B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
  - C. Be certified by a registered professional engineer or architect, through the use of a *Federal Emergency Management Agency Floodproofing Certificate*, that the design and methods of construction are in accordance with Section 4.5(B)(1) and (2).
- 3) Where flood protection elevation data are not available the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.

**(f) Accessory Structures**

Structures that are 600 square feet or less which are used for parking and storage only are exempt from elevation or dry floodproofing standards within zones A, A1-30, AE, AO, and AH designated on the community's FIRM. ~~Relief to the elevation of dry floodproofing standards may be granted for accessory structures containing no more than 600 square feet.~~

Such structures must meet the following standards:

- 1) They shall not be used for human habitation;
- 2) They shall be constructed of flood resistant materials;
- 3) They shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
- 4) They shall be firmly anchored to prevent flotation;
- 5) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
- 6) They shall meet the opening requirements of Section 1337.04(d)(5)C;

**(g) Recreational Vehicles**

Recreational vehicles on sites within zones A, A1-A30, AE, AO, or AH must meet at least one of the following standards:

- 1) They shall not be located on sites in special flood hazard areas for more than 180 days, or
- 2) They must be fully licensed and ready for highway use, or
- 3) They must be placed on the site pursuant to a floodplain development permit issued under Sections 1337.03(c) and 1337.03(d) and must meet all standards of Section 1337.04(d).

**(h) Above Ground Gas or Liquid Storage Tanks**

- A. Within zone A, A1-A30, AE, AO, or AH, new or substantially improved above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.

(i) **Assurance of Flood Carrying Capacity**

Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:

1) **Development in Floodways**

- A. In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or
- B. Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:
  - 1. Meet the requirements to submit technical data in Section 1337.03(j)(1);
  - 2. An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
  - 3. Certification that no structures are located in areas that would be impacted by the increased base flood elevation;
  - 4. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
  - 5. Concurrence of the City Manager of the City of Kent and the Chief Executive Officer of any other communities impacted by the proposed actions.

2) **Development in Riverine Areas with Base Flood Elevations but No Floodways**

- A. In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than 1.0 (one) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,
- B. Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:
  - 1. An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible;
  - 2. Section 1337.04(i)(1)B., items 1. and 3.-5.

3) **Alterations of a Watercourse**

For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the “bankfull stage.” The field determination of “bankfull stage” shall be based on methods presented in Chapter 7 of the *USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique* or other applicable publication available from a Federal, State, or other authoritative

source. For all proposed developments that alter a watercourse, the following standards apply:

- A. The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.
- B. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.
- C. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with the City of Kent specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.
- D. The applicant shall meet the requirements to submit technical data in Section 1337.03(j)(1)A.3 when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

## **SECTION 1337.05: APPEALS AND VARIANCES**

### **(a) Appeals Board Established**

- 1) The City of Kent's Board of Building Appeals is hereby appointed to serve as the Appeals Board for these regulations as established by Chapter 1309 of the Kent Codified Ordinances.
- 2) Records of the Appeals Board shall be kept and filed in the Service Administration Complex located at 930 Overholt Road, Kent, Ohio 44240.

### **(b) Powers and Duties**

- 1) The Appeals Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of these regulations.
- 2) Authorize variances in accordance with Section 1337.05(d) of these regulations.

### **(c) Appeals**

Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board provided that such person shall file, within **sixty (60) days** ~~30-days~~ of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the Appeals Board.

Upon receipt of the notice of appeal, the Appeals Board shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted.

**(d) Variances**

Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Appeals Board shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

1) Application for a Variance

- A. Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the variance shall transmit it to the Appeals Board.
- B. Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request.

2) Notice for Public Hearing

The Appeals Board shall schedule and hold a public hearing within thirty (30) days after the receipt of an application for a variance from the Floodplain Administrator. Prior to the hearing, a notice will be posted on the bulletin board located at City Hall, 319 S. Water Street, Kent.

3) Public Hearing

At such hearing, the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:

- A. The danger that materials may be swept onto other lands to the injury of others.
- B. The danger to life and property due to flooding or erosion damage.
- C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- D. The importance of the services provided by the proposed facility to the community.
- E. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
- F. The necessity to the facility of a waterfront location, where applicable.
- G. The compatibility of the proposed use with existing and anticipated development.
- H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
- I. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- J. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.

- K. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

4) Variances shall only be issued upon:

- A. A showing of good and sufficient cause.
- B. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
- C. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
- D. A determination that the structure or other development is protected by methods to minimize flood damages.
- E. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Upon consideration of the above factors and the purposes of these regulations, the Appeals Board may attach such conditions to the granting of variances, as it deems necessary to further the purposes of these regulations.

5) Other Conditions for Variances

- A. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- B. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section 1337.05(d)(2)A. to K. have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- C. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(e) Procedure at Hearings

- 1) All testimony shall be given under oath.
- 2) A complete record of the proceedings shall be kept, except confidential deliberations of the Board, but including all documents presented and a verbatim record of the testimony of all witnesses.
- 3) The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.
- 4) The administrator may present evidence or testimony in opposition to the appeal or variance.
- 5) All witnesses shall be subject to cross-examination by the adverse party or their counsel.

- 6) Evidence that is not admitted may be proffered and shall become part of the record for appeal.
- 7) The Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.
- 8) The Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter issued in writing or the decision may be issued in writing within a reasonable time after the hearing.

**(f) Appeal to the Court**

Those aggrieved by the decision of the Appeals Board may appeal such decision to the Portage County Court of Common Pleas, pursuant to Ohio Rev. Code Chapter 2506. ~~As provided in Chapter 2506 of the Ohio Revised Code.~~

**SECTION 1337.06: ENFORCEMENT AND PENALTY**

**(a) Compliance Required**

- 1) No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in Section 1337.03(i).
- 2) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 1337.06(c).
- 3) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Section 1337.06(c).

**(b) Notice of Violation**

Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, they shall give notice of such violation to the person responsible therefore and order compliance with these regulations as hereinafter provided. Such notice and order shall:

- 1) Be put in writing on an appropriate form;
- 2) Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial action, which, if taken, will effect compliance with the provisions of these regulations;
- 3) Specify a reasonable time for performance;
- 4) Advise the owner, operator, or occupant of the right to appeal;
- 5) Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

(c) **Violations and Penalties**

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.

**SECTION 1337.07: ADOPTION**

This Ordinance shall take effect from and after the earliest period allowed by law and replaces Ordinance Number Ordinance no. 2009-60, codified as Chapter 1337 Flood Damage Control of the City's Building Code, which is hereby repealed.

**ORDINANCE NO. 2026 - 24**

**AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCEPT THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2026 COMMUNITY EVENT SPONSORSHIP PROGRAM AWARD IN THE AMOUNT OF \$2,000.00, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Kent, Ohio is a member of the Northeast Ohio Public Energy Council (“NOPEC”) and is eligible for a NOPEC 2026 Community Event Sponsorship Award in the amount of \$2,000.00; and

**WHEREAS**, the City would like to use the funds for the Kent Area Chamber of Commerce Heritage Festival held in July.

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

**SECTION 1.** That Kent City Council hereby authorizes the City Manager, or his designee, to accept the NOPEC 2026 Community Event Sponsorship Program Award in the amount of \$2,000.00.

**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

\_\_\_\_\_  
Jack Armhein  
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

**ORDINANCE NO. 2026-25**

**AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACCEPT THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) ENERGIZED COMMUNITY GRANT AWARD IN THE AMOUNT OF \$49,965.00, PLACING IT IN ESCROW WITH NOPEC AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Kent, Ohio is a member of the Northeast Ohio Public Energy Council (“NOPEC”) and has been awarded a NOPEC Energized Community Grant Award in the amount of \$49,965.00; and

**WHEREAS**, the City would like to place the funds in escrow until such time as an energy efficiency project meets the criteria of the grant and the money can be used.

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

**SECTION 1.** That Kent City Council hereby authorizes the City Manager, or his designee, to accept the NOPEC Energized Community Grant Award in the amount of \$49,965.00 and placing it in escrow with NOPEC.

**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

\_\_\_\_\_  
Jack Armhein  
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

ORDINANCE NO. 2026 - 26

AN ORDINANCE AMENDING ORDINANCE NO. 2025-111, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 17, 2025; 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, 2026; 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, 2026.

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

**SECTION 1.** That the current appropriations Ordinance No. 2025-111 passed December 17, 2025, as amended by Ordinance No. 2026-12, passed 2/18/26, be amended as set forth in Exhibit "A", attached hereto and incorporated herein, so as to increase appropriations in Fund 106, Parks & Recreation; Fund 120, Revolving Housing; Fund 128, Fire & EMS; Fund 134, UDAG/EDA FLF; Fund 202, Sewer; Fund 205, Solid Wast; 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

\_\_\_\_\_  
Jack Armhein  
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

2026 ORIGINAL APPROPRIATIONS

<u>Fund - Department/Division</u>	<u>Personnel &amp; Benefits</u>	<u>Other than Personnel &amp; Benefits</u>	<u>Capital</u>	<u>Reserve/ Debt Service</u>	<u>Contingency</u>	<u>Fund &amp; Department Total</u>
<b><u>General Fund (001)</u></b>						
City Council	\$ 241,770	\$ 138,980	\$ -	\$ -	\$ -	\$ 380,750
Mayor	13,755	12,000				25,755
Community Support		122,000				122,000
City Manager	421,255	103,355				524,610
Community Engagement	124,250	44,100				168,350
Information Technology	325,930	685,210				1,011,140
Urban Renewal		35,500	220,000			255,500
Human Resources	146,100	35,985				182,085
Law	402,220	147,145				549,365
Budget & Finance	543,410	201,875				745,285
Community Development	829,550	356,455				1,186,005
Economic Development	151,325	43,275				194,600
Public Parking		90,600				90,600
Main Street Program		75,600				75,600
Service Administration	179,510	387,975				567,485
Shade Tree		168,675	20,000			188,675
Sustainability	115,280	3,400				118,680
Building	464,550	99,900				564,450
Land banking		5,000				5,000
Engineering	338,150	122,800				460,950
Miscellaneous & Sundry		542,100				542,100
Contingency					100,000	100,000
Fund Total	<u>4,297,055</u>	<u>3,421,930</u>	<u>240,000</u>	<u>-</u>	<u>100,000</u>	<u>8,058,985</u>
<b><u>West Side Fire (101)</u></b>						
Fire	<u>179,850</u>	<u>38,800</u>				<u>218,650</u>
Fund Total	<u>179,850</u>	<u>38,800</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>218,650</u>
<b><u>Street Construction Maintenance &amp; Repair (102)</u></b>						
Service	1,604,380	1,379,920				2,984,300
Contingency					25,000	25,000
Fund Total	<u>1,604,380</u>	<u>1,379,920</u>	<u>-</u>	<u>-</u>	<u>25,000</u>	<u>3,009,300</u>
<b><u>State Highway (103)</u></b>						
Service		125,000				125,000
Fund Total	<u>-</u>	<u>125,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>125,000</u>
<b><u>Recreation (106)</u></b>						
Parks & Recreation	<u>1,626,145</u>	<u>634,010</u>	<u>120,100</u>			<u>2,380,255</u>
Fund Total	<u>1,626,145</u>	<u>634,010</u>	<u>120,100</u>	<u>-</u>	<u>-</u>	<u>2,380,255</u>
<b><u>Food Service (107)</u></b>						
Health	<u>105,145</u>	<u>26,740</u>				<u>131,885</u>
Fund Total	<u>105,145</u>	<u>26,740</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>131,885</u>
<b><u>Health Department (110)</u></b>						
Administration	590,030	196,680				786,710
Workforce Grant	97,945	3,250				101,195
Other Grants	0	115,055				115,055
Fund Total	<u>687,975</u>	<u>314,985</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>1,002,960</u>

2026 ORIGINAL APPROPRIATIONS

<u>Fund - Department/Division</u>	<u>Personnel &amp; Benefits</u>	<u>Other than Personnel &amp; Benefits</u>	<u>Capital</u>	<u>Reserve/ Debt Service</u>	<u>Contingency</u>	<u>Fund &amp; Department Total</u>
<b><u>Income Tax (116)</u></b>						
Budget/Finance/IncTaxAdmin	152,820	687,400				840,220
Managed Reserve				25,540		25,540
Fund Total	152,820	687,400	-	25,540	-	865,760
<b><u>Revolving Housing (120)</u></b>						
Health	163,610	23,670				187,280
Fund Total	163,610	23,670	-	-	-	187,280
<b><u>State &amp; Local Forfeits (121)</u></b>						
Police						-
Fund Total	-	-	-	-	-	-
<b><u>Drug Law Enforcement (122)</u></b>						
Police		20,000				20,000
Fund Total	-	20,000	-	-	-	20,000
<b><u>Enforcement &amp; Education (123)</u></b>						
Police		11,000				11,000
Fund Total	-	11,000	-	-	-	11,000
<b><u>Income Tax Safety (124)</u></b>						
Police	9,492,915	955,420				10,448,335
Fund Total	9,492,915	955,420	-	-	-	10,448,335
<b><u>Law Enforcement Trust (125)</u></b>						
Police						-
Fund Total	-	-	-	-	-	-
<b><u>Community Development Block Grant (126)</u></b>						
Community Development		155,155	159,857			315,012
Fund Total	-	155,155	159,857	-	-	315,012
<b><u>Fire &amp; E.M.S. (128)</u></b>						
Fire	6,624,890	960,025	3,260,550			10,845,465
Fund Total	6,624,890	960,025	3,260,550	-	-	10,845,465
<b><u>Wireless 911 (129)</u></b>						
Safety						-
Fund Total	-	-	-	-	-	-
<b><u>Swimming Pool Inspections (130)</u></b>						
Health	8,410	500				8,910
Fund Total	8,410	500	-	-	-	8,910
<b><u>Police Pension (132)</u></b>						
Police	180,000					180,000
Fund Total	180,000	-	-	-	-	180,000
<b><u>Fire Pension (133)</u></b>						
Fire	180,000					180,000
Fund Total	180,000	-	-	-	-	180,000

2026 ORIGINAL APPROPRIATIONS

<u>Fund - Department/Division</u>	<u>Personnel &amp; Benefits</u>	<u>Other than Personnel &amp; Benefits</u>	<u>Capital</u>	<u>Reserve/ Debt Service</u>	<u>Contingency</u>	<u>Fund &amp; Department Total</u>
<b>UDAG / EDA-RLF (134)</b>						
City Manager/C.D.		570,000				570,000
Fund Total	-	570,000	-	-	-	570,000
<b>CHIP Grant (136)</b>						
City Manager/C.D.		160,000				160,000
Fund Total	-	160,000	-	-	-	160,000
<b>Local American Rescue Plan Act (138)</b>						
ARPA						0
Fund Total	-	-	-	-	-	0
<b>Water (201)</b>						
Service	2,216,890	1,454,530	934,955			4,606,375
Service (Capital Facilities)			523,050			523,050
Admin. Support	544,240	198,955	40,500			783,695
Budget & Finance (Debt)				41,799		41,799
Contingency					50,000	50,000
Fund Total	2,761,130	1,653,485	1,498,505	41,799	50,000	6,004,919
<b>Sewer (202)</b>						
Service	1,970,665	1,069,750	10,730,250			13,770,665
Service (Capital Facilities)			3,435,760			3,435,760
Admin. Support	459,540	168,155	39,950			667,645
Budget & Finance (Debt)				106,430		106,430
Contingency					50,000	50,000
Fund Total	2,430,205	1,237,905	14,205,960	106,430	50,000	18,030,500
<b>Utility Billing (204)</b>						
Budget & Finance		149,440				149,440
Fund Total	-	149,440	-	-	-	149,440
<b>Solid Waste (205)</b>						
Admin Support	50,110	176,910				227,020
Service	462,880	40,500				503,380
Fund Total	512,990	217,410	-	-	-	730,400
<b>Storm Water Utility (208)</b>						
Service	462,880	65,850	74,250			602,980
Service (Capital Facilities)			750,000			750,000
Admin. Support	378,420	88,670	1,650			468,740
Budget & Finance (Debt)				13,347		13,347
Fund Total	841,300	154,520	825,900	13,347	-	1,835,067

2026 ORIGINAL APPROPRIATIONS

<u>Fund - Department/Division</u>	<u>Personnel &amp; Benefits</u>	<u>Other than Personnel &amp; Benefits</u>	<u>Capital</u>	<u>Reserve/ Debt Service</u>	<u>Contingency</u>	<u>Fund &amp; Department Total</u>
<b>Guaranteed Deposits (230)</b>						
Budget & Finance		1,000				1,000
Fund Total	-	1,000	-	-	-	1,000
<b>Capital Projects (301)</b>						
Safety			216,000			216,000
Service			890,750			890,750
Service (Capital Facilities)			25,395,856			25,395,856
Administrative	338,150		502,900			841,050
Parks & Recreation			10,000			10,000
Budget & Finance (Debt)				63,265		63,265
New City Hall (Debt)				456,920		456,920
Contingency					25,000	25,000
Fund Total	338,150	-	27,015,506	520,185	25,000	27,898,841
<b>Municipal Public Improvement Tax Increment Equivalent (302)</b>						
Service (Capital Facilities)						-
Budget & Finance (Debt)				414,025		414,025
Fund Total	-	-	-	414,025	-	414,025
<b>Police Facility (303)</b>						
Safety (Capital Facilities)		66,000				66,000
Budget & Finance (Debt)				1,029,150		1,029,150
Fund Total	-	66,000	-	1,029,150	-	1,095,150
<b>Internal Service (807)</b>						
Health Insurance		4,553,410				4,553,410
Fund Total	-	4,553,410	-	-	-	4,553,410
<b>Total Appropriations</b>	<b>\$ 32,186,970</b>	<b>\$ 17,517,725</b>	<b>\$ 47,326,378</b>	<b>\$ 2,150,476</b>	<b>\$ 250,000</b>	<b>\$ 99,431,549</b>
Original Appropriations	\$ 31,410,370	\$ 16,554,240	\$ 20,605,557	\$ 2,142,976	\$ 250,000	\$ 70,963,143
Amendment #1	589,600	455,085	26,541,371	-	-	27,586,056
Amendment #2	187,000	508,400	179,450	7,500	-	882,350
Amendment #3						-
Amendment #4						-
Amendment #5						-
Amendment #6						-
Amendment #7						-
Amendment #8						-
	<b>\$ 32,186,970</b>	<b>\$ 17,517,725</b>	<b>\$ 47,326,378</b>	<b>\$ 2,150,476</b>	<b>\$ 250,000</b>	<b>\$ 99,431,549</b>

## 2026 ORIGINAL APPROPRIATIONS - SCHEDULE OF OPERATING TRANSFERS AND TEMPORARY ADVANCES

<u>Paying Fund</u>	<u>Original</u>	<u>Request</u>	<u>Change</u>	<u>Receiving Fund</u>
<b><u>Operating Transfers</u></b>				
Fund 116 - Income Tax	\$ 4,336,500			Fund 001 - General
Fund 116 - Income Tax	800,000			Fund 102 - St Const Maint & Repair
Fund 116 - Income Tax	4,654,138			Fund 124 - Income Tax Safety
Fund 116 - Income Tax	4,654,138			Fund 128 - Fire & E.M.S.
Fund 116 - Income Tax	4,034,138			Fund 301 - Capital Projects
Fund 116 - Income Tax	2,327,070			Fund 303 - Police Facility
Total Fund 116 Income Tax	20,805,984	-	-	
Fund 201 - Water	59,720	\$ 74,720	\$ 15,000	Fund 204 - Utility Billing
Fund 202 - Sewer	59,720	74,720	15,000	Fund 204 - Utility Billing
Fund 001 - General	700,000			Fund 110 - Health
Fund 001 - General	5,700,000			Fund 124 - Income Tax Safety
Fund 001 - General	4,400,000			Fund 128 - Fire & EMS
Subtotal - Total Operating Transfers	10,919,440	149,440	30,000	
Grand Total - All Transfers	\$ 31,725,424	\$ 149,440	\$ 30,000	

**ORDINANCE NO. 2026 - 27**

**AN ORDINANCE AMENDING SECTION 353.02 "PARKING REGULATION AUTHORIZATION" OF THE CODIFIED ORDINANCES OF THE CITY OF KENT TO CHANGE THE LANGUAGE ON NATHAN DRIVE AND PHILLIP DRIVE AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Kent wishes to modify Section 353.02 "Parking Regulation Authorization" of the Codified Ordinances to change the language on Nathan Drive and Phillip Drive because of improperly placed "NO PARKING" signs; and

**WHEREAS**, the existing ordinance prohibits parking on the south side of these streets and should be changed to the north side of the streets; and

**WHEREAS**, the Traffic Engineering and Safety (TE&S) Committee reviewed this matter and has no objections to the requested change.

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

**SECTION 1.** That Kent City Council does hereby amend Section 353.02 of the Codified Ordinances of the City of Kent titled "Parking Regulation Authorization" to change the parking conditions per the Exhibit "A" attached hereto and incorporated herein.

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

**SECTION 3.** 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

\_\_\_\_\_  
Jack Armhein  
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"

**ADRIAN AVE.** NO PARKING EAST SIDE; NO PARKING WEST SIDE BETWEEN FAIRCHILD AVE. AND COTTAGE GATE DR.

(Ord. 2016-38. Passed 4-20-16.)

This street is marked correctly as per code but could use more signs and better placement.

**BRUCE DR** NO PARKING ON SOUTH/WEST SIDES.

(Ord. 2005-126. Passed 10-19-05.)

This street is marked correctly as per code.

**COTTAGE GATE** NO PARKING ON NORTH/EAST SIDE; PARKING PERMITTED IN DESIGNATED SPACES IN CUL-DE-SAC AREAS.

(Ord. 2005-126. Passed 10-19-05.)

This street is marked correctly as per code. However, there are 2 NO parking signs in weird places, we believe at the request of the development.

One location:

is on the cul-de-sac in the area where there is no parking spaces located. This sign here to deter people from parking on the inside of the cul-de-sac.

Second Location:

is located where the pull off for mail delivery is located. Without the sign I believe people would park in this pull off.

**NATHAN DR.** NO PARKING SOUTH SIDE. (Ord. 2006-101. Passed 08-23-06.)

This parking designation must be changed to NO PARKING NORTH SIDE. The hydrants are located on the north side.

**NICHOLAS DR** NO PARKING NORTH SIDE, NO PARKING RESTRICTIONS SOUTH SIDE AND CUL-DE-SAC

This street is marked correctly as per code.

**PHILLIP DR.** NO PARKING SOUTH SIDE. (ORD. 2006-101. PASSED 08-23-06)

This parking designation must be changed to NO PARKING NORTH SIDE. The hydrants are located on the north side.

We respectfully request that Council allow for the language to be changed as follows for the following code section and streets with the emergency clause:

**353.02 PARKING REGULATION AUTHORIZATION.**

The following regulations and restrictions are hereby authorized for enforcement on the described streets, alleys, rights-of-way, and through-ways within the City.

**NATHAN DR. NO PARKING SOUTH SIDE. (~~Ord. 2006-101. Passed 08-23-06.~~) NORTH SIDE.**

**PHILLIP DR. NO PARKING SOUTH SIDE. (~~ORD. 2006-101. PASSED 08-23-06~~) NORTH SIDE.**

DRAFT

**ORDINANCE NO. 2026 - 28**

**AN ORDINANCE AMENDING ORDINANCE NO. 2025-128 THE POSITION ALLOCATION AND THE GENERAL COMPENSATION PLAN AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City has changes to the Position Allocation and General Compensation Plan as follows:

- a) Remove position of Development Engineer;
- b) Add position of Development Coordinator at Pay Classification V, Professional;
- c) Add position of a full-time Program and Behavior Support Coordinator to the Parks & Recreation Staff at Pay Classification VII, Professional.

**WHEREAS**, time is of the essence to make these updates to the Position Allocation and the General Compensation Plan.

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

**SECTION 1.** That Council does hereby approve an amendment to the 2025 Position Allocation Ordinance, 2025-128, passed December 17, 2025, to update the Position Allocation and the General Compensation Plan, as set forth in Exhibit A, attached hereto and incorporated herein.

**SECTION 2.** That all existing ordinances which are in conflict with the provisions of this ordinance are hereby REPEALED.

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

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

PASSED: \_\_\_\_\_  
Date

\_\_\_\_\_  
Jack Amrhein  
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

DRAFT

CITY OF KENT ALLOCATION OF POSITION LIST

March 2026

DEPARTMENT/Division	Max. No. Auth.	Title	Time Status	Civil Service Status
<b>COUNCIL</b>				
Council	1	Clerk of Council	Full-time	Unclassified
<b>CITY MANAGER</b>				
City Manager	1	City Manager/Safety Director	Full-time	Unclassified Management
	1	Assistant to the City Manager	Full-time	Unclassified
	1	Community Engagement Coord.	Full-time	Unclassified
<b>HUMAN RESOURCES</b>				
Human Resources	1	Human Resources Director	Full-time	Unclassified Management
<b>IT &amp; COMMUNICATIONS</b>				
IT & Communications	1	IT & Communications Director	Full-time	Unclassified Management
	1	Senior IT Technician	Full-time	Unclassified
	1	IT Technician	Full-time	Unclassified
<b>LAW</b>				
Law	1	Director	Full-time	Unclassified Management
	1	Assistant Director	Part-time	Unclassified
	1	Asst. Director/Prosecutor	Part-time	Unclassified
	1	Legal Assistant to Law & HR	Full-time	Unclassified
<b>BUDGET &amp; FINANCE</b>				
General Accounting	1	Director	Full-time	Unclassified Management
	1	Controller	Full-time	Unclassified Management
	1	Collections Coordinator	Full-time	Unclassified
	1	Payroll Administrator	Full-time	Unclassified
	3	Account Clerk	Full-time	Classified
	1	Utility Billing Clerk	Full-time	Classified
Income Tax	1	Tax Auditor	Full-time	Classified
<b>SERVICE</b>				
Administration	1	Director	Full-time	Unclassified Management
	1	Administrative Assistant	Full-time	Unclassified
	1	GIS Technician	Full-time	Classified
Engineering	1	Deputy Service Director/ Superintendent of Engineering	Full-time	Unclassified Management
	3	Senior Engineer	Full-time	Classified

CITY OF KENT ALLOCATION OF POSITION LIST

March 2026

DEPARTMENT/Division	Max. No. Auth.	Title	Time Status	Civil Service Status
	2	Engineering Technician	Full-time	Classified
	2	Engineering Aide	Full-time	Classified
	1	Construction Clerk	Full-time	Classified
Central Maintenance	1	Utilities Manager	Full-time	Unclassified Management
	1	Facilities Manager	Full-time	Unclassified Management
	3	Chief Operator	Full-time	Classified
	5	Repair Operator	Full-time	Classified
	7	Service Worker	Full-time	Classified
	1	Service Technician/Gardener	Full-time	Classified
	6	Laborer	Full-time	Classified
	1	Account Clerk	Full-time	Classified
	1	Equipment Technician	Full-time	Classified
Vehicle Maintenance	1	Master Mechanic	Full-time	Classified
	3	Mechanic	Full-time	Classified
Utilities	1	Water Treatment Plant Manager	Full-time	Classified Management
	1	Water Treatment Plant Chief Operator	Full-time	Classified
	1	Water Treatment Plant Lab Technician	Full-time	Classified
	1	Water Treatment Plant Mechanic	Full-time	Classified
	6	Water Treatment Plant Operator	Full-time	Classified
	1	Water Reclamation Plant Mgr.	Full-time	Classified Management
	1	Chemist	Full-time	Unclassified
	1	Water Reclamation Lab Technician	Full-time	Classified
	1	Environmental Technician	Full-time	Classified
	1	Water Reclamation Plant Mechanic	Full-time	Classified
	7	Water Reclamation Plant Operator	Full-time	Classified
	1	Water Rec. Plant Chief Operator	Full-time	Classified

PARKS & RECREATION

Parks & Recreation	1	Director	Full-time	Unclassified Management
	1	Parks Supervisor	Full-time	Unclassified Management
	1	Marketing & Special Events Coordinator	Full-time	Unclassified
	1	Sports Activities Coordinator	Full-time	Unclassified
	1	Program & Behavior Support Coordinator	Full-time	Classified

CITY OF KENT ALLOCATION OF POSITION LIST

March 2026

DEPARTMENT/Division	Max. No. Auth.	Title	Time Status	Civil Service Status
	1	Account Clerk	Full-time	Classified
	3	Park Maintenance Laborer	Full-time	Classified
	1	Senior Parks Crew Leader	Full-time	Classified
	*	Program Instructor	Part-time	Classified
	*	Rec Center Coordinator	Part-time	Classified
	*	Senior Citizen Coordinator	Part-time	Classified
	*	Rec Center Leader	Part-time	Classified
	*	Park Maintenance Worker	Part-time	Classified
	4	Seasonal Laborer	Seasonal	Classified
KYBS	*	Sports Coordinator	Part-time	Classified
K-6 Child Care	1	Recreation Specialist	Full-time	Unclassified Management
	*	Rec Center Coordinator	Part-time	Classified
	*	Rec Center Leader	Part-time	Classified

\* All part-time Parks & Recreation, KABC, and K-6 Child Care positions not to exceed the approved allocated budget in salaries for 2026.

SAFETY

Police	1	Chief	Full-time	Classified Management
	3	Captain	Full-time	Classified Management
	5	Lieutenant	Full-time	Classified
	4	Technical Sergeant	Full-time	Classified
	31	Police Officer	Full-time	Classified
	1	Dispatch Coordinator	Full-time	Classified
	1	Juvenile Counselor	Full-time	Classified
	6	Detention Officer	Part-time	Classified
	11	Clerk/Dispatcher	Full-time	Classified
	1	Records Clerk	Full-time	Classified
	1	Records Clerk	Part-time	Classified
	2	Compliance Officer	Full-time	Classified
	1	Administrative Assistant	Full-time	Classified
	1	Secretary	Full-time	Classified
Fire	1	Chief	Full-time	Classified Management
	1 ***	Assistant Chief	Full-time	Classified Management
	3	Captain	Full-time	Classified Management
	5	Lieutenant	Full-time	Classified
	27	Firefighter	Full-time	Classified

CITY OF KENT ALLOCATION OF POSITION LIST

March 2026

DEPARTMENT/Division	Max. No. Auth.	Title	Time Status	Civil Service Status
	1	Fire Services Specialist	Full-time	Classified
	3 **	Firefighter Paid-on-Call	Part-time	Classified

\*\* 3 Positions authorized as part-time \*\*\*Position authorized but not funded

HEALTH

Health	1	Health Commissioner	Full-time	Unclassified Management
	1	Chief Sanitarian	Full-time	Classified
	1	Administrative Assistant	Full-time	Unclassified
	1	Secretary	Full-time	Classified
	2	Public Health Sanitarian	Full-time	Classified
	1	Accreditation Coordinator	Full-time	Classified

COMMUNITY DEVELOPMENT

Community Development	1	Director	Full-time	Unclassified Management
	1	Assistant Community Development Director	Full-time	Unclassified Management
	1	Administrative Assistant	Full-time	Unclassified
	1	Zoning and Grants Coordinator	Full-time	Classified
	1	Economic Development Director	Full-time	Unclassified Management
	1	Development Coordinator	Full-time	Classified
	1	Sustainability Coordinator	Full-time	Unclassified
Building	1	Building Services Supervisor	Full-time	Classified Management
	1	Construction Clerk	Full-time	Classified
	2	Code Enforcement Officer	Full-time	Classified
	8	Inspector	Part-time	Classified