

**THE CITY OF KENT, OHIO
COMMITTEE OF THE WHOLE
WEDNESDAY, September 4, 2019**

Mayor Fiala called the Committee of the Whole of Kent City Council to order at 7:00 p.m.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Mr. John Kuhar; Ms. Gwen Rosenberg; Mr. Roger Sidoti; Mr. Robin Turner.

ALSO PRESENT: Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Public Service Director; Mr. Jim Bowling, City Engineer; Fire Chief John Tosko; Mr. Dave Coffee, Budget and Finance Director; Police Chief Michelle Lee; Ms. Dawn Bishop, Interim Clerk of Council.

ABSENT: Ms. Wallach; Ms. Shaffer & Mr. Ferrara (both absent until third item number)

There were two (3) items on the Agenda.

1. Approval of Parks and Recreation Board Hiring Recommendation

MOTION TO APPROVE THE PARKS AND RECREATION BOARD HIRING RECOMMENDATION made by Ms. Rosenberg, seconded by Mr. Sidoti, and CARRIED by a voice vote of 6-0.

2. Authorization to Hire the new Clerk of Council

MOTION TO AUTHORIZE THE HIRE OF THE CLERK OF COUNCIL made by Mr. Amrhein, seconded by Mr. Kuhar, and CARRIED by a voice vote of 6-0.

3. Consideration of Proposed Retirement Funding Policy

Mr. Ruller said there are definitely different ways of doing retirement gifts through the city and now that we have a full time law director, she said it would be great to standardize that. He's worked with the Law Director and department heads and set a dollar amount towards a retirement gift for those that meet certain qualifiers, i.e. he thinks it was fifteen years here before retirement. It's not to go towards the festivities, food, etc but for the thing that the department recognizes the retiree with.

Ms. Jones said she realized after speaking to different department heads that some departments spend department funds for awards or gifts and others don't at all. This will put everyone on a level playing field if Council decides to let us implement this policy. It again will not go towards food and drinks and can't be used for cash or gift cards, has to actually be an award or gift.

Mayor Fiala asked what the dollar amount is.

Ms. Jones said \$250.

Mr. Ruller said that amount was largely driven by the fire department's retirement gift, what the helmet cost is. That became the upper limit.

MOTION TO ACCEPT THE PROPOSED RETIREMENT FUNDING POLICY made by Ms. Rosenberg, seconded by Mr. Ferrara.

Mr. Kuhar asked about an emergency clause.

Ms. Jones said she doesn't need an ordinance, just Council's authorization for personnel policy.

MOTION CARRIED by a voice vote of 8-0.

Hearing no further business before this Committee, Mr. Amrhein adjourned the meeting at 7:04 p.m.

Amy Wilkens
Clerk of Council
As transcribed by Interim Clerk D. Bishop

ACTION RECOMMENDED:

- 1) Approval of Parks & Recreation Board Hiring Recommendation.**
- 2) Authorization to Hire the New Clerk of Council.**
- 3) Approval of Proposed Retirement Funding Policy.**

DRAFT

**THE CITY OF KENT, OHIO
COMMUNITY DEVELOPMENT COMMITTEE
WEDNESDAY, SEPTEMBER 4, 2019**

Chair Kuhar called the Community Development Committee Meeting to order at 7:07 p.m. after

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Mr. John Kuhar; Ms. Gwen Rosenberg; Mr. Roger Sidoti; Mr. Robin Turner.

ALSO PRESENT: Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Public Service Director; Mr. Jim Bowling, City Engineer; Fire Chief John Tosko; Mr. Dave Coffee, Budget and Finance Director; Police Chief Michelle Lee; Ms. Dawn Bishop, Interim Clerk of Council.

ABSENT: Ms. Wallach

There was one (1) item on the Agenda.

1. Proposed Amendment to Backyard Chicken Regulations

Ms. Susel Council adopted a backyard chicken ordinance last year that regulated the placement of coops and runs in our residential zoning districts. One of the items that has come to our attention is with two residents request variances from those regulations and we don't have anything in the code to allow that. We utilize it in many other administrative activities so it was mirrored after the variance for sidewalk variances. The variance was reviewed by Community Development staff with a recommendation made to the City Manager. He either agrees or denies that variance and then that is included in communication to Council. This would mirror that process. The homeowner would be able to appeal also.

Ms. Shaffer asked if they would be able to ask the resident to bring letters from neighbors, etc when considering a variance request.

Ms. Susel said yes, there was one that abuts a tree farm with many acres. The homeowner was able to meet the side setback but wanted it farther back and because there was that acreage, she provided a letter from the homeowner saying they were fine with it. So that kind of documentation has been provided already. They also get aerial data from the Auditor's website.

Mr. Sidoti asked if there other examples where this process is in place?

Ms. Susel said the sidewalk is the most common. In front of the Planning Commission there is a parking lot proposed for Mac LLP and the frontage on the Silver Meadows side doesn't have sidewalk. Under code they would be required to install that sidewalk but because it isn't there now or continued there, it is reasonable to not. However if the city does ever install sidewalk, they would be responsible for that.

MOTION TO AUTHORIZE THE PROPOSED AMENDMENT TO THE BACKYARD CHICKEN REGULATIONS, WITH AN EMERGENCY CLAUSE made by Ms. Shaffer, seconded by Ms. Rosenberg, and CARRIED by a voice vote of 8-0

Hearing no further business, Mr. Kuhar adjourned the Community Development Committee Meeting at 7:12 PM.

Amy Wilkens
Clerk of Council
As transcribed by Interim Clerk D. Bishop

ACTION RECOMMENDED:

- 1. AUTHORIZE THE PROPOSED AMENDMENT TO THE BACKYARD CHICKEN REGULATIONS, WITH AN EMERGENCY CLAUSE.**

DRAFT

**THE CITY OF KENT, OHIO
FINANCE COMMITTEE
WEDNESDAY, SEPTEMBER 4, 2019**

Chair Michael DeLeone called the meeting of the Finance Committee of Kent City Council to order at 7:20 p.m.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Mr. John Kuhar; Ms. Gwen Rosenberg; Mr. Roger Sidoti; Mr. Robin Turner; Ms. Tracy Wallach

ALSO PRESENT: Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Public Service Director; Mr. Jim Bowling, City Engineer; Fire Chief John Tosko; Mr. Dave Coffee, Budget and Finance Director; Police Chief Michelle Lee; Ms. Dawn Bishop, Interim Clerk of Council.

There were six (6) items on the Agenda.

1. Authorize Sale of Used Police Patrol Vest

Mr. Ruller said Chief Lee had an employee retire and he asked if he could be allowed to purchase the bullet proof vest he wore during his time with the city. To his knowledge, this hasn't been asked for before. He will be working somewhere where it would make sense to have that vest; it's not new and was sized to fit him. Chief Lee said if this was a brand new vest, maybe they wouldn't consider the sale but she's prorated the value as it's been worn a couple years. He's agreed to pay that difference if Council authorizes it.

Chief Lee said the vests are hard to reuse as they are fit to body type. It's not an attractive pass along, they've been worn by someone else and have wear and tear and this one would probably end up sitting on a shelf until it expired and would be disposed to. The retiree has accepted a position as a detective at the Uniontown PD.

Mr. Kuhar asked what do they do when there is an old vest.

Chief Lee said sometimes they'll test ballistics on vests and sometimes if they still have some life to them, they can pass them off to a new officer. They don't like to do that because they have been worn and people have different body sizes/shapes. Typically they sit on a shelf until they expire and then go in a dumpster.

Ms. Shaffer asked if it would make sense to do a policy rather than case by case. Once other people hear of this, maybe they'll want it too.

Chief Lee said this is the first request she's ever received in her ten years as chief.

Ms. Shaffer asked if it would serve as precedent for other potentials so we don't have to make it into an ordinance as it takes people's time to process and everything?

Chief Lee said well if it was less than a year old vest she wouldn't want that option to purchase back.

Ms. Shaffer said it would be at your discretion.

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Ms. Jones said if that's something Council wants to do, we can put it in the City Manager Report and that would allow us to come up with a policy that would fit guidelines the Chief would think were fair.

Mr. Kuhar asked what is the expiration on a vest?

Chief Lee said it's five years.

Mr. Kuhar said so every five years you have to replace a vest no matter the condition.

Chief Lee said yes based on the union contract they have to be replaced when expired.

Ms. Wallach asked if vests just end up on the shelf to be thrown away, is there a reason we couldn't auction them off with a rider that it expires at such a date?

Mr. Kuhar interjected a liability.

Chief Lee said we could auction them off, she doesn't know why not. Being worried about the liability: there could be a waiver involved and up to Ms. Jones to see if that was allowable.

Ms. Jones said when she was in Cuyahoga Falls, a lot of vests were donated to some poorer police departments in southern Ohio that were years and years expired.

Ms. Wallach said we could do that then; better than sitting on a shelf. Ms. Wallach said we could talk about that when talking about the policy.

Mr. Turner asked if it was a concern having people armoring themselves.

Chief Lee said anybody could buy them now, you don't have to be a certified police officer to buy a vest.

MOTION TO AUTHORIZE THE SALE OF THE USED POLICE PATROL VEST, WITH AN EMERGENCY CLAUSE made by Mr. Ferrara, seconded by Mr. Kuhar, and CARRIED by a voice vote of 9-0.

2. Certify Tax Rates to Portage County

Mr. Coffee said this is an annual housekeeping item that needs to go to the county before October 1 every year. This is not asking for any changes, just reaffirming existing rates we have.

Ms. Shaffer asked about the Field School District on the chart. Was that because we collect for them because their district comes into our city?

Mr. DeLeone asked if that was Indian Valley?

Mr. Coffee said it all goes into the total millage.

MOTION TO AUTHORIZE THE CERTIFICATION OF TAX RATES TO PORTAGE COUNTY, WITH AN EMERGENCY CLAUSE made by Mr. Kuhar, seconded by Ms. Rosenberg, and CARRIED by a voice vote of 9-0.

3. Authorization to Apply for Ohio Municipal Bridge Funding

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Mr. Ruller said ODOT manages the majority of the Ohio Bridge programs and they are already signed up to do the majority of our bridges but he's also trying to secure some funding to repair a bridge.

Mr. Bowling said on the west side of town on Sunrise Drive there is a bridge going over Fishcreek that leads to Gayle Drive and a cul de sac with about eighteen homes. The last bridge inspection had the bridge coming in a little bit lower, which permitted it to be put on the municipal bridge program for replacement. The bridge was built in 1968 and had a design life of about fifty years. It's been rehab once in that fifty years so he's looking for replacement of that structure. Grant they are looking at is 1.5 million and total cost at 3.5 million. That combines not just the need to replace the bridge but pavement Sunrise, Main and would like to align those projects together along with there have been numerous water main breaks in that area over the last twenty years. Trying to get some efficiency in doing those projects together. He's just looking for authorization to submit to ODOT.

Mr. Ruller said there's only one way in and one way out.

Ms. Shaffer asked how do you replace a bridge like that?

Mr. Bowling said one lane at a time. It does raise the cost of construction when you have to do it like that.

Mr. Kuhar asked if we did something with that bridge in the last ten years or so.

A couple said Allen Street Bridge and Mr. Kuhar said no, by the car lots.

Mr. Bowling said Spaulding Street Bridge was replaced in the last ten years, which is just ten years ago.

Mr. Kuhar joked a friend of his put that bridge in, he'd be afraid to go over it.

MOTION TO AUTHORIZE THE APPLICATION FOR OHIO MUNICIPAL BRIDGE FUNDING, WITH AN EMERGENCY CLAUSE made by Ms. Shaffer, seconded by Mr. Amrhein, and CARRIED by a voice vote of 9-0.

4. Authorization to Apply for AMATS Resurfacing Funding

Mr. Bowling said this would be resurface Mogadore Road from Cherry Street to Summit and to do a little piece of Summit Street from basically the bridge over the Cuyahoga River to ABC Railroads. AMATS Resurfacing Program will fund 80% up to \$700,000 and they've submitted for it a couple of times unsuccessfully so are trying for the third time.

Mr. Kuhar asked if the new hotel complex going in will have any bearing on the decision for the funding.

Mr. Bowling said no. It's very formulaic. You get points for different things and that would not be a part of it.

Mr. Sidoti asked if this was grinding and new asphalt.

Mr. Bowling said yes. Since we couldn't get funding before to resurface some pavement repairs were done in 2017 to keep it going.

MOTION TO AUTHORIZE THE APPLICATION FOR AMATS RESURFACING FUNDING, WITH AN EMERGENCY CLAUSE made by Mr. Kuhar, seconded by Mr. Ferrara, and CARRIED by a voice vote of 9-0.

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5. 2019 Budget Appropriations Amendment

Mr. Coffee was requesting committee authorization of the appropriation amendment as outlined in his memo to the City Manager.

MOTION TO APPROVE THE BUDGET APPROPRIATIONS AMENDMENT, WITH AN EMERGENCY CLAUSE made by Mr. Amrhein, seconded by Ms. Wallach, and CARRIED by a voice vote of 9-0.

6. DKC Operating Agreement

Mr. Ruller said Ms. Jones has been trying to finalize this and the Star of the West was really hoping to move forward with their three parcels we had talked to Council about to the DKC this month if possible. Dave Coffee had already had the setting aside money approved at a previous meeting and what was missing was the operating agreement. That sort of codifies all the terms that were discussed. 90% of the terms are boiler plate DKC landbanking terms used on downtown project, West River, Mantua. Price hasn't changed, 365 for three parcels. Even though paying cash, the title will stay with the DKC as there is more latitude with that group to negotiate contracts with the intent of selling it at the direction of City Council. Howard Boyle, president of DKC, said they don't do anything that Council doesn't ask them to do but they can have conversations with a little more latitude. It's worked in the past and the North Water Street corridor has some business going on and they're optimistic these are valuable properties. This would hopefully lead itself to, as Council wished, to have some control over who it gets sold to and some ultimate use say.

Ms. Jones said it's 90% the same language used in their other operating agreements.

Ms. Wallach said the difference with this is we do not have a line of credit, correct?

Mr. Ruller said correct.

MOTION TO AUTHORIZE THE DKC OPERATING AGREEMENT, WITH AN EMERGENCY CLAUSE

made by Ms. Shaffer, seconded by Ms. Wallach, and CARRIED by a voice vote of 6-1-2, with Mr. Turner against and Mr. Amrhein and Mr. Sidoti abstaining.

Hearing no further business before this Committee, Chair DeLeone adjourned the committee meeting at 7:40 p.m.

MOTION FOR AN EXECUTIVE SESSION IN ACCORDANCE WITH ORC §121.22 Section G, Item (1): *"To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing."* Made by Mr. Amrhein, seconded by Mr. Kuhar, on Roll call voting "Yes:" Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach.

Amy Wilkens
Clerk of Council

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The City of Kent, Ohio
Finance Committee Meeting
Wednesday SEPTEMBER 4, 2019

DRAFT

As Transcribed by Interim Clerk D. Bishop

ACTION RECOMMENDED:

- 1) **MOTION TO AUTHORIZE THE SALE OF THE USED POLICE PATROL VEST, WITH AN EMERGENCY CLAUSE.**
- 2) **MOTION TO AUTHORIZE THE CERTIFICATION OF TAX RATES TO PORTAGE COUNTY, WITH AN EMERGENCY CLAUSE.**
- 3) **MOTION TO AUTHORIZE THE APPLICATION FOR OHIO MUNICIPAL BRIDGE FUNDING, WITH AN EMERGENCY CLAUSE.**
- 4) **MOTION TO AUTHORIZE THE APPLICATION FOR AMATS RESURFACING FUNDING, WITH AN EMERGENCY CLAUSE.**
- 5) **MOTION TO APPROVE THE BUDGET APPROPRIATIONS AMENDMENT, WITH AN EMERGENCY CLAUSE.**
- 6) **MOTION TO AUTHORIZE THE DKC OPERATING AGREEMENT, WITH AN EMERGENCY CLAUSE.**

**THE CITY OF KENT, OHIO
HEALTH & SAFETY COMMITTEE
WEDNESDAY, SEPTEMBER 4, 2019**

Chair Jack Amrhein called the meeting of the Health & Safety Committee of Kent City Council to order at 7:12 p.m.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Mr. John Kuhar; Ms. Gwen Rosenberg; Mr. Roger Sidoti; Mr. Robin Turner; Ms. Tracy Wallach

ALSO PRESENT: Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Public Service Director; Mr. Jim Bowling, City Engineer; Fire Chief John Tosko; Mr. Dave Coffee, Budget and Finance Director; Police Chief Michelle Lee; Ms. Dawn Bishop, Interim Clerk of Council.

There was one (1) item on the Agenda.

1. Deer Population Management Practices in Area Cities

Mr. Ruller began with as Council may recall or experienced themselves, the urban/suburban deer population has continued to grow and in some areas it has become nuisance and residents call asking what can be done about deer. It's no simple matter. In the big picture ours is probably still in the category of a nuisance and he says that from the experience of his entire flower bed in the front is nibbled off so he experiences that personally. In some areas it becomes a bit of a health risk. Ms. Melanie Baker has done some poll work at what communities are doing about deer. He said he's assuming there isn't the want for lethal options so those weren't researched right now.

Ms. Baker has looked at what communities around Kent are doing and what ODNR is responsible for. Hunting is allowed in the ORC but not in the city's code. She also looked at options besides hunting. Options include scare techniques, physical barriers, and she spoke on her report. She would help get the word out on the City's website and Tree City Bulletin with options for deterrent, including chemical repellents along with certain types of shrubs and trees unattractive to deer.

Mr. Ruller said just to clarify, chemical could also be referring to the use of fox urine sprayed around as a deterrent. Chemical could be a natural repellent.

Ms. Baker said correct, they use the word chemical but it could be natural things including vinegar, baking soda, etc. Ms. Baker has spoken to landscapers and gardeners and they said there are marigolds and things like that. If you can create a 6" barrier of what you are trying to protect, the deer do not tolerate it very well. Ms. Baker said her recommendation is to continue to educate our residents by giving them information, websites to visit, brochures we have and allow them to investigate other ways to try and deter the deer. We would also keep a log of where residents are at that complain of the nuisance deer. She also spoke to Chief Lee to see where we fell in the category of car accidents. On average we are only at about eight or nine a year over the last five years. Average of between 500-600 accidents, so a very low percentage of overall accidents. Deer also don't seem to be a problem in just one area of the city, they are all across the city. If the City were looking at anything more than these suggestions, Ms. Baker had read an in-depth report from the City of Solon and they have been doing this for almost ten years where they do a culling program and bring sharpshooters in. They started out with 900 their first year, 600 the next, 700 the year after; the object is where you lessen the amount of deer where you are, the deer from surrounding overpopulated areas come in. It's hard to keep that balance.

Mr. Kuhar said in his instance deer reach over marigolds to eat the dahlias, climb up the steps to the deck, and so he's a little leery of obstacles and barriers; is Ms. Baker aware of companies like Ohiodeercontrol.com quit using coyote pee and stuff that smells horrible and they have a new spray for deer that is mint smelling?

Ms. Baker said that wasn't one specifically she ran across but some of her home deterrents she saw was vinegar, baking soda, and mint.

Mr. Kuhar said you have to start in the spring and train them for a month with heavy application and then they start staying away.

Ms. Baker said yes that's true.

Hearing no further business before this Committee, Chair Amrhein adjourned the meeting at 7:20 p.m.

Amy Wilkens
Clerk of Council
As Transcribed by Interim Clerk D. Bishop

ACTION RECOMMENDED:

- 1) NONE