

**THE CITY OF KENT, OHIO
COMMUNITY DEVELOPMENT COMMITTEE
WEDNESDAY, APRIL 4, 2018**

Vice-Chair Gwen+ Rosenberg called the meeting of the Community Development Committee of the Kent City Council to order at 8:38 p.m.

PRESENT: Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer, Mr. Roger Sidoti, and Mr. Robin Turner.

ALSO PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Public Service Director; Mr. Jim Bowling, City Engineer; David Coffee, Budget and Finance Director; Fire Chief John Tosko; and Tara Grimm, CMC, Clerk of Council.

ABSENT: Mr. Kuhar and Ms. Tracy Wallach

There were 2 items on the Agenda.

1. Celebrate Kent Funding Recommendations

Mr. Ruller referred to Ms. Susel who discussed the 2018 Celebrate Kent Grant Program where we allocate \$15,000 towards eligible requests. We received 8 proposals from 4 different organizations requesting funding for 12 different events. She was happy to say all requests were funded in full. There was also a detailed Memo from Mr. Wilke, Economic Development Director dated March 22, 2018 to the City Manager.

Mr. DeLeone asked about other events that are still going on; did they not need funding?

Ms. Susel stated Mr. DeLeone was correct as some events like the paranormal and ghost walk, Beatle Fest, Reggae Fest et. al. did not need funding.

There were no further comments from Council or the audience.

MOTION TO AUTHORIZE AND ALLOCATE THE 2018 CELEBRATE KENT GRANT PROGRAM FUNDING REQUESTS WITH AN EMERGENCY CLAUSE made by Mr. Ferrara, seconded by Ms. Shaffer and CARRIED by a voice vote of 7-0.

2. Authorize Lease Renewal for Haymaker Farmers' Market

Ms. Susel reminded Council this is an annual renewal where we sub-lease the land to the Haymaker Farmers' Market that the City leases from ABC Railroad for the outdoor season from the 1st Saturday in May through the last Saturday in October for \$1.00 a year since 2012.

There were no further comments from Council or the audience.

MOTION TO AUTHORIZE THE SUB-LEASE RENEWAL FOR THE HAYMAKERS FARMERS' MARKET WITH AN EMERGENCY CLAUSE made by Mr. Ferrara, seconded by Ms. Shaffer and CARRIED by a voice vote of 7-0.

Hearing no further business before this Committee, Chair Kuhar adjourned the meeting at 8:42 p.m.

Tara Grimm, CMC
Clerk of Council

ACTION RECOMMENDED:

- 1. AUTHORIZE AND ALLOCATE THE 2018 CELEBRATE KENT GRANT PROGRAM FUNDING REQUESTS WITH AN EMERGENCY CLAUSE.**
- 2. AUTHORIZE THE SUB-LEASE RENEWAL FOR THE HAYMAKERS FARMERS' MARKET WITH AN EMERGENCY CLAUSE.**

**THE CITY OF KENT, OHIO
COMMITTEE OF THE WHOLE
WEDNESDAY, APRIL 4, 2018**

Mayor Fiala called the Committee of the Whole meeting of Kent City Council to order at 7:17 p.m.

PRESENT: Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer, Mr. Roger Sidoti, and Mr. Robin Turner.

ALSO PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Public Service Director; Mr. Jim Bowling, City Engineer; David Coffee, Budget and Finance Director; Fire Chief John Tosko; and Tara Grimm, CMC, Clerk of Council.

ABSENT: Mr. Kuhar and Ms. Tracy Wallach

There were 2 items on the Agenda.

1. Interviews for Boards and Commissions

Mayor Fiala stated Council will be interviewing applicants for Boards this evening. He called each person by name.

- BOARD OF BUILDING APPEALS One (1) vacancy for a Registered Plumbing Contractor. Three (3) year term commencing 10/15/18 through 12/31/2021.
 1. Todd Ridenour – Currently serves, seeking re-appointment. Does not require being re-interviewed nor responded or showed for an interview
 2. Scott Ridenour – New Applicant – failed to appear for his interview.
- BOARD OF HEALTH One (1) vacancy. Five (5) year term commencing immediately through 12/31/2022.
 1. Emily Mattern – New Applicant – Present to be interviewed
- CIVIL SERVICE COMMISSION One (1) vacancy. Six (6) year term commencing immediately through 12/31/2024.
 1. Allyson Chicowski – New Applicant – Present to be interviewed
- DESIGN AND PRESERVATION COMMITTEE One (1) vacancy. Three (3) year term commencing April 15, 2018 through 12/31/2021.
 1. David Basista – Currently serves – seeking reappointment – Does not require being re-interviewed but was unable to attend this evening to speak with Council
 2. William Dunick – Reconsideration from October 2017 – did not show for October's interview, not responded or showed for this interview.

3. Mark Weisman – Reconsideration from October 2017 – Replied he was unable to make the interview this evening but was still interested in this board and Sustainability Commission
- SUSTAINABILITY COMMISSION One (1) vacancy. One (1) three-year term commencing May 20, 2018 through 12/31/2021.
 1. Christopher Claypool – New Applicant – present to be interviewed
 2. Andrew Scholls – New Applicant – present to be interviewed
 3. Mark Weisman - Reconsideration from October 2017 – Replied he was unable to make the interview this evening but was still interested in this board and Design and Preservation.

Each of the interviewees were asked a variety of questions pertaining to the Board(s) they had applied for by several members of Council. Each Councilperson took their own notes on the candidates.

Mayor Fiala thanked everyone for coming to the interviews and explained that Council will not be voting on candidates this evening. Voting and appointment will take place at the next regularly scheduled Council meeting on Wednesday, April 18, 2018.

2. Discussion on City's Record Retention Policy

Mayor Fiala referred to Mr. Ruller who stated this has been a topic of conversation lately and what better timing than when we have a new Law Director show up, particularly one who has an abundance of experience with public records and public records requests. The way we used to set up our whole public records program was we had the former Law Director and the former Clerk of Council as co-leads who received the extra training; came back to the City and performed some internal training; put together the framework for the details; and worked with each department. Between the 2 of them, they would schedule the Public Records meetings.

We now have a new Law Director and a new Clerk of Council and it is a good time to go through the process again to reaffirm what we are doing and how we are doing it. It is always good to have a fresh pair of eyes, or a couple pairs of eyes and get input. Ms. Jones and Clerk Grimm have been coordinating and, if the Mayor would allow him, to turn the next steps of the discussion over to them.

Ms. Jones and Clerk Grimm had a collaborative effort for discussion and answering questions. Clerk Grimm stated her Memo regarding Council's portion of Records Retention, as requested by Council, was provided to them by email, included again in the City Manager's Communication packet, and then a hard copy was provided this evening.

Ms. Jones informed Council she has looked over our City's policy and she is very impressed with it. It is a very thorough and good one; better than the ones she has dealt with in both Cuyahoga Falls and Beachwood. There are a couple areas she'd like to look into more in depth, but there are no areas that cause her any concern as our new Law Director. She looked at how we schedule records destruction and is happy with how those have gone. We do have a new board member, with Ms. Lance as the lead to schedule meetings in late April to June and then again at the end of the year to stay in compliance with the State Code.

Ms. Jones then asked if Council had any general questions.

Mr. Sidoti appreciated Ms. Jones' comments and asked for her help in giving direction to streamline Council's understanding of the policy and application of the policy.

Ms. Jones answered "absolutely." Public records and records retention are streamlined and the Law Department has always been the lead department for the records retention of our public records for the Records Commission. After speaking with Mr. Ruller, this task is going to land in her department. She is very confident that moving forward we can streamline this.

Mr. DeLeone asked if this also has to do with the destruction of public records and if she sees any problems with the way we keep our records or for the length of time we keep them.

Ms. Jones replied "absolutely" on the destruction and "no" on any issues with destruction. The Records Commission receives a guide book from the State Historical Society and Auditors. They rely on local record commissions and attorneys to set the amount of time records are kept. There is never any pushback from the entities in not agreeing with the amount of time records are kept.

Ms. Shaffer asked if there is state law if citizens, including Council members, have the right to request and obtain the audio recordings prior to destruction. Is that through FOIA?

Ms. Jones clarified that FOIA requests do not apply to us, those are Federal requests. The State requires a "Public Records Request". If an audio recording is still available, then yes we will provide it. If we received a records request in the FOIA format, we would still comply with it and provide it within a reasonable time frame.

Ms. Shaffer asked about the minutes. If she, or Council feel there is something missing from the minutes, we as Council members could request listening to the audio.

Ms. Jones answered "Yes, if it still exists."

Clerk Grimm added that the audio recordings are kept right up until adoption of Council's minutes. If Council feels there is a problem with their minutes when they receive the draft, that is the time when they should come to the Clerk. The packet is published *a full week before* a meeting before we adopt anything. At any time during that week, Council can state what their issue is with the draft minutes and we can re-listen to the audio recording together. But when Council adopts the minutes at their next Regular Meeting, and they are no longer a draft, that next day the audio recording is destroyed, because the audio is for minute taking purposes only and you have adopted the minutes which are the official proceedings of the meeting.

Ms. Rosenberg inquired about the audio recordings being destroyed after the minutes are adopted, which is approximately 14 to 30 days after they are recorded.

Clerk Grimm stated yes and it depends as we only adopt minutes at our Regular meeting on the 3rd Wednesdays. For example, tonight's minutes will be available by next Wednesday for the packet due on the 11th, which are the longer minutes from all the Committees.

Ms. Rosenberg questioned "so the public has access to the audio then only until the minutes are adopted."

Clerk Grimm responded yes, that is correct.

Ms. Rosenberg noticed that previously at some point in time, minutes were temporarily digital on our website. Then there are digital scanned PDFs.

Clerk Grimm reminded Council that older PDF's on the website were not signed, adopted versions; therefore not true copies of the originals. Signed originals are now scanned in and are what is available to the public.

Ms. Rosenberg felt that scanned-in PDFs are not accessible to residents who are visually impaired. If it is not accessible to them and we've already destroyed the audio recording after adoption, then our visually impaired residents do not have any accessible minutes. She has an issue with it not being accessible. She questioned if the audio that *is* recorded is digital.

Clerk Grimm responded "it is a .DSS file which is recorded on a tiny Olympic dictation voice recorder hooked up to our microphone system for minute taking purposes only. Once we have a New City Hall and we have state of the art technology we will have the facilities and capabilities to enable other methods.

Clerk Grimm explained she had previously reached out to Mr. Bishop, our I.T. Director regarding storing these files and he is more than willing to look into the cost, which could be in the tens to hundreds of thousands of dollars; or hire a 3rd party company with monthly or annual maintenance fees. Then all recordings have to be maintained with the current technology. For example, back in the day things were saved on cassettes, CD's, DVD's, Blue Ray, even Beta, VHS, floppy drives, 3 ½ inch discs, flash drives, external hard drives. Every time technology upgrades, the City needs to update the entire history of the City's audio recordings to that new technology.

Ms. Rosenberg asked about the City purchasing a smart phone that recorded the entire meeting; it would be a digital version we could store – like hundreds of hours of meetings. Is that allowable?

Ms. Jones answered yes, it is allowable and Clerk Grimm stated that anyone is welcome to also record the meeting themselves.

Clerk Grimm explained to Ms. Rosenberg that storage is an issue that has to be taken up with the I.T. Director. The question is what kind of finances we are wanting to invest now when we will be investing in a New City Hall soon. The external storage of recordings could be for months or years, and technology could change in those few years, which would require changing the method in which we store these audio records several times before the New City Hall is built. In 6 months, our expensive short-term investment for keeping audio recordings may no longer be of use to us.

Clerk Grimm reminded Council that they can only make recommendations to the Records Commission as far as retention and what they would like to see happen. Then the Records Commission would have to follow the appropriate protocol with the Ohio Historical Society to update the policy. She then deferred to Ms. Jones for more clarification.

Ms. Rosenberg had one last question for Mr. Jones that if we had a City owned digital recording device such as an iPhone for recording audio and/or video and we use that to write the minutes, and the minutes are the official record, are we allowed to offer an "unofficial recording" to residents who are unable to attend. Is there anything we can provide to our residents in the interim?

Ms. Jones stated Ms. Rosenberg is talking about 2 totally different things: An audio record of this meeting has nothing to do with proving what happened here or approving the written documents that Clerk Grimm prepares. Council has every right to provide a public record for the hearing impaired.

Ms. Jones commented that Clerk Grimm is correct that any changes you would like made to the records that Council keeps would require a recommendation to the Records Commission. Permanent records can't be destroyed, however Council can do the opposite. If the Records Commission were to set a 6 month retention on audio files, Council could instruct Clerk Grimm to keep it for a year. We can always keep records longer than the schedule requires. In Beachwood she just went through implementing Swaggit

Livestreaming and how much space is required. There could be a middle ground with helping the hearing impaired. Most hearing impaired people are going to want to hear about the topics, like medical marijuana, in a week or a month, so maybe we keep it for a shorter period and not 5 years.

Ms. Rosenberg feels 14 or 30 days just might not be long enough for those visually impaired residents.

Mr. Ferrara followed up on Ms. Rosenberg's train of thought. He asked if it would be wrong to still have audio files available and even though Council adopted the minutes, and then a resident has an issue with the minutes afterwards we could offset the costs by charging the resident for access to the audio file?

Ms. Jones stated it is up to Council. The Records Commission will set what they believe is the appropriate time for keeping a record. If Council, as their own department heads want the Clerk to keep a record longer, they could tell the Clerk to do that, but first you would have to make a recommendation to the Records Commission for it. We can only charge someone for a records request for our out-of-pocket expenses such as the cost for a piece of paper, or a CD or a flash drive. If we provide it electronically, it is free.

Clerk Grimm commented that in the 18 months she has been the Clerk, she has received one audio request. The former Clerk had a couple in her 26 year term and at one point in time, the former Clerk was loading audio files to the website, which maxed out the storage capacity of the website quickly. The statistics from the website showed only *one* person listened to a recording. Our only method to record audio at this moment is the Olympus Dictation recorder which is connected to the microphones and the sound system in the cabinet here in the corner of the room. The quality of the audio recording from a free standing iPhone would be of much lesser quality, especially from picking up background noise. Our Olympus recorder picks up background noise and every sidebar conversation that does not necessarily have to do with what is happening at the meeting. Clerk Grimm reminded Council how those sidebar conversations would be heard by the public.

Mr. Sidoti asked if there is a difference in when Council votes to approve the minutes, does that not become the official record and anything else we have such as a video recording, audio, CD is an unofficial record and there is no reason for us to keep those unofficial records indefinitely. What would it take to keep a CD for 3 months and then dispose of it? The reality is the minutes become the official record eventually once they are adopted.

Mayor Fiala commented that would be Council's choice.

Ms. Jones answered yes, the minutes are the official record of what occurred at the meetings. Audio records could be kept unofficially and indefinitely **IF** we had a way to keep it.

Mr. Sidoti asked what stops us, or him, as an elected official, from Livestreaming on Facebook with his cellphone for anyone who wants to watch the meeting and what stops us from doing it.

Mr. Jones touched briefly on Livestreaming. Anyone can Livestream. It is money that stops us. Plus as a City official doing the Livestreaming, he would then have to comply with the Records Retention schedule and can't start deleting things off of his private phone and have to have a method to provide it for a public records request.

Mr. Sidoti was concerned that there is a lot of misinformation out there. What is the difference between personal retention and public retention? Before the New City Hall is built, we should have a discussion now and find out the financial component. What about if he were to Livestream the meeting from his cellphone or even have Spectrum come in and Livestream our meetings. If Spectrum came in here to Livestream, would that be a public record?

Ms. Jones explained the difference between private vs. public and if he chose to Livestream from his cellphone, as an elected official he will be making his phone and its contents a public record. Spectrum's recording would be their record, not ours.

Clerk Grimm further explained this is why they were all given new City emails, to keep their private information and devices private and City information separate should there be a Public Records request. She reminded Council we've talked about this in Committee before.

Mr. Turner identified with Mr. Sidoti's comments and was concerned how when he goes door to door or takes private notes during meetings with constituents, if those items are public record.

Ms. Jones informed Mr. Turner that his notes would be a transient public record or general correspondence and would have to refer back to the Records Retention Schedule for how long he would have to keep that piece of paper. Mr. Turner asked Clerk Grimm to clarify.

Clerk Grimm asked for permission to be recognized by the Mayor to speak then referred to the Memo she supplied Council and provided in the City Manager's Communication packet. The "notes" Mr. Turner is referring to fall under Sections:

- 264 Drafts and Informal Notes containing transitory information used to prepare official record in any form
- 350 General Correspondence in any medium
- 412 Memos: and informal written note or record

Items 264, 350, and 412 are kept either on paper or electronic. Section 264 may be destroyed when they are no longer of administrative value; Section 350 may be destroyed after 1 year and of no longer administrative, legal or fiscal value; Section 412 is kept for 2 years. These items are discussed in Chapter 1 (B)(4)(b) & (c) and Chapter 5 (A)(2)(b).

Mr. Amrhein asked about the current storage availability on the website and then how the former Clerk used to do radio feed many years ago and questioned why we stopped that.

Clerk Grimm was unaware the City even did radio feed. Radio feeds were not part of any instructions or job description left for the new clerk by the former clerk. She explained how the Olympus dictation machine works, how it is docked, downloaded and the dictation/transcription software program it uses so she can prepare minutes. The format is a .DSS file and anyone with a similar recorder or software can instantly listen to the audio or if they have a conversion software, the .DSS file can be emailed for that person to convert and listen to, which she has done in the past. We are not required to create a new record in a different format to satisfy a public records request. Uploading of the .DSS files takes up a large amount of storage space on our website server.

Mr. Ruller stated he knew radio feeds were done around the time he started with the City; it was something the former Clerk had done and thought we were still doing radio feed. He was unsure.

Mr. Ruller would like for a refresher course to be given to Council on our policy, maybe a ½ hour work session on an upcoming agenda, if ok with the Mayor. Most of us were not here when the former Clerk and former Law Director did a brief training years ago.

Mr. Ruller stated he understands the audio recording topic came up because we do not take verbatim minutes and there is a point of contention around how the minutes are summarized. He had asked the Law Director exactly what is required when it comes to minutes, usual practice, best practice. He referred to both the Clerk and the Law Director to answer this.

Ms. Jones informed Council that State Law reads and requires that minutes are not to be a verbatim transcript but a general summary of the action taken at a meeting, but just enough so the public understands what has been talked about. It does not have to say "Mr. Sidoti said..." They should be a general summary and cover the items Council talked about and took action on. Councils have different preferences. She further stated that Clerk Grimm "does a pretty darn good job" with the minutes.

Clerk Grimm added that verbatim minutes take an extraordinary amount of time to prepare. For every 1 hour of meeting, it could take 4-6 hours to transcribe. Very few cities around the state use verbatim minutes, and when they do, have a separate Deputy Clerk assisting the Clerk of Council just to prepare those minutes. Summary action minutes are great; we are a hybrid. She thanked Ms. Jones for the compliment and reminded Council that she has been preparing minutes for a long time, is certified, will be master certified in about 2 months, consistently trained and kept up to date on what the requirements are, and teaches a class called "Effective Minutes" for the Ohio Municipal Clerks Association. Changing everything we do to be reactive to one person's complaints is far less effective than being proactive and also feels we do a darn good job at being proactive. The packet containing the draft minutes is published 7 days prior to a meeting which contains the previous Committee Meeting Minutes and the prior Regular Committee meeting minutes. Also in the Standing Rules visitors are urged to provide their written statement to be included in the minutes as an attachment should they want a verbatim version of their comments. Ultimately it is Council's decision to instruct her what they want after making the recommendations to the commission.

Ms. Rosenberg compared official record or minutes vs. transparency. She has residents asking where can I see or hear the meeting. We should have inclusive availability and accessibility. We need to find a middle ground as they are 2 separate things. Can we go above and beyond what is required? Residents expect certain things now that we are in the digital age.

Ms. Jones stated Ms. Rosenberg is speaking of 2 different things. She needs to take the audio away from the official minutes. Council votes on the minutes and that becomes its own record. Minutes are how Council speaks "officially." Audio is a separate public record that it sounds like she is wanting to keep longer than the 14 or 30 days. Council needs to come to a consensus and can make a recommendation to the Records Commission and the commission would talk about it. In the meantime, you need to direct the Clerk on how long you want to keep something and work with Mr. Coffee on the costs.

Mr. DeLeone asked why we can't just burn the audio to a CD and keep the CD's for a certain period of time; it would be like 24 CD's a year for 5 years and keep them in a drawer somewhere.

Mayor Fiala commented we have to have the space to store them.

Ms. Jones commented an external terabyte hard drive could be purchased.

Clerk Grimm stated devices and software still need to be purchased to create that file in a quality that people can listen to. Her new computer doesn't even have a CD player or burner.

Mr. Turner again asked how we define a public record with his everyday interaction with constituents. He feels he will no longer take notes and document things because this is huge for us as a Council.

Mr. Sidoti stated he has worked in the public sector his whole career, and at the schools, every phone message his secretary ever gave him was in a pile, purged after the year, but available should he need to reply to a subpoena for records. He feels Mr. Turner and the rest of Council need to take good notes and have a method of hanging onto them. We would be derelict of duty if we don't keep good notes – We are public servants. Good notes protect us more than anything.

Mr. Turner feels we would be creating an issue and overwhelming the public. He felt it was "asinine".

Mayor immediately stopped Mr. Turner reminding him he cannot use that type of language and there was a prior issue. Mr. Turner felt keeping these notes creates a different type of responsibility and although he'd be using his mental rolodex vs. paper, there's a different standard.

Ms. Jones asked Mr. Turner to please not be afraid of public records. If he needs to write something down, do it, he's not going to get in trouble, he is doing your job. She invited Mr. Turner to give her all his notes and she would gladly keep them for him should a records request arise.

Mayor Fiala referred to the audience for comments and asked them to give their name, address and to address him directly as he is the President of Council.

Mr. Christopher Claypool of 1672 Ginko Ct., Apt. 268, Kent felt that Clerk Grimm adequately details the minutes. He informed Council that there is "text to speech" software for visually impaired individuals that could take the pdf version of the minutes and read it to them instead of saving recordings. This would save money and space the recordings would take up.

Mr. Christopher Myers of 220 E. Elm St., Kent appreciated the comments from Ms. Jones regarding what minutes are supposed to say and how they are supposed to be. He is not happy with the one-liners in the minutes as they do not express what he is trying to say. He personally records his 3 minutes. There is no way to get Council to fix the minutes if he feels they don't reflect what he said before they approve them. He feels there is not adequate time to see the draft minutes.

Mr. Ferrara stated maybe the law director can clarify that the only people who can modify the minutes are Council members.

Ms. Jones informed Mr. Myers that these are Council's minutes, not his. The Public doesn't get to vote on minutes. Minutes can be amended by Council from the floor.

Mr. Ferrara feels that the whole point of tonight's public records discussion is to provide for transparency, how we maintain, update and stay current. We need to explore what our options are and then worry about the costs. Mr. Ferrara feels we need to provide for transparency and doesn't care what the costs are, just what our options are right now. He apologized to Ms. Rosenberg but doesn't feel that there are that many visually impaired people interested in hearing the meetings.

MOTION TO HAVE OUR I.T. PROFESSIONAL PROVIDE QUOTES ON OPTIONS FOR INEXPENSIVE DIGITAL AUDIO RECORDING AND STORAGE METHODS made by Ms. Rosenberg and seconded by Mr. Sidoti for discussion purposes only.

Ms. Rosenberg felt this is worth investigating, find something affordable and kill 2 birds, and provide transparency by exploring our options, and quotes.

Mr. Sidoti does not want to expend a large amount of money. Let's find a way to digitally record, upload to the website for 1 month which can be used without putting an additional burden of verbatim transcription on our Clerk. He is willing to spend some money to play with something to provide a better product to our community.

Mr. Turner commented on how technology is one thing and questioned the summarized or intended idea in minutes vs. accuracy of verbatim.

Mayor Fiala stated we already discussed that topic and Mr. Turner needs to speak only to the Motion.

Mr. Turner stated technology vs. intended statements are bigger issues and Mr. Myers has a legitimate point and supports Gwen's Motion.

Mr. Ferrara supports the Motion but feels we can't put the cart before the horse. We need to discuss how long we keep the recordings with the Record Commission first.

Ms. Shaffer stated she is voting yes for the Motion because this requested information is going to come back to us for more discussion. She likes the official minutes because it preserves people's dignity, allows us to have discourse without having to be completely and totally articulate or watch every word we say. She felt audio is not like being at the meeting, we should do video. We also need to have a process for disagreements to be rectified. As a journalist, she is familiar with the degrees of "sunshine" and transparency which are important to her.

Ms. Rosenberg felt the retention schedule needs to be figured out, then we can determine the technology.

MOTION CARRIED by a voice vote of 7-0.

Mayor Fiala felt overall we are very transparent, but there are some people that do not understand it.

Hearing no further business before this Committee, Mayor Fiala adjourned the meeting at 8:38 p.m.

Tara Grimm, CMC
Clerk of Council

ACTION RECOMMENDED:

- 1) HAVE OUR I.T. PROFESSIONAL PROVIDE QUOTES ON OPTIONS FOR INEXPENSIVE DIGITAL AUDIO RECORDING AND STORAGE METHODS**

**THE CITY OF KENT, OHIO
FINANCE COMMITTEE
WEDNESDAY, APRIL 4, 2018**

Chair Michael DeLeone called the meeting of the Finance Committee of Kent City Council to order at 9:03 p.m.

PRESENT: Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer, Mr. Roger Sidoti, and Mr. Robin Turner.

ALSO PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Public Service Director; Mr. Jim Bowling, City Engineer; David Coffee, Budget and Finance Director; Fire Chief John Tosko; and Tara Grimm, CMC, Clerk of Council.

ABSENT: Mr. Kuhar and Ms. Tracy Wallach

There was one (1) item on the Agenda.

1. Consider Proposed 2018 Budget Appropriations Amendment.

Mr. Coffee referred to his Memo to the City Manager dated March 27, 2018, with attachments, outlining the requested budget appropriations.

Council nor the audience had questions.

MOTION TO AUTHORIZE THE 2018 PROPOSED APPROPRIATIONS AMENDMENT AS SUBMITTED WITH AN EMERGENCY CLAUSE made by Mr. Sidoti, seconded by Mr. Amrhein, and CARRIED by a voice vote of 7-0.

At 9:04, after hearing no further business before this Committee, Council moved into Executive Session.

MOTION TO MOVE INTO EXECUTIVE SESSION IMMEDIATELY FOLLOWING IN ACCORDANCE WITH ORC §121.22 (G)(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. Ferrara. On Roll call voting "Yes": Mr. DeLeone, Mr. Ferrara, Ms. Rosenberg, Mr. Shaffer, Mr. Turner, Mr. Sidoti, and Mr. Amrhein. Mr. Kuhar and Ms. Wallach were absent. Motion CARRIED 7-0.

At 10:55 p.m., Council came out of Executive Session and reconvened the meeting in open forum.

No action was taken.

Chair DeLeone adjourned the meeting at 10:56 p.m.

Tara Grimm, CMC
Clerk of Council

ACTION RECOMMENDED:

- 1) AUTHORIZE THE 2018 PROPOSED APPROPRIATIONS AMENDMENT AS SUBMITTED WITH AN EMERGENCY CLAUSE.**

**THE CITY OF KENT, OHIO
HEALTH & SAFETY COMMITTEE
WEDNESDAY, APRIL 4, 2018**

Chairman Jack Amrhein called the meeting of the Health & Safety Committee of Kent City Council to order at 7:00 p.m.

PRESENT: Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer, Mr. Roger Sidoti, and Mr. Robin Turner.

ALSO PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Public Service Director; Mr. Jim Bowling, City Engineer; David Coffee, Budget and Finance Director; Fire Chief John Tosko; and Tara Grimm, CMC, Clerk of Council.

ABSENT: Mr. Kuhar and Ms. Tracy Wallach

There were 2 items on the Agenda.

1. Authorize the PulsePoint CPR Program

Mr. Ruller referred to Chief Tosko who stated Dan Berger from University Hospitals was here to answer any questions on both items on the agenda: the donation of the Lucas machine cases and the Pulse Point CPR program. This is all part of the University Hospital's "Healthy Communities" relationship which is a multi-pronged initiative. He also referred to his Memo dated March 20, 2018 to the City Manager.

Chief Tosko stated the PulsePoint CPR Program has an app and U.H. is pushing training. There is technology interfacing with dispatch. According to the Memo, University Hospitals had approached the Fire Department with a proposal to partner with the City of Kent in helping to reduce sudden cardiac deaths in the Kent area. This proposal includes not only increasing the number of people trained in CPR throughout the city, but adding technology to guide available citizens to the nearest automated external defibrillator (AED) and then to the person needing help. This technology comes in the form of a virtual server connected to our 911 dispatch center, an interface module, plus a smart phone App. When the call comes in for a victim requiring CPR, the software picks up key phrases the dispatcher already inputs into CAD and determines that CPR is needed. An alert is then sent to available, nearby people to respond to the call. It also directs the citizen to the nearest AED to perform lifesaving shocks. The App also prompts the caregiver to give CPR until paramedics arrive. This PulsePoint program has been successful in many areas throughout the country and Kent has been selected as the first in the Akron area to begin this program. The initial cost for set up is \$10,000 with an annual maintenance fee of \$8,000. University Hospitals is providing funds to cover 100% of all costs.

Mr. Berger added that this is a free app that can be downloaded on your phone. If you are trained in CPR, you can receive an alert that you are within a couple hundred feet of a cardiac arrest. It would give the address of the cardiac arrest as well as the address for the nearest AED. They recently hosted a 41 person "survivor's dinner". Currently there is a 4-11% survival and with this training and app, they would like to see that brought up to 25-30%. They are training as many people as they can.

Ms. Shaffer asked what the number of annual cardiac arrests are in Kent for a baseline.

Mr. Berger stated "it only takes one", but with this program we can vet out now to gather statistics. There will be a whole other program he hasn't even spoken to Chief Tosko about yet where they plan on having a new employee who will be analyzing every cardiac arrest. He complimented The City's Fire Department on their diligent hard work.

Chief Tosko state we have a couple of cardiac arrests a month, or about 25 per year and we have a 25% survivability.

Mr. Berger commented that some of these arrests are in very young people, so every little bit helps.

Mr. Sidoti asked if this was similar to crowdsourcing.

Mr. Berger said it is a team approach, like a NASCAR pit crew.

Mr. Sidoti stated he assumed a person would have to go through CPR training first.

Mr. Berger replied yes and are diligent through classes; however the app is free so anyone can download it.

Ms. Rosenberg felt this was a great component and promotes CPR education.

Mayor Fiala asked what the logistics were as he is a CPR card holder; how does he get registered and be notified.

Chief Tosko stated they plan on a big campaign push at KSU this month for around 200 people. He will use social media, newspaper and even Kent Fest to promote and advertise. There is discussion about having a trailer down at Kent Fest to teach "sidewalk CPR" and expand the comfort zone as many people are afraid of mouth to mouth resuscitation. The promotion of this program will be similar to how we promote our smoke detector program.

Ms. Rosenberg questioned who developed the app.

Chief Tosko explained there was a Fire Chief out west who was eating in a restaurant and when his department's paramedics arrived, he realized there had been a man down in another part of the restaurant that he could have helped even before 911 had arrived.

Ms. Rosenberg reiterated that this is a free app.

Mr. Berger replied yes and can be found at pulsepoint.org.

Ms. Shaffer hopes that they are encouraging other types of medical personnel to sign up.

Mr. Berger replied yes.

Chief Tosko stated there was information provided to Council in their packets.

After no further comments from Council, Mr. Amrhein turned to the audience, who also had no comments.

MOTION TO AUTHORIZE THE PULSEPOINT CPR PROGRAM WITH AN EMERGENCY CLAUSE made by Ms. Shaffer seconded by Mr. Sidoti.

Ms. Shaffer commented what's not to like – actively engaging and empowering the community – sign her up.

Mr. Sidoti stated just 1 life is worth it.

MOTION CARRIED by a voice vote of 7-0.

2. Accept University Hospital's Donation of Lucas Machine cases

Chief Tosko explained how several years ago we purchased Lucas Machines through a grant. Mr. Berger has arranged for the donation of the cases for these machines to keep our equipment safe.

Ms. Rosenberg stated she went on a ride along with the fire department and the Lucas Machines are very impressive. The Firefighters were very informative and explained the value of these machines.

After no further comments from Council, Mr. Amrhein turned to the audience, who also had no comments.

MOTION TO ACCEPT THE UNIVERSITY HOSPITAL'S DONATION OF LUCAS MACHINE CASES WITH AN EMERGENCY CLAUSE made by Mr. Sidoti, seconded by Mr. Ferrara, and CARRIED by a voice vote of 7-0.

Mr. Ferrara thanked Mr. Berger for the donation.

Hearing no further business before this Committee, Chairman Amrhein adjourned the meeting at 7:17 p.m.

Tara Grimm, CMC
Clerk of Council

ACTION RECOMMENDED:

- 1) AUTHORIZE THE PULSEPOINT CPR PROGRAM WITH AN EMERGENCY CLAUSE.**
- 2) ACCEPT THE UNIVERSITY HOSPITAL'S DONATION OF LUCAS MACHINE CASES WITH AN EMERGENCY CLAUSE.**

**THE CITY OF KENT, OHIO
LAND USE COMMITTEE MEETING
WEDNESDAY, APRIL 4, 2018**

Chair Garret Ferrara called the Land Use Committee Meeting to order at 8:42 p.m.

PRESENT: Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer, Mr. Roger Sidoti, and Mr. Robin Turner.

ALSO PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Public Service Director; Mr. Jim Bowling, City Engineer; David Coffee, Budget and Finance Director; Fire Chief John Tosko; and Tara Grimm, CMC, Clerk of Council.

ABSENT: Mr. Kuhar and Ms. Tracy Wallach

There was one (1) item on the Agenda.

1. Zoning Text Amendments on Medical Marijuana.

Ms. Susel reminded Council of the temporary moratorium they put in place as the State worked through its administrative process of finalizing the medical marijuana implementation of laws for the State. They were all passed and adopted in September 2017. Using the new Ohio Administrative Codes, we went through 4 meetings with the Planning Commission and focused on where uses were going to be included in our Code. There were 4 categories: cultivation, processors, dispensaries and testing laboratories. All of them have different rules and regulations. We also looked at conditionally permitted uses for both commercial and industrial where we would need to reflect the new State Code as presented in the Memo to the City Manager dated March 23, 2018.

Ms. Rosenberg asked if we are too far out to discuss the amendments specific to Kent.

Ms. Susel stated no, medical marijuana is now State law and needs to be reflected in our Zoning Code. If we don't reflect it, we would not have regulations for prohibition; and we found where safety and compatibility could become an issue in the City. This is all highly regulated and there have already been changes to procedures, so she may need to come back to Council with more changes. For example, dispensaries, there are only 2 licenses in our area which is comprised of 3 surrounding counties, so there will be no inundation of dispensaries. However, densely populated Cuyahoga County is eligible for 5 dispensaries which may increase to 8. Again, there are strict regulations.

Mr. Sidoti asked if as Ms. Susel's department is working on an overhaul of our zoning, is this so boiler plate it will be seamlessly included in the company's review.

Ms. Susel replied yes, transition should not be something our consultants would have to deal with. The consultants will be dealing with issues of redundancies, conflicting language and antiquated laws. These amendments bring current law in, which were not reflected in our current zoning laws and may only need fine re-wording when our new consultants work on the Code. All of that will go through a Work session with Council as well as a public hearing. She mentioned the contracts with the consultant are slated for signatures this week.

Ms. Shaffer asked if there are any State guidelines on what kind of structure it should be; like setting up a shop in a house, freestanding or part of a shopping plaza.

Ms. Susel explained the strict licensing procedures control that. There are 2 levels of dispensaries; the applicants had to have cash liquidity of \$50,000 for a certain type of dispensary; it is not like a CVS. There is strict access, security, patient pre-verification which are all dictated by the State. Something like the old

Huntington Bank building could be a dispensary. One very specific criteria to all of them is that they cannot be within 500 ft. of a school, church or an addiction servicing center.

Ms. Rosenberg asked if the dry parts of the City where there is no alcohol permitted excludes dispensaries.

Ms. Susel stated no, as alcohol is a balloted process and separate under the Ohio Administrative Code. A dispensary could be in a dry part of town. Wards may not match within zoning districts.

Ms. Melissa Long of 978 Cottage Gate, Kent asked where these locations are and how they fit in the zoning map.

Ms. Susel explained there are no licenses in Kent. The 6 zoning districts have varying levels to allow for a dispensary; testing facilities can go anywhere.

Ms. Long asked about the pending contracts.

Ms. Susel reiterated that the State does all the applications and none were approved in Kent.

Ms. Long said if Council votes regulations in, are dispensaries in line to come in.

Ms. Susel replied "No", there had been some original interest in cultivation, but we do not have an area in the City large enough.

There were no further comments from Council or the audience.

MOTION TO AUTHORIZE THE ZONING CODE TEXTS AMENDMENTS FOR MEDICAL MARIJUANA WITH AN EMERGENCY CLAUSE made by Mr. Sidoti, seconded by Ms. Shaffer and CARRIED by a voice vote of 7-0.

After hearing no further business, Chair Ferrara adjourned the meeting at 8:54 p.m.

Tara Grimm, CMC
Clerk of Council

ACTION RECOMMENDED:

- 1) AUTHORIZE THE ZONING CODE TEXTS AMENDMENTS FOR MEDICAL MARIJUANA WITH AN EMERGENCY CLAUSE.**

**THE CITY OF KENT, OHIO
STREETS, SIDEWALKS, AND UTILITIES COMMITTEE
WEDNESDAY, APRIL 4, 2018**

Chair Roger Sidoti called the meeting of the Streets, Sidewalks, and Utilities Committee of Kent City Council to order at 8:54 p.m.

PRESENT: Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer, Mr. Roger Sidoti, and Mr. Robin Turner.

ALSO PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Public Service Director; Mr. Jim Bowling, City Engineer; David Coffee, Budget and Finance Director; Fire Chief John Tosko; and Tara Grimm, CMC, Clerk of Council.

ABSENT: Mr. Kuhar and Ms. Tracy Wallach

There were two (2) items on the Agenda.

1. Authorize a Special Event Permit for the Hammy 5k.

Mr. Ruller stated the Hamilton Family was here to answer questions on their request to expand the Hammy "Hometown Hero" 5K out onto Summit Street from the KSU campus. Since this is a new street closure, it requires Council approval. There is also a detailed Memo to the City Manager dated March 28, 2018 from Mr. Wicks, Assistant to the City Manager containing a description of what the Hammy 5K is, the permit application and race map.

Mr. Scott Hamilton of 738 Dominion Drive, Kent thanked the City for their continual support as it means a lot to his family and the community. He told a story about an elderly woman asking him if he was "Hometown Hero's" dad and how it was the highlight of her day to speak to and meet him in person.

Ms. Shaffer asked if the use of Summit Street is to bring more visibility to the race.

Mr. Hamilton stated no, it is to avoid the out and back trail and allow for more growth of the trail.

Ms. Shaffer questioned if Mr. Hamilton was aware of the condition of Summit Street.

Mr. Hamilton commented yes, and are only using a small portion of it on the west and east side of State Route 261, connected by the pedestrian bridge and portions of Hodgeman and Horning Roads.

Mr. Ruller joked how Mr. Bowling will have Summit Street closed by then anyway.

There were no comments from the audience or further from Council.

MOTION TO AUTHORIZE THE SPECIAL EVENT TEMPORARY STREET CLOSURE PERMIT FOR THE HAMMY 5K WITH AN EMERGENCY CLAUSE made by Mr. Amrhein, seconded by Mr. Ferrara. MOTION CARRIED by a voice vote of 7-0.

2. Authorize the Travelling Stanza/Utility Box Art Agreement.

Mr. Ruller stated how we are promoting public hometown art and partnering with KSU's Wick Poetry Center; there are split costs and is a great way to deter graffiti on the utility boxes. We need Council's approval for an updated MOU to continue the program. A copy of the previous MOU was attached to the City Manager's Communication.

Mr. Bowling commented there are 7 locations that can be accomplished in the budget.

Mr. DeLeone asked how many of these wrapped utility boxes have had graffiti on them.

Mr. Bowling answered only 2 times and Main Street Kent has to clean the graffiti within a certain period of time.

Ms. Shaffer asked what the cost for each one is and what are the City's costs?

Mr. Bowling stated how we did 6 or 7 boxes last time for about \$6,200 which included painting, prepping and wrapping and the cost was under \$1,000 each. We have the least expensive part of the project.

Ms. Shaffer rephrased her question: so each box costs \$2,000 and we pay half?

Mr. Bowling replied "No, it is not a 50/50 split". Last time Wick Poetry Center paid \$20,000, which is nebulous, and is a part of their program with KSU. They pay a design firm to help with the implementation.

There were no comments from the audience or further from Council.

MOTION TO AUTHORIZE THE TRAVELLING STANZA/UTILITY BOX ART AGREEMENT WITH AN EMERGENCY CLAUSE made by Ms. Shaffer, seconded by Mr. Amrhein.

Ms. Shaffer thinks these utility box wraps are fabulous and would love to see some more.

Mr. Amrhein commented "Fabulous".

MOTION CARRIED by a voice vote of 7-0.

Hearing no further business before this Committee, Chair Sidoti adjourned the meeting at 9:03 p.m.

Tara Grimm, CMC
Clerk of Council

ACTION RECOMMENDED:

- 1) AUTHORIZE THE SPECIAL EVENT TEMPORARY STREET CLOSURE PERMIT FOR THE HAMMY 5K WITH AN EMERGENCY CLAUSE.**
- 2) AUTHORIZE THE TRAVELLING STANZA/UTILITY BOX ART AGREEMENT WITH AN EMERGENCY CLAUSE.**