

**THE CITY OF KENT, OHIO
COMMUNITY DEVELOPMENT COMMITTEE
WEDNESDAY, MAY 2, 2018**

Chair John Kuhar called the meeting of the Community Development Committee of the Kent City Council to order at 7:33 p.m.

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

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; Mr. Tom Wilke, Economic Development Director, David Coffee, Budget and Finance Director; Mr. Jeff Neistadt, Health Department Commissioner, Police Chief Michelle Lee, Fire Chief John Tosko; and Tara Grimm, CMC, Clerk of Council.

ABSENT: None

There were 2 items on the Agenda.

1. Klaben Property Fee Waiver Request

Mr. Kuhar referred to Ms. Susel who submitted a detailed Memo to the City Manager on April 23, 2018 explaining Klaben's presence in the community on West Main Street for decades, their early development phase for an expansion plan that includes demolition of a residence adjacent to the primary dealership. They are wanting to clear the site so it is visually more appealing from the street. The Kent Codified Ordinances requires utilities be abandoned at the main lines, but allows this to be overridden by the Public Service Director to terminate utilities within the confines of the property at the curb line as long as a payment in lieu is made. Abandonment of the utilities is usually only on one street. This property has a water line on N. Francis and a sanitary sewer on W. Main and the payment in lieu fee is estimated to be double of a normal fee, approximately \$10,500. Mr. Klaben is requesting a waiver of the payment in lieu fee.

Mr. Al Klaben of 1250 W. Main Street, Kent was available to answer questions.

Mr. Sidoti questioned if the property where the demolition is taking place is in fact a Klaben property.

Mr. Klaben responded yes, and there are no immediate plans to develop it at this time.

Ms. Wallach asked what the normal fee in lieu would be.

Ms. Susel stated the fee varies, but the average is \$4,000- \$6,000 and the estimate for this property is \$10,500 because of the 2 streets.

Ms. Wallach stated we should just reduce the fee for Mr. Klaben to whatever the normal fee would be.

Ms. Susel said administration does not have that authority and the request by the Klabens was for a "Waiver" of the fee.

Ms. Wallach asked if there will be fees or costs to the City when the property is re-developed.

Ms. Susel stated this will avoid ripping up the street and be able to tap into the line when it is time to re-develop and responded "No" to costs and fees.

Ms. Shaffer asked what the benefits to the City would be of this demolition project.

Ms. Susel responded how this property has had some challenges, was the site of a perpetual garage sale and we only had civil enforcement ability. It was deteriorating and blighted, and impacts the main through way. Ms. Baker informed Ms. Susel how Mr. Klaben has agreed to "camera" the water and sewer lines and be verified by the City that the lines are capped and sealed.

Mr. Klaben commented how if the money being charged for the fee in lieu were waived, that money would make a significant investment in landscape improvement.

Mr. Ruller interjected how this corridor has been recognized for needing investments and improvements. It would be an incentive by waiving the fees, appreciates Klabens investment and feels it is a fair request.

Ms. Susel added that with the Record Courier having transition of ownership, a significant incentive has gone away. Klaben continues to acquire property for redevelopment; technically they are "land banking" even if a future use has not yet been identified and it is definitely something we need in that corridor.

Mr. Kuhar asked for comments from the audience.

Ms. Barb Tittle of 909 Middlebury Rd., Kent asked why Klaben couldn't pay the \$4,000 - \$5,000 fee in lieu instead of the \$10,500?

Mr. Kuhar commented how Council cannot answer questions from the audience.

Mr. Christopher Myers of 220 E. Elm Street, Kent commented on how the W. Main Street house was not blighted, he spent the first 10 years of his life there, and just because the City didn't like the people who were living there, or the yard sales, does not mean the property was blighted.

Ms. Rosenberg asked if Mr. Klaben has paid to have the house demolished.

Mr. Klaben stated yes, it began as a remodel but the further into the walls they went, it needed to be demolished as it became unsafe and was not salvageable.

Ms. Rosenberg questioned approximately how many employees Klaben has.

As Mr. Ferrara was calling a POINT OF ORDER for the question being irrelevant, Mr. Klaben responded "200" employees.

Mayor Fiala asked Mr. Klaben if he owns the property clear to the restaurant/ Dalton building.

Mr. Klaben responded "No", there is one property that is up for sale – the old auto parts store.

Mayor Fiala asked if it was their intent to purchase that property.

Mr. Klaben responded "yes".

There were no further comments from Council or the audience.

MOTION TO AUTHORIZE A WAIVER OF THE PAYMENT IN LIEU FOR KLABEN FORD LINCOLN, INC. WITH AN EMERGENCY CLAUSE made by Mr. Ferrara, seconded by Ms. Shaffer.

Mr. Ferrara expressed how Klaben is an integral part of Kent and the auto strip. It is the least the City can do.

Ms. Shaffer wanted to piggyback off of Mr. Ferrara's comment and stated we have already identified that corridor as needing improvement, is grateful property owners are stepping up to invest. Demolition has changed the face of the City and we are interested in changing that corridor.

Mr. Amrhein stated that as Councilperson for that Ward; he is appreciative for all the Klabens have done. He cannot even tell us how many times he has been called about the condition of that area. It is an important area for redevelopment.

Mr. Sidoti asked if Mr. Klaben would give Council insight, help, guidance and leadership for that area should grants become available. Klaben owns a huge footprint on the west side.

Mr. Klaben commented on how they have already had those meetings with Mr. Ruller.

Mr. Richard Klaben of 79 W. Main Street discussed the original organization meeting of the merchants back in 2005, which were mostly car dealerships. There was a 25 year plan. At the time, Don Joseph was leaving, and because of that meeting Mr. Ruller changed their leaving. We are on-board with investing in properties.

MOTION CARRIED by a voice vote of 9-0.

2. Property Maintenance Amendment Regarding PODS

Ms. Susel discussed the need for code enforcement for PODS (portable storage containers) and how they are meant to be temporary storage containers and are expensive to rent. She provided a detailed Memo to the City Manager dated April 24, 2018 along with a list of proposed requirements for portable storage containers. Several people have been using the PODS as outside storage instead of using a permanent storage facility and we need to have a way to manage it better. In order to not make this a burden, there will be a no-fee permit and we will manage them, but also letting the POD companies know our new Code so they may inform the residents. If the Code Enforcement Officers, Paul or Eric, spot a POD, that will count as day 1 of the 30 days we will be allowing a POD to be used. Some of the PODS have been sitting on properties for a year, or over a year. Financially it does not make a lot of sense, nor are they aesthetically pleasing. They would have to be kept on private property and not be placed in the right-of-way.

Ms. Wallach questioned the proposed requirement of 60 days being the most a POD can be kept on a property.

Ms. Susel explained that 30 consecutive days will be allowed, 60 days in one year to avoid them being used as permanent storage facilities. Contractors would not be subject to this because they require an on-street permit.

Ms. Wallach asked what would happen if someone needed 3 more days.

Ms. Susel commented how "Paul is reasonable."

Ms. Wallach stated if someone breaks the Code, there are civil offenses with fines that are assessed to their taxes.

Ms. Susel agreed, however citing is the last resort; we want compliance.

Ms. Shaffer wondered if we looked at how other communities handle this situation.

Ms. Susel reminded Council this recommendation reflects and is consistent with 10 – 12 other communities. The PODS are meant to be temporary, not long-term.

There were no further comments from Council or the audience.

MOTION TO AUTHORIZE THE PROPOSED PROPERTY MAINTENANCE ZONING CODE TEXT AMENDMENTS WITH AN EMERGENCY CLAUSE made by Ms. Shaffer, seconded by Mr. Amrhein and CARRIED by a voice vote of 9-0.

Hearing no further business before this Committee, Chair Kuhar adjourned the meeting at 7:58 p.m.



Tara Grimm, CMC
Clerk of Council

ACTION RECOMMENDED:

1. **AUTHORIZE A WAIVER OF THE PAYMENT IN LIEU FOR KLABEN FORD LINCOLN, INC. WITH AN EMERGENCY CLAUSE.**
2. **AUTHORIZE THE PROPOSED PROPERTY MAINTENANCE ZONING CODE TEXT AMENDMENTS WITH AN EMERGENCY CLAUSE.**

LETTING THE SUN SHINE IN- OHIO'S PUBLIC RECORDS AND OPEN MEETINGS ACTS

Council Committee Meeting: May 2, 2018
City of Kent, Ohio

Overarching Mission Statement

Consistent with the premise that government at all levels exists first and foremost to serve the interests of the people, it is our mission and intent to at all times fully comply with and abide by both the spirit and the letter of Ohio's Public Records and Open Meetings Acts.

1. What must the Public Office do?:
 - a. Ensure that all employees are aware of and trained of the provisions of the Acts;
 - b. Do nothing that negatively abridges the public's right to obtain information about their government;
 - c. Do everything possible to aid those who are seeking information.
 - d. Construe the provisions of the Acts in a manner that favors compliance; and
 - e. If information cannot be disclosed because of an exception, clearly state the reasons why the information is being denied.
2. Requirements of Council:
 - a. Education once during a member's term in office; and
 - b. Council has designated the Council Clerk to attend the three hour course on the member's behalf.

Public Records

Definition: A *record* kept by a *public office* that has information stored on a fixed medium (tapes, e-mails, photos, films, videos, papers, etc.),

and is created or received by, or coming under the jurisdiction of, a *public office*, and documents what the *public office* does; the organization, functions, policies, decisions, procedures, operations or other activities of the *public office*.

1. If a document or item is not a "record" in the first place, then it is not covered by the Public Records Act. (Junk mail, purely personal communications to, from or between public employees, home addresses of public employees).
2. The Law Department is the office that receives all records requests, and responds accordingly. (Except accident reports handled by the Police Department).
3. Requesters:
 - a. Do not need to identify themselves;
 - b. Do not need to put the request in writing;
 - c. Do not need to explain "why" they want the records;
 - d. May decide the medium (paper, electronic) that the record is delivered; and
 - e. May only be charged for the cost of copying (not to include the salary of the person making the copy).
4. Public Records Requests will be responded to in a "prompt" and "reasonable" period of time.
5. All information that must be redacted will be visible and an explanation as to why the information was redacted will be given to the requester.
 - a. There are many exceptions to disclosure under the Public Records Act, and throughout the Revised Code and federal laws (i.e. SSNs, adoption records, records of minors involved in recreation activities, police investigation records).
6. The public office is not required to create new records or reveal information stored in the heads of its employees.
7. The public office must document the entire records requests process.

Records Retention

Records retention has nothing to do with public records. Records retention schedules are for all "records," regardless of whether they are a public record or not.

1. Not every piece of information placed by a public employee on a fixed medium is a "record," but if it is a record, it must be retained according to a properly promulgated records retention schedule.
2. A public office may not destroy, mutilate or otherwise dispose of records except as provided for by law and under the rules of the City's records commission.
3. Records must be kept indefinitely, unless an approved records retention schedule exists covering disposal of the particular record.
4. City's Records Commission will be meeting in the next few months, if there is any recommendations you would like to make, please have them ready for presentation.

Open Meetings

Similar to the Public Records Act, the Ohio Open Meetings Act is based on the principle that citizens must be able to observe the operation of their representative government. To that end, the Open Meetings Act is intended to require public bodies to take official action and to conduct deliberations upon official business in open meetings.

1. Definition of "meeting:" a prearranged gathering of a majority of the members of a public body to discuss or conduct public business.
 - a. Each of these three characteristics must be present; otherwise, the gathering is not a meeting.
 - b. "Discussion" is an exchange of words, comments or ideas.
 - c. "Deliberation" involves the weighing and examination of reasons for and against a course of action.

- i. Simple information gathering or fact finding may not be enough to constitute a "meeting;" however, the Open Meetings Act is to be liberally construed.
2. Members of the public body cannot participate by phone.
3. "Work sessions" are meetings subject to the Open Meetings Act.
4. Standing alone, one-on-one conversations between individual members, either in person or by telephone, do not violate the Open Meetings Act.
 - a. A conference call between a majority of members where public business is discussed is prohibited.
 - b. A public body must not, however, circumvent the Act by scheduling back-to-back discussions (whether in person, by phone, email or text) of public business which, taken together, are attended by a majority of the members. Such "*round robin*" or "*serial*" meetings violate the Open Meetings Act.
5. Responsibilities of Public Bodies
 - a. Openness-All official actions, deliberations of official business and voting must be open to the public.
 - b. Notice-The timing and notice must be provided to the public pursuant to rules/ordinances.
 - c. Minutes-Minutes must be composed and filed for each meeting.
 - i. Executive Sessions excepted.
6. Executive Sessions
 - a. What topics are covered?:
 - i.. Personnel;
 - ii. Property;
 - iii. Court Actions;
 - iv. Collective Bargaining;
 - v. Confidential Matters; and
 - vi. Security Arrangements.
 - b. Members may invite or exclude anyone they choose
 - c. No penalty under Open Meetings Act for revealing what was discussed in Executive Session, so choose your attendees accordingly. (Note: If there is a separate statute that prohibit disclosure, the attendees must abide by that prohibition).

- d. Restrictions on Executive Session
 - i. No decision-making;
 - ii. No voting (other than a motion to recess or to return to open session); and
 - iii. Non-permitted matters may not be discussed in Executive Session. Must discuss only the matter that was described in the motion to recess into the closed session.
- e. Documents presented or created in Executive Session may be subject to disclosure pursuant to the Public Records Act.

**THE CITY OF KENT, OHIO
COMMITTEE OF THE WHOLE
WEDNESDAY, MAY 2, 2018**

Mayor Fiala called the Committee of the Whole meeting of Kent City Council to order at 7:05 p.m.

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

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; Mr. Tom Wilke, Economic Development Director, David Coffee, Budget and Finance Director; Mr. Jeff Neistadt, Health Department Commissioner, Police Chief Michelle Lee, Fire Chief John Tosko; and Tara Grimm, CMC, Clerk of Council.

ABSENT: None

There were 2 items on the Agenda.

1. Consideration of City-KSU Collaboration Commitment

Mr. Ruller explained how this collaboration is a "renewal of our vows" from 2013 in conjunction with the joint Centennial celebration. There is new administration at KSU and this would reaffirm support and commitment.

Ms. Shaffer asked who will be signing this commitment as she feels it is important to be signed by both parties.

Mr. Ruller stated it would be a joint signing.

Mr. Sidoti questioned if the recent E. Main St. Resolution would fall under this broader Resolution.

Mr. Ruller answered "yes" as it will support our moral commitment.

Ms. Shaffer wondered if language could be added to state we are working together to solve problems as this is something she and Ms. Wallach worked on as the university liaisons. She would like to see language added that welcomes new residents, students and even acknowledge the long-time residents.

Mr. Ruller agreed, and stated this is just a "draft" and not the finalized Resolution.

MOTION TO AUTHORIZE A RESOLUTION FOR THE RENEWAL OF THE CITY-KSU TOWN GOWN COLLABORATION COMMITMENT WITH AN EMERGENCY CLAUSE made by Mr. Ferrara, seconded by Mr. DeLeone and CARRIED by a voice vote of 9-0.

2. Public Records Refresher Training

Mr. Ruller commented on how over 10 years ago Mr. Silver, the former Law Director, and the former Clerk, Linda Jordan provided the last round of public records training. Now with Ms. Jones arrival as the new

Law Director, she will cover a few more issues and provide a broader review of the major requirements of the State law on managing public records.

Ms. Jones stated she would like for Clerk Grimm to chime in at any point in time on the subject as she has thorough knowledge of this topic as well. The City's Public Record Policy is from 2000 where it states each department is in control of their public record requests; however, she would like her and the law department to be a "gatekeeper" of all public records requests. She is asking all departments and/or anyone who receives a public records request to please forward them directly to her with a cc: to the requestor. We are required to keep a log and track each request in detail as to when and how the request was responded to, on what medium, if information was redacted, and why. A new Public Records Policy will be sent out to all the departments so we are all on the same page.

On May 30th at 5:30 p.m. the 1st Records Commission meeting of the year will be held here in Council Chambers. Any questions or requests for changes to records retention should be forwarded to her by May 21st.

Ms. Jones then referred to Mr. Turner's concern from the previous meeting regarding the record retention period for his personal notes he takes when meeting with a constituent. Mr. Turner can feel free to dispose of those notes as soon as they are no longer useful to him.

Ms. Wallach questioned if Ms. Jones would like the requests verbally or in writing.

Ms. Jones began to speak on the methods in which we can receive a public records request – oral, writing, anonymous and she would like all of them forwarded to her.

Ms. Wallach clarified she was speaking of the requests for the meeting on the 30th and if Ms. Jones would like those in writing.

Ms. Jones apologized for misunderstanding and stated yes, she would like them in writing.

Ms. Shaffer asked "who is the final decider" when it comes to the records retention schedule.

Ms. Jones replied "the Records Commission does, then it goes to the Historical Society and the Auditor for final approval." Council is only allowed to be involved when it comes to their "tree of records". They can only make recommendations to the Commission on how they would like their records kept.

Ms. Shaffer asked who is on the Records Commission.

Ms. Jones replied Mr. Ruller, as the Executive, she is as the Law Department representative, Mr. Coffee and a citizen by the name of Rob Wemhoff. This Commission is set by the Ohio Revised Code.

Mr. Sidoti wondered that since we set our policy, is it clearly stated that we can't supersede it.

Ms. Jones stated he is speaking of 2 different things: There is Ohio Revised Code Section 149 on "Retention" and that is on of ALL records of the City; then there are Public Records requests where we have to abide by the revised code *and* federal laws.

Mr. Sidoti asked if this is so we can protect the privacy of others within the city such as employees, contractors, et.al.

Ms. Jones responded yes.

Mr. Kuhar asked if audio is a public record and if the ORC tells us what to do.

Ms. Jones replied "No". Audio is only a public record for as long as it exists; we will provide it if it still exists. Our records retention schedule and policy are tools to help guide us. Right now audio can be legally destroyed after a set period of time. Currently destruction of the audio happens after paper minutes are approved because the audio is for "minute taking purposes only". If Council wants to make a change in the length of the retention of the audio, they can only make suggestions to the records commission.

Mr. Turner was concerned that there are 4 voting members on the Commission and tie voting

Ms. Jones stated yes, 4 voting members is by Code. If there is a tie vote, the motion fails. Technically that record could never be disposed of.

Ms. Rosenberg asked about sending recommendations since Ms. Jones will receive multiple ones with different time frames of retention; how is Ms. Jones planning on handling that?

Ms. Jones stated the Commission will look at all of the recommendations and see which ones are reasonable.

Ms. Rosenberg asked if she could let Council know what all the different recommendations were.

Ms. Jones stated yes, she will put together an Agenda for the meeting. She then referred to portions of her Memo in the City Manager's Communication (**See Attachment #1**).

Ms. Wallach questioned Ms. Jones's Memo Section 6(d)(i) and (ii) on Executive Sessions and if there is a difference between (i) no decision making and (ii) no voting.

Ms. Jones replied "yes". She then clarified that these scenarios do NOT happen here in the City, but sometime a "straw vote" or feelings are voiced in a very direct manner or they try to discuss other topics.

Ms. Wallach further questioned Section 6(e) Documents presented or created in Executive Session being a public record.

Ms. Jones said there is always a lot of misunderstanding when it comes to this. Any private, legal advice she would give is confidential, statutes are confidential and she recommends refraining from discussion outside of Executive Session, and how in her past experiences there has even been requests to censure members.

Ms. Wallach clarified how she was referring specifically to the materials handed out in Executive Session are subject to Public Records request.

Ms. Jones agreed and would recommend giving any printed materials back to the person who initially gave it to them so only that person is subject to the public records request and can keep track of the document. She then cautioned Council on what constitutes an open meeting – such as emails and telephone calls then referenced the recent issues with the City of Cincinnati having a "learning moment".

Ms. Wallach was unaware of the issue and asked Ms. Jones to explain.

Ms. Jones summarized how the City Manager in Cincinnati was having some issues and there was a "round robin" of text messages amongst the majority of Council and they tried to vote. It was ruled as an illegal public meeting.

Ms. Shaffer asked if this happens when there is a majority only.

Ms. Jones responded that "round robin" is illegal.

Ms. Wallach questioned if when responding to City email if that is an open meeting.

Ms. Jones gave an example how if she was to email all of Council to inform them of a case, Council *cannot* "reply all" or "cc all"; each individual member should call her directly or email her privately.

Ms. Wallach asked if she needs to save emails and what about scheduling using emails.

Ms. Jones stated Council should be keeping all emails in accordance with our Records Retention Policy's time frame and scheduling meetings is fine.

Ms. Wallach questioned if there was a list of the types and subjects of emails that are considered illegal.

Ms. Jones replied there is no list, but to just remember that any conversation regarding public business between majorities of councilmembers is considered a meeting.

Mr. Kuhar asked if this is why Council were all given Gmail accounts and if an email would suffice to submit his request for the meeting on the 30th.

Ms. Jones answered yes to both.

Hearing no further business before this Committee, Mayor Fiala adjourned the meeting at 7:33 p.m.



Tara Grimm, CMC
Clerk of Council

ACTION RECOMMENDED:

- 1) **Authorize a Resolution for the renewal of the City-KSU Town Gown collaboration commitment with an emergency clause**

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**THE CITY OF KENT, OHIO
HEALTH & SAFETY COMMITTEE
WEDNESDAY, MAY 2, 2018**

Chairman Jack Amrhein called the meeting of the Health & Safety Committee of Kent City Council to order at 7:58 p.m.

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

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; Mr. Tom Wilke, Economic Development Director, David Coffee, Budget and Finance Director; Mr. Jeff Neistadt, Health Department Commissioner, Police Chief Michelle Lee, Fire Chief John Tosko; and Tara Grimm, CMC, Clerk of Council.

ABSENT: None

There were 2 items on the Agenda.

1. GIS Mapping of Health Infrastructure

Mr. Neistadt explained how the Health Department, in collaboration with KSU, has developed a GIS mapping with a searchable database and booklet that will be able to be provided to the public for the City's public health infrastructure which would encompass the entire Kent zip code: doctors, dentists, behavioral health therapists, mental health services, suicide prevention, pharmacies, transportation options, insurances accepted, and even whether or not companies are taking new patients.

Mr. Mike Anguilano, Accreditation Coordinator for the Kent Health Department showed a rendering of the GIS map which was created after working with a graduate student on 160 hours of practicum and a volunteer intern where they categorized facilities, created a giant list for a brochure, and then worked with the GIS Department to create a draft map. The Health Department is going to be a one-stop for all health resources. This map is just the first step.

Mayor Fiala asked since the zip code is 9 square miles, with this conflict with outside agencies that use our zip code.

Mr. Neistadt explained he is trying to create a resource, a robust public health infrastructure database, but there are parameters. They researched where residents get their services from.

Mr. Kuhar asked if there was any type of official rating scale for doctors and medical facilities.

Mr. Neistadt replied no, just Google, nothing is official or regulated.

Ms. Wallach questioned how Mr. Neistadt planned on informing people as not everyone has computers.

Mr. Neistadt replied he will use the Tree City Bulletin, email blast, media blast, the same ways he promotes other health department items and that is why there needs to be a printed booklet.

Ms. Sidoti asked when this is planned on being rolled out.

Mr. Neistadt is hoping for June, but with the upcoming KSU break, will probably be by the Fall when students are back in session.

Ms. Shaffer discussed parameters and asked what the definition of "health service" is.

Ms. Neistadt stated he is not a fan of the word "wellness center", but includes primary doctors, behavioral and mental health, hospitals, hotlines et. al.

Mr. Kuhar questioned how they plan on keeping track of all the changes as doctors' change and move or have mobile facilities.

Ms. Neistadt referred to this as a "living document" with annual booklets. He questioned University Hospital's plans for expansion as well.

Mr. Kuhar thought maybe there could be a system for facilities to report in and out.

Ms. Neistadt agreed that would be a great idea, like a portal that could be logged into.

Ms. Shaffer asked if chiropractors are included.

Mr. Anguilano stated yes, they are included. Their biggest challenge is defining a "health care facility" and would like to have that definition set by June to create the list.

Ms. Neistadt explained this is a moving target.

There were no further comments from Council or the audience.

2. Consideration of City Schools Public Safety Joint Resolution.

Mr. Ruller explained the proposed Resolution is self-explanatory and thanked Gwen for being the brains behind the idea on recognizing the gun violence and protecting the kids. We do a lot already with our schools and do not necessarily publicize it, other than our SRO. We continue to have safety meetings due to the resurgence in that topic, and created a flyer with an overview for parents to reassure them that the City and school system are working closely together on many training opportunities. He will provide a copy of the flyer to Council. We have at least 30 visits in the schools a week by our Officers over and above our SRO. Mr. George Josephs, Superintendent of schools, was already drafting a Resolution and Mr. Ruller thought we should make it a Joint Resolution with the City reaffirming our partnership, bringing public awareness and support from our legislators including their funding.

Ms. Shaffer thought the Resolution was wonderful except for item #4. She felt we should be rethinking the balance vs. preserving the balance between the right to own firearms and the protection of students and school employees from any act of violence; and without treading into the politics, she feels it is way out of balance.

Chief Lee stated she, the local school district and the police cannot take that stance.

Ms. Wallach questioned if there are no guns allowed in the schools and questioned if "No Guns Allowed" signs are permitted in the windows of businesses.

Chief Lee replied "yes", the SRO's are the only officers with guns in the schools.

There were no further comments from Council or the audience.

MOTION TO AUTHORIZE A JOINT RESOLUTION FOR PUBLIC SAFETY WITH THE KENT CITY SCHOOLS WITH AN EMERGENCY CLAUSE made by Mr. Sidoti seconded by Mr. DeLeone.

Both Mr. Sidoti and Ms. Rosenberg thanked Mr. Ruller and Chief Lee for their proactive measures and collaboration with the Kent City Schools as safety is a priority.

Ms. Shaffer stated while she would like to take a stand on item #4, she wanted to go on record on the whole to show solidarity as a community and imploring those higher up to make a change.

MOTION CARRIED by a voice vote of 9-0.

Hearing no further business before this Committee, Chairman Amrhein adjourned the meeting at 8:19 p.m.



Tara Grimm, GMC
Clerk of Council

ACTION RECOMMENDED:

- 1) **AUTHORIZE A JOINT RESOLUTION FOR PUBLIC SAFETY WITH THE KENT CITY SCHOOLS WITH AN EMERGENCY CLAUSE.**

**THE CITY OF KENT, OHIO
STREETS, SIDEWALKS, AND UTILITIES COMMITTEE
WEDNESDAY, MAY 2, 2018**

Chair Roger Sidoti called the meeting of the Streets, Sidewalks, and Utilities Committee of Kent City Council to order at 8:19 p.m.

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

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; Mr. Tom Wilke, Economic Development Director, David Coffee, Budget and Finance Director; Mr. Jeff Neistadt, Health Department Commissioner, Police Chief Michelle Lee, Fire Chief John Tosko; and Tara Grimm, CMC, Clerk of Council.

ABSENT: None

There were three (3) items on the Agenda.

1. License Agreement with Akron for Bike Path Easement

Mr. Ruller discussed how Mr. Bowling has been working on this for several years, both long-term and short-term plans, for using the Akron Water corridor for a bike trail and then referred to Mr. Bowling.

Mr. Bowling stated he has been working with the City of Akron for a little while to try to get something significant connecting a shared use path with Longcoy, Davey, the high school, the middle school and the neighborhood to the bike trail. This is the 1st step with the City of Akron and will impact 50-60 homes reducing the route to the bike and hike trail access by as much as half a mile by putting in this 100 foot long path. It is a great opportunity.

Mr. Amrhein questioned if this will include Majors Lane.

Mr. Bowling replied no, this is just going to cross Lower Drive to Akron Blvd. The long term plan is to extend down Majors Lane.

Mr. Kuhar commented how the lane is supposed to be safer for cyclists and joked about mileage vs. safety because cyclist actually want the mileage.

Mr. Bowling laughed and stated "maybe they could just get farther."

Mayor Fiala asked who is responsible for prepping the land for this path.

Mr. Bowling explained there will be 5 inches of asphalt so Akron will be able to drive their equipment on it to go look at their water main lines.

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

MOTION TO AUTHORIZE THE BIKE PATH LICENSE AGREEMENT WITH THE CITY OF AKRON ACROSS THEIR WATER MAIN EASEMENT WITH AN EMERGENCY CLAUSE made by Mr. Amrhein, seconded by Mr. Ferrara. MOTION CARRIED by a voice vote of 9-0.

2. OPWC Pre-Application Requests.

Mr. Ruller reminded Council and informed the audience that this item is being deferred until the meeting on May 16th or the one after.

3. Citywide Trash Bid

Mr. Ruller referred to Ms. Baker to discuss the potential addendums from the last meeting on the trash bid to explain and request award of the contract.

Ms. Baker stated she met again with Portage County Solid Waste Management and Republic Services and there is still a slight discrepancy in the number of customers, but seems to be the number of customers that were using the bag system covering the gap in the numbers. Republic Services will be sub-contracting with Portage County Solid Waste for recycling. They will combine their lists in the first 4-6 weeks. Residents can then re-evaluate their type of service and if no choice is made, it will default to the 95 gallon cart. Then she, Republic and Portage County will verify that they have all residents on the new trash/recycling contract. She then referred to her detailed Memo to the City Manager dated April 25, 2018 in the City Manager's Communications and her previous presentation to Council of the pricing.

Ms. Baker continued to explain how prices did go up, but there hasn't been an increase since 2011. The increase is reasonable. The new rates and contract will be effective July 1, 2018. A brochure is jointly being created with the City and Republic Services to educate the residents on how their billing will be different. The information will also be placed in the Tree City Bulletin. She stated both Bill from Portage County Solid Waste and Terry from Republic Services were here to answer any questions.

Ms. Wallach commented how she thought the monthly recycling billing for 3 years was \$4.75 v. \$6.50.

Ms. Shaffer stated we are losing the ability to contract directly with Portage County, so what keeps Republic Services from dumping their partnership with Portage County Solid Waste. What are the terms of their contract?

Ms. Baker replied how the separate billing had been very time consuming for the City staff so there will be a significant cost savings in paying employees for this task. Republic and Portage County have worked together before and understand Kent's commitment.

Mr. Terry Thompson of Republic Services at 2800 S. Erie in Massillon explained they will sub-contract with Portage County and want to ensure that the same concerns will outlive Bill and himself and tie in with the agreement with the City long after they are gone.

Mr. Kuhar was concerned with the increase in recycling and questioned what the increase is.

Ms. Baker replied how it is increasing from \$2.21 to \$6.50; which has been the rate since 2009.

Mr. Bill Steiner of Portage County Recycling, 3588 Mogadore Road, Kent stated that 2009 rate of \$2.21 came from a discussion and compromise with the former Public Service Director in 2009.

Mr. Kuhar questioned the new rate being for the 95 gallon bins.

Mr. Steiner explained how nothing is changing except Portage County Solid Waste will now be working under Republic Services.

Ms. Baker stated we have not had an increase in almost 10 years. \$6.50 is comparable to other areas.

Mr. Thompson stated these are a blend of rates that includes recycling, trash and ancillary services. The rate for processing recycling is through the roof; it is more expensive than trash, and is not expected to come down.

Mr. Kuhar asked if they are no longer being paid for the recyclables.

Mr. Thompson stated "no" and commented on how the pivot point has been China and their tolerance for contaminated recycling, which is now a *half* of one percent. They had been as high at 30%. The City of Akron has a 42% contamination rate. Although the carts streamline the job and save the drivers' backs, unfortunately the drivers can't see what is in the container.

Ms. Shaffer inquired how the City of Kent was subsidizing by using our labor to stabilize and keep prices low and will we experience a significant cost savings with the labor of staff. She asked if this contract includes Spring clean-up.

Ms. Baker responded "yes", Spring clean-up isn't changing; everything is staying exactly the same as it is today. She appreciated Council giving her the chance to bid it to see if there was any cost savings.

Ms. Shaffer asked if the Spring clean-up is a cost to the City.

Ms. Baker replied "yes, we pay by the tonnage; it is part of the bid and there is a slight price increase.

Mr. Ruller added how Spring Clean-up is free for all. When we made the trash switch, we managed to reduce the trash rate 30% for 9 years.

Ms. Wallach commented how the Solid Waste fee will no longer be on the water bill.

Ms. Baker stated "this is where the education portion will come in." There will still be a \$2.88 charge from our side on the water bill for brush pick-up, leaf pick-up and the waste facility we have; however, the rest of the charges of \$2.21 will be on the bills residents receive from Republic. Education will be very important.

Mr. Ruller added we are trying to come up with a better means for billing because it is confusing.

Ms. Baker stated that is why education is so important.

Ms. Shaffer asked for clarification that the City still provides Spring Clean-up – is this paid by the City and not the residents? We do not pass those costs onto the residents through their bill?

Both Mr. Ruller and Ms. Baker responded "correct."

Mr. Kuhar commented on how it costs more to pick up recycling than what the recycling companies get for it now.

Mr. Steiner received the monthly spreadsheet from Waste Management today, as they contract through them to do the recycling processing. In January 2018 they were receiving a \$6.35 per ton rebate; in February it dropped to \$4.01 a ton; March was \$4.38 a ton. As of today, he is *paying* a 46 cent per ton fee to process due to the contamination issues of the recyclables. They will be reaching out to municipalities to start educating about the contamination, especially the plastic bags that are not recyclable. They are asking their drivers to be more diligent and watch the cameras on the trucks as the carts are being dumped and to call in that particular address so a warning letter can be sent about the contaminated recyclables. If after 2 or 3 times the same address does not comply, they will send out an environmental compliance officer to speak with the resident. Waste Management can issue a letter for contaminated recyclables and Portage County Solid Waste could receive a fine of \$175 ton to process contaminated waste.

Mr. Kuhar questioned approximately how many 95 gal containers make up a ton after compression.

Mr. Steiner stated it is at various levels depending on materials. The most material in the County comes from Kent and they have seen a 16.1% increase in recycling which they contribute to using the cart system. This increase means we are headed in the right direction.

Mr. Kuhar rephrased his question: how many 95 gal. bins make up a ton.

Mr. Steiner replied 60-70 bins if he were to quickly do the math.

Mr. Kuhar rephrased and asked what the recycling companies are making vs. spending.

Mr. Ferrara called a POINT OF ORDER on Mr. Kuhar to stay on topic.

Mr. Steiner replied that they are making nothing right now. There will be a ripple through the industry thanks to China's *half* of a percent tolerance for contamination.

Mr. Amrhein asked how many residents use the bag system as he has received several calls from residents who do not want to lose the bag system.

Ms. Baker stated over 5 years, there were 627 different addresses that purchased bags from the City; this does not include the 200-300 residents who buy their bags from places like Giant Eagle or Acme.

Mr. Sidoti asked if the audience had any questions.

Ms. Barb Tittle of 909 Middlebury Rd. Kent asked if the "senior" discount will continue on her bill and commented with the cost difference between trash and recycling, maybe recycling is no longer worth it and not just here in Kent; why continue to recycle if it is no longer practical.

Ms. Baker stated "yes" the senior discount is still continuing.

Mr. Steiner discussed the conversion from single string recycling to a 10 year contract with Waste Management. They have a processing agreement with the City of Akron that allowed us to piggyback onto for better processing rates. In Portage County's contract with Waste Management, he made sure they are not permitted to landfill any of our recyclables deemed worthy in a secondary market without the written consent of the Portage County Solid Waste District Board of Commissioners. There are penalties if we catch them. It is the Solid Waste District's commitment to the citizens of Portage County and built that protection into the contract.

Mr. Thompson commented how they work twice as hard to get a ton of recyclables now, but recycling is alive and well. The rates for recycling have gone up since the contract 9 years ago, but the trash rate has actually gone down. If you combine the unlimited service, the rate is still about what it was 9 years ago.

Ms. Baker agreed, the trash rate is less than the last contract.

Ms. Wallach added recycling began when they started closing landfills in the 1970's because there was nowhere to put trash anymore.

Mr. Kuhar began to ask if Mr. Thompson and Mr. Steiner could go back to the original containers.

Mr. Sidoti interrupted Mr. Kuhar on the significance of his question as it does not pertain to the Motion on the floor.

Mr. Kuhar withdrew his comment.

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

MOTION TO AUTHORIZE THE CITYWIDE TRASH SERVICE CONTRACT TO REPUBLIC SERVICES WITH AN EMERGENCY CLAUSE made by Ms. Shaffer, seconded by Ms. Wallach.

Ms. Shaffer felt this is a great combination and partnership. Recycling is the right thing to do regardless if we see monetary value to it.

Ms. Rosenberg began to ask about Kent producing more recycling than surrounding neighborhoods.

Mr. Ferrara called a POINT OF ORDER on Ms. Rosenberg as we are in the middle of a Motion.

Mr. Rosenberg stated she was confused and never mind.

MOTION CARRIED by a voice vote of 9-0.

Hearing no further business before this Committee, Chair Sidoti adjourned the meeting at 8:51 p.m.



Tara Grimm, CMC
Clerk of Council

ACTION RECOMMENDED:

- 1) **AUTHORIZE THE BIKE PATH LICENSE AGREEMENT WITH THE CITY OF AKRON ACROSS THEIR WATER MAIN EASEMENT WITH AN EMERGENCY CLAUSE**
- 2) **AUTHORIZE THE CITYWIDE TRASH SERVICE CONTRACT TO REPUBLIC SERVICES WITH AN EMERGENCY CLAUSE**