

**THE CITY OF KENT, OHIO
COMMUNITY DEVELOPMENT COMMITTEE
WEDNESDAY, AUGUST 1, 2018**

Chair John Kuhar called the meeting of the Community Development Committee of the Kent City Council to order at 8:48 p.m.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Mr. John 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. Brian Huff, Budget and Finance Controller; Mr. Jim Bowling, City Engineer; Ms. Suzanne Stemnock, Human Resources Director; Fire Chief John Tosko; Police Chief Michelle Lee; and Ms. Tara Grimm, MMC, Clerk of Council.

ABSENT: None

There was 1 item on the Agenda.

1. Status Update on 408 Mantua Street House and Authorization of Demolition

Ms. Baker read from her Memo to the City Manager dated July 31, 2018 which was given to Council this evening. **(See Attachment #1)**

Ms. Shaffer questioned if we demolish the house will there be no more property taxes and go off the docket.

Ms. Baker responded yes because we do not pay property taxes on city property.

Mr. Ferrara asked if the land was going to be used to build a storage structure for the fire department.

Ms. Baker replied no and we are unable to keep the rear building currently on the property.

Chief Tosko added that currently they do not have a need for that type of storage, but would like to add truck bays.

Ms. Wallach questioned if since we are still looking to sponsor a Syrian family if we can donate the house to the International Institute of Akron. The City would keep the property, donate the house and place the family there.

Mr. Ruller commented on how this is the last rental property. It was not our core mission to be in the rental business. A better solution may be to put a Syrian family in an apartment. This house requires serious upgrading.

Ms. Wallach stated the International Institute of Akron would be responsible for the upgrade of the house.

Ms. Baker added how she would have to look into what financial obligations there would be.

Mr. Sidoti asked about the gross rental income and stated the taxes are about \$2,500.

Ms. Baker replied \$6,000 and the renters pay the utilities.

Mr. Kuhar referred to the audience.

Ms. Barb Tittle of 909 Middlebury Road, Kent asked Mr. Ruller if 500 Middlebury Road was not a rental.

Mr. Ruller apologized for the confusion as Parks and Recreation are owners of that rental.

There were no further comments from Council or the audience.

MOTION TO AUTHORIZE THE DEMOLITION OF THE HOUSE LOCATED AT 408 MANTUA STREET, WITH AN EMERGENCY CLAUSE made by Mr. Ferrara, seconded by Mr. DeLeone.

Mr. Ferrara asked that the land be made to look nice after the demolition.

MOTION CARRIED by a voice vote of 7-2 with Mr. Kuhar and Ms. Wallach voting "No."

Hearing no further business before this Committee, Chair Kuhar adjourned the meeting at 9:02 p.m.

Tara Grimm, MMC
Clerk of Council

ACTION RECOMMENDED:

1. **AUTHORIZE THE DEMOLITION OF THE HOUSE LOCATED AT 408 MANTUA STREET, WITH AN EMERGENCY CLAUSE**

**THE CITY OF KENT, OHIO
COMMITTEE OF THE WHOLE
WEDNESDAY, AUGUST 1, 2018**

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

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Mr. John Kuhar; Ms. Gwen Rosenberg; Ms. Heidi Shaffer; and Mr. Roger Sidoti.

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. Brian Huff, Budget and Finance Controller; Mr. Jim Bowling, City Engineer; Ms. Suzanne Stemnock, Human Resources Director; Fire Chief John Tosko; Police Chief Michelle Lee; and Ms. Tara Grimm, MMC, Clerk of Council.

ABSENT: Mr. Robin Turner (Arrived 7:05) and Ms. Tracy Wallach (Arrived 7:08)

There were 2 items on the Agenda.

1. Interviews for Boards and Commissions Vacancies

Mayor Fiala stated Council will be interviewing applicants for Boards this evening. He called each person by name, starting with Mr. Peter Kierstead since he applied for multiple Boards. There was some discussion on the possibility of Mr. Kierstead withdrawing his application for the Architectural Review Board.

- ARCHITECTURAL REVIEW BOARD One (1) vacancy for a three (3) year term commencing 8/15/2018 through 12/31/2021.
 - 1. Peter Hans Kierstead – New Applicant - Was present to be interviewed.
 - 2. Dennis Saxe – New Applicant - Was present to be interviewed.
 - 3. Allan Orashan – Re-applicant; Does not require being re-interviewed but was unable to attend this evening to speak with Council.
- BOARD OF BUILDING APPEALS One (1) vacancy for a General Contractor and Two (2) vacancies for alternates. Three (3) year term commencing immediately through 12/31/2021.
 - 1. Peter Hans Kierstead – New Applicant and only qualifies to be considered for an alternate.
- SHADE TREE COMMISSION Two (2) vacancies. Four (4) year term commencing 8/18/2018 through 12/31/2023.
 - 1. Andrew Roland – New Applicant - Was present to be interviewed.
 - 2. Peter Hans Kierstead – New Applicant - Was present to be interviewed.
- FAIR HOUSING BOARD One (1) vacancy. One (1) three-year term commencing 8/19/2018 through 12/31/2021.
 - 1. Rouven Cyncynatus – Re-applicant; Does not require being re-interviewed but was unable to attend this evening to speak with Council.
 - 2. MJ Eckhouse – New Applicant – Was present to be interviewed.
 - 3. Peter Hans Kierstead – New Applicant – Was present to be interviewed.

- STORM WATER DISTRICT REVIEW AND APPEALS BOARD One (1) vacancy. Two (2) year term commencing immediately through 12/31/2020.

1. Peter Hans Kierstead – New Applicant - Was present to be interviewed.

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, August 15, 2018.

2. Approval of Updated City Public Records Policy for the State Auditor

Mr. Ruller stated how we have updated and tightened our compliance with our public records policy since Ms. Jones has arrived and although we have adopted it internally, during our exit interview with the State Auditor's they requested Council to approve the policy as a legislative act. It is basically a housekeeping item.

MOTION TO APPROVE THE UPDATED CITY'S PUBLIC RECORD POLICY WITH AN EMERGENCY CLAUSE made by Mr. Sidoti, seconded by Mr. Ferrara and CARRIED by a voice vote of 9-0.

Hearing no further business before this Committee, Mayor Fiala adjourned the meeting at 7:24 p.m.

Tara Grimm, MMC
Clerk of Council

ACTION RECOMMENDED:

- 1) **APPROVE THE UPDATED CITY'S PUBLIC RECORD POLICY WITH AN EMERGENCY CLAUSE**

**THE CITY OF KENT, OHIO
FINANCE COMMITTEE
WEDNESDAY, AUGUST 1, 2018**

Chair Michael DeLeone called the meeting of the Finance Committee of Kent City Council to order at 9:16 p.m.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Mr. John 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. Brian Huff, Budget and Finance Controller; Mr. Jim Bowling, City Engineer; Ms. Suzanne Stemnock, Human Resources Director; Fire Chief John Tosko; Police Chief Michelle Lee; and Ms. Tara Grimm, MMC, Clerk of Council.

ABSENT: None

There was one (1) item on the Agenda.

1. 2018 Budget Appropriations Amendment

Mr. Huff referred to Mr. Coffee's Memo to the City Manager dated July 25, 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. Amrhein, seconded by Mr. Ferrara, and CARRIED by a voice vote of 9-0.

At 9:17, 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) & (3): *(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" AND (3) Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action"* made by Mr. Amrhein, seconded by Mr. Ferrara. On Roll call voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Mr. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach and Mr. Amrhein. Motion CARRIED 9-0.

At 9:47 p.m., Council came out of Executive Session and reconvened the meeting in open forum.

At 9:48 p.m., **MOTION TO AUTHORIZE THE SETTLEMENT OF A PENDING LEGAL MATTER WITH AN EMERGENCY CLAUSE** made by Mr. Ferrara, seconded by Mr. Sidoti and CARRIED by a voice vote of 9-0.

Chair DeLeone adjourned the meeting at 9:49 p.m.

Tara Grimm, MMC
Clerk of Council

ACTION RECOMMENDED:

- 1) AUTHORIZE THE 2018 PROPOSED APPROPRIATIONS AMENDMENT AS SUBMITTED WITH AN EMERGENCY CLAUSE**
- 2) AUTHORIZE THE SETTLEMENT OF A PENDING LEGAL MATTER AND DECLARING AN EMERGENCY**

**THE CITY OF KENT, OHIO
HEALTH & SAFETY COMMITTEE
WEDNESDAY, AUGUST 1, 2018**

Chairman Jack Amrhein called the meeting of the Health & Safety Committee of Kent City Council to order at 7:24 p.m.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Mr. John 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. Brian Huff, Budget and Finance Controller; Mr. Jim Bowling, City Engineer; Ms. Suzanne Stemnock, Human Resources Director; Fire Chief John Tosko; Police Chief Michelle Lee; and Ms. Tara Grimm, MMC, Clerk of Council.

ABSENT: None

There were 2 items on the Agenda.

1. Consideration of Urban Chicken Farming Legislation

Mr. Ruller commented on how Ms. Susel and Ms. Jones have been reviewing alternative legislative options used in other cities to allow urban chicken farming. We have spent a lot of time on this topic before.

Ms. Susel referred to her Memo to the City Manager dated July 24, 2018 and how the Sustainability Commission discussed the topic at its July 2, 2018 meeting and made a formal motion to recommend Kent City Council adopt legislation allowing property owners to maintain chickens in residential areas with the City staff developing recommended parameters for the harboring and care of the chickens. The Community Development Department staff also reviewed ordinances enacted by several other communities that allow property owners to keep chickens on residential properties and identified the following factors that are often incorporated in the legislation:

- Most communities that have legislation governing the harboring of chickens (fowl) include the requirements within their respective "General Offenses Code," under the chapter that addresses "Animals and Fowl." A few communities include language governing the harboring of chickens within their zoning code regulations. The City of Kent's General Offenses Code Section 505, Section 505.19 and 505.20 currently provides a definition for chickens, requires a permit from the Director of Public Safety, and limits the harboring of chickens to parcels that are 2 acres or greater.
- Many communities specify the maximum number of chickens that are allowed, with the range typically falling between 2-6 chickens.
- The majority of communities prohibit roosters and require the chickens (hens) be housed in a chicken coop and run that is located in the rear yard outside area. Actual dimensions for such enclosures frequently are specified (i.e. 2 square feet per chicken) in the ordinance.
- Several communities include language that prohibits the slaughtering of chickens and specifies the coop and runs must be sanitary, in good repair and free of rodents and noxious smells.

- Many communities stipulate a minimum setback distance from all adjacent side and rear properties that range from 5 feet to 150 feet.
- Some require permits for the harboring of chickens, but others assume compliance unless there is a complaint.

Ms. Susel also provided Council a handout listing 13 recommendations by Staff if Council supports the drafting of proposed legislation **(See Attachment #1)**.

Ms. Shaffer asked a question on item #5 regarding "rear yards" as Ms. Susel began reading through the list.

Mr. Kuhar then asked about the storage of chicken poop.

Ms. Susel replied those are further down on the list.

Mr. Kuhar interjected if there have been any studies done on the type of prey and asked do chickens attract nuisance animals.

Ms. Susel stated yes, that is also on this list and the Ohio Department of Natural Resources (ODNR) has done the research. Mostly we have coyotes and raccoons.

Mr. Kuhar questioned chicks and if there has been any research on 10 foot sidelines.

Ms. Susel stated this will be limited to R1, R2 & R3 to discourage duplexes and rentals, etc.; limited to owner occupied. The setbacks need to be tighter.

Mr. Kuhar felt the 10 ft. setback is too close.

Ms. Susel replied "Correct, those numbers are for primary structures and non-conforming lots."

Ms. Rosenberg concern was the poop of a dog not being compostable v. chickens and its disposal.

Ms. Susel commented on the removal of animal feces is part of a topic on animal hoarding she will be bringing to Council in October. She agrees with Ms. Rosenberg.

Ms. Susel continued that the challenge is going to be enforcement as they are recommending not using a permit process. It will be a complaint driven process. Simpler is better.

Ms. Rosenberg asked if Ms. Susel was aware that the sex of a chick is linked to their color for a pullet.

Ms. Susel replied that there are different types of chicks and around 4 months old is when the sex of a chick can be determined. They are recommending not allowing chicks at all.

Mayor Fiala asked if the current requirement for chickens is 2 acres.

Ms. Susel replied yes the Code now requires 2 acres and a permit from the Safety Director. This will require amending Sections 505.19 and 505.20 of the Code.

Mr. Sidoti asked about what other communities have done.

Ms. Susel commented on how Hudson, Lakewood, South Euclid, and Gates Mills allow chickens by not prohibiting them.

Mr. Sidoti clarified how the only local city is Hudson.

Ms. Susel replied yes and she was surprised with the density of Lakewood and South Euclid allowing chickens.

Mr. Sidoti asked if there has been any feedback on these cities experiences.

Ms. Susel stated there are not many; it is work and mostly because of human error such as not securing pens at night.

Ms. Sidoti added "so common sense issues."

Ms. Susel feels we need parameters so we do not have nuisances, violate Health and Safety or affect adjacent properties.

Mr. Sidoti asked if we pass legislation will we be able to make changes and amendments later and have better flexibility if this is not in our Zoning Code.

Ms. Susel replied "Yes."

Ms. Shaffer asked what the recourse would be if someone does not have enough space or setback.

Ms. Susel commented on how there could be an appeal process. She is working with Ms. Jones administratively to keep the coop as close to the primary unit.

Ms. Shaffer asked about needing a fence for the yard.

Ms. Susel replied how the yard does not need to be fenced; there has to be a coop and run that is fully enclosed.

Ms. Wallach was concerned about there being stated minimum coop requirements of 2 sq. ft. of space per chicken but there is not a listed minimum amount of space for the run per chicken.

Ms. Susel added how the run has to be attached, covered and we can establish a size.

Ms. Wallach clarified how we will be relying on neighbors to turn in complaints.

Mr. Kuhar asked if Ms. Susel was aware of how proportioned meals equal proportioned droppings; chickens eat all of the time and have a very distinctive aroma.

Ms. Susel laughed and added that she will not challenge or verify that.

Ms. Ferrara was concerned about permits and not having rationale.

Ms. Susel stated they will provide a sheet of requirements; people do not know they need a permit. Enforcement will come after the fact. With the upcoming rental licensing program taking up an inordinate amount of time on her staff, permitting for chickens is not feasible.

Mr. Ferrara understood the time constraints on her department but is worried about the unsanitary conditions and how that will be extremely unfair to the neighbors.

Ms. Susel added how just like dogs and feral cats, there will be civil enforcement.

Mr. Ferrara is concerned about the significant adverse effect of not permitting prior v. the ramifications.

Ms. Susel explained just because we require a permit doesn't mean they will pull one. Her department works hard to bring all the other types of permits, such as deck, fence or shed permits that are not pulled, into compliance.

Mr. Ferrara stated how an ounce of prevention versus a pound of cure and we owe it to our neighbors. He disagrees with Ms. Susel as this is not a fence or a shed. This is a new issue and new topic. There needs to be large setbacks and minimum lot sizes. People can't have everything they want.

Ms. Susel replied that these are only recommendations and the minimums and non-conforming all have to be looked at.

Mr. Ferrara asked if Ms. Susel knows the average lot size in the City making chickens available to everyone.

Ms. Susel did not know the average lots size but will look. We are trying to control this as we are an older established community and need to work backwards.

Mr. Ferrara asked if we can set parameters for building materials and standards for the coop as we need to be wary of a projects integrity.

Ms. Susel was unsure what, if anything, is in the Building Code, but we can look at materials.

Mr. Ferrara would like the problem dealt with before it actually becomes a problem. Owning chickens is not a right, it is a privilege.

Mayor Fiala asked if we have had any input from the Health Department on the "by product" of chickens.

Ms. Susel replied "we will get it."

Ms. Rosenberg reminded Council that the byproduct of chickens is compostable and how the Sustainability Commission recommended permits. People have chickens now and wondered if they are in compliance and self-regulate.

Ms. Susel replied how complaints have been received and can't speak to the self-regulating.

Ms. Rosenberg was referring to self-regulation of those that have not received complaints.

Mr. Sidoti was curious of the percentage of homeowners associations (HOA's) regulating chickens.

Ms. Susel listed a few of the developments with HOA's and how complaints there are not covered by our Code but by the HOA's.

Mr. Sidoti clarified "So HOA's supersede Code?"

Ms. Susel replied "Yes."

Mr. Kuhar questioned if there are provisions for electric to be run to the coop for warmers for water.

Ms. Susel replied "Not yet, but needs to vet this with staff."

Ms. Wallach asked when an adolescent female is considered an adult hen; what is the age to be considered an adult?

Ms. Susel stated it varies on the type of chicken, but approximately 4-6 months. She will look into it further. She also stated we cannot call chickens "pets" as there needs to be an informal attachment otherwise there will be Fair Housing issues with emotional support animals and other scenarios.

Mr. Kuhar asked if Ms. Susel was aware of the sexing process of chicks.

Ms. Susel asked if the company that is sexing chicks can provide documentation guaranteeing they are female.

Ms. Wallach asked Mr. Kuhar what his point was and if he was for or against this.

Mr. Amrhein referred to the audience.

Ms. Frances Penny of 309 Willow Street, Kent grew up with chickens and has many fond memories of them when she lived on Ravenna Road. She agrees dropping and waste are a hygienic situation, it makes great fertilizer. Chickens eat all food scraps, are great insect and weed control, and supply fresh eggs. They are easy to care for with a large pay-off. People who want chickens have done their research, but of course every city has goofballs.

Ms. Wallach asked if Ms. Penny felt a maximum of 4 chickens was appropriate.

Ms. Penny replied how chickens are a pack animal, they get lonely. She would recommend no more than 6, but 4-6 chickens would be a good number.

Mayor Fiala asked Ms. Penny what size lot she has.

Ms. Penny was unsure and referred to her husband sitting in the audience. Mr. Penny stated they have about $\frac{1}{4}$ of an acre.

Mayor Fiala added how hens make noise too; he raised chickens and ducks when he was younger.

Ms. Penny agreed how hens make noise when they lay eggs, but nothing like a rooster.

Ms. Renee Ruchotzke of 237 Highland Ave. and owner of a rental unit at 243 Highland Ave., Kent commented on how she lives a sustainable life with solar panels, shares her garden's crops with her community and would love to have legal chickens. She discussed a "chicken tractor" which is a moveable chicken coop to allow fertilization in place and can then be move to another area. She only has $\frac{1}{8}$ of an acre and no garage.

Ms. Shaffer asked if an additional coop was needed along with the chicken tractor.

Ms. Ruchotzke stated it is an all-in-one on wheels.

Mr. Ferrara questioned how hard it is to move.

Ms. Ruchotzke replied with handles it is not hard.

Ms. Judy Nelson of 330 Whetstone, Kent and member of the Sustainability Commission stated how she has spoken with many of our farmers' market people and they feel the educational component is important and should be a minimum requirement for owning chickens. The thought about a "chicken club" where there could be informal support for owners.

Ms. Shaffer asked if the Sustainability Commission discussed a licensing and permitting process.

Ms. Nelson replied yes, as well as training and a registration.

Ms. Rosenberg asked if the training would be donated or required.

Ms. Nelson felt maybe it could be done a flyer with on-line training or you-tube video.

Mr. Ruller added that there has been a fair amount of work done already on this topic and we need a general sense of what Council is thinking.

There were no further comments from Council or the audience.

MOTION TO HAVE STAFF BRING FORWARD RECOMMENDED LEGISLATION TO DISCUSS AND MODIFY ON URBAN CHICKENS WITH AN EMERGENCY CLAUSE made by Ms. Shaffer, seconded by Ms. Ferrara.

Ms. Shaffer would like to see the Staff work more on this and craft legislation.

Mr. Ferrara agrees as there is enough interest. Out of the 104 people he personally spoke to about chickens, 52% are not in favor, 99% want a permitting process along with size and setback requirements. The people who do not want chickens want their needs to be heard. He requested that members of Council send a list of their concerns to Bridget.

Mr. DeLeone appreciates all the work Ms. Susel and staff have put in on this topic last time and this time. He would like to vote on it as he is all for it.

Mr. Sidoti agrees with Mr. Ferrara with a caveat of the possibility of piloting a program for a year, but that takes time. Basic legislation could be brought forward quicker than 2 months.

Ms. Wallach supports raising the number of chickens to 4-6.

Mr. Kuhar commented on how chickens are a lot of work.

Ms. Wallach called a POINT OF ORDER on Mr. Kuhar asking him if he is for or against the Motion.

Mr. Kuhar feels this needs to be highly regulated and highly watched.

Mr. Sidoti asked for a sunset provision.

Ms. Rosenberg supports the drafting of the legislation.

MOTION CARRIED by a voice vote of 9-0.

Clerk Grimm asked to be recognized by Chair Amrhein to give a Parliamentary recommendation. Chair Amrhein recognized Clerk Grimm. In accordance with Council Standing Rules, she recommended allowing the Department Heads and Staff to finish their presentations to Council without interruptions and have Council save or write down their questions during the presentations so they may be asked at the end, as many of their questions are addressed by the Department Head or Staff further into their presentations.

Mr. Amrhein agreed. He and several other Councilmembers later thanked Clerk Grimm for the reminder.

2. Animal Trapping Staff Report

Mr. Ruller stated Ms. Baker was here to discuss the frequency, costs and services provided for the humane animal trapping program. It is a relatively high expense service and we are trying to get a feel of what Council's wishes are after receiving the overview.

Ms. Baker read from her Memo to the City Manager dated July 31, 2018 which was given to Council this evening. **(See Attachment #2)**

Mr. Kuhar wondered if there couldn't be a 3rd option by having a City employee licenses by the Ohio Department of Natural Resources (ODNR) for trapping animals.

Ms. Baker replied no and would have to look into it. We have to be able to humanely dispose of the animal.

Ms. Wallach asked if it was only 1 person who traps.

Ms. Baker responded yes, there is 1 person who traps, kills and disposes of the animal which is required by the ODNR.

Ms. Wallach asked if we can charge 50% of the cost to the residents even if the cost continues to go up.

Ms. Baker replied how she came up with 50% so that it would keep the original cost of the program designated by Council to \$5,000.

Mayor Fiala asked about destroying the animal and if quarantining them first is an additional cost.

Ms. Baker commented how if the animal is exhibiting rabies or a disease then yes the animal needs to be quarantined, but there is no additional cost.

Mr. Sidoti asked if in 1998 we were charging residents \$20, what was the City charged.

Ms. Baker's research found that from 1998 to 2007 residents paid \$20 per call and the City paid \$22 per animal to dispose of each animal.

Mr. Sidoti determined \$42 total versus \$150 or higher over 20 years of a steady increase.

Ms. Baker added that in 2007 the cost jumped, then again in 2009 it increased and the trappers stopped removing dead animals. The garbage companies were then responsible for removing the dead animals.

Mr. Sidoti felt it is an equitable increase and a logical argument which would be better than eliminating the program.

Mr. DeLeone added that the reason the cost went up was because the law changed for the destruction of the animals. He would like to see the increase be 50% of our costs from here on, not a set price.

Ms. Baker conferred with Ms. Jones as to if this was an Ordinance or a policy. It is a policy now so we can change the policy to 50% of the total cost.

Mr. Ferrara asked since only 1% of the population is using the service and we did away with it, would the problem increase. He also questioned if we could have a provision for need based on income.

Ms. Baker stated she can look into that.

Ms. Rosenberg agreed with charging half but would like to see businesses removed from being able to use the service as pest control should be on them.

Mr. Renee Ruchotzke of 237 Highland Ave., Kent uses the service for groundhogs. She found out that she can't do her own trapping in the City and then found out about this service as it is not advertised. She likes the idea of the 50% as it is an incentive to do the right thing.

Ms. Shaffer asked Ms. Ruchotzke if she shares the cost with her neighbors.

Ms. Ruchotzke does not have any neighbors as there is vacant land on the one side.

There were no further comments from Council or the audience.

MOTION TO ACCEPT THE RECOMMENDATION OF RAISING THE COST TO THE RESIDENTS FOR ANIMAL TRAPPING TO 50% OF THE COST TO THE CITY AND REMOVE COMMERCIAL PROPERTIES FROM USING THE SERVICE, WITH AN EMERGENCY CLAUSE made by Ms. Rosenberg, seconded by Ms. Shaffer.

Ms. Shaffer stated the cost creates a sense of accountability with an overseeing licensed individual and a sense of fairness.

Mr. Kuhar is in favor of the Motion and maybe can do more with wild and feral cats with the change in demographics. He would still like to see if we can get our people trained.

MOTION CARRIED by a voice vote of 9-0.

Hearing no further business before this Committee, Chair Kuhar adjourned the meeting at 8:48 p.m.

Tara Grimm, MMC
Clerk of Council

ACTION RECOMMENDED:

1. HAVE STAFF BRING FORWARD RECOMMENDED LEGISLATION TO DISCUSS AND MODIFY ON URBAN CHICKENS WITH AN EMERGENCY CLAUSE
2. ACCEPT THE RECOMMENDATION OF RAISING THE COST TO THE RESIDENTS FOR ANIMAL TRAPPING TO 50% OF THE COST TO THE CITY AND REMOVE COMMERCIAL PROPERTIES FROM USING THE SERVICE, WITH AN EMERGENCY CLAUSE

**THE CITY OF KENT, OHIO
STREETS, SIDEWALKS, AND UTILITIES COMMITTEE
WEDNESDAY, AUGUST 1, 2018**

Chair Roger Sidoti called the meeting of the Streets, Sidewalks, and Utilities Committee of Kent City Council to order at 9:02 p.m.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Mr. John 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. Brian Huff, Budget and Finance Controller; Mr. Jim Bowling, City Engineer; Ms. Suzanne Stemnock, Human Resources Director; Fire Chief John Tosko; Police Chief Michelle Lee; and Ms. Tara Grimm, MMC, Clerk of Council.

ABSENT: None

There was one (1) item on the Agenda.

1. Consideration and Approval of the Better Block Special Event Permit

Mr. Ruller summarized how Mr. Wicks and Mr. Bowling have been working on a "Better Block" program with property and business owners on N. Water St. Mr. Wicks brought it to his attention how they were going to need a special event permit because of the temporary road closure. In conjunction with the safety corridor grant Mr. Bowling was able to secure, this event will be using temporary paint, structures, furniture, plantings, showcasing arts and culture to demonstrate what the area could look like. The event is being held September 29th, however the street will need to be closed Friday evening, September 28th to prepare for the event.

Mr. Wicks referred to his Memo to the City Manager dated July 25, 2018 and explained how this event will run along with the Kent Creativity Festival. The purpose of this Better Block event is to demonstrate temporary solutions which will become real in 2020. Items such as new crosswalks, curb extensions, reconfiguration of on-street parking will all be created using a washable paint offering a first look at potential traffic and safety solutions.

Ms. Shaffer asked for the 3 visitors to introduce themselves.

Ms. Grace Leuenberger, Each + Every, Team Leader Marketing and Promotions
Ms. Bethany Hammond, Each + Every, Team Leader Marketing and Promotions
Ms. Lysa Anderson, Off the Wagon, Team Leader Planning and Programming

Mr. Kuhar questioned if the washable removable paint was environmentally friendly or if there would be a mosaic of color in the river.

Mr. Wicks stated Better Block purchases their paint from a discount schools supply wholesaler and if the paint is safe for 3 year olds to put in their mouths and eyes, he would hope it is environmentally friendly.

Ms. Shaffer asked Mr. Wicks what it is exactly he is looking for.

Mr. Wicks referred to the maps in his Memo and how a portion of Water Street will need to be closed from 7:00 p.m. to 11:00 a.m. so they can be on the road painting crosswalks and curb bump outs in order to create a new traffic environment on a new scenario. At 11:00 a.m. the street will be reopened in its new temporary configuration.

Ms. Shaffer asked if there will be detour information.

Mr. Wicks stated they have spoken with the Police Department about using Depeyster for the detour and Portage having local access only. They are working on the detour route.

Ms. Shaffer asked if the detour will be marked.

Mr. Ruller commented yes and how there will be a maintenance of traffic just like any other event.

Mr. Kuhar asked about notification to his overnight tenants in that area.

Mr. Wicks informed Council there are plans to send out notices before the event. They had already walked door to door for signatures for the event permit petition so people are aware.

Mr. Ferrara questioned if we are doing this for traffic, economic development or community reasons and cross marketing with the creativity fest.

Mr. Wicks replied "All 3".

There were no further questions from Council or the audience.

MOTION TO AUTHORIZE THE BETTER BLOCK SPECIAL EVENT PERMIT WITH AN EMERGENCY CLAUSE made by Mr. Ferrara, seconded by Ms. Shaffer, and CARRIED by a voice vote of 9-0.

Hearing no further business before this Committee, Chair Sidoti adjourned the meeting at 9:16 p.m.

Tara Grimm, MMC
Clerk of Council

ACTION RECOMMENDED:

- 1) AUTHORIZE THE BETTER BLOCK SPECIAL EVENT PERMIT WITH AN EMERGENCY CLAUSE**



CITY OF KENT, OHIO

DEPARTMENT OF PUBLIC SERVICE

MEMO

TO: Dave Ruller, City Manager
All of Council

FROM: Melanie A. Baker, Service Director

DATE: 7/31/2018

SUBJECT: 408 Mantua

The City of Kent purchased 408 Mantua in 1996 for future expansion of the Fire Department Station 2.

Since the purchase of the parcel it appears that the City of Kent has used this parcel and home as a rental unit.

408 Mantua is a .2653 acres parcel of land that measures 54' wide by 214' deep. The parcel contains a residential home and garage. The house was built in 1955 and it is approximately 30' x 26' and has 1,170 square feet of finished floor space. The house appears to be a 1 ½ story home and the first floor is 780 square feet. There is a small porch on the front and rear of the house. The parcel also contains a one story garage that is 40'x14' for a total area of 560 square feet.

The parcel and buildings are appraised (as per the tax records) at \$103,200.00.

The City currently pays \$2,486.78 per year in property taxes.

There are no records of any significant repairs or upgrades since 2006 and 2009 when the City spent \$6,800.00 and \$2,425.00 respectfully on repairs and maintenance after a tenant(s) moved out.

The issue that has brought this to the fore front again is that our property management company has asked for an increase in their management fees. The increase is only 3%. This is going from 7% of the rent (\$58.80 per month or \$705.60 per year) to 10% of the rent (\$84.00 per month or \$1,008.00 per year.)

As well the Fire Department has been looking at an addition to the station 2 and would like to be more creative with design to accommodate their needs.

ATTACHMENT #1

I have taken a look at the current rent and cost for the property. It appears that we are clearing about \$6,500.00 per year from this property at this time. With a recent look just at the outside, I believe that we are in need of a new roof on the house and the garage in the next 2 to 3 years. We should clean the siding and look at the foundation for pointing and tucking to secure and seal the outside foundation. We may want to look at new windows if we wish to keep it a rental. The garage itself should also receive a cleaning and the area around it assessed as well.

This cost for the new roof on the house, cleaning the siding, pointing and tucking and painting of the foundation will run around \$4,800.00 to \$5,500. If we add the garage roof and siding cleaning there is an additional \$2,500. If we add new windows to the house we would be looking at an additional \$4,500.00 to \$6,000.00. I have not had a chance to visit inside so I am not sure what would need repair or sprucing up inside. If no work has occurred since 2006 and 2009 we are talking about 10 years of wear, meaning we may need new paint, new carpet fixtures etc.

Without going inside the house and just based on the outside work that needs to be done, plus looking at recent sales in the immediate area over the last 5 years, I would say that the house is appraised at the \$103,200 on the county website. The selling cost could be around this amount and maybe slightly higher. However we would need to take into consideration the above mentioned improvements. The average sale of house in the immediate area have been an average sale of \$90,000.00. Most of the houses sold are 500 to 700 square feet larger. So while it is a sellers' market, I believe the improvements needed would bring the sale down considerably.

The estimated cost for demolition at this time is between \$5,000.00 and \$8,000.00. We would need to do an asbestos report and then remove any asbestos. This cost will be between \$3,000.00 and \$5,000.00. This cost is due to the age of the home and the likely hood of asbestos and other environmental issues that could be found. Total expense would be between \$8,000 and \$13,000.00.

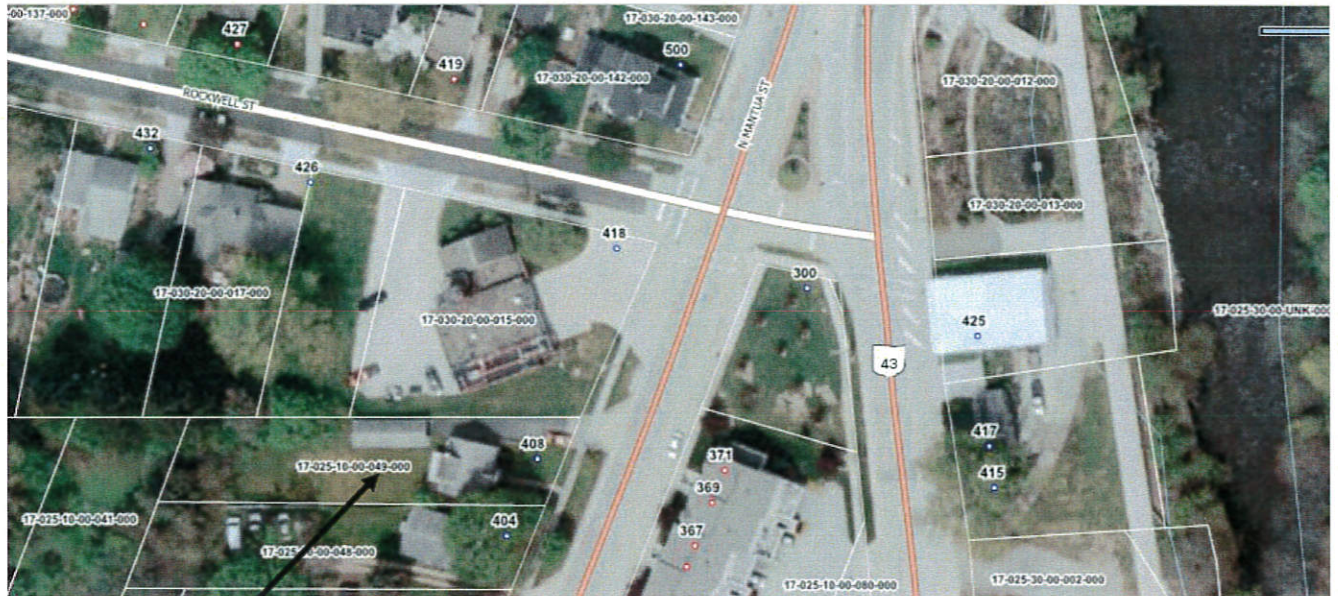
Upon further investigation, I was able to learn that several departments would like to see the house torn down as well as the Fire Department. CD would like to see the house down just for one less rental and review/violation issue. The Fire Department would like the house down and the lot consolidated so that they could use the parcel to its fullest capability and allow for extension of the existing building and if in the future a full lot for a new building.

The estimated cost for demolition at this time is between \$5,000.00 and \$8,000.00. We would need to do an asbestos report and then remove any asbestos. This cost will be between \$3,000.00 and \$5,000.00. This cost is due to the age of the home and the likely hood of asbestos and other environmental issues that could be found. Total expense would be between \$8,000 and \$13,000.00.

ATTACHMENT #1

Therefore, I recommend that we remove the house, clean and clear the property, plant grass and consolidate the parcels for future use by the Fire Department. This will eliminate the tax issues and payment for finance, and there will be one less contract for the City to administer.

ATTACHMENT #1



408 Mantua



Recommendations by Staff if Council Supports the Drafting of Proposed Legislation:

1. Do not incorporate into Zoning Code, but rather, amend Chapter 505 “Animals and Fowl” to add a new section for backyard chicken regulations. Will likely need to amend some of the language in Sections 505.19 and 505.20 to ensure consistency throughout the Chapter.
2. Maintain the definition of fowl currently included in 505.19, but establish a more limited categorization of the fowl that are eligible under any new backyard chicken legislation section to adult female chickens (hens) only;
3. Prohibit roosters and chicks;
4. Specify a maximum number of hens that can be kept (3-4 is staff recommendation);
5. Limit to an allowed use in the rear yard area only of owner-occupied dwelling units within R-1, R-2 and R-3 residential zoning districts;
6. Establish setback requirements for the harboring of chickens that are more restrictive than the setbacks established for the primary dwelling unit in the Zoning Code:
 - a. R-1, rear is 45 feet depth, side is 12 feet width
 - b. R-2, rear is 45 feet depth, side is 10 feet width
 - c. R-3, rear is 30 feet depth, side is 10 feet width
7. Chickens must be provided with a coop and enclosed outside run. The coop and run need to be constructed in a manner that contains the chickens on the property and prevents access by predators.
8. The coop needs to be ventilated, be of sufficient size to allow free movement of the chickens, and provide for no less than 2 square feet of space per chicken.
9. Coop and enclosed outside run need to be kept in good repair and maintained in a clean and sanitary condition, free of vermin and noxious smells and substances.
10. The coop, enclosed outside run and chickens shall not create a nuisance or disturb neighboring residents.
11. Prohibit the slaughtering of chickens on the premises;
12. Eggs produced and collected are for personal consumption purposes only and cannot be for commercial sale or sold on site;
13. Do not require the issuance of a permit. Enforcement will be complaint driven or through staff observation, similar to other Health and Community Development enforcement practices.



CITY OF KENT, OHIO

DEPARTMENT OF PUBLIC SERVICE

MEMO

TO: Dave Ruller, City Manager
All of Council

FROM: Melanie A. Baker, Service Director

DATE: 7/31/2018

SUBJECT: Animal Trapping within the City

Animal trapping is a service that the City of Kent offers to their residents. The current practice and policy dates back to September 27, 1995 when a motion was made and passed by Council to allow for trapping of skunks when they became a nuisance. As per the September 27, minutes, Council agreed to contract with a trapper and add \$5,000.00 to the Service Director's budget to cover the costs.

In September of 1998, Council revisited this issue of trapping and its costs. It was agreed to charge the residents \$20.00 per request.

This service consists of a licensed trapper to go onto private properties and set traps to catch and remove nuisance animals for the home owner. The City traps raccoons, skunks, opossums, ground hogs, and the like. The trapper removes the animal and cage when caught, and properly takes care of the animal as per the ODNR regulations.

The trapper will set as few as 2 traps and as many as 6 or 7 traps depending on area and animal. The traps remain in place for one week. The cost for this service is \$175.00 per request and we charge residents \$20.00. Therefore the City covers \$155.00 of each request each time the trapper sets a traps.

Over the past five years, the City has received a total of 246 calls for an average of 60 calls per year. The total cost to the City for this service has been \$41,330.00. This comes to an average cost of \$8,266.00 per year to the City. The total cost for the program has been \$47,420.00 this is an average cost of \$9,484.00 for the program. (City cost \$41,330.00 + resident share \$6,090.00 = \$47,420.00)

ATTACHMENT #1

Based on the number of calls for service, less than 1% of the City population is using this service. The service is located on the Health Departments website, however we do not actively advertise this service. Just based on the cost for service and the payment of \$20.00 it is probably a good thing that we do not advertise this service as our costs could be much higher.

We did check with several communities as to what they do with nuisance animals. We contacted about 15 City's and the following 10 cities responded. As you will see only one community, the Village of Mayfield, offers the service free to their residents. (Village of Mayfield population is approximately 3,400 people.) The City of Akron offers the service but charges for the trap and the removal of the animal. They do not trap skunks, however, they do provide a list of trappers to their residents. The other eight communities do not provide the service and refer there residents to a trapper.

City	Population	Service offered
City of Akron	198,000	\$50.00 for trap setting. \$40.00 for removal of animal. Residents with skunks are referred to private trapper.
Aurora	16,000	Refers resident to private trapper.
Barberton	26,000	Refers resident to private trapper.
Cuyahoga Falls	50,000	Refers resident to private trapper.
Hudson	22,000	Refers resident to private trapper.
Village of Mayfield	3,400	Trapping is offered for free.
Mentor	47,000	Refers resident to private trapper.
Ravenna	12,000	Refers resident to private trapper.
Stow	35,000	Refers resident to private trapper.
Twinsburg	19,000	Refers resident to private trapper.

I believe that this is a great cost to the City based on the limited use by our residents. Again if we advertise, the use may go up but our costs will escalate as well.

ATTACHMENT #1

I would suggest two options for Council:

The first option would be to eliminate the service and allow the City to solicit trappers for a list and price for the service and make this available to our residents. We can ensure that these trappers are licensed by ODNR and have permits to perform such functions.

The second option would be to raise the cost of to the resident. My suggestion for this would be to raise the cost from \$20.00 to a minimum of 50% of the cost to the City. Current cost for the program is \$175.00. I would recommend that the cost go from \$20.00 to \$87.50 or \$88.00. I say 50% of the cost as the program has raised over the last two years from \$150.00 to \$175.00. This way as the price escalates, we can automatically pass the increase onto the residents.

This action would lower our annual costs by about half. So we would go from an average cost of \$8,000 to \$9,000 cost to about \$4,000. To \$5,000.00 expenditure.

Additional thoughts include:

We have also allowed rental units and larger complexes like University Edge to utilize this service.

Less common, but small businesses close to or near residential neighborhoods have been allowed to use these services too.

The users mentioned above, since they are considered commercial, perhaps should pay the full cost of the service and / or be provided a list of trappers.

In conclusion, I recommend that we raise the cost to residents, eliminate use by commercial entities and offer lists of trappers to those commercial entities that need assistance.

Cost as of June 2018:

As an aside we are already around \$7,000.00 cost to the City for this year through June. July was a busy month and we anticipate August and September to be the same. Trapping slows when the weather gets cold. Estimate for this year to be around \$10,000.00.