THE CITY OF KENT, OHIO
COMMUNITY DEVELOPMENT COMMITTEE
WED., JUNE 1, 2016

This meeting of the Community Development Committee of the Kent City Council was called to order at 7:27 p.m. on Wed., June 1, 2016 by John Kuhar, Chair.

PRESENT: **MR. AMRHEIN, MR. DeLEONE, MR. KUHAR, MS. LONG, MS. SHAFFER, MR. SIDOTI, MR. TURNER, AND MS. WALLACH**

ALSO PRESENT: **J. FIALA, MAYOR & PRESIDENT OF COUNCIL; D. RULLER, CITY MANAGER; J. SILVER, LAW DIRECTOR; B. SUSEL, DIR. OF COM. DEV.; E. FINK, ASS'T LAW DIR; AND L. JORDAN, CLERK OF COUNCIL**

ABSENT: **MR. FERRARA,**

Chair Kuhar explained the first item was the Trex Liquor License transfer.

Bridget Susel, Director of Community Development, explained this is a housekeeping matter. She said under the agreement in place for the Secret Cellar, if the partnership mix changes, it needs to come to Council for approval. She said Ron Burbick is maintaining partial ownership, and since the Secret Cellar sold, Mike Beder and Mike Awad created a new LLC to partner with Mr. Burbick to fill the space. She said the same leasehold improvements remain, adding they will be adding about $35 per square foot.

Ms. Susel requested authorization, with the emergency clause, for a new development agreement reflecting the new partners.

Ms. Long said the original agreement, in Section 3, spoke of a liquor license for beer and wine only. She asked if it stays that way through the transfer, and Ms. Susel said it is the exact same liquor license.

Chair Kuhar called for audience comment at this time. Hearing none, he returned to the Committee.

MOTION TO AUTHORIZE THE TRANSFER OF THE TREX LIQUOR LICENSE.
Motion made by Mr. DeLeone, seconded by Mr. Sidoti, and carried by a voice vote of 7-0-1, with Mr. Kuhar abstaining.

Chair Kuhar explained the next item was on the anti-discrimination housing laws.

Ms. Susel said this was a motion from Mr. Kuhar previously and has been on the pending list. She said she submitted a memo, with an update on the fair housing laws. She said she did receive an inquiry from Council member Shaffer who needed some matters clarified.

Ms. Susel said they were audited by HUD in late 2010, by the Equal Opportunity Office which monitors fair housing laws. She said they found the City's ordinance had not been updated since 1979 and did not include classes protected under federal and state law. Ms. Susel said HUD wanted them to update the ordinance, and include only those designated under federal and state law. She said they made the changes, adding the ones needed, and removing those not listed under the federal and state laws.

Ms. Susel said the words "sexual orientation" and "gender identity" are terms used by local communities that have passed laws. She said there is no mechanism for enforcement because it is not under the federal law. Ms. Susel said it becomes a paper tiger that cannot be enforced. She said that all fair housing violations go through Fair Housing Contact Services in Akron. Ms. Susel explained they do the investigations, and when mediation cannot resolve an issue, it goes to the Ohio Civil Rights Commission, the City's enforcement arm in Ohio.

Ms. Susel said if they wish to add those terms, it should be a separate resolution or a separate section in the existing one. Ms. Susel said that "Sex" is a protected class of the nine listed in the ordinance. She said any complaints on the two terms in question would go through the protected class of sex. She said if there is a blatant case of discrimination because of sexual orientation or gender identify, they would have the agency go through that classification. Ms. Susel said she had Mr. Morganti pull the last report and she called the Fair Housing agency earlier in the day. Ms. Susel said they have had no complaints based on those two terms.

Ms. Susel said she is not asking for authorization and/or approval. She said if they establish an ordinance, she wanted them to know it cannot be enforced.

Jim Silver, Law Director, explained that when HUD dings them in a review, it makes him nervous. He said they are the ones who give the City CDBG monies, and they could put those monies at risk. Mr. Silver said an alternative would be a statement to the Federal legislatures to review it and consider the changes.

Ms. Susel said in HUD's Final Rule in 2015, it states that any HUD assisted housing cannot show discriminatory behavior toward sexual orientation and gender identity. She said any City programs and projects, including all CDBG and rehab programs, falls under this rule. She said it also leads into things done by PMHA. Ms. Susel said there is protection for programs with HUD assistance, but it does not include anything outside of that realm.

Mr. Sidoti asked if it is Mr. Silver's suggestion, since HUD identified and dinged the City, that they should do something else. Ms. Silver said he was just offering another alternative. He said he was afraid if they make a City law, the next audit may get points against them, adding he was afraid of losing money.

Ms. Susel said they had two classes that had to be removed as they were not protected classes, but were listed in the ordinance. She said HUD instructed them to remove "age" and "creed" them, and put in everything listed by the federal and state laws. She said if these are added at the federal or state level, she would return with this ordinance to have it amended. Mr. Sidoti asked if she was saying that HUD wants them to align with their ordinance, and Ms. Susel said that is correct as they cannot enforce anything not in their ordinance. She said the Equal Opportunity office and the Civil Rights Commission are charged with enforcing fair housing law. She said if the City designates those classes, there is no mechanism for enforcement. Ms. Susel said they would need to make a local enforcement, but could be challenged as it is not a protected class. She said they cannot take it anywhere for enforcement.

Ms. Shaffer said she was curious as to what happened to a motion that was on the pending list, as it never because part of the ordinance. She said it appears they are asking them to wait until the State or Federal government makes them protected. Ms. Susel said it was up to the Council. Ms. Shaffer said she is suggesting they wait because HUD will not like it, and Ms. Susel said they cannot enforce it either. Ms. Shaffer said someone could get a hearing, and Ms. Susel said that since sex is a protected class, they could get a hearing, using the larger category, to present their case. Ms. Susel said that is already a protected class in their ordinance.

Ms. Shaffer said HUD made them remove two classes, and asked if they were upset with the City. She asked if they would penalize the City if they did not remove them, and Ms. Susel said they would. She said the monitoring report delineates what is right and what is in error. She said they had a labor compliance audit the previous year on federal prevailing wage. She said she felt they ran a good program, but had two findings, requiring changes in their internal procedures. Ms. Susel said they have to submit a response within thirty days, showing how they will address and correct findings. She said with the Fair Housing issues, they sent a copy of the amended ordinance from 2011 showing the changes were made.

Ms. Shaffer said at the time of the motion, thirty other communities had passed such an ordinance for sexual orientation and gender identity. She said they were mainly college towns wanting to support LGBT. Ms. Shaffer asked if they were not HUD or CDBG communities. Ms. Susel said she asked the

Fair Housing Contract Agency what local communities have such an ordinance, and was told Canton, Akron, and Shaker Heights do have an ordinance. She said Shaker Heights and Canton have civil penalties and Akron has criminal penalties. Ms. Susel said she was told that none of them have mechanism for enforcement since they are not protected classes under federal law. She said they can make a local fine that the person can pay or challenge. She said they would not have HUD or the Civil Rights Commission to champion those issues for them. Ms. Susel said she was told that Lexington Kentucky has made a decent stab at enforcement. She said that the legislation would be like a resolution of support. Ms. Susel said if they cannot enforce it, it is just a paper tiger.

Ms. Wallach asked Mr. Silver for his recommendation, and asked if they should send letters to their representatives. Mr. Silver said they could show their support by sending a letter to the State and Federal representatives. Ms. Susel agreed with that step at this time.

Mr. Turner said the real point of the discussion is that there are limits on their ability to enforce something and Ms. Susel nodded in assent. She said one example is familial status. She said if someone was told they could not live somewhere with small children, the City would refer her to the Fair Housing Contact Services. She said the agency would review, investigate, and if need be, bump it to the Ohio Civil Rights Commission. Ms. Susel said if someone was denied housing based on sexual orientation, they could not do anything as it is not a protected class under federal or state law. She said if they put together their own ordinance with a local penalty, it could be challenged because there is nothing on a federal or state level saying it is a protected class.

Mr. Turner asked Ms. Susel what she wants from them. He said they want to do the best they can for all citizens. He said Ms. Susel is letting them know there are a few caveats like enforcement, which could be embarrassing to them. Mr. Turner said whatever they are going to do should matter, adding they do not want a spitting contest with the federal and state governments who do not want to protect them. Ms. Susel said HUD has issued their own final rule that they cannot discriminate based on sexual orientation or gender identify if using HUD monies for housing. She said it has not been passed by Congress or their State Legislature as a protected class. Ms. Susel said it is not that those agencies are against it, adding they need it to be passed as a federal and state law.

Mr. Turner asked if Ms. Susel saw a way they can actually enforce what they put on paper, adding he wanted to do something that will affect something in a positive way based on what they want to do. Mr. Silver said there is no way to enforce it, in the manner they would like. He said since it has not been recognized at a state and federal level, it is like pushing water uphill.

Ms. Shaffer said she wanted to see if she was clear. She said they passed this, adding it did not go to Council, because they were concerned about the implications. She said for that reason, it did not become part of their ordinance. Ms. Shaffer said they could make it part of the ordinance, or just let it stay on the pending list. She said in the meantime, they could take another action to try and speed up things on a federal or state level where they can explain the dilemma. Ms. Shaffer said if they do not get an adequate response, they can bring it back and discuss another option. She said they could set up an enforcement system. Ms. Shaffer said in the meantime, it appears these people are unprotected, and there are people who really care about it. Ms. Shaffer noted they know of no instances of this type of discrimination.

Mr. Ruller said he had a concern that it would create a false sense of security or hope that the City is going to bat. He said after the first test, they would question why the City did not do anything. He said he does not know if it is better to make a statement they cannot back up or not to make that statement.

Ms. Susel said if they passed an ordinance, it would go under their General Offenses Code. She said their civil fines are not that punitive in nature. Ms. Susel said she did not know if it would be effective.

Mr. Turner said they are asking whether or not they should restrain themselves as it could be problematic if the City was asked for help, and unable to do so. Mr. Turner said it could be worse, adding they could leave them outside by themselves and not say a thing. Mr. Turner said the City would do what it can, but

if they are turned back, at least they tried. Ms. Susel said it would be preferential to refer any case of alleged housing discrimination, based on sexual orientation or gender discrimination, to the Fair Housing Contact Services. She said they are lobbying in Columbus and Washington, D.C. Ms. Susel said they are also pushing for a source of income to be a protected class. She said that resonates much greater for her, as many people are turned away because they have a PMHA voucher and people will not provide housing to them. Ms. Susel said she sees more challenges in that category. She said to do anything with local legislation is a paper tiger and unenforceable. Ms. Susel said they pay Fair Housing Contact Services to be their advocate. She said they go out as a mediator and talk to the landlord. She said it can be added under the classification of sex, adding that would have more effect that a civil violation. Ms. Susel said they need to let the legislators know they would like to see it added, as well as including source of income.

Mr. Kuhar said he wished he could remember the details of the civil rights class he attended. He said this was brought up because of a lawsuit. Mr. Kuhar said his understanding is that sexual discrimination would be a hard battle to fight. Ms. Susel said she was just trying to provide a better understanding.

Ms. Shaffer asked the Clerk if they do nothing or bring up nothing, whether it sits on the pending list. The Clerk said it would return to the pending list as it is incomplete. She explained when they bring forward items from the pending list, it goes on their active schedule. She said if nothing happens or they chose to do it, they can return it to the pending list.

Mr. DeLeone said they could lobby their legislators with letters.

Chair Kuhar called for audience comment at this time.

Barb Tittle, 909 Middlebury: Ms. Tittle said she can see what Ms. Susel is recommending. She asked why HUD, a federal agency, is asking them to change the law to include classes that are not federally protected. Ms. Susel said HUD did not ask them to add them, adding it was a motion by Council. She said their classes reflect what the State and Federal agencies allow. Ms. Tittle asked if they were not in violation, and Ms. Susel said they are not, adding this was locally driven.

MOTION TO HOLD THIS ITEM AS A PENDING ITEM WHILE CONSIDERING OTHER AVENUES OF ACTION.
Motion made by Ms. Shaffer, seconded by Ms. Wallach.

Ms. Shaffer said she would like to keep this on the pending list. She said it is something they wanted to put in their ordinances when it is enforceable.

The motion carried by a voice vote of 7-0-1, with Mr. Kuhar abstaining.

MOTION TO SEND A LETTER TO THE APPROPRIATE FEDERAL AND STAT LEVELS, FAIR HOUSING, AND ALL REPRESENTATIVES REGARDING THEIR CONCERNS ON THIS ISSUE, AND HOW THEY WOULD TO ENFORCE THIS AT A LOCAL LEVEL AS OUTLINED BY MS. SUSEL.
Motion made by Ms. Shaffer, seconded by Ms. Wallach.

Ms. Wallach said if this is the best they can do, then that is what they do. She said it should include the fact that they are a college town, and have these situations presented to them. She said Kent is a very high LGBT community.

The motion carried by a voice vote of 7-0-1, with Mr. Kuhar abstaining.

Ms. Wallach asked if it was possible to put out some support to the LGBT community, letting them know the City supports them, but there is nothing they can do about it. Mr. Ruller said they can work on a press release, and suggested they could have a newspaper article.

Chair Kuhar said the last item dealt with an update on the fracking court case.

Mr. Ruller said he went to a KEC meeting a few months earlier, and **Eric Fink, Assistant Law Director**, was giving an update on the fracking cases. He said he believed Ms. Long was there, and suggested it would be a good presentation for Council. Mr. Ruller said some things have evolved, and similar to their last discussion, it is a case of desire versus legal authority. Mr. Ruller said fracking is being defined through legal cases, and is starting to get more definition. He said in the meantime, Mr. Fink will walk through the issues with them.

Mr. Fink said Thomas Hoollihan, the attorney handling the Supreme Court case on behalf of Munroe Falls, was actually in Kent. He said he was glad Mr. Hoollihan was not present to hear his presentation about the case, adding his presentation is about the city, and Mr. Hoollihan speaks about the state.

Mr. Fink said one question is why they cannot use their home rule authority as a charter city. He said in 2004, the Ohio General Assembly passed a law creating the position of Chief of Oil and Gas Resources Management. He said the position is responsible for managing all oil gas production in the state. He said it is anything not governed by the feds or EPA dealing with oil and gas. Mr. Fink said at that point in time, that wiped out all local ordinances that were passed.

Mr. Fink said it was not tested in the first few years. He said Beck Energy sought a permit to drill in Munroe Falls. He said they got their authority and proceeded to prepare the site. Mr. Fink said that Munroe Falls issued a stop work order, stating that not all laws were being complied with, such as an additional zoning certificate, posting of a performance bond, a public hearing, and one year waiting period in case someone has concerns not addressed at the public hearing.

Mr. Fink said the case went in front of Judge Rowlands in Summit County, and Munroe Falls was granted a temporary stop work order. He said Beck appealed to the Ninth District Court of Appeals, and they unanimously decided that the state law trumped the local ordinance. Mr. Fink said the Common Pleas Court decision was overturned.

Mr. Fink said it was appealed to the Supreme Court of Ohio. He said the case was litigated and briefed. He said there are seven people on the Supreme Court. Mr. Fink said three supported the trial court, three were against it, and the seventh person concurred with the judgment, but did not agree with all grounds of those in favor of the trial court.

Mr. Fink said this created more confusion on the topic, with the question as to what can and cannot be regulated. He said it was determined that it was the use of police power, and Munroe Falls conceded that it was a police power. He said if it does not control how they conduct their government, it falls under the police power category. Mr. Fink said there was an argument whether it was a general law or specific law, adding that the question is whether it applies to the entire state. Mr. Fink said that Beck argued that it is applied to everyone equally, and it was a general law that supersedes local laws. He said Munroe Falls argued that it does not affect Toledo as they do not have shale. Mr. Fink said the Supreme Court found that it did affect everyone equally, even if they were not drilling law. He said there was a discussion whether Munroe Falls' ordinance conflicts with State law. He said that while Munroe Falls said it did not conflict, it was obvious that it did conflict.

Mr. Fink said the three judges on the Supreme Court of Ohio said this should go forward under state law. He said that Judge O`Donald said that the traditional zoning laws were okay. He said the judge was not overturning all of the zoning laws. He said the judge was focusing on the additional drilling regulations, and felt they clearly conflicted with the Chief's granting of the permit. Mr. Fink said on those grounds, the judge felt the right to drill was permitted, but did not address the zoning issue. Mr. Fink said he further wrote that his decision was only for Munroe Falls, and not to be a precedent for other court cases. Mr. Fink said two different times in Judge O'Donald's opinion, the judge continued to say that zoning could be tailored as long as there was no discrimination against the oil and gas industry. He said whether it applies in this situation was not an issue, because decisions were made on paying a performance bond, the public hearing, and waiting one year. Mr. Fink said the Judge ignored the last issue of zoning.

Mr. Fink said Beck Energy filed a mandamus action, requesting the court address that one issue as to whether zoning issues related to drilling can be thrown out. He said both sides filed their briefs, but the Supreme Court said it was not relevant, and dismissed the action.

Mr. Fink said there is no clear road map as to what to expect, adding there is a lot of litigation. Mr. Fink said there are a few things in Justice O'Donald's opinion they can really take to heart. He said that the opinion indicated that zoning laws in place before fracking are more likely to be supported than ordinances prohibiting fracking, as it would be discriminatory. Mr. Fink said the key question is what their ordinance says about where someone can drill in Kent.

Ms. Wallach asked whether Beck could drill or not, and Mr. Fink said he was getting there. He said under the regulations set forth by the ODNR, who are empowered by legislature, drilling a well from zero to 1000 feet requires at least one acre. Mr. Fink said in Kent, few parcels are an acre. He said the wells being drilled today are 6,000 to 10,000 feet deep. Mr. Fink said if they are more than 4,000 deep, then a tract of land not less than forty acres is needed. He said finding forty acres in Kent is challenging. Mr. Fink said the most common wells are less than 1000 feet and are fifty years and older.

Ms. Long asked if the forty acres are owned or under lease, and Mr. Fink said it is forty acres under lease or control of the entity.

Ms. Wallach said if one has forty acres, they can do horizontal fracking into someone's property without getting permission. She said there are two types of fracking, which are vertical and horizontal. Mr. Fink said they cannot expand outside of the property they control, and cannot go under a neighbor's property line. Ms. Long asked if they have to own the mineral rights, and Mr. Fink said that was correct or they must have an option.

Mr. Fink said the local ordinance permits drilling in the O-R District, which is land they wish to keep pristine. Ms. Shaffer asked what "O-R" stands for, and Mr. Fink said it is Open Space-Recreational. He said in Kent, most of that land is controlled through the Parks Department. He said since Kent controls it, it is difficult for anyone to drill on that property.

Mr. Fink said other properties large enough include Kent City Schools, property on Lake Street and Kent State. He said that the current and former governors have shown no willingness to use land for drilling. He said the U District is not zoned for drilling, adding they would have arguments that would wind up in litigation.

Mr. Fink said they would argue about the way the State and City laws can work together. He said the philosophy is that the State has the ability to have experts determine how fracking should be done. He said he is unsure who, in Kent, has that expertise. Mr. Fink said the City better understands where it would fit in with the rest for the population, and whether they want it next to a school, residential, or industrial park. Mr. Fink said that argument was not shared by the Supreme Court, but reminded them it was a 3-3 decision. He cautioned them against changing their zoning regulations, as it would look discriminatory against the fracking industry. He said the Supreme Court made it clear that would be frowned upon. Mr. Fink said if someone is running for state office or the Supreme Court, this is a question he would like to ask them.

Mayor Fiala said any land in Kent would be the parkland, and would have to come to Council. Mr. Fink said Kent is the owner of the park land in Kent. Mayor Fiala said they have little to say about Kent State, and Mr. Fink said they would have to use their zoning regulations.

Ms. Wallach asked the outcome of the Beck case, and Mr. Fink said they are still arguing. He said there is a stop work order in place, and regulations regarding oil and gas drilling have been repealed. He said they are continuing to litigate whether the zoning regulation is discriminatory or not to the oil and gas industry. Mr. Fink said he has been led to believe it is not cost beneficial for Beck to go forward currently, but if the price rises, he was sure they would find it beneficial.

Ms. Shaffer said this does not prohibit it in the U District, and Mr. Fink said all uses are governed by the Zoning Code. He said each district has a permitted use, conditionally permitted use, or specially permitted use. He said it is not permitted if it is not a use delineated in their Code. Ms. Shaffer said the University can do whatever they want, and Mr. Fink said they have their own zoning board. He said while the City cannot dictate the size of the building, they can dictate the use being anything of an academic nature or purpose. Mr. DeLeone said they have a drilling rig used for the geology class.

Ms. Long thanked Mr. Fink for his presentation. She said in April 2016, the League of Women Voters of Trumbull, Ashtabula, and Mahoning Counties met. She said the Kent League was invited to attend. She said the three counties Trustees Associations were present. Ms. Long said the trustees received a letter from Columbus, following the meeting, stating that the trustees should cease these public discussions on drilling, fracking, and injection wells. She said the League of Women Voters is looking into that request.

Ms. Shaffer asked if any of this was relevant to injection wells, and Mr. Fink said he believed the same logic would apply to each situation. He said it has not been litigated in the same manner.

Mr. Turner asked if they have resolved what happens if there is a spill or a truck overturns. He said he heard they do not give the information to local governments or first responders. Mr. Turner said if they are conveying some of the hazardous waste materials in and out of a community, they do not have to leave that with the communities. Mr. Fink said it was outside of the scope of what he researched and prepared. Mr. Turner said it was unbelievable to him.

Mr. Sidoti said he wanted to make sure he understood that they are better served to not make direct ordinances that would be perceived as ordinances that would stop fracking. Mr. Fink said that was correct, adding that even the dissenting judge's' opinions agreed they would be discriminatory. Mr. Sidoti said asked Mr. Fink from his legal expertise whether that stops them from asking for any ordinances for any industry, and Mr. Fink said only if the regulatory power is at the state level. He said others may not be regulated by a chief appointed by the governor. Mr. Fink said Ohio has assumed all authority.

Ms. Shaffer asked if other industries have proposed suing the oil and gas industries because of their privileged status, and Mr. Fink said he did not research that for this discussion.

Chair Kuhar called for audience comment at this time. Hearing none, he returned to the Committee.

No action was needed as the update was for informational purposes.

MOTION TO RECESS INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING AN EMPLOYEE'S TERMS OF EMPLOYMENT.
Motion made by Mr. Amrhein, seconded by Mr. Sidoti.

Roll call was taken on the motion. Voting aye: Mr. Amrhein, Mr. DeLeone, Mr. Kuhar, Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, and Ms. Wallach. The motion carried by a roll call vote of 8-0.

Chair Kuhar recessed this meeting at 8:25 p.m.

Following Executive Session, Chair Kuhar reconvened this meeting at 9:00 p.m.

Hearing no further business before this Council, Chair Kuhar adjourned this meeting at 9:00 p.m.

Linda M. Jordan, Clerk of Council

ACTION RECOMMENDED:
1) AUTHORIZATION OF TREX LIQUOR LICENSE TRANSFER

2) TO HOLD THE ITEM ON ANTI DISCRIMINATION HOUSING LAW ON THE PENDING LIST
3) LETTER TO APPROPRIATE INDIVIDUALS AND AGENCIES REGARDING CONCERNS ON ANTI DISCRIMINATION HOUSING LAWS.
4) FRACKING COURT CASE UPDATE; NO ACTION NEEDED

THE CITY OF KENT, OHIO
FINANCE COMMITTEE
WED., JUNE 1, 2016

This meeting of the Finance Committee of the Kent City Council was called to order at 7:06 p.m. on Wed., June 1, 2016 by Michael DeLeone, Chair.

PRESENT: **MR. AMRHEIN, MR. DeLEONE, MR. KUHAR, MS. LONG, MS. SHAFFER (ARR. @ 7:20 p.m.), MR. SIDOTI, MR. TURNER, AND MS. WALLACH**

ALSO PRESENT: **J. FIALA, MAYOR & PRESIDENT OF COUNCIL; D. RULLER, CITY MANAGER; J. SILVER, LAW DIRECTOR; T. WILKE, ECON. DEV. DIR.; J. BOWLING, INTERIM SERV. DIR.; D. COFFEE, DIR. OF BUD. & FIN.; AND L. JORDAN, CLERK OF COUNCIL**

ABSENT: **MR. FERRARA**

Chair DeLeone explained the first item was the sale of City surplus by auction.

Jim Bowling, Interim Service Director, explained that every few years they liquidate city surplus that has accumulated. He said the last time they did this was in 2014. Mr. Bowling said they are requesting approval so they can begin the online auction.

Ms. Wallach asked what they sell, and Mr. DeLeone pointed out they had the complete list in the Manager's communication. Mr. Bowling said there are no bikes, as they authorized the bikes, previously, to be donated for refurbishing. He said that is still being done.

Mr. Kuhar asked the website for the auction, and Mr. Bowling said he would email it to them.

Ms. Long asked where the money goes, and Mr. Bowling said it returns to various funds. **DAVE COFFEE, DIRECTOR OF BUDGET & FINANCE**, said it depended on the auction item, adding it goes back to the fund of the original purchase. Ms. Long asked about the Jaguar being sold, and where those monies would go, and Mr. Coffee said monies from confiscated property go back to the Police Fund.

Ms. Wallach asked if no one claimed it, and Mr. Sidoti said it was a forfeiture.

Ms. Long asked what an "unknown item" was, and Mr. Bowling said he did not know. He said they salvage everything, and at times, they bundle things together. He said there may be some items included that they do not know what they are. Ms. Long asked if the list has been made public, and Mr. Bowling said it will be once it is approved. He said they will let the rest of the departments know in case they wish to salvage any items, and then it will be public. Ms. Long asked how it will be done, and Mr. Bowling said it is an online auction site. He said it will be advertised in the local paper, adding they need to let people know the items are up for auction.

Ms. Wallach asked if it is an online or regular auction, and Mr. Bowling said it is online. He said they switched to that in the last few years, and have better returns.

Chair DeLeone called for audience comment at this time. Hearing none, he returned to the Committee.

MOTION TO AUTHORIZE THE SALE OF CITY SURPLUS BY AUCTION.
Motion made by Mr. Sidoti, seconded by Mr. Kuhar, and carried by a voice vote of 6-0-1.

Chair DeLeone said they would be discussing the sale of city land to Mr. Berardinelli, with an easement to the City for a stormwater line.

Mr. Ruller said the Park Board gave their stamp of approval as it was their property. He said **Tom Wilke, Economic Development Director,** has been the liaison with the buyer. Mr. Ruller said it is along the railroad right-of-way. He said ABC Landscaping purchased some of the land a few years ago, and now they need more.

Mr. Wilke said he approached them originally in March. He said they sold some of the land to the same people in 2007, and now they need some more, which is about one-third of an acre. He said Council gave tentative approval, pending the Park Board's approval. Mr. Wilke said the Park Board wanted to be able to retain access to their property. He said former Service Director Gene Roberts wanted to be sure there was a 30-foot strip of City-owned land. Mr. Wilke said Mr. Berardinelli gave that information to a surveyor, who came up with a plot. He said this was reviewed with Mr. Idone and Mr. Bowling. Mr. Wilke said at the same time, Mr. Silver asked for an easement from the new property owner for an existing stormwater pipe for maintenance. He said they need approval to sign that also.

Ms. Long asked if this was the City's property, and Mr. Wilke said that was correct. He said it was donated for park use to the City, which is why the Park Board was involved. Ms. Long noted they are getting $8499 as a purchase price, and Mr. Wilke said it is based on a standard price used by the Park Board. He said they are satisfied.

Chair DeLeone called for audience comment at this time. Hearing none, he returned to the Committee.

MOTION TO AUTHORIZE THE SALE OF LAND TO MR. BERARDINELLI, WITH A STORMWATER EASEMENT TO THE CITY, WITH THE EMERGENCY CLAUSE.
Motion made by Mr. Kuhar, seconded by Mr. Amrhein, and carried by a voice vote of 6-0-1, with Mr. DeLeone abstaining.

Chair DeLeone said they would be discussing the amendments to the 2016 appropriations.

DAVE COFFEE, DIRECTOR OF BUDGET & FINANCE, said he sent a memo to the City Manager dated May 20, 2016, requesting amendments to the appropriations for 2016. He respectfully requested they authorize these amendments, and said he was present to answer any questions they may have at this time.

Ms. Long noted they are requesting $9880 to move the Health Department to the Cutler Building. She asked if that is the second time they have moved, and Mr. Coffee said it is the second time since the sale of the administrative buildings. Ms. Long said they need to find them a home and quit moving them, as it is costing them money.

Ms. Long asked what the $15,000 NGP Funds for the Community Development Fund were, and **Bridget Susel, Dir. of Community Development,** said that NGP is their Neighborhood Grant Program.

Ms. Long asked what "SCM&R" stood for, and Mr. Coffee said it is Street Construction Maintenance & Repair. She asked what the $90,000 was for, and Mr. Coffee said it is a continuation of a program started last year for resurfacing, using City labor and purchased materials for residential streets. Mr. DeLeone said they are doing it in-house. Ms. Long said they are requesting $90,000, and asked if they have that much. Mr. Coffee said he would not be recommending it if they did not have the monies.

Ms. Long said there is $136,000 for Pine Street for the CDBG Fund, and asked for an explanation. Mr. Coffee said those are CDBG reserve funds. He said the project is being reappropriated for 2016. Ms. Susel said those are funds from a previous year that were not used. She said they are reappropriating

the monies for the same project in 2016.

Ms. Long asked Mr. Bowling if the amount in the Water Fund that was listed is what they discussed, and Mr. Bowling said that was correct, adding it is for aerial mapping. Mr. Coffee said it is a great opportunity to minimize the expense of the project.

Ms. Long said they are recommending a decrease in Fund 301 Capital Projects in the amount of $267,000, which was good news. She asked who was responsible, and Mr. Coffee said it is a collaborative effort between the Finance and Engineering Departments. He said they recognized an excess in the appropriations.

Chair DeLeone called for audience comment at this time. Hearing none, he returned to the Committee.

MOTION TO AUTHORIZE THE AMENDMENTS TO THE 2016 APPROPRIATIONS.
Motion made by Mr. Amrhein, seconded by Mr. Sidoti, and carried by a voice vote of 6-0-1, with Mr. DeLeone abstaining.

Chair DeLeone explained the last item on their agenda dealt with the OPWC pre-application funding requests.

Mr. Bowling explained they look at OPWC every year for available grants and loan funding. He said they look at those opportunities to supplement their water and sewer funds.

Mr. Bowling said they are requesting a total of $500,000 for the SR 43 signalization project. He said they are requesting $350,000 as a grant and $150,000 as a no-interest loan. Mr. Bowling said the other one is for the Valleyview Morris Water and Storm Improvement Project. He said they are requesting $340,000 as a grant, with $50,000 as a no-interest loan. Mr. Bowling said both are currently in the Capital Plan. Mr. Bowling said if they obtain these grants, it will offset the cost, allowing them to use those monies for something else.

Mr. Bowling said in the last five to six years, they have used OPWC funds to help pave the streets. He said this year, they can ask for more money for the SR 43 project. He said this would allow them to use the $500,000 for the street program. Mr. Bowling said that basically doubles the amount of money they are bringing in. Mr. Bowling said that the SR 43 project is such a strong application. He said that usually if they submit a second project, they get reduced points. He said the SR 43 project, because of the large traffic volume, gives them a lot of points, which is why they are applying for a second project.

Ms. Wallach said the money would be used for a stormwater project, and Mr. Bowling said part of it would be used for that use. Ms. Wallach asked if that meant they do not need the additional monies approved for the stormwater fund increase, and Mr. Bowling said they still need the increase. He said this is not much in relation to that amount. He said these types of monies would have to be continuous over time to make an impact.

Mr. Sidoti said if he heard Mr. Bowling correctly, they have already approved these projects as capital expenditures. He said he understands that if they get the OPWC monies, they can transfer their monies back to the General Fund for roads and sidewalks, and asked if that is correct. Mr. Bowling said if the monies were in the Capital Fund, they have to stay in the Capital Fund. He said they can use the monies for anything fundable by that fund, like roads, sidewalks, and those types of projects. Mr. Sidoti said it is like earning interest on money they set aside by getting the grant. Mr. Sidoti said the community should know how hard the staff works on creating a capital plan. He said they already have money in hand, and are getting more money. Mr. Sidoti thanked Mr. Bowling.

Mr. Kuhar said currently since they are shuffling a lot of dirt on Summit Road and Morris Roads and since

Kent State has a retention pond that does not flood Mae Street, he asked if the Valleyview Morris project will help the problems on Mae Street that do not exist. Mr. Bowling said the project they are discussing is to replace an existing failing storm sewer on Valleyview. He said they get sink holes on a recurring basis. Mr. Bowling told Mr. Kuhar this would not help the project he referenced, but the Summit Street project will help that problem.

There were no further questions.

Chair DeLeone called for audience comment at this time. Hearing none, he returned to the Committee.
MOTION TO AUTHORIZE THE OPWC PRE-APPLICATION FUNDING WITH THE EMERGENCY CLAUSE.
Motion made by Mr. Kuhar, seconded by Ms. Wallach, and carried by a voice vote of 7-0-1, with Mr. DeLeone abstaining.

Hearing no further business before this Committee, Chair DeLeone adjourned this meeting at 7:26 p.m.

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Linda M. Jordan, Clerk of Council

ACTION RECOMMENDED:

1) **TO AUTHORIZE THE SALE OF CITY SURPLUS AT AUCTION**
2) **TO AUTHORIZE THE SALE OF LAND TO MR. BERARDINELLI, WITH AN STORMWATER EASEMENT TO THE CITY, WITH THE EMERGENCY CLAUSE.**
3) **TO AUTHORIZE AMENDMENTS TO THE 2016 APPROPRIATIONS**
4) **TO AUTHORIZE THE OPWC PRE-APPLICATION FUNDING WITH THE EMERGENCY CLAUSE**

THE CITY OF KENT, OHIO
LAND USE COMMITTEE
WED., JUNE 1, 2016

This meeting of the Land Use Committee of the Kent City Council was called to order at 7:02 p.m. on Wed., June 1, 2016 by Jerry Fiala, Mayor, for the Chair Ferrara and Vice Chair Shaffer, who were not present.

PRESENT: **MR. AMRHEIN, MR. DeLEONE, MR. KUHAR, MS. LONG, MR. SIDOTI, MR. TURNER, AND MS. WALLACH**

ALSO PRESENT: **J. FIALA, MAYOR & PRESIDENT OF COUNCIL; D. RULLER, CITY MANAGER; J. SILVER, LAW DIRECTOR; J. BOWLING, INTERIM SERV. DIR.; AND L. JORDAN, CLERK OF COUNCIL**

ABSENT: **MR. FERRARA AND MS. SHAFFER**

Mayor Fiala explained they would be discussing a replat and vacation needed for the new police facility.

Dave Ruller, City Manager, explained they have to take care of the legal side of things for the eventual conversion of Tonkin Court, the widening, and a proper egress to the new police facility. He asked **Jim Bowling, Interim Service Director,** to address the issue.

Mr. Bowling said the next two items go hand in hand. He said they are organizing the properties for the construction of Tonkin Court and the police facility. He said the City purchased numerous properties on College Ave. Mr. Bowling said those properties need to be consolidated and replatted, and they need to vacate a portion of College Avenue.

Mr. Bowling said the second one was the actual dedication of Tonkin Street. He said Tonkin Court currently is a private street, adding they need to make it a public street for the police facility project. Mr. Bowling said they need to combine three pieces of land, one being from the old Administration buildings, one being the Roberts' property they recently acquired, and the final one being part of the lands purchased for the new facility. He said they are requesting approval of the dedication plat.

Mr. DeLeone asked if they were replatting all properties into one, and Mr. Bowling said that was correct.

Mr. Kuhar asked if the City owned all properties adjoining the section being vacated, and Mr. Bowling said that was correct. Mr. Kuhar asked if that eliminated the need for a public hearing, and Mr. Bowling said that was correct.

Mr. Bowling requested the emergency clause be included.

Mayor Fiala called for audience comment. Hearing none, he returned to the Committee.

MOTION TO AUTHORIZE THE REPLAT AND VACATION NEEDED FOR THE NEW POLICE FACILITY WITH THE EMERGENCY CLAUSE.
Motion made by Mr. Kuhar, seconded by Mr. DeLeone, and carried by a voice vote of 7-0.

MOTION TO AUTHORIZE THE DEDICATION OF TONKIN STREET WITH THE EMERGENCY CLAUSE.
Motion made by Mr. Kuhar, seconded by Mr. DeLeone, and carried by a voice vote of 7-0.

Hearing no further business before this Committee, Mayor Fiala adjourned this meeting at 7:06 p.m.

Linda M. Jordan, Clerk of Council

ACTION RECOMMENDED:

1) TO AUTHORIZE THE REPLAT AND VACATION NEEDED FOR NEW POLICE FACILITY WITH THE EMERGENCY CLAUSE
2) TO AUTHORIZE THE DEDICATION OF TONKIN STREET WITH THE EMERGENCY CLAUSE.

THE CITY OF KENT, OHIO
KENT CITY COUNCIL WORK SESSION
WED., JUNE 1, 2016

This work session of Kent City Council was called to order at 7:00 p.m. on Wed., June 1, 2016 by Jerry T. Fiala, Mayor & President of Council. Mayor Fiala explained that the purpose of this meeting was to recommend people to serve on the Salary Review Committee.

PRESENT: **MR. AMRHEIN, MR. DeLEONE, MR. KUHAR, MS. LONG, MR. SIDOTI, MR. TURNER, AND MS. WALLACH**

ALSO PRESENT: **J. FIALA, MAYOR & PRESIDENT OF COUNCIL; D. RULLER, CITY MANAGER; J. SILVER, LAW DIRECTOR; AND L. JORDAN, CLERK OF COUNCIL**

ABSENT: **MR. FERRARA AND MS. SHAFFER**

Mayor Fiala said they can review the Council salary every two years by appointing a committee. He reminded the Council that any vote will not impact those serving, but will be for the next new Council. Mayor Fiala said the Council was asked to submit a name at this meeting to the Clerk for their recommended appointee.

Mayor Fiala said that they cannot vote as this meeting is a work session. He said this is informational only. Mayor Fiala said in two weeks, they will put all of the names in a box, and pick five names. He said that three will be regular members and two will be alternates.

Ms. Wallach asked if this was the deadline, and whether it was too late to submit a name. Mayor Fiala said that while they asked for the names by today, they need the names in the next two weeks.

Hearing no further business before this Committee, Mayor Fiala adjourned this meeting at 7:02 p.m.

Linda M. Jordan, Clerk of Council

Jerry T. Fiala, Mayor & President of Council