THE CITY OF KENT, OHIO
COMMUNITY DEVELOPMENT COMMITTEE
WEDNESDAY, OCTOBER 5, 2016

This meeting of the Community Development Committee of the Kent City Council was called to order at 7:00 p.m. by Mr. John Kuhar, Chairman.

PRESENT: **MR. JACK AMRHEIN, MR. MICHAEL DeLEONE, MR. GARRET FERRARA, MR. JOHN KUHAR, MS. MELISSA LONG, MS. HEIDI SHAFFER, MR. ROGER SIDOTI, AND MR. ROBIN TURNER.**

ALSO PRESENT: **MR. DAVE RULLER, CITY MANAGER; MR. JIM SILVER, LAW DIRECTOR; MR. DAVID COFFEE, DIRECTOR OF BUDGET & FINANCE; MS. BRIDGET SUSEL, DIRECTOR OF COMMUNITY DEVELOPMENT; MR. TOM WILKE, ECONOMIC DEVELOPMENT DIRECTOR; MR. JIM BOWLING, CITY ENGINEER; MS. MELISSA BAKER, PUBLIC SERVICE DIRECTOR; MS. MICHELLE LEE, CHIEF OF POLICE; AND MS. TARA GRIMM, CMC, CLERK OF COUNCIL.**

ABSENT: **MS. TRACY WALLACH and MR. JERRY T. FIALA, MAYOR AND PRESIDENT OF COUNCIL.**

Chairman Kuhar announced the item on the agenda: City Zoning and Housing Discussion.

Mr. Ruller explained how the City has been visited by City residents and surrounding area residents in regards to some of the housing projects working their way through the BZA and Planning Commission. Ms. Susel was in attendance at the Planning Commission meeting last night where some of the items were tabled. Council requested Committee time to discuss the status of housing projects and the impacts of those projects on area neighborhoods. In particular, Council requested more information on how to change the Zoning Code and/or impose a moratorium on housing projects. Both of these actions have specific legal requirements that need to be met. He then referred to Ms. Susel to review the legal requirements and process steps involved in making City Zoning Code changes and issuing development moratoriums. Mr. Ruller reminded Council that this is a general discussion as requested by Mr. Kuhar, and we will not be discussing any one specific project.

Ms. Susel began by stating that the Zoning Code is challenging and has been built over many decades. One of the last things Gary did was a review and re-chapter of the Zoning Code which was brought before Council before he became ill. While he did a great job, Zoning Codes, by nature, have loopholes and threads. It unravels if you pull a thread. It is unknown how conditional uses, special permitted uses, and variances play out until a project is laid out before us. Often times new project developers have people who look for those loopholes and inconsistencies in the Code to work to their advantage. Staff manages and addresses the loopholes, which is a long and arduous task in itself. It includes scheduling a Public Hearing and taking it to Planning Commission for review and consideration. Sometimes we are sent back to the drawing board by Planning Commission until we finally have something that can be recommended to Council. We are then then required to work with the Clerk to schedule a Public Hearing, which has a 30 day advanced advertising period. The shortest amount of time we can actually get something passed, on a good day, would be 3-4 months. In November, we have a couple of changes that will be going through Planning Commission that include deletions and addressing some antiquated definitions so we can eliminate the “rooming houses” loophole. A “rooming house” will now be a single family structure that has been converted to renting a bedroom. The requirements in Chapter 1122 are specific to “no front yard parking” for rooming houses, but because of loopholes, they are being used by larger apartment complexes. We are going to close that loophole if Planning Commission allows. This is just the surface of many things that need to be done and there are many sections of the Code that still need to be gone through. We are going to seek outside assistance for this project as we are inundated with daily management of what comes through our office. The amount of development in the City is unprecedented. The Code needs to be carefully vetted and sorted through. Staff has consistently been working on the Zoning Code, but it is not

fast enough for what we are experiencing here in the City.

Chairman Kuhar requested to step down as Chair so he could ask questions. Mr. Kuhar asked Mr. Turner to take the Chair. Mr. Turner asked if there were any questions from Council.

Mr. Kuhar stated he had couple of questions. He referred to the 50 foot frontage variance regarding the Horning Road project. He is having a hard time understanding the granting of the variance due to the hardship they presented, which also created a self-imposed hardship on the surrounding properties.

Ms. Susel referred to the joint meeting of the BZA and Planning Commission that was held to explain to both of them that while we cannot address all of the challenges in our Code, strict adherence to the Code will help in these situations. That is why the variance was granted. Staff provided technical assistance and guidance, but when they are in the midst of a Motion, discussion is within the confines of that Motion. We do try to add dialogue and explanatory information and last week's joint meeting helped. There were a lot of "ah ha" moments in discussing variances and the situations it puts the Planning Commission in when a variance is granted, especially in a permitted use situations. The meeting had a lot of good dialogue. Staff was able to point out some of the issues requiring focus, including non-conforming use, which is something that is done well with our Code. BZA did not completely understand non-conforming use, so we will be instituting a script and applications. Anyone can apply for a variance, but if all the requirements are not met, there is a slim chance it will be approved. The Horning Road variance example was one of the examples used at the meeting. A variance should be a request for the minimum.

Mr. Kuhar asked about leveraging non-conforming use.

Ms. Susel stated that section of the Code is written well. Where we have challenges is on the new construction. New construction is a drawing; the hardship is on paper. This is something the BZA needed to be cognizant of. Their discussion was focused on the flag-shaped parcel on Horning Road. We are hopeful that the joint meeting and the script will help bring this to the forefront before they move to a Motion and staff can't speak.

Mr. Kuhar tried to generalize his question regarding proper notice to neighboring houses on Horning Road.

Ms. Susel stated there are 2 projects on Horning and all issues had been rectified and proper notice was given over a year ago. One project was tabled by Planning Commission last night because the developer could not be present because of a flight delay. When parking was changed, they returned to the Planning Commission for pulling out the 1.2 parking requirement. Staff advertised the wrong address, so the notice was re-issued with the correct address and put back in front of Planning Commission. Planning Commission denied removal of the parking lot from that site. It was a permitted use and there was no real mechanism they could use to deny it. The Planning Commission was combining the 2 issues and that's why this ended up in Court the way it did. The parking lot has been removed from the site plan and the project is just the housing, which will go forward.

Mr. Kuhar asked about situations with single family residential being next to commercial or high density residential. He questioned if we have or can we create a vehicle that the adjoining properties can be used so they are not intrusive on the single residential properties.

Ms. Susel stated the majority of the residents who were coming before Council and Planning Commission were Franklin Twp. Residents. At the jurisdictional boundary of the Township is an R-1 which abuts our CR, which is high-density commercial residential, so therein lies the issue. We do have transitional zones, but only within the City.

Mr. Kuhar recalled 4-6 properties within the City of Kent that fall under the transitional zone. The Township is our neighbor. We need to be courteous anywhere this situation occurs with the County, Township or City.

Ms. Susel agreed and is looking for ways to address that within our Code. Staff and the Planning Commission, as well as the BZA, did not ask if they were a Township or City resident. The consistent message last night was the increase in traffic. We did not have the updated traffic plan on that project, which is why it was tabled. It will be presented to the Traffic Engineer and will be asking for a higher level review than done prior. Staff from AMATS were not sure of the time frame and context the traffic study was done in. This process needs to be vetted at a higher level than before. It is a real concern.

Mr. Kuhar asked about the eastern most property being a CR. Ms. Susel stated yes. Mr. Kuhar asked is there a way to keep it a CR and limit the types of business and stores that are allowed in there.

Ms. Susel said we need to look into the conditional and permitted uses within those districts, which is what takes so long. With each zoning district there is a list of permitted uses, and then there is a higher level of review needed for conditional uses. It allows some latitude in the conditionally permitted uses and if they appropriate uses. The traffic issue has some merit because it affects the harmony in the neighborhood. Is the traffic going to create an adverse condition on Horning Road?

Mr. Kuhar asked about the traffic studies already done in June and December, and if there was a chance they were done when school was not in session.

Ms. Susel clarified that developers are required to do traffic studies when school is in session. The initial project was a crossover - with housing on the City side and parking on the Township side. The Township did not approve the park and ride classification, so it was moved to just the City side. The drive near Sheetz was going to be one of 2 egress and ingresses. We did not receive the modified plan, but saw a letter that said they had looked at it and made a modification in June by using the same data. The letter said with a reduction of units, there wasn't going to be an issue; however, it has not been vetted by our Traffic Engineer. We are working within the confines of the Code we have, but we need to be proactive instead of reactive and make sure the projects are vetted. Time constraints on a project are not confined within our Code. It starts when we accept an application. Everything has to be ready before we accept a project. Ms. Susel and the Assistant Law Director will be working this weekend to tighten up the process. The Code requires us to have variances approved before it goes to Planning Commission. We are pushing to not have a project placed on the Planning Commission's Agenda until after the variances have been applied for. The process needs to be gone through properly.

Mr. Kuhar stated there needs to be compromise for building in Kent.

Ms. Susel said "yes, there has to be balance."

Mr. Turner then referred to Ms. Shaffer who asked about the juncture between the City of Kent and Franklin Twp. Does the township legally have any say on the impacts that it would have on a project in the juncture; do they have any type of leverage?

Mr. Silver replied "they have no say". We control the City, they control the Township. It would be just the opposite if this project was occurring in the City.

Ms. Shaffer asked if the Planning Commission is in charge of creating buffer zones.

Ms. Susel stated yes they can add conditions. We added a Landscape and Buffering Chapter in 2013. The challenge is when the projects go "high". A 4-story building is angled high so the buffers help at ground level, but not necessarily higher up. We are looking into lowering height, which is a factor in development.

Mr. Turner recognized Ms. Long who asked when Planning gives a variance like it did on the project on Horning Rd. from 100 feet to 50 feet, if and when would they add a buffer, if it would have to be within that 50 foot. Would that create a hardship for the developer?

Ms. Susel stated "no" and clarified it is the BZA, not Planning Commission who grants variances. If BZA

approved a variance, the person is asking for an illegal process to be approved that goes against the Code. It needs to be very discriminatory in how much is granted. If a variance is denied or changed, it becomes the burden of the developer to figure out if he can re-work his project within the confines of the limitations set by the BZA.

Ms. Long stated 5-8 years ago when she was on Planning Commission, and Mr. Lock was still with us, he was going to hire a firm to look at our Zoning Code. The Planning Commission assumed that was going to happen. Why wasn't that followed through with?

Ms. Susel had never heard about that and it was Gary who personally took it upon himself to review the Code. She is not familiar with this request. In June of 2011, every section of the Zoning Code that had been amended was reviewed and approved. She is not sure exactly what the task was.

Ms. Long stated maybe they should go back and look into the Planning Commission minutes, especially now that we are asking for professional input on the Code. Legally speaking, is this criteria for building a moratorium?

Mr. Silver replied "no".

Mr. Sidoti asked when the Comprehensive Housing Study was done.

Ms. Susel said it was completed in March of 2016.

Mr. Sidoti asked why we did the housing study if we can't control outside of the Zoning Code or pick and choose what goes in.

Ms. Susel said the housing study is only part of it. We knew development was coming at us very fast. We had no mechanism to determine the need. We needed a full picture of ALL our housing in this study so we could guide policies going forward. Since March, we have been working to change our Zoning Codes. The developers are able to get in under the current Codes, which is why we are making changes.

Ms. Sidoti understood that from the study we now know what we need, but as long as developers meet the zoning requirements, we can't influence a project not coming in.

Ms. Susel said we can with strict adherence to our current Code. If we deny the variances, many things cannot fit on a site. The burden then falls on the developer to make it fit.

Mr. Kuhar asked if we are within our rights as a municipality to have a moratorium on specific zoning until we make adjustments in our Code.

Mr. Silver stated "no". He referred to his memo to Council in the packet. It has to do with our ability to supply utilities to a property. We are still a free enterprise country, and if it's allowed in the zoning, we have to allow it. We hope developers look at this housing study before they decide to build.

Mr. Kuhar described some cases where moratoriums have been called on permits in other cities and questioned if they are doing it unlawfully? The only alternative we have is to move swiftly.

Mr. Silver has not seen those moratoriums in Ohio and if they were challenged, would be thrown out in Court. We can't take away property rights.

Ms. Shaffer was happy to see we identified priorities in the Zoning Code to dis-incentivize some of the housing that we feel we are maxing out on.

Ms. Susel asked staff to get the rooming housing Code proofed and ready to go by Friday for the next meeting and will be working with Ms. Grimm to get the Public Hearing advertised.

Ms. Shaffer asked if this will be an incentive for the kinds of multi-family housing that we want.

Ms. Susel said yes she would hope so. We have no space left to build; We are a destination and development is at a fast pace.

Mr. DeLeone asked if Franklin Township turned down a project for an apartment complex recently on Burnett.

Ms. Susel explained Burnett and 261 are not zoned for an apartment complex or student oriented housing. The developer wanted re-zoning or re-districting. The Township Trustees denied the recommended zoning re-districting. Without the right zoning, that project can't go forward.

Mr. DeLeone asked why we do not have the same powers as Trustees.

Ms. Susel stated we do, however, none of our projects have been a re-districting. We do receive requests for annexing and re-zoning and those don't even go forward to Planning Commission.

Ms. Shaffer asked if there was any room left in the U District and if we can fast track that too.

Ms. Susel replied yes, however, that has been tabled by Council and cannot be brought back until May 18th

Mr. Kuhar asked if the Summit Road complex by the stadium was the same situation.

Ms. Susel said yes, it was Brimfield Twp., which was turned down for the same reasons by the Trustees.

Mr. Ferrara expressed how the issue at hand is the variances that are granted by the Planning Commission and BZA. He questioned how are we translating and informing them of the housing study so they can properly interpret not granting variances.

Ms. Susel says we have informed them and shared the study. We had a joint meeting where a policy directive was given. The BZA meets the 3rd Monday of every month, and welcome Council members expressing the importance of following the directives. There should not be self-imposed hardships. Most variance requests would not meet the litmus test. We are dealing with volunteers who are a god, committed group, but it is a volunteer civic duty they have taken on. We always provide information and clarification, but can't redirect during a Motion. The BZA has the ability to ask the Planning Commission what they think about a variance request on a site plan. It is hard to dissect the larger variance requests than the smaller projects. We need to thank the BZA and encourage them to really work with the Code and send back to the Planning Commission, giving the BZA the understanding of what they need to know.

Ms. Long referenced the Horning Road project and how she sat in on the County planning meeting last year for the township where 3 lots were involved. The County told the Township it was the City of Kent's project and they held no problem with the project. Ms. Long was interrupted by Mr. Silver.

Mr. Silver reminded Ms. Long that we are not talking about specific things that are not in front of this body, but are in front of Planning Commission or BZA. We can only talk about the Code in general, especially since there is already some pending litigation.

Ms. Long asked how long it has been since our zoning maps look the way they do now, if they have ever been changed, and if we looked at high density going next to single family.

Ms. Susel stated they were updated a few years ago and yes it was looked at within the confines of the City's district.

Ms. Shaffer asked Mr. Silver if the Boards are an extension of Council, does Council have any power to

overturn granted variances.

Mr. Silver stated no, but an appeal can be initiated to a Court if Council wanted to challenge their own Boards. Courts may look at Council funny if they actually not follow their appointees on their own Boards. There is no direct review of Council by what those Boards do; Council sets the parameters.

Mr. Turner asked if there was any further comment. Hearing none, he asked to turn the Chair back over to Mr. Kuhar.

Mr. Silver reminded Mr. Turner that according to Robert's Rules, the Chair cannot be turned back over until this topic is finished, but he could request someone else to take over the Chair.

Mr. Turner asked Mr. Amrhein to accept the Chair so he could ask a question.

Mr. Turner discussed the fragmented aspect between Council and BZA and how we can deal with the situation so we are on the same wavelength trying to address some of the issues. He asked Ms. Susel how she feels we can do better; Is it a training session and what the parameters are?

Ms. Susel stated that's exactly what they did at the joint meeting. She felt the joint session last week was very productive and staff requested a joint session every year. With each new member, there will be an orientation. She welcomed members of Council coming to talk to the members of the BZA and Planning Commission.

Mr. Sidoti asked Mr. Silver about publicly interviewing board candidates, but never having the chance to converse amongst themselves. Would it be appropriate for Council to go into Executive Session to talk about the candidates and then individually cast ballots? It seems that Council scrambles to vote. He's wanted to ask this question for a long time.

Ms. Silver will look into whether or not it fits in the parameters of "Personnel" for Executive Session and will let Council know.

Mr. Sidoti would like to increase professionalism, especially if the candidates know Council has had dialogue amongst themselves.

Mr. Amrhein asked if there were any further comments from Council. Hearing none, he then asked for audience comments. Mr. Silver reminded the audience that comments must be only on the Zoning Code.

Mr. Dennis Krupa of 5868 Rhoades Road, and owner of 5882 Horning Road, which his is remodeling. He is hesitant to invest any more money in his venture. After listening tonight, he asked if variances between the Township and the City lines have been discussed, having built into the variance itself, a circle of influence. Why aren't residents' clout as meaningful as a developers? Why isn't there a mathematical formula for making it into a transition zone? It would creative a more cohesive flowing community. He referred to Holly Park and "greenspace". Is the shape of this parcel the "greenspace" for Holly Park that's gone unnoticed and how good is our record keeping? We have to depend on the people who have memory of these types of things. Mr. Krupa stated that Ms. Susel's definition of "greenspace" is now called "open space" which sometimes goes ignored as time goes on. He'd hate to see Kent twisted into a version of a mini Boulder, Colorado. He referred to the mall project back in the 80's and how it doesn't take long for trends to end. Demographics indicate there is going to be a change. We need collaborative relationships between the Township and the City.

Mr. Amrhein asked Mr. Silver to verify the 3 minute rule for speaking since this was his first time acting as Mayor. Ms. Silver confirmed it is 3 minutes.

Ms. Gina Volchko of 5908 Horning Road asked if there are any Codes in place that prevent an apartment complex to be built right next to an existing residence. She also asked about the Zoning Codes preventing

standing water in the parking lots and on vacant land. She passed out pictures of the standing water and asked about wetland designation.

Ms. Silver repeated if the property is zoned properly for an apartment building, they can build it.

Mr. Amrhein thanked Ms. Volchko and asked if there were any further comments.

Ms. Holland of 5896 Horning Road asked if high density can be prevented if a "park" was proposed and the land was purchased as such.

Mr. Silver stated it would have to be a permitted use in the Zoning Code, or an approved appeal or change. It is probably possible.

Mr. Ferrara stated a variance could be asked for.

Mr. Silver stated a variance would not be in order for the ultimate use of the property.

Ms. Holland asked if the property has any wetlands on it, or if it has been investigated.

Mr. Silver stated she can contact the Ohio EPA.

Mr. Ruller stated part of the review process is having regulatory steps including Stormwater engineers. The property owner is responsible, not the City. There may be maps available.

Ms. Susel added that the Army Corp of Engineers has maps available and can assist her with her request.

Mr. Amrhein thanked Ms. Holland and asked if there were any further comments.

Mr. Joe Volchko of 5908 Horning Road provided a couple answers to questions proposed earlier in the meeting. He recommended screening of volunteers and stated he has gone through the entire Code and it is exhausting. He felt a process for these volunteers would be very beneficial. He also answered the question if the City can enter a private property by stating "yes, the City can if it is a public nuisance". Also Kent is listed 7th on Google as a Tree City. He read from a prepared statement regarding high-velocity development and the abuse of the City's conflicting Zoning Code; developers using their own studies and findings for their own benefit; and how there needs to be neutral information presented for projects. The City should take, by eminent domain, the abandoned parking lot on Horning Rd. as well as other projects and turn them into parks.

Mr. Amrhein returned the Chair to Mr. Kuhar.

Hearing no further business before this Council, Chairman Kuhar adjourned this meeting at 8:24 p.m.

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Tara Grimm, CMC
Clerk of Council

ACTION RECOMMENDED:

1) LOOK INTO EXECUTIVE SESSION DEFINITION FOR PERSONNEL FOR THE PURPOSES OF INTERVIEWING BOARD CANDIDATES.

THE CITY OF KENT, OHIO
FINANCE COMMITTEE
WEDNESDAY, OCTOBER 5, 2016

This meeting of the Finance Committee of Kent City Council was called to order at 9:42 p.m. by Michael DeLeone, Chair.

PRESENT: **MR. JACK AMRHEIN, MR. MICHAEL DeLEONE, MR. GARRET FERRARA, MR. JOHN KUHAR, MS. MELISSA LONG, MS. HEIDI SHAFFER, MR. ROGER SIDOTI, AND MR. ROBIN TURNER.**

ALSO PRESENT: **MR. DAVE RULLER, CITY MANAGER; MR. JIM SILVER, LAW DIRECTOR; MR. DAVID COFFEE, DIRECTOR OF BUDGET & FINANCE; MS. BRIDGET SUSEL, DIRECTOR OF COMMUNITY DEVELOPMENT; MR. TOM WILKE, ECONOMIC DEVELOPMENT DIRECTOR; MR. JIM BOWLING, CITY ENGINEER; MS. MELISSA BAKER, PUBLIC SERVICE DIRECTOR; MS. MICHELLE LEE, CHIEF OF POLICE; AND MS. TARA GRIMM, CMC, CLERK OF COUNCIL.**

ABSENT: **MS. TRACY WALLACH and MR. JERRY T. FIALA, MAYOR AND PRESIDENT OF COUNCIL.**

Chairman DeLeone announced the first item on the Agenda: Stormwater Area Q. Final Assessment Legislation.

Mr. Bowling requested Council's approval of the final assessment legislation required to complete the Stormwater Area Q project.

Ms. Long asked if this was really final. Mr. Bowling stated "yes."

Mr. DeLeone asked if there was any further discussion. Hearing none, he then asked if anyone from the audience would like to speak on the issue. Hearing no comments from the audience, Chairman DeLeone returned the matter to Council.

MOTION TO AUTHORIZE THE FINAL ASSESSMENT LEGISLATION TO COMPLETE THE STORMWATER AREA Q PROJECT WITH AN EMERGENCY CLAUSE made by Mr. Sidoti, second by Mr. Kuhar. The motion carried by a voice vote of 8-0.

Chairman DeLeone announced the final item on the agenda: Review of the Proposed 5 Year Capital Plan Update.

Mr. Ruller referred to Mr. Coffee who prepared the draft of the 2017-21 Capital Improvement Plan for Council review, which Council had in front of them in the elongated book. Projects are color coded. The Capital Plan provides a schedule of projects and financing for 2017 through 2021 based on a prioritization of most critical needs. It is important to remember that the project list is constrained in order to stay within available funding levels. The financial structure is focused on next year, for the most part.

Mr. Ruller stated after a couple of years of "rate relief" (2014, 2015) we are proposing to get the water fund back on the original 2011 rate schedule by increasing the water rates by 8% in 2017 and 9% in 2018.
We are keeping the proposed sewer rates at the original 2011, 3% increase to keep pace with inflation by Council in 2011. We have been able to keep the rates below the 2011 Schedule so even with the proposed increases for 2017 and 2018, City utility customers will still be paying about $50 less per year than originally approved.

Mr. Coffee commended Mr. Bowling for realigning projects to our year-to year funding. There are 2 components – income tax funded and general funded projects in the plan. As a result of the increase

capacity in the General Fund, we have been able to achieve street and sidewalk repair program increases and the Fire Departments capital requirements for the increasing costs of equipment to perform their duties.

Mr. Ruller clarified "increased capacity" meaning more income tax. It pushes up our 25% Charter requirement. The new City Hall is not in this Plan yet; It will be soon, probably in the next update. He assured Council the money is set aside for any direct new City Hall project costs.

Mr. DeLeone stated if anyone has any questions, please feel free to call.

Mr. Ruller said the Stormwater Fund is still in process with the new rate structure. Sewer Fund is in decent shape. The General Fund is good shape was well. It is only the Water Fund needs help.

Mr. Coffee referred to the plan and said the struggle is remaining funds for Capital Improvement Projects. We are on the brink of our fund balance policy. He believes we will outperform the balance of 2016 by some factor.

Mr. Sidoti discussed water conservation and the counterintuitive rate raising. Do high density areas use more water?

Mr. Ruller stated "no", what we need is industrial use of water.

Mr. Coffee says they are watching production v. consumption, and trying to find a more refined month to month tracking method.

Mr. Kuhar questioned the undesignated reserves this year v. last year.

Mr. Coffee stated in 2015 reserves were $11.473 million, and in 2016 it is estimated at $9.257 million.

Mr. Kuhar commented "our nest egg is not getting bigger".

Mr. Ruller said Mr. Coffee works hard to manage the reserve at $3 million.

Ms. Long asked about the yellow highlighted area on the last page of the Plan of $2.390 million.

Mr. Coffee clarified it is the proceeds of the sale of the old offices.

MOTION TO APPROVE THE PROPOSED 2017-21 CAPITAL IMPROVEMENT PLAN AND UTILITY RATE INCREASES WITH AN EMERGENCY CLAUSE made by Mr. Sidoti, seconded by Ms. Shaffer**.** The motion carried by a voice vote of 8-0.

Hearing no further business, Chair DeLeone adjourned this meeting 10:03 p.m.

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Tara Grimm, CMC
Clerk of Council

ACTION RECOMMENDED:

1) **AUTHORIZE THE FINAL ASSESSMENT LEGISLATION TO COMPLETE THE STORMWATER AREA Q PROJECT WITH AN EMERGENCY CLAUSE**

2) **APPROVE THE PROPOSED 2017-21 CAPITAL IMPROVEMENT PLAN AND UTILITY RATE INCREASES WITH AN EMERGENCY CLAUSE**

THE CITY OF KENT, OHIO
HEALTH & SAFETY COMMITTEE
WEDNESDAY, OCTOBER 5, 2016

At 10:03 p.m., **MOTION TO EXTEND THE MEETING PAST 10:00 PM** was made by Mr. Sidoti, seconded by Ms. Shaffer. The motion carried by a voice vote of 8-0.

This meeting of the Health & Safety Committee of Kent City Council was called to order at 10:03 p.m. by Jack Amrhein, Chair.

PRESENT: **MR. JACK AMRHEIN, MR. MICHAEL DeLEONE, MR. GARRET FERRARA, MR. JOHN KUHAR, MS. MELISSA LONG, MS. HEIDI SHAFFER, MR. ROGER SIDOTI, AND MR. ROBIN TURNER.**

ALSO PRESENT: **MR. DAVE RULLER, CITY MANAGER; MR. JIM SILVER, LAW DIRECTOR; MR. DAVID COFFEE, DIRECTOR OF BUDGET & FINANCE; MS. BRIDGET SUSEL, DIRECTOR OF COMMUNITY DEVELOPMENT; MR. TOM WILKE, ECONOMIC DEVELOPMENT DIRECTOR; MR. JIM BOWLING, CITY ENGINEER; MS. MELISSA BAKER, PUBLIC SERVICE DIRECTOR; MS. MICHELLE LEE, CHIEF OF POLICE; AND MS. TARA GRIMM, CMC, CLERK OF COUNCIL.**

ABSENT: **MS. TRACY WALLACH and MR. JERRY T. FIALA, MAYOR AND PRESIDENT OF COUNCIL**

Chairman Amrhein announced the only item on the agenda is the Parking Request on Morris Road.

Mr. Ruller referred to Chief Lee who stated she'd like Council's consideration of a recommendation from the Traffic, Engineering and Safety Committee to approve a request from a Resident on Beryl Drive to allow parking on both sides of Morris Road, from Beryl Dr. south to the dead end. The current Ordinance prohibits parking on both sides of Morris Road; but after evaluating the Request, the members of the Traffic, Engineering and Safety Committee recommend partially supporting the resident's request and authorizing parking on the east side of Morris Road from Beryl Drive south to the dead end of the Morris Road.

Mr. DeLeone asked if the resident was "ok" with partial parking. Chief Lee stated yes, he was happy with any kind of parking since currently there is none allowed.

Ms. Shaffer asked if there was a petition signed by the street's residents. Chief Lee replied "yes, 4 out of the 5 homeowners signed the petition."

Mr. Amrhein asked whether there was any further discussion from Council. Hearing none, he then asked if anyone from the audience wished to speak on the subject. Hearing no comments from the audience, Mr. Amrhein returned the matter to Council.

MOTION TO APPROVE THE CHANGE IN PARKING DESIGNATION TO ALLOW PARKING ON THE EAST SIDE OF MORRIS ROAD FROM BERYL DRIVE TO THE DEAD END OF THE STREET AS PRESENTED WITH AN EMERGENCY CLAUSE made by Mr. Ferrara, second by Ms. Sidoti. The motion carried by a voice vote of 8-0.

There being no further business to come before the Committee, Chair Amrhein adjourned the meeting at 10:06 p.m.

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Tara Grimm, CMC
Clerk of Council

ACTION RECOMMENDED:

1) **BRING FORTH LEGISLATION TO APPROVE THE CHANGE IN PARKING DESIGNATION TO ALLOW PARKING ON THE EAST SIDE OF MORRIS ROAD FROM BERYL DRIVE TO THE DEAD END OF THE STREET AS PRESENTED WITH AN EMERGENCY CLAUSE.**

THE CITY OF KENT, OHIO
STREETS, SIDEWALKS, AND UTILITIES COMMITTEE
WEDNESDAY, OCTOBER 5, 2016

This meeting of the Streets, Sidewalks, and Utilities Committee of Kent City Council was called to order at 8:25 p.m. by Roger Sidoti, Chairman.

PRESENT: **MR. JACK AMRHEIN, MR. MICHAEL DeLEONE, MR. GARRET FERRARA, MR. JOHN KUHAR, MS. MELISSA LONG, MS. HEIDI SHAFFER, MR. ROGER SIDOTI, AND MR. ROBIN TURNER.**

ALSO PRESENT: **MR. DAVE RULLER, CITY MANAGER; MR. JIM SILVER, LAW DIRECTOR; MR. DAVID COFFEE, DIRECTOR OF BUDGET & FINANCE; MS. BRIDGET SUSEL, DIRECTOR OF COMMUNITY DEVELOPMENT; MR. TOM WILKE, ECONOMIC DEVELOPMENT DIRECTOR; MR. JIM BOWLING, CITY ENGINEER; MS. MELISSA BAKER, PUBLIC SERVICE DIRECTOR; MS. MICHELLE LEE, CHIEF OF POLICE; AND MS. TARA GRIMM, CMC, CLERK OF COUNCIL.**

ABSENT: **MS. TRACY WALLACH and MR. JERRY T. FIALA, MAYOR AND PRESIDENT OF COUNCIL.**

There were 5 items on the Agenda.

Chairman Sidoti announced the first item on the agenda, the Sewer Financial Assistance Pilot Program Update.

Mr. Ruller explained it has been a year since this pilot program began because "who pays for the problem" when it involves sewer lateral maintenance. In 2015 Council modified the City's Sewer Use Ordinance to allow for a pilot program where a City resident could request financial assistance from the City to repair a portion of a broken sewer lateral which lies beneath the City street and makes the private repairs more costly. Council authorized $70,000 and to date, $50,000 has been used on 5 project requests.

Mr. Bowling updated Council on the progress of the City's pilot sewer lateral maintenance assistance program and reiterated that there had to be a structural failure within the right away as identified by our department. It was a first come, first serve program. We did not advertise the service and it did not change the current Ordinance that is in place. With only 5 projects to compare, at an average of $10,000 per request, it is difficult to determine the sustainability of this type of financial assistance over the long term. He spoke about a few specifics of some of the projects. He suggested Council may want to allow the pilot to continue long enough to spend down the remaining $20,000 but then let the program expire. There are 7,700 sewer laterals in the City, and at $10,000 each, it is quite an investment. Adopting the program permanently citywide is estimated to require a significant investment in staff and equipment.

Mr. Kuhar stated he wants to protect the residents as well as the financial impact to the City and if something is under a roadway it is more subject to damage.

Mr. Bowling stated the pipes installed are designed to handle the traffic on the roads. They could be breaking because of being improperly laid, bad piece of pipe or design life.

Mr. Ruller said most cities do things the way we do, the exceptions may be the wealthier cities. The pilot program was a 1st come, 1st serve basis, we cannot continue and adopt the program under a constrained budget; we would have to increase the sewer rates to continue the program. The City does not have the

money to include everyone. The danger is the possibility of being sued if we continue the 1st come, 1st serve basis as the actual program.

Mr. Kuhar asked who actually puts in the roads and the service.

Mr. Bowling said it depends when the road is built. It could be a private developer, the City, the County, the State. We sometimes take roads over from the private developers. Our Ordinance does not mandate we know where every lateral is. It would take a tremendous amount of new staff and time to locate them. Currently we receive 10-15 call-outs a day to mark utilities.

Ms. Long asked if we have opened "Pandora's Box" by doing 5 projects and asked how do we say no.

Mr. Ruller said this was a pilot, experimental, one-time only program. The pilot can be extended until challenged, however, it requires more money than meets the eye.

Mr. DeLeone reiterated there is $20,000 left plus the $60,000 not used to purchase the sewer camera truck, so there is a total of $80,000 left in the program.

Mr. Silver said the $60,000 would have to be reallocated.

Ms. Shaffer asked if there is some type of insurance. She is concerned about the aging infrastructure. Can we look into insurance and pool the risk with other communities?

Mr. Coffee responded it is conceivable to have a 3rd party entity provide insurance coverage.

Ms. Shaffer said it would be a shock to a resident in the cost of replacing the sewer lateral.

Mr. Bowling referred to the department dealing with shock on a regular basis; residents chose their level of service. Laterals can be snaked.

Ms. Shaffer asked if snaking is not possible, then what.

Mr. Amrhein asked how affordable insurance would be.

Mr. Coffee said it could be an opt-in basis.

Mr. Kuhar asked about PUCO.

Mr. Bowling reminded Council we are not governed by PUCO.

Mr. Kuhar asked about revolving funds available for homeowners.

Ms. Susel stated there is CDBG assistance, which is income based, is 75% grant & 25% loan and it must be on an owner-occupied structure. Mr. Morganti runs the program.

Ms. Shafer clarified it is not a sliding scale, so how do we protect the moderate income people.

Ms. Susel stated a family of 4 is a gross income of $60,000.

Chairman Sidoti asked if there were any further questions from Council. Hearing none, he called for audience comment. Hearing no audience comment, he returned the matter to the Committee.

MOTION TO LOOK INTO POTENTIAL OF INSURANCE BASED OPTION FOR REPLACEMENT OF SEWER LATERALS made by Ms. Shaffer, seconded by Ms. Ferrara.

Mr. Ferrara said we could put information out to the residents that an option is available through use of the website and the Tree City Bulletin.

Ms. Shaffer said education on the topic is important and options are available.

Mr. Kuhar asked for clarification of the Motion.

MOTION TO HAVE ADMINISTRATION LOOK INTO AN INSURANCE BASED OPTION FOR REPLACEMENT OF SEWER LATERALS made by Ms. Shaffer, seconded by Ms. Ferrara, and carried by a voice vote of 8-0.

Mr. DeLeone asked Mr. Bowling if there is reconstruction, do the costs get passed on to the resident. Mr. Bowling said no.

Mr. Ruller asked for direction from Council regarding the pilot program so he may direct the staff accordingly.

MOTION TO USE THE $20,000 BALANCE UNTIL IT IS DEPLETED made by Mr. Amrhein, seconded by Mr. Kuhar, and carried by a voice vote of 8-0.

Chairman Sidoti announced the next item on the agenda: City Capital Projects Update.

Mr. Ruller referred to Mr. Bowling who provided Council with an update on the status of the City's 2016 Capital Projects with the attached PowerPoint presentation. ***(See Attachment #1).***

Chairman Sidoti asked if there were any further questions. Hearing none, he called for audience comment. Hearing no audience comment, he returned the matter to the Committee.

At 9:33 p.m., Mr. Ruller requested a 5 minute recess.

At 9:38 p.m., Chairman Sidoti announced the next item on the agenda: Panini's Request for a License to Occupy City Right of Way.

Mr. Ruller stated this item has been deferred to a future meeting since Panini's has not completed their review of the agreement.

Chairman Sidoti announced the next item on the agenda: City-ODOT Guardrail Replacement Consent Legislation.

Mr. Bowling ask for Council's approval of Consent Legislation in support of a project with ODOT to replace the guardrail anchor assembly on Gougler Avenue in the vicinity of the Silk Mill.

MOTION TO AUTHORIZE THE CITY-ODOT CONSENT LEGISLATION FOR GUARDRAIL REPLACEMENT WITH AN EMERGENCY CLAUSE made by Mr. Amrhein, seconded by Mr. Kuhar, and carried by a voice vote of 8-0.

Chairman Sidoti announced the final item on the agenda: City-ODOT Bridge Inspection Program.

Mr. Bowling requested Council's approval to renew the City-ODOT Bridge Inspection agreement.

MOTION TO AUTHORIZE THE CITY-ODOT AGREEMENT FOR THE CITY'S BRIDGE INSPECTION PROGRAM WITH AN EMERGENCY CLAUSE made by Mr. Kuhar, seconded by Mr. Amrheim, and carried by a voice vote of 8-0.

Hearing no further business before this Committee, Chairman Sidoti adjourned this meeting at 9:41 p.m.

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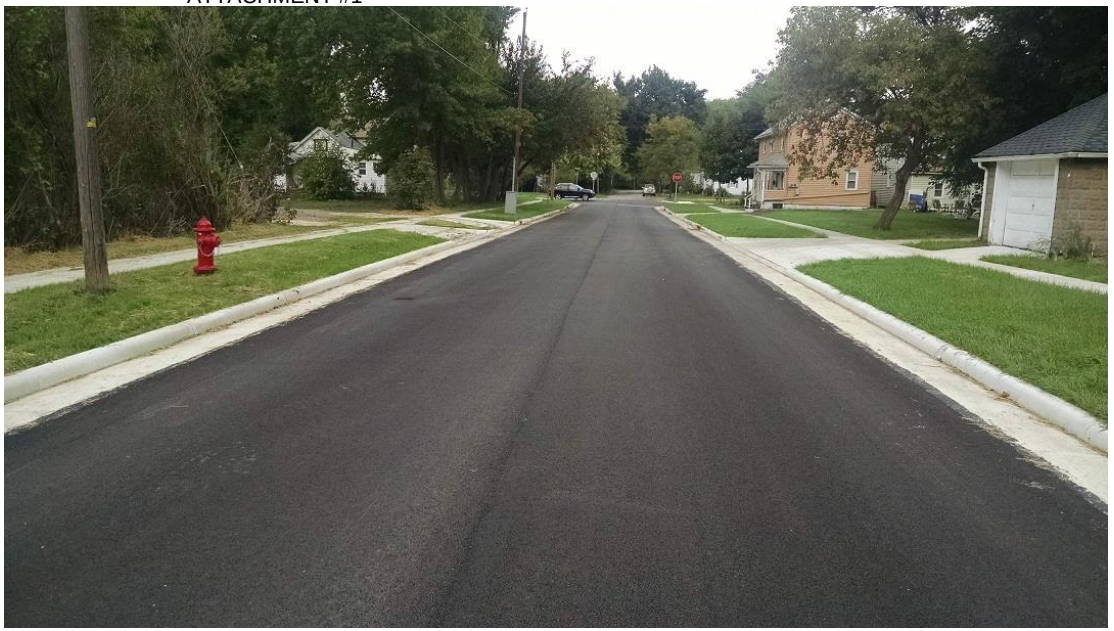
Tara Grimm, CMC
Clerk of Council

ACTION RECOMMENDED:

1) TO AUTHORIZE THE CITY-ODOT CONSENT LEGISLATION FOR GUARDRAIL REPLACEMENT WITH AN EMERGENCY CLAUSE
2) TO AUTHORIZE THE CITY-ODOT AGREEMENT FOR THE CITY'S BRIDGE INSPECTION PROGRAM WITH AN EMERGENCY CLAUSE

2016 Capital Construction Projects

Pine Street – Phase 2



- Harris - Dodge
- Reconstruction
- PCI – **11/19**
- Upgrade
  - **Curb**
  - **New storm sewer**
  - Replace water main
  - **Sidewalks**
- Construction Start - May, 2016
- Construction Completed - September, 2016
- Construction Cost - $380k
  - CDBG Funded (+/- $240k)
- Issues
  - Water main replacement -1922

Pine Street – Phase 2

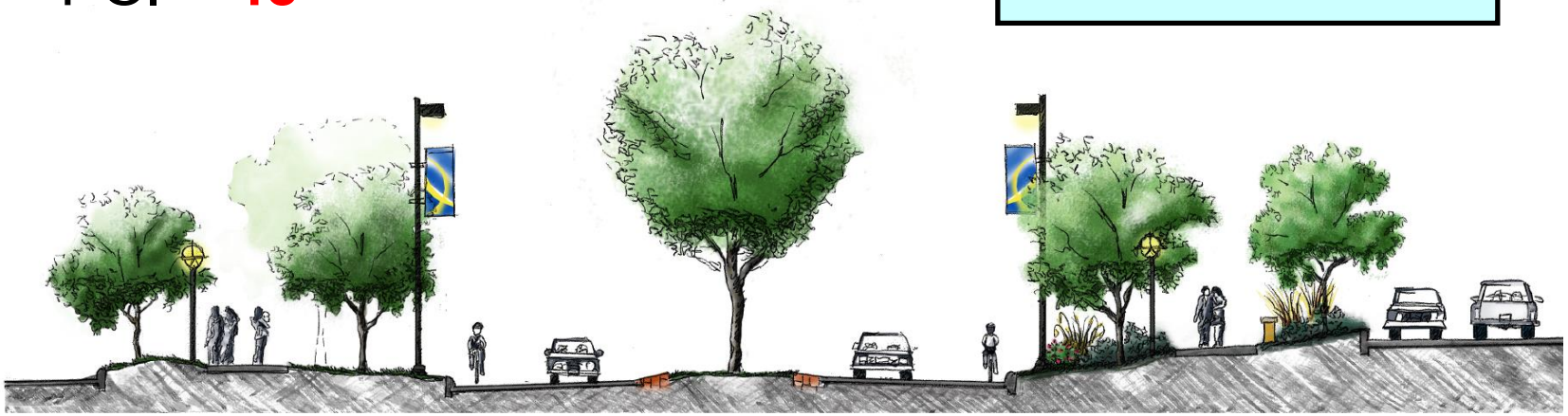
- Long Term Program
- Low Income
- Neighborhood Upgrade

Summit Street Improvements

- Limits: Lincoln to Loop Road
- Construction Start: November, 2015
- Construction Cost: $14.2 million
- Project Awarded: July, 2015
- PCI – **46**

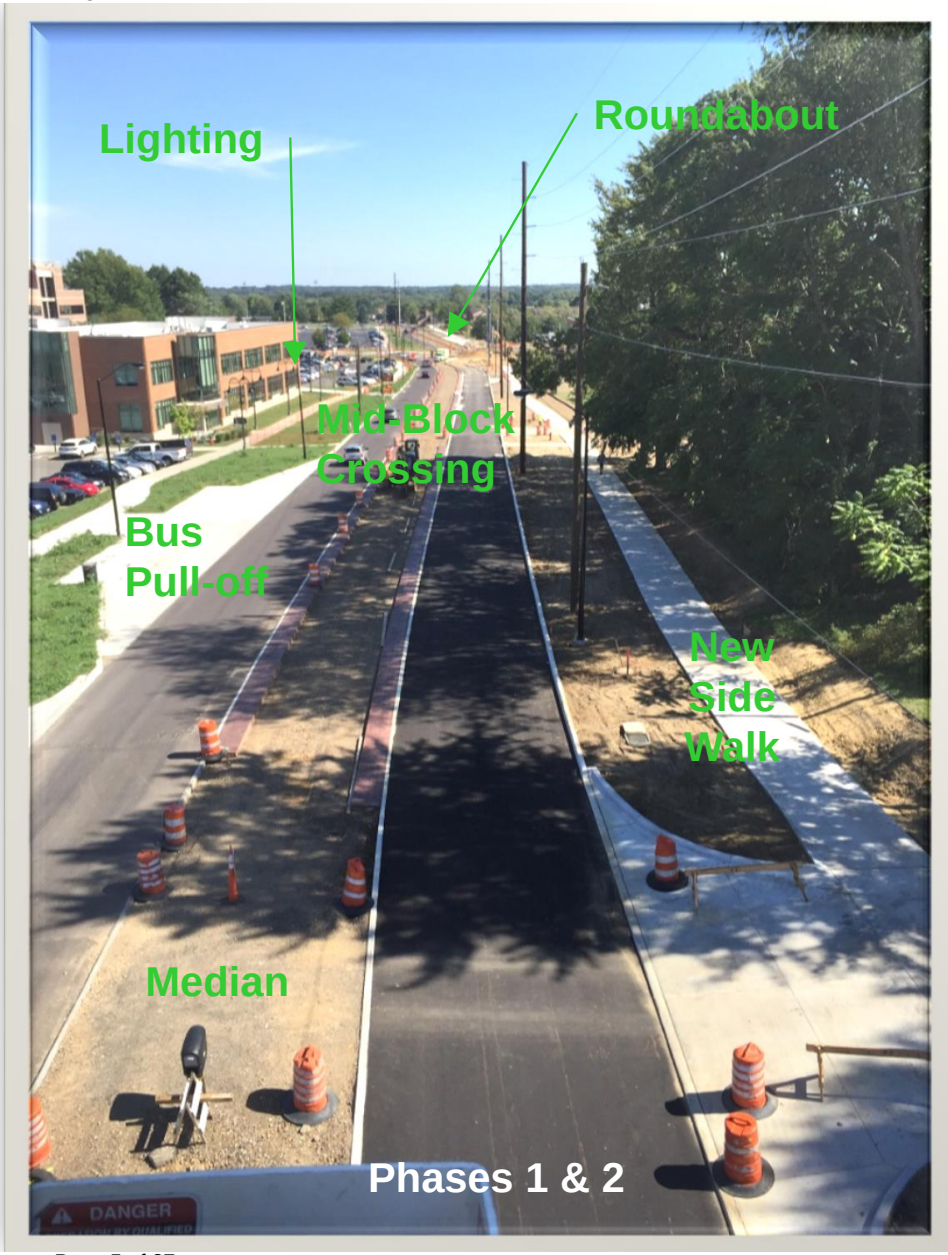
Needs

1. **Most Congested** Road in Portage & Summit Counties
2. **23%** of all Pedestrian crashes in Kent (2010-2012)
3. **5 of the top 15** crash intersections in Kent



Summit Street Improvements

- 2016 Construction
  - Phases 1&2
    - Fraternity Circle to Loop Road
    - New Sidewalk to Whitehall
    - Added turn lane at Loop
    - New Signal (Loop)
  - Begin Underground Utilities Relocations



Summit Street Improvements

Benefits of Roundabouts

Traffic Safety

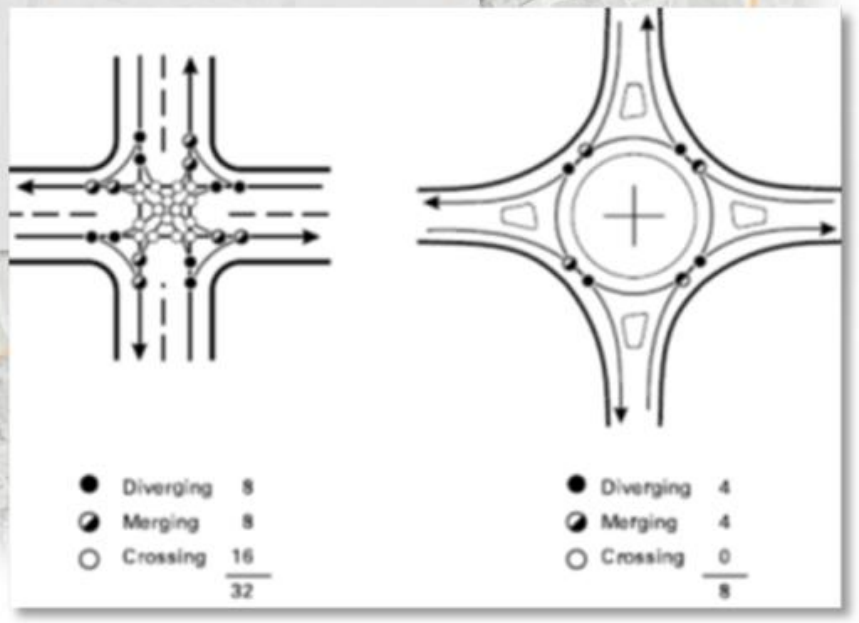
Roundabout are significantly safer than conventional intersections

- **35% reduction in crashes**
- **76% reduction in injury crashes**
- **89% reduction in fatalities**

U.S. Safety Report (The Insurance Institute for Highway Safety)

Why?

- Fewer Vehicle Conflict Points (8 vs. 32)
- Lower Speeds



Summit Street Improvements

Pedestrian Safety

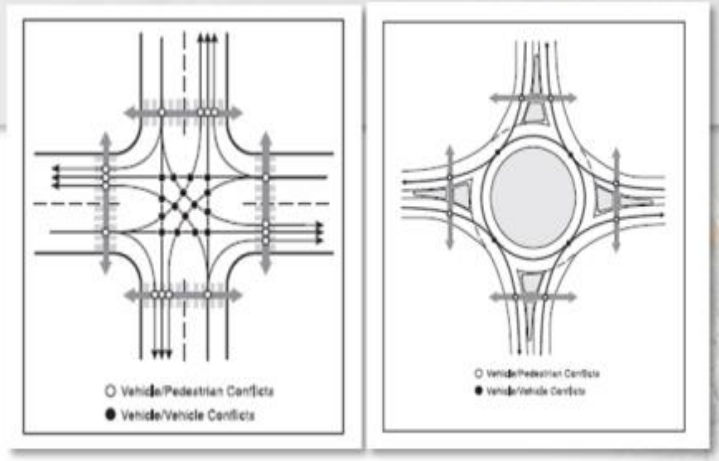
Roundabout are significantly safer than conventional intersections for pedestrians

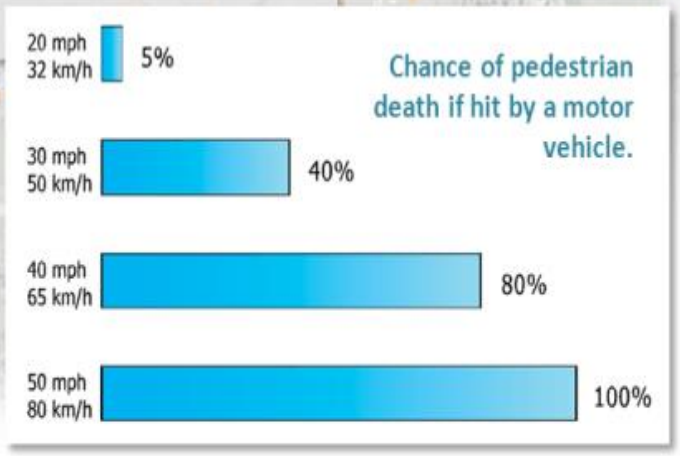
- Reduced vehicle speeds
- Only cross one direction at a time
- Fewer Vehicle Conflict Points

A Dutch study of 181 intersections converted to roundabouts found

73% reduction in all pedestrian crashes, and

89% reduction in pedestrian injury crashes





Summit Street Improvements

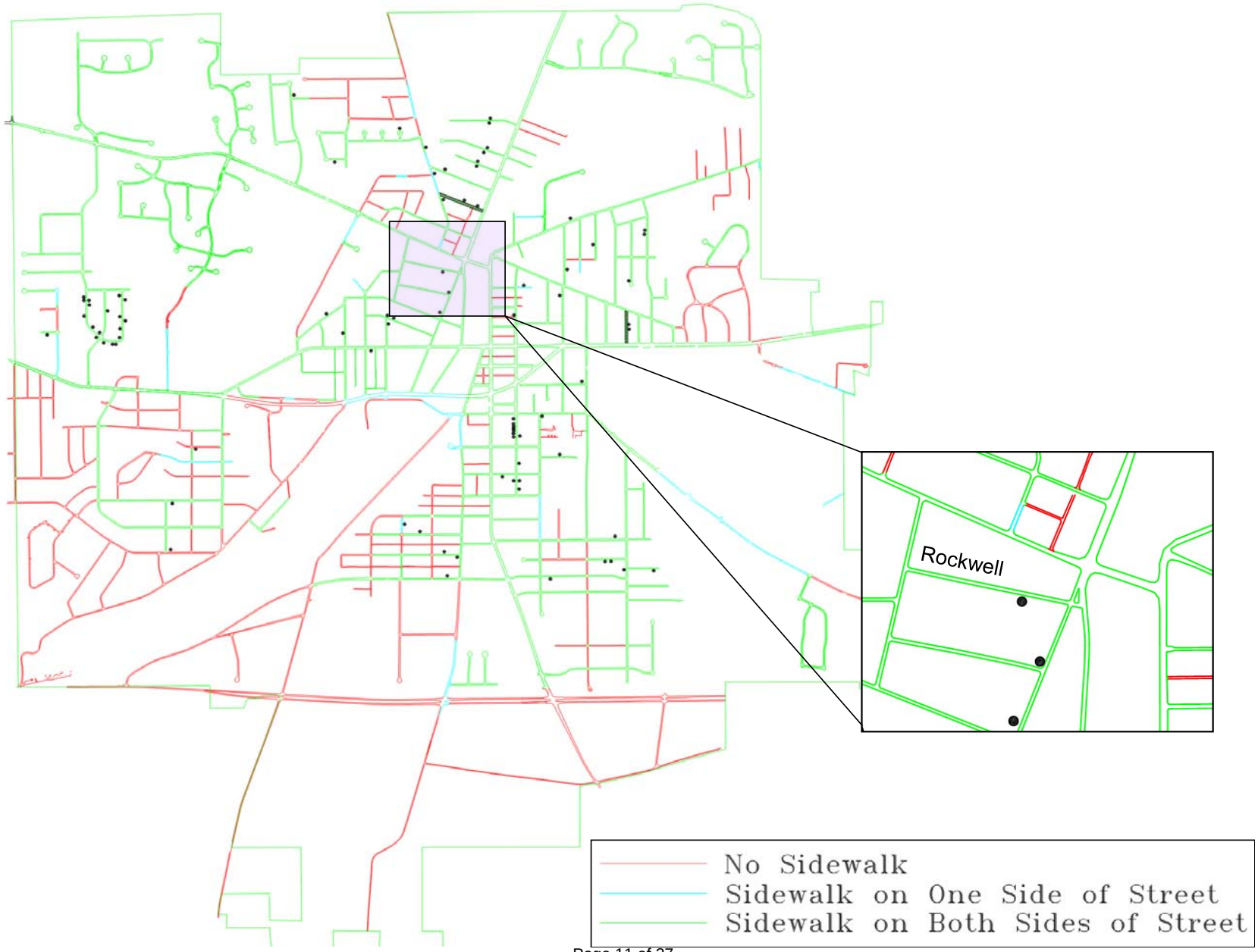
- Public Communication
- KSU Collaboration
- Budget…..
- 2017 Construction
  - Phases 3 & 4
  - Lincoln to Loop
  - Storm Water Management
- Anticipated Completion: December, 2017

New Police Building

- Early Packages
  - Building Demolition
  - Public Utility Relocations
  - Private Utility Relocations
- Construction Start – August 4, 2016
- Anticipated Completion - November, 2017
- Construction Cost - +/- $10.9 million
- Issues
  - MOT
    - Pedestrian
    - Vehicular
  - Site Size
  - Winter?

Rockwell/Woodard /Whittier

- Street Rehabilitation
  - Curb Repairs
  - **Sidewalk Repairs**
  - Pavement Base Repair/ Replacement
  - Mill and Resurface
- Construction Start - July, 2016
- Anticipated Completion - November, 2016
- Construction Cost - $682k
  - OPWC Funded (50% up to +/- $360k)
- Issues
  - **Poor Sidewalks**
  - Delays…


Rockwell
No Sidewalk
Sidewalk on One Side of Street
Sidewalk on Both Sides of Street

Rockwell – Sidewalk Complaint Location

Rockwell – Other Locations

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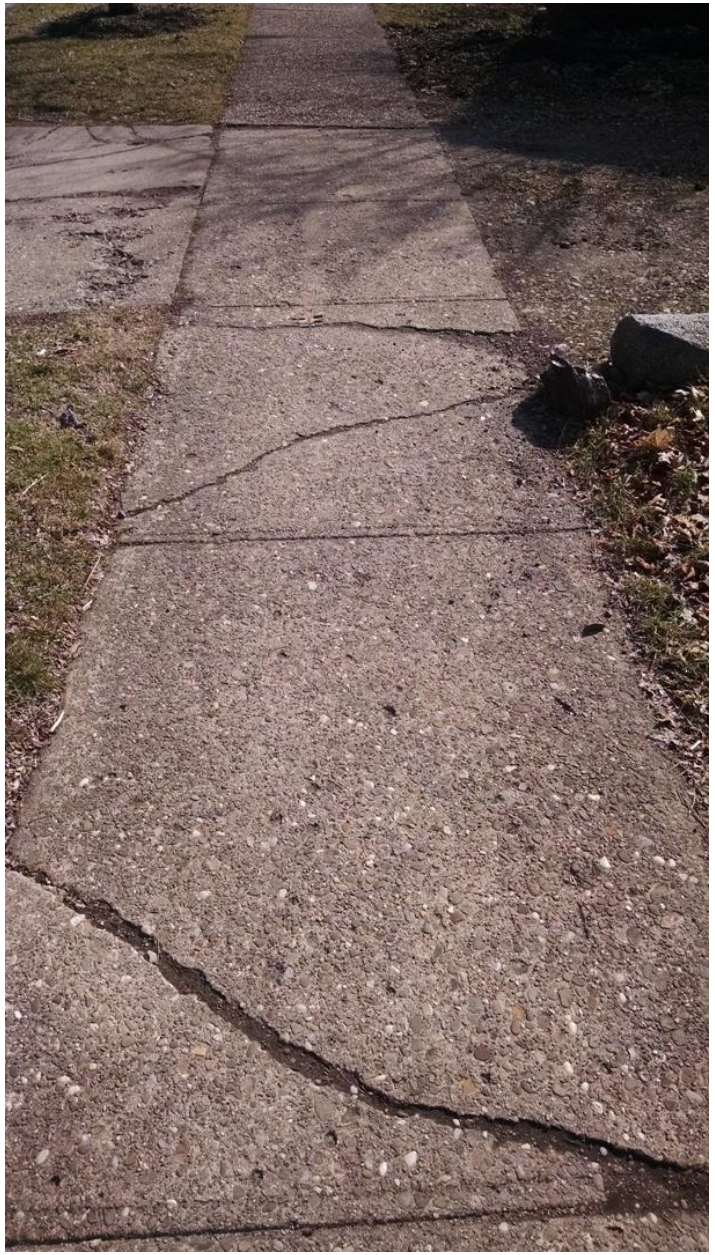


Rockwell – Other Locations

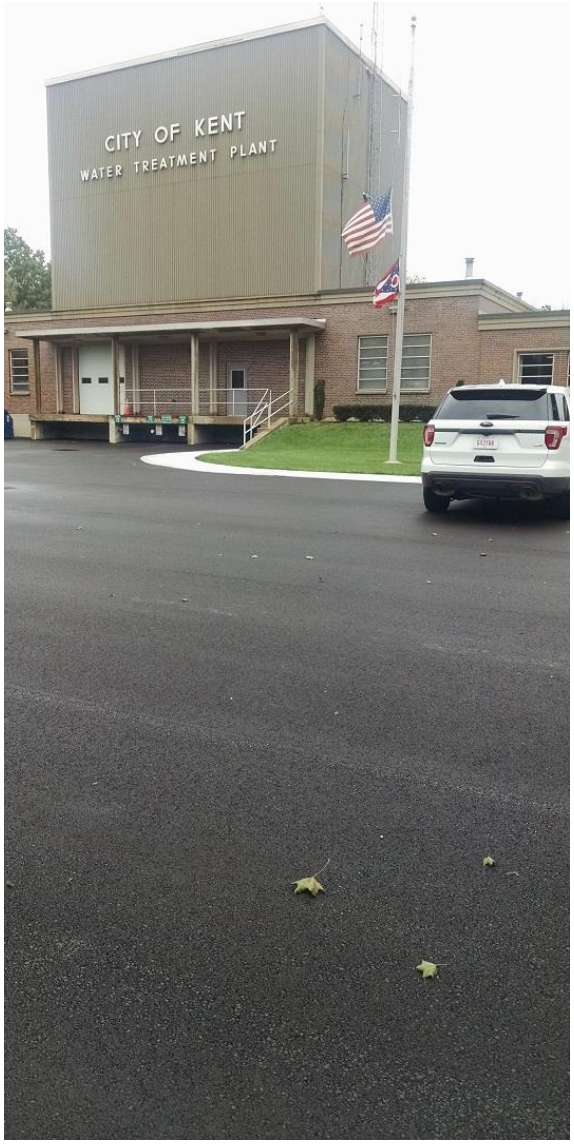
Rockwell – Other Locations

Rockwell/Woodard/ Whittier

- Rockwell/Woodard/Whittier
  - **1** Complaint
  - Over **2,890 ft** of sidewalk to be replaced
  - **11,558 sf** of Sidewalk Replacement
  - **$83,000**

Water Treatment Plant - Repaving

- Complete Pavement Replacement
- Construction Start - July, 2016
- Construction Completion - September, 2016
- Construction Cost - $262k
- Issues
  - Maintaining Critical Chemical Deliveries



Annual Street Program

- Pavement Repairs/Seal Coat Treatments **(11 Streets)**
  - Elm St - Walnut St
  - Glad Blvd - S Willow St
  - Ivan Dr - Grove Ave
  - S Lincoln St - Short St
  - Mae St - E School St
  - W Oak St
- Completion: August, 2016
- Construction Cost: +/- $235k
- Crack Seal – In Progress
- Concrete (Sidewalks) Repairs – Spring 2017

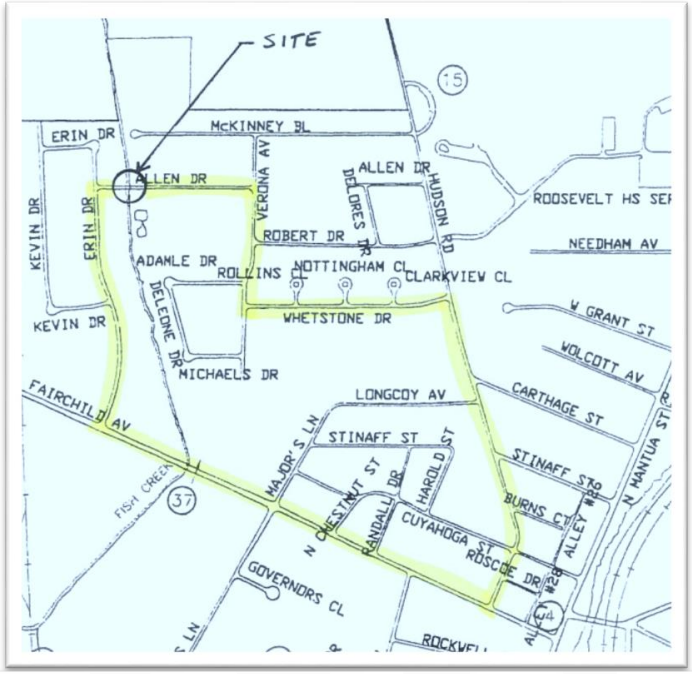
Glad Blvd

Ivan Drive

S Lincoln St

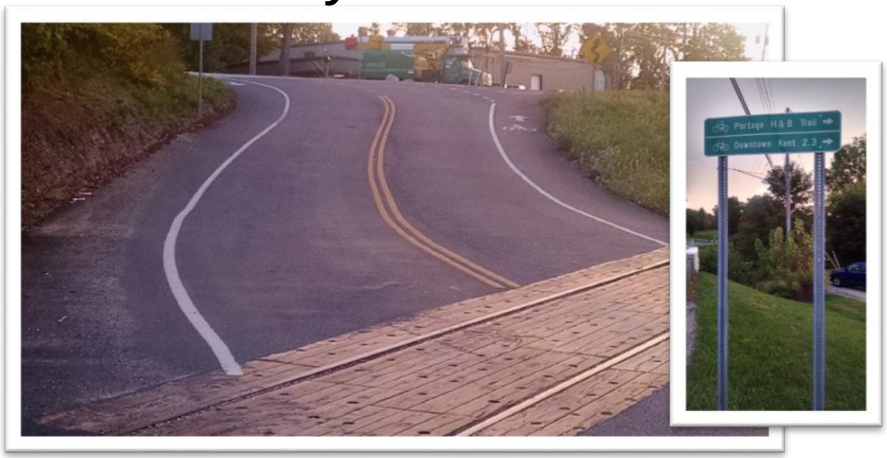
Allen Drive Bridge

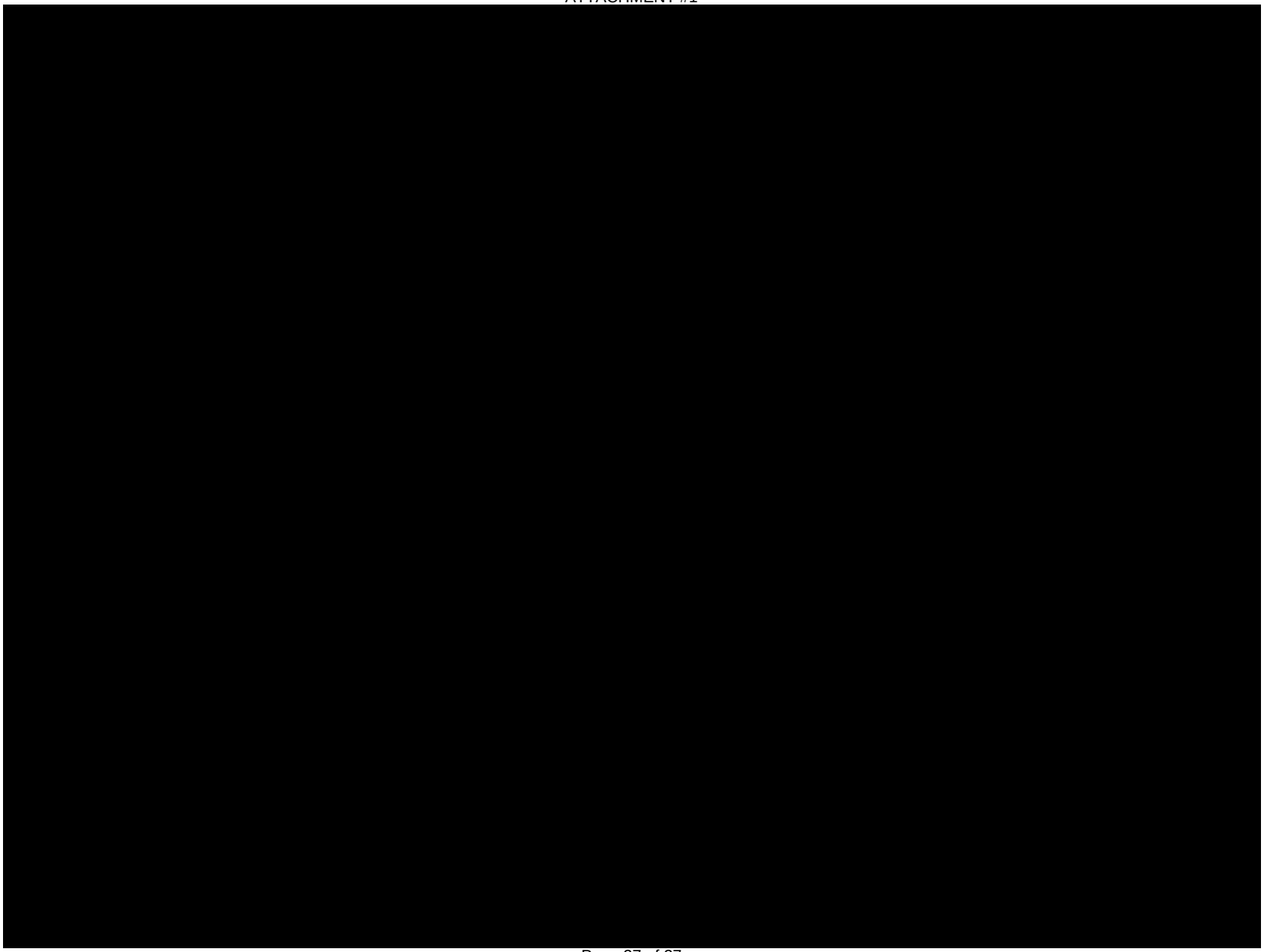
- Construction Start – October 10, 2016
- Anticipated Completion - December 2016
- Ohio's Bridge Partnership Program
- Design Build Delivery
- Issues
  - ODOT Managed
  - Floodplain Management
  - Maintain Existing Utilities
  - Road Closed
  - Weather



Miscellaneous Issues

- Structural Issues
  - Hudson Road
  - College Avenue
  - Stow Street
- Utility Box Art
- Middlebury Road Bike Lanes



Key Endeavors - 2017

- Summit Street Construction – Final year
- Police Station – Final Year
- Annual Street Program
  - Middlebury Road/S. Chestnut Street(OPWC)
- Tonkin Street Construction
- Portage H&B Trail – SR 59 Segment
- Suzanne/Garth/Spaulding Water Main
- SR 43 Signalization – Final Design & R/W Acquisition