

**THE CITY OF KENT, OHIO  
COMMITTEE OF THE WHOLE  
WEDNESDAY, April 3, 2019**

Mayor Fiala called the Committee of the Whole meeting of Kent City Council to order at 6:58 p.m.

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

**ALSO PRESENT:** Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Public Service Director; Mr. Jim Bowling, City Engineer; Fire Chief John Tosko; Mr. John Idone, Parks and Recreation Director; Mr. Tom Wilke, Economic Development Director; Ms. Dawn Bishop, Interim Clerk of Council.

There was one (1) item on the Agenda.

1. Interview Candidates for Boards and Commissions

Paul Sellman, 1138 Erin Drive, Kent applying for a reappointment on the Board of Zoning Appeals. He has served on the BZA for many years and believes he has served successfully during that time. He said he is kind of the resident historian of the BZA, leading a background to some of the decisions made to zoning variances.

Ms. Rosenberg asked for a sentence on what Mr. Sellman could bring to the BZA.

Mr. Sellman said number one the fact he has lived in Kent his whole life besides his military time and a brief stint in Ashtabula. He knows Kent and believes in it and it is exciting to be a part of the growth. He has worked with the school district for seventeen years and likes to give back to the community and it's a great place to grow up in and raise kids at.

Mayor Fiala thanked Mr. Sellman and told him that voting was at the April 17 meeting and each applicant needs five votes for appointment.

Ms. Renee Ruchotzke, 237 Highland Avenue, Kent, applying for a vacant spot on the Sustainability Commission. She has been a resident of Kent since 1985. She is very interested in sustainability and loves living in a livable community like Kent has been transformed into over the past couple years. She does not know of a downtown that is as walkable, beautiful, and safe as Kent and wants to keep it that way. She is committed to affordable housing and has recently become a landlord. She has rehabbed a house in Kent recently. She is an environmental "fanatic" with solar panels, electric cars, gardens in the backyard. She is also concerned with culture and community and believes a "livable community" depends on its people and that is the gift she would bring to the Sustainability Commission.

Ms. Shaffer asked Ms. Ruchotzke what in particular would she contribute to the Sustainability Commission; for example has she been following what they have been doing and what does she think she may bring on board.

Ms. Ruchotzke said she knows earlier they did a lot of data gathering/research and now are in the implementation phase and that is where she feels she would be more helpful. Wants to make sustainability a "cool thing to do" and normalize it.

Ms. Rosenberg asked if Ms. Ruchotzke could speak about balancing sustainability concerns with economic development.

Ms. Ruchotzke said she has read a lot of books about balancing jobs and livable communities. She said she believes there is a better relationship with KSU now and more people seem to want to live and work in Kent. She said if you live and work in the same city, maybe you could walk to work.

Mr. Sidoti asked how Ms. Ruchotzke would engage citizens in caring about sustainability who would initially not be so open to the ideas.

Ms. Ruchotzke said stories, like the day she realized she should recycle. Take the individual stories to a larger story and show how Kent could be both prosperous and committed to sustainability.

Mr. Kuhar said Kent is a pretty old city and not on the high end on the income scale, so in the balance with recent growth in the middle to high end, how do you bring that balance back for sustainability when you have families on the lower end of the income scale.

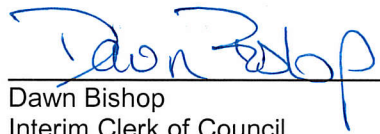
Ms. Ruchotzke answered part of sustainability is reminding ourselves we can produce some of our own food. By having a backyard garden it reminds us that we are connected to the land and shows self-sufficiency in itself.

Mr. Greg Seifert of 3390 Verner Road, Kent is applying for reappointment to the Board of Building Appeals. He has been a registered architect since 1992 and this would be his third term on the Board of Building Appeals.

Ms. Rosenberg asked how would Mr. Seifert handle balancing costs/codes when making decisions.

Mr. Seifert said first and foremost this is a board that sees variances and not necessarily interpreting code as the City's staff would do. But the first thing you need to look at are different aspects and people are coming to that board because there's something coding didn't anticipate. What are the life safety factors? When asking for a variance in his line of work, life safety tends to trump cost feasibility.

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

  
Dawn Bishop  
Interim Clerk of Council

**ACTION RECOMMENDED:**

- 1) **Vote on Board Vacancies at the next Regular Council Meeting April 17, 2019**

**THE CITY OF KENT, OHIO  
COMMUNITY DEVELOPMENT COMMITTEE  
WEDNESDAY, APRIL 3, 2019**

Chair Kuhar called the Community Development Committee Meeting to order at 8:18 p.m. after giving the Audience a few minutes to clear the room

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

ALSO PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Public Service Director; Mr. Jim Bowling, City Engineer; Fire Chief John Tosko; Mr. John Idone, Parks and Recreation Director; Mr. Tom Wilke, Economic Development Director; Ms. Dawn Bishop, Interim Clerk of Council.

There were five (5) items on the Agenda.

1. Special Event Permit for Kent Torch Fest

Mr. Ruller started by reminding Council of the river celebration to commemorate fifty years since the burning of the river. From forty-three impairments down to seven, including even being able to eat the fish out of the river. Some additional area is being asked for the festival.

Mr. Idone said this is part of a four day celebration that will kick off in Kent. It starts off with the Kent Torch Fest, on to Cuyahoga Falls, and then to Cascade Valley Metro Parks, the National Park Service and then culminates in Downtown Cleveland as part of the Blazing Paddles event there. This will have food, music, and celebrate not only the history of the burning river but highlight some activities that have been achieved in Kent. Hometown Bank has stepped up and is providing entertainment to include Alex Bevan and the Chardon Polka Band. ODNR will hopefully dedicate the Cuyahoga River Water Trail and then also the unveiling of a piece of artwork they are applying for funding through the Portage Foundation. They plan to have a bronze tablet as the piece of art; created by George Danzhires who did pieces at the parking garage and the Bicentennial sculpture. It will be a relief tablet where the center shows a pristine river and on the outside is the river of the past showing industrial uses and the burning of the river. It will be a nice symbol to show how the river came back. So again they want the permit approved to have the bridge shut down that day.

Ms. Rosenberg said that will be a great festival and it's amazing that the river is at the point where one would even suggest eating fish from the river.

Mr. Ferrara agreed it should be a great festival to celebrate the river and the city and should be a great time.

Ms. Shaffer said she really appreciates being first in this line up with the torch. It says a lot for the community.

Mr. Sidoti asked for clarification on the date.

Ms. Wallach said she thinks it's great there's something going on in June.

Mr. Amrhein said thank you for bringing Alex Bevan out to perform.

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

2. Special Event Street Closure Expansion for Wizardly World of Kent

Mr. Ruller said this is Heather's annual costume party in Downtown Kent that is witch related. They have expanded the event and would like to request an adjustment in the street closure.

Ms. Wallach asked if the event could please extend to include Bent Tree.

Ms. Heather Malarcik said last year's Wizardly World had been expanded quite a bit and some things didn't quite go so well. They surveyed businesses and vendors after and got feedback from the community and the discussion had been to close it all the way to Brady because even if they put signs up that say go past the road closure and visit Scribbles and Bent Tree people don't venture beyond. They then decided that was too far, they don't have enough to fill that space. So they decided to ask businesses to set up inside their event space. Bent Tree thought that was a good idea and would like to be included as a booth in the event.

Mr. Kuhar asked Ms. Malarcik to officially explain the request.

Ms. Malarcik said this year they are asking to instead of stopping at Columbus and North Water to move all the way down to Portage and then have the signage clear at Brady saying road closed ahead.

**MOTION TO AUTHORIZE THE SPECIAL EVENT CLOSURE for WIZARDLY WORLD of KENT WITH AN EMERGENCY CLAUSE** made by Ms. Wallach, seconded by Mr. Sidoti, and CARRIED by a voice vote of 9-0.

3. Special Event Permit for KSU Flashes Forever Alumni Event

Mr. Ruller said this is another street closure that is hopefully good news for downtown businesses. This is a new event, a Kent State Alumni event, featured around graduation time.

Mr. Wicks said the event is Flashes Forever on Wed. May 8 from 6-8 and road closure 4-10. That is the end of the semester. KSU Office of Alumni Relations applied for this special event permit and are going to hold an event at Hometown Bank Plaza and want to close N. Water from Main to south of Columbus. They want to have activities, food, and live music to celebrate graduation and transition into becoming alumni.

Ms. Shaffer asked if there is transportation from the University to Downtown.

Mr. Wicks said this isn't technically for alumni but for graduating students.

Mr. Nick Gattozzi, Executive Director for Government and Community Relations at Kent State, said this was an event previously held on campus but what they found was students were not participating in it. These are students who are graduating this semester; so it's focused at students finished with finals, who are seniors, and are going downtown anyway. It's designed to bring in food trucks, some local companies/caterers.

Ms. Rosenberg asked if this was the same day as commencement.

Mr. Gattozzi said no, but finals are done, and students are going to be going out and celebrating.

Ms. Rosenberg said got it, mom and dad aren't coming.

Mr. Gattozzi said this will be the opportunity to get their first alumni experience.

Mayor Fiala asked about a liquor permit.

Mr. Wicks said the application is submitted and the event is only planning to serve alcohol in the Hometown Bank Plaza with buffers/point of entry into the plaza.

**MOTION TO AUTHORIZE SPECIAL EVENT PERMIT FOR KSU FLASHES FOREVER ALUMNI EVENT WITH AN EMERGENCY CLAUSE** made by Mr. Ferrara, seconded by Ms. Wallach, and CARRIED by a voice vote of 9-0.

4. Haymaker Farmer's Market Sub Lease Renewal

Mr. Ruller said this basically allows the Haymaker Farmer's Market ride on our lease with the railroad. They're charged a dollar but it pays for itself many times over as a destination and an amenity.

Ms. Susel said it starts the first Saturday in May and goes through the last Saturday in October and she is seeking this approval with an emergency so the lease agreement can be executed.

Ms. Wallach asked so if the property that we want to rezone commercial is used as parking for the farmer's market; what happens when that goes away?

Ms. Susel said basically the landowner allows it, but it's still private property. So unfortunately it'll just go away. Mr. Myers has been gracious in allowing parking but is under no obligation to do that.

**MOTION TO AUTHORIZE THE HAYMAKER FARMER'S MARKET SUB LEASE RENEWAL WITH AN EMERGENCY CLAUSE** made by Ms. Shaffer, seconded by Mr. Sidoti, and CARRIED by a voice vote of 9-0.

5. Celebration Kent Grant Awards for 2019

Mr. Ruller said Council doesn't technically approve this. They just want to keep Council informed where the funds go. In the future it may just come to an email because it's always the same projects and agencies.

Mr. Wilke said the RFP was sent out to all previous recipients and advertised in the Record Courier so other agencies did have the opportunity to apply. (Attachment 1)

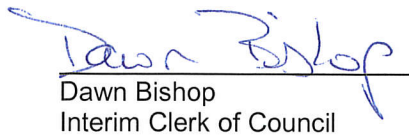
6. E. Main Street Neighborhood Project "Purpose and Needs" Statement

Mr. Ruller said Mr. Bowling is here to explain the study and meetings that they, consultants and a small group of concerned residents in that E. Main Corridor around Starbucks have had to try and meet the desires and needs of the residents, City and Kent State. One of the first steps in this is rooted in answering 'what are we trying to achieve' and it's a bit administrative but Mr. Bowling has found projects with great success having a Purpose and Needs Statement.

Mr. Bowling just wanted to add that this statement was created because of several easily identifiable concerns: the worst crash corridor in Summit and Portage Counties, the need to make resilient improved neighborhoods to the north of East Main and the need to incorporate Kent State University's master plan to the south of East Main. All of that collected in this area. Then they also had several meetings with the Citizens' Advisory Committee. A document was drafted and given to all stakeholders, Kent State, and others including the Citizens' Advisory Committee. It was revised and that is what is presented to Council. This is really the guiding document for this project. Later this year they hope to look at grant funding to move this project forward in design and construction. It has very real potential moving forward. Some key points: improve safety and aesthetics, balance vehicular congestion, enhance neighborhoods to the north, work with master plan to the south.

**MOTION TO APPROVE THE E MAIN STREET NEIGHBORHOOD PROJECT PURPOSE AND NEEDS STATEMENT** made by Ms. Shaffer, seconded by Mr. Amrhein, and CARRIED by a voice vote of 9-0.

Mr. Kuhar adjourned the Community Development Committee Meeting at 8:51 PM.

  
Dawn Bishop  
Interim Clerk of Council

**ACTION RECOMMENDED:**

1. AUTHORIZE THE SPECIAL EVENT PERMIT FOR KENT TORCH FEST WITH AN EMERGENCY CLAUSE
2. AUTHORIZE THE SPECIAL EVENT STREET CLOSURE EXPANSION FOR WIZARDLY WORLD OF KENT WITH AN EMERGENCY CLAUSE
3. AUTHORIZE THE SPECIAL EVENT PERMIT FOR KSU FLASHES FOREVER ALUMNI EVENT WITH AN EMERGENCY CLAUSE
4. AUTHORIZE THE HAYMAKER FARMER'S MARKET SUB LEASE RENEWAL WITH AN EMERGENCY CLAUSE
5. ACCEPT THE E MAIN STREET NEIGHBORHOOD PROJECT "PURPOSE AND NEEDS" STATEMENT



## CITY OF KENT, OHIO

---

### DEPARTMENT OF ECONOMIC DEVELOPMENT

**TO:** Potential *Celebrate Kent!* Program Applicants

**FROM:** Tom Wilke, Economic Development Director

**DATE:** February 12, 2019

**SUBJECT:** *Celebrate Kent!* Program Request for Proposals

Attached is a Request for Proposals (RFP), application and statement of success form for the City's *Celebrate Kent!* Grant Program. If you would like the City to mail you a hard copy of the application and supporting documentation, please send me an e-mail at [wilket@kent-ohio.org](mailto:wilket@kent-ohio.org) listing "Celebrate Kent!" in the subject line and I will get a copy in the mail to you.

Please be aware that the total funding available to support all *Celebrate Kent!* projects is \$15,000 for FY 2019. If you have any questions, please do not hesitate to call me. ***The deadline for this year's round of funding is Friday, March 8, 2019 at 4:00pm.***

We look forward to reviewing this year's *Celebrate Kent!* Proposals.

Attachments

## REQUEST FOR PROPOSALS

The City of Kent is accepting applications from qualified applicants for the FY 2019 round of the City's *Celebrate Kent!* Grant Program for events that take place between April 1, 2019 and March 31, 2020. Attached is a brief description of the program. The submission deadline for organizations interested in applying for funding is March 8, 2019 at 4:00 p.m.

The total funding available to support all *Celebrate Kent!* projects is \$15,000 for FY 2019.

All applications received by the stated deadline will be reviewed by the Economic and Community Development Departments to verify submitted applications are complete and to determine the eligibility of proposed projects. A list of recommended projects and grant funding levels will be developed and then forwarded to the Kent City Council for consideration and funding approval.

As proposals are evaluated, greater weight will be given to the following factors:

- The past attendance for previously held events based on submitted statements of success
- Previously held events that are expanded to attract new attendees
- New events designed to attract first time visitors to downtown Kent
- Events that are staged in a public space(s) near multiple downtown businesses
- Events that are staged in multiple downtown private venues

Questions concerning the *Celebrate Kent!* Grant Program should be directed to Tom Wilke at 330-676-7582 or via email at [wilket@kent-ohio.org](mailto:wilket@kent-ohio.org).

### COMPLETED PROPOSALS SHOULD BE RETURNED TO:

The City of Kent  
Economic Development Department  
930 Overholt Road  
Kent, Ohio 44240  
ATTN.: Tom Wilke

Phone: 330-676-7582/ Fax: 330-678-8030  
E-mail: [wilket@kent-ohio.org](mailto:wilket@kent-ohio.org)

## ***Celebrate Kent!***

### **PROGRAM GUIDELINES**

#### **PROGRAM GOAL:**

To provide new opportunities to celebrate the quality of life enjoyed by City of Kent residents and share with those outside of the community the attributes that make Kent a unique and exciting place to work, play, learn and live.

#### **OBJECTIVES:**

1. Attract Kent residents, and visitors from other communities, to downtown activities and events.
2. Promote the City's attributes to those outside of the City.
3. Create additional commercial opportunities for businesses operating in the downtown district.

#### **PROGRAM REQUIREMENTS:**

1. The project needs to be oriented towards attracting people to the Kent downtown district and must be held within the downtown district.
2. Applicants must be, or represent, a Kent company or organization.
3. Funding is intended to support **verifiable program expenses** which includes hard costs such as materials, advertisements, flyers, printing, etc. Funding for administrative purposes such as salaries, general office supplies, agency overhead, payment for services provided by applicant employees or representatives, etc. will not be considered eligible project costs.
4. At the completion of the event(s) the applicant must submit a Statement of Success report to the City of Kent summarizing and documenting the results of the event(s), and explaining how the stated program goals and objectives were met.
5. Grant funds will be disbursed on a reimbursement basis only for eligible expenses as identified in the Project Description and Project Budget sections of the submitted application. All invoices must be for good or services specific to the event only and must specify the quantity of the item or service provided. All eligible expenses must be documented through third-party invoices and proof of payment. Hand written receipts or bills that are not formalized company invoices will not be accepted. No disbursements will be authorized until the report mentioned in item number 4 has been received by the City of Kent.
6. Each dollar of grant funding must be matched with one-dollar from another source, or two-dollars of in-kind contribution. A combination of both cash and in-kind contributions is permissible; however, separate and distinct accounting procedures must be maintained for each of the two sources. Evidence of all matching contributions, be they in-kind or cash, must be verifiable, and accepted by the City of Kent prior to reimbursement.
7. Grants must be completed within one year of the date of the executed grant agreement. The final invoice for payment must be submitted no later than **60 days after the funded event occurs** or the applicant will forfeit their grant funds.
8. All 2019 *Celebrate Kent!* Grant agreements must be signed within 30 days of notification of grant award.
9. If an organization is submitting an application for multiple events, it should submit one application covering all of the events.

### ***Celebrate Kent!* APPLICATION**

In the space below, please respond to each of the following application components. Attachments are welcome; however, they may not be substituted for one or more of the application requirements.

**PROJECT TITLE:**

**PROJECT DATE(S):**

**APPLICANT ORGANIZATION:**

**CONTACT PERSON:**

**ADDRESS:**

**PHONE NUMBER:**

**FAX NUMBER:**

**EMAIL ADDRESS:**

**TOTAL AMOUNT OF FUNDING REQUEST:**

**PROJECT DESCRIPTION:** In the space below please provide a general description of the proposed project (Feel free to attach additional sheets if necessary).

**PROJECT BUDGET:** Please provide an estimated line item budget for the proposed project to include: grant monies being requested; the amount and source of additional funding; and a listing of all projected expenses (Feel free to attach additional sheets if necessary).

## ***Celebrate Kent!***

### **STATEMENT OF SUCCESS**

(To be completed when requesting expense reimbursement)

All grant recipients must submit a report upon completion of project activities that lists the results of the program. At a minimum, the report should list the date/time of the event, the number of participants and the overall objective of the project.

Please complete the attached report and submit it to the Economic Development Department, 930 Overholt Road, Kent, Ohio 44240, ATTN.: Tom Wilke. Feel free to attach additional sheets if necessary. Grant monies may not be disbursed until the attached report has been submitted and approved. Reimbursements may take up to six-weeks to process.

**PROJECT TITLE:** \_\_\_\_\_

**APPLICANT ORGANIZATION:** \_\_\_\_\_

**CONTACT PERSON:** \_\_\_\_\_

***Celebrate Kent!* GRANT AMOUNT AWARDED: \$** \_\_\_\_\_

**STATEMENT OF GOALS ACHIEVED:**

**NUMBER OF PEOPLE SERVED:**

**ECONOMIC IMPACT:**

**NON-CITY OF KENT FUNDING SOURCES USED:**

**THE CITY OF KENT, OHIO  
LAND USE COMMITTEE MEETING  
WEDNESDAY, APRIL 3, 2019**

Chair Garret Ferrara called the Land Use Committee Meeting to order at 7:17 p.m.

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

**ALSO PRESENT:** Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Public Service Director; Mr. Jim Bowling, City Engineer; Fire Chief John Tosko; Mr. John Idone, Parks and Recreation Director; Mr. Tom Wilke, Economic Development Director; Ms. Dawn Bishop, Interim Clerk of Council.

There were two (2) items on the Agenda. Item #2 NEFCO Sewer Service Area 208 Plan Update was asked to be pulled from the agenda.

1. 200 West Williams Rezoning Request

Mr. Ruller said the Planning Commission already recommended Council's approval of the rezoning request.

Ms. Susel said a recommendation was made by the Planning Commission at their February 5 meeting for Council to approve the rezoning of 3.191 acres from Industrial to Commercial-Downtown. The recommendation was made with the condition of "whether the use is permitted or conditionally permitted, any parking plan for this parcel, on-site or off-site, must be submitted to and approved by the Planning Commission." That was added as Commercial-Downtown zoning does not mandate parking on site, just a parking plan. That plan is basically just informational in use. As this is a proposed extension of the Commercial Downtown district and the area is near residential streets that does not provide for the same type of on street parking you would see downtown, that condition was added to ensure that regardless of what the site is, parking would be evaluated. Ms. Susel reminded Council that there has not been a rezoning request in front of them for a few years and in addition she wanted to remind Council that rezone request cannot be based on one use, you have to take into consideration all uses conditionally permitted or permitted that would be replaced with all uses either conditionally permitted or permitted.

Ms. Wallach asked for clarification with Ms. Susel's information and questioned if residents have to be notified of the change and approve that change.

Ms. Susel said yes they have to be notified of requests for rezoning. Both the Planning Commission and City Council had certified notices sent out to every property owner within five hundred feet of the proposed parcel. Even though this request is just a small parcel of a fifteen acre site, all properties were notified within 500 feet of all sides of that fifteen acre site. 150 notices were sent out. There is not an approval mechanism for residents, just a notification.

Ms. Wallach said so that's it, they are notified and if they want to speak on it they come to the Planning Commission or to Council.

Ms. Susel said residents could submit in writing to be read into the record. She said she had not received notification of any written correspondence.

Interim Council Clerk Ms. Dawn Bishop confirmed there was not any written correspondence received.

Ms. Susel said some spoke at the Planning Commission meeting, more were inquiries. They are a part of the Planning Commission summary minutes. Some residents may be present to speak again tonight.

Ms. Wallach asked if Ms. Susel heard anything negative from the residents.

Ms. Susel said basically the comments made at the Planning Commission she was not comfortable categorizing as negative or positive. There were some questions about changing it to a Commercial-Downtown District and what that could translate to in possible use. As the Assistant Law Director and she pointed out, it cannot be specific to one use; review has to be in totality of all uses. Those comments were taken into consideration by the Planning Commission that evening and recommendation was set forth as presented tonight.

Mr. Kuhar said the original downtown parking plan, which basically is there isn't one, evolved so you have to show us where to park and he said he has a concern now are they able to mandate the parking issue without looking like they are picking on someone because they have more land.

Ms. Susel said the condition specified in the Planning Commission motion addresses that and because it is where there isn't really on street parking available, the Planning Commission basically is requesting through recommendation and motion that if Council authorizes the rezone, they also authorize the Planning Commission approve any parking plan onsite or offsite. This rezone would have a covenant associated with it and any use with this parcel. This is not precedent setting. It was done on a parcel in Malloy on 261 where a developer had proposed a rezone that would have allowed for a multi-family unit and there is covenant language filed with that which would restrict it to single family per unit, basically not allowing it to be a rent for bed model and also limits density and composition of rezone structures. That rezone was approved but with those covenants. Any time someone comes in to look at that parcel, those covenants/deed restrictions are shared.

Mr. Sidoti asked that tonight with this rezoning and attached covenant request, whatever the use is going to be, they would have to go back to the Planning Commission for the request.

Ms. Susel said even without that condition they have to come back to the Planning Commission.

Mr. Sidoti agreed but then clarified that his question is if Council agrees to rezone, they are automatically going in with that covenant.

Ms. Susel said yes, and then unlike the rest of the Commercial-Downtown, where the parking plan is only reported, this gives the Planning Commission the ability to deny a site plan review if they don't agree with the proposed on site or off-site parking plan presented with proposed redevelopment use.

Mr. Sidoti asked is that regardless whether it is a conditionally permitted or permitted use?

Ms. Susel said yes it is both for conditional and permitted uses and both onsite and offsite parking plans. All variables are covered.

Ms. Shaffer asked if the rezoning doesn't pass, the property owners would have the ability to sell the property or build themselves anything that is in compliance with Industrial usage such as warehousing, plastic factories, etc.

Ms. Susel said yes every permitted and conditionally permitted use indicated in Chapter 5 would be an allowed use with same restrictions related to parking setbacks applicable to zoned Industrial.

Mr. Kuhar asked where the existing Downtown line is touching that neighborhood.

Ms. Susel said Commercial-Downtown District stops basically on the north side of Summit. Where the Farmer's Market would be. Ms. Susel said right of way is not taken into consideration.

Mr. Kuhar asked about anything being built within a block of that line had to be a masonry structure.

Ms. Susel was not aware of that condition.

Mr. Kuhar said if you were a residential house within a block of downtown, it would have to be a masonry garage.

Ms. Susel said it is definitely not in Zoning Code requirements but it may have been in some local Building Code requirement. However Ohio Building Code has been adopted as the City's code and structures just have to meet Ohio Building Code and meet set back requirements and that process.

Mr. Kuhar said ok but do they have to have masonry foundations.

Ms. Susel said she doesn't have any condition in the Zoning Code requiring that and based on the structure itself, it would be under Ohio Building Code standards.

Mr. Ferrara said although normally Council allows three minutes for public comment, with Mr. Myers presentation, he will be allotted time needed to finish. Mr. Ferrara reminded the Audience that comments and questions need to be directed to Council.

Mr. Tom Myers of 1750 OakHill Drive, Kent, said the property he is speaking about is over fifteen acres. Mr. Myers had a large map he was referring to. He is trying to divide off a piece of the irregular property, that part is over three acres, and that is what he's asking be rezoned. They've done some survey work on that and it is a difficult piece of land. Mr. Myers spoke about the topography map he had and showed an embankment and said that portion of the property has never been used for industrial purposes.

Mr. Kuhar said this is most likely prior to his ownership, but Davey Compressor Company had done some testing on the site for their compressors in the 60s he believed and Kent Coal had leased it and had Kent Coal on both sides of the street.

Mr. Myers said yes that would have been commercial. Davey Compressor was owned and started by his grandfather and said Mr. Kuhar was correct.

Mr. Kuhar asked if he had given any thought of having entry to that property, or at least one entry, off the cul de sac vs the busy intersection.

Mr. Myers said they have that in mind, come in off the cul de sac and into the flat area.

Ms. Wallach asked if Mr. Myers was aware of any environmental issues and should he end up developing it, would he test for those and make it whole.

Mr. Myers is not aware of any but they are definitely going to do a Phase 1 Environmental Study and have in fact already commissioned that work. He knows it was a train yard at one point in time.

Ms. Wallach said yes the old train yard off Lake Street actually turned out to be a Super Fund site.

Mr. Myers said his grandfather bought it from a railroad in 1943. He has no way of knowing what is underground but expects no major issues.

Mr. Kuhar asked if he recalled the old Almanac buildings; related they were two large limestone buildings that had paper products.

Mr. Myers said there are still a couple sandstone buildings on their property built about 1865. He thought maybe Mr. Kuhar was talking about buildings that were on the west part of the property. Mr. Myers said they are aware of issues on the southern end of the property but again is not aware of any functioning industry having ever gone on in the northern end of the property that would cause any environmental issues.

Mr. Howard Boyle of 1485 River Edge Drive, Kent, said he's been working here for forty-four years and none of the growth has happened overnight and good planning is not an accident. He said times change and while the property was zoned industrial because it was owned by an industrial company, it was never used that way; even the railroad only used it to move into their site. Mr. Boyle said that site, if it had a building on it, was a commercial building. He then spoke about his handout to Council (Attachment 1.) The two story building shown they believe was built by John Brown. While John Brown was not known to be a hotel operator or store owner, he had built quite a few buildings in that area and that being the third in the area. Mr. Boyle said speaking to Mr. Kuhar's comments, he doesn't believe it was ever used industrial and is more of a commercial building and wasn't even used as a hotel that long. Mr. Boyle said downtowns develop block by block. He pointed out that even when you look at real estate, the "hot blocks" are within five blocks of downtown because people want to walk there. He encouraged Council to continue that type of zoning so that downtown could continue to grow.

Mr. Doug Fuller of 1431 River Edge Drive, Kent, said he is a mainly retired architect who had been working in Kent for over forty years. He said he mentioned that because he's owned several properties in Kent and has been a downtown business owner in Kent for many years and has been very involved in the "Main Street" development. In seeing downtown grow, you have people near the edge who would like to be a part of it. Mr. Fuller said he is

very much in support of this and did want to point out he has nothing to do with this project, isn't hired as a part of it. Mr. Fuller said this is really one of the only directions to grow downtown with ease. This would also take away the possibility of anything industrial going in there right along downtown.

Ms. Nora Jacobs of 34 Division Street, Hudson, Chair of the Kent State University Foundation Board of Directors read her prepared statement (Attachment 2.)

Mr. John Emig of 823 Dominion Drive, Kent, has represented Nypano. This is a property he has been involved with through his occupation as a real estate appraiser in commercial and industrial properties. Clients have included the City of Kent, Portage County Park District, the State of Ohio, Mr. Boyle, and a number of others in the Council Chambers. He has been in business for forty-three years, educated at Kent State and here in the city ever since. Mr. Emig said when evaluating an industrial site you have to think of shape and topography. New modern industrial parks tend to be laid out in a grid, fairly level to gently rolling topography, and tend to be rectangular sites. Commercial development on the other hand can be done on a more difficult site with topography issues. It was mentioned that the site has topography issues and the specifics on that are 25' of grade variations, which is significant. He does not have enough information, nor was he asked in this case, but it would be difficult on this land to make it physically feasible to develop industrial. Shape you can't overcome so the value of the property would be less and the topography may make it unfeasible to develop the property for industrial purposes. When Mr. Emig has evaluated the larger parcel that includes over fifteen acres of land and industrial buildings that Mr. Myers runs his business out of, he has always said there is excess land with about two to three acres of non-industrial land/commercial/mixed use on the north end, which is the piece of land being brought for consideration of rezoning.

Mr. John Flynn 1491 River Edge Drive, Kent, said again he is representing Nypano. He is a long time attorney and property owner in Kent. Mr. Flynn said Council really has an opportunity to do something valuable to this town. As has been indicated, the land is just not suitable to industrial use. This is an excellent way of growing the downtown. It will add jobs and add to the tax base. You really can't expand downtown in other directions. On the south side of Summit Street, the commercial district has already been expanded. There is dog grooming, wireless business, a farmer's market. Up the east side is a bookstore, a drug store, Advanced Auto. Downtown has already been expanded to the south, so this rezoning would just line it up. It will really line this up with the Bicentennial Draft we're supposed to be following: increasing employment, increasing the bike trail, increasing the tax base. Mr. Flynn said Mr. Boyle, Mr. Fuller, and Mr. Emig are three very qualified persons that spoke in favor of this who care very much about Kent Downtown.

Ms. Shaffer had a question but deferred until the rest of the public spoke.

Mr. Gary Brahter of 320 Glen Park Drive in Bay Village, OH, said the Kent State University Foundation Board is speaking as alumni. The foundation is a separate entity from the University. They are in existence to be stewards of donors' money. As Ms. Jacobs pointed out, they did not set out in this endeavor but really thought it was important to revitalize downtown. There really wasn't a lot going on at that point. If not for the Foundation investing in this property, there would not be a revitalized downtown. They have an obligation to their donors, this is an investment, and they are not in any way trying to stop competitive business. Mr. Brahter himself is a business owner. The Foundation had invested to support downtown and the University. Demographics on students have changed so Kent and Kent State have to work together to get a larger share of students. They are confident if not for the strong downtown they won't be able to get the high number of students. He reiterated they are not against expansion but it is the rate of growth. They need a densely populated vibrant downtown. They don't want dead zones inbetween. Downtown is a gem and they want to keep it that way.

Ms. Amy Zehner of 545 Franklin Avenue, Kent, has been a forty year resident in Kent. She appreciates the growth in Kent, as does her granddaughter who lives with her. She is not entirely opposed to development on this land, but is concerned about what would go in there. She doesn't want to sit on her front porch and look at a building. Something that is family friendly would be a good idea and asked Council to be vigilant on what goes in there.

Ms. Anne Courtney Davis of 555 Franklin Avenue, Kent, born and raised here and moved back to Kent two years ago because of the growth. She's not opposed to intelligent development. She questions they keep referring to this as the West William Street project but she doesn't see 3.19 acres is contingent to West Williams, which if it is that will directly affect her as she is on that corner. The other issue was when she bought her home the City was

adamant it was a single family home, which was exactly what she had in mind. She's worried there will be a lot of lights and noise right across the street. So questions are is there going to be access off Williams and will there be a noise and light barrier.

Mr. Flynn said what the buffers, setbacks, plantings will be is all going to have to go back to the Planning Commission. All protections afforded to neighbors will be subject to Planning Commission and their mandates.

Mr. Peter Paino of 1258 Windward Lane, Kent, wanted to speak.

Ms. Jones interrupted that Mr. Paino is a member of one of the Boards and cannot speak to advocate for this issue tonight.

Ms. Shaffer wanted to ask Ms. Susel if something was built on that site, would there necessarily be added sidewalks or street improvements particular to whatever development.

Ms. Susel said any improvements applicable to the Commercial-Downtown would apply, but those are contingent on whether it is permitted or conditionally permitted use.

Mr. Kuhar said for seventy plus years he's grown up and lived near that piece of property. There's been plenty of opportunity for commercial buildings to be erected. He doesn't think he'd like to look at a steel building if he were on the other side of that. He'd even looked at that piece of property himself but was above his means to develop. So he cannot think of anything better to see something new and vibrant in that neighborhood, hoping that it will spur the improvements of the neighborhood and help the development of Downtown Kent. He's for it 200%.

Ms. Rosenberg said with the Planning Commission voting unanimously, she would be inclined to agree with them, and believes the economic development would not necessarily hurt existing businesses. She believes it is a net gain.

Ms. Shaffer also supports this, with the caveat that she would fight to make sure it's the best project for the neighborhood and for the central business district. She believes in working together with the University and if they start blocking development which would be unprecedented for what they've been doing over the past ten years. She also doesn't want to leave it zoned Industrial, as although it has been explained that it would be very hard to develop it as an industrial use, doesn't mean it couldn't happen. Property owners have the right to do with their property as is allowed in Zoning Code. She appreciates they came to have this rezoned. She doesn't think this is a Town vs Gown issue.

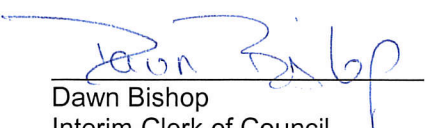
Ms. Wallach would also like to see this become a commercial district but not at this point in time. She wanted to focus attentions on the Mill District and work on that first.

**MOTION TO AUTHORIZE THE 200 WEST WILLIAMS REZONING REQUEST WITH AN EMERGENCY CLAUSE**  
made by Mr. Kuhar, seconded by Ms. Rosenberg, and CARRIED by a voice vote of 7-2, with Mr. Turner and Ms. Wallach against.

## 2. NEFCO Sewer Service Area 208 Plan Update

Mr. Ferrara stated earlier that it was requested this item be held for a later date.

After hearing no further business, Chair Ferrara adjourned the meeting at 8:16 p.m.

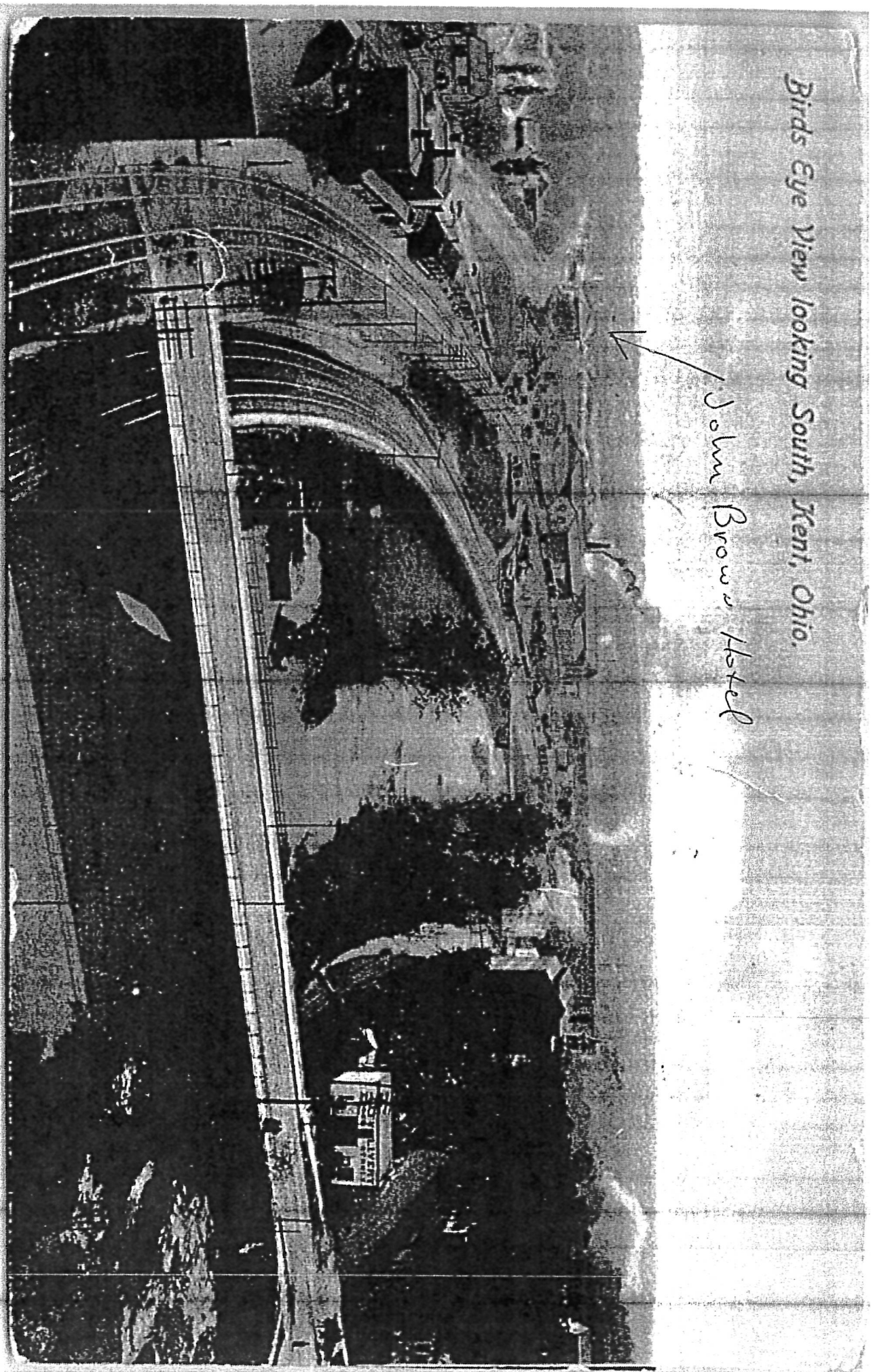


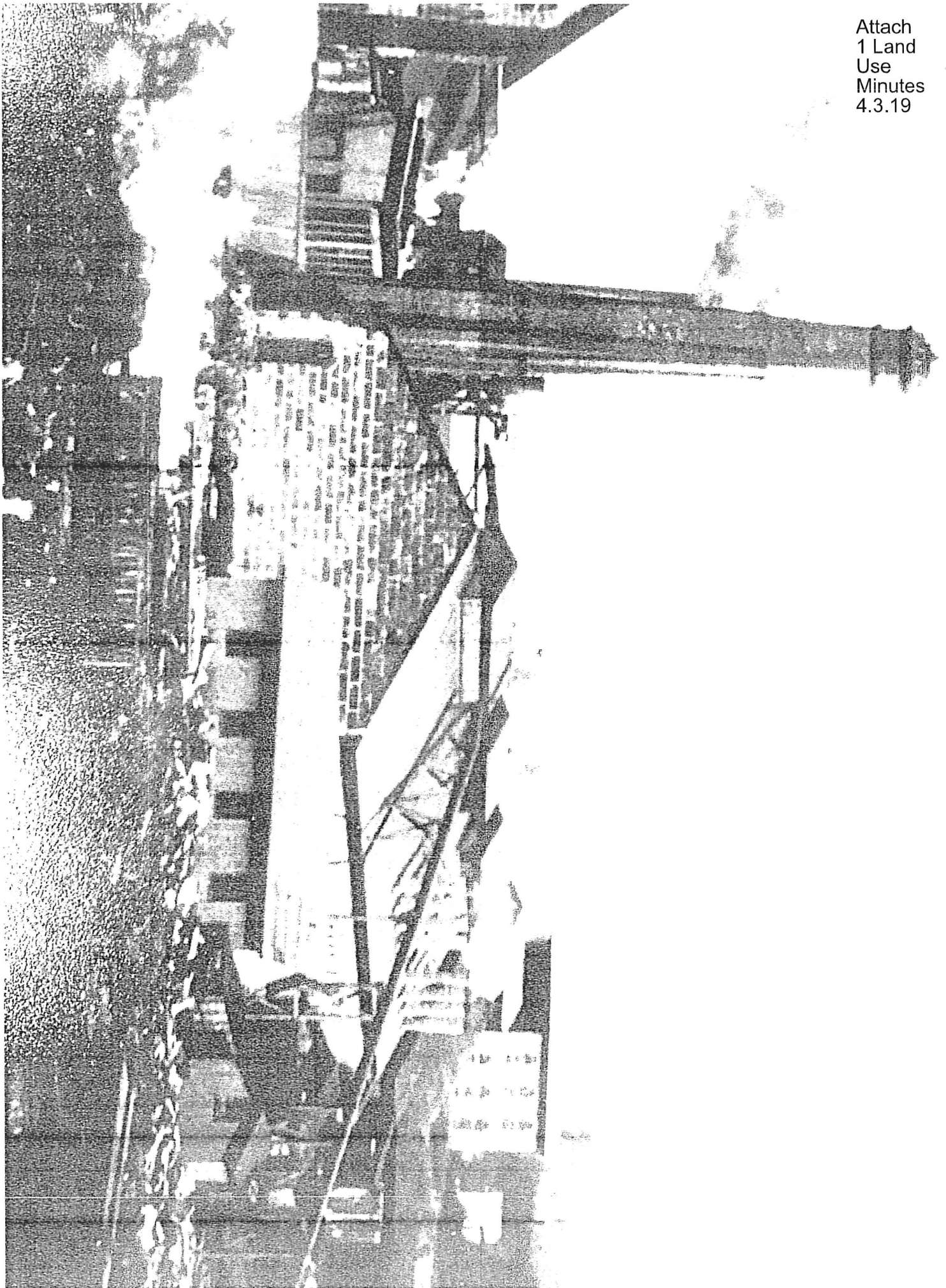
Dawn Bishop  
Interim Clerk of Council

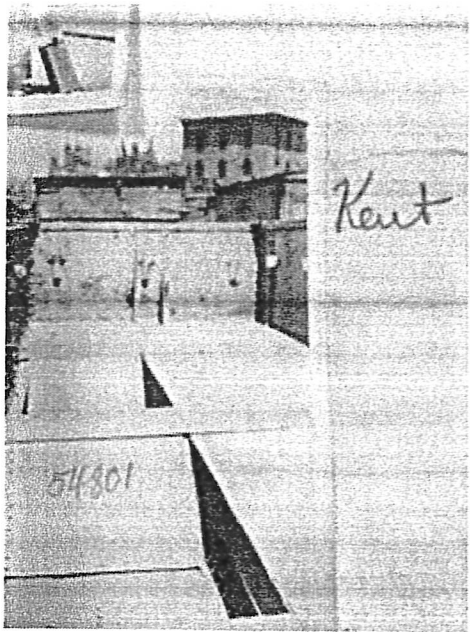
**ACTION RECOMMENDED:**

- 1) AUTHOZE THE 200 WEST WILLIAMS REZONING REQUEST WITH AN EMERGENCY CLAUSE.

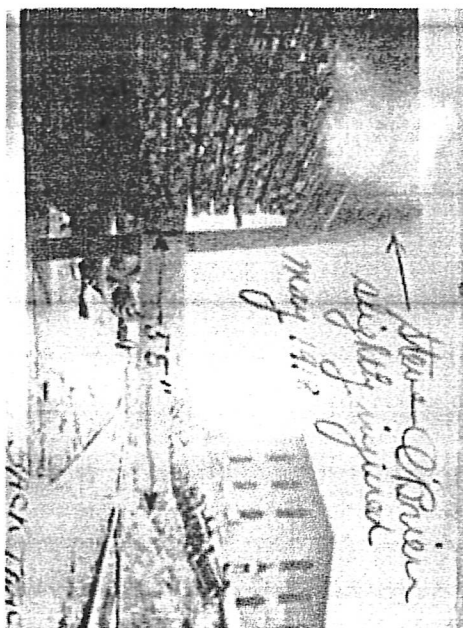
Attach.  
1 Land  
Use  
Minutes  
4.3.19







Attach  
1 Land  
Use  
Minutes  
4.3.19



## Attachment 2 Land Use Committee 4.3.19

April 3, 2019

To the Members of Kent City Council:

My name is Nora Jacobs. I am the chair of the Kent State University Foundation and I appreciate the opportunity to speak to Council regarding the proposed rezoning of the property located at 200 West Williams Street from industrial to commercial downtown.

As members of Council no doubt know, the Kent State University Foundation is the developer and owner of the Kent State University Hotel and Conference Center located on Depeyster Street.

When we embarked on that project nearly 10 years ago, we did so not because the Foundation wanted to operate a hotel. We did it because we believed a first-class hotel would be a catalyst to transform downtown Kent and, in turn, support the university's vision to operate in a community known for its quality of life and vibrancy.

I think everyone in this room would agree that we achieved that goal – a goal we did not reach without a strong partnership with the city of Kent, the merchants who operate in town and the residents of Kent who are strong supporters of the restaurants and shops now located in Kent's downtown core.

In fact, anyone who remembers the "old" Kent – which I do because I am also a graduate of the university – will remember how different the city used to be.

Kent State was known as a "suitcase college" because all the students went home on weekends; there was nothing to keep them here on Saturday and Sunday. Parents arrived with no place in town to stay and no "nice" restaurant to take their son or daughter to before heading home. There were no interesting places for faculty to shop and certainly, nothing to draw residents from nearby communities like Hudson, Aurora or Stow.

The Foundation is thrilled to be part of the energy that now exists in downtown Kent and we commend the city for the work it has invested in making sure this critical part of the city has the right mix of retail, business, dining and entertainment. You have thoughtfully planned expansion of the district to make sure it is sustainable, that it is not over-built and that it reflects the local market.

We on the Foundation Board are concerned that expanding the downtown commercial core to the proposed industrial property threatens that sustainability. We believe more commercial space outside the core district will lead to vacancies and threaten the energy that currently exists because thriving businesses are located within walking distance of each other and complement the services they each offer.

We are especially concerned because more redevelopment is about to happen on North Water Street. That part of the downtown core will be an important capstone to the district's revitalization. We believe rezoning parts of Williams Street will threaten the viability of that project and we would hate to see that happen.

On behalf of my colleagues on the Foundation Board, I urge Council to vote against the rezoning of this parcel. Your decision is critical to preserving the "new" downtown Kent -- a point of pride for the university, the residents of Kent and yes, for the Kent State University Hotel and Conference Center.

As you consider this rezoning request, thank you for making the interests of the larger community your first priority.

**THE CITY OF KENT, OHIO  
FINANCE COMMITTEE  
WEDNESDAY, APRIL 3, 2019**

Chairperson DeLeone called the meeting of the Finance Committee of Kent City Council to order at 8:51 p.m.

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

ALSO PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Public Service Director; Mr. Jim Bowling, City Engineer; Fire Chief John Tosko; Mr. John Idone, Parks and Recreation Director; Mr. Tom Wilke, Economic Development Director; Ms. Dawn Bishop, Interim Clerk of Council.

There were four (4) items on the Agenda.

1. Canoe Livery Lease Contract

Mr. Idone said this is a five year lease contract renewal at the John Brown Canoe Livery. This is a five year contract with a five year renewal and asking Council to waive public bidding.

Ms. Wallach asked how the operations are doing.

Mr. Idone said revenues were down a bit last year but before that it's been making money. They have an excellent safety record. This operation started out as a one year lease, then had a three year lease with one bidder, and now are in the end of another three year lease with only one bidder again. They feel real comfortable with their association with Kent State and other rec programs. This will give them a little more confidence in their business plan.

Mr. Kuhar asked so they want to waive the bidding process along with the lease agreement and thinks they should keep it in as a formality.

Ms. Jones said City Councils can waive competitive bidding for any reason that is honorable. She thinks that with the fact the City has already had a long term relationship with Kent State and they are the only ones who have bid in the past, it is an extremely fair reason to waive competitive bidding and continue this great relationship the City has with them at the livery.

Mr. Kuhar asked if they heard about any repercussions of this, would Ms. Jones handle it.

Ms. Jones said yes. She is most typically worried about the auditor and once the auditor sees Council has officially waived competitive bidding and there is a good reason, she doesn't have a problem with that at all.

Mayor Fiala asked if this affected other operators.

Mr. Idone said other operators are allowed to come into the tannery, a lot of them go down to Kramer Field. We can't prohibit dropping off, put in at the river, it prohibits setting up your trailer and operations and taking money in the City.

Mr. Sidoti asked of Ms. Jones if it made sense to have two motions, accepting a contract and waiving competitive bidding.

Ms. Jones said it will be in the ordinance that Council is waiving competitive bidding.

Ms. Wallach asked if the Parks get a cut of it.

Mr. Idone said yes, last year it was about \$3500. It's ranged anywhere from \$3500 to \$5000 over the years. Park and Rec provides cleanup, a portapot, electricity.

**MOTION TO AUTHORIZE CANOE LIVERY LEASE AGREEMENT WITH AN EMERGENCY CLAUSE** made by Ms. Wallach, seconded by Ms. Rosenberg, and CARRIED by a voice vote of 8-1, with Mr. Kuhar against.

2. Renewal of Kent Parks & Rec Fitness Center Lease

Mr. Idone said rent is going up \$50 a month, stays the same for the second year, and then goes up another \$50.

Mr. Kuhar asked what the lease amount on the building is.

Mr. Idone said \$2700, will go to \$2750 beginning in May, stay that for next year, then up to \$2800.

Mr. Kuhar asked if operations break even.

Mr. Idone said they are supporting it a little through levies. Programs all generate enough to pay instructors and that sort of thing but not for the facility itself.

Mr. Kuhar asked not even with the Silver Sneakers.

Mr. Idone said no, not even with Silver Sneakers.

**MOTION TO AUTHORIZE THE KENT PARKS AND REC FITNESS CENTER LEASE RENEWAL WITH AN EMERGENCY CLAUSE** made by Ms. Shaffer, seconded by Mr. Amrhein, and CARRIED by a voice vote of 9-0.

3. Employee Time to Vote

Mr. Ruller said so this is an item that was asked to be brought to committee. Ms. Jones did a little more thinking about it and tried to anticipate how this could play out and achieve purpose of what you are trying to do, which is encourage civil involvement by employees, which we agree with. We want to make sure we can do it administratively.

Ms. Jones said the Ohio Revised Code already requires the City to provide its employees time to vote as well as time to be poll workers and register people to vote, poll challengers, but there is no requirement the City pays them or "free time off" as opposed to using their paid vacation time. What Ms. Rosenberg has suggested is giving city time off for employees to vote. Ms. Jones has drafted an ordinance that would allow for each elector employee to get two hours off each Election Day, whether general, special, or a primary, to vote. She added language to make sure police, fire, and snow emergency crews department heads were given the means to efficiently get employees in and out. Ms. Jones also suggests that department heads or Human Resources verifies that an employee did actually vote when they are using this two hours.

Mayor Fiala asked if this was in violation of any union contracts.

Ms. Jones said absolutely not and she hates to be cynical but this would be something she would always suggest if you are going to give employees in unions more benefits, wait until you sit down at negotiations so you can get something back for it possibly. Of course that is not mandatory. If Council votes to implement this, she would help work with department heads to make sure this is implemented.

Ms. Rosenberg said so just to clarify, there is an informal arrangement to vote but this would make it formal and still checking in with the supervisor to make sure it fits in with the day. And if someone were out of time off, this would allow them time to vote.

Mr. Kuhar asked even though there is early voting and absentee voting, we are going to allow someone two hours to go vote with pay.

Ms. Jones said yes with pay and not required to use their own comp or vacation time.

Mr. Kuhar asked and we are going to verify they voted.

Ms. Jones said she knows one can check if someone is an elector but isn't sure if there is a way to tell who voted.

Several Council members spoke at once and said yes you can tell where they voted, when they voted.

Mayor Fiala asked so what if police employees are off on Tuesday, will they be asking where is my two hours off.

Ms. Jones said no it will be like funeral leave just because my mother died and I get a day off, doesn't mean you get a day off.

Mr. Ferrara asked for a point of reference how much has it happened that someone is out of time and doesn't get to vote with absentee voting and early voting and poll hours.

Ms. Jones said they don't know.

Mr. Ferrara asked is it necessary.

Mr. Ruller said it is a Council motion, Council requested this.

Mr. Kuhar mentioned the cost to the City of giving employees two hours paid voting time.

Mr. Ruller said it's lost time.

Ms. Rosenberg pointed out it's informally already being done. This formalizes that and gives a maximum amount off.

Ms. Jones said yes and it's an alternative to how some cities have election day as a holiday day off.

Mr. Ferrara asked would you consider giving them two hours unpaid time to vote.

Ms. Rosenberg said sometimes you miss absentee ballots and early voting and this is a democracy and everyone gets the right to vote. She said she gets to vote whenever she wants because she owns her own business and she allows her employees time to vote. If this removes even a small obstacle she supports it.

Mr. Turner thinks this is a very progressive idea but he's thinking is this really a problem: not finding a way to vote. He thinks Council may see more push back from this: giving employees two hours to vote. Mr. Turner agreed that voting is already very convenient and he doesn't see the need for this.

Mr. Sidoti said he couldn't support this. He thinks they are adding a layer of bureaucracy for managers. There's also the perception we are constantly fighting with city workers aren't always working as hard as they should and Council is constantly trying to fight that perception and defend City employees. If people hear they are giving them two more hours off to vote they'll hear even more back about that. Mr. Sidoti said the responsibility to vote lays with the voter not with Council.

Ms. Rosenberg said if we already have department heads that allow people to vote, this just puts a cap on it and a tool for department heads in a structured framework. She said this is an affirmative action to encourage people to go vote. Regardless of the public's perception of City employees, Ms. Rosenberg does not believe that is a good reason not to encourage employees to go vote. It is our primary right in a democracy and hopefully set an example for other employers in the City.

Ms. Shaffer said she supports this because they are employers and sets an example.

Mr. Turner said the big difference is other employers, it's their money and we are working on government money, the people's dollar. It's a nice example but it's not our money in the game.

Mr. Kuhar agrees with Mr. Turner.

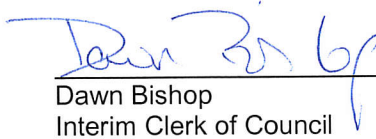
**MOTION TO AUTHORIZE EMPLOYEE TIME OFF TO VOTE** made by Mr. Sidoti, seconded by Ms. Rosenberg, and FAILED by a voice vote of 3-6 with Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Mr. Sidoti, Mr. Turner, and Ms. Wallach against.

4. 2019 Budget Appropriations Amendment

Mr. Coffee asked for authorization as outlined in his memo.

**MOTION TO AUTHORIZE THE 2019 BUDGET APPROPRIATIONS AMENDMENT WITH AN EMERGENCY CLAUSE** made by Ms. Wallach, seconded by Mr. Sidoti, and CARRIED by a voice vote of 9-0.

Mr. DeLeone adjourned the Community Development Committee Meeting at 9:24 PM.



Dawn Bishop  
Interim Clerk of Council

**ACTION RECOMMENDED:**

1. **AUTHORIZE CANOE LIVERY LEASE AGREEMENT WITH AN EMERGENCY CLAUSE**
2. **AUTHORIZE RENEWAL OF KENT PARK & REC FITNESS CENTER LEASE AGREEMENT WITH AN EMERGENCY CLAUSE**
3. **AUTHORIZE THE 2019 BUDGET APPROPRIATIONS AMENDMENT WITH AN EMERGENCY CLAUSE**