THE CITY OF KENT, OHIO
COMMUNITY DEVELOPMENT COMMITTEE
WEDNESDAY, DECEMBER 5, 2018

Vice Chair Gwen Rosenberg called the meeting of the Community Development Committee of the Kent City Council to order at 8:09 p.m.

PRESENT:	Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; 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; Mr. David Coffee, Budget and Finance Director; Ms. Melanie Baker, Public Service Director; Ms. Suzanne Stemnock, Human Resources Director; Mr. John Idone, Parks and Recreation Director; Mr. Jim Bowling, City Engineer; Police Chief Michelle Lee; Fire Chief John Tosko and Ms. Tara Grimm, MMC, Clerk of Council.
ABSENT:	Mr. John Kuhar

There was 1 item on the Agenda.

1. Authorize Amendment to Title 7 Housing Code for Rental Licensing

Ms. Rosenberg referred to Ms. Susel who explained how this is a housekeeping issue. In her November 27, 2018 Memo to the City Manager stated how “new language was added to the Ohio Fire Code (OFC) in December 2017 that establishes new requirements for carbon monoxide (CO) detection in new and existing buildings. The City's Building and Fire Departments will be applying these new requirements, listed under a new Section 915 "Carbon Monoxide Detection" added to the OFC, as part of their ongoing inspection responsibilities. The City also will need to amend Section 1365.03 "Equipment and Facility Requirements," of the KCO "TITLE SEVEN Environmental Health and Housing Maintenance Code," also known as the City's "Housing Code," to ensure all new and existing residential rental units are required to comply with the new CO detection regulations.”

Ms. Susel continued how in 2017 the Fire Marshall made changes to carbon monoxide detection in certain classifications of buildings and adopted as part of the Ohio Building Code. We follow State Code, but because we have local housing code that deals with rental licensing, we had to make sure we included those carbon monoxide detection laws within the confines of our rental licensing program.

Mr. Sidoti asked how basically this is a housekeeping kind of thing.

Ms. Susel replied yes and how our Code was already stringent with carbon monoxide detection with our rental licensing program, we just need to update to reflect the State Code. She did notice one typo in the exhibit of the word “classroom” and will remove it for the finalized version.

Mr. Sidoti was curious if our Code language was stronger than the State language.

Ms. Susel added how we are now compatible, but yes we’re stronger by requiring it in more locations than what had been previous. There wasn’t a lot of specificity in the Fire Code and this brought it up to current standards; this is one that applies to existing and new.

Ms. Wallach questioned if our rental licensing program is just about up and running.

Ms. Susel informed Council the forms are ready and identified the first ones that need to go out. She is expecting to hear crickets. They anticipate sending out about a dozen letters a week because there are other code enforcement responsibilities.

Ms. Wallach asked if all rental properties will need a carbon monoxide detector.

Ms. Susel stated she was correct, including those inspected by the Community Development Department and those currently being inspected by the Health department.

Ms. Wallach asked if they can be bought at Lowes.

Ms. Susel replied yes, they can be battery operated. There is language in the Code that is specific if it is not hard wired. It is an easy fix and feels a property owner would want to do regardless. She also asked that Council please approve this with an emergency clause.

There were no further questions from Council or the audience.

MOTION TO AUTHORIZE THE AMENDMENT TO TITLE 7 HOUSING CODE FOR RENTAL LICENSING WITH AN EMERGENCY CLAUSE made by Mr. Ferrara, seconded by Ms. Shaffer and *CARRIED* by a voice vote of 8-0.

Hearing no further business before this Committee, Vice Chair Rosenberg adjourned the meeting at 8:13 p.m.

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Tara Grimm, MMC
Clerk of Council

ACTION RECOMMENDED:

1) **AUTHORIZE THE AMENDMENT TO TITLE 7 HOUSING CODE FOR RENTAL LICENSING WITH AN EMERGENCY CLAUSE**

Presentation to Planning Commission

December 5, 2018

Good evening, Dave Ruller, Tara Grimm, esteemed members of the Council, and fellow residents. I am here to offer a few minutes on my value to the Planning Commission and hope that you will find my credentials satisfactory as you move ahead to appoint a new member to the Commission.

I'd like to cover a few key areas relative to my application:

- Kent:
  1. I have lived here for almost 3 years.
  2. I have a 32 year history here, starting with getting married at the Methodist Church to native son, R. Bruce Shaw, in 1986.
  3. While we lived in New Jersey, we spent weekends here for many years visiting his father, retired professor of educational administration at KSU.
  4. Appreciate the magnificent changes to the city over that time and happily returned here when we 'retired' from our work in New Jersey.
  5. I had the privilege of writing a book, *The Raritan River: Our Landscape Our Legacy*, in New Jersey. Today I'm working on a book about the Cuyahoga River. I appreciate much about Kent, including and especially that its on a fine river.

- Planning
  6. Earned my PhD in urban and environmental planning at Rutgers University's Edward J. Bloustein School of Planning & Public Policy
  7. Served on the Moorestown, NJ Planning Board for 3 years
  8. Worked with planning and zoning officials across the state while working with NJDEP.
  9. Focused interaction with municipal officials in the Raritan River Watershed while I led the Sustainable Raritan River Initiative to foster common agreements that would both restore and protect the river in perpetuity.
  10. **Understand the complexities of good planning, and the need for a strong municipal commitment to planning and the people who live in the good city of Kent.**

- University-community relations
  11. Grew up in university towns; Oberlin, Charlottesville, Bloomington, Grand Forks and Ann Arbor and now Kent
  12. Understand the importance of working together as a team with the university and creating value for each other
  13. Work well with academic partners

- Coordination and coalition-building
  14. Spent my first years at NJDEP fostering dialogues between staff scientists and community residents facing environmental problems

15. Learned the fundamentals of risk communication and active listening
16. I understand the first task Kent faces in the coming year is cleaning up the Zoning Code for internal consistency and then updating the Comprehensive Plan in terms of alignment with community goals and aspirations. **This is a time where coordination and coalition-building is essential.**
17. **The people of Kent need to have confidence in the Comprehensive Plan; its a matter of opening the doors, bringing the community in and listening carefully to what they have to say.**

- Understanding of the meme factor that affects neighborhoods and their cultures

18. Having your own values disregarded leads to a loss of confidence and general awkwardness between groups who should by all means be on the same side.

- The experience with the development of 1005 E. Main Street illustrated the value of close communication with impacted residents and how important it is to stand up for them as we handle planning and zoning here.

19. Understand the importance of coordination with the community and demonstrating that commitment through action; residents felt abandoned by their government leaders when there was no recognition of the impact any development on that site would have on the neighbors.

- In summary,
  - I am a strong advocate for sound planning based on open dialogues and transparency in the process so confidence in the process is firm.
  - I will bring the planning commission my expertise, my experience, my education and my commitment.
  - I will listen, I will ask questions and I will do my level best to make us the stellar commission that I know we can be.
  - I look forward to Kent being recognized as having the best Planning Commission in the state of Ohio.

Planning Commission
The City of Kent Planning Commission
930 Overholt Drive
Kent, OH 44240

- The Kent City Charter, Section 61(b) reads as follows with respect to the Planning Commission:

  Section 61(b). Planning Commission

- The Planning Commission shall consist of five (5) residents of the City appointed by Council who shall serve without compensation.

- Council may also appoint ex-officio, non-voting members by ordinance.

- A member of the Planning Commission serving on January 1, 1978, may complete the term of his or her original appointment, but in the event of the death or resignation of such member, Council shall fill the vacancy for the unexpired portion of the terms of that member.

- Subsequent appointments shall be for a term of five (5) years and the expiration of the terms shall be on a one-year staggered interval basis.
- No one shall be appointed for more than two (2) full terms consecutively.

- The Planning Commission will have all the rights and powers granted to it by the laws of Ohio or ordinances of the City or this Charter.

- The Planning Commission shall adopt such rules and requirements for plats and the laying out of allotments as is deemed necessary and advisable, subject to Council approval.

- Such rules and requirements shall be placed on file in printed or typewritten form in the office of the Director of Public Service.

- The Planning Commission may control, appoint, or employ such architects, engineers or other professional service and may appoint such clerks, draftsmen or other subordinates as are necessary for the performance of its function.

- The expenditures for such service and employments shall be within the amounts appropriated for such persons by the legislative authority of the municipal corporation and such legislative authority shall provide for the expenses and accommodations necessary for the work of the Commission. (Amended 11-5-85.)

- The City of Kent Planning Commission meets on the first and third Tuesday of each month. All members, appointed by Council, serve as volunteers.

- Click here for Planning Commission minutes and agenda.

OUR MISSION

The mission of the Cuyahoga River Water Trail Partners is to improve and promote public access to, and use of, the Cuyahoga River Water Trail as a valuable resource for low-impact recreation, economic development, and tourism; and to support and enhance river appreciation, conservation, and stewardship.

MANAGING PARTNERS

City of Akron
City of Cuyahoga Falls
City of Kent
Cleveland Metroparks
Cuyahoga Valley National Park
Geauga Park District
Mantua Village
Portage Park District
Summit Metro Parks
Village of Silver Lake

STAKEHOLDER PARTNERS

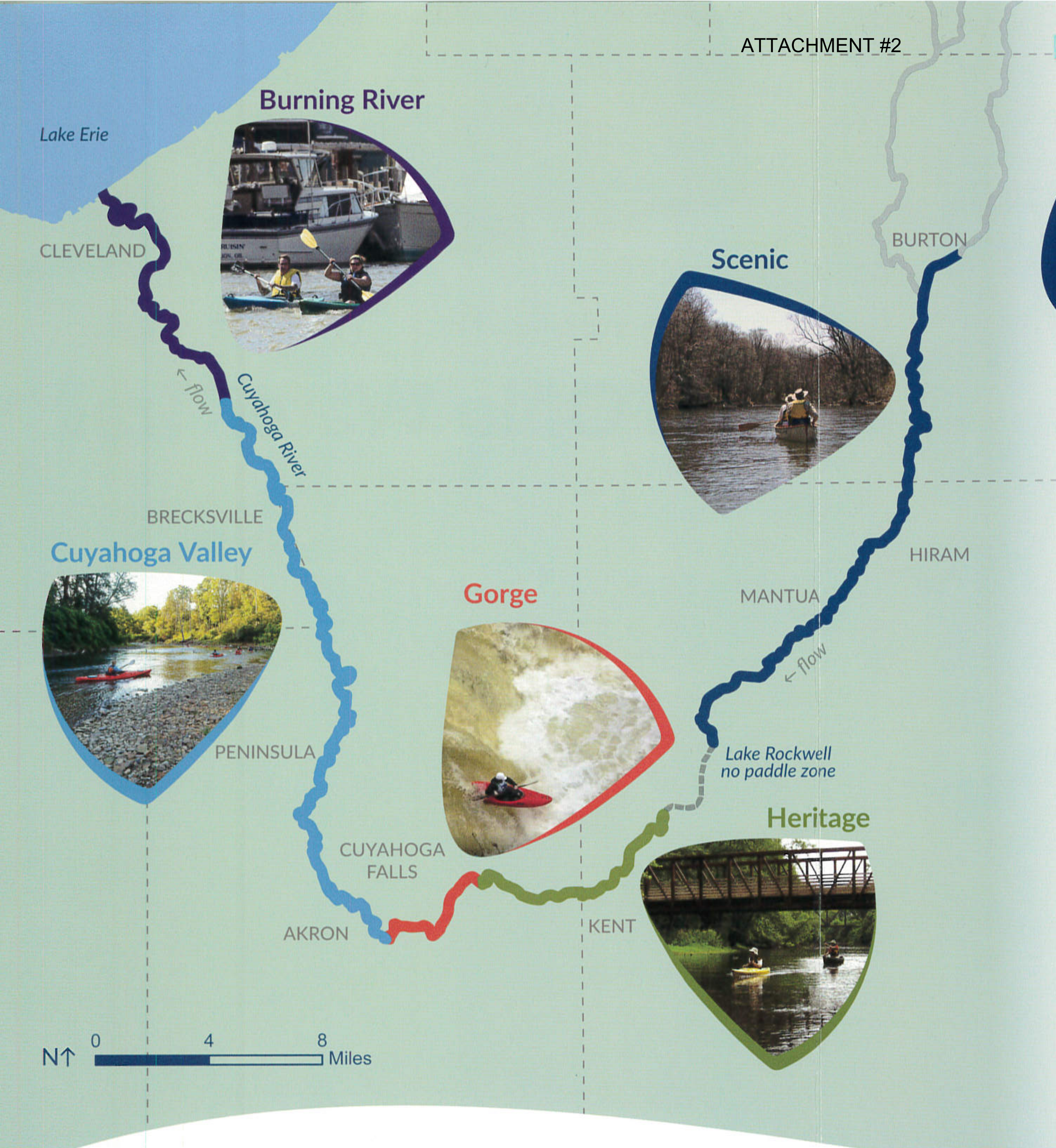
American Canoe Association
American Whitewater
Conservancy for Cuyahoga Valley National Park
Cuyahoga River Restoration
Friends of the Crooked River
Friends of the Gorge
Keelhaulers Canoe Club
Kent State University
 - Recreation Services
National Park Service
 - Rivers, Trails, and Conservation Assistance
Northeast Ohio Regional Sewer District
Ohio Department of Natural Resources
 - Scenic Rivers Program
Share the River
The Trust for Public Land
West Creek Conservancy

Promotional materials were made possible by a Partnerships in Motion: Destination Development Grant from Akron/Summit Convention & Visitors Bureau.

Cover photos by ©Nathaniel Bailey, courtesy Andrea Irland, and National Park Service/D.J. Reiser. Inside photos by Cleveland Metroparks/Kyle Lanzer, Friends of the Crooked River, ©Arrye Rosser, and National Park Service/D.J. Reiser.

Help Make the Cuyahoga River
An Ohio Water Trail

CUYAHOGA RIVER
WATER TRAIL



The Cuyahoga River is a symbol of efforts to clean up America's waterways. Famous for catching fire, the Cuyahoga is now sparking excitement. Wildlife and people are returning. The proposed Cuyahoga River Water Trail will take advantage of new opportunities and be a lasting legacy.

Together, we will:

- Increase public access to and along the Cuyahoga River for all people.
- Share resources to create better and safer experiences for visitors.
- Enjoy the health and beauty of the Cuyahoga River.
- Boost tourism and economic development in nearby communities.

Show Your Support

Many organizations and agencies have been meeting since February 2011 to develop the Cuyahoga River Water Trail. Please help us achieve official designation as part of the Ohio Water Trails Program. To show community support, you can:

- Attend a public meeting in October and November 2018.
- Send a letter of support by December 2018.
- Pass a city or township resolution by December 2018.

Join us in celebrating our success on June 22, 2019— the 50th anniversary of the most infamous Cuyahoga River fire.

Contact Us

info@CuyahogaRiverWaterTrail.org
www.cuyahogariverwatertrail.org

The five water trail segments offer different paddling experiences.

CUYAHOGA RIVER WATER TRAIL

CuyahogaRiverWaterTrail.org

info@CuyahogaRiverWaterTrail.org

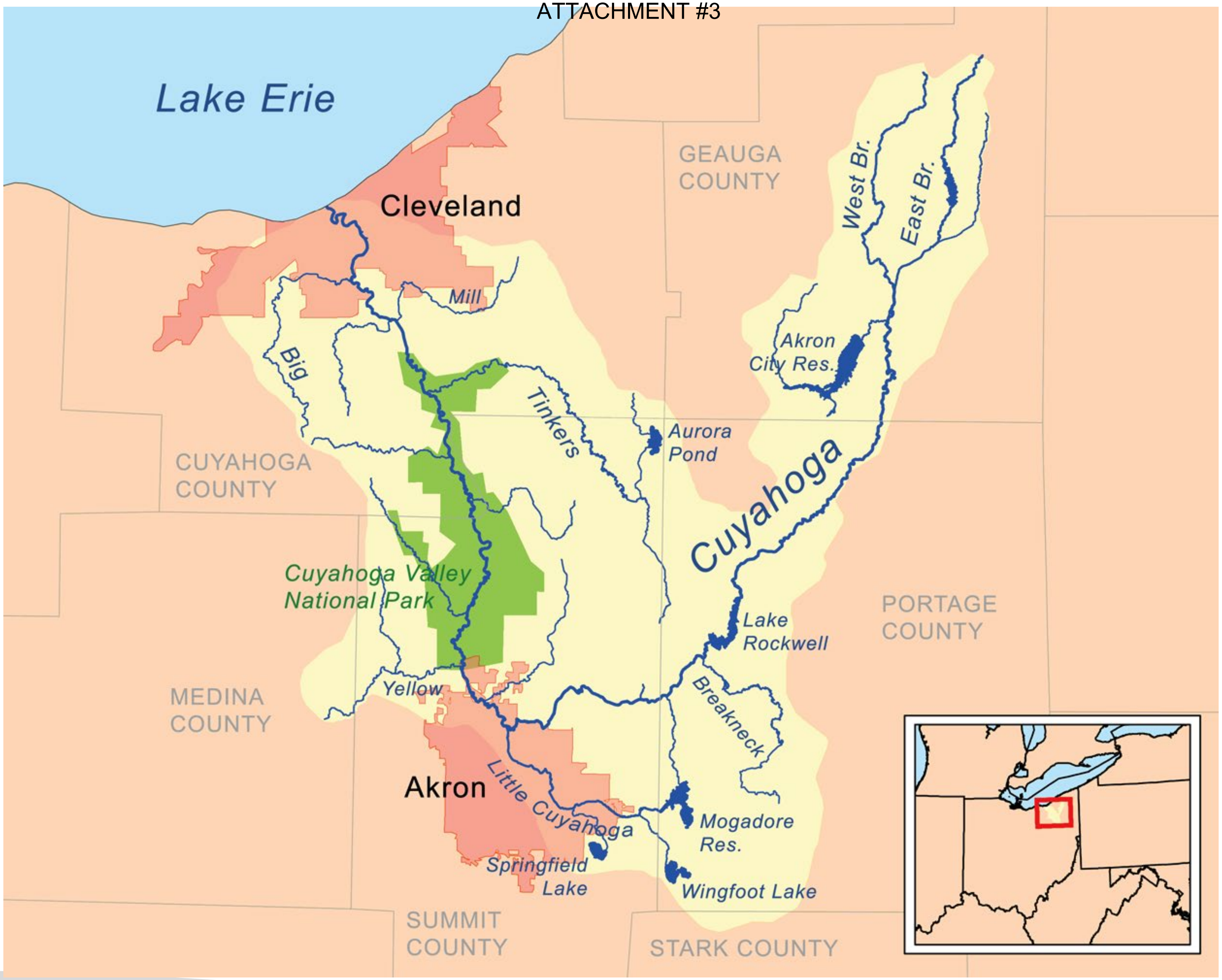
Facebook: **Cuyahoga River Water Trail**

Twitter: **#CRWT**

Our mission

- The mission of the Cuyahoga River Water Trail partners is to improve and promote public access to and use of, the Cuyahoga River Water Trail as a valuable resource for low-impact recreation, economic development and tourism and to support and enhance river appreciation, conservation and stewardship.

ATTACHMENT #3


Lake Erie
Cleveland
GEAUGA COUNTY
West Br.
East Br.
Mill
Big
Akron City Res.
Tinkers
Aurora Pond
CUYAHOGA COUNTY
Cuyahoga
Cuyahoga Valley National Park
Lake Rockwell
PORTAGE COUNTY
Yellow
Breakneck
MEDINA COUNTY
Akron
Little Cuyahoga
Mogadore Res.
Springfield Lake
Wingfoot Lake
SUMMIT COUNTY
STARK COUNTY

What is a water trail?

- A stretch of river or other waterway that has been identified and mapped as a water trail
- Contains facilities that enable access, campsites, and informational resources
- Creates educational, recreational, scenic, and environmentally rewarding opportunities for paddlers traveling on the waterway
- Designation by Ohio Department of Natural Resources

What is a water trail?

- Improve and promote public use
- Valuable resource for low impact recreation and tourism
- Support and enhance river conservation and stewardship

What is a water trail?

- Signage
- Maps
- Education
- Integrate with other recreational activities
- Low impact recreation, economic development and tourism
- Can lead to improved facilities

CUYAHOGA RIVER
WATER TRAIL

Cuyahoga River Water Trail Managing Partners

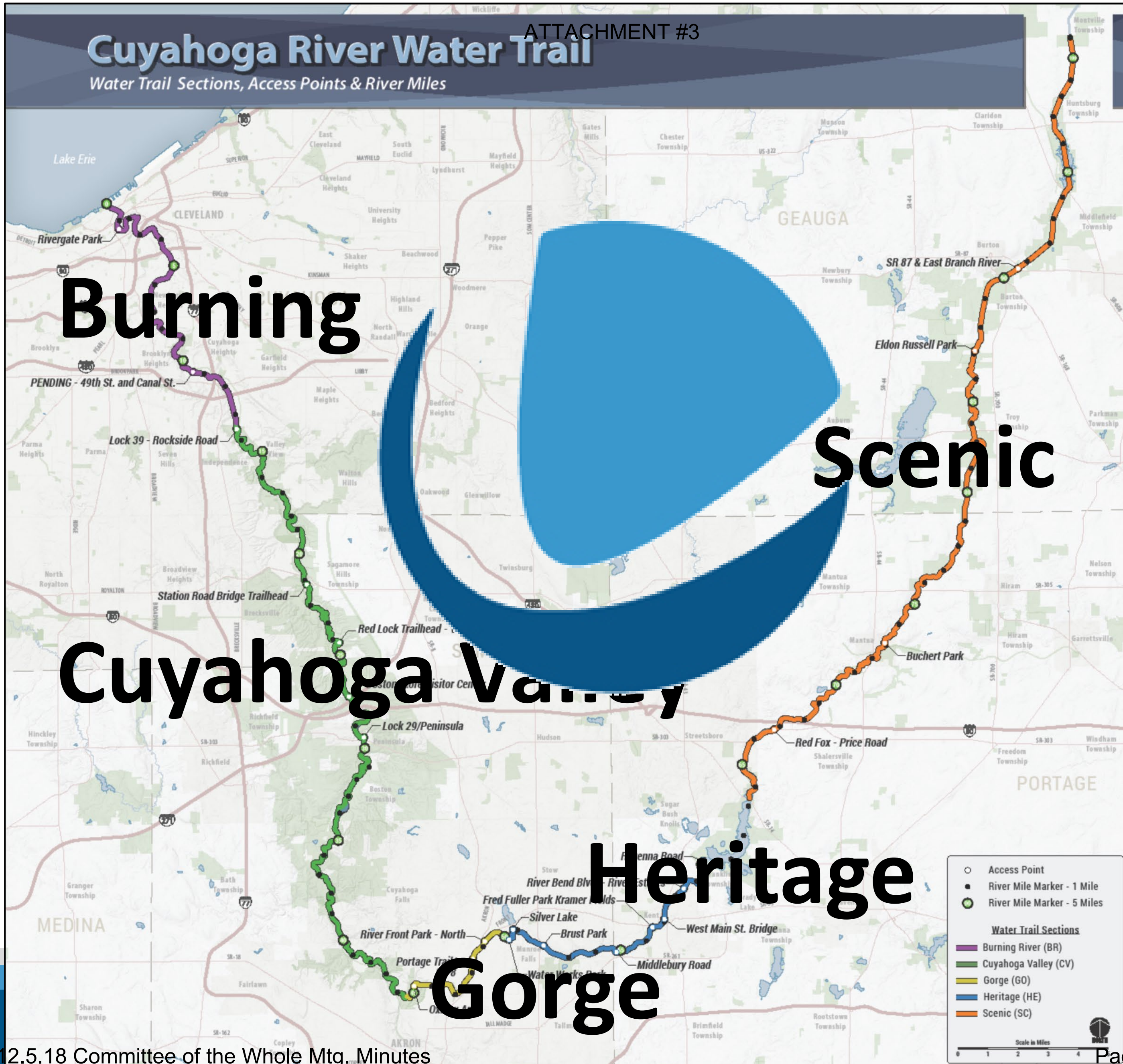
- City of Akron
- City of Cuyahoga Falls
- City of Kent
- Cleveland MetroParks
- Cuyahoga Valley National Park
- Geauga Park District
- Mantua Village
- Portage Park District
- Summit MetroParks
- Village of Silver Lake

Funding Provided By:

- Akron / Summit Convention & Visitors Bureau
- George Gund Foundation

Cuyahoga River Water Trail Stakeholders

- American Canoe Association
- American Whitewater
- Conservancy for Cuyahoga Valley National Park
- Cuyahoga River Restoration
- Friends of the Crooked River
- Friends of the Gorge
- Keelhaulers Canoe Club
- Kent State University
- National Park Service
- Northeast Ohio Regional Sewer District
- Ohio Department of Natural Resources
- Ohio Environmental Protection Agency
- Share the River
- The Trust for Public Land
- The University of Akron – Student Recreation and Wellness Services
- West Creek Conservancy


Cuyahoga River Water Trail
Water Trail Sections, Access Points & River Miles
Burning
Scenic
Cuyahoga Valley
Heritage
Gorge
Lake Erie
CLEVELAND
GEAUGA
PORTAGE
MEDINA
Rivergate Park
PENDING - 49th St. and Canal St.
Lock 39 - Rockside Road
Station Road Bridge Trailhead
Red Lock Trailhead
Lock 29/Peninsula
River Front Park - North
SR 87 & East Branch River
Eldon Russell Park
Buchert Park
Red Fox - Price Road
West Main St. Bridge
Middlebury Road
Brust Park
Silver Lake
Access Point
River Mile Marker - 1 Mile
River Mile Marker - 5 Miles
Water Trail Sections
Burning River (BR)
Cuyahoga Valley (CV)
Gorge (GO)
Heritage (HE)
Scenic (SC)

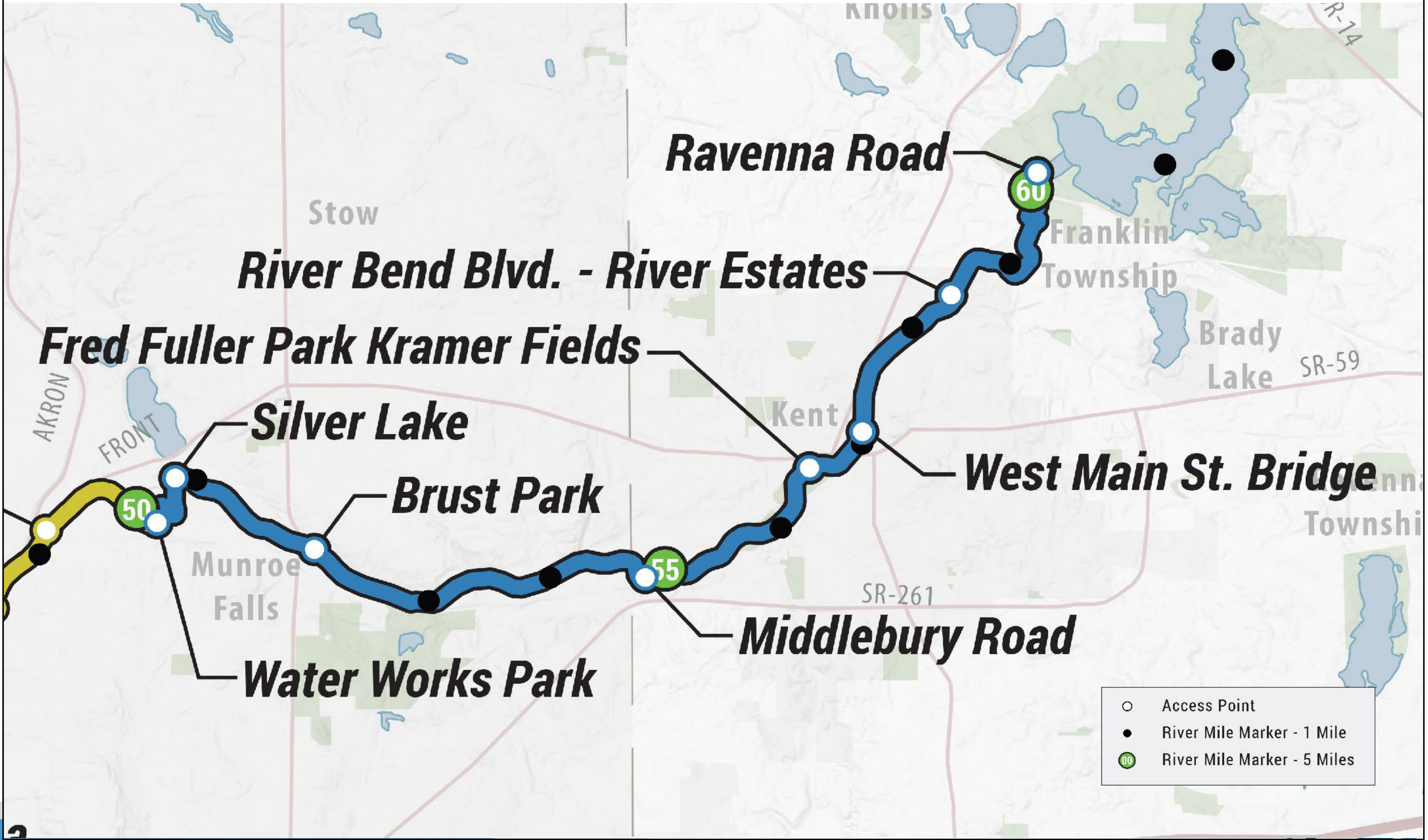
ATTACHMENT #3

Heritage River Section

CUYAHOGA RIVER WATER TRAIL

ATTACHMENT #3

Heritage

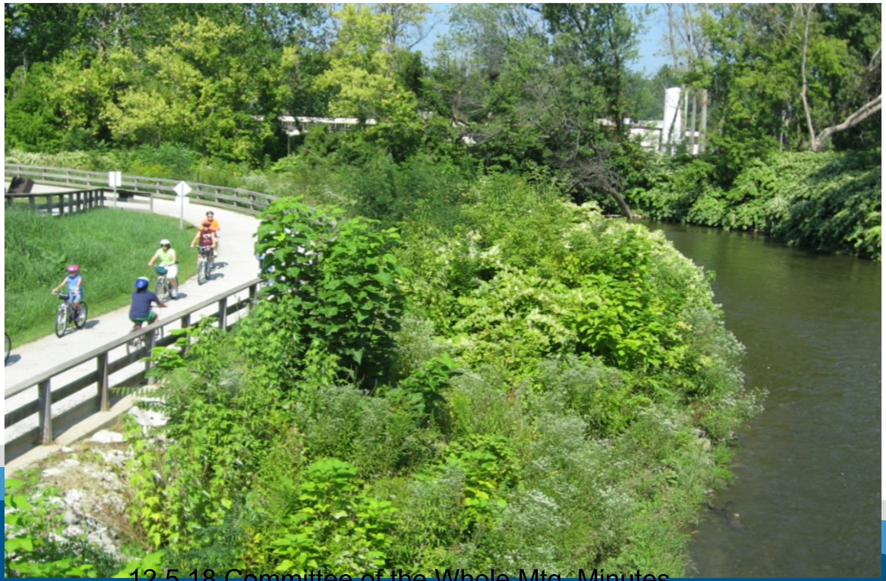


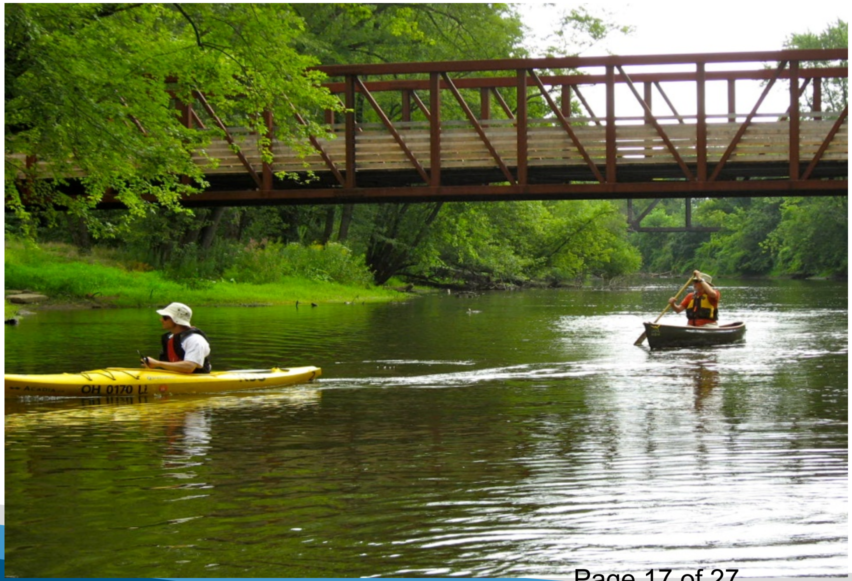
Cuyahoga River Water Trail Benefits

Education and Stewardship

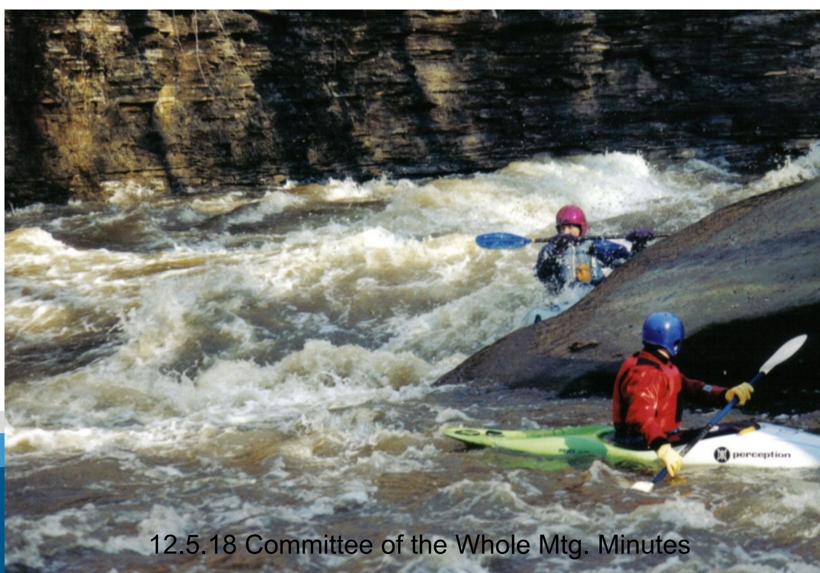
Increased Recreational Opportunities

Blue Green Trail Connections





White Water Paradise



Historical and Cultural Wonders

Meet the Neighbors

Economic Development

Guidelines for Designation

- Public Planning
- Local Governments
- Ohio Water Trail Logo
- Mapping and Signage
- Access Points
- Management/Stewardship
- Safety Information

What are we working on…

- Creating a regional brand and identity
- Developing a strategy of implementation
- Developing best management practices
- Identifying access points and facilities
- Community meetings of stakeholders
- Open Houses for each river section
- Identify other regional connections
- Looking towards state and national designation

CUYAHOGA RIVER
WATER TRAIL

Show your support

- Attend a public meeting
- Send a letter of support by December 2018
- Pass a city or township resolution by December 2018
- Paddle, float and enjoy

CUYAHOGA RIVER
WATER TRAIL

CuyahogaRiverWaterTrail.org

info@CuyahogaRiverWaterTrail.org

Facebook: **Cuyahoga River Water Trail**

Twitter: **#CRWT**

Celebrate the river

Xtinguish Torch Fest

Xtinguish the Past, Ignite the Future!

June 19 – 22, 2019

- A **torch relay** starting at the headwaters and ending in Cleveland
- Ceremonies and **festival events** will be in the headwaters, Kent, Cuyahoga Falls, Akron, Cuyahoga Valley, and Cleveland.
- Includes designation of the **Cuyahoga River Water Trail**.


Thank you!

THE CITY OF KENT, OHIO
COMMITTEE OF THE WHOLE
WEDNESDAY, DECEMBER 5, 2018

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

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; 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; Mr. David Coffee, Budget and Finance Director; Ms. Melanie Baker, Public Service Director; Ms. Suzanne Stemnock, Human Resources Director; Mr. John Idone, Parks and Recreation Director; Mr. Jim Bowling, City Engineer; Police Chief Michelle Lee; Fire Chief John Tosko and Ms. Tara Grimm, MMC, Clerk of Council.

ABSENT: Mr. John Kuhar

There were 2 items on the Agenda.

1. Interviews for Boards and Commissions
Mayor Fiala stated Council will be interviewing applicants for Boards this evening. He called each person by name. Each of the interviewees were asked a variety of questions pertaining to the Board(s) they had applied for by several members of Council. Each Councilperson took their own notes on the candidates.

- ARCHITECTURAL REVIEW BOARD One (1) vacancy. Three (3) year term commencing 4/21/2018 through 12/31/2022.

  - David Basista of 1500 River Edge Drive, Kent was seeking reappointment commented on his position on the Architectural Review Board being "eye opening work" and how you care more when things are going on in your own backyard when it comes to growth and development.

    Mr. Sidoti asked what his biggest challenge was during his 1st term.

    Mr. Basista stated learning the ins and outs of the standards for downtown and how to apply them.

    Ms. Shaffer asked if there was a learning curve and what he enjoyed the most.

    Mr. Basista replied yes and meeting people on the committee with a common goal for downtown.

- BOARD OF BUILDING APPEALS One (1) vacancy for a General Contractor and Two (2) vacancies for alternates. Three (3) year term commencing immediately through 12/31/2021.

  Mayor Fiala announced there were no applicants at this time.

- <u>BOARD OF HEALTH</u> One (1) vacancy. Five (5) year term commencing 1/1/2019 through 12/31/2024. Can serve no more than two (2) full terms consecutively.
  - Pamela Ferguson – Seeking reappointment and was not present to be interviewed.

- <u>BOARD OF ZONING APPEALS</u> Three (3) vacancies. Two (2) three-year term commencing 4/22/2018 through 12/31/2022 and one (1) three-year term commencing 2/7/2019 through 12/31/2022.
  - Jona Burton of 216 Linden Street, Kent was seeking reappointment after serving two terms. He feels he has hit his stride.

    Ms. Rosenberg asked what strengths he felt he could bring to the commission.

    Mr. Burton stated bringing a common sense approach and a strict interpretation of the zoning code when it needs to be, allowing the human element and pre-existing conditions in some of our older neighborhoods, and bringing a balance perspective while working hand in hand with other board members to come to a consensus.

    Mr. Sidoti questioned what areas he felt he has grown.

    Mr. Burton stated it has definitely brought a deeper understanding of the zoning code and the rationale behind it. It is a guide for how the future of our city is constructed.

    Ms. Shaffer asked if he has had the opportunity to participate in making recommendations for code changes.

    Mr. Burton referred to his 1st term there was some back and forth with one of the board members; the 2nd term was a lot of collaboration with the Planning Commission and the Architectural Review Board.

  - Dave Mail of 521 Pioneer Ave., Kent was seeking reappointment after serving on the BZA for nine years, has helped re-write some of the things we have now, and looks forward to the major revision coming up of the rewriting of the zoning code. He stated he has also sat on the Charter Review Board. He feels he brings a perspective to the board; Rationality is really what the zoning board is. If people stay within the zoning code, they don't ever come before the board, it is those who are absolutely violating the code that want an out. If we had a gridded city built in the 1970's, it wouldn't be Kent anyway.

    Mayor Fiala joked with Mr. ail about his neighbor to the west. Mr. Ferrara.

    Mr. Mail responded he helped him build a garage but he hasn't gotten chickens yet.

    Mr. Ferrara laughed and said he doesn't think he has to worry about that.

  - Paul Sellman – withdrew his application, but continues to serve until February 6, 2019.
  - Peter Hans Kierstead – New Applicant – was not present to be interviewed.

- <u>COMMUNITY REINVESTMENT AREA HOUSING COUNCIL</u> Two (2) vacancies. Two (2) year term commencing 2/7/2019 through 12/31/2022.

    - Audrey Kessler of 1638 S. Lincoln Street, Kent was seeking reappointment and stated she has been on the Board for several years and works with the businesses who get tax incentives and it is important to make sure they keep their commitment to the city while taking into consideration the economic conditions at the time. Make sure the committee members are kept

      Ms. Shaffer asked about the housing portion of the Community Reinvestment Area Housing Council.

      Ms. Kessler commented on how that issue has never come up and has only dealt with businesses. As far as she knows there hasn't been any applications on the housing end of it.

      Ms. Shaffer asked if they would be involved if there was a multi-family development in the area and if it would come before the board.

      Ms. Kessler stated she really did not know as all they have dealt with is businesses and whoever applies for the tax abatements.

      Ms. Susel informed Council that when the Community Reinvestment areas were established in the Ohio Revised Code is was primarily residential – single family residential like Aurora and Streetsboro. The primary driver of the CRA program is commercial investment because it provides the real property tax incentive on the larger investments. It is the difference between the pre-development value and the post development value. We have 3 areas: pre 1994 which is automatic based on how legislation was drafted; and two post 1994 which are the ones that come before Council for review and also need approval from the school board.

      Ms. Shaffer asked if a multi-family would come before them if they wanted a tax credit.

      Ms. Susel replied yes, there are commercial and residential and used 345 Flats as an example of being eligible under the CRA program.

    - Tad Brown - Seeking reappointment and was not present to be interviewed.
    - Peter Hans Kierstead – New Applicant - was not present to be interviewed.

- <u>COMMUNITY REINVESTMENT AREAS HOUSING COUNCIL</u> – Mayoral Appointment

  Mayor Fiala announced he will be re-appointing Justin Berthiaume.

- <u>PARKS AND RECREATION BOARD</u> One (1) vacancy. Five (5) year term commencing 1/1/2019 through 12/31/2024.

    - Kim Ball of 1530 Elizabeth Court, Kent was seeking reappointment after serving a 1 year partial term then a full term. She is a 25 year resident and has a 20 year old son, who because of him, is the reason she is here now. She and her son took advantage of Parks and Rec when he was a little kid and once he became too old, she had a lot of time and wanted to give back. It has been a tremendous learning experience and she complimented Mr. Idone and his staff as they do all the hard work for the board. She also learns from the rest of the board, who are a wealth of knowledge as she is the newbie and would like to be considered for reappointment.

Mr. Ferrara asked what the biggest opportunity and biggest challenge is coming in the next 2-4 years.

Ms. Ball stated the biggest opportunity is working with Kent State since the failure of the new wellness building during last year's election. They learned a lot and appreciate the partnership with the university; they have already done a few things and feels there will be a lot more opportunities. It is also going to be a fun challenge and learning experience as she doesn't know a whole lot about what goes on at Kent State and their facilities.

Mayor Fiala asked if she felt our senior programs are adequate.

Ms. Ball stated she will be a senior in a few years so her interest is really peaking but feels we are falling a little bit short with senior program; the partnership with Kent State is going to broaden the opportunities. There also might be some county opportunities in the future.

- Neil Dukes of 399 Suzanne Drive, Kent is a new applicant who has lived here most of his life and has children in the parks and recreation programs. He would like to be a part of the board and bring inspiration and help out with the community. He has an open mind and loving heart.

  Ms. Shaffer asked if was not appointed to Parks and Recs Board, if he would be interested in serving on any other boards.

  Mr. Dukes replied yes he would definitely take that into consideration.

  Ms. Rosenberg hade two questions: if his children were school aged and what is it about the Parks and Recs Board that interests him and made him apply for this board rather than some of the other vacancies that the City has.

  Mr. Dukes replied he has 2 sons in middle school and a daughter in elementary school. Personally, he loves sports and feels a lot can be learned through sports: teamwork, hard work, work ethics, comradery, bringing a lot of kids and their minds together.

  Mr. Sidoti stated it is great and appreciated Mr. Dukes for applying then asked from his perspective, what strengths he sees with our parks and rec board and whole organization.

  Mr. Dukes commented on some of the strengths being community parent involvement, their cheering, love, joy, and support of their kids being participants in the sport; parents always show up at fundraisers which are a key asset and feels he can help grow.

  Mayor Fiala asked Mr. Dukes to please call the Clerk tomorrow regarding being interested in serving other boards and commissions.

- <u>PLANNING COMMISSION</u> One (1) vacancy. Five (5) year term commencing 1/1/2019 through 12/31/2024.

  - Judy Shaw of 145 Fairview Drive, Kent had provided her extensive resume along with her application for Council's review. She also gave a brief presentation as to why she would like to be on Planning Commission ***(See Attachment #1)***.

Ms. Wallach asked if the development on Main Street was her impetus to try to get a seat on Planning Commission.

Ms. Shaw responded no, as she is a Planner in her soul. She works with the University of Akron's Research Foundation and is working to get dredge out of the rivers for beneficial uses; working with Lorain, OH too. She feels these dialogues have to happen within communities and Planners are the best ones to do it.

Ms. Rosenberg asked, in Ms. Shaw's experiences, what is the best way to balance the interests of residents, economic development and also consider environmental protections.

Ms. Shaw stated how she has set up round tables once a month with lawyers, department people, community people, economic people, business people and everybody else talking to each other; focus groups, and coordinating task forces. She has served on an East Main street advisory group. It is very important to get them engaged in a conversation and most importantly, to reflect that you were listening.

Mr. Sidoti stated Ms. Shaw answered one of his questions about East Main Street, and then asked what one of her biggest challenges were when she was the Morristown, NJ Planner for three years.

Ms. Shaw stated "biting her tongue", but was always very interesting because she brought a lot of experience to the table. She would ask questions which led to more intensive discussions and generally ended up with a better answer. It is always challenging when people around the table think they know the right answer and are just doing this pro-forma so they can get through it because they did it and already know what the answer is supposed to be. Those people pose the greatest challenges.

Ms. Shaffer questioned how she would deal with the limitations of the positions as she feels we should just hire Ms. Shaw on staff for this particular position. She won't be able to plan the whole City.

Ms. Shaw thanked Ms. Shaffer and recognizes that and she will find other channels. The limits are there in order to keep it structured and make it move forward.

- Melissa Long of 978 Cottage Gate, Kent reminded Council how she served on Planning Commission for 4 years as well 4 years on Council and would like to serve her community under the new updated planning and zoning code to be passed as revised by this Council.

  At first, there were no questions for Ms. Long as a few members stated "We know you".

  Ms. Rosenberg asked what some of Ms. Long's strengths are she feels she could bring to the commission.

  Ms. Long felt it was her experience, not only with this Council, but also serving 12 years on the Council and 4 years as Mayor for the City where she came from. She has seen the City from planning up through administration and knows how the City works and should operate. She believes Planning Commission should be a prerequisite for every elected official. Planning Commission is the root of where the City comes from. Without the Planning Commission you are unable to set the tone of your community.

- Christopher Clevenger-Morris of 648 Woodside Drive, Kent recently moved back to Kent. He served on Planning Commission for a year after being appointed to an un-expired term, then unfortunately his husband and he moved to the edge of Kent where there was some confusion as to where the City limit lines were so he was unable to finish his term. He is now back in Kent and starting to raise a family and become part of the Kent community. He attended Kent State and never left, he also runs a small business. The year he served on the Planning Commission was very controversial regarding the Starbucks project. He remembers being here many nights until 11:30 p.m. with 102 people in the room. They did everything they could sending the plans back 3 separate times to make sure they were protecting the City, its trees and the livelihood of the residents in that area. He feels he brings a unique perspective having gone through that process. It's important to reach young people in this City to continue to grow over time and if we want buy-in from the KSU students, we have to show there is a place for all people in the City. The commission also just doesn't have the commitment of hearing the voice of the community, it protects the City. He feels he is at a disadvantage because there are 2 amazing people who have interviewed who have an amazing amount of experience. If he is not selected, he will definitely come back and seek another appointment.

  Mr. Turner felt the commission is more proactive than reactive and asked how the commission has the capability to be proactive and work with neighborhoods, identifying areas not in the pipeline and how would he deal with it so the people who live in these neighborhoods, where much more intensive use of property is happening, understand the planning process and stay ahead of the curve.

  Mr. Clevenger-Morris felt a lot of what the commission does is reactive as they have to wait for things to come before the commission before you can comment; but a lot can be said for looking ahead at how some of our properties are zoned. He used the Starbucks issue as an example by putting this business essentially into a small residential space. It was a shock to a lot of people in that neighborhood and concern with the trees being we are a Tree City. People do not realize they have a voice until it is too late. Showing people there is a proactive approach by getting involved early, having roundtable discussions, putting out more than just a sign about a meeting; reaching out in advance to work with the community; working with businesses and other commissions and committees and department heads to find out what has been working well the last 30 years, what hasn't and how can we improve upon it. We have to consider a lot more than just the Codes. At the end of the day if it weren't for the community members, we wouldn't be here.

  Mr. Turner asked how the issue of being proactive would manifest itself that would impact the quality of life of existing neighborhoods.

  Mr. Clevenger-Morris felt being proactive is appropriate in certain circumstances. There are spaces we can be proactive in highlighting and encouraging businesses to go into those spaces versus a neighborhood space. He also felt at the same time there are limitations and the role of the Planning Commission is not to say "bring your business here to this plot", the role is to say you have this plot and what can you do with it within the law while being respectful to the residents and the Code. A lot relies on the City Manager and the staff to say how we get businesses to come to Kent to come to these areas. We can be more proactive, but there are limitations.

  Ms. Shaffer enjoyed Mr. Clevenger-Morris' perspective. If he were not to get on Planning Commission and we keep his application on file, she would hope that when we do the City's comprehensive planning that he would want to participate as a private citizen. She values his deeper perspective of people his age group.

Mr. Clevenger-Morris responded “Absolutely.”

The Mayor asked to clarify that he only applied for Planning Commission; however, there is a lot of parallels with the Board of Zoning Appeals, did it not appeal to him?

Mr. Clevenger-Morris replied how it was not that it didn’t appeal to him, he loved what he did on the Planning Commission; the Starbucks scenario was very difficult, it was out of the frying pan and into the fire. He also pushed to modernize some of the things Planning Commission did to save resources like using his iPad to look at 4 foot prints. He didn’t need someone to drop off a packet to his house every 2 weeks. He loved what he was doing and has a great deal of respect for the other members on the commission, enjoyed that there was clear communication, which sometimes led to playing devil’s advocate to challenge others to see it from both sides. He worked very closely with Mr. Gargan who is leaving the board and would love to continue his legacy. If now is not the time to do that, he is happy to look at the other commissions.

- Dave Mail of 521 Pioneer Drive, Kent currently serves on the Board of Zoning Appeals and is seeking the Planning Commission position. He is old enough that he has planned a lot of things like putting in ground satellite communications for the National Security Agency, worked with the NRL, and put in overseas field stations for the Navy. He joked that all he did in Kent was build a garage. He is a 16 year resident and intends to stay here. The BZA is like getting an allowance, you do what you need to do when people bring it up; the Planning Commission is like getting somebody to manage your 401K. What the Planning Commission does affects Kent. He participated in the start-up of Downtown Main Street Kent for about a year, which is what put him on the zoning commission. The genesis of Acorn Alley came out of the Main Street Kent organization and it is a huge success. The Planning Commission helped do that. The Starbucks incident is what started his interest in the Planning Commission. The Commission, members and the lawyers binds your hands when you really get into it and that is too bad. The Zoning Board and Planning Commission look at what is going to lead to good decisions and to litigation; both are not mutually supportable. He plans on living here a long time with his son and grandchildren and wants to see what happens in Kent; he does not have academic credentials.

- Paul Sellman – withdrew his application

- PARKING ACTION COMMITTEE Two (2) vacancies

  Mayor Fiala announced there were no applicants at this time.

Mayor Fiala thanked everyone for coming to the interviews and explained that Council will not be voting on candidates this evening. Voting and appointment will take place at the next regularly scheduled Council meeting on Wednesday, December 19, 2018.

2. Authorize Resolution of Support for ODNR’s Cuyahoga River Water Trail Designation

Mr. Ruller reminded Council that next year is the 50th anniversary year of the river burning badly and the river has come a long way since then with a number of books written, documentaries, etc. Mr. Idone has been meeting with a group trying to restore this portion of the river. He then referred to Mr. Idone.

Mr. Idone provided a brochure to Council ***(See Attachment #2)*** and gave a presentation ***(See Attachment #3).*** He read from the slides and commented on several of them.

Slide 2: The Cuyahoga River is a symbol of many people's efforts to clean up America's waterways. Famous for catching fire, the Cuyahoga is now sparking excitement. The proposed CRWT will take advantage of new opportunities. It is time to retire the image of the river as the symbol for polluted waterways and restore its place in the community as our most important resource.

Slide 3: The Cuyahoga River drains a watershed of 812 square miles in Northeastern Ohio. From its headwaters near Burton, the river flows south for 50 miles to Akron, then turns abruptly north for 50 miles, emptying into Lake Erie in Cleveland. Although the watershed occupies only 3% of Ohio's land area, it supports over 15% of the state's population.

Slide 12 & 13: Heritage Section: This 10 mile section extends from Lake Rockwell to Waterworks Park. It has both preserved and restored its water quality heritage while paying homage to the history of the river's use. The Kent and Monroe Falls dam removals are two of the many interesting features of this section.

Ms. Rosenberg loves it, it's really cool and thinks the river is an awesome asset. She asked about Lake Rockwell and knows it is outside our jurisdiction.

Mr. Idone spoke over Ms. Rosenberg and stated they are showing it as a Portage area along with a couple places like the dam in Akron that is hopefully coming down in the next 5 years. There is 1 damn in Brecksville that is coming down in the next year. They are slowly getting them out of there. State legislation needs to change that created the law for that compound; however they are open and been a key participant in working with us. They did put in an access point right below the Rockwell dam, opening up the stretch from Lake Rockwell to Riverbend. It a legislative thing that would force that hand.

Ms. Wallach asked if there is going to be constructed Portage around Lake Rockwell. And thinks it is neat that we just put into committee at the last meeting to look into developing our downtown river section.

Mr. Idone stated there is a take-out point before it and a put-in place.

Mr. Amrhein added this is a no brainer and fabulous. He wanted to make sure he was understanding the process: all of these communities will go try to get their Council's support, which will then be submitted to the State of Ohio for designation.

Mr. Idone replied "yes."

Mr. Sidoti asked if the designation will open it up for financing.

Mr. Idone added it should open up funding opportunities for projects on a designated trail v. a project that is not, especially with the way they do point systems; it will be an advantage for that.

Mr. Sidoti questioned if the ODNR will have control over the structure of this.

Mr. Idone commented how basically we have managing partners; there is no budget, so everybody is trying to manage their own sections while trying to create some continuity with what's available.

Ms. Shaffer asked who is spearheading all this.

Mr. Idone replied it has been talked about for the last 10 years and the National Park Services has really come on board with all this doing a 180 from 10 years ago because of water quality issues; Andrea Ireland, who is their river trails planner, has been helping coordinate the group.

Mr. Ferrara stated this is a state designation and asked if Mr. Idone meant to imply if they are also trying to make it a national designation.

Mr. Idone replied yes and the next step would be to get national designation.

Mr. Ferrara continued “so there is national designation already?”

Mr. Idone replied there is not for ours, but there are other national water trails.

Mr. Ferrara stated it is an awesome idea.

Mr. Ruller added how the Cuyahoga River is 1 of 7 American heritage federal designation, so it has one federal designation already.

The audience nor Council had any further questions.

MOTION TO AUTHORIZE RESOLUTION OF SUPPORT FOR ODNR’S CUYAHOGA RIVER WATER TRAIL DESIGNATION made by Mr. Amrhein, seconded by Mr. Ferrara and CARRIED by a voice vote of 8-0.

Hearing no further business before this Committee, Mayor Fiala adjourned the meeting at 8:09 p.m.

Tara Grimm, MMC
Clerk of Council

ACTION RECOMMENDED:

1) **AUTHORIZE RESOLUTION OF SUPPORT FOR ODNR’S CUYAHOGA RIVER WATER TRAIL DESIGNATION**

THE CITY OF KENT, OHIO
FINANCE COMMITTEE
WEDNESDAY, DECEMBER 5, 2018

Chair Michael DeLeone allowed a 5 minute break before calling the meeting of the Finance Committee of Kent City Council to order at 8:33 p.m.

PRESENT:	Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; 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; Mr. David Coffee, Budget and Finance Director; Ms. Melanie Baker, Public Service Director; Ms. Suzanne Stemnock, Human Resources Director; Mr. John Idone, Parks and Recreation Director; Mr. Jim Bowling, City Engineer; Police Chief Michelle Lee; Fire Chief John Tosko and Ms. Tara Grimm, MMC, Clerk of Council.
ABSENT:	Mr. John Kuhar

There were five (5) items on the Agenda.

1. Authorize Proposed 2019 Operating Budget

Mr. Ruller commented how we typically do not go page by page of the thick book Council receives, although we are always willing to do, but we can save a lot of time because most of it does not substantially change. He regrets to say we are not going to get ahead of the curve again anytime soon because our income tax growth has slowed and fallen behind inflation. The dollar doesn't buy as much and we are not getting any more dollars either, which is a double whammy. As a result, the budget doesn't have many bells or whistles, and these are particularly austere times. Cities run in business cycles like businesses do and it seems every 5 years we hit highs or troughs. We came out of the great recessions, made a bunch of investments and came out ahead of the curve and resumed a normal trend. We are still better off than we were, there's no need to panic. It is not as fun to present a budget under these circumstances. We still have better reserves than we have had in a long time. Our debt ratio is exceptional and very low, and are having more incremental investments being made in our community. If Kent State gets rolling on their construction that is planned, it will give us those temporary boosts. We are back down to earth after being in the upper stratosphere where we made some progress, investments, and hired 3 new firefighters to save a lot in overtime pay. The only new thing Council will see in this budget is taking 3 part-time dispatchers, which is a tough job to do part-time, and adding a full-time records clerk. Chief Lee explained it is hard to get people part-time as the back fill time slots of a 24 hour service, which we always ended up using a lot of overtime. Chief Lee has asked for this for a couple years and we feel it is time to make the investment in a full time position to improve the services and balance out financially. Mr. Coffee always takes a very conservative position on all of our finances and we have every expectation to outperform his expectations in terms of expenses because we usually do 10-30%. We have made good progress through the utility funds as Council heard during the Capital Plan presentation, with long-term issues that will need to be addressed; Council took the extra burden off the general fund by doing what they did with the utilities. Both sides of the ledger are diversified, show stability and resiliency. He thanked his administrative assistant Harrison Wicks, Dave Coffee and his staff for doing a terrific job.

Ms. Shaffer asked if the one of the reasons our revenue has slowed is because we are not getting new construction and maybe we need to take a look at one of our biggest industries and our rental housing – are we getting the revenue from that as far as tax dollars. Should we be starting to look under some rocks where we can flush out some revenue sources that are not coming through or look to increasing growth?

Mr. Ruller reminded Council how he sent an email recently regarding RITA sending out to about 7,000 Kent residents their 'you have not paid your tax' letters. We do employ the best tactics we can to make sure everyone is paying their fair share. We do not typically track where our revenues fall short. We usually look at our top 10 list of biggest contributors to income tax. Small businesses are not the issue, there is usually something going on with the bigger companies.

Mr. Coffee stated they have looked at this all year long trying to evaluate where the softening is occurring and it is clear that it is in the withholding of income tax remittances; it is not in the net profit, the net profit is actually holding stead which is where the rental properties would be reflected. He looks at a variety of reports with the top 25 positive and negative variances, and while there are a few employers that jump out as significant, it is spread very broad. It isn't any one particular source. We lost a top 10 employer, which is notable. We are down about 2% compared to last year, which is not a horrible number and translates to about $271,000 through October. At this point, we do not anticipate any significant turnaround on it. The prognosis for next year in income tax is of concern and the expectation is we will level off and not continue to decline; there is no basis for it. Income tax is not our only source of revenue, but it is our primary. Kent State has been in the positive year-to-date comparison, but it is very weak.

Ms. Shaffer followed up with asking to look at our list of property owners we have developed and make sure that they are paying taxes to the City. Many of them are not residents. We can catch residents, but how do we know what we don't know; we need to have some checks and balances. Property owners receive a lot of services and they need to give back.

Mr. Coffee appreciated the concern and he will visit with RITA and see what can be done to explore it further.

Mr. Ruller commented on how the people, who talk to him anecdotally on rental landlords, talk about very favorable tax laws that allow them to show a loss. Because of that he is not sure how much we can achieve.

Ms. Shaffer added "but we could see who files or doesn't file."

Mr. Ruller replied "that's true."

Mr. Coffee stated both their points are valid and a lot of people use that as a tax shelter and an easy write-down of tax obligations. We will continue to assess what we can do to ensure compliance.

Mr. DeLeone asked if we could get into the budget and ask questions later. We need to let Mr. Coffee explain firs.

Mr. Coffee commented how he serves at Council's pleasure, so they can tell him how they would like to proceed.

Mr. DeLeone wants him to present first, then they can ask questions.

Mr. Coffee stated how Mr. Ruller really covered the key points in the budget, but he would also like to give kudos to the management team and their staffs because this is a collaborative effort product. He joked about getting cooperation too.

Mayor Fiala stated they spelled Garret's name wrong.

Mr. Ferrara laughed and said it's been 20 years.

Mr. Coffee apologized as they try to proof everything. The 2019 budget is a rather austere budget. It will be incumbent upon the management team continuing to monitor budgets very closely and take corrective action if necessary at the earliest opportunity. He noted the O & M section has a 7.2% overall reduction from the previous year which speaks to the collective efforts of staff to try to trim where they can.

Ms. Rosenberg asked what O & M was.

Mr. Coffee replied "Operations and Maintenance." We have 3 categories in the budget: personnel payroll related expenses, O & M, and capital expenses. He perceives it as a balanced, solvent budget at the operating budget level. As discussed in the Capital Plan, we do have plans to rely on the reserve fund balances, which will be spent down by design this coming year. We will go through it, if Council wishes, starting with the government section.

Ms. Wallach referred to page 1-1 and asked if the police station funding is included in the revenues.

Mr. Ruller said "the levy."

Mr. Coffee replied yes, it is included, the 2.25% rate.

Mr. Sidoti also referred to the same page and noticed a little bit of a bump in property taxes, then asked if "it is in light of the fact that we are projecting…"

Mr. Coffee interrupted and stated he marked that special page because he anticipated Mr. Sidoti's property tax question.

Mr. Sidoti laughed then said it is about 9 cents on every dollar.

Mr. Coffee remembered that from last year and added there are a couple things to note like how the 2016 property tax was actually higher because of a large delinquent tax collection, which made it artificially high. We are not seeing declines, we are seeing a result of the recent revaluations.

Mr. Sidoti stated the county has not come out with the form yet that everyone glosses over whey they read it, but based on gross figures he thinks we are still only getting about 9 cents on every dollar on property tax.

Mr. Ruller remembers it being even lower, like 5 or 6 cents.

Mr. Coffee could not remember the exact number off of the top of his head.

Mr. Sidoti feels it is important to know because there are still people in our community that believe the city is rolling in all that property tax money.

Mr. Coffee was unable to respond properly as he began choking on his water.

Mr. Ruller joked how "this concludes the budget presentation."

Mayor Fiala asked if he needed a paramedic.

Mr. Coffee said he was OK.

MOTION TO AUTHORIZE THE 2019 OPERATING BUDGET WITH AN EMERGENCY CLAUSE made by Ms. Wallach, seconded by Mr. Amrhein.

Mr. Coffee continued with his presentation.

Mayor Fiala state there was a Motion on the floor to adopt the budget.

Mr. Ruller joked "Keep coughing Dave."

Mr. DeLeone referred to the audience who did not have any questions.

As the vote was being taken and several members were responding “Aye”, Mr. Ferrara asked for a general overview and said he would vote “No” on the Motion.

Ms. Shaffer interrupted that we do not want to vote “No” overall because then we can’t bring it back to the floor.

Mr. DeLeone reiterated this is why he wanted Mr. Coffee to go over it a little before, but he can’t even talk.

Mayor Fiala once again reminded Council we have a Motion on the floor that they have to deal with.

Members asked if they can withdraw the Motion.

Clerk Grimm responded the Motion can be withdrawn.

Ms. Wallach withdrew her Motion. She joked why they made the Motion because they thought Mr. Coffee was dying.

Mr. Coffee continued his presentation on the general government section and noted the decrease in the law budget amount, which is a reflection of the reduced outside expenses for economic development and planning, and also reflects, with kudos to our current law director, less outsourcing that is being done at this point in time.

Ms. Jones stated the budget reflects a decrease of $36,500.00, and that amount, after he took an additional $40,000 from her, is actually $63,875.00.

Mr. Coffee laughed and said let it be noted for the record.

Mr. Ruller added “that’s why he said kudos to the law director.”

Mr. Coffee redirected the money he “squeezed from her” strategically to the I.T. area of the City. Collectively we are striving to work smarter and enhance our management tools, capabilities and knowledge, which we discussed in the Capital Plan. There is a need to understand some of the things going on in the utility billing system and how vital the information is to us so we can be better managers. We can’t keep working with more people and adding staff, we need to work smarter. We’ve gotten by with pretty thin I.T. capabilities overall, so we are trying wrap that up for long term sustainability of our budget.

Mr. Coffee moved onto the Public Safety section and briefly touched on everything being the same service level with exception for the police dispatch 911 and add how this is a public safety issues. The Chief has explained the issue with turnover and retention, and subsequently the full-time staff having to pick up the slack, getting burnout and diminished attentiveness. This is not an area we want to compromise. We are eliminating the 3 unsuccessful part-time positions and replacing with 2 full-time and 1 full-time records clerk. The net difference is about $183,000.00 annual and are hoping to absorb some of that with the reduction in overtime.

Mr. Coffee noted in Transportation we are retaining the same service levels but upped the operating materials and miscellaneous contractual for the anticipated increased price of road salt and durapatch materials to keep the roads in as good a condition as we can.

Mr. Coffee stated the Health department pretty much has the same service levels, with a $48,000.00 increase in expenses. He noted we do not anticipate any further increases in their revenue. We have hovered around a gap between revenue generated and expenses in the Health Department of about $300,000.00 to $390,000.00.

Mr. Coffee continued with Leisure. Mr. Idone has done a commendable job in containing his budget. We

have status quo with him as he is always on top of his budget.
Mr. Coffee thought he should give kudos in Community and Environment as Community Development has given us reductions in all categories over the last 2 years, with one exception of being Community Development itself. The increase reflects the full impact of the new Code Enforcement Officer.

Mr. Coffee stated the debt status is very good and we are about as debt free as we have been and getting close to being more so with the exception of the new administration building. We have created a capacity now to commit to debt for the new building if Council so chooses. He feels the operating budget is a strong budget and appropriate for the time.

Mr. DeLeone asked if Council had questions.

Mr. Turner wants to see what mechanisms we can employ regarding non-compliance of tax payments.

Mr. DeLeone asked if he was referring to what Ms. Shaffer said earlier.

Mr. Turner responded yes and since we already contracted with RITA being our enforcement, he asked if we have identified with them what areas of emphasis are for collection and the possibility for using a housing court to streamline the process, which we have previously talked about.

Mr. Coffee recalls the conversation and it is not easy to answer. To some extent, income tax collection has always depended on voluntary compliance. With the RITA contract we have picked up some additional enhancements with their ability to look at federal returns, state returns, compare and look for something that isn't right or doesn't add up. This generates a lot of the letters and subpoenas they send out.

Mr. Turner asked if there was a way to look at the discrepancy of where we are at and where we are forecasting we should be with where they actually are in order to gain a greater understanding of what opportunities exist for us to collect the money that is owed to us. Are we getting the value we put into it?

Mr. Coffee commented on how there comes a point where you have "dollars chasing dimes"; that is a possibility. At this point he has no knowledge of significant non-compliance with our tax code. We are always willing to accept referral, but he doesn't think we have a systemic failure in the compliance area. To start targeting specific areas, there are a lot of resources that have to be dedicated in order to do that, which has a cost associated with them. There has to be some reasonable basis to expect getting a return on investment, and at this point, he cannot say he has that. We want to use our dollars to our best advantage. We can continue to have dialogue with RITA to see and use the data out there in a more effective and meaningful way for management to identify where those weak spots might be.

Mr. Turner stated the only reason why he brought it up was because he was wondering if there was a facility that might exist with RITA for us to be able to compare where we are at and identify areas that might be beneficial or not.

Mr. Coffee assured Mr. Turner that we are fully using the resources RITA has available to us. We have our annual collective meeting with RITA coming up soon and would be a great opportunity to identify any changes that may have occurred.

Mr. Sidoti asked if it would be helpful, as we get into our rental licensure, if we will then have a better handle?

Mr. Coffee thought there was a possibility that could work hand in hand like building permits do.

Mr. Sidoti doesn't know how we would cross-reference that; owning a rental property as an LLC, which is a flow-through entity, instead of personal taxes and ends up paying 2.25% city taxes on a rental unit's net profit or loss. He would like to believe the vast majority of people are honest.

Ms. Susel commented from the audience that most of them are LLC’s.

Mr. Sidoti agreed and stated they do that for liability purposes; once we get our full licensure in place, we will know the addresses of all the rentals.

Mr. Coffee commented how Mr. Sidoti was highlighting an example of how we can work smarter.

Mr. Sidoti suggested we take that to RITA. He doesn’t believe that under law there is only so much we can do before we get into privacy issues with individual taxes. Once we know what the property is, that is a whole different story. We would end up in court byasking for someone’s personal taxes if we think they own a rental. A list of rentals would be a basis to ask RITA to do a search of us.

Ms. Shaffer added they have to file whether they have a profit or not.

Mr. Coffee stated she was correct.

Mr. Ferrara had a question for Mr. Coffee and Mr. Turner; he asked Mr. Coffee if there is a systematic attempt and significant amount of money that people are cheating the City out of, yes or no?

Mr. Coffee replied that they can call him naïve, but he honestly does not feel we have a significant issue with non-compliance on our income tax code; there are probably some.

Mr. Ferrara continued by asking if at the end of the day, is it not an IRS issue and we are counting on the federal government to catch people who are cheating on their taxes?

Mr. Coffee agreed as the IRS has plenty more resources. We are trying to leverage their information for our benefit to try to determine compliance.

Mr. Ferrara then asked Mr. Turner what makes him think there is a pot of gold out there, and if he has that information, why hasn’t he told Council so the authorities can track it down. It seems we are on a wild goose chase.

Mr. Coffee has spoken to his counterparts in various communities and believes we are in as good, if not better than, many communities with this issue of collections.

Mr. Turner told Mr. Ferrara he wasn’t saying that there was, he was trying to say we don’t know. We don’t know what we don’t know and it has been ongoing. The bottom line is he is asking that we have a discussion with RITA to understand their capabilities and identify who is where. The federal government gets theirs and that doesn’t mean the City is getting theirs, which creates an area of traceability. If we know, we can go after it. We have to worry about the City. He is trying to identify the possibilities. Mr. Coffee does a great job. Let’s identify better mechanisms.

Council nor the audience had any further questions.

MOTION TO AUTHORIZE THE 2019 OPERATING BUDGET WITH AN EMERGENCY CLAUSE made by Ms. Wallach, seconded by Mr. Amrhein, and *CARRIED* by a voice vote of 8-0.

2. Authorize 2018 Budget Appropriations Amendment

Mr. Coffee referred to his Memo to the City Manager dated November 27, 2018, with attachments, outlining the requested budget appropriations.

Council nor the audience had questions.

MOTION TO AUTHORIZE THE 2018 PROPOSED APPROPRIATIONS AMENDMENT AS SUBMITTED WITH AN EMERGENCY CLAUSE made by Mr. Amrhein, seconded by Ms. Wallach, and *CARRIED* by a voice vote of 8-0.

3. Authorize 2019 Budget Allocation Ordinance
Mr. Coffee requested authorization of the 2019 budget allocations.

Council nor the audience had questions.

MOTION TO AUTHORIZE THE 2018 BUDGET ALLOCATION ORDINANCE WITH AN EMERGENCY CLAUSE made by Mr. Amrhein, seconded by Mr. Sidoti, and *CARRIED* by a voice vote of 8-0.

4. Authorize Proposed EPA Loan Agreement for Sanitary Sewer Pump Station
Mr. Ruller stated how Mr. Bowling has been able to borrow at a very competitive rate for $2.1 million. He thenreferred to Mr. Bowling.

Mr. Bowling informed Council how in the southwest side of town we have 2 existing pump stations built in 1960 and 1968, one on Middlebury and the other on Yacavona Park. When he came here in 2007, they were in the Capital Plan to be done. This is another action of deferred maintenance, so how do we try to fund a $2 million improvement. We studied the best way to solve replacing both where they are at. We came up with the best way to eliminate the one on Yacavona and to extend the sewer down to Middlebury and have one pump station in that area. We worked with the EPA to fund the $2.1 million project to get it completed. The EPA offers loans at a below market rate, which right now is 2.39% with an administration fee of about 0.35% compared to the 4-5% we can get on the market which would probably have a $20,000.00 loan origination fee. This is the most cost effective way to get this project finished. It is a significant investment that needs to be done before we have more significant emergency problems in that area.

Mr. Sidoti asked how many years are on the loan.

Mr. Bowling replied 20 years.

Ms. Shaffer questioned the price of the project, is it $2 million? What would it be with Yacavona, what are you saving us?

Mr. Bowling stated that study was done a couple years ago. We looked at the long term life cycle costs. A sanitary sewer will last 100 years, a secondary pump station would have to be replaced in another 50 years. He does not have the numbers with him, however, in the end, from an operational cost, we save significant dollars doing it now.

Council nor the audience had questions.

MOTION TO AUTHORIZE THE PROPOSED EPA LOAN AGREEMENT FOR THE SANITARY SEWER PUMP STATION WITH AN EMERGENCY CLAUSE made by Ms. Shaffer, seconded by Mr. Amrhein, and *CARRIED* by a voice vote of 8-0.

5. Proposed Federal Grants Policy
Mr. Ruller stated this is an important housekeeping item. Ms. Susel, Mr. Bowling, and others are pretty hard about going after federal dollars, and with an austere budget, getting other monies is a good thing. We've had such success that we have had a little more attention to our internal procedures how we manage and track those funds. As part of our audit conversations, we were told we should adopt a standard policy. We did not have any errors or violations, but more administratively have all the checks and balances in place.

Ms. Jones and Mr. Coffee codified the procedures, many of which were already being done, It is an administrative policy which was vetted internally. He then referred to Ms. Jones.

Ms. Jones stated most of the language in this policy is from when departments apply for and receive the grants and comes along with the agency's agreements we get grants with. We were asked to put it all in one policy, we have all looked at it and tweaked it and feel it is for best practices.

Ms. Shaffer asked if this policy came from somewhere else or did she invent this.

Ms. Jones replied the first time she saw it, she received and email from our Controller, Brian Huff in the Finance Department. She was unsure if he drafted it or if it was a suggested policy that came to us.

Mr. Coffee stated it is a shell from GFOA (Government Finance Officers Association) and it was the basis for putting this together.

Ms. Shaffer wanted to know if she could borrow some of the language from it.

Council nor the audience had questions.

MOTION TO AUTHORIZE THE PROPOSED FEDERAL GRANTS POLICY WITH AN EMERGENCY CLAUSE made by Mr. Amrhein, seconded by Mr. Sidoti, and *CARRIED* by a voice vote of 8-0.

At 9:31, after hearing no further business before this Committee, Mr. Amrhein stated there was an Executive Session.

MOTION TO MOVE INTO EXECUTIVE SESSION IMMEDIATELY FOLLOWING IN ACCORDANCE WITH ORC §121.22 (G)(1): *"To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing"* made by Mr. Amrhein, seconded by Mr. Ferrara. On Roll call voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Rosenberg, Mr. Shaffer, Mr. Sidoti, Mr. Turner, and Ms. Wallach. Motion CARRIED 8-0.

MOTION TO EXCUSE MR. KUHAR FROM TONIGHT'S EXECUTIVE SESSION made by Mr. Ferrara, seconded by Mr. DeLeone and CARRIED by a voice vote of 8-0.

Mayor Fiala asked everyone to clear the room so Council could move into Executive Session.

At 9:37 p.m. Council began Executive Session

At 10:00 p.m., Council came out of Executive Session and reconvened the regular meeting in open forum.

MOTION TO CONTINUE THE MEETING PAST 10:00 P.M. made by Mr. Ferrara, seconded by Ms. Rosenberg. On Roll call voting "Yes": Mr. DeLeone, Mr. Ferrara, Ms. Rosenberg, Mr. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, and Mr. Amrhein. Motion CARRIED 8-0.

At: 10:01 p.m. **MOTION TO AUTHORIZE THE 2019 POSITION ALLOCATION ORDINANCE WITH AN EMERGENCY CLAUSE** made by Mr. Ferrara, seconded by Mr. DeLeone and *CARRIED* by a voice vote of 8-0.

MOTION TO AUTHORIZE THE GENERAL COMPENSATION PLAN WITH AN EMERGENCY CLAUSE made by Mr. Ferrara, seconded by Mr. Amrhein, and *CARRIED* by a voice vote of 8-0.

At 10:03 p.m. MOTION TO ADJOURN made by Mr. Sidoti, seconded by Mr. DeLeone and *CARRIED* by a voice vote of 8-0.

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Tara Grimm, MMC
Clerk of Council

ACTION RECOMMENDED:

1) **AUTHORIZE THE 2019 OPERATING BUDGET WITH AN EMERGENCY CLAUSE**
2) **AUTHORIZE THE 2019 CAPITAL PLAN WITH AN EMERGENCY CLAUSE**
3) **AUTHORIZE THE 2018 PROPOSED APPROPRIATIONS AMENDMENT AS SUBMITTED WITH AN EMERGENCY CLAUSE**
4) **AUTHORIZE THE 2018 BUDGET ALLOCATION ORDINANCE WITH AN EMERGENCY CLAUSE**
5) **AUTHORIZE THE PROPOSED EPA LOAN AGREEMENT FOR THE SANITARY SEWER PUMP STATION WITH AN EMERGENCY CLAUSE**
6) **AUTHORIZE THE PROPOSED FEDERAL GRANTS POLICY WITH AN EMERGENCY CLAUSE**
7) **AUTHORIZE THE 2019 POSITION ALLOCATION ORDINANCE WITH AN EMERGENCY CLAUSE**
8) **AUTHORIZE THE AMENDMENT TO THE GENERAL COMPENSATION PLAN WITH AN EMERGENCY CLAUSE**

THE CITY OF KENT, OHIO
HEALTH & SAFETY COMMITTEE
WEDNESDAY, DECEMBER 5, 2018

Chair Jack Amrhein called the meeting of the Health & Safety Committee of Kent City Council to order at 8:13 p.m.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; 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; Mr. David Coffee, Budget and Finance Director; Ms. Melanie Baker, Public Service Director; Ms. Suzanne Stemnock, Human Resources Director; Mr. John Idone, Parks and Recreation Director; Mr. Jim Bowling, City Engineer; Police Chief Michelle Lee; Fire Chief John Tosko and Ms. Tara Grimm, MMC, Clerk of Council.

ABSENT: Mr. John Kuhar

There were two (2) items on the Agenda.

1. <u>Authorize Renewal of Portage County Public Defender Contract</u>
Mr. Ruller explained this is another annual housekeeping item where we partner with Portage County to handle the Public Defender's work, then he referred to Ms. Jones who in her November 28, 2018 Memo to the City Manager explained how "the City spent $1680.00 in 2016 for indigent criminal defendants to receive the public defender's assistance; $1840.00 in 2017, and as of September of this year, the City has spent $1300.00. I expect the 2019 expenditures for this contract to be in the same range as these last few years" and further explained how we are required by law to pay the fees when the defendant's costs are charges that fall under the City Code.

Ms. Wallach asked if our fee is based on the number of defendants use it.

Ms. Jones replied yes and whoever explains to the judge they do not have the money to hire an attorney on their own.

Ms. Shaffer questioned the source of this funding.

Ms. Jones replied how it comes the General Fund and is appropriated from the Law Department's budget.

Ms. Shaffer asked if there were any grants or parts from the county available.

Ms. Jones stated "no" and added how compensation in the proposed contract of the $150.00 per charge is very inexpensive for attorney's fees and feels that is where the subsidizing comes from.

Mayor Fiala told Ms. Shaffer that it is in our budget under the Law Department.

Ms. Shaffer stated she will look at that.

There were no further questions or discussion from Council or the audience.

MOTION TO AUTHORIZE RENEWAL OF THE PORTAGE COUNTY PUBLIC DEFENDER CONTRACT WITH AN EMERGENCY CLAUSE made by Mr. Sidoti, second by Ms. Rosenberg and *CARRIED* by a voice vote of 8-0.

2. City Gas Tank Emergency Services Contract Approval

Mr. Ruller explained how in the Capital Plan we have replacement of the fuel tanks; however, it needs to happen sooner than we hoped as there is water getting into the top of the tanks where there is a mix of water and, according to central maintenance, it can affect our equipment.

There was a Memo to the City Manager dated November 21, 2018 from Mr. Bowling that requested Council's review and approval of the "proposed Gas Tank Emergency Services agreement with Cuyahoga Landmark Incorporated. The agreement includes the installation of a temporary gas/diesel fueling station at the City's Vehicle Maintenance facility located off of Plum Street. The need for the temporary fueling station is predicated on a recent inspection of our underground storage tanks located at the corner of Mogadore Road and Cherry Street. The inspection showed continued degradation of the existing underground storage tanks (USTs). The most significant concerns include water entering the tanks (approximately 1/10" per week) and a bacterial sludge build-up in the bottom of the tanks. The presence of the sludge and/or water in the fuel is a risk to city vehicles which use the fuel from the existing USTs. The need to replace the existing facility has been included in previous year capital plans and is currently in process. Due to the increased regulatory requirements involved in owning and operating our own fueling station, the administration is currently evaluating many options for providing fuel to city vehicles. These options range from building a new station with new storage tanks to purchasing fuel from private vendors to collaborating with other entities in maintaining a joint facility. This evaluation also includes long term planning of our existing property located off of Plum Street to determine if the property is large enough for a permanent fueling facility along with other long term facilities at the site. In order to continue providing necessary services to the citizens of Kent, the service department contacted several private companies to provide a temporary gas/diesel fueling station until a permanent solution is determined. The proposed gas/fueling station agreement is a turnkey lease solution, which includes the installation of an above ground fuel storage facility and dispensing systems for unleaded and diesel fuels for a minimum of one year. The company will maintain the facility, including performing all maintenance and meeting all regulatory requirements. The City will be required to purchase fuel from Cuyahoga Landmark Incorporated for the duration of the agreement. The purchase of the fuel will include a 25 cent per gallon surcharge from the base costs (Marathon Brecksville Branded Rack Cost) to provide the fueling station."

Mr. Ruller then referred to Ms. Baker.

Ms. Baker explained how the underground tanks are inspected annually, we passed inspection, and planned a year ago to have them fixed but with budget and timing, it did not occur and things have since deteriorated. In this year's report, we found out that we have sludge material in the tanks and water seeping in through the tops where the connections are. They looked into 3 different companies for pricing on leasing or loan of above ground and underground permanent and temporary tanks with a slight fuel fee when purchasing fuel through the company. She'd like to enter into a one-year contract with Cuyahoga Landmark at a rack rate through Marathon, which 8-13 cents lower than the state contract bid depending on the day. There will be a 25 cent fee, which includes delivery and maintenance and weekly/emergency deliveries should we run low or the floats not work. This will be temporary as we look for permanent alternatives on our site, with KSU or the CNG facility at PARTA. She anticipates more follow-up meetings in January with regarding cost savings. This affects all vehicles throughout the City, not just Central Maintenance. She found some research on how the City's fueling station is at least 30 years old, dating back to the 1985 county records, which is more than the life expectancy of the tanks. The tanks do hold pressure so nothing leaks out. We do not want to wait any longer so we can remove the fuel and begin eradicating the tanks as well.

Ms. Wallach questioned the advantages of above ground v. underground tanks.

Ms. Baker stated the Fire Chief could answer that question better. Underground tanks are going obsolete because contamination underground can't be controlled; above ground tanks are 2 and 3 walled as well as capacity underneath the tank should there be a leak. There are also emergency factors set up around it as well as emergency shut-offs; they are a lot more structurally sound.

Ms. Wallach asked how vandalism is prevented.

Ms. Baker stated if we were to have a facility on our property, we could do a few things: fence it in or turn itoff and only operated with a card, key or punched in numbers which would also keep track of and control access and provide vehicle feedback to our maintenance department. Should we end up with permanent tanks at our site, they would be up off of Plum Creek far enough behind where the maintenance facility is.

Mayor Fiala asked if it would be at the same location.

Ms. Baker stated it would not be at the same location at the corner of Cherry and Mogadore, it would be up by the facility where we maintain our vehicles, by the yard waste but farther back and out of site.

Mr. DeLeone asked if they have thought about just going to Sheetz.

Ms. Baker replied how they are looking at it but feels the problem with it is the ability to ensure we are getting a good market value for the fuel. State procurement is definitely less. She had an instance where she came from that their floats froze. She did not know they were out of fuel and at 2 a.m. it was hard to get a hold of a manager to authorize the card set-up and $700.00 on her personal credit card to fill snow plow trucks was a little bit of a good lesson. They will definitely be looking into it as a back up to make sure there is always a secondary fuel source for us.

Mr. Ferrara asked if we will eventually dig up the fuels tanks at Cherry and Mogadore.

Ms. Baker replied "Absolutely." They want to get them out of the ground as quickly as possible and make sure there is no contamination or any problems needing to be taken care of. She reiterated that the tanks are still holding pressure so there should not be anything leaking out.

Ms. Shaffer asked if there is anything happening at the site besides fueling.

Ms. Baker stated the site is currently being used by a multitude of people, mostly for storage for Christmas items, police, we have a wash bay, a hydrant for filling, and our leaf and vac trucks; it is a site we continue and will continue to be utilized.

MOTION TO APPROVE THE CITY GAS TANK EMERGENCY SERVICES CONTRACT WITH AN EMERGENCY CLAUSE made by Mr. Ferrara, second by Ms. Shaffer.

Mr. Ferrara felt it was a "good idea" and how it is the 2nd oldest building now that the police department will be torn down and asked if there is anything we can do to make it look more presentable once the work is done would be much appreciated.

MOTION *CARRIED* by a voice vote of 8-0.

Hearing no further business before this Committee, Chair Amrhein adjourned the meeting at 8:25 p.m.

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Tara Grimm, MMC
Clerk of Council

ACTION RECOMMENDED:

1) **AUTHORIZE RENEWAL OF THE PORTAGE COUNTY PUBLIC DEFENDER CONTRACT WITH AN EMERGENCY CLAUSE**
2) **APPROVE THE CITY GAS TANK EMERGENCY SERVICES CONTRACT WITH AN EMERGENCY CLAUSE**