THE CITY OF KENT, OHIO
COMMITTEE OF THE WHOLE
WEDNESDAY, JULY 5, 2017

Mayor Fiala called the meeting of the Committee of the Whole of Kent City Council to order at 7:10 p.m.

PRESENT: **MR. JACK AMRHEIN, MR. MICHAEL DeLEONE, MR. GARRETT FERRARA, MS. MELISSA LONG, 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; MR. JIM SILVER, LAW DIRECTOR; MS. BRIDGET SUSEL, DIRECTOR OF COMMUNITY DEVELOPMENT; MS. MELISSA BAKER, PUBLIC SERVICE DIRECTOR; MR. TOM WILKE, ECONOMIC DEVELOPMENT DIRECTOR; MR. DAVID COFFEE, FINANCE DIRECTOR; MR. JOHN IDONE, PARKS AND RECREATION DIRECTOR; MR. JIM BOWLING; CITY ENGINEER AND MS. TARA GRIMM, CMC, CLERK OF COUNCIL.**

ABSENT: **MR. JOHN KUHAR**

There was 1 item on the Agenda.

1. Interviews for Boards, Commissions & Committees.

Mayor Fiala stated Council is interviewing only one (1) candidate tonight for 2 separate vacant positions: Architectural Review Board and Board of Zoning Appeals. Council will also be considering the re-applications of four (4) current Board members for their positions that are not required to be interviewed:

- Howard Boyle for the Architectural Review Board
- Benjamin Tipton for the Board of Zoning Appeals
- Mary Junk for the Fair Housing Board
- Nadine Gomez for the Sustainability Commission

Mayor Fiala further explained that Council will not be voting on candidates this evening. Council will meet in Executive Session following tonight's Committee meetings. Voting and appointment will take place at the next regularly scheduled Council meeting on Wednesday, July 19, 2017.

Mr. Tim Sahr was the only candidate to be interviewed this evening for both the Architectural Review Board and the Board of Zoning Appeals.

Council members asked as series of pre-prepared questions of Mr. Sahr. Question topics were: the candidates' availability and awareness of the time commitment required to review applications and materials prior to a meeting; the candidates' concerns and community topics that relate to the activities undertaken by the Boards; any prior experience with reading, interpreting and applying ordinances, regulations or any other form of statutory requirements to projects or programs; what is the candidates' general understanding and relationship between the Boards, Community Development Department staff and the Kent City Council; and to describe prior experiences and approach with working as a member of a group that is responsible for making formal decision.

Mr. Sahr thoroughly answered all questions of Council. Some of the topics of interest and general theme of the Mr. Sahr's interests were: the architecture of the City's expansion and renewal in keeping new buildings in character with the older buildings to ensure they flow and fit together; continue the good work

already being done with consistency; he was not aware of any on-point current issues in front of the BZA; interpreting and enforcing the rules as they exists as the BZA does not legislate; see surrounding properties use and lifestyle considered to prevent degradation thereof.

Council thanked Mr. Sahr for interviewing. Mayor Fiala reminded the Council and the candidates that we have interviewed 1 person this evening for 2 separate vacancies. There are candidates previously interviewed to be reconsidered due to Council's recent unanimous Motion to keep applications to various boards and commissions on file for one (1) year.

Hearing no further business before this Committee, Mayor Fiala adjourned the meeting at 7:16 p.m.

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Tara Grimm, CMC
Clerk of Council

ACTION RECOMMENDED:

1) NONE

THE CITY OF KENT, OHIO
COMMUNITY DEVELOPMENT COMMITTEE
WEDNESDAY, JULY 5, 2017

Vice-Chair Robin Turner deferred his position as Chair to Mayor Fiala who then called the meeting of the Community Development Committee of the Kent City Council to order at 7:17 p.m.

PRESENT: **MR. JACK AMRHEIN, MR. MICHAEL DeLEONE, MR. GARRETT FERRARA, MS. MELISSA LONG, 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; MR. JIM SILVER, LAW DIRECTOR; MS. BRIDGET SUSEL, DIRECTOR OF COMMUNITY DEVELOPMENT; MS. MELISSA BAKER, PUBLIC SERVICE DIRECTOR; MR. TOM WILKE, ECONOMIC DEVELOPMENT DIRECTOR; MR. DAVID COFFEE, FINANCE DIRECTOR; MR. JOHN IDONE, PARKS AND RECREATION DIRECTOR; MR. JIM BOWLING; CITY ENGINEER AND MS. TARA GRIMM, CMC, CLERK OF COUNCIL.**

ABSENT: **MR. JOHN KUHAR**

There were 5 items on the Agenda.

1. Discussion on LGBT Public Accommodations Language and Oversight Commission.

Mr. Ruller provided Council with additional information concerning the possibility of adding public accommodations language to the City's Codes for protected classes to possibly create a citizen oversight commission as an alternative appeal and enforcement mechanism. Since Council has just recently expanded the protected class language to include the members of the LGBT community, staff suggests monitoring the impacts of those changes before concluding that the processes that have successfully protected the other classes for years, will not work for the LGBT community and need to be fixed. We have not had 1 complaint in 12 years. The LGBTQ community wants standards raised, be preemptive and proactive, and it simply comes down to timing. He referred to Ms. Susel to discuss the homework done by the committee.

Ms. Susel referred to her Memo to the City Manager dated June 27, 2017 contained within the City Manager's Communication Packet to Council. ***(See Attachment #1).*** Out of the 18 communities, there are many crossover areas. 11 assigned a city employee or complaint officer, some created a board and a designated city employee. The penalties vary from a fine, to a minor misdemeanor ranging from the 1st to 4th degree, were either civil or criminal in nature, and/or included negotiations – mediation. Ms. Susel further explained that our Fair Housing Agency uses negotiations or mediation, then refers to the Ohio Civil Rights Commission. 11 cities have protected classes as we do, but no public accommodations.

Ms. Wallach questioned the laws for the other protected classes.

Ms. Susel said they are in Fair Housing and employment; the penalty is the same. Public accommodations require investigation and civil penalties. For over 20 years, our Fair Housing Agency has been used. Most cities contract out with Fair Housing agencies like we do.

Ms. Wallach stated that there is nothing for ANY class, and this would be new for ALL classes.

Ms. Sidoti said the average person doesn't know there are remedies by filing a lawsuit and questioned if there is any community with a blanket process.

Ms. Susel commented that public accommodations were added both with, and without enforcement. There are only federal law protections.

Mr. Silver agreed with Ms. Susel about the federal law protections. It falls within the criminal category under state or city offenses. There is a simpler way to address the public accommodations issue. The 1st step should be to contact the federal or state civil rights commission. The person would have the right to sue

CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: June 27, 2017

TO: Dave Ruller, City Manager

FROM: Bridget Susel, Community Development Director

RE: Summary Report: Discrimination Enforcement, Penalties, Public Accommodations

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In April, the City of Kent added sexual orientation and gender identity as locally protected classes as part of the City's fair housing regulations, employment practices and posting requirements.

Kent City Council requested that staff conduct additional research and provide a summary report of the various approaches utilized by other communities in Ohio that have similar protected classes with regards to the methodology utilized for enforcement and the assignment of penalties. Council also requested information on communities that provide protections against unlawful discrimination in places that provide public accommodations.

Attached is a spreadsheet that summarizes the requested information. I am respectfully requesting time at the July 5, 2017 Committee session to discuss the information included on the attached report with members of Council and to answer any questions they may have regarding this topic.

Please let me know if you need any additional information in order to add this item to the agenda.

Thank you.

Cc: Jim Silver, Law Director
Tara Grimm, Clerk of Council
Dan Morganti, Grants & Neighborhood Programs Coordinator

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ATTACHMENT #1

Ohio Communities

that Designate Unlawful Discriminatory Practices in Public Accommodations

Community	Public Accommodations	Enforcement	Penalty
Akron	sexual orientation, gender identity or gender expression	Law Dept. manages the processing of complaints and supports the Akron Civil Rights Commission (approved legislation not available yet)	Unknown if different for public accommodation discrimination violations. Under fair housing, it is a misdemeanor, 1st degree
Athens	gender identity or gender expression	Community Relations Commission Receives complaints; facilitates informal discussion; makes referrals for mediation/investigation	Not specifically stated
Bexley	sexual orientation, gender identity or gender expression	Complaint filed with City Clerk of Courts; Referral to City's Prosecuting Attorney	Cease and desist order and/or civil penalty of up to $1,000; any appropriate civil enforcement proceedings
Bowling Green	gender expression or gender identity	Complaint Officer (city employee) reviews, investigates, mediates, holds hearings, etc.	Cease and desist order and/or civil penalty of up to $1,000; any appropriate civil enforcement proceedings
Cincinnati	sexual orientation or transgender status	Complaint Officer (city employee) reviews, investigates, mediates, holds hearings, etc.	Cease and desist order and/or civil penalty of up to $1,000; any appropriate civil enforcement proceedings
Cleveland	sexual orientation, gender identity or gender expression	Manager of Fair Housing and Consumer Affairs (city employee) receives/investigates complaint then makes recommendation on how to proceed to Fair Housing Board	misdemeanor, 1st degree
Cleveland Heights	sexual orientation, gender identity or gender expression	Complaint Officer/Law Dept. representative (city employee) receives/investigates complaint then makes recommendation on how to proceed to Fair Practices Board	civil fine schedule: ranges $500-$50,000
Columbus	sexual orientation or gender identity	Community Relations Commission	Commission can initiate prosecution, if found guilty, minor misdemeanor
Coshocton	sexual orientation	Human Relations Commission hears cases and makes recommendations to the Law Director	Equitable proceedings in a court of competent jurisdiction
Dayton	sexual orientation or gender identity	Executive Director/Hearing Examiner (employee of Human Relations Council) implement program and makes recommendation to Human Relations Council on how to proceed	misdemeanor, 4th degree
Lakewood	sexual orientation, gender identity or gender expression	Community Dev. Director/designee assigned to seat on Human Rights Commission. Investigates and makes recommendation on how to proceed to the Commission	misdemeanor, 3rd degree
Newark	sexual orientation, gender identity or gender expression	Conciliator appointed by Human Relations Commission will investigate and attempt to conciliate the matter	Law Director directed to "bring equitable proceedings in a court of competent jurisdiction"
Olmsted Falls	sexual orientation, gender identity or gender expression	No specific investigation/hearing procedures stated for alleged violations. Aggrieved can "apply to any proper court of record, commission or board for relief for a violation"	First offense is minor misdemeanor; 2nd offense misdemeanor, 1st degree
Oxford	sexual orientation or gender identity	Community Relations Director (city employee) receives/investigates and seeks conciliation if violation is determined to have occurred. If no conciliation in matter, hearing is scheduled with the Community Relations Commission	Civil fine of $100 for first offense; $500 for each subsequent offense
Toledo	sexual orientation	Public accommodations limited to "any service, program or facility wholly or partially funded or otherwise supported by the City. " No investigation/hearing procedures stated for alleged violations.	misdemeanor, 1st degree
Yellow Springs	sexual preference	Compliance Officer (village employee) receives/investigates complaints then advises Village Manager and/or Council	Aggrieved to seek relief through the courts with damages not to exceed $1,000
Youngstown	sexual orientation & gender identity	Executive Director administers activities of the Human Relations Commission. In cases of alleged discrimination, Director refers matter to hearing examiner (attorney) who submits report to Human Relations Commission on findings of fact. Law and recommendations.	misdemeanor, 4th degree

NOTE : 1.) East Cleveland lists it has public accommodations protections, but copy of enacting legislation not available.

NOTE: 2.)The following communities have sexual orientation and/or gender identity as local protected classes, but no public accommodation regulations: Brookpark, Cuyahoga Hts Village, Euclid, Linndale, Maple Hts, Newburgh Hts, North Olmsted, S. Euclid, Shaker Hts, University Hts, Warrensville Hts

after it has been investigated by their board. We added sexual orientation and gender identity, but the federal and Ohio Civil rights Commission will not entertain those types of complaints.

Ms. Sidoti clarified that the federal and Ohio Civil Rights Commission have no policing power, can only determine if there is a case, and offer mediation. The general public does not know this process.

Ms. Susel stated this is why Fair Housing came into play. Very few cases are even sent to the Ohio Civil Rights Commission by the Fair Housing Agency.

Mr. Turner sees value and relevance in moving forward by structuring a commission and creating levels to deal with these types of offenses, but the question is, how do we structure?

Ms. Susel reminded Council that a commission is NOT their recommendation at this time. Their recommendation is to use the Fair Housing Agency which is prudent to see how many cases get filed before moving forward.

Ms. Ruller proposed we create a "new" city operated system and utilize Mr. Silver's original alternative of "criminal offense", a system which is already in place. The struggle is that there is no data because we just made the change to our Code for the process of protected classes.

Ms. Susel interjected that anecdotally, no cities have investigated cases as this is fairly new, and they are using misdemeanor offenses for formal referral which is done through the law department.

Mr. Turner asked where we can be more efficient – civil v. criminal aspects.

Mr. Ferrara felt this is a perplexing topic with Fair Housing and discrimination. He questioned the recourse.

Ms. Susel commented that remedies would be sought through the courts. The Fair Housing Agency has the best findings for merits of cases and handle them through mediation first. We merely get a report and never see the actual mediation. Fair Housing is the expert clearing house.

Mr. Ferrara questioned if we would be creating equality by NOT having protections or by actually adding protections.

Ms. Susel reminded Council that "Sex" is a protected class to Ohio Civil Rights and is implicit to state and federal protections.

Mr. Ferrara inquired what the cost benefit and justification to all parties would be to use misdemeanors.

Mr. Silver clarified that if we choose the criminal route, the police would handle the complaint, write a ticket which would be handled in municipal court where the offender would be fined or jailed. It would be pursued just like any other criminal case. The Judge would be the one to find guilt.

Mr. Ruller felt our law department could employ the same mediation or criminal offense in parallel. For 20+ years we have been very happy with the mediation approach, which is not perfect, but functional. There could be criminal charges pursued if unsatisfied with the mediation approach.

Ms. Susel provided an example of mediation for a familial status complaint, where the outcome was simply mediation used as an opportunity to educate the offender.

Mr. Ferrara stated we would need to include all classes, not just the one.

Ms. Wallach recognized that we could easily decide tonight to put our law department in charge of complaints and not need any additional staff, like a pilot program – use the law department with their discretion of criminal charges.

Ms. Susel wants us to use the Fair Housing Agency.

Mr. Wallach disagreed because those laws are different than public accommodations.

Mr. Silver pointed out we can change any law that is currently on our books. He clarified that criminal laws would get handled like any other case, so no one violates. It is no different than the 100's of noise complaints his office handles.

Ms. Wallach asked about our current compliance officers providing mediation.

Ms. Susel felt that this is "well outside their skill-set."

Mr. Ferrara believes that there is a trial period already existing with the Fair Housing Agency. We already have the opportunity through Fair Housing for this to be prevented.

Ms. Susel thought the Fair Housing Agency or our law department could handle mediation first. We need to see the nature and extent of the complaint before laws are drafted. Laws need to be crafted thoughtfully and carefully.

Ms. Shaffer questioned if the Fair Housing Agency covers "any kind" of complaints.

Ms. Susel stated that "public accommodations" would have to go through our law department.

Ms. Shaffer felt it makes sense to go to the mediation table first and then pursue criminal charges, if necessary.

Mayor Fiala referred to the audience for comments.

Tiffany Jones of 331 Lake Street, Kent mentioned how we have already heard from both sides and reminded Council that they are the elected voice of the City of Kent. Most citizens are not already protected. We want this now, not wait and see if something happens. Kent's reputation and laws should match. As part of the fabric of this City, a lesbian, and voting member of the City, Council needs to do something now.

MJ Eckhouse of 123 Crain Avenue, Kent asked the City of Kent to protect the LGBTQ community as they are not protected under the state and federal level. They want equal, not special rights. Of the 18 cities with protocols in place, there has not been an increase in cases nor has it caused an increased cost to the cities. MJ felt these added protections would attract more businesses and homeowners to Kent. This is a good thing and Kent is known as a leader in Ohio; it has a reputation. Examples do not exist because there isn't a mediating body. He referred to encountering a lesbian couple at Heritage Fest who began to cry because when their employer found out they had gotten engaged, they were fired. The state will see there is a need for protection if more cities apply protections.

Lee Brooker of 814 Hudson Road, Kent represented himself as a straight ally of the LGBTQ community. He felt Council should support the strongest possible protections and a local commission was a good idea. Penalties should be imposed on employers, landlords, etc. and should be stronger than a misdemeanor. He respectfully disagrees with the City Manager on timing; in 3-6 months people could be hurt.

Alice Frietas of 1287 Anita Court, Apt. 302, Kent understood the sentiment to build a damn without a lake. Public accommodations come up every day. We need to be preventative and are at a stage and turning point to protect all citizens of Kent. Discrimination cases are going to be there; the cost of a City employee is well worth it. People would be willing to pay more on their taxes to prevent discrimination. We work, play and live in Kent. It is the elected officials' duties to protect those who need it most. Kent needs to be a shining City, a leader, not a follower.

Erica Frankle of 8138 Main Street, Franklin Twp. spoke about how she has clients and family, and shops in the City of Kent. We live "inside the bubble". She has heard 48 years of repetition on gender and sexuality. She discussed data v. anecdotes. We see discrimination every day. Council needs to believe the LGBTQ community who continues to come before them. A Point of Order was called on Ms. Frankle for addressing the audience instead of the Mayor. She had no further comments.

Linda Myles of 1169 Winward Lane, Kent is a straight resident and loves the welcoming and diversity of Kent with its blended families and working together. She would like to see more protections for the LGBTQ community. Kent can be a trendsetter. She is proud of Kent and would be even more so if rules, restrictions and consequences were put in place for those who need it.

Lee Strigulum 1433 Cedar Street, Kent made known how on July 4th the Country declared that all men are created equal. Things change, the definition of "men" is different than our founding fathers' definition. "All" does not mean "all". We cannot change the federal or state level, but we do have the power to control what is in our City. There is "no switch"; it is a mundane topic and an important switch. Actions are based on biased traits that we have no control over. Council needs to flip that switch now and not 6-12 months from now.

Karen Austin of 951 Hemlock Hills, Apt. C, Akron, claimed she is a straight, white, Christian woman who was born privileged and never experienced discrimination. She has had to learn how to fight for others. She comes to Kent quite often and stated Council needs to listen to their "data" which is right here in this room. Numbers aren't going to tell you anything, the people sitting here are.

Hearing no further comments, Mayor Fiala referred back to Council.

Ms. Shaffer commented that it makes sense to extend public accommodations for all groups.

Ms. Susel said it would have to cover *all* classes.

Ms. Wallach would like to see expanded coverage, start with mediation with the law director, and then allow him to make the decision if it should be charged as a misdemeanor. We could set this up tonight then re-address it in 2-3 months. At that time, we can decide if we need to add another staff person.

Ms. Silver stated he can live with all that Ms. Wallach is recommending. He also wanted to clarify that as a City we can only charge with misdemeanors. Felony charges are decided by the state.

Mr. Sidoti would like to see one motion to consider public accommodations that covers everyone; consider the next step as a pilot with the law director and allow him to set up a process for violations.

Mr. Silver asked Council if they would prefer a 2-step or 1-step criminal offense.

Mr. Sidoti felt that no one deserved to be discriminated against and we should consider both options. What do we do if it is violated?

Mr. Silver referred to Ms. Shaffer's point of using mediation first v. using criminal charges.

Mr. Ferrara agreed with Ms. Wallach and Mr. Sidoti in providing public accommodations to all classes, enacting a protocol and have it automatically go to our law department. We could write an Ordinance.

Mr. Ruller interrupted that there is value in the mediation process, which has been fairly successful. We could utilize a criminal hammer if needed and go with whatever it is Council is comfortable with. He also interjected that we were getting a bit in the "weeds". If Council wants the law department to be a point of contact, we also can't overlook a misdemeanor.

Ms. Susel would like to see mediation first, then misdemeanor charges, possibly for a 2nd offense.

Mr. Silver clarified that mediation is different than investigation or a police investigation, which would have to go through the court process.

Mr. Ferrara commented what comes first, the chicken or the egg. We need to get public accommodations non-discrimination on the books. What is the mechanism to do that?

Ms. Susel commented it is the same thing. Violation of public accommodations would be charged with a misdemeanor, but only after using Mr. Silver as the 1st step for mediation purposes.

Mr. Ferrara thanked Ms. Susel for suffering through his ignorance.

Mr. Sidoti reflected upon the 25-30 years where in the school system if young people were picked up for serious misdemeanors, they went through a diversion program. Is this the same kind of thing?

Ms. Susel said it is the exact model they use in Community Development.

Mr. Sidoti asked if the Clerk had ever received a copy of the "petition" signed by the community and business owners supporting the discrimination against the LGBTQ community.

Clerk Grimm responded she did not receive a copy of a "petition", but recalled information and letters provided by members of the audience which were included as an attachment to minutes.

Mayor Fiala thought Mr. Sidoti was getting the "petition" mixed up with other petitions that have been filed with Clerk Grimm.

Mr. Turner agreed with Mr. Ruller and the need for numbers. There are limitations to resources and we need to focus on an address this totally unacceptable behavior. He reiterated Mr. Ruller's statement that "we are constrained". Criminalizing this difficult situation may be appropriate, however, can we provide the follow through as a City? He commented that he himself falls into one of the protected classes and we need to find out the "What" first and move forward, if effective. We can't put the cart before the horse.

MOTION TO AUTHORIZE ANTI-DISCRIMINATION PUBLIC ACCOMMODATIONS TO ALL PROTECTED GROUPS made by Ms. Shaffer, seconded by Mr. Ferrara.

Ms. Shaffer wants to see our policies match our practices.

Mr. Ferrara feels it is a great way to define what we are not going to allow when it comes to discriminatory behavior by people and it is a great start to fixing a bigger and broader problem.

Ms. Wallach had a question for Mr. Silver, but will wait until after the Motion.

Mr. Sidoti is saddened by the idea that we have to legislate what should be appropriate behavior towards a decent human being, regardless of race, color, creed, who they sleep with, who they marry, where they live, what their beliefs are regardless if we like their beliefs or not. That fact that we don't know how to be appropriate with one another is terribly offensive to him that we have to legislate appropriate behavior.

The Motion PASSED by a voice vote of 8-0.

MOTION TO HAVE THE CITY MAKE IT A CRIME FOR DISCRIMINATORY BEHAVIOR AND SHOULD GO THROUGH MEDIATION WITH THE CITY'S LAW DEPARTMENT PROCESS BEFORE FILING CRIMINAL CHARGES TO SEEK RESOLUTION OF THE ISSUES, WITH AN INCREASED PENALTY FOR A 2ND OFFENSE made by Ms. Wallach, seconded by Mr. Amrhein.

Ms. Wallach was happy to see teeth behind what we want to do and give the law department flexibility for a 1st option before we have to go to criminal courts.

Mr. Amrhein applauded Mr. Sidoti's comments. He commented how Mr. Sidoti said it best and it was alluded to that maybe we should wait for the state to take action, but HB160 "The Ohio Fairness Act", with who sits in our General Assembly right now, has absolutely no chance to pass. We can't wait for the state, we have to do something now.

Ms. Shaffer piggybacked with leading from below as far down as the City level is becoming increasingly important and we should not shy away from these opportunities to make life better for our residents. We can also create a kind of ground-swell that can influence the layers above. She began to speak about mediation.

Mr. Ferrara and the Mayor called a Point of Order and asked Ms. Shaffer to only speak to the Motion.

Ms. Shaffer stated her comment *is* on the Motion, since the word "mediation" is in the Motion. She feels that it is a great way to go first because we are not a city that just penalizes people, it has an educational focus. It is about empowering and understanding and not necessarily shaming.

Mr. DeLeone made a Motion to Amend the current Motion on the floor.

MOTION TO **AMEND** THE PREVIOUS MOTION BY ADDING A "REVIEW IN 1 YEAR" TO THE ORIGINAL MOTION TO HAVE THE CITY MAKE IT A CRIME FOR DISCRIMINATORY BEHAVIOR AND SHOULD GO THROUGH MEDIATION WITH THE CITY'S LAW DEPARTMENT PROCESS BEFORE FILING CRIMINAL CHARGES TO SEEK RESOLUTION OF THE ISSUES, WITH AN INCREASED PENALTY FOR A 2ND OFFENSE made by Mr. DeLeone, seconded by Mr. Ferrara for purposes of discussion.

Mr. DeLeone commented that the review will be needed to see if we, as Council, need to do more.

Mr. Ferrara said this will allow us to review the data in a year on how many cases have been heard and what the results were TO see if we need further protections.

Mr. Sidoti clarified that after 1 year, we are not looking to take the law off the books, we want to be able to re-visit it to do more.

The Amendment was CARRIED by a voice vote of 8-0.

MOTION TO HAVE THE CITY MAKE IT A CRIME FOR DISCRIMINATORY BEHAVIOR AND SHOULD GO THROUGH MEDIATION WITH THE CITY'S LAW DEPARTMENT PROCESS BEFORE FILING CRIMINAL CHARGES TO SEEK RESOLUTION OF THE ISSUES, WITH AN INCREASED PENALTY FOR A 2ND OFFENSE AND TO BE REVIEWED IN ONE (1) YEAR was CARRIED AS AMENDED by a voice vote of 8-0.

Mayor Fiala stated this was a very hard decision and commended the staff for the homework they have done on this and we will be talking about it in a year again.

Ms. Silver asked for clarification that Council wanted an increased penalty for a 2nd offense.

Ms. Wallach stated she said that in her original Motion.

2. Lappin Farm Right-of-Way Dedication.

Ms. Susel explained how Newcomer Road re-platted 5 separate parcels and are dedicating a Right-of-Way to the City. Council needs to pass an Ordinance accepting the dedication.

MOTION TO ACCEPT THE DEDICATION OF LAPPIN FARM NEWCOMER ROAD RIGHT-OF-WAY TO THE CITY OF KENT made by Mr. Amrhein, seconded by Mr. DeLeone, and CARRIED by a voice vote of 8-0.

3. City Hall Project Update.

Mr. Ruller explained there are 7 architectural firms who submitted RFQ's to the City. Administration needs input from Council and feels that a small committee of the Mayor and the 3 At-Large Councilpersons could represent Council and sit in on the internal selection process. He then referred to Ms. Baker.

Ms. Baker is excited to be a part of this project as she loves working on new buildings. She reiterated Mr. Ruller's comments regarding the need for Council to be a part of the internal staff, which currently consists of: Mr. Ruller, Mr. Silver, Mr. Bowling, Ms. Susel and herself. The committee plans on meeting on July 24th to narrow down the 7 applicants to 3 or 4 applicants. Once they are narrowed down, each firm would be given an hour to present, then we could make a decision and begin negotiations.

Ms. Wallach questioned the weeding out process.

Ms. Baker reminded Council that this is only a Request for Qualifications (RFQ) and grades the firm's qualities only.

Mr. Ferrara asked if we are including any other Architectural Review Board members or leaders in the community.

Ms. Baker clarified for Council that IT is a little too early in the process to bring those people in, but is part of the next step.

Mr. Ruller mentioned his assistant, Mr. Wicks, had commented on how one resident wanted to see the new City Hall look like a "tee-pee", which he represented by a drawing on the whiteboard in the City Booth at the Heritage Festival.

Mr. Sidoti asked if there will be some kind of syllabus on what the At-Large Council people should be looking for.

Mr. Baker explained that there are already "point sheets" created for each firm.

Mr. Sidoti asked if Council would want him to recuse himself if he knows one of the Architects so the decision would be fair and impartial.

Ms. Baker stated she would like to think that "Council is always fair and impartial."

Ms. Shaffer questioned if any weight will be given to local design firms or for environmental designs.

Ms. Baker stated "yes, it is in the list."

MOTION TO AUTHORIZE A COMMITTEE CONSISTING OF THE MAYOR AND THE AT-LARGE COUNCIL PERSONS FOR PURPOSES OF THE CITY HALL PROJECT made by Mr. Ferrara, seconded by Mr. Amrhein and CARRIED by a voice vote of 8-0.

4. LN Gross Building Redevelopment Lease Agreement.

Ms. Susel stated she is requesting authorization for 6 parcels for parking in the W. River neighborhood. There is a legacy of environmental conditions which has caused a conversion to a lease agreement. As stated in her Memo to the City Manager dated June 27, 2017 and in the City Manager's Communication packet to Council: there is a need to replace the previously approved property sale agreement (for the construction of parking lots adjacent to the LN Gross building on Gougler Avenue to a lease agreement. After Council's approval of the land sale agreement environmental soil conditions were found to be present on portions of the City property that will require the City to clean up and/or mitigate. The lease agreement allows the redevelopment of the property to continue while the City completes the necessary environmental work. The discovery of the environmental soil conditions precludes the ability of the City to sell the property until the necessary environmental actions can be completed. Under the lease agreement the City will not be paid ($200,000) for the property but the City maintains ownership of the land while the developer agrees to perform all of the infrastructure improvements on the City owned land.

Ms. Sidoti clarified that original they were to maintain the land and we are looking to revert back to the original plan.

Ms. Wallach asked specifically what the environmental concerns were.

Ms. Susel stated previously there were a drycleaner and an automotive dealership on the property and there is some leakage that needs monitoring, hence the reluctance to transfer property ownership at this time.

Ms. Long read from an email Council received form Mr. Ruller: "The records show that the City purchased

these properties in 2003 and the waste by product is believed to be a legacy of the businesses that owned the properties before us -- but as the current owners we are obligated to take the appropriate corrective measures. There is nothing revealed so far that would suggest any imminent health hazard but we plan to install monitoring wells at various locations to better define the extent of the migration. We learned from the Sales property clean up that the vapors of this byproduct can seep into homes so we plan to try to get some of the townhome units air quality tested. Those units are designed with garages on the ground floor and that generally helps protect from vapor exposure and if anything is found, the remedy for vapor intrusion is a relatively inexpensive "radon-like" fan and vent system. Likewise, the plans to build a parking lots on the site is helpful because the surface lots act like a cap on the soil which is generally considered a good way to keep vapors contained and to keep water from seeping through the soil and allowing the by product to migrate further off site." She was concerned with the health of the residents.

Ms. Susel explained that the vapors are not migratory and that is why they are testing the garages closest to the old dry cleaning site, remediation is the same process as if radon were to be found.

Ms. Long questioned if it is our decision to remediate or the EPA's.

Ms. Susel clarified it is our environmental scientists decision.

Ms. Long questioned the length of the lease.

Ms. Susel stated it is "75 years."

Ms. Long asked who maintains the land.

Ms. Susel further explained that they will improve and maintain the land.

Ms. Shaffer was curious if public access will still be maintained.

Ms. Susel stated "yes".
Ms. Long then questioned the name of the lessee, because she finds it returns to a "Timothy Reardon", not the name on the lease.

Ms. Susel explained the name 315RFK, LLC is created for legal purposes.

Mr. Silver clarified that the name may be the "statutory agent" not necessarily the owner or managing representative.

Ms. Wallach asked when construction will start.

Ms. Susel stated in 2 weeks they come before the Planning Commission and construction will start July 24, 2017.

MOTION TO AUTHORIZE THE LEASE AGREEMENT IN REPLACEMENT OF THE LAND SALE AGREEMENT WITH LN GROSS made by Ms. Shaffer, seconded by Mr. Amrhein and CARRIED by a voice vote of 8-0.

5. Discussion of Council Referral to Create a Senior Citizen's Advisory Committee.

Ms. Long would like to see a committee created to oversee a "Senior Center" that is run by City Council, uses personnel through the City Manager, and Council make the budgetary decisions based on the size of the center.

Ms. Sidoti attempted to clarify what Ms. Long was asking for. We already have a bond issue in discussion to support the building of a new health and wellness center.

Ms. Long said this is not the same.

Mr. Sidoti questions if Ms. Long was looking for City council to carve $300k-$500k out of their budget for a "Senior Center".

Ms. Long said yes that is what she wants.

Ms. Wallach questioned if this is being done through Council v. an advisory committee. Council needs some kind of information first.

Ms. Long stated she would provide information.

Ms. Shaffer agreed that they need other information; we already are trying to build a new recreation center. She'd like to see more information on the types of centers and make a decision on which kind we would like to promote.

Ms. Wallach asked Ms. Long exactly what her definition of a "Senior Center" was.

Ms. Long said it would consist of a separate area or building and be informational and host programs to ensure seniors are informed.

Ms. Amrhein interjected that Ms. Long needs to bring some kind of information forward to Council, otherwise we could talk about this topic all night.

Mr. Ferrara asked if the new Parks and Recreation's proposed Wellness Center would consider the seniors.

Ms. Long stated "yes that would be a perfect place", however she doesn't feel Parks and Recreation should "run" it.
Ms. Wallach commented that the same information could be disseminated to the seniors through the Health Center.

Ms. Long thought Council may be confused as there are 2 different definitions of a "Senior Center".

Ms. Sidoti commented that he is "lost". We are already proposing a "multi-purpose" center, which includes the seniors, health services, programs, etc. He would like to see some samples of what Ms. Long is referring to.

Ms. Long reiterated "Senior Center" has to include the creation, running, money, location and "what" is it.

Mr. Ferrara asked if Mr. Idone could give his interpretation of a "Senior Center".

Mr. Idone strongly believes in an "inter-generational" building, a destination for all ages. We would dedicate room for the seniors as well as all the other amenities to the seniors. It only makes sense to do this from a staffing perspective and be able to provide political information and educational opportunities. The concept of a Health and Wellness Center is general in nature, and that's why we are looking to put this on the ballot and move forward with RFQ's. Mr. Idone doesn't believe in the "Stand-alone 1970's design and planning" of a senior center.

Mr. Turner questioned the difference between "senior education" and "senior politics."

Mr. Idone felt we could partner with other agencies.

Mr. Amrhein reiterated his earlier comment that Council needs information or an idea to even formulate a decision.

Ms. Shaffer agreed with Mr. Amrhein. She would also like to have Mr. Idone bring forward information as well. She informed Council that in Aurora, the seniors are given dedicated space in their new facility. The budget or other options where Council could pay separately for a portion or integration of programming could be a possibility. Her 2 biggest questions were "Who" and "What".

Hearing no further business before this Committee, Mayor Fiala adjourned the meeting at 9:12 p.m.

Mayor Fiala called for a 5 minute break.

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Tara Grimm, CMC
Clerk of Council

ACTION RECOMMENDED:

1) **AUTHORIZE ANTI-DISCRIMINATION PUBLIC ACCOMMODATIONS TO ALL PROTECTED GROUPS.**
2) **HAVE THE CITY MAKE IT A CRIME FOR DISCRIMINATORY BEHAVIOR AND SHOULD GO THROUGH MEDIATION WITH THE CITY'S LAW DEPARTMENT PROCESS BEFORE FILING CRIMINAL CHARGES TO SEEK RESOLUTION OF THE ISSUES, WITH AN INCREASED PENALTY FOR A 2ND OFFENSE AND TO BE REVIEWED IN ONE (1) YEAR.**
3) **ACCEPT THE DEDICATION OF LAPPIN FARM NEWCOMER ROAD RIGHT-OF-WAY TO THE CITY OF KENT.**
4) **MOTION TO AUTHORIZE A COMMITTEE CONSISTING OF THE MAYOR AND THE AT-LARGE COUNCIL PERSONS FOR PURPOSES OF THE CITY HALL PROJECT.**
5) **MOTION TO AUTHORIZE THE LEASE AGREEMENT IN REPLACEMENT OF THE LAND SALE AGREEMENT WITH LN GROSS.**

THE CITY OF KENT, OHIO
FINANCE COMMITTEE
WEDNESDAY, JULY 5, 2017

Chair Michael DeLeone called the meeting of the Finance Committee of Kent City Council to order at 9:26 p.m.

PRESENT: **MR. JACK AMRHEIN, MR. MICHAEL DeLEONE, MR. GARRETT FERRARA, MS. MELISSA LONG, 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; MR. JIM SILVER, LAW DIRECTOR; MS. BRIDGET SUSEL, DIRECTOR OF COMMUNITY DEVELOPMENT; MS. MELISSA BAKER, PUBLIC SERVICE DIRECTOR; MR. TOM WILKE, ECONOMIC DEVELOPMENT DIRECTOR; MR. DAVID COFFEE, FINANCE DIRECTOR; MR. JOHN IDONE, PARKS AND RECREATION DIRECTOR; MR. JIM BOWLING; CITY ENGINEER AND MS. TARA GRIMM, CMC, CLERK OF COUNCIL.**

ABSENT: **MR. JOHN KUHAR**

There were 3 items on the Agenda.

1. Proposed Ballot Legislation for New Parks and Rec Facility.

Mr. Ruller began in general terms, how the millage came back from the County lower than projected. If the Bond were to pass the election, it would pay for the new Parks and Recreation Facility. He cautioned Council that there is always uncertainty about the operating expenses of the new facility. Administration is supportive but worried as the General Fund is not in a position to be a "back-stop" and wanted to make that point clear and on the record. Parks and Recreations could include an "operating levy", however that is not going to happen at this price point.

Mr. Coffee stated Mr. Ruller framed the position fairly. Mr. Idone and he provided all relevant information before Council. If the voters approve the bond issue, project costs are not a concern. The question is from the operating side – can we generate the revenue required to run the facility? Mr. Coffee put this entire matter through a "stress test" using a pessimistic perspective and stated that we had our outside financial advisors work on this as well. Membership would need to be 16% and increase to 20% in year 5 to break even on operating expenses; if membership was only 11% and increased to 16% in year 5, there would be a $350,000.00 annual deficit.

Ms. Shaffer asked about the millage of 2.88 now being 2.28 and what the cost would be for a home worth $100,000.00, average per year.

Mr. Coffee reminded Council that it is at 35% of the appraised value of a home, so a home worth $100,000.00 would pay $88.19 per year for 28 years.

Mr. Sidoti asked if the bond is passed by the taxpayers, will the programming be managed in the new facility.

Mr. Idone responded how currently we rent gyms, 3 churches, extra gyms on weekends as well as other cities' gyms. Those costs would be off-set as well as for the fitness center's costs. It would free up rent and utilities amounting to $50,000.00 - $60,000.00 per year. Currently the operations have 7 full-time and 22 part-time employees, which would drop to 5 full-time and 18 part-time employees saving another $210,000.00. He needs everyone to believe in this as a project and a proactive approach to the health

care crisis.

Mr. Sidoti questioned if Mr. Idone has heard from any of the naysayers, or users of the Kent State Recreation Facility, or comments about additional property taxes. He always believes it is good to let the voters decide.

Mr. Idone reminded Council that the Kent State facility is paid for by the students. It is part of their school fees.

Ms. Long reiterated comments about real estate owners and taxpayers. She stated 50% of the residents are age 55 and older. In order for this to pass we need to convince the senior citizens we are giving them "something" for that $100.00 more in yearly taxes. She also reminded Council that Mr. Idone would be able to bill insurance companies or Medicare for certain programming, which is revenue for Parks and Recreation.

Ms. Shaffer asked if Mr. Idone knew what the membership cost or fees were going to be for the new facility – would it be $25.00 per person per month or would there be a sliding scale for couples v. a family?

Mr. Idone commented that the membership fees would be less than half that of the Kent State Facility which is $830.00 per year for 1-2 people and $950.00 per year for 3 or more persons.

Mr. Amrhein interjected that as an Alumni, he pays $400.00 per year which includes a parking pass.

No one in the audience had any questions.

MOTION TO APPROVE THE PROPOSED BALLOT LEGISLATION FOR THE NEW PARKS AND RECREATION FACILITY WITH AN EMERGENCY CLAUSE made by Ms. Shaffer, seconded by Ms. Long. The motion CARRIED by a voice vote of 8-0.

Ms. Shaffer is excited for a new year-round facility and has always been jealous of other communities that have this type of thing.

Ms. Long feels this is a marvelous thing as we are a large community that can benefit no matter what their age.

Mr. DeLeone moved onto the next item.

2. <u>City Bond Anticipation Notes Renewal.</u>

Mr. Coffee stated he is requesting authorization for 5 Note issuance Ordinances, 4 for existing outstanding notes and the last one being a new 1-year Note for the last of the debt of the New Police Facility project. With the current market evaluations, bringing the 5 of them together is the most cost effective.

Mr. Sidoti asked if it is true that our indebtedness is still lower than most communities.

Mr. Coffee claimed that is a "fair characterization"; we are almost there and completely paid off with a dedicated revenue source. Pilots pay the parking garage debt, therefore this debt is out only obligation.

Mr. Sidoti commended Mr. Coffee and the City for their hard work and efforts.

No one in the audience had any questions.

MOTION TO AUTHORIZE THE CITY BOND ANTICIPATION NOTES RENEWAL WITH AN EMERGENCY CLAUSE made by Mr. Sidoti, second by Mr. Amrhein. The motion CARRIED by a voice vote of 8-0.

3. Authorization of City Surplus Property Auction.

Mr. Ruller referred to Ms. Baker who reminded Council there was a complete list of the surplus property contained in their City Manager's Communication packet.

Ms. Baker made a couple of clarifications on the list.

Council nor the audience had any questions.

MOTION TO AUTHORIZE THE CITY SURPLUS PROPERTY AUCTION WITH AN EMERGENCY CLAUSE made by Mr. Amrhein, seconded by Ms. Shaffer. The motion CARRIED by a voice vote of 8-0.

Hearing no further business before this Committee, Chair DeLeone adjourned the meeting at 9:50 p.m.

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Tara Grimm, CMC
Clerk of Council

ACTION RECOMMENDED:

1) **APPROVE THE PROPOSED BALLOT LEGISLATION FOR THE NEW PARKS AND RECREATION FACILITY WITH AN EMERGENCY CLAUSE.**

2) **AUTHORIZE THE CITY BOND ANTICIPATION NOTES RENEWAL WITH AN EMERGENCY CLAUSE.**

3) **AUTHORIZE THE CITY SURPLUS PROPERTY AUCTION WITH AN EMERGENCY CLAUSE**

THE CITY OF KENT, OHIO
LAND USE COMMITTEE MEETING
WEDNESDAY, JULY 5, 2017

Chair Garret Ferrara called the Land Use Committee Meeting to order at 9:50 p.m.

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

ALSO PRESENT: **MR. JERRY T. FIALA, MAYOR AND PRESIDENT OF COUNCIL; MR. DAVE RULLER, CITY MANAGER; MR. JIM SILVER, LAW DIRECTOR; MS. BRIDGET SUSEL, DIRECTOR OF COMMUNITY DEVELOPMENT; MS. MELISSA BAKER, PUBLIC SERVICE DIRECTOR; MR. TOM WILKE, ECONOMIC DEVELOPMENT DIRECTOR; MR. DAVID COFFEE, FINANCE DIRECTOR; MR. JOHN IDONE, PARKS AND RECREATION DIRECTOR; MR. JIM BOWLING; CITY ENGINEER AND MS. TARA GRIMM, CMC, CLERK OF COUNCIL.**

ABSENT: **MR. JOHN KUHAR AND MS. TRACY WALLACH.**

There was 1 item on the Agenda.

1. Consideration of City Support for the Paris Climate Agreement.

Mr. Ruller stated that before tonight's meetings began, Ms. Shaffer approached him about having the Sustainability Commission help craft a Resolution from Council with possible examples of environmental actions and future goals of the City of Kent's Sustainability Commission and the Kent Environmental Council.

Ms. Shaffer further evolved her comments made to Mr. Ruller. Short of making her motion right now, she knows there are a couple people in the audience who have been sitting here all night who wish to speak. Her thought is that the Sustainability commission would be an ideal venue to draft this Resolution if Council agrees that it should be a Resolution. She stated there have been different versions coming from different cities such as Executive orders and Mayoral Proclamations. She feels it would be better if this came from Council. The example refer to the past history of the environmental actions of their cities, and we have that. Our Resolution should reflect some of Kent's environmental history. This also may be a good opportunity for the Sustainability Commission to consider future goals. She would like to think that Mr. Ruller, the Sustainability Commission and the Kent Environmental Council would like to take this project on.

Chair Ferrara referred to Council for comments. No one had comments.

Chair Ferrara referred the matter to the audience.

Ms. Lorraine McCarty of 210 Orchard Street and member of the Kent Environmental Council felt that this matter should not be just the Sustainability Commission's input; we need Council and Administration input and even Kent State University's.

Ms. Shaffer reminded Ms. McCarty that the Sustainability Commission meetings are open to the public.

MOTION TO CONTINUE TONIGHT'S MEETING PAST 10:00 P.M. was made by Mr. DeLeone, seconded by Ms. Shaffer and carried by a voice vote of 7-0.

Ms. Julie Morris of 215 Oak Street and member of the Sustainability Commission commented how this matter has happened to come up between their meetings, and they actually meet this coming Monday. She agrees with Ms. McCarty that there should be a more collaborative and formality of an effort for a better Resolution to be crafted.

Ms. Susel proposed that since the Community Development Department oversees the Sustainability Commission, they should assign a staff person, possibly Dan Morganti, to assist in moving forward with a more substantive Resolution.

Mr. Ruller felt that Council is committed to a Resolution reaffirming support of the Paris Climate Agreement; however, we should not be too specific yet as it is a state of emergency to get it passed.

Ms. Susel joked with Ms. Morris that sometimes the Sustainability Commission is "like herding cats" and feels that Mr. Morganti will do a good job drafting a Resolution.

Ms. Ann Ward of 474 Longmere Drive likes what she hears and is glad to see Council is moving forward. She felt it is difficult to ask 5 unpaid members of the Sustainability Commission to take on this task alone.

Chair Ferrara referred back to Council.

Mr. Sidoti wanted to see 3 things occur:

1. A simple commitment regardless of the federal position.
2. Evaluate what we have done and how far we have come.
3. Where do we go from here?

Mr. Sidoti felt we should accomplish the 1st one, then the other 2 should be long-term.

Ms. Shaffer would like a draft Resolution that is uniquely Kent and use it as a springboard of where we want to go. She likes the idea of Mr. Morganti assisting with the drafting of the Resolution.

Mr. Sidoti began to make a motion, then retracted it.

MOTION TO AUTHORIZE THE SUSTAINABILITY COMMISSION AND CITY STAFF TO MEET AND DRAFT A SHORT RESOLUTION FOR RATIFICATION BY COUNCIL FOR THE PARIS CLIMATE AGREEMENT was made by Ms. Shaffer, seconded by Mr. Amrhein and CARRIED by a voice vote of 7-0.

After hearing no further business, Council moved into Executive Session at 10:07 p.m., where at that time, a **MOTION TO MOVE INTO EXECUTIVE SESSION IMMEDIATELY FOLLOWING IN ACCORDANCE WITH ORC §121.22 (G)(1) & (2):** ***(1) "TO CONSIDER THE APPOINTMENT, EMPLOYMENT, DISMISSAL, DISCIPLINE, PROMOTION, DEMOTION, OR COMPENSATION OF A PUBLIC EMPLOYEE OR OFFICIAL, OR THE INVESTIGATION OF CHARGES OR COMPLAINTS AGAINST A PUBLIC EMPLOYEE, OFFICIAL, LICENSEE, OR REGULATED INDIVIDUAL, UNLESS THE PUBLIC EMPLOYEE, OFFICIAL, LICENSEE, OR REGULATED INDIVIDUAL REQUESTS A PUBLIC HEARING" AND (2) "TO CONSIDER THE PURCHASE OF PROPERTY FOR PUBLIC PURPOSES, THE SALE OF PROPERTY AT COMPETITIVE BIDDING, OR THE SALE OR OTHER DISPOSITION OF UNNEEDED, OBSOLETE, OR UNFIT- FOR-USE PROPERTY IN ACCORDANCE WITH SECTION 505.10 OF THE REVISED CODE, IF PREMATURE DISCLOSURE OF INFORMATION WOULD GIVE AN UNFAIR COMPETITIVE OR BARGAINING ADVANTAGE TO A PERSON WHOSE PERSONAL, PRIVATE INTEREST IS ADVERSE TO THE GENERAL PUBLIC INTEREST"*** was made by Mr. Amrhein, seconded by Mr. Ferrara and carried by a voice vote of 7-0.

At 10:20 p.m., Council came out of Executive Session and reconvened the meeting in open forum.

MOTION TO AUTHORIZE THE PURCHASE OF 500 MIDDLEBURY ROAD FOR $115,000.00 AND DECLARING AN EMERGENCY, was made by Mr. Ferrara, seconded by Mr. DeLeone and carried by a voice vote of 8-0.

At 10:22 p.m., Council reconvened the Executive Session for reason #1.

At 10:30 p.m., Council came out of Executive Session. No action was taken.

Mayor Fiala adjourned the meeting at 10:31 p.m.

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Tara Grimm, CMC
Clerk of Council

THE CITY OF KENT, OHIO
STREETS, SIDEWALKS, AND UTILITIES COMMITTEE
WEDNESDAY, JULY 5, 2017

After a 5 minute break, Chair Roger Sidoti called the meeting of the Streets, Sidewalks, and Utilities Committee of Kent City Council to order at 9:17 p.m.

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

ALSO PRESENT: **MR. JERRY T. FIALA, MAYOR AND PRESIDENT OF COUNCIL; MR. DAVE RULLER, CITY MANAGER; MR. JIM SILVER, LAW DIRECTOR; MS. BRIDGET SUSEL, DIRECTOR OF COMMUNITY DEVELOPMENT; MS. MELISSA BAKER, PUBLIC SERVICE DIRECTOR; MR. TOM WILKE, ECONOMIC DEVELOPMENT DIRECTOR; MR. DAVID COFFEE, FINANCE DIRECTOR; MR. JOHN IDONE, PARKS AND RECREATION DIRECTOR; MR. JIM BOWLING; CITY ENGINEER AND MS. TARA GRIMM, CMC, CLERK OF COUNCIL.**

ABSENT: **MR. JOHN KUHAR AND MS. TRACY WALLACH**

There were 3 items on the Agenda.

1. Modification Request for Panini's License to Occupy.

Mr. Wilke referred to his Memo and Exhibit pictures in the City Manager's Communication packet then explained that Panini's is requesting an amendment to the License to Occupy the right-of-way. To build a matching stone wall is not cost effective and would like council to approve and amend the license to allow a decorative fence as shown in Exhibit #2.

Mr. Amrhein felt the fence looks fine but questioned if a fence wills top a car v. a stone wall. He is thinking of this from a safety issue standpoint.

Mr. David Giglio, General Manager of Paninis, stated there has never been an issue.

Mr. Ferrara asked if it will be the same type of fencing that is currently on Water St.

Mr. Fox replied yes, but it will be more decorative.

Mr. Ferrara questioned crowd control if a new business were to move in there and it is no longer a "Paninis".

Mr. Wilke assured Mr. Ferrara the license to occupy would be revoked.

Ms. Shaffer was concerned that Panini's is making this investment just to add 5 more tables.

Mr. Giglio commented that the 5 tables will be an area off-set from the bar scene, sports and TV's, where customers can enjoy the quiet and privacy.

Ms. Wallach appreciates their commitment to enhancing the area.

Mr. Sidoti referred to the audience for comments; hearing no comments he referred back to Council, who also had no further comments.

MOTION TO AUTHORIZE THE AMENDMENT TO PANINI'S LICENSE TO OCCUPY THE RIGHT-OF-WAY WITH AN EMERGENCY CLAUSE made by Mr. Sidoti, seconded by Ms. Shaffer, and CARRIED by a voice vote of 7-0.

2. Floral Shop License to Occupy on S. Water Street.

Mr. Bowling commented that as part of the acquisition of property for the State Route 43 signalization project a temporary easement existed with Kent Floral containing their planters and pergolas which encroached 5 feet into the right-of-way. Use of federal funds on this project requires the City to resolve the issue by utilizing a License to Occupy the Right-of-Way to protect Kent Floral's investment.

Mr. Sidoti referred to the audience for comments; hearing no comments he referred back to Council, who also had no further comments.

MOTION TO AUTHORIZE A LICENSE TO OCCUPY THE RIGHT-OF-WAY TO KENT FLORAL, CO. WITH AN EMERGENCY CLAUSE made by Ms. Shaffer, seconded by Mr. DeLeone, and CARRIED by a voice vote of 7-0.

3. Chamber of Commerce Queen of Hearts Event Request.

Mr. Wilke discussed how the upcoming Queen of Hearts event will be identical to the one held on May 28th, except the jackpot is much smaller.

Mr. Pete Mahoney commented on how since the Queen of Hearts has been taken on the road, they have had significant rains on both Memorial Day weekend and Father's Day weekend. There may have been a total of 1,000 people in attendance at the last event in Ravenna.

Mr. Sidoti referred to the audience for comments; hearing no comments he referred back to Council, who also had no further comments.

MOTION TO AUTHORIZE THE QUEEN OF HEARTS EVENT CONTINGENT UPON CHIEF LEE'S APPROVAL OF THE MEMORANDUM OF UNDERSTANDING (MOU) WITH AN EMERGENCY CLAUSE made by Mr. Ferrara, seconded by Mr. DeLeone, and CARRIED by a voice vote of 7-0.

Hearing no further business before this Committee, Chair Sidoti adjourned the meeting at 9:26 p.m.

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Tara Grimm, CMC
Clerk of Council

ACTION RECOMMENDED:

1) **AUTHORIZE THE AMENDMENT TO PANINI'S LICENSE TO OCCUPY THE RIGHT-OF-WAY WITH AN EMERGENCY CLAUSE.**
2) **MOTION TO AUTHORIZE A LICENSE TO OCCUPY THE RIGHT-OF-WAY TO KENT FLORAL, CO. WITH AN EMERGENCY CLAUSE.**
3) **AUTHORIZE THE QUEEN OF HEARTS EVENT WITH CHIEF LEE'S APPROVAL OF THE MEMORANDUM OF UNDERSTANDING (MOU) WITH AN EMERGENCY CLAUSE.**