



CITY OF KENT, OHIO

320 S. Depeyster Street, Kent, OH 44240 (Main Fire Station)
(330) 678-8007 Fax (330) 678-8688

CITY COUNCIL

WEDNESDAY, April 17, 2019
SPECIAL CITY COUNCIL MEETING AT 7:15 P.M.
REGULAR CITY COUNCIL MEETING AT 7:30 P.M.

AGENDA

7:15 P.M. SPECIAL CITY COUNCIL MEETING Chief Tosko will recognize Robert Colecchi for saving a life

7:25 P.M. BOARD OF CONTROL

7:30 P.M. REGULAR COUNCIL

1. ROLL CALL

2. OPENING REMARKS/PLEDGE OF ALLEGIANCE (*Mr. Amrhein*)

3. APPROVAL OF MINUTES

3.1 Regular City Council Meeting of March 20, 2019

3.2 Public Hearing CHIP Program Grant Application 2019 of March 20, 2019

4. COMMUNICATIONS

4.1 AUDIENCE (*Visitors wishing to address Council please sign up with the Clerk of Council prior to start of the meeting*)

4.2 WRITTEN (*All placed on file in the Clerk of Council's office*)

4.2.1 Sustainability Commission Meeting Agenda for April 1, 2019 and the Minutes of March 4, 2019 received on March 28, 2019.

4.2.2 Planning Commission Staff Report and Meeting Agenda for April 2, 2019 received March 26, 2019.

4.2.3 Board of Zoning Appeals Staff Report and Meeting Agenda for April 15, 2019 received April 4, 2019.

4.3 CITY MANAGER'S REPORT

5. STANDING COMMITTEES/ LEGISLATION

5.1 COMMITTEE OF THE WHOLE (*Mayor Fiala*)

5.1.1 COMMITTEE MEETING MINUTES OF April 3, 2019

ACTION RECOMMENDED:

1) Vote for Board Members

5.1.2 BALLOTING FOR BOARDS AND COMMISSIONS

5.1.3 AUTHORIZE INSERTION OF NAMES INTO LEGISLATION

5.1.4 ***Draft No. 2019-46: A RESOLUTION APPOINTING _____ TO THE BOARD OF ZONING APPEALS AND DECLARING AN EMERGENCY.***
(Unauthorized)

5.1.5 **Draft No. 2019-47: A RESOLUTION APPOINTING _____ TO THE SUSTAINABILITY COMMISSION AND DECLARING AN EMERGENCY.**
(Unauthorized)

5.1.6 **Draft No. 2019-48: A RESOLUTION APPOINTING _____ TO THE BOARD OF BUILDING APPEALS AND DECLARING AN EMERGENCY.**
(Unauthorized)

5.2 COMMUNITY DEVELOPMENT COMMITTEE (Kuhar/Rosenberg)

5.2.1 COMMITTEE MEETING MINUTES OF April 3, 2019

5.2.2 **ACTION RECOMMENDED:**

- 1) Authorize Special Event Permit for Kent Torch Fest
- 2) Authorize Special Event Street Closure Expansion for Wizardly World
- 3) Authorize Special Event Permit for KSU Flashes Forever Alumni Event
- 4) Authorize Haymaker Farmer's Market Sub Lease Renewal
- 5) Accept E Main St Neighborhood Project "Purpose and Needs" Statement

5.2.3 **Draft No. 2019-36: AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPROVE A NEW SPECIAL EVENT APPLICATION FROM THE CITY OF KENT PARKS AND RECREATION DEPARTMENT FOR THE KENT TORCH FEST TO BE HELD ON THURSDAY, JUNE 20, 2019, AND THE TEMPORARY CLOSURE OF WEST MAIN STREET FROM RIVER TO WATER STREET, AND DECLARING AN EMERGENCY.**(Authorized)

5.2.4 **Draft No. 2019-37: AN ORDINANCE AUTHORIZING AN EXPANDED STREET CLOSINGS FOR WIZARDLY WORLD OF KENT THAT WILL BE HELD ON SATURDAY, JULY 27, 2019, AND TO PROVIDE 48 HOUR NOTIFICATION OF THE STREET CLOSINGS TO ALL RESIDENTS, AND DECLARING AN EMERGENCY.** (Authorized)

5.2.5 **Draft No. 2019-38: AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPROVE A NEW SPECIAL EVENT APPLICATION FROM KENT STATE UNIVERSITY OFFICE OF ALUMNI RELATIONS KNOWN AS "FLASHES FOREVER" TO BE HELD ON WEDNESDAY, MAY 8 2019, AND THE TEMPORARY CLOSURE OF NORTH WATER STREET, BETWEEN MAIN AND COLUMBUS STREETS, AND DECLARING AN EMERGENCY.** (Authorized)

5.2.6 **Draft No. 2019-39: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO RENEW THE AGREEMENT WITH THE HAYMAKER FARMERS' MARKET FOR THE SUB-LAND LEASE OF A PARKING LOT LOCATED NORTH OF SUMMIT STREET, WEST OF FRANKLIN AVENUE, AND EAST OF AKRON BARBERTON CLUSTER RAILWAY COMPANY'S MAIN LINE TRACK, CONTAINING 0.168 ACRES, FOR THE PERIOD OF MAY 4, 2019 THROUGH OCTOBER 26, 2019; CONTINGENT ON THE CONTINUATION OF THE CITY'S LEASE WITH THE AKRON BARBERTON CLUSTER RAILWAY COMPANY, FOR THE AMOUNT OF \$1.00; AND DECLARING AN EMERGENCY.** (Authorized)

5.2.7 **Draft No. 2019-40: A RESOLUTION ACCEPTING THE EAST MAIN STREET PURPOSE AND NEED STATEMENT IN ORDER TO DEFINE THE MOST SIGNIFICANT NEEDS FOR THE EAST MAIN STREET IMPROVEMENT PROJECT.** (Authorized)

5.3 FINANCE COMMITTEE (DeLeone/Wallach)

5.3.1 COMMITTEE MEETING MINUTES OF April 3, 2019

- 5.3.2** *ACTION RECOMMENDED:*
- 1) Authorize the Canoe Livery Lease Contract
 - 2) Authorize the Renewal of Kent Parks and Rec Fitness Center Lease
 - 3) Approve 2019 Budget Appropriations Amendment
- 5.3.3** ***Draft No. 2019-41: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO RENEW THE AGREEMENT WITH KENT STATE UNIVERSITY CROOKED RIVER ADVENTURES TO OPERATE A CANOE/KAYAK LIVERY AT JOHN BROWN TANNERY PARK, FOR A LONG TERM LEASE PROPOSING A FIVE (5) YEAR TERM WITH A FIVE (5) YEAR RENEW OPTION, WAIVING COMPETITIVE BIDDING, AND DECLARING AN EMERGENCY.***(Authorized)
- 5.3.4** ***Draft No. 2019-42: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A RENEWAL OF THE LEASE AGREEMENT WITH DONO DEVELOPMENT LIMITED PARTNERSHIP FOR PROPERTY LOCATED AT 1205 WEST MAIN STREET, KENT, OHIO AND DECLARING AN EMERGENCY.*** (Authorized)
- 5.3.5** ***Draft No. 2019-43: AN ORDINANCE AMENDING ORDINANCE NO. 2018-142, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 19, 2018; SO AS TO ADJUST APPROPRIATIONS, TRANSFERS AND ADVANCES FROM THE VARIOUS FUNDS OF THE CITY OF KENT TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES OF THE CITY FOR THE FISCAL YEAR ENDING DECEMBER 31, 2019; AND DECLARING AN EMERGENCY.*** (Authorized)
- 5.3.6** ***Draft No. 2019-44: AN ORDINANCE ACCEPTING A DONATION OF \$600.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT FROM KENT ENVIRONMENTAL COUNCIL, AND DECLARING AN EMERGENCY.*** (Unauthorized)

5.4 HEALTH & SAFETY COMMITTEE (*Amrhein/Sidoti*)

- 5.4.1** COMMITTEE MEETING MINUTES: None
- 5.4.2** ACTION RECOMMENDED: None

5.5 LAND USE COMMITTEE (*Ferrara/Shaffer*)

- 5.5.1** COMMITTEE MEETING MINUTES: April 3, 2019
- 5.5.2** ACTION RECOMMENDED:
- 1) Authorize 200 West Williams Rezone Request
- 5.5.3** ***Draft No. 2019-45: AN ORDINANCE AMENDING THE CITY'S ZONING DISTRICTS MAP TO ALLOW A 3.191 ACRE PARCEL ON WEST WILLIAMS TO BE RE-ZONED FROM ITS CURRENT "INDUSTRIAL (I)" ZONING DESIGNATION TO "COMMERCIAL-DOWNTOWN (C-D)", AND DECLARING AN EMERGENCY.*** (Authorized)

5.6 STREETS, SIDEWALKS & UTILITIES COMMITTEE (*Sidoti/Wallach*)

- 5.6.1** COMMITTEE MEETING MINUTES: None
- 5.6.2** ACTION RECOMMENDED: None

6. SPECIAL COMMITTEE REPORTS

7. UNFINISHED BUSINESS

8. NEW BUSINESS

- 8.1 Items needing Council action or referral**
- 8.2 Schedule future Council meetings**
- 8.3 Councilmembers' comments**

9. MAYOR'S REPORT

- 10. EXECUTIVE SESSION IN ACCORDANCE WITH ORC §121.22 Section G, Item (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."*

11. ADJOURNMENT

Posted: April 10, 2019

Dawn Bishop

Interim Clerk of Council

Visit www.kentohio.org for up to the minute Agenda Amendments

Any person who requires an auxiliary aid or service for effective communication or a modification of policies and procedures to participate in and City or City Council public meeting or event should contact the Clerk of Council at 330-676-7555 or councilclerk@kent-ohio.org. Any request for auxiliary aid or other accommodation should be made as soon as possible, but no later than forty-eight hours prior to the event.

THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WEDNESDAY, MARCH 20, 2019

At 7:32 p.m., Mayor Jerry T. Fiala called the **Regular Meeting of Kent City Council** to order after the Work Session of a KSU Presentation, Police Promotional Swearing In, and a Public Hearing. Roll call was taken.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; 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. Jim Bowling, City Engineer; Ms. Melanie Baker, Public Service Director; and Ms. Dawn Bishop, Interim Clerk of Council.

ABSENT: Mr. John Kuhar; Mr. Garret Ferrara

MOTION TO EXCUSE THE ABSENCE OF BOTH MR KUHAR AND MR FERRARA made by Ms. Shaffer, seconded by Mr. Amrhein, CARRIED by a voice vote of 7-0.

Mayor Fiala called upon Councilmember Wallach for her opening remarks. Ms. Wallach wanted to remind everyone when it comes to recycling to please clean your containers and put them in loose in your recycling container. Ms. Wallach then led the Pledge of Allegiance.

APPROVAL OF MINUTES:

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING, made by Ms. Wallach, seconded by Mr. DeLeone, and CARRIED by a voice vote of 7-0.

MOTION TO APPROVE THE MINUTES OF THE COUNCIL WORK SESSION, AND TWO PUBLIC HEARINGS of February 20, 2019, made by Ms. Wallach, seconded by Mr. Sidoti, and CARRIED by a voice vote of 7-0.

COMMUNICATIONS:

Mayor Fiala read a statement to the audience: *"While the law does not require Council to provide time for public comment, we have historically invited the public to make comments and we appreciate their input. This is the time where residents and others can comment on matters that concern them. However, we will not engage in debate, and as President of Council, I reserve the right to end any public communication that is disruptive, embarrassment, harassment or otherwise objective. We ask that when you come to the microphone that you speak into the microphone clearly, give your name and address and limit comments to three (3) minutes of discussion."* He then asked the Clerk if anyone was signed in. There was one visitor who signed in with the Clerk.

Christopher Myers, 220 E Elm, Kent, OH, began with he is "allowed to embarrass public employees. It's in the Constitution of the United States and Rules of City Council." He had communication to and from the City's Law Director requesting information and emails (**Attachment 1**). Mr. Myers then spoke on *Hate: Why We Should Resist It with Free Speech, Not Censorship* by Nadine Strossen. The author is a professor of Constitutional Law at New York Law School and the first female national president of the ACLU. He suggested listening to her speech that was given to the City Club Forum in Cleveland by going to their online archives. Mr. Myers spoke about communication received from Law Director Jones saying he "can not speak directly or indirectly to Tara Grimm, Clerk of Council; however, if you read (*Hate*) and listen to her (Ms. Strossen's) speech, you will find that the Supreme Court of the United States repudiates what she

has said that I'm not allowed to have direct or indirect contact with Tara Grimm." Mr. Myers referenced his Freedom of Speech lawsuit against the City of Kent that is being mailed to the US District Court in Akron, OH.

Written Communications were reported by Interim Clerk Bishop and placed on file in the Clerk's office as follows:

1. Sustainability Commission Meeting Agenda for March 4, 2019 and the Minutes of February 4, 2019 received on February 28, 2019.
2. City Health Board Meeting Agenda for February 19, 2019 and the Minutes of January 8, 2019 received on February 14, 2019.
3. Standing Rock Cemetery Meeting Minutes for February 14, 2019 received on February 22, 2019.
4. Planning Commission Staff Report for March 5, 2019 and Meeting Agenda for March 19, 2019 received March 11, 2019.

Oral Communications received after the Agenda was published were placed on file in the Clerk's office as follows:

1. Civil Service Commission Agenda for March 18, 2019 received March 14, 2019.
2. Park and Recreation Board Packet for March 21, 2019 received March 20, 2019.
3. Standing Rock Cemetery Meeting Notes for March 14, 2019 received March 19, 2019.
4. Liquor License Transfer Request from R Robert Ciccone Estate, DBA Ciccones Café, to Community Building Strategies LLC of 425 Cherry Street 1st floor and basement received March 14, 2019. Chief Lee had no objections.

MOTION TO HAVE THE CLERK OF COUNCIL RETURN THE LIQUOR LICENSE TRANSFER REQUEST TO THE OHIO DEPARTMENT OF LIQUOR CONTROL WITH NO OBJECTION made by Mr. Amrhein, seconded by Mr. DeLeone, and CARRIED by a voice vote of 7-0.

City Manager's Report was called for by Mayor Fiala.

1. Request Council's authorization to accept a donation to Kent Parks and Recreation in the amount of \$100 in memory of Tom and Shirley Sommers. (Draft #2019-31)
2. Request Council's authorization to accept a donation to Kent Parks and Recreation in the amount of \$200 in memory of Harry Miller. (Draft #2019-31)
3. Request Council's authorization to allocate NOPEC grant funds in the amount of \$2,000 in support of the Kent Heritage Festival. (Draft #2019-32)
4. Request Council's authorization to submit a grant request to AARP for funding to assist senior citizens in Kent. (Draft #2019-33)
5. Request Council's authorization to schedule a public hearing on April 3rd for consideration of a rezoning request for the West Williams property.
6. Request Community Development Committee time to consider a rezoning request for the West Williams Street property.
7. Request Community Development Committee time to consider a request for a special event permit for the Torch Fest celebrating the 50th anniversary of the Burning River.
8. Request Community Development Committee time to consider a request for a special event permit for Main Street Kent's "Wizardly World of Kent" event.
9. Request Community Development Committee time to consider a new special event street closure request for the KSU "Flashes Forever" Alumni event on N. Water Street.
10. Request Community Development Committee time to authorize the 2019 sublease of the railroad parking area to the Haymaker's Farmers Market.

11. Request Community Development Committee time to receive information on the distribution of the 2019 Celebrate Kent grants.
12. Request Community Development Committee time to consider approval of the E. Main Street Neighborhood Study Project "purpose and needs" statement.
13. Request Finance Committee time to consider the award of the Parks and Recreation canoe livery operation contract for 2019.
14. Request Finance Committee time to consider a proposed 2019 Budget Appropriations Amendment.
15. Request Health and Safety Committee time to consider proposed new rules related to allowing service dogs on restaurant patios in Kent.
16. Request Land Use Committee time to consider approval of proposed updates to the 208 Water/Sewer Service District plan.

MOTION TO APPROVE ITEMS #1-16 OF THE CITY MANAGER'S REPORT made by Mr. Amrhein, seconded by Ms. Wallach. Motion CARRIED by a voice vote of 7-0.

STANDING COMMITTEES/ LEGISLATION

COMMITTEE OF THE WHOLE:

MOTION TO APPROVE THE COMMITTEE OF THE WHOLE MEETING MINUTES OF March 6, 2019 made by Mr. DeLeone, seconded by Mr. Sidoti, and CARRIED by a voice vote of 7-0.

Recommended Action:

1. Update Council Pending List

MOTION TO APPROVE THE RECOMMENDED ACTION ITEM made by Mr. DeLeone, seconded by Mr. Sidoti, and CARRIED by a voice vote of 7-0.

COMMUNITY DEVELOPMENT COMMITTEE:

MOTION TO APPROVE THE COMMUNITY DEVELOPMENT COMMITTEE MEETING MINUTES OF March 6, 2019 made by Ms. Rosenberg, seconded by Mr. DeLeone, and CARRIED by a voice vote of 7-0.

Recommended Action:

1. Approve the County Solid Waste Plan
2. Approve TREX Liquor Permit Request D1 257 N. Mantua
3. Approve TREX Liquor Permit Request D3 911 N. Street
4. Authorize JAYCEES Craft Beer Event Street Closure Request
5. Authorize City/Wick Poetry/KSU River Project Agreement
6. Authorize 2019 CHIP Grant Application

MOTION TO APPROVE ALL RECOMMENDED ACTION ITEMS made by Ms. Rosenberg, seconded by Mr. Sidoti, and CARRIED by a voice vote of 7-0.

Draft No. 2019-23: AN ORDINANCE APPROVING PROPOSED CHANGES BY THE PORTAGE COUNTY SOLID WASTE MANAGEMENT DISTRICT, DRAFT 2019 SOLID WASTE MANAGEMENT PLAN AND DECLARING AN EMERGENCY was read by title only by Clerk Bishop per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. DeLeone and seconded by Mr. Sidoti. On Roll call, voting "Yes": Mr. DeLeone, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein. The Motion CARRIED by a roll call vote of 7-0.

MOTION TO ADOPT DRAFT No. 2019-23 made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. DeLeone, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein. The Motion CARRIED by a roll call vote of 7-0.

ORDINANCE NO. 2019-23: AN ORDINANCE APPROVING PROPOSED CHANGES BY THE PORTAGE COUNTY SOLID WASTE MANAGEMENT DISTRICT, DRAFT 2019 SOLID WASTE MANAGEMENT PLAN AND DECLARING AN EMERGENCY PASSED as stated by Clerk Bishop.

Draft No. 2019-24: AN ORDINANCE AUTHORIZING THE TRANSFER OF A TREX LIQUOR LICENSE INTO THE CITY OF KENT FOR TWISTED ROOT, LTD., AN OHIO LIMITED LIABILITY COMPANY, CONDITIONAL UPON THE EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF KENT, OHIO AND TWISTED ROOT, LTD., AND DECLARING AN EMERGENCY was read by title only by Clerk Bishop per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. DeLeone and seconded by Ms. Wallach. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach. The Motion CARRIED by a roll call vote of 7-0.

MOTION TO ADOPT DRAFT No. 2019-24 made by Mr. Sidoti and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach. The Motion CARRIED by a roll call vote of 7-0.

ORDINANCE NO. 2019-24: AN ORDINANCE AUTHORIZING THE TRANSFER OF A TREX LIQUOR LICENSE INTO THE CITY OF KENT FOR TWISTED ROOT, LTD., AN OHIO LIMITED LIABILITY COMPANY, CONDITIONAL UPON THE EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF KENT, OHIO AND TWISTED ROOT, LTD., AND DECLARING AN EMERGENCY PASSED as stated by Clerk Bishop.

Draft No. 2019-25: AN ORDINANCE AUTHORIZING THE TRANSFER OF A TREX LIQUOR LICENSE INTO THE CITY OF KENT FOR THE RIVER MERCHANT, LLC, AN OHIO LIMITED LIABILITY COMPANY, CONDITIONAL UPON THE EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF KENT, OHIO AND THE RIVER MERCHANT, LLC, AND DECLARING AN EMERGENCY was read by title only by Clerk Bishop per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Sidoti and seconded by Mr. DeLeone. On Roll call, voting "Yes": Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, and Mr. DeLeone. The Motion CARRIED by a roll call vote of 7-0.

MOTION TO ADOPT DRAFT No. 2019-25 made by Mr. DeLeone and seconded by Mr. Sidoti. On Roll call, voting "Yes": Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, and Mr. DeLeone. The Motion CARRIED by a roll call vote of 7-0.

RESOLUTION NO. 2019-25: AN ORDINANCE AUTHORIZING THE TRANSFER OF A TREX LIQUOR LICENSE INTO THE CITY OF KENT FOR THE RIVER MERCHANT, LLC, AN OHIO LIMITED LIABILITY COMPANY, CONDITIONAL UPON THE EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF KENT, OHIO AND THE RIVER MERCHANT, LLC, AND DECLARING AN EMERGENCY PASSED as stated by Clerk Bishop.

Draft No. 2019-26: AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPROVE A NEW SPECIAL EVENT APPLICATION FROM THE KENT JAYCEES FOR THE FIRST ANNUAL KENT CRAFT BEER FEST TO BE HELD ON MAY 18, 2019 IN CERTAIN AREAS OF KENT, AND DECLARING AN EMERGENCY was read by title only by Clerk Bishop per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. DeLeone and seconded by Mr. Sidoti. On Roll call, voting "Yes": Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, and Ms. Rosenberg. The Motion CARRIED by a roll call vote of 7-0.

MOTION TO ADOPT DRAFT No. 2019-26 made by Mr. DeLeone and seconded by Ms. Rosenberg. On Roll call, voting "Yes": Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, and Ms. Rosenberg. The Motion CARRIED by a roll call vote of 7-0.

ORDINANCE NO. 2019-26: AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPROVE A NEW SPECIAL EVENT APPLICATION FROM THE KENT JAYCEES FOR THE FIRST ANNUAL KENT CRAFT BEER FEST TO BE HELD ON MAY 18, 2019 IN CERTAIN AREAS OF KENT, AND DECLARING AN EMERGENCY PASSED as stated by Clerk Bishop.

Draft No. 2019-27: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A NEW AGREEMENT BETWEEN KENT STATE UNIVERSITY, SPECIFICALLY THE WICK POETRY CENTER, MAIN STREET KENT AND THE CITY OF KENT TO BRING AWARENESS OF THE CUYAHOGA RIVER INTO KENT THROUGH STATIC AND INTERACTIVE DISPLAYS AND ALSO KNOWN AS THE RIVER STANZAS PROJECT, AND DECLARING AN EMERGENCY was read by title only by Clerk Bishop per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Sidoti and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Ms. Rosenberg, Ms. Shaffer. The Motion CARRIED by a roll call vote of 7-0.

MOTION TO ADOPT DRAFT No. 2019-27 made by Mr. DeLeone and seconded by Ms. Rosenberg. On Roll call, voting "Yes": Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Ms. Rosenberg, Ms. Shaffer. The Motion CARRIED by a roll call vote of 7-0.

ORDINANCE NO. 2019-27: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A NEW AGREEMENT BETWEEN KENT STATE UNIVERSITY, SPECIFICALLY THE WICK POETRY CENTER, MAIN STREET KENT AND THE CITY OF KENT TO BRING AWARENESS OF THE CUYAHOGA RIVER INTO KENT THROUGH STATIC AND INTERACTIVE DISPLAYS AND ALSO KNOWN AS THE RIVER STANZAS PROJECT, AND DECLARING AN EMERGENCY PASSED as stated by Clerk Bishop.

Draft No. 2019-28: AN ORDINANCE AUTHORIZING THE COMMUNITY DEVELOPMENT DEPARTMENT TO SUBMIT A PROPOSAL TO THE STATE OF OHIO DEVELOPMENT SERVICES AGENCY, OFFICE OF COMMUNITY DEVELOPMENT, TO PARTICIPATE IN THE PY2019 COMMUNITY HOUSING IMPACT AND PRESERVATION PROGRAM (CHIP) AND UPON AWARDING OF THE GRANT, AUTHORIZING APPROPRIATION OF FUNDS AND DECLARING AN EMERGENCY was read by title only by Clerk Bishop per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Sidoti and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Ms. Rosenberg, Ms. Shaffer, and Mr. Sidoti. The Motion CARRIED by a roll call vote of 7-0.

MOTION TO ADOPT DRAFT No. 2019-28 made by Mr. Sidoti and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Ms. Rosenberg, Ms. Shaffer, and Mr. Sidoti. The Motion CARRIED by a roll call vote of 7-0.

ORDINANCE NO. 2019-28: AN ORDINANCE AUTHORIZING THE COMMUNITY DEVELOPMENT DEPARTMENT TO SUBMIT A PROPOSAL TO THE STATE OF OHIO DEVELOPMENT SERVICES AGENCY, OFFICE OF COMMUNITY DEVELOPMENT, TO PARTICIPATE IN THE PY2019 COMMUNITY HOUSING IMPACT AND PRESERVATION PROGRAM (CHIP) AND UPON AWARDING OF THE GRANT, AUTHORIZING APPROPRIATION OF FUNDS AND DECLARING AN EMERGENCY PASSED as stated by Clerk Bishop.

FINANCE COMMITTEE:

MOTION TO APPROVE THE FINANCE COMMITTEE MEETING MINUTES OF March 6, 2019 and APPROVE THREE RECOMMENDED ACTION ITEMS made by Mr. DeLeone, seconded by Mr. Sidoti, and CARRIED by a voice vote of 7-0.

Recommended Actions:

1. Approve the Quality IP Agreement
2. Amend City Trash Service Contract to Remove Recycling
3. Approve New Contract with Portage County for Recycling

Draft No. 2019-29: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT WITH QUALITY IP AND THE CITY OF KENT TO HELP WITH BUSINESS TECHNOLOGY NEEDS, WAIVING COMPETITIVE BIDDING, AND DECLARING AN EMERGENCY was read by title only by Clerk Bishop per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Sidoti and seconded by Mr. DeLeone. On Roll call, voting "Yes": Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, and Mr. Turner. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2019-6 made by Mr. Ferrara and seconded by Mr. Kuhar. On Roll call, voting "Yes": Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, and Mr. Turner. The Motion CARRIED by a roll call vote of 7-0.

ORDINANCE NO. 2019-29: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT WITH QUALITY IP AND THE CITY OF KENT TO HELP WITH BUSINESS TECHNOLOGY NEEDS, WAIVING COMPETITIVE BIDDING, AND DECLARING AN EMERGENCY PASSED as stated by Clerk Bishop.

Draft No. 2019-30: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO AMEND THE CITY OF KENT'S TRASH SERVICE CONTRACT WITH REPUBLIC SERVICES OF OHIO, LLC IN ORDER TO ENTER INTO A NEW CONTRACT DIRECTLY WITH PORTAGE COUNTY SOLID WASTE MANAGEMENT DISTRICT; AND DECLARING AN EMERGENCY was read by title only by Clerk Bishop per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. DeLeone and seconded by Ms. Wallach. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, and Ms. Wallach. The Motion CARRIED by a roll call vote of 7-0.

MOTION TO ADOPT DRAFT No. 2019-30 made by Mr. Sidoti and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, and Ms. Wallach. The Motion CARRIED by a roll call vote of 7-0.

ORDINANCE NO. 2019-30: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO AMEND THE CITY OF KENT'S TRASH SERVICE CONTRACT WITH REPUBLIC SERVICES OF OHIO, LLC IN ORDER TO ENTER INTO A NEW CONTRACT DIRECTLY WITH PORTAGE COUNTY SOLID WASTE MANAGEMENT DISTRICT; AND DECLARING AN EMERGENCY PASSED as stated by Clerk Bishop.

Draft No. 2019-31: AN ORDINANCE ACCEPTING TWO DONATIONS TOTALING \$300.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT FROM MISTY SOMMERS, JODY SWEARENGEN AND SUZANN MILLER MOLEDAR, AND DECLARING AN EMERGENCY was read by title only by Clerk Bishop per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. DeLeone and seconded by Mr. Sidoti. On Roll call, voting "Yes": Mr. DeLeone, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, and Mr. Amrhein. The Motion CARRIED by a roll call vote of 7-0.

MOTION TO ADOPT DRAFT No. 2019-31 made by Mr. Sidoti and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. DeLeone, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, and Mr. Amrhein. The Motion CARRIED by a roll call vote of 7-0.

ORDINANCE NO. 2019-31: AN ORDINANCE ACCEPTING TWO DONATIONS TOTALING \$300.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT FROM MISTY SOMMERS, JODY SWEARENGEN AND SUZANN MILLER MOLEDAR, AND DECLARING AN EMERGENCY PASSED as stated by Clerk Bishop.

Draft No. 2019-32: AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2019 COMMUNITY EVENT SPONSORSHIP PROGRAM AWARD IN THE AMOUNT OF \$2000 AND DECLARING AN EMERGENCY was read by title only by Clerk Bishop per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. DeLeone and seconded by Ms. Rosenberg. On Roll Call, voting "Yes": Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, and Mr. DeLeone. The Motion CARRIED by a roll call vote of 7-0.

MOTION TO ADOPT DRAFT No. 2019-32 made by Mr. DeLeone and seconded by Mr. Sidoti. On Roll Call, voting "Yes": Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, and Mr. DeLeone. The Motion CARRIED by a roll call vote of 7-0.

ORDINANCE NO. 2019-32: AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2019 COMMUNITY EVENT SPONSORSHIP PROGRAM AWARD IN THE AMOUNT OF \$2000 AND DECLARING AN EMERGENCY PASSED as stated by Clerk Bishop.

Draft No. 2019-33: AN ORDINANCE AUTHORIZING THE CITY OF KENT TO SUBMIT AN APPLICATION TO THE 2019 AARP COMMUNITY CHALLENGE GRANT PROGRAM AND TO ACCEPT THE GRANT, IF AWARDED, WITH CORRESPONDING APPROPRIATION OF FUNDS AND DECLARING AN EMERGENCY was read by title only by Clerk Bishop per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. DeLeone and seconded by Mr. Sidoti. On Roll Call, voting "Yes": Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, and Ms. Rosenberg. The Motion CARRIED by a roll call vote of 7-0.

MOTION TO ADOPT DRAFT No. 2019-33 made by Mr. DeLeone and seconded by Mr. Sidoti. On Roll Call, voting "Yes": Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, and Ms. Rosenberg. The Motion CARRIED by a roll call vote of 7-0.

ORDINANCE NO. 2019-33: AN ORDINANCE AUTHORIZING THE CITY OF KENT TO SUBMIT AN APPLICATION TO THE 2019 AARP COMMUNITY CHALLENGE GRANT PROGRAM AND TO ACCEPT THE GRANT, IF AWARDED, WITH CORRESPONDING APPROPRIATION OF FUNDS AND DECLARING AN EMERGENCY PASSED as stated by Clerk Bishop.

HEALTH AND SAFETY COMMITTEE:

There were no meeting minutes or actions to be approved.

LAND USE COMMITTEE:

There were no meeting minutes or actions to be approved.

STREETS, SIDEWALKS AND UTILITIES COMMITTEE:

MOTION TO APPROVE THE STREETS, SIDEWALKS, AND UTILITIES COMMITTEE MEETING MINUTES OF March 6, 2019 and APPROVE RECOMMENDED ACTION ITEM #1 made by Mr. Sidoti, seconded by Mr. Ferrara, and CARRIED by a voice vote of 6-0-1 with Ms. Shaffer abstaining

Recommended Action:

1. Accept the East Main Street Neighborhood Study Agreement Amendment #1

Draft No. 2019-34: AN ORDINANCE AMENDING RESOLUTION NO. 2018-40 THAT PASSED MARCH 21, 2018 TO ENTER INTO THE EAST MAIN STREET AREA AGREEMENT BETWEEN THE CITY OF KENT AND KENT STATE UNIVERSITY TO SET THE FRAMEWORK TO BEGIN INVESTIGATING TRAFFIC CONCERNS ALONG THE EAST MAIN STREET CORRIDOR, AND DECLARING AN EMERGENCY was read by title only by Clerk Bishop per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. DeLeone and seconded by Mr. Amrhein. On Roll call, voting "Yes": Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Ms. Rosenberg, and Ms. Shaffer. The Motion CARRIED by a roll call vote of 7-0.

MOTION TO ADOPT DRAFT No. 2019-34 made by Ms. Wallach and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Ms. Rosenberg, Ms. Shaffer. The Motion CARRIED by a roll call vote of 7-0.

ORDINANCE NO. 2019-34: AN ORDINANCE AMENDING RESOLUTION NO. 2018-40 THAT PASSED MARCH 21, 2018 TO ENTER INTO THE EAST MAIN STREET AREA AGREEMENT BETWEEN THE CITY OF KENT AND KENT STATE UNIVERSITY TO SET THE FRAMEWORK TO BEGIN INVESTIGATING TRAFFIC CONCERNS ALONG THE EAST MAIN STREET CORRIDOR, AND DECLARING AN EMERGENCY PASSED as stated by Clerk Bishop.

Draft No. 2019-35: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR IMPROVEMENTS ON NORTH WATER STREET, AND DECLARING AN EMERGENCY read by title only by Clerk Bishop per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Ms. Shaffer, seconded by Ms. Wallach. On Roll call, voting "Yes": Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Ms. Rosenberg, Ms. Shaffer, and Mr. Sidoti. The Motion CARRIED by a roll call vote of 7-0.

MOTION TO ADOPT DRAFT No. 2019-35 made by Mr. DeLeone, seconded by Ms. Shaffer. On Roll call, voting "Yes": Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Ms. Rosenberg, Ms. Shaffer, and Mr. Sidoti. The Motion CARRIED by a roll call vote of 7-0.

ORDINANCE NO. 2019-35: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR IMPROVEMENTS ON NORTH WATER STREET, AND DECLARING AN EMERGENCY PASSED as state by Clerk Bishop.

SPECIAL COMMITTEE REPORTS: NONE

UNFINISHED BUSINESS:

Ms. Shaffer asked if it was possible to change her abstention to a "yes" vote in approving the recommended action item in Streets, Sidewalks, and Utilities.

Mayor Fiala and Ms. Jones said it didn't matter, it passed.

NEW BUSINESS:

ITEMS NEEDING COUNCIL ACTION OR REFERRAL

Ms. Rosenberg said voting is a fundamental part of our democracy and would like to encourage our City employees to exercise their right.

MOTION TO FORMALLY ALLOW CITY PERSONNEL TO VOTE WITHOUT HAVING TO TAKE LEAVE TIME made by Ms. Rosenberg, seconded by Ms. Shaffer.

Ms. Rosenberg said in lieu of having an Election Day holiday, this will send a clear message that City Council supports democracy and all of our city personnel are encouraged to vote and with any luck it will encourage city businesses to afford their employees the same.

Ms. Shaffer said it's a great example of leadership and all employers should do the same.

MOTION TO AMEND THE ORIGINAL MOTION TO BRING THE VOTING LEAVE TIME TO COMMITTEE made by Ms. Rosenberg, seconded by Mr. Ferrara, and CARRIED by a voice vote of 7-0.

Ms. Wallach said it's a wonderful idea and hopes it can be discussed in April.

Mr. Sidoti said he hopes the Law Director can offer some guidance in April Committee.

Mr. DeLeone had a question about logistics he'll address in Committee.

Ms. Wallach asked that the Sustainability Committee come back ASAP with ideas that the City can do to help with climate change.

***SCHEDULE FUTURE COUNCIL MEETINGS
COUNCILMEMBERS' COMMENTS***

Mr. Sidoti said the last renderings of City Hall have received positive feedback on social media.

Mr. DeLeone said from his perspective Ms. Bishop is doing a good job.

Ms. Shaffer wanted to recognize how fast city personnel came out to fix a sidewalk on East Oak where a hole had opened up and a dog got its paw caught. When they went to prop it open they found a bigger problem with water running underneath. They were out to fix it that day and poured the concrete today. She wants to thank Ms. Baker and whoever else was responsible for that.

MAYOR'S REPORT:

Mayor Fiala had no remarks.

Mayor Fiala adjourned the meeting at 8:00 P.M.

Dawn Bishop
Interim Clerk of Council

Jerry T. Fiala
Mayor and President of Council

20 March 2019

Ms. Jones, Law Director, City of Kent, Ohio:

On 30 March 2018 Mr. Ferrara sent the attached email to all members of council. I would like all emails, records of personal contacts, phone records, and notes, that occurred as a result of that email. I would also like the "Quoted text hidden" referenced at the bottom of his email.

The email is a part of the police report written against me by Tara Grimm, former Clerk of Council. Also appearing in the police report are emails by Council person Heidi Shaffer, and City Manager Ruller.

Garret Ferrara <ferrara@kent-ohio.org>

Fri, Mar 30, 2018 at 12:19 PM

To: Clerk of Council <councilclerk@kent-ohio.org>

Cc: Gwen Rosenberg <rosenbergg@kent-ohio.org>, Heidi Shaffer <shaffer@kent-ohio.org>, Jack Amrhein <amrhein@kent-ohio.org>, Jerry Fiala <fialaj@kent-ohio.org>, John Kuhar <kuhar@kent-ohio.org>, Mike DeLeone <deleone@kent-ohio.org>, Robin Turner <turner@kent-ohio.org>, Roger Sidoti <sidoti@kent-ohio.org>, Tracy Wallach <wallach@kent-ohio.org>

Tara I spoke with Jack and Roger and we want to formally address the issue and your concerns with a plan of action. Can we schedule an exec session this Wednesday to discuss the matter and ways that we can ensure a productive and safe work environment?

In reading Heidi's comments I think calling the exec session is in order as I believe the rest of council will agree with addressing your concerns even though I haven't spoken to the others. Please feel free to respond to the thread council members. Also in speaking with Jack if you feel that Wednesday is not soon enough to address the issue please contact him directly so we can address those concerns.

Have a happy Easter.

Garret Ferrara
Kent City Council
Ward 1

Sent from my mobile, please excuse any typos.

[Quoted text hidden]

Christopher M. Myers
220 E. Elm St. Kent, OH 44240



CITY OF KENT, OHIO

DEPARTMENT OF LAW

April 10, 2018

Christopher Myers (330) 678-6984
220 E. Elm St.
Kent, Ohio 44240

Re: Tara Grimm, Clerk of Council

Dear Mr. Myers,

This is a follow up to our phone conversation on April 6, 2018. It was nice speaking to you and I hope you are feeling better after your hospital stay.

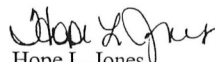
As I indicated on the phone, I am giving you notice that you are not to have any direct or indirect contact with Tara Grimm, City Council's Clerk. She has indicated that after several contacts with you she does not feel safe around you. As her employer, the City must ensure a safe work environment for all of our employees.

This notice does not prohibit you from attending public meetings, including Council meetings and expressing your opinions during the "Citizen Comment" time or when citizens are invited to speak during Committee meetings. You have every right to inform Council of your views of the Council minutes or any other issue that you feel you need to voice your beliefs.

If you need a public record from Council or any city department, please direct your request to me. I gave you my email address and you are free to call me at 330-678-8619. If you need to speak to someone about an issue that you would have called Ms. Grimm about, please call me and I will make sure that Ms. Grimm is informed of our conversation.

After our conversation on the phone last Friday, I believe you understood that Ms. Grimm wants no contact with you. I understand that you do not agree with her feelings about you, but please respect this request and do not have contact with Ms. Grimm in the future.

Very truly yours,


Hope L. Jones
Law Director

Cc: Mayor Jerry Fiala
Tara Grimm, Clerk of Council

**THE CITY OF KENT, OHIO
PUBLIC HEARING
WEDNESDAY, MARCH 20, 2019**

At 7:30 p.m., Mayor Jerry T. Fiala called the **Public Hearing for the Program Year 2019 Community Housing Impact and Preservation (CHIP) Program Grant Application**. Roll Call was taken.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; 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. Jim Bowling, City Engineer; Ms. Melanie Baker, Public Service Director; and Ms. Dawn Bishop, Interim Clerk of Council.

ABSENT: Mr. John Kuhar; Mr. Garret Ferrara

MOTION TO EXCUSE THE ABSENCE OF BOTH MR KUHAR AND MR FERRARA made by Ms. Rosenberg, seconded by Mr. Sidoti, CARRIED by a voice vote of 7-0.

In accordance with Article XII, Section 12.05 of the Kent City Charter, notice was given on Wednesday January 28, 2019, that the Kent City Council was conducting this Public Hearing to allow for public comment *Program Year 2019 Community Housing Impact and Preservation (CHIP) Program Grant Application*.

Mr. Susel briefly announced this is the second of 2 Public Hearings for the Community Housing Impact and Preservation Program, also known as CHIP, which is funded through the State of Ohio Department of Services Agency. The public hearing is to solicit comments from the public regarding the city's intent to submit a grant application in May 2019. The main objective of the CHIP program is to fund activities and projects that are housing related to benefit low to moderate income persons residing within the city.

Mayor Fiala asked for comments from the audience. There were no comments.

Hearing no further business, Mayor Fiala adjourned the Public Hearing meeting at 7:32 p.m.

Dawn Bishop
Interim Clerk of Council

Jerry T. Fiala
Mayor and President of Council

**THE CITY OF KENT, OHIO
COMMITTEE OF THE WHOLE
WEDNESDAY, April 4, 2019**

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

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

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

There was one (1) item on the Agenda.

1. Interview Candidates for Boards and Commissions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Dawn Bishop
Interim Clerk of Council

ACTION RECOMMENDED:

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

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

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

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

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

There were five (5) items on the Agenda.

1. Special Event Permit for Kent Torch Fest

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

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

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

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

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

Mr. Sidoti asked for clarification on the date.

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

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

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

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

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

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

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

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

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

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

3. Special Event Permit for KSU Flashes Forever Alumni Event

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

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

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

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

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

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

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

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

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

Mayor Fiala asked about a liquor permit.

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

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

4. Haymaker Farmer's Market Sub Lease Renewal

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

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

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

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

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

5. Celebration Kent Grant Awards for 2019

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

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

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

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

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

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

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

Dawn Bishop
Interim Clerk of Council

ACTION RECOMMENDED:

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



CITY OF KENT, OHIO

DEPARTMENT OF ECONOMIC DEVELOPMENT

TO: Potential *Celebrate Kent!* Program Applicants

FROM: Tom Wilke, Economic Development Director

DATE: February 12, 2019

SUBJECT: *Celebrate Kent!* Program Request for Proposals

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

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

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

Attachments

REQUEST FOR PROPOSALS

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

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

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

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

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

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

COMPLETED PROPOSALS SHOULD BE RETURNED TO:

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

Phone: 330-676-7582/ Fax: 330-678-8030
E-mail: wilket@kent-ohio.org

Celebrate Kent! **PROGRAM GUIDELINES**

PROGRAM GOAL:

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

OBJECTIVES:

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

PROGRAM REQUIREMENTS:

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

***Celebrate Kent!* APPLICATION**

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

PROJECT TITLE:

PROJECT DATE(S):

APPLICANT ORGANIZATION:

CONTACT PERSON:

ADDRESS:

PHONE NUMBER:

FAX NUMBER:

EMAIL ADDRESS:

TOTAL AMOUNT OF FUNDING REQUEST:

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

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

Celebrate Kent!
STATEMENT OF SUCCESS

(To be completed when requesting expense reimbursement)

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

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

PROJECT TITLE: _____

APPLICANT ORGANIZATION: _____

CONTACT PERSON: _____

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

STATEMENT OF GOALS ACHIEVED:

NUMBER OF PEOPLE SERVED:

ECONOMIC IMPACT:

NON-CITY OF KENT FUNDING SOURCES USED:

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPROVE A NEW SPECIAL EVENT APPLICATION FROM THE CITY OF KENT PARKS AND RECREATION DEPARTMENT FOR THE KENT TORCH FEST TO BE HELD ON THURSDAY, JUNE 20, 2019, AND THE TEMPORARY CLOSURE OF WEST MAIN STREET FROM RIVER TO WATER STREET, AND DECLARING AN EMERGENCY.

WHEREAS, the Kent Torch Fest is an event to commemorate the 50th anniversary of the Cuyahoga River fire that occurred on June 22, 1969; and

WHEREAS, the organizers would like to temporarily close West Main Street from River to Water Street beginning at 10 a.m. on Thursday, June 20th and continue until 10 p.m. that evening;

WHEREAS, the Kent City Council consents to authorizing the City Manager or his designee to sign the Special Event Application as long as he is comfortable and believes the safety and security of the City's citizens will not be adversely affected; and

WHEREAS, the time is of the essence as the event is scheduled for June 20, 2019.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto concurring:

SECTION 1. That the Kent City Council authorizes the City Manager or his designee to execute the Special Event Application from the Kent Parks and Recreation Department in substantial conformance with the Special Event Application attached hereto as Exhibit "A", as long as the City Manager or his designee believes the safety and security of Kent's citizens are adequately projected.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Dawn Bishop
Interim Clerk of Council

I, DAWN BISHOP, INTERIM CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *ORDINANCE* No. _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20____.

(SEAL)

DAWN BISHOP
INTERIM CLERK OF COUNCIL



City of Kent, Ohio

Office of the City Manager

To: Dave Ruller, City Manager

From: Harrison Wicks, Assistant to the City Manager *HW*

Date: March 27, 2019

RE: New Special Event Application – Kent Torch Fest

The City Manager's Office has received a special event application for a new event known as the Kent Torch Fest and requires council approval. This event will take place **Thursday, June 20th from 4-9pm** on West Main Street, including the Main Street Bridge, between River Street and Water Street. The Franklin Mills Riveredge Park and Hometown Bank Plaza will also be included in the festival activities.

The event will temporarily close West Main Street from River to Water Streets beginning at 10am on Thursday, June 20th and continue until 10pm that evening.

The Kent Torch Fest is an event for residents, businesses, and the community to commemorate the 50th anniversary of the Cuyahoga River fire that occurred on June 22, 1969 and celebrate the work of the Kent community to make the river a destination for all to enjoy.

This event is part of a regional collaboration and includes a series of local ceremonies along the entire length of the Cuyahoga River. The first festival in the series will be held in downtown Kent (i.e. Kent Torch Fest).

The festival will include art installations, food vendors, and live music. A 'Passing of the Torch' ceremony will begin at 6:00pm in Franklin Mills Riveredge Park and culminate with the unveiling and dedication of a commemorative relief as well as highlight the Cuyahoga River as a national Water Trail.

Please let me know if you have any questions concerning the attached materials or if you need any additional information.

For more information on the Kent Torch Fest and regional Xtinguish Celebration series please visit <https://xtinguishcelebration.com/torch-fest/>.

Thank you.

cc: Dawn Bishop, Interim Clerk of Council

APPLICATION FOR SPECIAL EVENT
PARADES, FESTIVALS, CARNIVALS, PUBLIC ASSEMBLIES,
ETC. City of Kent, 301 S. Depeyster Street, Kent, OH 44240

NAME OF EVENT Kent Torch Fest
ORGANIZATION SPONSORING EVENT Kent Parks & Recreation / City of Kent
APPLICANT NAME John Idone PHONE 330-673-8997
ADDRESS 497 Middlebury Road, Kent, OH 44240

NAMES AND PHONE NUMBERS OF ALL PERSONS WHO ARE IN CHARGE AND/OR WILL BE IN A RESPONSIBLE POSITION DURING THE EVENT:

Harrison Wicks 330-676-7572
Nancy Pizzino 330-673-8897 Ext 7273

DATE OF EVENT Thursday, June 20, 2019 NO. OF PARTICIPANTS +500

REQUESTED PERMIT TIME: Start Set up 10 AM Start Event 4 PM
End Event 9 PM End Cleanup 10 PM

IF PARADE: STARTING POINT N/A ENDING POINT N/A

USE OF CITY WATER NEEDED? Yes, food vendors
(IF YES, PLEASE EXPLAIN)
USE OF CITY ELECTRIC NEEDED? Yes, music stage
(IF YES, PLEASE EXPLAIN)

In addition to the application please submit the following information:

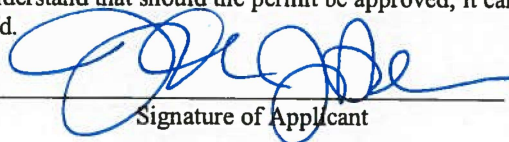
- Attach map to application showing proposed streets to be blocked off for event, and route of parade or race. (May be hand drawn.)
- Proof of Insurance is required before permit can be issued.
- Please attach list of possible vendors/booths to be part of event (food, retail, etc.).

Please submit application for permit at least 30 days in advance, but no sooner than one year in advance. For additional requirements please review Chapter 316 of The Codified Ordinance of the City of Kent. **Please be advised that the use of marking paint on City pavement, curbs, sidewalks or other property is prohibited except if purchased at cost from Service Department (330-678-8105).**

By signing this application, I am certifying that I have received a copy of the rules and regulations of Chapter 316 of the Codified Ordinances of the City of Kent, and I fully understand that should the permit be approved, it can be revoked if any of the provisions of this Chapter are violated.

Kent P&R John Idone

Name of Applicant



Signature of Applicant

Office Use. Do not write below this line. Sent to:
Safety, Service, Fire, Police, and Health Departments for review and approval
via _____ on _____.

MEMORANDUM AGREEMENT _____ YES _____ NO
APPLICATION APPROVED _____ APPLICATION DISAPPROVED _____

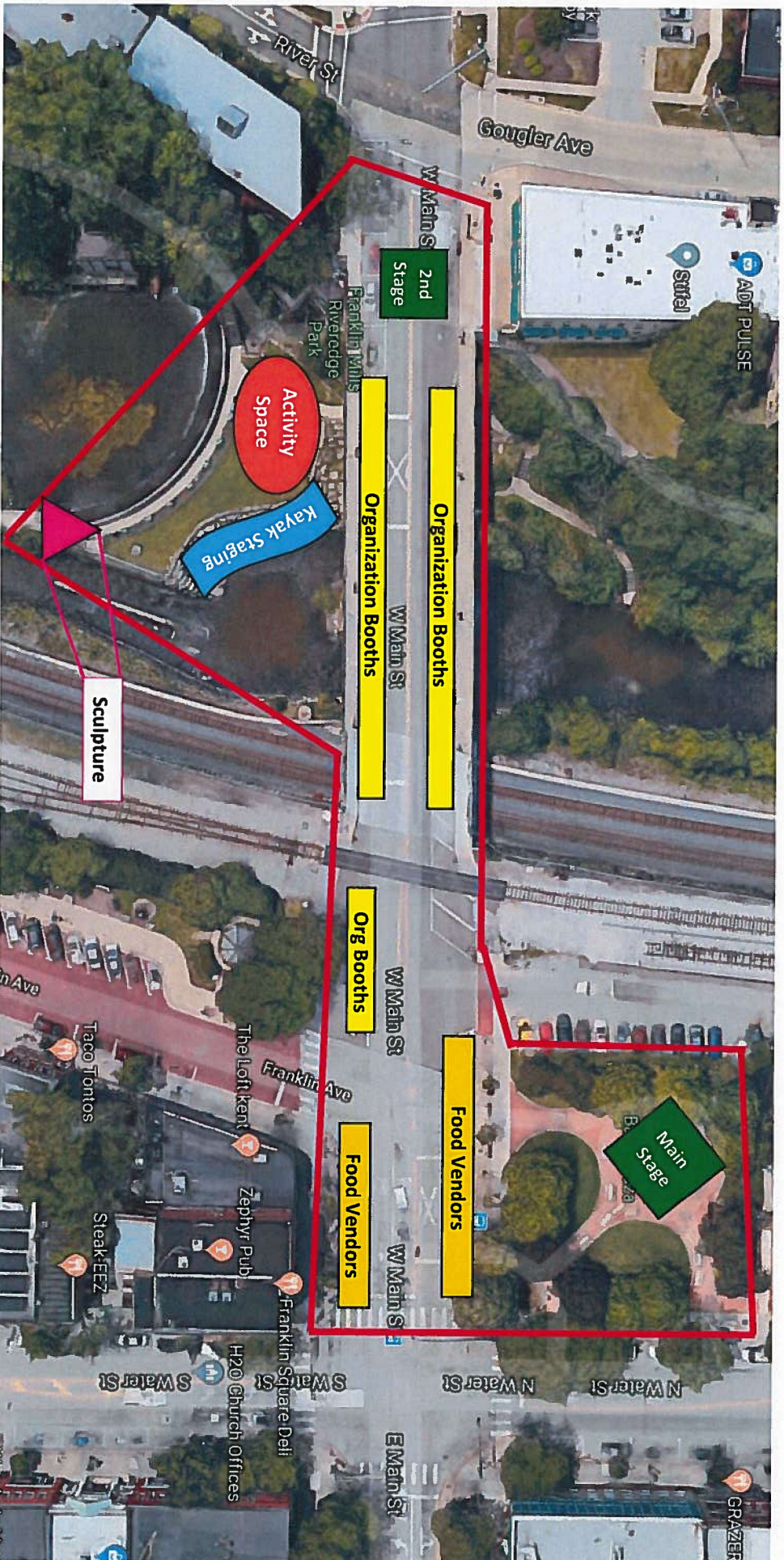
PROOF OF INSURANCE REQUIRED BY ORDINANCE 316.04 HAS BEEN REVIEWED AND APPROVED.

Law Director

Date

IF APPLICATION IS APPROVED, PERMIT WILL BE ISSUED BY THE CITY MANAGER.

Kent Torch Fest – Event Map (Thursday, June 20, 2019)



Set Up:

Road Closure Begins 10am

Main Stage & 2nd Stage Set up 10-4pm

Org & Food Vendor Set up 3-4pm

Program Schedule:

4:00-4:30pm Hal Walker (*Tentative*) – 2nd Stage

4:30-6:00pm Alex Bevan – 2nd Stage

6:00-6:15pm Poetry Readings – 2nd Stage

6:15-7:00pm Ceremony & Sculpture Unveil – 2nd Stage & Riveredge Park

7:00-9:00pm Chardon Polka Band – Main Stage, Hometown Bank Plaza

Break Down:

9-10pm

Road Closure Ends 10pm



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
1/21/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Jackson, Dieken & Associates 27893 Clemens Rd Westlake OH 44145-1169	CONTACT NAME: Ben Sutton PHONE (A/C No. Ext): 330-562-5145 FAX (A/C No): 330-562-5146 EMAIL ADDRESS: ben@suttoninsurance.com														
INSURED City of Kent 930 Overholt Drive Kent OH 44240	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">INSURER(S) AFFORDING COVERAGE</th> <th style="text-align: left;">NAIC#</th> </tr> <tr> <td>INSURER A : US Specialty Insurance Company</td> <td>29599</td> </tr> <tr> <td>INSURER B :</td> <td></td> </tr> <tr> <td>INSURER C :</td> <td></td> </tr> <tr> <td>INSURER D :</td> <td></td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE	NAIC#	INSURER A : US Specialty Insurance Company	29599	INSURER B :		INSURER C :		INSURER D :		INSURER E :		INSURER F :	
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INSURER C :															
INSURER D :															
INSURER E :															
INSURER F :															

COVERAGES

CERTIFICATE NUMBER: 469068880

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADOL	SUBR	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS																								
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GENL AGGREGATE LIMIT APPLIES PER ☒ POLICY ☐ PRO-ECT ☐ LOC ☐ OTHER			PKG80610679	2/1/2019	2/1/2020	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>EACH OCCURRENCE</td><td>\$ 1,000,000</td></tr> <tr><td>DAMAGE TO RENTED PREMISES (Ea occurrence)</td><td>\$ 300,000</td></tr> <tr><td>MED EXP (Any one person)</td><td>\$ 10,000</td></tr> <tr><td>PERSONAL & ADV INJURY</td><td>\$ 1,000,000</td></tr> <tr><td>GENERAL AGGREGATE</td><td>\$ 3,000,000</td></tr> <tr><td>PRODUCTS - COMP/OP AGG</td><td>\$ 3,000,000</td></tr> <tr><td></td><td>\$</td></tr> <tr><td>COMBINED SINGLE LIMIT (Ea accident)</td><td>\$</td></tr> <tr><td>BODILY INJURY (Per person)</td><td>\$</td></tr> <tr><td>BODILY INJURY (Per accident)</td><td>\$</td></tr> <tr><td>PROPERTY DAMAGE (Per accident)</td><td>\$</td></tr> <tr><td></td><td>\$</td></tr> </table>	EACH OCCURRENCE	\$ 1,000,000	DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 300,000	MED EXP (Any one person)	\$ 10,000	PERSONAL & ADV INJURY	\$ 1,000,000	GENERAL AGGREGATE	\$ 3,000,000	PRODUCTS - COMP/OP AGG	\$ 3,000,000		\$	COMBINED SINGLE LIMIT (Ea accident)	\$	BODILY INJURY (Per person)	\$	BODILY INJURY (Per accident)	\$	PROPERTY DAMAGE (Per accident)	\$		\$
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	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>PER STATUTE</td> <td>OTH-ER</td> </tr> <tr> <td>E.L. EACH ACCIDENT</td> <td>\$</td> </tr> <tr> <td>E.L. DISEASE - EA EMPLOYEE</td> <td>\$</td> </tr> <tr> <td>E.L. DISEASE - POLICY LIMIT</td> <td>\$</td> </tr> </table>	PER STATUTE	OTH-ER	E.L. EACH ACCIDENT	\$	E.L. DISEASE - EA EMPLOYEE	\$	E.L. DISEASE - POLICY LIMIT	\$																
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DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 For Info Only
 Excess coverage applies to General Liability, including Sexual Abuse, Stop Gap Liability and Employee Benefits

CERTIFICATE HOLDER

CANCELLATION

City of Kent 930 Overholt Dr Kent OH 44240	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
--	--

Potential Vendor List for Kent Torch Fest		
Status	Organization	Name/Contact Info.
	Cuyahoga Valley National Park	
	Environmental Education Council of Ohio	
	Green Energy Ohio	
	Haymaker Farmers' Market	
	Kent Environmental Council	
	KSU Student Recreation & Wellness	
	ODNR Division of Natural Areas and Preserves	
	Keelhaulers Canoe Club	
	Share the River	
	Portage Park District	
	Student Org: Biology Club	
	Student Org: Habitat for Humanity : KSU	
	Student Org: Herrick Conservatory and Sustainability Club	
	Student Org: Kent State Environmental Society	
	Student Org: Sustainable Living at Kent	
	The Nature Conservancy in Ohio	
	The Ohio EPA	
	West Creek Conservancy	
	Akron Zoo	
	Biological Sciences	
	Biological Sciences Water Quality Quest Team	
	The Campus Kitchen	
	Center for Student Involvement	
	Clean Fuels Ohio	
	Cleveland Metro parks	
	Community Engaged Learning	
	Cuyahoga River Restoration	
	Cuyahoga Valley Environmental Education Center	
	Davey Resource Group, Inc	
	Don't Break the Lake/ Cuyahoga 50/ Sustainable Cleveland	
	EnviroScience	
	Friends of the Crooked River	
	Great Lakes Biomimicry	
	Greater Akron Innovator Network for Sustainability (GAINS)	

	Habitat for Humanity of Portage County	
	Kent City Schools	
	Kent Cycle	
	Kent Parks and Recreation	
	Kent Sustainability Commission	
	Kent Stormwater Management	
	Office of Sustainability	
	Ohio River Foundation (for Ohio River)	
	Ohio Wetland Association	
	PARTA	
	Portage County Clothing Center	
	Portage County Solid Waste District	
	Portage County Soil & Water District	
	Standing Rock Cultural Arts	
	The Holden Arboretum and Botanical Gardens	
	Wick Poetry Center	
Potential Food Vendors		
	Burnside BBQ	
	Grazers	
	Erie Street Kitchen	
	Roll Call Burgers	

Petition to Businesses: Kent Torch Fest – Thursday, June 20, 2019 Road Closure

The Kent Torch Fest is an event for residents, businesses, and the community to commemorate the 50th anniversary of the Cuyahoga River fire that occurred on June 22, 1969 and celebrate the work of the Kent community to make the river a destination. The Kent Torch Fest is part of a regional collaboration and includes a series of local ceremonies along the entire length of the Cuyahoga River. The first festival in the series will be held in downtown Kent!

The event will be held **Thursday, June 20, 2019 from 4-9pm**. Road closure of West Main Street between Gougler Avenue and Water Street would be in effect from 10am to 10pm.

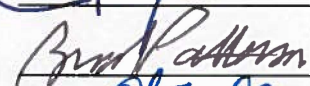
We are asking business owners to sign this petition in approval of the proposed road closure of West Main Street between Gougler Avenue and Water Street. This petition will be presented to the City of Kent for approval before moving forward with further planning. Thank you for your consideration!

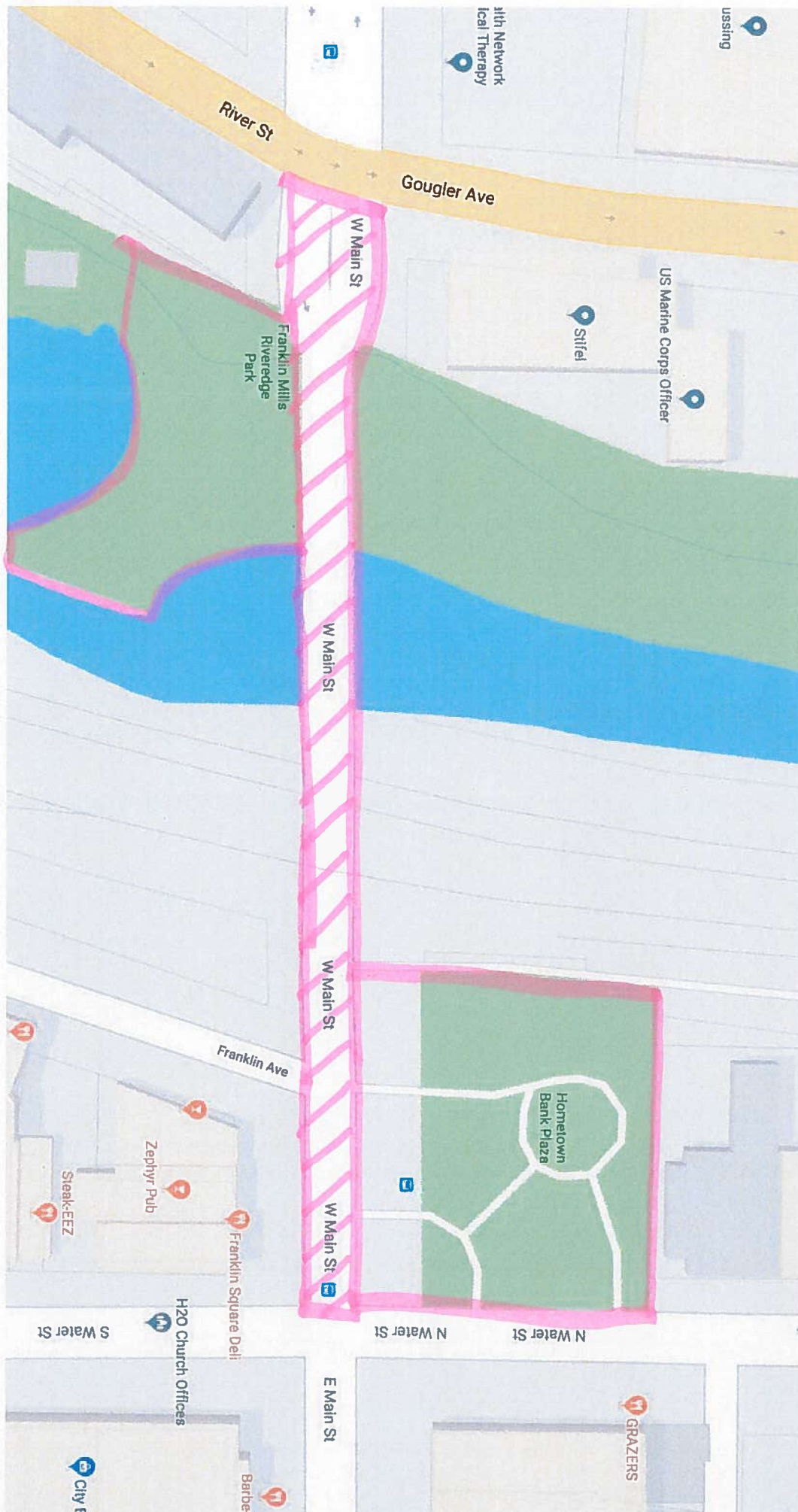
I support the proposed road closure of West Main Street between Gougler Avenue and Water Street for the Kent Torch Fest on June 20, 2019. The event will run from 4pm to 9pm with road closure in effect from 10am to 10pm.

Business Name

Contact Signature

Phone #

Hometown Bank		330-673-9827
FRANKLIN ST. DBI		673-2942
THE LOFT		330-549-3582
WEST RIVER PLACES		210-219-7755
Kent P & R		330-842-2381
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____





An opportunity for residents, businesses, and the community to commemorate the 50th anniversary of the Cuyahoga River fire that occurred on June 22, 1969 and celebrate the work of the Kent community to make the river a destination for all to enjoy! The Kent Torch Fest is part of a regional collaboration and includes a series of local ceremonies along the entire length of the Cuyahoga River. The first festival in the series will be held in downtown Kent! Beginning at 4:00pm the festival will include art installations, food trucks, and live music with musical acts such as Alex Bevan, the Chardon Polka Band, and more! A 'Passing of the Torch' ceremony will begin at 6:00pm in Riveredge Park and culminate with the unveiling and dedication of a commemorative relief as well as highlight the Cuyahoga River as a national Water Trail!

When: 4 - 9pm, Thursday, June 20, 2019

Where: Downtown Kent (Riveredge Park, Main Street Bridge, & Hometown Bank Plaza)

Who: This event is free and open to everyone!

Sponsorship Opportunities

Title Sponsor (\$3,000 and above)

- Naming rights to the community event (i.e. Kent Torch Fest Presented by...)
- Spoken recognition at the event and company name and logo featured on all signage at the event
- Company name and logo on all print material, print and digital advertisements, press releases, and digital promotions
- Company name featured in all social media promotional messages
- Logo most prominently placed on event map

Spotlight Sponsor (\$1,000)

- Spoken recognition at the event and company name and logo featured on all signage at the event
- Company name and logo on all print material, print and digital advertisements, press releases, and digital promotions
- 20 social media mentions throughout event promotion
- Logo prominently placed on event map

Community Sponsor (\$500)

- Spoken recognition at the event and company name and logo featured on all signage at the event
- Company name and logo on all print material, print and digital advertisements, press releases, and digital promotions
- 10 social media mentions throughout event promotion
- Logo placed on event map

Small Business/Individual Sponsor (\$250/\$100)

- Spoken recognition at the event
- 5 total social media mentions throughout event promotion (Businesses Only)
- Logo placed on event map (Businesses Only)

Sponsor Here:

Please select the level of sponsorship requested.

_____ **Title Sponsor (\$3,000 and above)**

_____ **Spotlight Sponsor (\$1,000)**

_____ **Community Sponsor (\$500)**

_____ **Small Business/Individual Sponsor (\$250/\$100)**

Business/Individual Name: _____

Contact Name: _____ Title: _____

Mailing Address: _____

Phone: _____ Email: _____

PAYMENT DEADLINE: April 26, 2019

Please return this completed form and contribution to:

Kent Parks & Recreation Department
Attn: Kent Torch Fest Planning Committee
497 Middlebury Road
Kent, OH 44240

(If writing a check, please make it out to 'Kent Parks & Recreation Department')

For more information and to get involved with the event, visit xtinguishcelebration.com or email Harrison Wicks at wicksh@kent-ohio.org.

DRAFT NO. 2019 -37

AN ORDINANCE AUTHORIZING AN EXPANDED STREET CLOSINGS FOR WIZARDLY WORLD OF KENT THAT WILL BE HELD ON SATURDAY, JULY 27, 2019, AND TO PROVIDE 48 HOUR NOTIFICATION OF THE STREET CLOSINGS TO ALL RESIDENTS, AND DECLARING AN EMERGENCY.

WHEREAS, for the past three years, the City has granted Main Street Kent, an Ohio nonprofit corporation, street closings for its Wizardly World of Kent (formerly Potterfest); and

WHEREAS, Main Street Kent requests expanding those street closings for North Water Street, from Main Street to Portage Street, to better accommodate pedestrian flow and access to vendor events, as shown in the attached Exhibit, and to provide 48 hour notification of the street closings to all residents; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto concurring that:

SECTION 1. Council does hereby authorize the street closings shown in the attached Exhibit for the Wizardly World of Kent being held on Saturday, July 27, 2019, and to provide 48 hour notification of the street closings to all residents;

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Dawn Bishop
Interim Clerk of Council

I, DAWN BISHOP, INTERIM CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *ORDINANCE No.* _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20____.

(SEAL)

DAWN BISHOP
INTERIM CLERK OF COUNCIL



City of Kent, Ohio

Office of the City Manager

To: Dave Ruller, City Manager

From: Harrison Wicks, Assistant to the City Manager 

Date: March 27, 2019

RE: Main Street Kent Additional Street Closure – Wizardly World of Kent

Main Street Kent (MSK) has staged the Wizardly World of Kent event in the downtown for the past three years, with attendance increasing every year. In order to better accommodate this increase and improve pedestrian flow and access to vendor services, Main Street Kent is seeking to expand the street closure area for this event.

Attached is a map depicting the current permitted street closure and the expanded area being proposed by Main Street Kent for North Water Street, from Main Street to Portage Street – expanded from Columbus Street.

I am respectfully requesting time at the April 3, 2019 Council Committee meeting to present the proposed expansion to the members of Council and to request their approval as part of the City's event permitting process.

Please let me know if you have any questions concerning the attached materials or if you need any additional information.

Thank you.

cc: Dawn Bishop, Interim Clerk of Council

Petition to Businesses: Wizardly World of Kent - July 27, 2019 Road Closure

After three very successful Kent Potterfest/Wizardly World of Kent events, Main Street Kent is planning a similar event for Sat., July 27, 2019. Due to the incredible amount of foot traffic created by this event, we feel it is imperative to the safety of event attendees and our community to close these streets for the event:



1. W. Main St., from Franklin Ave. to Water St.
2. E. Main St., from Water St. to DePeyster St.
3. N. Water St., from Main St. to Portage St. (new/expanded from Columbus St.)
4. S. Water St., from Main St. to Erie St.
5. E. Erie St., from the S. Water St. to DePeyster St.

We realize this may inconvenience some of our business owners; however the event planning committee feels this is necessary to ensure a safe, successful event.

We are asking business owners in the newly added event area to sign this petition in approval of the proposed road closure. This petition will be presented to the City of Kent for approval before moving forward with further planning. Thank you for your cooperation.

Sincerely,

Heather Malarcik

Heather Malarcik
Executive Director
Main Street Kent
330-677-8000
heather@mainstreetkent.org

Petition to Businesses: Wizardly World of Kent - July 27, 2019 Road Closure

I support the proposed road closure for Wizardly World of Kent on Sat., July 27, 2019. The event will run from 10:00am to 8:00pm, with road closure in effect from 6:00am to 10:00pm.

<u>Business Name</u>	<u>Contact Signature</u>	<u>Phone #</u>
Hometown Bank	Michael Lewis	330 842 2504
ScRibblers Coffee Co.	Beth Blum	330-732-7174
vows to video		330-703-8017
Teck + Every		330-940-6567
Brewhouse	See Attached Email	

From: Jimmy Tribuzzo <tribuzzo@brewhousejbs@yahoo.com>

Sent: Wednesday, March 20, 2019 5:28 PM

To: Heather Malarcik

Subject: Re: July 27 Wizardly World of Kent Road Closure

Heather,

Thank you for keeping me updated on events in the city. The Brewhouse will not be open July 27 th so any closure of the streets will be fine. Have a great day!

Jimmy

Sent from my iPhone

On Mar 20, 2019, at 3:12 PM, Heather Malarcik <heather@mainstreetkent.org> wrote:

Jim,

Thanks for taking the time to talk with me today about the road closure for the July 27 Wizardly World of Kent. As I mentioned, we would like to close N. Water St. up to Portage St., which will limit access to Brewhouse during the event. You mentioned that your business will not be open that day, so this will not impact you. Can you please confirm this via email, so I can share this information with the city of Kent? Many thanks!

Best,

Heather Malarcik
Executive Director
Main Street Kent
330-677-8000

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPROVE A NEW SPECIAL EVENT APPLICATION FROM KENT STATE UNIVERSITY OFFICE OF ALUMNI RELATIONS KNOWN AS "FLASHES FOREVER" TO BE HELD ON WEDNESDAY, MAY 8 2019, AND THE TEMPORARY CLOSURE OF NORTH WATER STREET, BETWEEN MAIN AND COLUMBUS STREETS, AND DECLARING AN EMERGENCY.

WHEREAS, the Flashes Forever is an event to celebrate senior graduation in May 2019 and provide resources and connections for students as they transition into alumni status; and

WHEREAS, the organizers would like to temporarily close North Water Street, between Main and Columbus Streets beginning at 4 p.m. on Wednesday, May 8th and continue until 10 p.m. that evening;

WHEREAS, the Kent City Council consents to authorizing the City Manager or his designee to sign the Special Event Application as long as he is comfortable and believes the safety and security of the City's citizens will not be adversely affected; and

WHEREAS, the time is of the essence as the event is scheduled for May 8, 2019.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto concurring:

SECTION 1. That the Kent City Council authorizes the City Manager or his designee to execute the Special Event Application from the Kent State University Office of Alumni Relations in substantial conformance with the Special Event Application attached hereto as Exhibit "A", as long as the City Manager or his designee believes the safety and security of Kent's citizens are adequately projected.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Dawn Bishop
Interim Clerk of Council

I, DAWN BISHOP, INTERIM CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *ORDINANCE* No. _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20____.

(SEAL)

DAWN BISHOP
INTERIM CLERK OF COUNCIL



City of Kent, Ohio

Office of the City Manager

To: Dave Ruller, City Manager

From: Harrison Wicks, Assistant to the City Manager *HW*

Date: March 27, 2019

RE: New Special Event Application – Flashes Forever

The City Manager's Office has received a special event application for a new event known as Flashes Forever and requires council approval. This event will take place **Wednesday, May 8th from 6-8pm** on North Water Street, between Main Street and Columbus Street. Hometown Bank Plaza will also be included in the event activities.

The event will temporarily close North Water Street, between Main and Columbus Streets beginning at 4pm on Wednesday, May 8th and continue until 10pm that evening.

The Flashes Forever event is hosted by the Kent State University Office of Alumni Relations to celebrate senior graduation in May 2019 and provide resources and connections for students as they transition into alumni status.

The event will include outdoor games and activities, food vendors, and live music. The KSU Office of Alumni Relations event organizers are pursuing a liquor permit from the State of Ohio Department of Commerce, Division of Liquor Control to allow alcohol in Hometown Bank Plaza. If approved, alcohol will be limited to Hometown Bank Plaza only and will include barricades with monitored entrances to ensure compliance set by the Division of Liquor Control. No alcohol will be allowed on North Water Street.

Please let me know if you have any questions concerning the attached materials or if you need any additional information.

Thank you.

cc: Dawn Bishop, Interim Clerk of Council

**APPLICATION FOR SPECIAL EVENT
PARADES, FESTIVALS, CARNIVALS, PUBLIC ASSEMBLIES,
ETC. City of Kent, 301 S. Depeyster Street, Kent, OH 44240**

NAME OF EVENT FLASHES Forever
 ORGANIZATION SPONSORING EVENT Kent STATE UNIVERSITY Alumni Relations
 APPLICANT NAME Dennis Watson PHONE 330-672-8048
 ADDRESS 350 S. Lincoln ST. Kent, OH 44242

NAMES AND PHONE NUMBERS OF ALL PERSONS WHO ARE IN CHARGE AND/OR WILL BE IN A RESPONSIBLE POSITION DURING THE EVENT:

Dennis Watson - 330-502-3084

DATE OF EVENT Wed. May 8, 2019 NO. OF PARTICIPANTS 500

REQUESTED PERMIT TIME: Start Set up 4:00 PM Start Event 6:00 PM
 End Event 8:00 PM End Cleanup 10:00 PM

IF PARADE: STARTING POINT N/A ENDING POINT N/A

USE OF CITY WATER NEEDED? NO
 (IF YES, PLEASE EXPLAIN)
 USE OF CITY ELECTRIC NEEDED? YES - Food Trucks + Games
 (IF YES, PLEASE EXPLAIN)

In addition to the application please submit the following information:

- Attach map to application showing proposed streets to be blocked off for event, and route of parade or race. (May be hand drawn.)
- Proof of Insurance is required before permit can be issued.
- Please attach list of possible vendors/booths to be part of event (food, retail, etc.).

Please submit application for permit at least 30 days in advance, but no sooner than one year in advance. For additional requirements please review Chapter 316 of The Codified Ordinance of the City of Kent. Please be advised that the use of marking paint on City pavement, curbs, sidewalks or other property is prohibited except if purchased at cost from Service Department (330-678-8105).

By signing this application, I am certifying that I have received a copy of the rules and regulations of Chapter 316 of the Codified Ordinances of the City of Kent, and I fully understand that should the permit be approved, it can be revoked if any of the provisions of this Chapter are violated.

Dennis Watson [Signature]
 Name of Applicant Signature of Applicant

Office Use. Do not write below this line.

Safety, Service, Fire, Police, and Health Departments for review and approval Sent to:
 via email on 3/12/19

MEMORANDUM AGREEMENT YES NO
 APPLICATION APPROVED APPLICATION DISAPPROVED

PROOF OF INSURANCE REQUIRED BY ORDINANCE 316.04 HAS BEEN REVIEWED AND APPROVED.

[Signature] 3/13/19
 Law Director Date

IF APPLICATION IS APPROVED, PERMIT WILL BE ISSUED BY THE CITY MANAGER.





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
06/28/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Marsh USA Inc.
200 Public Square
Suite 3760
Cleveland, OH 44114

CONTACT

NAME:

PHONE

(A/C, No, Ext):

FAX

(A/C, No):

E-MAIL

ADDRESS:

INSURER(S) AFFORDING COVERAGE

NAIC #

INSURER A : IUC-IC Insurance Consortium

INSURER B : N/A

N/A

INSURER C : N/A

N/A

INSURER D :

INSURER E :

INSURER F :

18875 -KenSt-PRIM-18-19

INSURED

Kent State University
Attn: Elaine Ramhoff
310 Harbourt Hall, 615 Loop Rd.
Kent, OH 44242-0001

COVERAGES

CERTIFICATE NUMBER:

CLE-005422961-20

REVISION NUMBER: 2

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:		IUC-IC-GL JULY 2018-19	07/01/2018	07/01/2019	EACH OCCURRENCE \$ 5,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ NOT COVERED PERSONAL & ADV INJURY \$ 5,000,000 GENERAL AGGREGATE \$ 5,000,000 PRODUCTS - COMP/OP AGG \$ Incl. in Gen. Agg. \$
A	AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY		IUC-IC-AL JULY 2018-19	07/01/2018	07/01/2019	COMBINED SINGLE LIMIT (Ea accident) \$ 5,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N ☐ N/A				PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
City of Kent is named as an additional insured for any events sponsored and/or approved by Kent State University.

CERTIFICATE HOLDER

CITY OF KENT
LAW OFFICE
319 S WATER ST
PO BOX 5192
KENT, OH 44240

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
of Marsh USA Inc.

Michael R. Jackisch

Michael Jackisch

Flashes Forever

Wednesday, May 8

Downtown Kent (N. Water St from Columbus St to Main St)

List of possible vendors:

- 1. Roll Call Burgers & Fries food truck**
- 2. Cleveland Cookie Dough truck**
- 3. Donut Lab food truck**
- 4. Shaved Ice truck**
- 5. Madcap Brewery van**
- 6. Adam Pate & Mugshots- caricature Artists**
- 7. DJ Jeff Tritt**
- 8. Other game/outdoor vendors**

Petition to Businesses: Flashes Forever May 8, 2019 Road Closure

After hosting our signature senior celebration last year in the Hometown Bank Plaza, the Kent State University Alumni Association is throwing a much bigger party for our graduating seniors on Wednesday, May 8, 2019. With the strong interest from our graduating seniors, we have outgrown the space and need to incorporate the streets for the celebration. There will be more food vendors and activities for our seniors as we send them off to become successful alumni.



We realize this may inconvenience some of the businesses on the street; however, we feel that it is necessary to ensure a successful event for the graduating seniors.

We are asking all business owners to sign the petition in approval of the proposed road closure. This petition will be presented to the City Council for approval before moving forward with the event planning. Thank you very much for your cooperation.

Dennis Watson

Assistant Director of Outreach

Kent State University Alumni Relations

DRAFT NO. 2019-39

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO RENEW THE AGREEMENT WITH THE HAYMAKER FARMERS' MARKET FOR THE SUB-LAND LEASE OF A PARKING LOT LOCATED NORTH OF SUMMIT STREET, WEST OF FRANKLIN AVENUE, AND EAST OF AKRON BARBERTON CLUSTER RAILWAY COMPANY'S MAIN LINE TRACK, CONTAINING 0.168 ACRES, FOR THE PERIOD OF MAY 4, 2019 THROUGH OCTOBER 26, 2019; CONTINGENT ON THE CONTINUATION OF THE CITY'S LEASE WITH THE AKRON BARBERTON CLUSTER RAILWAY COMPANY, FOR THE AMOUNT OF \$1.00; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent and the Akron Barberton Cluster Railway Company entered into a lease agreement for the use of a parking lot, located north of Summit Street, west of Franklin Avenue, and east of the Akron Barberton Cluster Railway Company's main line track, containing 0.168 acres; and

WHEREAS, the City of Kent wishes to continue to sub-lease said parking lot on Saturday mornings to the Haymaker Farmers' Market; contingent on the continuation of the City's lease with the Akron Barberton Cluster Railway Company; and

WHEREAS, a Farmers' Market is a benefit to the citizens of Kent, Ohio; and

WHEREAS, time is of the essence to allow the Farmers' Market to open with good weather.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto concurring:

SECTION 1. That the City Manager, or his designee, be and hereby is authorized to renew the Sub-land Lease with Haymaker Farmers' Market for a parking lot located north of Summit Street, west of Franklin Avenue, and east of the Akron Barberton Cluster Railway Company's main line tract, contingent on continuation of the City's lease with the Akron Barberton Cluster Railway Company; in substantial compliance with the terms of Exhibit "A", attached hereto.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council, this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Dawn Bishop
Interim Clerk of Council

I, DAWN BISHOP, INTERIM CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *ORDINANCE* No. _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20____.

DAWN BISHOP
INTERIM CLERK OF COUNCIL
(SEAL)



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: March 22, 2019

TO: Dave Ruller, City Manager

FROM: Bridget Susel, Community Development Director *BDS*

RE: Sublease Renewal: Haymaker Farmers' Market

The City of Kent leases the unimproved area on the west side of Franklin Avenue, just south of the Treno Ristorante paved parking area, from the Akron Barberton Cluster (ABC) Railway Company, in order to provide space for additional long-term parking in the downtown business district. Since 2012, the City has allowed the Haymaker Farmers' Market to sublease this area for use on Saturday's, from 9:00 a.m. to 1:00 p.m., beginning with the first Saturday in May and extending through the last Saturday in October. The Haymakers' Farmers Market is incorporated as a nonprofit organization and it leases the space from the City for the nominal annual fee of \$1.00.

I am respectfully requesting time at the April 3, 2019 Committee session to have this item presented to the members of Council and to request Council's authorization, with emergency, for the renewal of the sub-lease with the Haymaker Farmers' Market for the 2019 outdoor market season.

If you need any additional information in order to add this item to the agenda, please let me know.

Thank you.

Attachment

Cc: Hope Jones, Law Director
Dawn Bishop, Interim Clerk of Council

CITY OF KENT, OHIO



SUB-LAND LEASE

THIS SUB-LEASE, made this _____ day of _____, 2019, between **THE CITY OF KENT, OHIO**, whose address is 301 South Depeyster Street, Kent, Ohio 44240, hereinafter referred to as SUB-LESSOR, and **HAYMAKER FARMERS' MARKET**, which has its summer market operations at the intersection of Franklin Avenue and Summit Street, Kent, Ohio 44240, hereinafter referred to as SUB-LESSEE.

I. PREMISES

SUB-LESSOR does hereby lease unto SUB-LESSEE certain unimproved land, located in the City of Kent, Portage County, Ohio, hereinafter called "the premises," as shown on the map attached hereto and hereby made a part hereof, described as follows:

Being a rectangular parcel of land located north of Summit Street, west of Franklin Avenue and east of LESSOR's main line track containing an area of 0.168 acres, more or less as shown in green, attached hereto as Exhibit "A."

SUB-LESSOR currently leases the subject premises from Akron Barberton Cluster Railway Company (the ORIGINAL LESSOR) pursuant to a land lease agreement dated October 26, 2011, No. 35-04380, as amended July 16, 2014.

II. TERMS AND CONDITIONS

In consideration of the covenants and agreements herein contained and other good and valuable consideration, and intending to be legally bound, it is agreed as follows:

1. **Use.** SUB-LESSEE shall use and occupy the premises solely for the purpose of a farmers' market held on Saturday morning (9:00 a.m. to 1:00 p.m.).

2. **Term and Rent.** To hold the demised premises for and during the term of May 4, 2019 through October 26, 2019 (unless sooner terminated as hereinafter provided) for the rent or sum of one dollar (\$1.00) payable in advance.

3. **Expenses.** SUB-LESSOR shall be responsible for snow plowing costs, any utility costs or charges and shall maintain insurance on the premises pursuant to their lease with ORIGINAL LESSOR.

4. **Approval of Plans.** SUB-LESSEE, prior to erecting any structure on the premises, shall submit plans to, and secure approval in writing of, SUB-LESSOR and the ORIGINAL LESSOR. SUB-LESSEE shall not erect or place or allow to be erected or placed on the premises any buildings, structures, fixtures or obstructions of any kind, either temporary or permanent.

5. **Fire and Damage.** SUB-LESSEE shall cooperate with SUB-LESSOR and shall promptly comply with fire prevention measures requested by SUB-LESSOR. SUB-LESSEE shall make no electrical installation or alterations in and to the improvements or electrical circuits (whether for power, light, heat or other purposes) located on the premises except by a duly licensed electrician, and shall make no installation of natural gas, propane, kerosene or other combustion fuel heating or cooling units, except by licensed heating or cooling contractor; and no such alterations or installations shall be made without prior written approval of the ORIGINAL LESSOR.

6. **Ordinances and Regulations.**

6.1 SUB-LESSEE, at SUB-LESSEE's sole cost and expense, shall comply with all applicable ordinances, rules, regulations, requirements and laws of any governmental authority having jurisdiction over the premises or SUB-LESSEE's intended use thereof, including but not limited to zoning, health, safety, building or environmental matters. SUB-LESSEE shall supply SUB-LESSOR and ORIGINAL LESSOR with copies of letters or certificates of approval of SUB-LESSEE's use.

7. **Maintenance and Repairs.**

7.1 SUB-LESSEE will not create or permit any nuisance in, on or about the premises, and SUB-LESSEE shall maintain the premises in a neat and clean condition. Any approved structures of SUB-LESSEE shall be erected and/or maintained on the premises by SUB-LESSEE to the satisfaction of the ORIGINAL LESSOR.

7.2 SUB-LESSEE will not utilize the City of Kent trash containers or the area near the trash containers, for the disposal of produce, perishable products, boxes, crates, storage containers, bags of trash or any other form of refuse generated by vendors operating on the premises.

7.3 SUB-LESSEE will not make, or permit to be made, any improvements or alterations to the premises without the written consent of the ORIGINAL LESSOR. Approval by the ORIGINAL LESSOR of any improvements or installations made by SUB-LESSEE, or failure of the ORIGINAL LESSOR to object to any work done or material used, or the method of construction or installation, shall not be construed as an admission of

responsibility by the ORIGINAL LESSOR or SUB-LESSOR or as a waiver of any of SUB-LESSEE's obligations under this Sub-Lease.

7.4 All work performed by SUB-LESSEE, or SUB-LESSEE contractor(s), pursuant to Section 7 shall be subject to the written approval of the ORIGINAL LESSOR's Chief Engineer or his duly authorized representative.

8. **Service and Utilities.** The ORIGINAL LESSOR will be under no obligation to furnish the premises with water, gas, sewage, electricity, heat or other services and supplies that may be necessary or desirable in connection with SUB-LESSEE use and occupancy of the premises. The SUB-LESSOR shall bear all costs of utilities used on the premises, including heat, electricity, hot water and sewer use charges. SUB-LESSEE shall reimburse SUB-LESSOR for any utilities SUB-LESSEE uses.

9. **Adjacent Areas.** Except as provided in Section 10 hereafter, SUB-LESSEE shall not use, for utility lines or otherwise, any property of the ORIGINAL LESSOR and SUB-LESSOR other than the premises herein leased without first obtaining ORIGINAL LESSOR's prior written consent and complying with all requirements of the ORIGINAL LESSOR applicable thereto.

10. **Ingress and Egress.** The ORIGINAL LESSOR, SUB-LESSOR and SUB-LESSEE shall have the right to use, in common with SUB-LESSOR and others authorized by SUB-LESSOR, existing driveway(s) or other property designated by SUB-LESSOR as means of Ingress to and Egress from the premises. SUB-LESSOR shall be under no obligation with respect to the condition or maintenance of said driveway(s) or other property, and SUB-LESSEE use of same shall be subject to all of the covenants, terms and conditions of this Sub-Lease.

11. **Pipe and Wire Lines.** The ORIGINAL LESSOR shall at all times have the right to maintain and/or construct, and to permit others to maintain and/or construct, overhead and/or underground pipe and/or wire lines now or hereafter installed upon or across the premises, and to use, repair, renew and remove the same.

12. **Claim of Title.**

12.1 SUB-LESSEE shall not at any time own or claim any right, title or interest in or to the premises, nor shall the exercise of this Sub-Lease for any length of time give rise to any right, title or interest in or to the premises, other than the Sub-Leasehold herein created.

12.2 SUB-LESSEE shall pay all debts incurred to, and shall satisfy all liens of contractors, subcontractors, mechanics, laborers and material suppliers in respect to any construction, alteration and/or repair in and to the demised premises, and any improvements thereof. Further, SUB-LESSEE shall have no authority to create any liens for labor or material on or against SUB-LESSOR or the ORIGINAL LESSOR's interest in the premises and shall specify in all contracts let by SUB-LESSEE for any construction, erection,

installation, alteration, maintenance or repair of any building or other improvement on the premises.

13. Termination, Notices and Removal.

13.1 This Sub-Lease may be terminated by either party at any time upon not less than thirty (30) days' notice in writing sent by registered or certified mail to the other party. However, in the event of a breach of any of the covenants, terms and conditions hereof by SUB-LESSEE, SUB-LESSOR shall have the right to terminate this Sub-Lease immediately.

13.2 Should original LESSOR terminate its lease with SUB-LESSOR, this Sub-lease between SUB-LESSOR and SUB-LESSEE shall also terminate.

13.3 Should SUB-LESSOR default on their lease terms to the ORIGINAL LESSOR, SUB-LESSEE may contact ORIGINAL LESSOR in efforts to step-in for SUB-LESSOR, correct the default of SUB-LESSOR, and take SUB-LESSOR'S role in the original land lease agreement dated October 26, 2011, No. 35-04380.

13.4 All notices and communications concerning this Sub-Lease shall be addressed to SUB-LESSOR or the SUB-LESSEE at their respective addresses hereinabove set forth or at such other, the ORIGINAL LESSOR, address as either party may designate in writing to the other party.

13.5 Upon termination of this Sub-Lease by expiration of term or any other reason, SUB-LESSEE shall remove all buildings or structures (except tracks, rail facilities and other designated property of the ORIGINAL LESSOR), within the time specified in any notice of termination or at the latest within fifteen (15) days after such termination. In effecting such removal, the premises shall be restored by SUB-LESSEE to a condition satisfactory to the ORIGINAL LESSOR, including the removal of all structures and facilities whether on the surface or underground) to ground level, and the filling of all excavations and holes, which shall be tamped, compacted and graded uniformly. If SUB-LESSEE shall fail to make the removal in the manner and time set forth herein, after notice to do so, SUB-LESSOR or the ORIGINAL LESSOR may remove said buildings, structures, and/or facilities and make said restoration, all at the sole risk, cost and expense of SUB-LESSEE, and may also dispose of any removed items without necessity to account for the same or to give further notice to SUB-LESSEE.

13.6 If SUB-LESSEE shall fail to make removal of any such property, SUB-LESSOR or the ORIGINAL LESSOR shall have the option to elect and notify SUB-LESSEE that all right, title and interest of SUB-LESSEE in certain building(s), structure(s) and/or facility(ies) shall be forfeit and may also dispose of any removed items without necessity to account for the same or to give further notice to SUB-LESSEE.

13.7 If SUB-LESSEE shall fail to make removal of any such property, the ORIGINAL LESSOR shall have the further option to elect and notify SUB-LESSEE that all

right, title and interest of SUB-LESSEE in certain building(s) and/or facility(ies) shall be forfeit and shall vest absolutely in the ORIGINAL LESSOR as of the date of notice of such election.

13.8 In the event that SUB-LESSEE prepays monthly or annual rentals in advance and this Sub-Lease is terminated by notice of either party (other than for breach or cause), SUB-LESSOR shall refund to SUB-LESSEE the proration of any prepaid base rental and taxes paid in advance, which SUB-LESSEE shall accept in full settlement, satisfaction and discharge of the remainder of the term or period.

14. Lessor. The term "the ORIGINAL LESSOR" as used in Section 14 hereof shall include any other company or companies whose property at the aforesaid location may be leased or operated by ORIGINAL LESSOR.

15. Insurance.

15.1 Prior to commencement of occupation or use of the premises/track for activities provided herein, SUB-LESSEE, at its sole cost and expense, shall procure and shall maintain during continuance of this Sub-Lease Public Liability Insurance covering liability assumed by SUB-LESSEE under this Sub-Lease with a combined single limit of not less than Two Million (\$2,000,000.00) Dollars for personal injury and property damage per occurrence. SUB-LESSEE shall furnish the ORIGINAL LESSOR's Director of Real Estate, 100 East First Street, Brewster, Ohio 44613 a certificate of insurance referring to this Sub-Lease by date, name of SUB-LESSOR, description of Sub-Lease and location covered. The certificate shall be endorsed to provide for thirty (30) days' notice to said Director of Real Estate prior to termination of or change in the coverage provided. If a higher limit of liability is required by the ORIGINAL LESSOR, the ORIGINAL LESSOR shall provide SUB-LESSEE written notice of the limit required and within thirty (30) days thereafter SUB-LESSEE shall provide revised certificate of insurance for the increased required limit. Furnishing of this insurance by SUB-LESSEE shall not limit SUB-LESSEE liability under this Sub-Lease but shall be additional security there for. SUB-LESSOR shall be named as an additional insured on said policy.

15.2 The insurance requirements herein are minimum requirements for this Agreement and in no way limit the indemnity covenants contained in this Agreement. The ORIGINAL LESSOR in no way warrants that the minimum limits contained herein are sufficient to protect SUB-LESSOR from liabilities that may arise out of the performance of the services under this Agreement by SUB-LESSOR, its agents, representatives, employees or subcontractors and SUB-LESSOR is free to purchase additional insurance as may be determined necessary.

16. Condemnation. Should the premises or any part thereof be condemned, appropriated and/or acquired for public use, then this Sub-Lease, at the option of SUB-LESSOR or the ORIGINAL LESSOR, shall terminate upon the date when the premises or part thereof shall be taken. No part of any damages or award shall belong to SUB-LESSEE, except to the extent of any specific award from the governmental authority for improvements

and/or facilities of SUB-LESSEE. SUB-LESSOR's land shall be valued as of such date (or other legal date of valuation) as vacant land, without consideration of this Sub-Lease or SUB-LESSEE improvements on said land as an enhancement or detriment to said land value. Improvements and/or facilities of SUB-LESSEE not so condemned, appropriated and/or acquired shall be removed in accordance with Section 13 hereof.

17. Successors and Assigns.

17.1 The terms, covenants and provisions hereof shall inure to the benefit of and be binding upon the successors and assigns of SUB-LESSOR and the ORIGINAL LESSOR and the successors and assigns of SUB-LESSEE.

17.2 However, SUB-LESSEE shall not transfer, assign, encumber or sublet this Sub-Lease or any part of the premises or any part of the premises or any rights and privileges herein granted except to a subsidiary, parent or common controlled affiliate as approved by SUB-LESSOR. This covenant shall also apply whether such sale or transfer is made voluntarily by SUB-LESSEE or involuntarily in any proceeding at law or in equity to which SUB-LESSEE may be a party whereby any of the rights, duties and obligations of SUB-LESSEE shall be sold, transferred, conveyed, encumbered, abrogated or in any manner altered, without the prior notice to and consent of the ORIGINAL LESSOR and SUB-LESSOR. In the event of any such unauthorized sale, transfer, assignment, sublease or encumbrance of this Sub-Lease, or any of the rights and privileges hereunder, the ORIGINAL LESSOR or SUB-LESSOR, at its option, may immediately terminate this Sub-Lease by giving SUB-LESSEE or any such assignee written notice of such termination and LESSOR or SUB-LESSOR may thereupon enter and retake possession of the premises.

18. Severability. It is understood and agreed that this Sub-Lease is executed by all parties under current interpretation of any and all applicable federal, state, county, municipal or other local statute, ordinance or law. Further, it is understood and agreed that each and every separate division (paragraph, clause, item, term, condition, covenant or agreement) herein contained shall have independent and severable status from each other separate division or combination thereof for the determination of legality so that if any separate division herein is determined to be unconstitutional, illegal, violative of trade or commerce, in contravention of public policy, void, voidable, invalid or unenforceable for any reason, that separate division shall be treated as a nullity but such holding or determination shall have no effect upon the validity or enforceability of each and every other separate division herein contained or any other combination thereof.

19. Breach or Waiver. If under the provisions hereof SUB-LESSOR shall institute proceedings and a compromise or settlement thereof shall be made, the same shall not constitute a permanent or general waiver of any covenant herein contained nor of any of SUB-LESSOR's rights hereunder. No waiver by SUB-LESSOR of any breach of any covenant, condition or agreement herein contained shall operate as a permanent waiver of such covenant, condition or agreement itself or of any subsequent breach thereof. No payment by SUB-LESSEE or receipt by SUB-LESSOR of a lesser amount than the monthly installments

of rent herein stipulated shall be deemed to be other than on account of the earliest stipulated rent, nor shall any endorsement or statement on any check or letter accompanying a check for payment of rent be deemed an accord and satisfaction and SUB-LESSOR may accept such check or payment without prejudice to SUB-LESSOR's right to recover the balance of such rent or to pursue any other remedy provided in this Sub-Lease. No re-entry by SUB-LESSOR after a breach shall be considered an acceptance of a surrender of the Sub-Lease.

20. Train Protection. In case of any construction work which may be performed by the SUB-LESSEE at or near the ORIGINAL LESSOR's tracks or facilities, the SUB-LESSEE agrees to notify SUB-LESSOR and the ORIGINAL LESSOR forty-eight (48) hours in advance and further agrees to pay the cost of such supervision or train protection as, in the sole discretion of the ORIGINAL LESSOR, may be necessary or proper for the safe operation of trains.

21. Snow and Ice Removal. It is hereby understood and agreed that the ORIGINAL LESSOR shall not at any time be responsible for the removal of snow and/or ice on or about the leased premises. Such snow and/or ice removal shall be at the sole risk and expense of the SUB-LESSOR and shall be performed in such a manner so as not to obstruct or interfere with any of the ORIGINAL LESSOR's operations on or about the leased premises, including the ORIGINAL LESSOR's own snow removal operations. In carrying out the foregoing, the SUB-LESSOR shall not plow, place, dump or deposit snow onto or upon the property of the ORIGINAL LESSOR, nor shall the SUB-LESSEE permit nor tolerate any of the foregoing.

22. Fiber Optics. It is the responsibility of the SUB-LESSEE to have knowledge of, locate, and protect against damage to fiber optic cables along, across or under the Railway's property and right-of-way. Any damage to or disruption of any fiber optic cable will be the sole responsibility of SUB-LESSEE, which will indemnify and hold harmless the Railway for any expenses resulting therefrom. Before any construction may commence, the following number, where applicable, must be called: **DIG SAFE 1-800-362-2764** provided that calling such number or numbers shall not release or otherwise diminish the remaining obligations of SUB-LESSEE hereunder.

23. Environmental Compliance.

23.1 SUB-LESSEE represents that it has conducted a complete inspection of the Premises and except as noted herein, finds the Premises to be reasonably free from pollution-induced conditions. It is understood between the parties that, at the time this Sub-Lease is entered into, the condition of the premises meets all federal, state, and local laws, rules, and regulations designed to prevent or control the discharge of substances into the land, water and air.

23.2 Without limiting any other provisions of this Sub-Lease, SUB-LESSEE will at all times maintain and keep the Premises and all improvements and property now or hereafter erected or placed thereon, at its expense, including but not limited to the structures,

equipment, and operations, in compliance with all federal, state, and local laws, rules and regulations designed to prevent the discharge of substances on the land, water, or air.

23.3 Without limiting any other provision this Sub-Lease, SUB-LESSOR and ORIGINAL LESSOR shall have the right to enter and inspect the Premises in order to determine whether SUB-LESSEE is complying with such laws, rules, or regulations, but no such inspection or absence of inspection by the SUB-LESSOR or the ORIGINAL LESSOR shall be construed to relieve SUB-LESSEE of its obligations to comply with all such laws, rules or regulations.

24. **Quiet Enjoyment.** Nothing herein contained shall imply or import a covenant on the part of SUB-LESSOR or ORIGINAL LESSOR of quiet enjoyment.

25. **Hold-Over Clause.** If SUB-LESSEE, with consent of SUB-LESSOR, holds over and remains in possession of demised premises after expiration of said term, this Sub-Lease shall be considered as renewed and shall continue in effect upon the same terms and conditions as are herein contained until terminated by either party giving the other written notice of intention to terminate same in the manner herein provided and with like effect.

26. **Notices.** Any notice or other communication required to be given to a party hereto shall be in writing and either hand-delivered or mailed by registered or certified mail, return receipt requested, postage prepaid, addressed as set forth below. For all purposes hereunder, "receipt" shall be deemed to occur on the date of actual receipt.

As to SUB-LESSOR:

CITY OF KENT, OHIO
c/o City Manager
301 South Depeyster Street
Kent, Ohio 44240

As to SUB-LESSEE:

HAYMAKER FARMERS' MARKET

(Print Mailing Address)
Kent, Ohio 44240

As to ORIGINAL LESSOR:

AKRON BARBERTON CLUSTER RAILWAY COMPANY
100 East First Street
Brewster, OH 44613

27. General Provisions.

27.1 A determination that any part of this Agreement is invalid shall not affect the validity or enforceability of any other part of this Agreement.

27.2 This Agreement shall be governed by the laws of the State of Ohio.

27.3 Section headings are inserted for convenience only and shall not affect the construction or interpretation of this Agreement.

27.4 This Agreement contains the entire agreement of the parties and supersedes any prior written or oral understandings, agreements or representations.

27.5 This Agreement may not be amended, waived or discharged except by an instrument in writing signed by the parties.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

III. EXECUTION

IN WITNESS THEREOF, the parties hereto have caused this Sub-Lease to be executed, in duplicate as of the day and year first above written.

WITNESS:

HAYMAKER FARMERS' MARKET

By _____

Print Name / Title

Date: _____

WITNESS:

CITY OF KENT, OHIO

Dave Ruller, City Manager

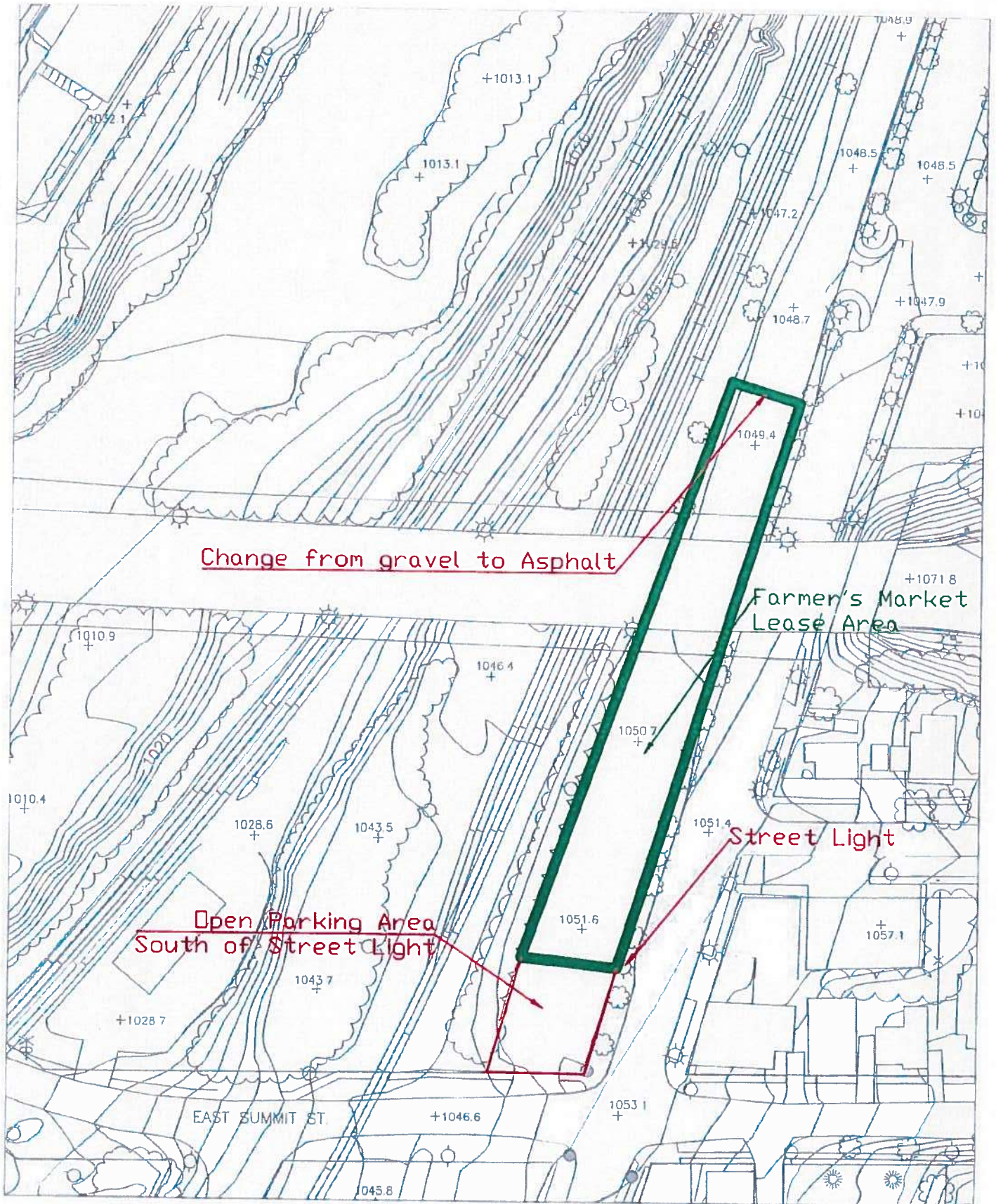
Date: _____

APPROVED AS TO FORM:

Hope L. Jones, Law Director

City of Kent, Ohio

Date: _____



Farmers Market Exhibit "A"

DRAFT NO. 2019 -40

A RESOLUTION ACCEPTING THE EAST MAIN STREET PURPOSE AND NEED STATEMENT IN ORDER TO DEFINE THE MOST SIGNIFICANT NEEDS FOR THE EAST MAIN STREET IMPROVEMENT PROJECT.

WHEREAS, a Purpose and Need Statement is a document used for the most impactful federally funded roadway projects; and

WHEREAS, the East Main Street Improvement Project Purpose and Need Statement was developed in conjunction with the Citizens Advisory Committee (CAC) and Kent State University and it will guide the design team, stakeholders and the CAC.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto concurring:

SECTION 1. That Kent City Council does hereby accept the East Main Street Purpose and Need Statement as a guide to future improvements and attached as Exhibit A.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

PASSED: _____

Date

Jerry T. Fiala

Mayor and President of Council

EFFECTIVE: _____

Date

ATTEST: _____

Dawn Bishop

Interim Clerk of Council

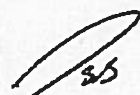
I, DAWN BISHOP, INTERIM CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *ORDINANCE* No. _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20____.

DAWN BISHOP
INTERIM CLERK OF COUNCIL
(SEAL)

**CITY OF KENT
DEPARTMENT OF PUBLIC SERVICE
DIVISION OF ENGINEERING**

MEMO

TO: Dave Ruller
Hope Jones

FROM: Jim Bowling 

DATE: March 26, 2018

RE: East Main Street –Purpose and Need Statement

The Service Department is requesting council's time and consideration of the attached purpose and need statement for East Main Street. The purpose and need statement is a document used for the most impactful federally funded roadway projects. A purpose and needs statement was established and approved by previous City Councils for Summit Street and the Fairchild Avenue Bridge Project. The document defines the most significant needs in the project area that the project should be correcting and the nature in which they should be corrected.

The East Main Street Purpose and Need Statement was developed in conjunction with a Citizens Advisory Committee (CAC) and Kent State University (KSU). Several meetings with the CAC were held to determine the needs for the area. After the document was drafted, the CAC had time to review the document and a meeting was held to discuss the document and recommend changes to the document. The attached document reflects the combined efforts of the City Staff, KSU and the CAC to define the purpose and needs along East Main Street and the adjacent areas.

The final document will guide the design team, stakeholders and CAC in determining and evaluating alternates that we hope will be implemented along East Main Street in the near future. We appreciate Council's consideration of the Purpose and Need and recommend it for approval.

c: Melanie Baker
Jon Giaquinto



EAST MAIN STREET AREA IMPROVEMENTS PURPOSE AND NEEDS STATEMENT

Project Area – The project area is generally located along East Main Street from the Willow/Main/SR 59 intersection to the Horning/Main intersection. The project area also includes areas north and south of East Main Street to achieve the seamless integration and functionality of the East Main Street Corridor.

History – East Main Street in Kent, Ohio is one of the oldest streets in the City and as such has gone through several major changes throughout the history of Kent. Shown on maps from 1874, East Main Street was a rural roadway that provided connections to Ravenna with large tracts of land adjacent to the corridor. In 1919, East Main Street shows the beginnings of a modern street with sidewalks lining both sides, large stately homes with generous lawns lining the north side and Kent Normal College with a large park like setting on the south side.



Present - In 2019, East Main Street is a five lane roadway with automobile-oriented commercial establishments along most of the northern side and Kent State University along the southern side. Multi-modal accommodations are limited in this corridor with most of the right-of-way dominated by pavement for vehicular traffic. However, there exists significant pedestrian, bicycle and transit demands in the right-of-way with the presence of Kent State University along the corridor.





Corridor Needs – East Main Street currently ranks as the highest crash corridor in the Akron Metropolitan Area Transportation Study (AMATS) region (Summit and Portage Counties). Furthermore, the corridor is uninviting with minimal facilities for transit, pedestrians and bicyclists, and lacks the needed visual appeal to serve as a main gateway into the City of Kent and Kent State University. Lastly, at times vehicular traffic bypasses East Main Street in favor of residential streets in the Crain Avenue, University Heights and University Woods Neighborhoods. These bypassed trips are caused in part by the alignment of certain cross streets (i.e. Luther and Terrace Drive) and by vehicular delays along the corridor.

Project Goals - As can be seen in the above photos, the last 100 years has changed the character of East Main Street from a stately, less cluttered, stress free street to a busy street with many competing uses. This deterioration of the right-of-way was necessitated by traffic demands and the supported development along the corridor. The East Main Street Area Improvements project is an opportunity to reimagine this vital corridor to better serve the needs of City residents, transportation users, and the university community. The goal is to provide an aesthetically pleasing, stately, less cluttered, stress free street that meets the current demands of East Main Street's users.

Throughout the planning, design and construction of this project, the project team should consistently ensure that project goals minimize possible negative impacts and accentuate positive impacts to residential neighborhoods, Kent State University, and access to the businesses along the corridor. This project should build on the transportation planning and other principles used in the Summit Street and Crain Avenue Projects, the City's Bicentennial Comprehensive Plan, and the Kent State University 2018 Gateway Master Plan. The East Main Street Area Improvements project must integrate the concepts from these plans along with input from the Citizens' Advisory Committee (CAC), the Stakeholders and public meetings.

This project will be successful if it achieves the following:

- A. Jointly Improves safety and aesthetics (as a function of safety) for all users
- B. Balances vehicular congestion with improvements to other modes of transportation (pedestrian, bike and transit)
- C. Enhances adjacent neighborhoods
- D. Integrates with Kent State University's 2018 Gateway Master Plan
- E. Provides reasonable access to adjacent properties and side streets

Project Considerations

- **Safety:** Reduce the number and severity of all types of crashes on East Main Street, including vehicle, bicycle, and pedestrian crashes.
 - Reduce crashes due to turning movements onto and off of East Main Street;
 - Provide safe and convenient pedestrian and bicycle facilities.
 - Implement aesthetic features that also increase safety, such as large tree canopies that encourage motorists to drive slower.





- **Vehicular Congestion and Multi-modal Facilities:** Balance the competing needs between efficient vehicular movements and safe, convenient facilities for other modes of transportation, including bicycle, pedestrian and transit.
 - Strengthen the multi-modal nature of the corridor, in part by improving the “last mile” non-vehicular facilities to the Kent Central Gateway, which is the regional transit hub in Portage County;
 - Evaluate congestion due to turn movements along the corridor;
 - Provide facilities to not only improve cyclist and pedestrian crossings on East Main Street, but also to reduce their fear of crossing the Street;
 - Provide facilities to improve cyclist and pedestrian travel along both sides of East Main Street, with an emphasis at intersections and drives;
 - Provide transit facilities along the corridor, which may include bus pull-offs and shelters;
 - Consider future mobility options and technology improvements;
 - Optimize signal timings based on corridor improvements;
- **Neighborhoods:** Enhance adjacent neighborhoods along East Main Street.
 - Minimize traffic bypassing East Main Street through the neighborhoods;
 - Investigate efficient ways to slow traffic through the neighborhoods;
 - Consider possible infrastructure solutions to address concerns with student housing and parking in the neighborhoods;
 - Improve pedestrian facilities at crossings and improve pedestrian travel along East Main Street, so that the neighborhoods can have transportation options to use facilities within walking/biking distance;
 - Provide for reasonable delays to motorists when entering East Main Street from unsignalized streets.
- **Kent State University:** Integrate improvements along East Main Street with the construction of a signature gateway to Kent State University that serves as an extension of the newly designed iconic Front Campus entrance.
 - The project must consider the effects of the 2018 Gateway Master Plan to ensure that there is no adverse increase in congestion along the corridor;
 - Work with Kent State University to integrate the improvements along East Main Street with the 2018 Gateway Master Plan (e.g. Midway Entrance; parking deck, Captain Brady Corner) to maximize the neighborhood and corridor aesthetics and functionality.
- **Access:** Maintain access to businesses, neighborhoods and Kent State University throughout the corridor.
 - Provide reasonable access to businesses through access management, while considering safety and congestion along the corridor;
 - Provide reasonable access to neighborhoods and Kent State University while considering safety and congestion at intersections.
- **Other:** Where possible, the project should consider future technology, noise pollution, and operating speeds on East Main Street.
 - As part of the project, the operating speeds along East Main Street will be investigated;
 - The project will improve the aesthetic nature of the corridor to create a gateway into the City of Kent.



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

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

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

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

There were four (4) items on the Agenda.

1. Canoe Livery Lease Contract

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

Ms. Wallach asked how the operations are doing.

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

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

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

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

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

Mayor Fiala asked if this affected other operators.

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

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

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

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

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

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

2. Renewal of Kent Parks & Rec Fitness Center Lease

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

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

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

Mr. Kuhar asked if operations break even.

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

Mr. Kuhar asked not even with the Silver Sneakers.

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

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

3. Employee Time to Vote

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Jones said they don't know.

Mr. Ferrara asked is it necessary.

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

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

Mr. Ruller said it's lost time.

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

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

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

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

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

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

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

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

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

Mr. Kuhar agrees with Mr. Turner.

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

4. 2019 Budget Appropriations Amendment

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

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

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

Dawn Bishop
Interim Clerk of Council

ACTION RECOMMENDED:

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

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO RENEW THE AGREEMENT WITH KENT STATE UNIVERSITY CROOKED RIVER ADVENTURES TO OPERATE A CANOE/KAYAK LIVERY AT JOHN BROWN TANNERY PARK, FOR A LONG TERM LEASE PROPOSING A FIVE (5) YEAR TERM WITH A FIVE (5) YEAR RENEW OPTION, WAIVING COMPETITIVE BIDDING, AND DECLARING AN EMERGENCY.

WHEREAS, the Kent Parks and Recreation Department wishes to renew the agreement with Kent State University Crooked River Adventures for the operation of a canoe/kayak livery at the John Brown Tannery Park and for Council to waive the bidding requirements for this lease; and

WHEREAS, the Kent State University Crooked River Adventures is proposing a five (5) year term with a five (5) year renew option; and

WHEREAS, the proposed payments for this lease will be \$4,000 (2019), \$4,500 (2020), \$5,000 (2021), \$5,000 (2022) and \$5,000 (2023); and

WHEREAS, the past requests for competitive bids to lease the property produced only one bid, that of the Kent State University; and

WHEREAS, Kent State University and the City of Kent have had a very successful relationship and this lease does not prohibit other vendors from using the leased land to set in their canoes and kayaks; and

WHEREAS, the canoe/kayak season will be starting soon, so time is of the essence.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto concurring:

SECTION 1. That the City Manager, or his designee, be and hereby is authorized to renew the agreement with Kent State University Crooked River Adventures to operate a canoe/kayak livery at John Brown Tannery Park, in substantial compliance with the terms of Exhibit "A", attached hereto.

SECTION 2. For the reasons set forth above, competitive bidding is hereby waived.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Dawn Bishop
Interim Clerk of Council

I, DAWN BISHOP, INTERIM CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *ORDINANCE* No. _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20____.

DAWN BISHOP
INTERIM CLERK OF COUNCIL
(SEAL)



Kent Parks & Recreation Department

497 Middlebury Road Kent, Ohio 44240 (330) 673-8897 FAX: (330) 673-8898

TO: Dave Ruller, Hope Jones
FROM: John Idone 
DATE: March 25, 2019
RE: Canoe Livery Lease Renewal

*** M E S S A G E ***

The Parks & Recreation Board authorized, at the March 21, 2019 Board Meeting, the recommendation to City Council to renew the lease for Canoe Livery Operations at the John Brown Tannery and request that Council authorize the waiving of the bidding requirements for this lease. They have been operating the livery for the past seven years and the last two times this lease was publicly bid we only received on bidder. They have an excellent safety record and partner with Parks & Recreation on a variety of other programs and facility use.

Last season (2018) marked the third and final year under the existing lease. In order to provide more stability we are requesting that City Council waive the bidding requirements and allow us to enter into a long term lease with KSU. The lease proposes a five year term with a five year renew option. Rather than continuing to charge rent + 10% of gross sales I am proposing we go to a flat fee. The revenues have ranged over the past 7 years from \$2,500 to \$4,500 annually. The proposed payments for this lease are as follows: \$4,000 (2019), \$4,500 (2020), \$5,000 (2021), \$5,000 (2022) and \$5,000 (2023).

Your assistance in this matter is sincerely appreciated. If you have any questions please let me know.

PC: Dawn Bishop. Council
Kent P & R Board

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A RENEWAL OF THE LEASE AGREEMENT WITH DONO DEVELOPMENT LIMITED PARTNERSHIP FOR PROPERTY LOCATED AT 1205 WEST MAIN STREET, KENT, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, the Kent Parks and Recreation Department previously needed to lease space for various programs they sponsor in the City, and leased the property at 1205 W. Main Street, Kent which has served their needs; and

WHEREAS, City Council wishes to enter into a renewal of the Lease Agreement with Dono Development Limited Partnership for property owned by the City and located at 1205 West Main Street, Kent; and

WHEREAS, there is a rent increase of \$50/month (\$2,750 for 2019 and 2020) and an additional \$50/month (\$2,800 beginning May 2021); and

WHEREAS, time is of the essence as the Kent Parks and Recreation Department's current lease is ending soon.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto concurring:

SECTION 1. That Kent City Council does hereby authorize the City Manager, or his designee to enter into a renewal of the Lease Agreement with Dono Development Limited Partnership, for property located at 1205 West Main Street, in substantial conformity with a copy of which is marked as Exhibit "A", attached hereto and incorporated herein.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Dawn Bishop
Interim Clerk of Council

I, DAWN BISHOP, INTERIM CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *ORDINANCE* No. _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20____.

DAWN BISHOP
INTERIM CLERK OF COUNCIL
(SEAL)



Kent Parks & Recreation Department

497 Middlebury Road Kent, Ohio 44240 (330) 673-8897 FAX: (330) 673-8898

TO: Dave Ruller, Hope Jones
FROM: John Idone 
DATE: March 25, 2019
RE: Lease Renewal for 1250 West Main Street Fitness Center Lease

*** M E S S A G E ***

This May the three year lease for the Fitness Center located at 1250 West Main Street is expiring. I have negotiated an extension for this lease under the same terms with a rent increase of \$50/Month (\$2,750) for 2019 and 2020 and an additional \$50/Month (\$2,800) beginning in May of 2021. The current rent is \$2,700/Month.

Your assistance in this matter is sincerely appreciated. If you have any questions please let me know.

PC: Dawn Bishop. Council
Kent P & R Board

AN ORDINANCE AMENDING ORDINANCE NO. 2018-142, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 19, 2018; SO AS TO ADJUST APPROPRIATIONS, TRANSFERS AND ADVANCES FROM THE VARIOUS FUNDS OF THE CITY OF KENT TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES OF THE CITY FOR THE FISCAL YEAR ENDING DECEMBER 31, 2019; AND DECLARING AN EMERGENCY.

WHEREAS, City Council approved Ordinance No. 2018-142 on December 19, 2018 authorizing the appropriations, transfers and advanced from various funds of the City of Kent to individual accounts for the current expenses of the city for the Fiscal Year ending December 31, 2019; and

WHEREAS, Ordinance No. 2018-142 was amended by City Council by Ordinance No. 2019-16 authorized on February 20, 2019; and

WHEREAS, it is necessary to amend current appropriations, transfers and advances for the expenses and other expenditures for the City of Kent, Ohio, for the fiscal year ending December 31, 2019.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto concurring:

SECTION 1. That the current appropriation Ordinance No. 2018-142 passed December 19, 2018; and as previously amended be further amended as set forth in Exhibit "A", attached hereto and incorporated herein, so as to increase appropriations in Fund 102, SCM&R; and Fund 301, Capital; and Declaring An Emergency.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formation action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reason manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediate after passage.

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Dawn Bishop
Interim Clerk of Council

I, DAWN BISHOP, INTERIM CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *ORDINANCE* No. _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20____.

(SEAL)

DAWN BISHOP
INTERIM CLERK OF COUNCIL

2019 AMENDED APPROPRIATIONS

<u>Fund - Department/Division</u>	<u>Personnel & Benefits</u>	<u>Other than Personnel & Benefits</u>	<u>Capital</u>	<u>Reserve/ Debt Service</u>	<u>Contingency</u>	<u>Fund & Department Total</u>
<u>General Fund (001)</u>						
City Council	\$161,266	\$32,603				\$193,869
Mayor	\$9,530	\$5,300				\$14,830
Community Support		\$84,500				\$84,500
City Manager	\$314,000	\$62,923				\$376,923
New City Hall Facility		\$0	\$188,000			\$188,000
Information Technology	\$80,395	\$246,668				\$327,063
Urban Renewal		\$67,300				\$67,300
Human Resources	\$61,964	\$19,488				\$81,452
Civil Service	\$31,105	\$41,523				\$72,628
Law	\$320,560	\$118,895				\$439,455
Budget & Finance	\$185,199	\$143,585				\$328,784
Community Development	\$597,546	\$208,070				\$805,616
Economic Development	\$119,722	\$39,840				\$159,562
Health	\$448,125	\$182,038				\$630,163
Public Parking		\$62,000				\$62,000
Main Street Program		\$70,000				\$70,000
Service Administration	\$70,060	\$477,118				\$547,178
Shade Tree		\$80,420				\$80,420
Adjunct Facilities		\$1,100				\$1,100
Building	\$305,506	\$68,272				\$373,778
Land banking		\$10,000				\$10,000
Engineering	\$231,502	\$106,842				\$338,344
Miscellaneous & Sundry		\$380,750				\$380,750
Contingency					\$100,000	\$100,000
Fund Total	\$2,936,480	\$2,509,235	\$188,000	\$0	\$100,000	\$5,733,715
<u>West Side Fire (101)</u>						
Fire	\$268,910	\$26,427				\$295,337
Fund Total	\$268,910	\$26,427	\$0	\$0	\$0	\$295,337
<u>Street Construction Maintenance & Repair (102)</u>						
Service	\$1,137,201	\$1,369,261				\$2,506,462
Contingency					\$25,000	\$25,000
Fund Total	\$1,137,201	\$1,369,261	\$0	\$0	\$25,000	\$2,531,462
<u>State Highway (103)</u>						
Service		\$70,000				\$70,000
Fund Total	\$0	\$70,000	\$0	\$0	\$0	\$70,000
<u>Recreation (106)</u>						
Parks & Recreation	\$1,372,462	\$662,183	\$247,000			\$2,281,645
Fund Total	\$1,372,462	\$662,183	\$247,000	\$0	\$0	\$2,281,645
<u>Food Service (107)</u>						
Health	\$101,005	\$7,500				\$108,505
Fund Total	\$101,005	\$7,500	\$0	\$0	\$0	\$108,505

Exhibit A 2019-43
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2019 AMENDED APPROPRIATIONS

<u>Fund - Department/Division</u>	<u>Personnel & Benefits</u>	<u>Other than Personnel & Benefits</u>	<u>Capital</u>	<u>Reserve/ Debt Service</u>	<u>Contingency</u>	<u>Fund & Department Total</u>
<u>Income Tax (116)</u>						
Budget/Finance/IncTaxAdmin	\$269,714	\$526,683				\$796,397
Managed Reserve				\$25,540		\$25,540
Fund Total	\$269,714	\$526,683	\$0	\$25,540	\$0	\$821,937
<u>Revolving Housing (120)</u>						
Health	\$156,431	\$10,500				\$166,931
Fund Total	\$156,431	\$10,500	\$0	\$0	\$0	\$166,931
<u>State & Local Forfeits (121)</u>						
Police		\$2,000				\$2,000
Fund Total	\$0	\$2,000	\$0	\$0	\$0	\$2,000
<u>Drug Law Enforcement (122)</u>						
Police		\$12,000				\$12,000
Fund Total	\$0	\$12,000	\$0	\$0	\$0	\$12,000
<u>Enforcement & Education (123)</u>						
Police		\$6,000				\$6,000
Fund Total	\$0	\$6,000	\$0	\$0	\$0	\$6,000
<u>Income Tax Safety (124)</u>						
Police	\$7,010,447	\$677,700				\$7,688,147
Fund Total	\$7,010,447	\$677,700	\$0	\$0	\$0	\$7,688,147
<u>Law Enforcement Trust (125)</u>						
Police						\$0
Fund Total	\$0	\$0	\$0	\$0	\$0	\$0
<u>Community Development Block Grant (126)</u>						
Community Development	\$8,453	\$274,600	\$116,000			\$399,053
Fund Total	\$8,453	\$274,600	\$116,000	\$0	\$0	\$399,053
<u>Neighborhood Stabilization (127)</u>						
Community Development	\$0	\$139,100				\$139,100
Fund Total	\$0	\$139,100	\$0	\$0	\$0	\$139,100
<u>Fire & E.M.S. (128)</u>						
Fire	\$4,735,381	\$466,724	\$572,000			\$5,774,105
Fund Total	\$4,735,381	\$466,724	\$572,000	\$0	\$0	\$5,774,105
<u>Wireless 911 (129)</u>						
Safety		\$0				\$0
Fund Total	\$0	\$0	\$0	\$0	\$0	\$0
<u>Swimming Pool Inspections (130)</u>						
Health	\$8,261	\$500				\$8,761
Fund Total	\$8,261	\$500	\$0	\$0	\$0	\$8,761

2019 AMENDED APPROPRIATIONS

Fund - Department/Division	Personnel & Benefits	Other than Personnel & Benefits	Capital	Reserve/Debt Service	Contingency	Fund & Department Total
<u>Police Pension (132)</u>						
Police	\$120,000					\$120,000
Fund Total	\$120,000	\$0	\$0	\$0	\$0	\$120,000
<u>Fire Pension (133)</u>						
Fire	\$120,000					\$120,000
Fund Total	\$120,000	\$0	\$0	\$0	\$0	\$120,000
<u>UDAG / EDA-RLF (134)</u>						
City Manager/C.D.		\$50,000				\$50,000
Fund Total	\$0	\$50,000	\$0	\$0	\$0	\$50,000
<u>Water (201)</u>						
Service	\$1,739,036	\$834,705	\$209,750			\$2,783,491
Service (Capital Facilities)			\$2,067,887			\$2,067,887
Admin. Support	\$602,794	\$70,922	\$14,000			\$687,716
Budget & Finance (Debt)				\$54,608		\$54,608
Contingency					\$50,000	\$50,000
Fund Total	\$2,341,830	\$905,627	\$2,291,637	\$54,608	\$50,000	\$5,643,702
<u>Sewer (202)</u>						
Service	\$2,027,611	\$868,684	\$428,863			\$3,325,158
Service (Capital Facilities)			\$2,274,508			\$2,274,508
Admin. Support	\$602,794	\$83,423	\$14,000			\$700,217
Budget & Finance (Debt)				\$625,720		\$625,720
Contingency					\$50,000	\$50,000
Fund Total	\$2,630,405	\$952,107	\$2,717,371	\$625,720	\$50,000	\$6,975,603
<u>Utility Billing (204)</u>						
Budget & Finance		\$89,586				\$89,586
Fund Total	\$0	\$89,586	\$0	\$0	\$0	\$89,586
<u>Solid Waste (205)</u>						
Service	\$87,660	\$147,953	\$5,000			\$240,613
Fund Total	\$87,660	\$147,953	\$5,000	\$0	\$0	\$240,613
<u>Storm Water Utility (208)</u>						
Service	\$240,982		\$26,250			\$267,232
Service (Capital Facilities)			\$1,693,029			\$1,693,029
Admin. Support	\$319,162	\$69,371	\$9,000			\$397,533
Budget & Finance (Debt)				\$9,968		\$9,968
Fund Total	\$560,144	\$69,371	\$1,728,279	\$9,968	\$0	\$2,367,762
<u>Guaranteed Deposits (230)</u>						
Budget & Finance		\$1,000				\$1,000
Fund Total	\$0	\$1,000	\$0	\$0	\$0	\$1,000

2019 AMENDED APPROPRIATIONS

<u>Fund - Department/Division</u>	<u>Personnel & Benefits</u>	<u>Other than Personnel & Benefits</u>	<u>Capital</u>	<u>Reserve/Debt Service</u>	<u>Contingency</u>	<u>Fund & Department Total</u>
<u>Capital Projects (301)</u>						
Safety			\$321,900			\$321,900
Service			\$810,000			\$810,000
Service (Capital Facilities)			\$3,945,431			\$3,945,431
Community Development			\$22,000			\$22,000
Admin. Support			\$9,000			\$9,000
Budget & Finance			\$100,000	\$554,828		\$654,828
Contingency					\$25,000	\$25,000
Fund Total	\$0	\$0	\$5,208,331	\$554,828	\$25,000	\$5,788,159
<u>Municipal Public Improvement Tax Increment Equivalent (302)</u>						
Service (Capital Facilities)						\$0
Budget & Finance (Debt)				\$1,447,936		\$1,447,936
Fund Total	\$0	\$0	\$0	\$1,447,936	\$0	\$1,447,936
<u>Police Facility (303)</u>						
Safety (Capital Facilities)			\$425,000			\$425,000
Budget & Finance (Debt)				\$3,961,479		\$3,961,479
Fund Total	\$0	\$0	\$425,000	\$3,961,479	\$0	\$4,386,479
<u>Debt Service (402)</u>						
Budget & Finance (Debt)				\$70,084		\$70,084
Fund Total	\$0	\$0	\$0	\$70,084	\$0	\$70,084
<u>Internal Service (807)</u>						
Health Insurance			\$3,385,000			\$3,385,000
Fund Total	\$0	\$3,385,000	\$0	\$0	\$0	\$3,385,000
Total Appropriations	\$23,864,784	\$12,361,057	\$13,498,618	\$6,750,163	\$250,000	\$56,724,622
Original Appropriations	\$23,633,784	\$11,862,557	\$8,633,900	\$6,750,163	\$250,000	\$51,130,404
Amendment #1	\$231,000	\$260,500	\$4,562,718			\$5,054,218
Amendment #2		\$238,000	\$302,000			\$540,000
Amendment #3						\$0
Amendment #4						\$0
Amendment #5						\$0
Amendment #6						\$0
Amendment #7						\$0
Amendment #8						\$0
	\$23,864,784	\$12,361,057	\$13,498,618	\$6,750,163	\$250,000	\$56,724,622

2019 AMENDED APPROPRIATIONS - SCHEDULE OF OPERATING TRANSFERS AND TEMPORARY ADVANCES

<u>Operating Transfers</u>	<u>Paying Fund</u>	<u>Original</u>	<u>Current Request</u>	<u>Change</u>	<u>Receiving Fund</u>
Fund 116 - Income Tax		\$3,600,000	\$3,600,000		Fund 001 - General
Fund 116 - Income Tax		\$1,000,000	\$1,000,000		Fund 102 - St Const Maint & Repair
Fund 116 - Income Tax		\$3,523,933	\$3,523,933		Fund 124 - Income Tax Safety
Fund 116 - Income Tax		\$3,523,933	\$3,523,933		Fund 128 - Fire & E.M.S.
Fund 116 - Income Tax		\$3,031,933	\$3,031,933		Fund 301 - Capital Projects
Fund 116 - Income Tax		\$1,761,966	\$1,761,966		Fund 303 - Police Facility
Fund 116 - Income Tax		\$70,000	\$70,000		Fund 402 - Debt Service
Total Fund 116 Income Tax		\$16,511,765	\$16,511,765	\$0.00	
Fund 201 - Water		\$45,930	\$45,930		Fund 204 - Utility Billing
Fund 202 - Sewer		\$45,930	\$45,930		Fund 204 - Utility Billing
Fund 001 - General		\$3,200,000.00	\$3,200,000.00		Fund 124 - Income Tax Safety
Fund 001 - General		\$120,000.00	\$120,000.00		Fund 106 - Parks and Rec
Fund 001 - General		\$2,000,000.00	\$2,000,000.00		Fund 128 - Fire & EMS
Subtotal - Total Operating Transfers		\$5,411,860	\$5,411,860	\$0.00	
<u>Temporary Advances</u>					
Fund 106 - Recreation	*	\$50,000	\$50,000		Fund 001 - General
Fund 201 - Water	*	\$32,100	\$32,100		Fund 116 - Income Tax
Fund 202 - Sewer	*	\$38,980	\$38,980		Fund 116 - Income Tax
Fund 205 - Solid Waste	*	\$56,000	\$56,000		Fund 001 - General
Fund 205 - Solid Waste	*	\$53,000	\$53,000		Fund 116 - Income Tax
Fund 208 - Storm Water	*	\$110,000	\$110,000		Fund 116 - Income Tax
Subtotal - Total Advances		\$340,080	\$340,080	\$0	
Grand Total - All Transfers & Advances		\$22,263,705	\$22,263,705	\$0	

* Designates Repayment of Advance

DRAFT NO. 2019-44

AN ORDINANCE ACCEPTING A DONATION OF \$600.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT FROM KENT ENVIRONMENTAL COUNCIL, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent Parks & Recreation Department has received a donation of \$600.00 from Kent Environmental Council to support the Xtinguish the Torch Festival planned for June 20, 2019 in downtown Kent; and

WHEREAS, the City wishes to accept said donation.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto concurring:

SECTION 1. That Council does hereby authorize the City Manager on behalf of the City of Kent to accept the donation of \$600.00 from Kent Environmental Council.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Dawn Bishop
Interim Clerk of Council

I, DAWN BISHOP, INTERIM CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE No. _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20_____.

(SEAL)

DAWN BISHOP
INTERIM CLERK OF COUNCIL
(SEAL)

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

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

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

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

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

1. 200 West Williams Rezoning Request

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

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

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

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

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

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

Ms. Bishop confirmed there was not any written correspondence received.

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

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

Ms. Susel said basically the comments made at the Planning Commission she was not comfortable categorizing as negative or positive. There were some questions about changing it to a Commercial-Downtown District and what that could translate to in possible use. As the Assistant Law Director and she pointed out, it cannot be specific to one use;

review has to be in totality of all uses. Those comments were taken into consideration by the Planning Commission that evening and recommendation was set forth as presented tonight.

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Susel was not aware of that condition.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Doug Fuller of 1431 River Edge Drive, Kent, said he is a mainly retired architect who had been working in Kent for over forty years. He said he mentioned that because he's owned several properties in Kent and has been a downtown business owner in Kent for many years and has been very involved in the "Main Street" development. In seeing downtown grow, you have people near the edge who would like to be a part of it. Mr. Fuller said he is very much in support of this and did want to point out he has nothing to do with this project, isn't hired as a part of it. Mr. Fuller said this is really one of the only directions to grow downtown with ease. This would also take away the possibility of anything industrial going in there right along downtown.

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

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

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

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

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

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

Ms. Anne Courtney Davis of 555 Franklin Avenue, Kent, born and raised here and moved back to Kent two years ago because of the growth. She's not opposed to intelligent development. She questions they keep referring to this as the West William Street project but she doesn't see 3.19 acres is contingent to West Williams, which if it is that will directly affect her as she is on that corner. The other issue was when she bought her home the City was adamant it was a single family home, which was exactly what she had in mind. She's worried there will be a lot of lights and noise right across the street. So questions are is there going to be access off Williams and will there be a noise and light barrier.

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

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

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

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

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

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

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

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

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

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

2. NEFCO Sewer Service Area 208 Plan Update

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

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

Dawn Bishop
Interim Clerk of Council

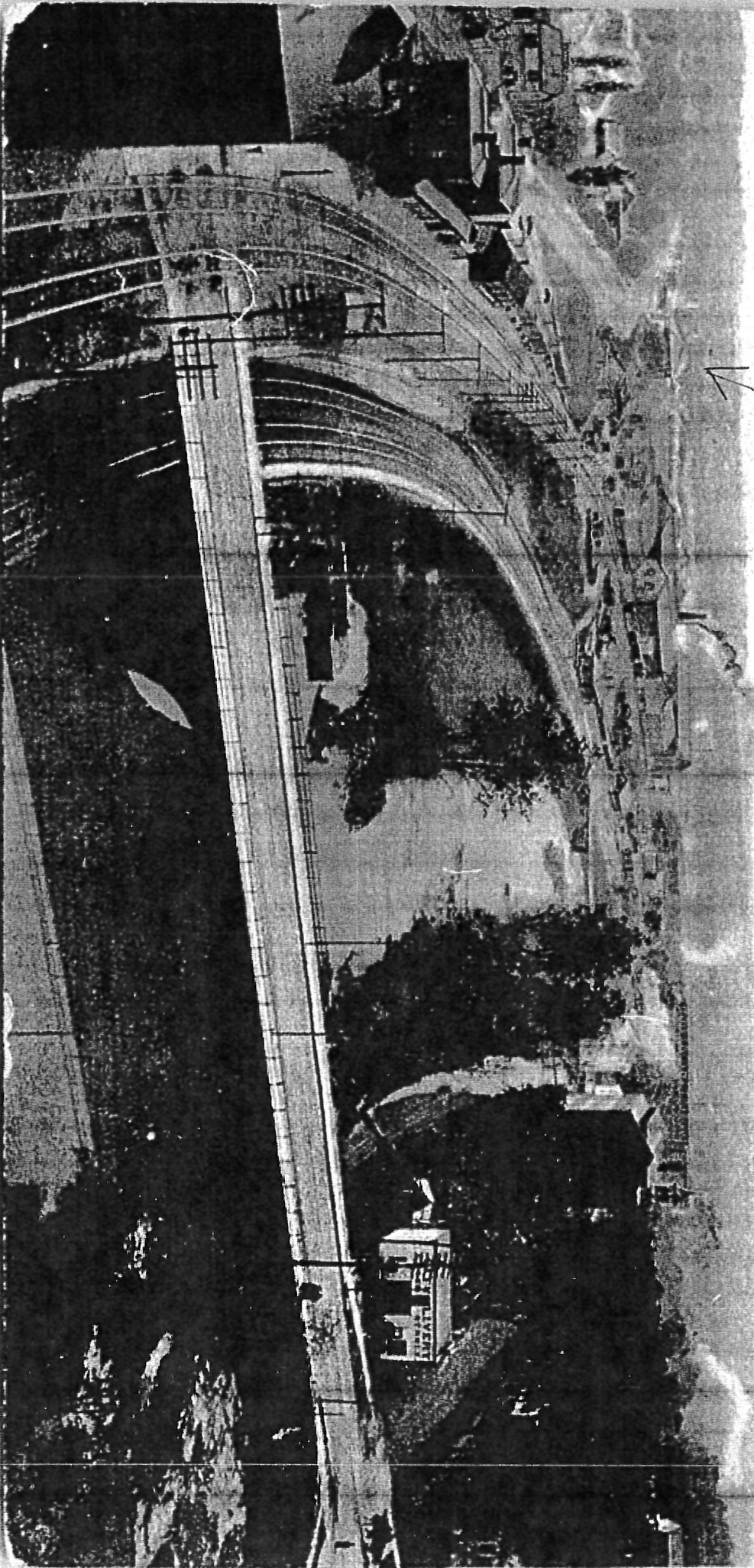
ACTION RECOMMENDED:

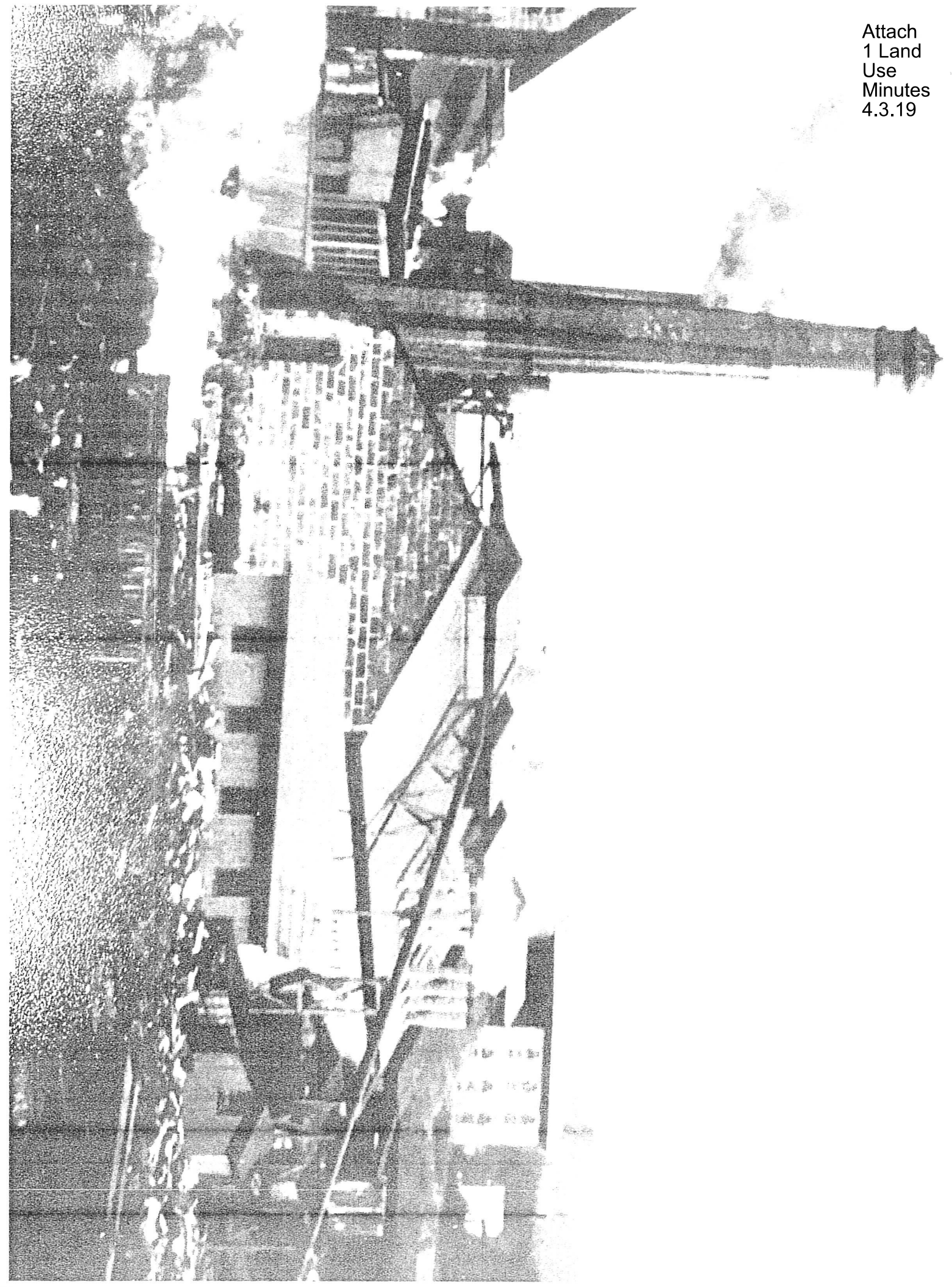
- 1) **AUTHORIZE THE 200 WEST WILLIAMS REZONING REQUEST WITH AN EMERGENCY CLAUSE.**

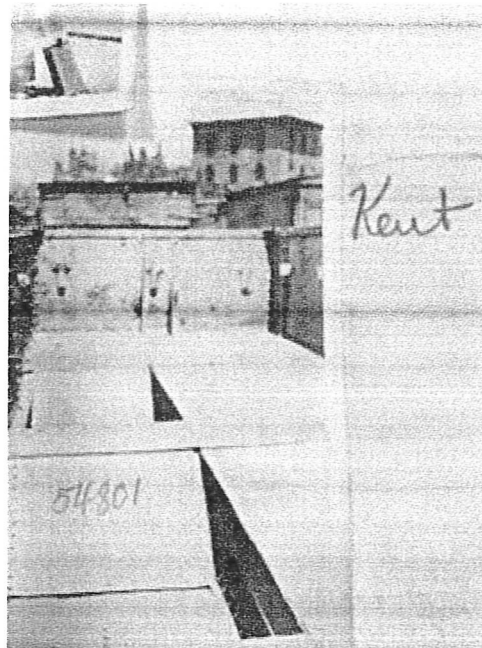
DRAFT

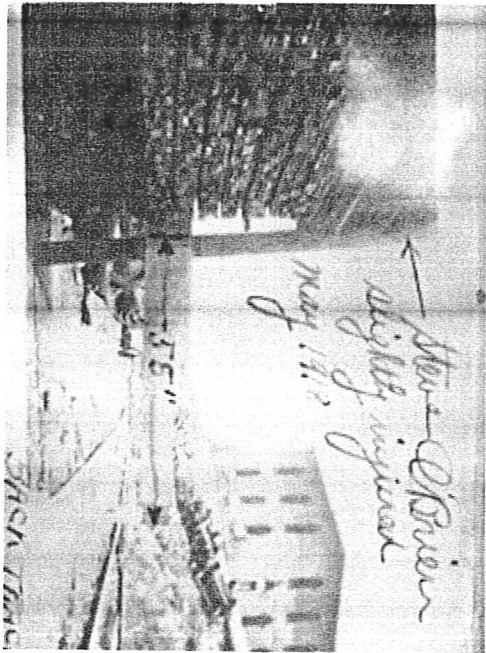
Birds Eye View looking South, Kent, Ohio.

John Brown Hotel









Attachment 2 Land Use Committee 4.3.19

April 3, 2019

To the Members of Kent City Council:

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

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

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

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

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

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

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

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

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

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

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

DRAFT NO. 2019-45

AN ORDINANCE AMENDING THE CITY'S ZONING DISTRICTS MAP TO ALLOW A 3.191 ACRE PARCEL ON WEST WILLIAMS TO BE RE-ZONED FROM ITS CURRENT "INDUSTRIAL (I)" ZONING DESIGNATION TO "COMMERCIAL-DOWNTOWN (C-D)", AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent Planning Commission is recommending a proposed amendment to the City's Zoning Districts Map to allow a 3.191 acre parcel on West Williams to be re-zoned from its current "Industrial (I)" zoning designation to "Commercial-Downtown (C-D)"; and

WHEREAS, if authorized, the Planning Commission added a condition requesting the authorization for the re-zoning include a covenant be recorded with the newly designated parcel requiring all future uses *"whether the use is permitted or conditionally permitted, any parking plan for this parcel, on-site or off-site, must be submitted to and approved by the Planning Commission"*.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least a majority of all members elected thereto concurring:

SECTION 1. That Kent City Council does hereby authorize the amendment to the City's Zoning Districts Map to allow a 3.191 acre parcel on West Williams to be re-zoned from its current "Industrial (I)" zoning designation to "Commercial-Downtown (C-D)" as shown on Exhibit "A", attached hereto.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council, this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Dawn Bishop
Interim Clerk of Council

I, DAWN BISHOP, INTERIM CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *ORDINANCE* No. _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20____.

DAWN BISHOP
INTERIM CLERK OF COUNCIL
(SEAL)



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: March 26, 2019

TO: Dave Ruller, City Manager

FROM: Bridget Susel, Community Development Director *BS*

RE: Proposed Amendment to Zoning Districts Map

The City of Kent Planning Commission voted on February 5, 2019 to recommend to Kent City Council a proposed amendment to the City's Zoning Districts Map that if authorized by Council, will allow 3.191 acres to be re-zoned from its current "Industrial (I)" zoning designation to "Commercial-Downtown (CD)." The Planning Commission did add a condition to its recommendation requesting that if the amendment to the Zoning Districts Map is authorized by Council, the authorization for the re-zoning include a covenant be recorded with the newly designated parcel requiring all future uses *"whether the use is permitted or conditionally permitted, any parking plan for this parcel, on-site or off-site, must be submitted to and approved by the Planning Commission"* (approved minutes, 2-5-19 Planning Commission meeting).

Consideration of a geographic amendment to the Zoning Districts Map cannot be based on the removal or accommodation of any one specified use. The Planning Commission and City Council are required to evaluate all of the current uses and proposed changes in uses when deliberating a Zoning Districts Map amendment request. In order to ensure the members of Council have all of the information necessary for consideration of the proposed re-zoning amendment, staff has compiled the following information and attached it to this memo:

- List of requirements applicable to all applicants requesting a proposed amendment to the City's Zoning Districts Map, per Chapter 1111 "Zoning Amendments" of the City's Zoning Code, and staff's determination on if the applicant complied with the specified requirements;

- List of all permitted and conditionally permitted uses for the "Industrial (I) Zoning District," which are the current eligible uses that can be considered for development of the site;
- List of the permitted and conditionally permitted uses for the "Commercial-Downtown (CD) Zoning District," which are the uses that will be eligible for site development consideration if the amendment is approved.

As previously requested by Jen Barone in her March 11, 2019 memo, please schedule this item for consideration by the Land Use Committee. I will be attending the session in order to discuss the proposed re-zoning amendment request in greater detail and to answer any questions from members of Council as they evaluate the Planning Commission's recommendation on this matter.

Please let me know if you require any additional information in order to add this item to the April 3, 2019 Land Use Committee agenda. Thank you.

Attachment

Cc: Hope Jones, Law Director
Eric Fink, Assistant Law Director
Jen Barone, Development Engineer
Dawn Bishop, Interim Clerk of Council



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

PLANNING COMMISSION CASE NO: **PC19-002 PARCEL REZONING**

APPLICANT: **NYPANO Company LLC**

SITE LOCATION: 200 West Williams Street

STATUS OF APPLICANT: The applicant is the owner of the property.

REQUESTED ACTION: The applicant is requesting the rezoning of a portion of the parcel from its current I: Industrial zoning classification to the C-D: Commercial-Downtown zoning classification.

CURRENT ZONING: I: Industrial

TRAFFIC: The parcel is accessed from West Williams Street.

SURROUNDING LAND USES: The property is surrounded by residential uses to the east, industrial to the south, and railroad tracks & the Cuyahoga River to the north & west.

APPLICABLE CODE SECTIONS: Chapters 1111, 1146, and 1155 of the Kent Codified Ordinances.

ANALYSIS:

The applicant is requesting a change in the City of Kent Zoning Districts Map in accordance with 1111.02(d) by rezoning of a proposed 3.191 acre parcel from its current I: Industrial classification to the C-D: Commercial-Downtown classification. According to the cover letter submitted by the applicant, the 3.191 acre parcel will be split from the current 15.2 +/- parcel to allow for commercial development due to its proximity to downtown.

Chapter 1111 of the Kent Zoning code specifies the process for requesting a zoning map amendment. The evaluation criteria is listed in 1111.03 and are listed below. Staff's evaluation of the fulfillment of these requirements is listed in green below each section.

- (a) For all applications, regardless of whether they are text amendments or zoning map amendments:
- (1) If application is initiated under Section 1111.02(d), application shall be submitted on forms made available by the Community Development Department.
 - (2) If application is initiated under Section 1111.02(d), the fee as specified in Section 1312.02(b) of the Kent Codified Ordinances. Payment of the fee is not refundable.
 - (3) Any and all information required by the Community Development Department and this Chapter of the Kent Zoning Code.

The requirements set forth in 1111.03(a) are procedural in nature. City Staff can affirm that these conditions have been met.

- (b) In addition to the requirements set forth in Section 1111.03(a), for applications involving the amendment of the City's Zoning Map including the amendment of zoning district boundary lines and/or the creation of new zoning districts:
- (1) In the event that the applicant is not the owner of the property / properties to be rezoned, and if the application is initiated under Section 1111.02(d), the applicant shall provide evidence of written authorization from the property owner(s) of the properties involved in the amendment that they have been authorized to pursue the map amendment or change on behalf of the property owner(s).
 - (2) A clear delineation on a map showing property lines, tax map, survey or other document which describes the parcel(s) to be included in the proposed amendment.

The requirements set forth in 1111.03(b)(1)&(2) are procedural in nature. City Staff can affirm that these conditions have been met.

- (3) A written description of the proposed amendment, including a specific indication of how the zoning map is to be amended, including but not limited to a description of the current zoning classification(s) of the properties to be amended, the proposed classification(s) of the properties to be amended and how the proposed rezoning does not constitute "spot" zoning.

The requirements set forth in 1111.03(b)(3) require a written description of the proposed amendment, including a specific indication of how the zoning map is to be amended, including, but not limited to a description of the current zoning classification(s) of the properties to be amended, the proposed classification(s) of the properties to be amended and how the proposed rezoning does not constitute "spot" zoning. The Law Department has reviewed the application. The application does speak to each of these issues. The applicant stated in the cover letter that the proposed rezoning would not qualify as "spot" zoning because the proposed zoning classification (Commercial-Downtown) is contiguous to the Commercial-Downtown zoning district to the north.

- (4) A written description of how the proposed amendment is consistent with any City Master Land Use Plan or other approved City plan as well as how the proposed change is beneficial to the subject property / properties, how the proposed change is beneficial to the City and surrounding neighborhood and how the proposed change will not negatively impact the surrounding neighborhood.

The requirements set forth in 1111.03(b)(4) require a written description of how the proposed amendment is consistent with any City Master Land Use Plan or other approved City plan as well as how the proposed change is beneficial to the subject property / properties, how the proposed change is beneficial to the City and surrounding neighborhood and how the proposed change will not negatively impact the surrounding neighborhood. The applicant states that goals set forth in the 2004 comprehensive plan, listed below, can be incorporated with new development.

- Encourages the development of Industrial properties in the district
- An enhanced and visually appealing secondary entry into the city via Mogadore Road by creating new development complimentary to the existing area and the associated new landscaping appurtenance related thereto
- Enhanced future tax receipts and associated revenues to the City
- Creates a safe "walkable" link corridor from the downtown area to the Post Office
- Creates a safer more pedestrian and vehicular friendly intersection at Franklin and Summit Streets
- Incentivizes future new development in the downtown district

The applicant stated numerous benefits to the City, including:

- Expanded economic growth
- Create safe pedestrian sidewalks
- Create employment opportunities
- Connect the district to the bike trails
- Facilitate economic opportunities for all of Kent's diverse residents
- Under the plan's "The Economy" section and listed as Goal #1 – Develop: "incentivizes that encourage continued investment in the Central Business District. Review zoning and building regulations to make changes beneficial to the Central Business District

- (5) If the application is initiated under Section 1111.02(d), a list of current property owners within and contiguous to and directly across the street from any part of the defined area to be amended or 500 feet from such area, whichever is greater, as well as the addresses of such owners which shall be those that appear on the County Auditor's Tax List or the Treasurer's mailing list.
- (6) If the application is initiated under Section 1111.02(d), a certified copy of each and every tax map page used to obtain the list of names of the property owners being submitted.

The requirements set forth in 1111.03(b)(5)&(6) are procedural in nature and are more accurately replaced by software contained within the Community Development office. City Staff will waive these requirements in favor of its more accurate database and resulting mailing list for notification.

- (c) In addition to the requirements set forth in Section 1111.03(a), for applications involving the amendment of the text of the Zoning Code, including amendments to existing chapters or the creation of new chapters:
- (1) A statement of the proposed text change in the regulations set forth in this Zoning Ordinance. This statement should reference the specific Section(s) of the existing code which are proposed to be amended along with the proposed wording to be added, modified or deleted as part of the amendment.
 - (2) A written description of how the proposed amendment is consistent with any City Master Land Use Plan or other approved City plan as well as how the proposed change is beneficial to the City and other land uses within the City.

The requirements set forth in 1111.03(c) do not apply to a zoning map change.

The Planning Commission and Kent City Council must consider that any of the uses, permitted or conditionally permitted, in the C-D District may be built on this parcel. The current I District uses and the uses for the proposed C-D District are included herewith:

CURRENT

I: INDUSTRIAL (Chapter 1155)

Permitted Uses

- (1) Parking lot and garage.
- (2) Plant Greenhouse.
- (3) Warehousing.
- (4) Wholesale establishments.
- (5) The following types of manufacturing, processing, cleaning, servicing, testing or repair activities which will not be materially injurious or offensive to the occupants of adjacent premises or the community at large by reason of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic and noxious materials, odors, fire or explosive hazards, glare or heat, or electromagnetic disturbances:
 - (a) Bakery goods, candy, cosmetics, pharmaceutical, toiletries and food products, except fish or meat products, sauerkraut, yeast and rendering or refining of fats or oils.
 - (b) Products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, fiber, fur, glass, hair, horn, leather, plastics, precious or semi-precious metals or stones, metal, shell, textiles, tobacco, wax, wood (where saw and planing mills are employed within a completely enclosed building), and yarns.

- (c) Pottery and figurines, using previously pulverized clay and kilns fired only with gas or electricity.
 - (d) Musical instruments, toys, novelties, rubber, metal stamps and other small rubber products.
 - (e) Electrical and electrical appliances, instruments and devices, television sets, radios, phono-graphs and household appliances.
 - (f) Electric and neon signs, billboards and other commercial advertising structures.
 - (g) Laboratories and processing -experimental, film or testing provided no operation shall be conducted or equipment used which would create hazards, noxious or offensive conditions.
- (6) The following uses, provided storage is within an enclosed building or an area enclosed on all sides by a solid masonry wall or a minimum six (6) foot solid, painted fence with openings no greater than fifteen percent (15%):
- (a) Building materials, sales yard and lumber yard including millwork when within a completely enclosed building.
 - (b) Contractor's equipment storage yard or plant, or storage and rental of equipment commonly used by contractors.
 - (c) Fuel, food and goods distribution station, warehouse and storage, but excluding coal and coke. Flammable liquids, underground storage only if located less than 300 feet from any R District.
 - (d) Public storage garage and yards.
- (7) The following uses may be conducted no closer than one hundred (100) feet of any R-District. Where the I District abuts upon but is separated from any R District by a street, the width of the street may be considered as part of the required setback:
- (a) Bag, carpet and rug cleaning, provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.
 - (b) Blacksmith, welding or other metal working shops, including machine shop operations of the tool, die and gauge types.
 - (c) Carpenter, cabinet, upholstering, sheet-metal, plumbing, heating, roofing, air conditioning, sign painting, painting and other similar establishments.
 - (d) Foundry, casting lightweight nonferrous metals, not causing noxious fumes or odors.
 - (e) Ice manufacturing and cold storage plant; creamery and bottling plant.
 - (f) Laundry, cleaning and dyeing plant.
 - (g) Repair services for machinery and equipment including repair garages and specialty establishments such as motor, body and fender, radiator, motor tune-ups, muffler shops, tire repairing sales and service including vulcanizing.
 - (h) Stone or monument works not employing power tools; or if employing such tools when within a completely enclosed building.
 - (i) Veterinarian hospital or clinic.
 - (j) Recycling Centers.
- (8) Accessory uses clearly incidental to the principal uses permitted on the same premises.
- (9) Signs as regulated by Chapter 1165.

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- (10) A residential efficiency apartment or 1 bedroom apartment not exceeding 800 square feet in total area may be permitted in an existing industrial building. The occupancy of such space is limited to the owner/operator of the bawdiness and their immediate family and may not be rented out to other individuals. Such use must meet all other building and fire code requirements and is required to obtain a zoning permit. No additional parking is required.

Conditionally Permitted

- (1) Governmentally owned and/or operated buildings and facilities subject to Section 1171.01(3), (7) and (9).
- (2) Truck or transfer terminals subject to Section 1171.01(45).
- (3) Oil and gas wells, drilling and operations necessary for their extraction, storage and skimming subject to Chapter 1173.
- (4) Soil removal or extraction operations for sand, clay, stone, gravel, coal and other natural resources subject to Section 1171.01(5),(12),(13),(15),(16),(17) and (20).
- (5) Public utility right-of-ways and pertinent structures subject to Section 1171.01(10).
- (6) Temporary buildings and uses incidental to construction work subject to Section 1171.01(17) and (24).
- (7) Any manufacturing, processing, cleaning, servicing, testing or repairs of materials, goods or products, provided such operations will not be materially injurious or offensive to the occupants of adjacent premises or community by reason of the emission or creation of noise, vibration, electrical or other types of interference, smoke, dust or other particulate matter, toxic and noxious materials, odors, fire or explosive hazards or glare or heat subject to Section 1171.01(26) and (42).
- (8) Junk yards and scrap yards subject to Section 1171.01(4), (16), (31) and (44).
- (9) Sanitary landfill site subject to Section 1171.01(1), (3), (4), (16), (31) and (43).
- (10) Crematories, conditionally permitted, subject to Section 1171.01(53).
- (11) Child Day Care Facilities as subject to Section 1171.01(1), (2), (3), (5), (9), (11), (17) and (54).
- (12) Recreational facilities subject to Section 1171.01(2), (5), (30), and (35).
- (13) Clubs, lodges, charitable, fraternal or social organizations, but expressly excluding fraternity and sorority houses.

Specially Permitted

- (1) Adult bookstores, adult motion-picture theaters and adult cabarets as restricted by Section 1171.01(49)

PROPOSED

C-D: COMMERCIAL-DOWNTOWN (Chapter 1146)

Permitted Uses

- (1) Establishments engaged in retail trade, such as those listed in Section 1141.02 (a) (3) as well as outdoor display areas subject to Section 1141.09 [Sections 1141.02(a)(3) and 1141.09 are provided below in blue.]

1141.02(a)(3) Establishments engaged in retail trade, such as:

- (a) Drug Store.
- (b) Book and stationery store.
- (c) Apparel store.
- (d) Florist.
- (e) Antique store.
- (f) Sporting goods store.
- (g) Jewelry store.
- (h) Optical goods store.
- (i) Furniture, home furnishings and office equipment and office supplies store.
- (j) Beverages including liquor.
- (k) Restaurant.
- (l) Gift shop.
- (m) Food sales, including supermarket.
- (n) Preparation and processing of food and drink to be retailed on the premises, such as bakery, meat market and delicatessen.
- (o) Sale of clothing and apparel; shoe and variety store; art, photo, stationery, notion, hobby, toy, book, music, floral, jewelry, gift sales and interior decorating offices.
- (p) Retail sale of hardware, paint, floor coverings, wall paper, materials and objects for interior decorating, auto accessories and repair of household appliances and bicycles.
- (q) Retail sale of furniture, appliances, drapery, carpeting and other major household articles.
- (r) Cultural, educational or religious facilities.

1141.09 OUTDOOR DISPLAY AREAS

Merchandise to be sold at retail on the premises may be displayed out-of-doors except that no such display areas shall be within fifty (50) feet of any residential district. Display areas shall be screened from abutting residential uses by landscaping sufficient to limit to a minimum all visual effects of such display area; such landscaped buffer shall be maintained in a neat and orderly fashion.

Open air markets, which have been specifically approved by the Planning Commission may operate under the conditions of such approval.

- (2) Eating and drinking establishments
- (3) Establishments engaged primarily in finance, insurance, and real estate
- (4) Establishments engaged in the provision of services to individuals and businesses
- (5) Hotels
- (6) Public buildings, such as:

- (a) Libraries
- (b) Post Office
- (c) Municipal, county, state or federal government buildings
- (7) Theaters, dance studios and schools, art galleries, and museums
- (8) Accessory uses clearly incidental to the principal uses permitted on the same premises
- (9) Wall signs, projecting signs, window signs, and temporary signs as defined in Section 1146.11 and as regulated by Chapter 1165
- (10) Multi-family residential
- (11) Clubs, lodges, fraternal, charitable or social organizations subject to Section 1171.01(3), (4) and (5).

Conditionally Permitted Uses

- (1) Churches and other buildings used for religious worship
- (2) Public and parochial schools
- (3) Governmentally owned and/or operated parks and playgrounds
- (4) Quasi-public, institutionally or organizationally owned and/or operated recreational, instructional and meeting facilities such as those developed and used by the YMCA/YWCA, Boy/Girl scouts or various fraternal or community service groups
- (5) Lodging and boarding house accommodations
- (6) Amusement and recreational uses, but excluding drive-in theaters
- (7) Radio or television broadcasting station
- (8) Carpenter, cabinet, upholstering, sheet metal, plumbing, heating, roofing, air conditioning, sign painting, painting and other similar establishments
- (9) Planned, integrated commercial developments
- (10) Drive-in banking facilities
- (11) Bed & Breakfast facilities
- (12) Open air markets
- (13) Clubs, lodges, fraternal, charitable or social organizations subject to Section 1171.01(3), (4) and (5).

MEMORANDUM
DEPARTMENT OF COMMUNITY DEVELOPMENT
City of Kent

Date: March 11, 2019

To: Dave Ruller, City Manager

From: Jennifer Barone, Development Engineer *JB*

Re: Zoning Map Amendment
200 West Williams

Copy: Hope Jones, Law Director
Melanie Baker, Service Director
Bridget Susel, Director of Community Development
James Bowling, City Engineer
Eric Fink, Assistant Law Director
Dawn Bishop, Civil Service
file

I hereby respectfully request City Council agenda time on April 3, 2019 for Council to consider a zoning map amendment to change a 3.191 acre parcel from I: Industrial to C-D: Commercial-Downtown.

On February 5, 2019 the Kent Planning Commission held a public hearing and discussed the proposed zoning change. The Planning Commission voted 5-0 to recommend that City Council amend the zoning map to change the parcels delineated on the attached map from I: Industrial to C-D: Commercial-Downtown with a covenant, *"Whether the use is permitted or conditionally permitted, any parking plan for this parcel, on-site or off-site, must be submitted to and approved by the Planning Commission."* A copy of the proposed zoning map amendment area is attached.

A public hearing regarding this matter was advertised to be held prior to the April 3, 2019 prior to the Committee session. Please schedule this item for Land Use Committee review by Kent City Council.

