



# CITY OF KENT, OHIO

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CITY COUNCIL

**WEDNESDAY, AUGUST 21, 2019  
SPECIAL COMMITTEE MEETING AT 7:00 P.M.  
RIVER RESCUE COMMENDATIONS AT 7:30 P.M.  
IMMEDIATELY FOLLOWED BY:  
REGULAR CITY COUNCIL MEETING**

## **AGENDA**

**7:00 P.M. SPECIAL COMMUNITY DEVELOPMENT COMMITTEE MEETING** Access Agreement for Mogadore Road Site Remediation

**7:25 P.M. BOARD OF CONTROL**

**7:30 P.M. FIRE DEPARTMENT'S SWIFT RIVER RESCUE COMMENDATIONS**

### **REGULAR COUNCIL**

**1. ROLL CALL**

**2. OPENING REMARKS/PLEDGE OF ALLEGIANCE** (*Ms. Rosenberg*)

**3. APPROVAL OF MINUTES**

**3.1** Regular City Council Meeting of July 17, 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** Planning Commission Staff Report and Meeting Agenda for August 6, 2019, received July 30, 2019.

**4.2.2** Sustainability Commission Meeting Agenda for August 12, 2019, and the minutes from July 1, 2019, received August 8, 2019.

**4.2.3** Standing Rock Cemetery Trustees Regular Meeting Minutes of July 11, 2019, received August 6, 2019.

**4.2.4** New Liquor License Permit from Ohio Division of Liquor Control for Angel Campos LLC, DBA Coyotes Mexican Grill Cantina 2500 SR 59 Suites 18 & 20 received July 30, 2019.

**4.2.5** Notification from Ohio Division of Liquor Control of all liquor permits set to expire/up for renewal on October 1, 2019, received July 16, 2019.

**4.2.6** Standing Rock Cemetery Trustees Regular Meeting Minutes of August 8, 2019 received August 14, 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: August 7, 2019
- 5.1.2 ACTION RECOMMENDED:
  - 1) Vote for Board Members
- 5.1.3 BALLOTING FOR BOARDS AND COMMISSIONS
- 5.1.4 AUTHORIZE INSERTION OF NAMES INTO LEGISLATION
- 5.1.5 ***Draft No. 2019-84: A RESOLUTION APPOINTING \_\_\_\_\_ TO THE ARCHITECTURAL REVIEW BOARD, AND DECLARING AN EMERGENCY.***  
(Authorized)
- 5.1.6 ***Draft No. 2019-85: A RESOLUTION APPOINTING \_\_\_\_\_ TO THE DESIGN AND PRESERVATION COMMITTEE, AND DECLARING AN EMERGENCY.***  
(Authorized)
- 5.1.7 ***Draft No. 2019-86: A RESOLUTION APPOINTING \_\_\_\_\_ TO THE FAIR HOUSING BOARD, AND DECLARING AN EMERGENCY.*** (Authorized)
- 5.1.8 ***Draft No. 2019-87: A RESOLUTION APPOINTING \_\_\_\_\_ TO THE FAIR HOUSING BOARD, AND DECLARING AN EMERGENCY.*** (Authorized)
- 5.1.9 ***Draft No. 2019-88: A RESOLUTION APPOINTING \_\_\_\_\_ TO THE PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY, AND DECLARING AN EMERGENCY.*** (Authorized)
- 5.1.10 ***Draft No. 2019-89: A RESOLUTION APPOINTING \_\_\_\_\_ TO THE PARKING ACTION COMMITTEE, AND DECLARING AN EMERGENCY.***  
(Authorized)

## **5.2 COMMUNITY DEVELOPMENT COMMITTEE** *(Kuhar/Rosenberg)*

- 5.2.1 COMMITTEE MEETING MINUTES: August 7, 2019
- 5.2.2 ACTION RECOMMENDED:
  - 1) AUTHORIZE LICENSING TEXT AMENDMENT, WITH AN EMERGENCY CLAUSE.
  - 2) AUTHORIZE THE UPDATED MOU BETWEEN THE CITY AND PORTAGE COUNTY FOR USE OF NSP PROGRAM INCOME, WITH AN EMERGENCY CLAUSE.
- 5.2.3 ***Draft No. 2019-90: AN ORDINANCE AMENDING TITLE SEVEN – ENVIRONMENTAL HEALTH AND HOUSING MAINTENANCE CODE (RENTAL LICENSING) OF THE KENT CODIFIED ORDINANCES TO REMOVE SURPLUS LANGUAGE AND ADD CLARIFYING LANGUAGE FOR THE INSPECTION AND LICENSING OF RESIDENTIAL RENTAL UNITS; AND DECLARING AN EMERGENCY.*** (Authorized)
- 5.2.4 ***Draft No. 2019-91: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPROVE THE PROPOSED UPDATED MEMORANDUM OF UNDERSTANDING AND ADDENDUM TO THE 2009 NEIGHBORHOOD STABILIZATION GRANT (NSP) SUBRECIPIENT AGREEMENT BETWEEN THE CITY OF KENT AND PORTAGE COUNTY TO UTILIZE THE PROGRAM INCOME FOR A CDBG ELIGIBLE PROJECT; AND DECLARING AN EMERGENCY.*** (Authorized)



### **5.3 FINANCE COMMITTEE** *(DeLeone/Wallach)*

**5.3.1** COMMITTEE MEETING MINUTES: August 7, 2019

**5.3.2** *ACTION RECOMMENDED:*

- 1) AUTHORIZE THE EAST MAIN STREET TRANSPORTATION IMPROVEMENT FUNDING APPLICATIONS, WITH AN EMERGENCY CLAUSE.
- 2) AUTHORIZE THE 2019 BUDGET APPROPRIATIONS AMENDMENT, WITH AN EMERGENCY CLAUSE.
- 3) AUTHORIZE THE SALE OF THE RETIRED HEAVY DUTY RESCUE TRUCK, WITH AN EMERGENCY CLAUSE.
- 4) AUTHORIZE THE CERTIFICATIONS OF DELINQUENT ACCOUNTS FOR PORTAGE COUNTY'S PROPERTY TAX LIENS, WITH AN EMERGENCY CLAUSE.

**5.3.3** ***Draft No. 2019-92: AN ORDINANCE AUTHORIZING THE CITY OF KENT TO SUBMIT THREE (3) FUNDING APPLICATIONS TOTALING \$16,850.00 AND TO EXECUTE THE SUBSEQUENT AGREEMENTS WITH THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY (AMATS) AND THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT), AND TO ACCEPT THE GRANTS, IF AWARDED, WITH CORRESPONDING APPROPRIATION OF FUNDS FOR THE EAST MAIN STREET AREA IMPROVEMENTS, AND DECLARING AN EMERGENCY. (Authorized)***

**5.3.4** ***Draft No. 2019-93: 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)***

**5.3.5** ***Draft No. 2019-94: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO ACCEPT A BID OF \$40,000.00 FROM RENOVO FIRE DEPARTMENT TO PURCHASE THE CITY OF KENT'S USED 1992 PIERCE DASH HEAVY RESCUE TRUCK, WITHOUT COMPETITIVE BIDDING, AND DECLARING AN EMERGENCY. (Authorized)***

**5.3.6** ***Draft No. 2019-95: AN ORDINANCE AUTHORIZING THE CERTIFICATION OF NON-PAYMENT OF WATER USE CHARGES, WASTEWATER USE CHARGES, STORM WATER UTILITY CHARGES AND RECYCLING/SOLID WASTE COLLECTION CHARGES TO THE COUNTY AUDITOR IN ORDER TO ALLOW FOR THE PLACEMENT OF THE CERTIFIED AMOUNT ON THE REAL PROPERTY TAX LIST AND DUPLICATE AGAINST THE PROPERTY FOR THE NON-PAYMENT OF WATER USE CHARGES, WASTEWATER USE CHARGES, STORM WATER UTILITY CHARGES AND RECYCLING/SOLID WASTE COLLECTION CHARGES, AND DECLARING AN EMERGENCY. (Authorized)***

**5.3.7** ***Draft No. 2019-96: AN ORDINANCE AUTHORIZING THE CERTIFICATION OF DELINQUENT MOWING BILLS, PROPERTY MAINTENANCE VIOLATIONS-CITATIONS, ZONING VIOLATIONS-CITATIONS, AND HEALTH DEPARTMENT VIOLATIONS-CITATIONS TO THE COUNTY AUDITOR IN ORDER TO ALLOW FOR THE PLACEMENT OF THE CERTIFIED AMOUNT ON THE REAL PROPERTY TAX LIST AND DUPLICATE AGAINST THE PROPERTY SERVED BY THE MOWING SERVICES, PROPERTY MAINTENANCE VIOLATION-***

**CITATIONS, ZONING VIOLATIONS-CITATIONS, HEALTH DEPARTMENT VIOLATIONS-CITATIONS, AND DECLARING AN EMERGENCY. (Authorized)**

**5.3.8      *Draft No. 2019-97: AN ORDINANCE AUTHORIZING THE CERTIFICATION OF NON-PAYMENT OF BILLS FOR RESIDENTS RESULTING FROM THE 2018 ANNUAL CONCRETE REPAIR PROGRAM, TO THE COUNTY AUDITOR IN ORDER TO ALLOW FOR THE PLACEMENT OF THE CERTIFIED AMOUNT ON THE REAL PROPERTY TAX LIST AND DUPLICATE AGAINST THE PROPERTY FOR THE NON-PAYMENT OF SIDEWALK REPAIRS, AND DECLARING AN EMERGENCY. (Authorized)***

**5.3.9      *Draft No. 2019-98: AN ORDINANCE ACCEPTING A DONATION OF TWO (2) HARD PLASTIC PET CARRIERS DONATED BY DARLENE ARDELIAN, VALUED AT \$40.00 EACH, AND DECLARING AN EMERGENCY. (Unauthorized)***

**5.3.10     *Draft No. 2019-99: AN ORDINANCE ACCEPTING A GRANT FROM THE OHIO ARTS COUNCIL IN THE AMOUNT OF \$3,171.00 TO BE USED TO SUPPORT THE KENT CREATIVITY FESTIVAL WHICH WILL BE HELD ON SEPTEMBER 28, 2019, 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: NONE**

**5.5.2      ACTION RECOMMENDED: NONE**

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

**5.6.1      COMMITTEE MEETING MINUTES: August 7, 2019**

**5.6.2      ACTION RECOMMENDED:**

- 1) AUTHORIZE THE PROPOSED DOWNTOWN PARKING ORDINANCE CHANGE, AND DECLARING AN EMERGENCY.
- 2) AUTHORIZE THE STREET CLOSURE EVENT FOR THE CREATIVITY FESTIVAL, AND DECLARING AN EMERGENCY.
- 3) AUTHORIZE THE RENEWAL OF THE CITY-ODOT BRIDGE INSPECTION AGREEMENT, AND DECLARING AN EMERGENCY.
- 4) AUTHORIZE THE PROPOSED JOINT EASEMENT WITH PARTA FOR NEW BUS SHELTER AT KENTWAY, AND DECLARING AN EMERGENCY.

**5.6.3      *Draft No. 2019-100: AN ORDINANCE AMENDING SECTION 353.02 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT TITLED "PARKING REGULATION AUTHORIZATION" TO REMOVE THE TWO HOUR ON STREET PARKING RESTRICTION AFTER 5:00 P.M., ON SPECIFIED STREETS IN THE CENTRAL BUSINESS DISTRICT AND DECLARING AN EMERGENCY. (Authorized)***

- 5.6.4 **Draft No. 2019-101: AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPROVE A NEW SPECIAL EVENT APPLICATION FROM THE CITY OF KENT AND KENT STATE UNIVERSITY FOR THE 2019 KENT CREATIVITY FESTIVAL “PLAN B” TO BE HELD ON SATURDAY, SEPTEMBER 28, 2019, AND THE TEMPORARY CLOSURE OF ERIE STREET BETWEEN HAYMAKER PARKWAY AND DEPEYSTER STREET, ERIE STREET BETWEEN DEPEYSTER STREET AND WATER STREET, AND A PORTION OF THE SOUTH WATER STREET PARKING LOT, A “PLAN B” FOR GREEN ENERGY OHIO TOUR-CLEAN TRANSPORTATION DRIVE-IN SCHEDULED TO BE HELD IN CONJUNCTION WITH KENT CREATIVITY FESTIVAL AND DECLARING AN EMERGENCY.** (Authorized)
- 5.6.5 **Draft No. 2019-102: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO RENEW AN AGREEMENT GIVING CONSENT TO THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION FOR PARTICIPATION IN THEIR BRIDGE INSPECTION PROGRAM SERVICES FOR THE YEARS 2020-2022; PID 109334; AND DECLARING AN EMERGENCY.** (Authorized)
- 5.6.6 **Draft No. 2019-103: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AN EASEMENT TO ACCESS FOR THE PURPOSE OF INSTALLING A CONCRETE PAD AND BUS PASSENGER SHELTER FROM KENTWAY, INC., AS GRANTOR, TO THE CITY OF KENT AND THE PORTAGE AREA REGIONAL TRANSIT AUTHORITY (PARTA), AS GRANTEEES, AND DECLARING AN EMERGENCY.** (Authorized)

**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: August 14, 2019**

Dawn Bishop

Interim Clerk of Council

Visit [www.kentohio.org](http://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 any City or City Council public meeting or event should contact the Clerk of Council at 330-676-7555 or [councilclerk@kent-ohio.org](mailto: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, July 17, 2019**

At 6:00 p.m., Mayor Jerry T. Fiala called the **Regular Meeting of Kent City Council** to order. Roll was taken and Ms. Shaffer was absent initially until 7:33 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. Bridget Susel, Community Development Director; Mr. Jim Bowling, City Engineer; Ms. Melanie Baker, Public Service Director; Mr. Tom Wilke, Economic Development Director; and Ms. Dawn Bishop, Interim Clerk of Council.

MOTION FOR AN 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* **AND** *Item (2) To consider the purchase of property for public purposes, the sale of property at competitive bidding, or the sale or other disposition of unneeded, obsolete, or unfit- for-use property in accordance with section 505.10 of the Revised Code, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest* MADE BY Mr. Sidoti and seconded by Ms. Rosenberg. On Roll Call voting "Yes:" Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Mr. Sidoti, Mr. Turner, Ms. Wallach. The Motion CARRIED by a roll call vote of 8-0.

MOTION TO RECESS FROM EXECUTIVE SESSION at 7:01 p.m. MADE BY Mr. DeLeone and seconded by Mr. Sidoti. On Roll Call voting "Yes:" Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Mr. Sidoti, Mr. Turner, Ms. Wallach. The Motion CARRIED by a roll call vote of 8-0.

At 7:30 p.m., after recognizing Mr. Herb Page with a proclamation presentation, Mayor Fiala asked for roll to be read and then called upon Councilmember Kuhar for his opening remarks.

Mr. Kuhar said thank you to everyone who made the Kent Heritage Festival such a successful event. He also said if you look around the streets on a daily basis you see the City of Kent coming alive and you can see what a nice place this is to visit and enjoy all the things that we have to offer. It's a lot of people doing a lot of hard work to make that happen.

Mr. Kuhar then led the Pledge of Allegiance.

**APPROVAL OF MINUTES:**

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF June 19, 2019 and the MINUTES OF THE PUBLIC HEARING OF July 3, 2019 made by Mr. Kuhar, seconded by Mr. DeLeone, and CARRIED by a voice vote of 8-0.

**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 were nine visitors who signed in with the Clerk.

Christopher Myers, 220 E Elm Street, Kent, (**Attachment #1**) said he wouldn't speak anything that is not true but is sure he would embarrass Mr. Ruller tonight. Mr. Myers read the First Amendment of the US Constitution. He said Kent may be a fine place to live but not if you value free speech; if you value free speech and exercise it here in front of Council, you can get a police report filed against you. Mr. Myers said he was protesting on the corner of Depeyster and Haymaker one day and Mr. Ruller said to Council that Mr. Myers is protesting on the corner but didn't even know what was being protested. Mr. Myers said he used the word asinine and he was written as being vulgar; Mr. Turner was used the word asinine and was not written up in the minutes as vulgar.

Mayor Fiala interrupted and said Mr. Turner was corrected also.

Mr. Myers said Mr. Turner was corrected but not written up as vulgar and that's a big difference. Mr. Myers said Heidi Shaffer said in the police report that was written against him that she feels targeted, but didn't say how she feels targeted. She said she thinks I may show up at her door sometimes, like he has a history of showing up at people's doors, and said 'give me a break.'

Josh Dobrilovic had signed up but then declined to speak.

Daniel Ott, PO Box 314/1970 Cleveland-Massillon Road, Bath, OH, said in 2016 he was arrested in Kent during an eviction. He has previously tried to work this out with the Law Department but they have refused to communicate with him. Last month he was hung up on by a female who identified herself as the law director. Mr. Ott wished to collect his \$32.50. During the trial he had to take off work for, he was found not guilty. The court imposed a fine of \$25 for the public defender's office. He said he refused to pay it and the court put a block on his driver license. Mr. Ott had no vehicles in his name until last month when he went to get plates for his vehicle, they couldn't because of the block on his license and he's restricted. He had to pay it. He has communication from 2017 where the City of Kent (**Attachment #2**) from Sandy Lance, Legal Secretary, where the city was going to pay \$32.50 after signing a release. Mr. Ott said he refused to sign that because the officers were arrogant and the jury thought they were morons and he wanted \$10,000 or was taking them to federal court. Mr. Ott let it go, the officers knew they were wrong in violating his constitutional rights. Mr. Ott said he wants his \$32.50 and will sign the release now. He said the City has until noon Friday to bring him a check or he will have so many public record requests from the service department, police department, anything you write down, buy, he'll request a copy of that. Mr. Ott said he can still sue those two officers, he has a background check on them, he can pay the fee, it will go on their credit report, and it might get dismissed but he can waste their time as they wasted his. The Law Department knows how to get a hold of him he said.

Linda Prezioso, 1017 S Daniel Way, San Jose, CA, wanted to stop in and say hi while she was in town. She said the town looks great, the rain not so much; she was sitting brainstorming with Bridget about the VFW property; and it's great to be sitting in the audience instead of in the clerk's seat where she was for twenty-six and a half years.

There was some back and forth talking with Ms. Prezioso over top of each other, “thank yous, keep in touch.”

Stacy Simera, Kent Psychological Services, was also in attendance on behalf of the National Association of Social Workers and she serves on the Board of Directors of the Ohio Chapter. She said she is an independently licensed social worker with Bachelors of Psychology from Kent State University and Masters of Science from Case Western Reserve. She wanted to speak on the consideration of the bill banning conversion therapy on minors within the city limits. **Attachment #3**, which she had copies for Council, was just an excerpt from the Department of Health and Human Services Substance Abuse and Mental Health Services Administration Report issued in 2015. Ms. Simera said she knows Council as a whole, knows the members, so she already has a feeling they will vote 'yes.' Her handout of the report was more just to reassure them that they are on the right side of science and child health. Ms. Simera said research has shown conversion therapy simply doesn't work, it is fraudulent and not evidence-based; it is also very cruel and has been shown to involve, literally, torture. It is ineffective, constituting child abuse in a lot of cases. Ms. Simera when you vote to protect child health in this way, it's not just the kids that you protect but also the message you send to other kids that are closeted; but when that kid reads the Record Courier and hears about tonight's vote, they know they are valued. Children who identify as LGBTQ have a suicide rate 4x higher than the general population. Research has shown that any movement towards acceptance reduces those suicide risks. SAMHSA.gov has the entire report on their site. Myriad of national bodies encourage a local ban like this, state-wide ban, but Ms. Simera said please don't wait for the state to pass such an initiative banning conversion therapy statewide; it's been introduced several times and never makes it out of committee.

Giovonni Santiago, Equality Ohio 574 Forge Avenue, Akron, OH, said he was there not only representing Equality Ohio but also his own organization META Center Inc which he started to assist non gender conforming youth. It's based in Akron on Brittain Road. Mr. Santiago said thank you for considering banning this dangerous practice of conversion therapy. Kent stands ready to join other Ohio communities in banning such practice, including Cincinnati, Athens, Toledo, etc. He said it's very important that cities take actions as the State Licensing Board cannot. Mr. Santiago said the overwhelming medical consensus is that being lesbian, gay, bisexual, transgender, is not a disease and all is part of the normal spectrum of human diversity. Mr. Santiago said it is important we recognize people as individuals no matter where on the spectrum they lie. Mr. Santiago said it is important to recognize that many parents who send their children to conversion therapy are trying to do the correct thing; whether they don't know enough about it, etc. It is impossible to change a young person's gender or sexual orientation and then those lies have a negative consequence to our young people and shows them they are not valued and dehumanized. Mr. Santiago continued that those who offer this type of therapy do so quietly so it's really not possible to know how many if any offer it in the City of Kent. This ban will also help educate parents about the dangers of seeking conversion therapy even outside the city limits. Giovonni Santiago said as a community we protect our youth, we don't let them buy nicotine, alcohol, we regulate driving, and we value keeping them safe, monitored, and loved to enter adulthood. Mr. Santiago concluded with thanking the Council for their consideration and with Leelah Alcorn's words. Leelah was a transgender child in Kings Mills, OH. She committed suicide in 2014 after scheduling a blog post. She expressed how her parents didn't approve of her and employed some techniques mentioned tonight to change Leelah's gender. "My death needs to mean something. My death needs to be counted in the number of transgender people who commit suicide this year. I want someone to look at that number and say wow, that's messed up, fix it, fix society please."

Sean Cleland, 1262 Carol Drive, Kent, said he has come to love this community and is in front of Council as a concerned citizen and an ally. Mr. Cleland said thank you to Council for considering this tonight and even if just taking a symbolic stance to say you would outright ban a form of torture that is not clinically based or evidence based.

MJ Eckhouse, 1433 Cedar Street, Kent, wanted to echo the gratitude expressed to Council for considering this ban on conversion therapy. MJ Eckhouse said we hear terms thrown around like torture when talking about conversion therapy. If one isn't familiar with details or specific experiences from people who have been through it, hearing it described as torture may sound exaggerated. MJ Eckhouse read from a New York Times article published last year from an author who had gone through conversion therapy when in middle school and quoted author Sam Brinton "I was told that my faith community rejected my sexuality; that I was the abomination we had heard about in Sunday school; that I was the only gay person in the world; that it was inevitable I would get HIV and AIDS. But it didn't stop with these hurtful talk-therapy sessions. The therapist ordered me bound to a table to have ice, heat and electricity applied to my body. I was forced to watch clips on a television of gay men holding hands, hugging and having sex. I was supposed to associate those images with the pain I was feeling to once and for all turn into a straight boy. In the end it didn't work. I would say that it did, just to make the pain go away." MJ Eckhouse said for reference that's what is being talked about and it's understood that maybe it's too broad and may accidentally encompass certain people but that article was shared to assure Council that will not be the case. People don't accidentally stumble into treating a child like that and the ordinance is a measure against child abuse and will demonstrate at the City of Kent is an inclusive, forward-thinking, welcoming community.

Lis Regula, 1433 Cedar Street, Kent, said two years ago, nearly to the day, Kent City Council was considering a non-discrimination ordinance to protect LGBTQ individuals here in the City of Kent. It will be exactly two years ago next week that it passed and Lis Regula said he still remembers how proud he was of the city to be the 19<sup>th</sup> in the state to say you are welcomed here, no matter who you are, who you love, you are welcomed here. Lis Regula said this does not take away parents' rights; parents who are bound and determined to turn their child straight can go outside the City of Kent to do that. Here, in these city limits, you aren't going to do that. If a business wants to practice what MJ just described, go outside the city limits. In a time and place where it is easy to hear real descriptions and graphic photos of kids undergoing this kind of torture in our county on a regular basis, stepping up and saying here in this city you are protected, here that's not going to happen to you, and here you are safe. Hopefully tonight's vote will make Kent the 7<sup>th</sup> city in the State of OH to protect kids in this way.

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

1. Health Board Meeting Minutes for May 14, 2019, May and June Statistical Reports, and Agenda for July 9, 2019 received July 3, 2019.
2. Planning Commission Staff Report and Meeting Agenda for July 16, 2019, received July 8, 2019.
3. Sustainability Commission Meeting Agenda for July 3, 2019, and the minutes from June 3, 2019, received June 27, 2019.

**Communications** received after the publishing of the agenda were reported by Interim Clerk and placed on file in the Clerk's office as follows:

1. Revised Planning Commission Agenda for July 16, 2019, received July 11, 2019.
2. Park and Recreation Board Packet for July 18, 2019, received July 14, 2019.
3. Liquor License Request from the Ohio Division of Liquor Control for Kent Tacos, LLC, DBA Barrio with Chief Lee returning no objections for that issuance.

MOTION TO RETURN THE LIQUOR LICENSE REQUEST TO THE OHIO DIVISION OF LIQUOR CONTROL WITH NO OBJECTION made by Mr. Ferrara, seconded by Mr. Kuhar, and CARRIED by a voice vote of 9-0.

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

1. Request Council's authorization to submit a Fire Department grant application to the Ohio Bureau of Worker's Compensation to fund the installation of a new exhaust system at Fire Station #1. (Draft #2019-73)
2. Request Committee of the Whole time for interviews of candidates for City Boards and Commissions.
3. Request committee of the Whole time for an update on the City Hall project.
4. Request Community Development Committee time to consider a proposed text amendment to the City's rental licensing regulations.
5. Request Community Development Committee time to consider an updated MOU between the City and Portage County authorizing the use of Neighborhood Stabilization Program income for eligible CDBG projects.
6. Request Health & Safety Committee time to receive a staff report outlining the deer population management practices in area cities.
7. Request Streets, Sidewalks & Utilities Committee time to consider a proposed amendment to the City's downtown parking Ordinance.
8. Request Finance Committee time to consider authorizing the submission of several grant funding applications for the East Main Street Transportation Improvement Project.
9. Request Finance Committee time to consider a 2019 budget Appropriations Amendment.
10. Request Finance Committee time to consider authorization of the sale of the retired Fire Department heavy duty rescue truck.
11. Request an Executive Session.

MOTION TO APPROVE ITEMS #1-10 OF THE CITY MANAGER'S REPORT made by Mr. Amrhein, seconded by Ms. Rosenberg, and CARRIED by a voice vote of 9-0.

#### **STANDING COMMITTEES/ LEGISLATION**

##### **COMMITTEE OF THE WHOLE:**

There were no meeting minutes or actions to be approved

##### **COMMUNITY DEVELOPMENT COMMITTEE:**

There were no meeting minutes or actions to be approved

##### **FINANCE COMMITTEE:**

MOTION TO APPROVE THE FINANCE COMMITTEE MEETING MINUTES OF July 3, 2019 AND THE THREE RECOMMENDED ACTION ITEMS made by Mr. DeLeone, seconded by Mr. Sidoti, and CARRIED by a voice vote of 9-0.

##### **Recommended Actions:**

1. Authorize the City Tax Budget, with an emergency clause.
2. Authorize the BAN Renewal, with an emergency clause.
3. Authorize OH Public Works Pre-Application Request, with an emergency clause.

**Draft No. 2019-70: A RESOLUTION ADOPTING THE TAX BUDGET OF THE CITY OF KENT, OHIO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2020, SUBMITTING THE SAME TO THE COUNTY AUDITOR, 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. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2019-70 made by Mr. DeLeone and seconded by Mr. Ferrara. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

**RESOLUTION NO. 2019-70:** PASSED as stated by Clerk Bishop.

*Draft No. 2019-71: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$2,400,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY COSTS OF CONSTRUCTING A SAFETY CENTER, AND TO RETIRE OUTSTANDING NOTES THAT WERE PREVIOUSLY ISSUED FOR THAT PURPOSE, 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. Ferrara and seconded by Ms. Shaffer. On Roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2019-71 made by Mr. Ferrara and seconded by Ms. Shaffer. On Roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein. The Motion CARRIED by a roll call vote of 9-0.

**ORDINANCE NO. 2019-71:** PASSED as stated by Clerk Bishop.

*Draft No. 2019-72: AN ORDINANCE AUTHORIZING THE CITY OF KENT TO SUBMIT THREE (3) FUNDING APPLICATIONS TOTALING \$920,000 AND TO EXECUTE THE SUBSEQUENT AGREEMENTS WITH THE OHIO PUBLIC WORKS COMMISSION (OPWC), 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 Ms. Shaffer and seconded by Mr. Ferrara. On Roll call, voting "Yes": Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2019-72 made by Ms. Shaffer and seconded by Mr. Sidoti. On Roll call, voting "Yes": Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone. The Motion CARRIED by a roll call vote of 9-0.

**ORDINANCE NO. 2019-72:** PASSED as stated by Clerk Bishop.

*Draft No. 2019-73: AN ORDINANCE AUTHORIZING THE CITY OF KENT FIRE DEPARTMENT TO APPLY FOR AN OHIO BUREAU OF WORKER'S COMP SAFETY INTERVENTION GRANT FOR FIREFIGHTERS EXPOSURE TO ENVIRONMENTAL ELEMENTS (FEEEG); 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. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2019-73 made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara. The Motion CARRIED by a roll call vote of 9-0.

**ORDINANCE NO. 2019-73:** PASSED as stated by Clerk Bishop.

*Draft No. 2019-74: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$255,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY COSTS OF REPLACING, UPGRADING AND EXTENDING SANITARY SEWER TRUNK LINES, AND TO RETIRE OUTSTANDING NOTES THAT WERE PREVIOUSLY ISSUED FOR THAT PURPOSE, 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. Ferrara and seconded by Mr. Sidoti. On Roll call, voting "Yes": Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2019-74 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, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar. The Motion CARRIED by a roll call vote of 9-0.

**ORDINANCE NO. 2019-74:** PASSED as stated by Clerk Bishop.

*Draft No. 2019-75: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$990,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY A PORTION OF THE COSTS OF RECONSTRUCTING ALLEY 5, ERIE STREET, AND DEPEYSTER STREET AND OTHERWISE IMPROVING NEARBY STREETS, INCLUDING BY RELOCATION OF PUBLIC UTILITIES, LANDSCAPING, AND INSTALLING PARKING PAYMENT DEVICES, STREET SIGNAGE AND SITE IMPROVEMENTS, AND TO RETIRE OUTSTANDING NOTES THAT WERE PREVIOUSLY ISSUED FOR THAT PURPOSE, 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. Ferrara. On Roll call, voting "Yes": Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2019-75 made by Mr. Sidoti and seconded by Mr. DeLeone. On Roll call, voting "Yes": Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg. The Motion CARRIED by a roll call vote of 9-0.

**ORDINANCE NO. 2019-75:** PASSED as stated by Clerk Bishop.

*Draft No. 2019-76: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$255,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY COSTS OF RENOVATING AND EXPANDING THE CITY'S MAIN FIRE STATION, INCLUDING ACQUISITION OF NECESSARY REAL ESTATE, AND TO RETIRE OUTSTANDING NOTES THAT WERE PREVIOUSLY ISSUED FOR THAT PURPOSE, 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. Ferrara and seconded by Mr. Amrhein. On Roll call, voting "Yes": Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2019-76 made by Mr. Ferrara and seconded by Mr. Amrhein. On Roll call, voting "Yes": Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer. The Motion CARRIED by a roll call vote of 9-0.

**ORDINANCE NO. 2019-76:** PASSED as stated by Clerk Bishop.

***HEALTH AND SAFETY COMMITTEE:***

MOTION TO APPROVE THE HEALTH AND SAFETY COMMITTEE MEETING MINUTES OF July 3, 2019 AND THE TWO RECOMMENDED ACTION ITEMS made by Mr. Amrhein, seconded by Mr. Kuhar, and CARRIED by a voice vote of 9-0.

Recommended Actions:

1. Approve the Conversion Therapy Ban, with an emergency clause.
2. Authorize the School Resource Officer Agreement with Kent City Schools, with an emergency clause.

***Draft No. 2019-77: AN ORDINANCE ADOPTING CHAPTER 723 "SEXUAL ORIENTATION OR GENDER IDENTITY CHANGE EFFORTS" OF THE CODIFIED ORDINANCES OF THE CITY OF KENT, OHIO, 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. Ferrara and seconded by Ms. Shaffer. On Roll call, voting "Yes": Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2019-77 made by Mr. Kuhar and seconded by Mr. Ferrara.

Mr. Ferrara said thank you to everyone who provided so much information to Council about this issue. It's a big deal, he's proud to support it, and he hopes what he considers to be a big deal means more cities will adopt such measures.

Ms. Shaffer said Kent is a welcoming and diverse city and she welcomes any opportunity to demonstrate such. Ms. Shaffer continued that Kent is also an education city and thinks this goes far in educating others about the negative effects of this type of therapy; it puts it into the news and educates parents who think this is innocuous.

Mr. Amrhein said simply that morally it is the right thing to do and he is going to support it.

Mr. Kuhar said at first he was opposed to the action considering that maybe they were doing something wrong by violating parents' rights. But child abuse definitely outweighs anybody's parental rights so he is now supporting it.

On Roll call, voting "Yes": Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti. The Motion CARRIED by a roll call vote of 9-0.

**ORDINANCE NO. 2019-77:** PASSED as stated by Clerk Bishop.

***Draft No. 2019-78: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPROVE AND EXECUTE AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF KENT, OHIO AND THE KENT CITY BOARD OF EDUCATION REGARDING THE SCHOOL RESOURCE OFFICER PROGRAM, EXTENDING THIS AGREEMENT UNTIL MAY 29, 2020, 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. Kuhar and seconded by Mr. Ferrara. On Roll call, voting "Yes": Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2019-78 made by Mr. Kuhar and seconded by Mr. DeLeone. On Roll call, voting "Yes": Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner. The Motion CARRIED by a roll call vote of 9-0.

**ORDINANCE NO. 2019-78:** PASSED as stated by Clerk Bishop.

***LAND USE COMMITTEE:***

MOTION TO APPROVE THE LAND USE COMMITTEE MEETING MINUTES OF July 3, 2019, and the TWO RECOMMENDED ACTION ITEMS made by Mr. Ferrara, seconded by Mr. DeLeone, and CARRIED by a voice vote of 9-0.

Recommended Actions:

1. Accept Planning Commission's Recommendation, with an emergency clause.
2. Approve the Easement Agreement with Dominion Energy, with an emergency clause.

***Draft No. 2019-79: AN ORDINANCE ACCEPTING THE KENT PLANNING COMMISSION'S RECOMMENDATION NOT TO AMEND THE TEXT OF CHAPTER 1155 "INDUSTRIAL DISTRICT (I) TO ADD "RESTAURANT, EVENT CENTER, RETAIL, CATERING" AS CONDITIONALLY PERMITTED USES, 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. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2019-79 made by Mr. Ferrara and seconded by Mr. Sidoti. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach. Voting "No:" Mr. Kuhar The Motion CARRIED by a roll call vote of 8-1.

**ORDINANCE NO. 2019-79:** PASSED as stated by Clerk Bishop.

***Draft No. 2019-80: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO GRANT A GAS PIPELINE EASEMENT TO THE EAST OHIO GAS COMPANY, DBA DOMINION ENERGY OHIO, TO SERVE RIVERSIDE LANDING LOCATED AT 315 GOUGLER AVENUE, 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 Ms. Shaffer and seconded by Mr. Ferrara. On Roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2019-80 made by Mr. Ferrara and seconded by Ms. Shaffer. On Roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein. The Motion CARRIED by a roll call vote of 9-0.

**ORDINANCE NO. 2019-80:** PASSED as stated by Clerk Bishop.

**STREETS, SIDEWALKS AND UTILITIES COMMITTEE:**

MOTION TO APPROVE THE STREETS, SIDEWALKS, AND UTILITIES COMMITTEE MEETING MINUTES OF July 3, 2019 made by Mr. Sidoti and seconded by Mr. Ferrara.

MOTION TO AMEND THE ORIGINAL MOTION TO INCLUDE MS WALLACH'S COMMENT ABOUT TROY GRILLE IN THE MINUTES made by Ms. Wallach, seconded by Mr. Ferrara, and CARRIED by a voice vote of 9-0.

AMENDED MOTION CARRIED by a voice vote of 9-0.

MOTION TO APPROVE THE THREE RECOMMENDED ACTION ITEMS made by Mr. Sidoti, seconded by Mr. Ferrara, and CARRIED by a voice vote of 9-0.

Recommended Actions:

1. Authorize the Proposed Updates to the City's Small Cell Wireless Regulations, and declaring an emergency.
2. Authorize the Street Closure for the Opioid Awareness Festival, and declaring an emergency.
3. Authorize the License Agreement for Troy Grille, and declaring an emergency.

*Draft No. 2019-81: AN ORDINANCE AMENDING CHAPTER 939 "USE OF PUBLIC WAYS FOR SMALL CELL WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES" OF THE STREETS, UTILITIES AND PUBLIC SERVICES CODE, 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. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2019-81 made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone. The Motion CARRIED by a roll call vote of 9-0.

**ORDINANCE NO. 2019-81: PASSED** as stated by Clerk Bishop.

*Draft No. 2019-82: AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPROVE A NEW SPECIAL EVENT APPLICATION FROM THE FAMILY & COMMUNITY SERVICES, INC. FOR THE OPIOID AWARENESS MUSIC FESTIVAL TO BE HELD ON SUNDAY, AUGUST 11, 2019, AND THE TEMPORARY CLOSURE OF NORTH WATER STREET, BETWEEN MAIN STREET AND COLUMBUS STREETS AND WEST MAIN STREET BETWEEN WATER STREET AND FRANKLIN AVENUE, 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. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2019-82 made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara. The Motion CARRIED by a roll call vote of 9-0.

**ORDINANCE NO. 2019-82: PASSED** as stated by Clerk Bishop.

**Draft No. 2019-83: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A LICENSE AGREEMENT BETWEEN THE CITY OF KENT AND TROY GRILLE, LLC TO INSTALL AN OUTDOOR PATIO ON EAST MAIN STREET, 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. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2019-83 made by Mr. Ferrara and seconded by Mr. Kuhar. On Roll call, voting "Yes": Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar. The Motion CARRIED by a roll call vote of 9-0.

**ORDINANCE NO. 2019-83: PASSED** as stated by Clerk Bishop.

**SPECIAL COMMITTEE REPORTS:** NONE

**UNFINISHED BUSINESS:** NONE

**NEW BUSINESS:**

***ITEMS NEEDING COUNCIL ACTION OR REFERRAL***

Mr. Kuhar asked if we could get Mr. Ott his \$32 and have him sign that paper.

Mayor Fiala asked Law Director Jones to make a comment on that.

Ms. Jones said she didn't want it coming out of her budget and you can see why she hung up on him. He was saying nasty things about the police department, wasn't being kind, and the statute of limitations has run out. Ms. Jones said she sees Mr. Kuhar's point: he is going to start making excessive public record requests, which he could do right now if he wants to.

Mr. Kuhar asked if it was worth it all.

Ms. Jones said probably not.

Mr. Ruller said we'll get it to him.

***SCHEDULE FUTURE COUNCIL MEETINGS***

***COUNCILMEMBERS' COMMENTS***

Ms. Rosenberg said she's very pleased that Council voted unanimously to ban gay conversion therapy. It was the right thing to do, the moral thing to do and it is welcoming and inclusive and hopes it spreads to more communities. She hopes that if in some way Council is helping young people, or really anybody who is feeling vulnerable, this would just be a way to prove we are welcoming community and inclusive.

**MAYOR'S REPORT:**

Mayor Fiala said he wanted to thank everybody who had anything to do with the Kent Heritage Festival. Once again it was a success despite Mother Nature a little bit. The fireworks that were a slight increase in cost this year were great.

Mayor Fiala ended the recess so Council could return to EXECUTIVE SESSION at 8:23 P.M. and asked if everybody would clear the room that was not eligible to remain.

MOTION TO RETURN TO OPEN MEETING FROM AN EXECUTIVE SESSION at 9:28 p.m. made by Mr. DeLeone and seconded by Mr. Sidoti. On Roll Call voting "Yes:" Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer; Mr. Sidoti, Mr. Turner, Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

Mayor Fiala adjourned the meeting at 9:29 p.m.

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Dawn Bishop  
Interim Clerk of Council

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Jerry T. Fiala  
Mayor and President of Council

Christopher M. Myers  
Chris M. Myers 220 E. Elm

Amendment 1, U.S. Constitution  
Congress shall make no law respecting an  
establishment of religion, or prohibiting the  
free exercise thereof, or ~~abridging~~ abridging  
the freedom of speech, or of the press, or the  
right of people peaceably to assemble, and to  
petition the government for a redress ~~of~~  
of grievances.



**From:** Sandy Lance <lances@kent-ohio.org>

**To:** radiootter <radiootter@aol.com>

**Subject:** Release

**Date:** Mon, Jun 12, 2017 10:47 am

**Attachments:** OTT, DANIEL - Release and Covenant Not to Sue.docx (13K)

---

Here is the release we talked about.

It will need to be signed in front of a Notary and the original sent to our office. Upon receipt of the signed Release, you can pick up the reimbursement money or I can send it out to you.

Let me know if you have any questions.

Thank you.

Sandy

--

Sandy Lance, Legal Secretary  
City of Kent, Ohio  
319 South Water Street  
Kent, Ohio 44240  
(330) 678-8619  
(330) 678-8033 fax  
[lances@kent-ohio.org](mailto:lances@kent-ohio.org)

> **PLEASE NOTE:** This message and any response to it may  
> constitute a public record, and therefore may be available  
> upon request in accordance with Ohio public records law.  
> (ORC 149.43)

## **RELEASE AND COVENANT NOT TO SUE**

For the sole and only consideration of payment of \$32.50 by the City of Kent to DANIEL OTT, JR., I, the undersigned, hereby promise, covenant and agree that I will not hereafter bring, commence, prosecute or maintain, or cause or permit to be brought, commenced, prosecuted or maintained, any suit or action, either at law or in equity, in any court in the United States or in any state thereof, or elsewhere, against the City of Kent, Ohio, the City of Kent, Ohio's Police Department and/or Officers J.P. Gormsen and Drake Oldham or any other Kent Police Officer, their successors or assigns, for, on account of, arising out of, or in any way connected with, certain injuries and the injurious results, or any causes of action arising, or hereafter to arise therefrom, that may have been received by DANIEL OTT, JR., for an alleged theft that occurred on or about the 9th day of June, 2016, and by his arrest and prosecution by the Kent Police Department and Officers J.P. Gormsen and Drake Oldham in Portage County Case Number 2016CRB1179, and that I nor any one claiming through me, will enforce, prosecute, or recover upon, or attempt to enforce, prosecute, or recover upon, any claim or right of action whatsoever against the City of Kent, Ohio, the Kent Ohio Police Department and/or Officers J.P. Gormsen and Drake Oldham, which I or any one claiming through me may now have or may hereafter assert, in any way connected with the said arrest, the injuries resulting therefrom or the injurious results arising or hereafter to rearise therefrom.

Further, I have reviewed this Release with my attorney and sign it with my attorney's knowledge and consent. I further agree and acknowledge that the arresting officer had probable cause to arrest me for the charges being dismissed.

In witness whereof, I have signed my name to two copies of the foregoing Release and Covenant and Agreement not to sue, at Kent, Ohio, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

---

Daniel Ott, Jr.

STATE OF OHIO                    )  
  ) SS  
PORTAGE COUNTY                    )

BEFORE ME, a Notary Public in and for said County and State, personally appeared DANIEL  
OTT, JR. who acknowledges that he has executed the foregoing instrument and the same is  
his\her free act and deed, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
NOTARY PUBLIC

**From:** Sandy Lance <lances@kent-ohio.org>  
**To:** radiootter <radiootter@aol.com>  
**Subject:** Re: Release  
**Date:** Thu, Jun 15, 2017 11:00 am

Hi Dan,

Just checking on the status of this Release.

Thanks  
Sandy

On Mon, Jun 12, 2017 at 10:47 AM, Sandy Lance <lances@kent-ohio.org> wrote:  
Here is the release we talked about.

It will need to be signed in front of a Notary and the original sent to our office.  
Upon receipt of the signed Release, you can pick up the reimbursement money or  
I can send it out to you.

Let me know if you have any questions.

Thank you.  
Sandy

--

Sandy Lance, Legal Secretary  
City of Kent, Ohio  
319 South Water Street  
Kent, Ohio 44240  
(330) 678-8619  
(330) 678-8033 fax  
[lances@kent-ohio.org](mailto:lances@kent-ohio.org)

--

Sandy Lance, Legal Secretary  
City of Kent, Ohio  
319 South Water Street  
Kent, Ohio 44240  
(330) 678-8619  
(330) 678-8033 fax  
[lances@kent-ohio.org](mailto:lances@kent-ohio.org)

Attachment #2 7.17.19 Regular Meeting Minutes

**PORTAGE COUNTY MUNICIPAL COURT  
KENT DIVISION**

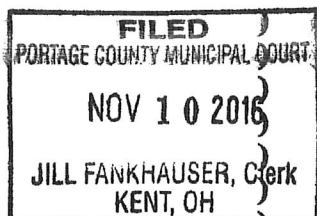
\*\*\*\*\*  
**STATE OF OHIO,**

**Plaintiff,**

**-vs-**

**DANIEL C. OTT, JR.**

**Defendant.**



\*\*\*\*\*  
**CASE NO. K 2016 CRB 1179**

**JUDGE KEVIN T. POLAND**

**JUDGMENT**

\*\*\*\*\*  
This matter came on for jury trial the 8th and 9th day of November, 2016. The State of Ohio was represented by Assistant Prosecutor Kimberly Quinn. Defendant, Daniel C. Ott, Jr., was present and represented by Attorneys Eli Heller and Dennis Lager.

Voir dire was conducted by the Court, the State of Ohio and Defendant.

Opening statements were presented by the State and Defendant.

The State presented evidence consisting of testimony and exhibits and rested.

Defendant's motion to dismiss pursuant to Criminal Rule 29 was overruled.

Defendant presented evidence consisting of testimony and exhibits and rested.

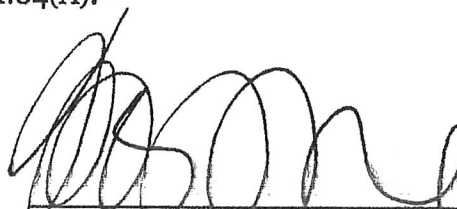
Closing arguments were presented by the State and Defendant.

Instructions were given by the Court.

Both the State of Ohio and Defendant acknowledged that they were satisfied with the instructions as given by the Court.

The jury deliberated and found Defendant Not Guilty of Intimidation of a Victim of a Crime pursuant to O.R.C. section 2921.04(A).

**IT IS SO ORDERED.**

  
\_\_\_\_\_  
KEVIN T. POLAND, JUDGE

**Cc: Prosecutor Kimberly Quinn  
Attorney Eli Heller**

**IN THE PORTAGE COUNTY MUNICIPAL COURT  
KENT, OHIO**

**STATE OF OHIO**  
*Plaintiff*

*Vs.*

**DANIEL C. OTT JR**  
*Defendant*



*Case No: 2016 CR B 001179 K*

**JUDGE KEVIN T. POLAND**

**ORDER AND JUDGMENT ENTRY**

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This matter came before the Court on the Motion to Waive All Costs filed by Defendant on April 20, 2017. Defendant is requesting that the Court waive the \$25.00 indigent application fee.

On June 14, 2016 Defendant applied for court appointed counsel and filled out an Affidavit of Indegency. As such, a \$25.00 application fee was assessed.

Defendant was advised of this fee at the time he applied for counsel. The Affidavit of Indegency has a notification of this fee at the top of Page 1. In addition there is clear language at the top of Page 2 that by submitting this *Financial Disclosure/Affidavit of Indegency Form*, you will be assessed a non-refundable \$25.00 application fee.

It is the ORDER of Court that Defendant's Motion to Waive All Costs is not well taken and is hereby DENIED.

***IT IS SO ORDERED.***



JUDGE KEVIN T. POLAND  
April 27, 2017

Cc: Daniel C. Ott Jr

**From:** Otter <radiootter@aol.com>  
**To:** lances <lances@kent-ohio.org>  
**Subject:** ATTN: James Silver  
**Date:** Wed, Jun 21, 2017 9:04 am

---

Dear Mr. Silver, I appreciate your offer to pay the \$32 fee related to the fee the Kent Municipal Court ordered me to pay. However, I will not be agreeing to "Release all claims" against the City of Kent and it's employees in any manner. The \$32 payment should be made to the Kent Municipal Court in good faith by the City of Kent.

However, Upon acceptance of \$10,000 made payable to Daniel Ott by the City of Kent "Kent", I would be willing to "release all claims" from the City of Kent and it's employees relative to the criminal charge "Kent" brought against me. I would also consider a used dump truck or heavy duty truck instead of a monetary settlement.

Based on the malicious and unprofessional actions of the City of Kent Police Department and the arrogance of the officers, I may seek relief from The United States Federal Court (42 U.S.C. 1983).

I'm sure you are not aware, but the officers who testified in the case at bar, failed to comply with a Court subpoena, lied under oath, failed to follow city procedures and acted in a reckless manner with citizens.

In federal Court, I will seek money damages as well as injunctive and declaratory relief against all defendants in excess of one million dollars. My criminal history report will be marked forever for the charge Kent initiated as well all parties credit may be harmed by a federal suit.

It is my belief that City of Kent employees violated by first amendment right 42 U.S.C. 1988 of free speech and all defendants acted in bad faith and harassed me by initiating repeated prosecutions to harass an individual.

The Federal Court procedures are long and tiring but I believe it will be necessary to bring justice to a County which believes they are their own country. The officers involved in the case at bar need to understand they are complacent in their jobs and should conduct themselves as professionals and follow procedures set forth by their employer.

The Federal complaint is being drafted along with relative press releases so if you would like to send me a revised "release" and payment consideration I would be happy to review it. Time is of the essence in this matter and appreciate a proposed draft either by mail or email by June 26, 2017. I anticipate a Federal complaint to filed on or about July 11, 2017.

Thank You  
Daniel Ott  
P.O. Box 314  
Bath, OH 44210-0314  
330-338-2877



12/15/2016 FIRST ACCOUNTS RECEIVABLE NOTICE SENT

[Image](#)

FIRST AR NOTICE

Sent on: 12/15/2016 08:35:32.28

01/19/2017 SECOND ACCOUNTS RECEIVABLE NOTICE SENT

OTT JR, DANIEL C was sent notice for \$ 25.00

Printed on 01/19/2017 12:16:14.40.

01/19/2017 SECOND ACCOUNTS RECEIVABLE NOTICE SENT

[Image](#)

SECOND AR NOTICE

Sent on: 01/19/2017 12:16:56.55

02/23/2017 THIRD AND FINAL ACCOUNTS RECEIVABLE NOTICE  
SENT

OTT JR, DANIEL C was sent notice for \$ 25.00

Printed on 02/23/2017 13:23:43.19.

02/23/2017 THIRD AND FINAL ACCOUNTS RECEIVABLE NOTICE  
SENT

[Image](#)

THIRD AR NOTICE

Sent on: 02/23/2017 13:24:43.23

04/03/2017 THIS MATTER IS REFERRED TO A THIRD-PARTY  
COLLECTION AGENT ON THIS DATE.

\$7.50 \$0.00

OTT JR, DANIEL C was sent notice for \$ 25.00

Printed on 04/03/2017 09:54:44.30. Receipt: 247505

Date: 06/20/2019

04/05/2017 COURT ORDERED VEHICLE REGISTRATION BLOCK  
ISSUED TO THE BMV.

[Image](#)

REGISTRATION BLOCK created on: 04/05/2017

For: OTT JR, DANIEL C

04/25/2017 MOTION TO WAIVE ALL COSTS

[Image](#)

DANIEL C OTT JR (DEFENDANT);

04/28/2017 MOTION DENIED

[Image](#)

06/20/2019 ALERT CANCELED

REGISTRATION BLOCK canceled on: 06/20/2019

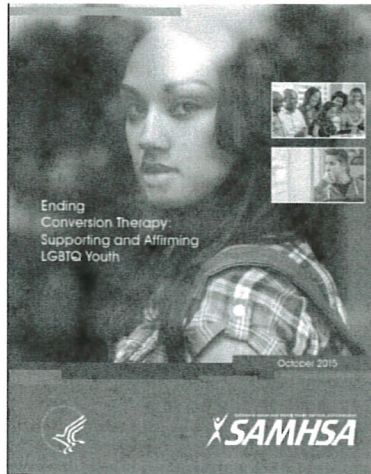
For: OTT JR, DANIEL C

06/20/2019 RELEASE OF VEHICLE REGISTRATION BLOCK  
ISSUED TO THE BMV.

[Image](#)

RELEASE OF KENT BMV 1150 REGISTRATION  
BLOCK

Sent on: 06/20/2019 10:30:44.95



Office: 330.673.5812 / Fax: 330.673.7162  
190 Currie Hall Parkway, Kent, Ohio 44240  
[www.kentpsychological.com](http://www.kentpsychological.com)



**Stacy Simera,**  
**MSSA, LISW-S, SAP**  
Mental Health Therapist

US Department of Health and Human Services  
Substance Abuse and Mental Health Services  
Administration

“Ending Conversion Therapy for Minors”

(76-page report with 12 pages of references)

Available at [samhsa.gov](http://samhsa.gov)

# Executive Summary

*Lesbian, gay, bisexual, and transgender* youth, and those who are *questioning* their sexual orientation or gender identity (*LGBTQ* youth) experience significant health and behavioral health disparities. Negative social attitudes and discrimination related to an individual's LGBTQ identity can contribute to these disparities, and may result in institutional, interpersonal, and individual stressors that affect mental health and well-being. (Bockting, Miner, Swinburne Romine, Hamilton, & Coleman, 2013; Meyer, 2003). This stress, as well as limited opportunities for support, are encountered by *sexual and gender minority* youth in their families, communities, and school settings. Additionally, some transgender youth experience gender dysphoria – psychological distress due to the incongruence between one's body and gender identity (Coleman et al., 2012).

SAMHSA is committed to eliminating health disparities facing vulnerable communities, including sexual and gender minority communities. One key factor to preventing these adverse outcomes is positive family (including guardians and caregivers) and community engagement and appropriate interventions by medical and behavioral health care providers. Supporting optimal development of children and adolescents with regard to sexual orientation, gender identity, and gender expression is vital to ensuring their health and well-being.

The purpose of this report, *Ending Conversion Therapy: Supporting and Affirming LGBTQ Youth*, is to provide mental health professionals and families with accurate information about effective and ineffective therapeutic practices related to children's and adolescent's sexual orientation and gender identity. Specifically, this report addresses the issue of conversion therapy for minors. The conclusions in this report are based on professional consensus statements arrived at by experts in the field. Specifically, conversion therapy—efforts to change an individual's sexual orientation, gender identity, or gender expression<sup>2</sup>—is a practice that is not supported by credible evidence and

has been disavowed by behavioral health experts and associations. Conversion therapy perpetuates outdated views of gender roles and identities as well as the negative stereotype that being a sexual or gender minority or identifying as LGBTQ is an abnormal aspect of human development. Most importantly, it may put young people at risk of serious harm.

## Key Findings

This report and its recommendations are based on consensus statements developed by experts in the field after a careful review of existing research, professional health association reports and summaries, and expert clinical guidance. The consensus statements highlight areas of the ethical and scientific foundations most relevant to the practice of conversion therapy with minors. A full list of the consensus statements is found in the body of this report; key statements that form the underpinnings of the guidance in this report are provided here.

- Same-gender<sup>3</sup>sexual orientation (including identity, behavior, and attraction) and variations in gender identity and gender expression are a part of the normal spectrum of human diversity and do not constitute a mental disorder.
- There is limited research on conversion therapy efforts among children and adolescents; however, none of the existing research supports the premise that mental or behavioral health interventions can alter gender identity or sexual orientation.
- Interventions aimed at a fixed outcome, such as gender conformity or heterosexual orientation, including those aimed at changing gender identity, gender expression, and sexual orientation are coercive, can be harmful, and should not be part of behavioral health treatment. (American Psychiatric Association, 2013b; American Psychological Association, 2010; National Association of Social Workers, 2008).

# Professional Consensus Process

In early April 2015, representatives from SAMHSA and APA agreed to collaborate to address the concerns of professional associations, policy makers, and the public regarding efforts to change gender identity and sexual orientation in children and adolescents (also referred to as conversion therapy). Through the support of the Federal Agencies Project, APA hosted an expert consensus convening on this topic in July 2015, which significantly informed this report. The research overview and clinical expertise highlighted throughout serve as the foundation from which the consensus statements were developed. Both the process of achieving consensus and the results of the meeting are published below.

APA initially developed a list of the areas of expertise to be used in identifying potential experts to participate in the consensus panel based on existing professional guidelines and resolutions related to sexual orientation, gender identity, and gender expression, as well as published research. APA solicited nominations from specialists in the field with expertise in gender, sexuality and sexual orientation, child and adolescent development and mental health, and the psychology of religion. Additionally, APA solicited nominations from professional associations representing the major mental health and health professions. Using the input received from these sources, APA extended invitations to a short list of highly recommended group of experts. This initial expert pool nominated additional experts based on their assessment of the expertise needed to achieve the goals of the meeting. The final panel of 13 experts consisted of ten psychologists, two social workers, and one psychiatrist. These individuals included researchers and practitioners in child and adolescent mental health with a strong background in gender development, gender identity, and sexual orientation in children and adolescents. The panel also included experts with a background in family therapy, ethics, and the psychology of religion. Among others, the panel included: Sheri Berenbaum, PhD; Celia B.

Fisher, PhD; Laura Edwards-Leeper, PhD; Marco A. Hidalgo, PhD; David Huebner, PhD; Colton L. Keo-Meier, PhD; Scott Leibowitz, MD; Robin Lin Miller, PhD; Caitlin Ryan, PhD, ACSW; Josh Wolff, PhD; and Mark Yarhouse, PsyD. APA activities were coordinated by Clinton W. Anderson, PhD and Judith Glassgold, PsyD.

Based on published literature on consensus methods, APA developed an iterative process that culminated in a two-day meeting in Washington, DC on July 7 and 8, 2015. During the meeting, panelist-led discussions considered the relevant research, professional guidelines and clinical knowledge-base for each of the topics. The panel developed consensus statements on sexual orientation change efforts as well as gender identity change efforts in children and adolescents for each of the relevant developmental stages: pre-pubertal children, peri-pubertal adolescents, and pubertal and post-pubertal adolescents.

Panelists agreed that unanimous consensus was a strong priority, but that if unanimity could not be reached, 80 percent support would constitute consensus. The panelists also agreed that minority opinions should be reflected in the record if any dissenting expert wished to issue such an opinion. Unanimous consensus was reached in nearly all instances. No dissenting opinions were formally registered. The statements of professional consensus are printed in *Section 3* of this report.

Observers from interested federal agencies, health and human services professional organizations, foundations, and LGBTQ human rights organizations also attended the meeting. These observers were offered an opportunity to submit written questions, which the panel addressed throughout the course of the meeting.

Attachment 3 7.17.19 Regular Meeting Minutes



# Statements of Professional Consensus

*The following are the statements of professional consensus regarding sexual orientation and gender identity and expression that were developed during the July 2015 APA consensus convening. After initially developing separate statements regarding issues relating to the development of sexual orientation and gender identity and gender expression, the panel developed a set of three key summary statements. The panel also developed a statement regarding the guiding human rights and scientific principles that provide a foundation for behavioral health professionals' work in this area.*

## Guiding Principles

Behavioral health professionals respect human dignity and rights. The foundational ethical principle of “self-determination” requires that children and adolescents be supported in their right to explore, define, and articulate their own identity. The principles of “justice” and “beneficence and nonmaleficence” require that all children and adolescents have access to behavioral health treatments that will promote their health and welfare. Children and adolescents have the right to participate in decisions that affect their treatment and future. Behavioral health professionals respect human diversity and strive to incorporate multicultural awareness into their work.

These guiding principles are based upon the codes of ethics for the professional fields of Psychology, Psychiatry, and Social Work (American Psychiatric Association, 2013b; American Psychological Association, 2010; National Association of Social Workers, 2008).

## Professional Consensus on Conversion Therapy with Minors

1. Same-gender/sexual orientation (including identity, behavior, and/or attraction) and variations in gender identity and gender expression are a part of the normal spectrum of human diversity and do not constitute a mental disorder.
2. There is limited research on conversion therapy efforts among children and adolescents; however, none of the existing research supports the premise that mental or behavioral health interventions can alter gender identity or sexual orientation.
3. Interventions aimed at a fixed outcome, such as gender conformity or heterosexual orientation, including those aimed at changing gender identity, gender expression, and sexual orientation are coercive, can be harmful, and should not be part of behavioral health treatments. Directing the child to be conforming to any gender expression or sexual orientation, or directing the parents to place pressure for specific gender expressions, gender identities, and sexual orientations are inappropriate and reinforce harmful gender and sexual orientation stereotypes.

Attachment 3 7.17.19 Regular Meeting Minutes

## Legislative, regulatory, and legal efforts

Many individuals, organizations, and several state legislatures have taken steps to regulate and eliminate the practice of conversion therapy. Efforts to end the practice of conversion therapy have included legislative bans and causes of action alleging consumer fraud, among others. Future efforts may include federal regulatory action, advancement of legislation at the state and federal level, and additional activities by the Administration.

As of August 2015, four states and the District of Columbia have passed laws banning the practice of conversion therapy for minors, and 21 other states have introduced similar legislation. All of the bills bar mental health providers from practicing conversion therapy on minors; some also include protections for vulnerable adults, restrictions on the use of state funds, and consumer protection provisions.

There is currently no federal ban on conversion therapy. Several bills and resolutions have been introduced in 2015, including H.R. 2450: Therapeutic Fraud Prevention Act; S.Res. 184: Stop Harming Our Kids Resolution of 2015; HR 3060 Stop Child Abuse in Residential Programs for Teens Act of 2015; and H.Con.Res. 36: Expressing the sense of Congress that conversion therapy, including efforts by mental health practitioners to change an individual's sexual orientation, gender identity, or gender expression, is dangerous and harmful and should be prohibited from being practiced on minors. These efforts discourage or ban conversion therapy or require non-discrimination in the provision of services to sexual and gender minority minors.

Stakeholders have also suggested the following as potential federal actions to end conversion therapy:

- Restrictions on the use of federal or state funding for conversion therapy by federal programs, by recipients of such funding, or through health insurance reimbursements.

- Policies for institutions that house out-of-home youth (such as juvenile justice and foster care programs) that prohibit conversion therapy efforts on minors in care. These entities are often licensed by states or receive federal funding.
- Clarification of existing non-discrimination policies to extend to prohibitions on conversion therapy

In addition to legislative and regulatory action, legal action has been explored as a mechanism for ending the use of conversion therapy. Most notably, a jury found in favor of a claim brought under New Jersey's consumer fraud law, finding that a "conversion therapy" program that offered services purported to change people from gay to straight was fraudulent and unconscionable.<sup>23</sup>

In addition, potential claims of discrimination have been raised under the theory that the provision of ineffective and potentially harmful therapy is due solely to an individual's sexual orientation or gender identity.

Notably, the American Bar Association also passed a resolution urging "all federal, state, local, territorial, and tribal governments to enact laws that prohibit state-licensed professionals from using conversion therapy on minors," as well as "to protect minors, particularly minors in their care, from being subjected to conversion therapy by state-licensed professionals."<sup>24</sup>

**THE CITY OF KENT, OHIO  
COMMITTEE OF THE WHOLE  
WEDNESDAY, August 7, 2019**

Mr. Amrhein, President Pro-Tem, called the Committee of the Whole of Kent City Council to order at 5:34 p.m.

**MOTION FOR COUNCIL TO ENTER AN 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*** Made by Mr. Amrhein and seconded by Ms. Rosenberg. On Roll Call voting "yes:" Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Mr. Sidoti, Mr. Turner.

At 6:58 Council ended the Executive Session.

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

**ALSO PRESENT:** 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. Dave Coffee, Budget and Finance Director; Mr. Tom Wilke, Economic Development Director; Ms. Dawn Bishop, Interim Clerk of Council.

**ABSENT:** Mr. Jerry T Fiala, Mayor and President of Council; Ms. Heidi Shaffer; Ms. Tracy Wallach

There were two (2) items on the Agenda.

**1. Interview Candidates for Boards and Commissions**

*Due to an oversight, the audio was not picked up for the first two candidates.*

Morgan Tipton, 451 Park Avenue, Kent, applying for appointment on the PARTA Board of Trustees. She spoke about being reliant on walking or public transportation her entire life. She spoke about her desire to serve fellow citizens and her qualifications. There were a few questions from Council and then Mr. Amrhein thanked Ms. Tipton for applying.

Janet Rusnack, 1440 Loop Road, Kent, applying for appointment to the PARTA Board of Trustees. She said she is now a frequent user of the public transportation system now that she no longer drives. Ms. Rusnack said she has no complaints about PARTA and would like to help keep it that way and spoke on her qualifications. There were a few questions from Council and then Mr. Amrhein thanked Ms. Rusnack for applying.

Bridget Tipton, 458 W Main, Kent, applying for appointment to the Architectural Review Board. She said board meets her interests and aptitudes. She's been a Kent Jaycee since 2013 and her background is in interior design, just completing graduate degree in architecture. She is an instructor at Kent State in the interior design program for eight years now. She's presented to the review board, prepared documents for them, and now would like to serve on the board.

Mr. Sidoti asked how Ms. Bridget Tipton thought Kent was doing in terms of architecture.

Ms. Tipton said as a Pittsburgh area transplant, she takes great pride in Kent as her chosen adopted city and architecturally it's really interesting with what the university has been doing and the city buildings, what they have been and will be doing, and it's all coming together in a way that makes sense,

particularly in vibrancy and growth downtown. While some of the styles may not appeal to her taste, it all seems to come together.

Mr. Ferrara asked if Bridget Tipton's plans were to stay in Kent and continue teaching at the University.

Ms. Tipton plans on staying at the University as an adjunct professor and her and husband and she just purchased a second home so they are not going anywhere.

Mr. Ferrara asked if she was related to the previous Tipton applicant, she answered they were sisters in law, and then Mr. Amrhein thanked her for applying.

William Dunick, 1307 Sunset Way BD, Kent, applying for appointment to the Design and Preservation Committee. He is interested in helping the community more now that he is retired and chose this committee because of his skills.

Mr. Kuhar asked what he could bring to the table.

Mr. Dunick said he volunteers at Hale Farm and Village in preserving their village and farm for the past five years and is also a carpenter. He also has management skills that help him get along with people. Mr. Amrhein thanked him.

Jordan Cinderich, 1104 Munroe Falls-Kent Road, Kent, interested as a second choice in appointment to the Design and Preservation Committee, has been a resident for four years, is a recent home owner, and is applying for a position on a committee because public service interests him. He currently serves as a Catholic minister for Kent State University students.

Ms. Rosenberg asked what was it about this particular committee (Design and Preservation Committee) that most interests him?

Mr. Cinderich said he believes he applied for both Fair Housing and this committee, but as far as design, he is a carpenter, works with his hands a lot, wood works, and as a history major he enjoys historical aspects of that as well.

Mr. Amrhein asked if he had anything to add about his Fair Housing Board interest.

Mr. Cinderich said he would only like to add that his interest in that board comes from both a renter and now a homeowner, so he has seen both sides. He's known some of the different people who live in neighborhoods vs apartments and there's a big difference. In his higher education he has studied anti-discrimination law thoroughly and so has knowledge of Fair Housing Act.

Mr. Ferrara wanted to clarify that the Fair Housing Board is his first choice.

Mr. Cinderich said yes it is.

Mr. Sidoti asked what, from his perspective, are the one or two biggest problems we may have to be addressing with the Fair Housing Board.

Mr. Cinderich said with only limited knowledge of how the Fair Housing Board operates, he would say he definitely noticed that in the apartment building he lived in, that we are dealing with a wide range of ages, nationalities, ethnicities, race. He doesn't know if those people know the Fair Housing Board exists and those demographics are probably most susceptible to discrimination. So he would be most interested in finding out more about that.



Deborah Douglas, 1104 Munroe Falls-Kent Road, Kent, applying for Fair Housing Board said she's been a resident of Kent for ten years after her parents moved here from Strongsville after she started college here. They picked Kent because they fell in love with the city and said they had never seen a city with more trees than Kent. Ms. Douglas said since living in Kent she's lived in probably most of the apartments offered as student housing, has lived in dorms, etc. Throughout her journey here she also developed good rapport with a couple of building managers.

Mr. Sidoti asked if there was one particular issue that may need some addressing by the Fair Housing Board.

Ms. Douglas said her last experience at her last apartment before she became a homeowner, was where trying to work with the landlord regarding complaints, and those complaints weren't heard seriously and were getting into legal issues. She just wished she would have known about the board then.

Mr. Turner asked how she would educate the public regarding things she didn't understand and how does she believe the board operates, seeing as Kent doesn't have a Fair Housing agency, which actually functions in Akron.

Ms. Douglas said she would look in to seeing if including information about the Fair Housing Board in rental applications was possible.

Mr. Kuhar asked what did Ms. Douglas believe her duties on the Fair Housing Board would encompass?

Ms. Douglas she's hoping she could be an advocate for change regarding complaints or suggestions.

Mr. Kuhar asked what did she think the Fair Housing people do?

Ms. Douglas said she would think hearing complaints and helping with solutions.

Mr. Kuhar asked what kind of complaints?

Ms. Douglas said from what she understood, any sort of discrimination that the Fair Housing Act covers.

Mr. Amrhein said Thomas Simpson, the only applicant for the Parking Action Committee, was not in attendance, and then voting for the boards and commissions will take place at the next regular meeting on August 21.

## 2. City Hall Project Update

Mr. Ruller said as they begin to tighten up the concept drawings of City Hall and the general blessing is given, they will be able to start heavy duty construction drawings and fine tuning pricing and materials. Mr. Ruller said he knows Ms. Wallach, although absent tonight, had wanted to get an update on cost of the building but he wanted to relay they are still working within the parameters from 2018 of 5.2 to 5.7 million. Mr. Ruller relayed what Melanie Baker had told them: now is the time to let them know if 5.2 to 5.7 is not a good number to work with anymore and Ms. Nancy Nozik can select different materials, etc. They are looking for reaffirmation to keep working with that number.

Ms. Melanie Baker said one of the things they did was take some boards to the Heritage Fest with postcard responses to come back, and while they didn't get hundreds of thousands of returns back they thought it was a decent return and Council seems to be on track with what the citizens want. The citizens want a place that is welcoming to the public. They want it as a city unity spot and a place for gatherings. The public had several suggestions on what to do with the open space. Staff is going to follow up after this meeting tonight regarding space and some things may shift in size or location. They will try to have an open public meeting like Council has asked to do. Addressing the cost: remember there is a range of

everything from \$100 a square foot to \$500 a square foot and then there will be those cost differences when selecting materials and coming back to Council with those different options.

Ms. Nancy Nozik from Brandstetter Carroll reiterated that the feedback from the Heritage Fest reflects that Council is on the right track of what the public expects from the new City Hall. Without compromising any functional spaces, they did take out about 3000- 4000 square feet from the last time (Attachment 1.) Those plans will distributed to the departments before the staff meeting. For example, they took a half a bay out of one area and were just looking at easy ways to get the square footage down before the hard ways. Ms. Nozik pointed out the council chambers room would be the width of the current space being used for meetings and twice the depth. It's almost twice as big as this room. When doing concept planning, they thought the building needing to be between 21500- 23000 square feet. They want to continue to try to hone this down and continue developing the look of the building and the cost effective materials. Ms. Baker and she have been getting bid documents together for the demolition of the existing building and make sure that's dealt with properly to be prepared for the new building in its play and getting a survey of the area.

Mr. Kuhar said the first thing that popped out to him is shaving off ten feet off that council chambers and it wouldn't hurt anything. He said everything looked great and while it might not be exactly how he would do it, he's not everybody in the city. He said they've done a wonderful job and if it had some solar panels on the roof it would be perfect.

Mr. Sidoti said he had a question from a resident. The portion in the front, the portico, would it be possible, as there is anchoring where the two doors are, to get rid of those skinny little posts in the middle. Where it says Kent City Hall would it be able to be support in another way.

Ms. Nozik said yes absolutely.

Mr. Sidoti asked about cutting out 2300 square feet: did it impact the functionality of the building, or does it impact the functionality ten years from now.

Ms. Nozik said in the previous version there was a lot of unassigned space. There was that ten foot bay taken out of the building, but there is still a lot of space in there, multiple conference rooms/storage rooms, so they want to make sure they are planning for the future but also want to get in budget. It always happens in projects where you start cutting things, but the minute you get into building it, you regret that cut. There were some easy cuts made but she'll see once they meet with department heads about those things.

Mr. Sidoti said he asks as ultimately a lot of them making these decisions ultimately will not be around in twenty or thirty years to see what becomes of those plans and he likes to protect their ability for growth and also to note it's a lot cheaper to build it now then in twenty or thirty years and start putting additions on. He said it's hard because of budgetary constraints sometimes.

Ms. Rosenberg asked about the topography of the first floor where council chambers are: Is it ground level for visitors? Are they coming in and using an elevator?

Ms. Nozik said yes and the whole lower level is at the street level out front. The middle level is at parking lot level behind.

Ms. Rosenberg asked if it was possible to have an exit or doorway there.

Ms. Nozik said yes, there will be an exit and right now that exit is at the south but it may need to go out towards the west because of the way the topography works; but they do need an egress out of there.

Mr. Ferrara asked what would Ms. Nozik say Council and the administration is missing in this design?

Ms. Nozik said so far nothing. Right now there are many things Council has brought to the table that are not shown on here yet as far as sustainability elements that are talked about but not physically represented yet. Once you get to the point of 'let's do this, don't do that' then I may be able to better answer that question. To date, it's been a good back and forth and nothing apparently glaring in design. Ms. Nozik said city halls are a balancing act because they want the welcoming public space but nobody wants to spend money on city halls, they are different entity then police and fire. They want a monumental structure without a whole lot of money put in to it, which could be possible with different materials for the project.

Mr. Ferrara said you can't make chicken salad out of chicken crap at the end of the day.

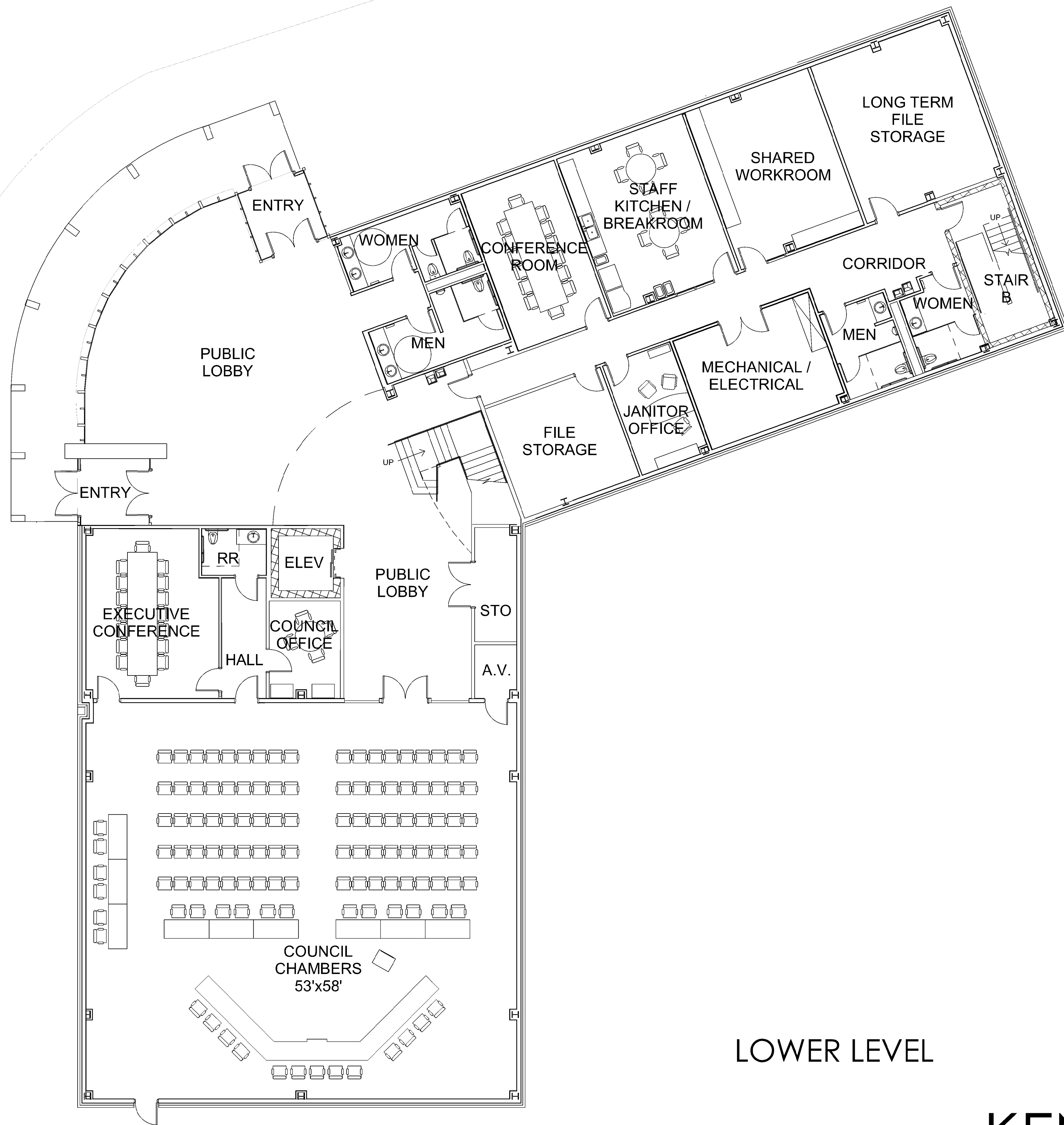
Hearing no further business before this Committee, Mr. Amrhein adjourned the meeting at 7:37 p.m.

---

Dawn Bishop  
Interim Clerk of Council

**ACTION RECOMMENDED:**

- 1) Vote on Board Vacancies at the next Regular Council Meeting August 21, 2019**



LOWER LEVEL

August 7, 2019

# KENT CITY HALL

319 S. Water Street  
Kent, OH 44240

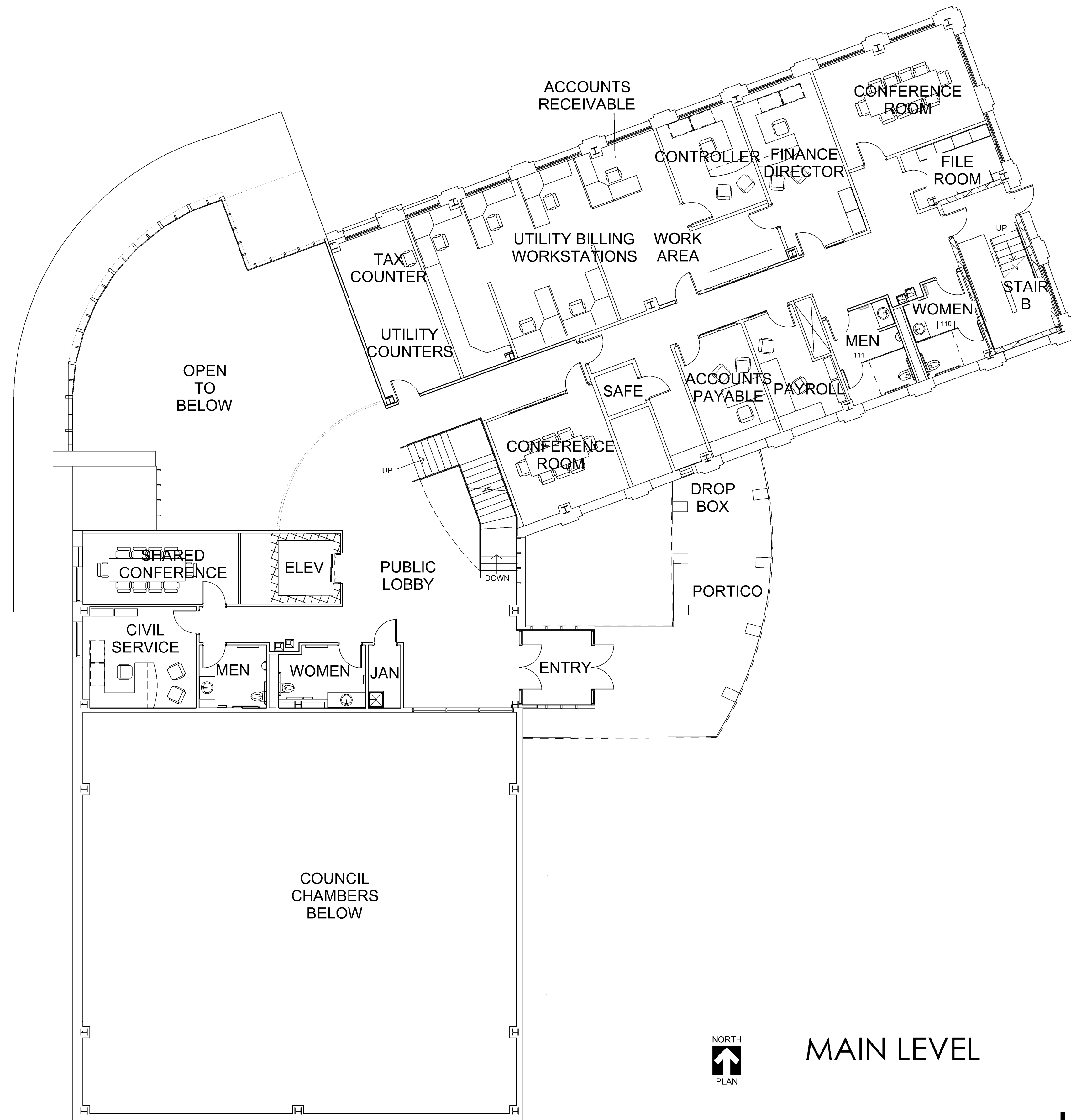
SCHEMATIC DESIGN



Lexington · Cincinnati · Cleveland · Dallas

Attachment 1 8.7.19 Committee of Whole Minutes





MAIN LEVEL

August 7, 2019

# KENT CITY HALL

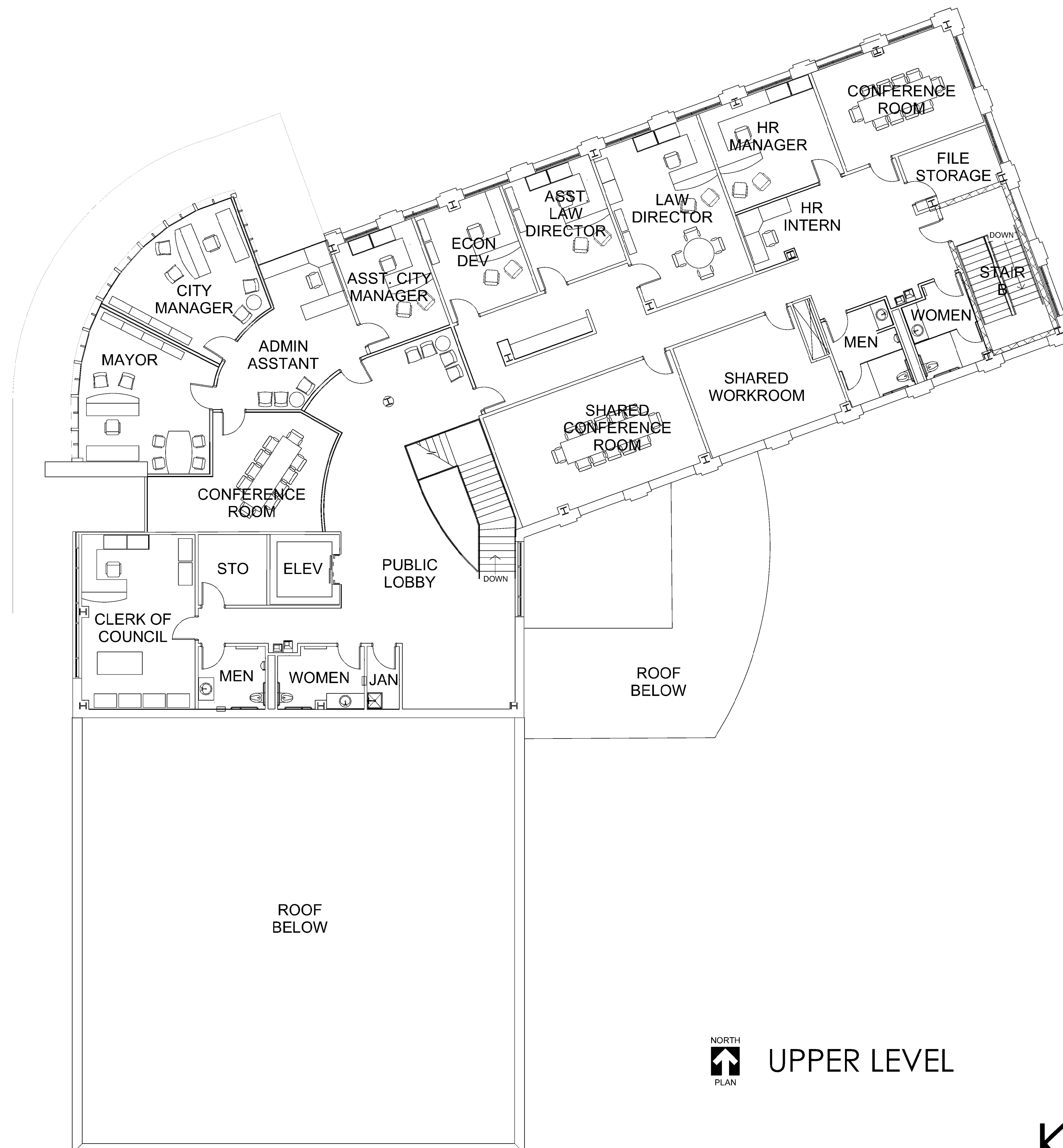
319 S. Water Street  
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SCHEMATIC DESIGN



Lexington Cincinnati Cleveland Dallas  
Attachment 1 8.7.19 Committee of Whole Minutes





August 7, 2019

# KENT CITY HALL

319 S. Water Street  
Kent, OH 44240

## SCHEMATIC DESIGN



Lexington · Cincinnati · Cleveland · Dallas  
Attachment 1 8.7.19 Committee of Whole Minutes

**DRAFT RESOLUTION NO. 2019-84**

**A RESOLUTION APPOINTING \_\_\_\_\_ TO THE ARCHITECTURAL REVIEW BOARD, AND  
DECLARING AN EMERGENCY.**

**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 \_\_\_\_\_ is hereby appointed to the **ARCHITECTURAL REVIEW BOARD.**

**NAME**

**TERM**

9/18/19 - 12/31/2022

**SECTION 2.** As stated in Section 150.01 of the Codified Ordinances of the City of Kent, any person hereby appointed shall forfeit his or her term if he or she is absent from three (3) regular meetings of the Board or Commission to which he or she is appointed, unless one or more of these absences has been excused by the majority of members thereof.

**SECTION 3.** 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.

**SECTION 4.** That this Resolution 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 Resolution 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 *RESOLUTION No.* \_\_\_\_\_, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON \_\_\_\_\_, 20\_\_\_\_.

(SEAL)

\_\_\_\_\_  
DAWN BISHOP  
INTERIM CLERK OF COUNCIL

**DRAFT RESOLUTION NO. 2019-85**

**A RESOLUTION APPOINTING \_\_\_\_\_ TO THE DESIGN AND PRESERVATION COMMITTEE, AND DECLARING AN EMERGENCY.**

**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 \_\_\_\_\_ is hereby appointed to the **DESIGN AND PRESERVATION COMMITTEE**.

**NAME**

**TERM**

Immediately - 12/31/2022

**SECTION 2.** As stated in Section 150.01 of the Codified Ordinances of the City of Kent, any person hereby appointed shall forfeit his or her term if he or she is absent from three (3) regular meetings of the Board or Commission to which he or she is appointed, unless one or more of these absences has been excused by the majority of members thereof.

**SECTION 3.** 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.

**SECTION 4.** That this Resolution 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 Resolution 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 *RESOLUTION No.* \_\_\_\_\_, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON \_\_\_\_\_, 20\_\_\_\_\_.

(SEAL)

\_\_\_\_\_  
DAWN BISHOP  
INTERIM CLERK OF COUNCIL



**DRAFT RESOLUTION NO. 2019-86 AND 87**

**A RESOLUTION APPOINTING \_\_\_\_\_ TO THE FAIR HOUSING BOARD, AND DECLARING AN EMERGENCY.**

**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 \_\_\_\_\_ is hereby appointed to the **FAIR HOUSING BOARD**.

**NAME**

**TERM**

Immediately - 12/31/2022

**SECTION 2.** As stated in Section 150.01 of the Codified Ordinances of the City of Kent, any person hereby appointed shall forfeit his or her term if he or she is absent from three (3) regular meetings of the Board or Commission to which he or she is appointed, unless one or more of these absences has been excused by the majority of members thereof.

**SECTION 3.** 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.

**SECTION 4.** That this Resolution 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 Resolution 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 *RESOLUTION No.* \_\_\_\_\_, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON \_\_\_\_\_, 20\_\_\_\_\_.

(SEAL)

\_\_\_\_\_  
DAWN BISHOP  
INTERIM CLERK OF COUNCIL

**DRAFT RESOLUTION NO. 2019- 88**

**A RESOLUTION APPOINTING \_\_\_\_\_ TO THE PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY, AND DECLARING AN EMERGENCY.**

**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 \_\_\_\_\_ is hereby appointed to the **PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY**.

**NAME**

**TERM**

Immediately - 12/31/2022

**SECTION 2.** As stated in Section 150.01 of the Codified Ordinances of the City of Kent, any person hereby appointed shall forfeit his or her term if he or she is absent from three (3) regular meetings of the Board or Commission to which he or she is appointed, unless one or more of these absences has been excused by the majority of members thereof.

**SECTION 3.** 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.

**SECTION 4.** That this Resolution 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 Resolution 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 *RESOLUTION No.* \_\_\_\_\_, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON \_\_\_\_\_, 20\_\_\_\_\_.

(SEAL)

\_\_\_\_\_  
DAWN BISHOP  
INTERIM CLERK OF COUNCIL

**DRAFT RESOLUTION NO. 2019-89**

**A RESOLUTION APPOINTING \_\_\_\_\_ TO THE PARKING ACTION COMMITTEE, AND  
DECLARING AN EMERGENCY.**

**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 \_\_\_\_\_ is hereby appointed to the **PARKING ACTION COMMITTEE.**

**NAME**

**TERM**

Immediately - 12/31/2024

**SECTION 2.** As stated in Section 150.01 of the Codified Ordinances of the City of Kent, any person hereby appointed shall forfeit his or her term if he or she is absent from three (3) regular meetings of the Board or Commission to which he or she is appointed, unless one or more of these absences has been excused by the majority of members thereof.

**SECTION 3.** 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.

**SECTION 4.** That this Resolution 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 Resolution 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 *RESOLUTION No.* \_\_\_\_\_, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON \_\_\_\_\_, 20\_\_\_\_.

(SEAL)

\_\_\_\_\_  
DAWN BISHOP  
INTERIM CLERK OF COUNCIL

DRAFT

**THE CITY OF KENT, OHIO  
COMMUNITY DEVELOPMENT COMMITTEE  
WEDNESDAY, AUGUST 7, 2019**

Chair Kuhar called the Community Development Committee Meeting to order at 7:37 p.m. after

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

ALSO PRESENT: 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. Dave Coffee, Budget and Finance Director; Mr. Tom Wilke, Economic Development Director; Ms. Dawn Bishop, Interim Clerk of Council.

ABSENT: Mr. Jerry T Fiala, Mayor and President of Council; Ms. Heidi Shaffer; Ms. Tracy Wallach

There were two (2) items on the Agenda.

1. Rental Licensing Text Amendment

Ms. Susel said as Council is aware, in 2016 they voted to allow for the inspection and licensing of smaller residential rental units by the Community Development Department that were not covered by the Health Department. Staff from the City's Community Development Department, the Assistant Law Director, and former Health Commissioner worked together to ensure Title Seven of the Housing Code was compatible across both programs. There was one area that was different. Both the City and the Health Department use civil enforcement for compliance with the rental licensing program. The former health commissioner wanted certain language kept in there as the back door protection if he needed it, including a misdemeanor criminal offense and assign a fine of \$3000 in certain instances. They would like that language removed and the language for both the City and Health Department to be exactly the same; also requesting a change where the Health Commissioner was able to assign a fine of up to \$3000, reducing that to \$1000.

Mr. Sidoti asked if part of this just goes along with amending the whole code.

Ms. Susel said yes, she's constantly making adjustments. The program is up and running, doing over a little over 190 inspections and licensing and it's gone fairly well.

Mr. Sidoti asked if this was part of the zoning code.

Ms. Susel said no it's under Title Seven of the Housing Code, referencing 501.13 the civil offense code.

Bernie Noble of Mogadore Road and Carla Bachtel of 705 Judson Road both spoke of rental licensing inspections before Ms. Jones called a point of order. As they were not speaking to the subject in front of the committee, Mr. Kuhar advised the audience comments at a committee meeting are only taken regarding the agenda items; other items may be brought up at a regular council meeting.

There were no further comments regarding the text amendment.

**MOTION TO AUTHORIZE THE LICENSING TEXT AMANDMENT, WITH AN EMERGENCY CLAUSE**  
made by Mr. Ferrara, seconded by Ms. Rosenberg, and CARRIED by a voice vote of 7-0

2. Updated MOU between the City and Portage County for use of NSP program income

Ms. Susel said for those not a part of Council in 2009, the city received a portion of Neighborhood Stabilization Program after the housing crisis as a sub recipient. The county was the grantee. The City used the funds to demolish nine properties and build on two of those sites. That generated program income of about \$139,000. The issue became as a subrecipient of the NSP money, but in HUD's world we were always an entitlement direct of CDBG money. The funds have been in an interest earning account since about 2012 waiting for guidance from HUD on how to expend those dollars. They received the guidance from HUD and ODSA in 2018 that they were going to be able to use those funds for a CDBG eligible project.

Ms. Susel continued that the City is proposing to apply those funds to a 2018 CDBG project that will enable Family and Community Services to complete necessary renovations and upgrades to six units at Kentway Apartments on Summit Street. The county is in support but as none of the commissioners had signed the original MOU, they are requesting an addendum of the MOU to reflect what is current now while giving the historical context.

Mr. Ferrara asked how much money have we had since 2012?

Ms. Susel responded with \$139,000.

**MOTION TO AUTHORIZE MOU BETWEEN THE CITY AND PORTAGE COUNTY FOR USE OF NSP PROGRAM INCOME, WITH AN EMERGENCY CLAUSE** made by Mr. Ferrara, seconded by Mr. Sidoti, and CARRIED by a voice vote of 7-0.

Mr. Kuhar adjourned the Community Development Committee Meeting at 7:52 PM.

---

Dawn Bishop  
Interim Clerk of Council

**ACTION RECOMMENDED:**

- 1. AUTHORIZE THE LICENSING TEXT AMENDMENT, WITH AN EMERGENCY CLAUSE**
- 2. AUTHORIZE THE MOU BETWEEN THE CITY AND PORTAGE COUNTY FOR USE OF NSP PROGRAM INCOME, WITH AN EMERGENCY CLAUSE**

**DRAFT ORDINANCE NO. 2019-90**

**AN ORDINANCE AMENDING TITLE SEVEN – ENVIRONMENTAL HEALTH AND HOUSING MAINTENANCE CODE (RENTAL LICENSING) OF THE KENT CODIFIED ORDINANCES TO REMOVE SURPLUS LANGUAGE AND ADD CLARIFYING LANGUAGE FOR THE INSPECTION AND LICENSING OF RESIDENTIAL RENTAL UNITS; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Kent wishes to amend certain sections of Title Seven – Environmental Health and Housing Maintenance Code of the Kent Codified Ordinances; and

**WHEREAS**, by amending these sections, it will remove surplus language and allow for greater consistency in the rental licensing program; and

**WHEREAS**, by amending these sections, it will clarify civil enforcement remedies in the rental licensing program;

**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.** The Council does hereby accept the amendments to Title Seven – Environmental Health and Housing Maintenance Code (rental licensing), Sections 1361.01, 1365.08, 1365.99, 1367.99, 1371.02, 1371.98, and 1371.99 of the Codified Ordinances of the City of Kent as shown on the Exhibit “A”, attached hereto and made a part hereof.

**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: July 30, 2019

TO: Dave Ruller, City Manager

FROM: Bridget Susel, Community Development Director *BS*

RE: Proposed Amendments to Title Seven "Housing Code"

---

The City of Kent amended "TITLE SEVEN: Environmental Health and Housing Maintenance Code," also known as the "Housing Code," in April of 2016 to allow for the inspection and licensing of smaller residential rental units by the Community Development Department, while still maintaining the existing inspection and licensing authority of the Health Department for larger rental structures.

Staff from the City's Community Development Department and the Assistant Law Director worked with the former Health Commissioner to ensure consistency when applying the regulations to the two rental licensing programs administered by the different departments. Both programs utilize the civil remedies delineated in KCO 501.13 "Civil Offenses" to address noncompliance with the specified residential rental inspection and licensing requirements. The former Health Commissioner, however, did insist that certain language from the original 1979 enacting ordinance (Ord. 1979-219) be maintained that granted the Health Commissioner the ability to request the use of a non-civil penalty (i.e. possible 3<sup>rd</sup> degree misdemeanor) in cases where he felt it was warranted. The Health Department is reporting it has not actually sought to apply this criminal offense in cases of noncompliance and limits its enforcement to civil remedies only. The rental licensing program administered by the Community Development Department does not have any authority under the "Housing Code" to use criminal offenses and utilizes only civil penalties, as stipulated in KCO 501.13, to address situations of noncompliance.

The Law and Community Development Departments have drafted proposed amendments to the Housing Code to remove the antiquated 1979 criminal penalty language and establish consistency across both rental licensing programs with regards to enforcement remedies. I am respectfully requesting time at the August 7, 2019 Council Committee session to discuss the proposed amendments to the Housing Code in greater detail and to request Council authorization, with emergency, to amend TITLE SEVEN in order to update the applicable sections to allow for uniformity in enforcement between the two rental licensing programs administered by the Health and Community Development Departments.

930 Overholt Rd., Kent, Ohio 44240 • (330) 678-8108 fax (330) 678-8030 •  
[www.KentOhio.org](http://www.KentOhio.org)

Please let me know if you require any additional information in order to add this item to the August 7, 2019 agenda. Thank you.

**Cc:** Hope Jones, Law Director  
Eric Fink, Assistant Law Director  
Justin Smith, Interim Health Commissioner  
Dawn Bishop, Interim Clerk of Council

Attachments



**TITLE SEVEN Environmental Health and Housing Maintenance Code**

- Chap. 1361. General Provisions.
- Chap. 1363. Definitions.
- Chap. 1365. Minimum Standards and Requirements.
- Chap. 1367. Licensing Requirements.
- Chap. 1371. Enforcement and Penalty.
- Chap. 1373. Repairs and Demolition.

**CHAPTER 1361**

**General Provisions**

**1361.01 Legislative findings; purpose.**

**1361.02 Conflict and invalidity.**

**CROSS REFERENCE**

Rules of construction - see ADM. 101.03 et seq.

**1361.01 LEGISLATIVE FINDINGS; PURPOSE.**

(a) Chapters 1361 through Chapter 1375 shall be formally known as the Environmental Health and Housing Maintenance Code but may also be referred to as the "Housing Code".

(b) There hereby exists and may in the future exist, within the City residential rental units which by reason of their structure, equipment, sanitation, maintenance, use or occupancy, affect or are likely to affect adversely the public health, including the physical, mental and social well-being of persons and families, safety and general welfare. To correct and prevent the existence of such adverse conditions and to provide safe, decent and sanitary living conditions for residents living in residential rental units.

(c) It is hereby declared that the purpose of this Housing Code is to protect the health and safety of the public, to ensure compliance with state and local health codes, to prevent and control the incidence of communicable disease and to regulate all publicly and privately owned residential rental units for the purpose of maintaining adequate sanitation and public health. The provisions of this Housing Code are applicable to residential rental units only.

(Ord. 2016-40. Passed 4-20-16.)

**1361.02 CONFLICT AND INVALIDITY.**

In any case where a provision of this Housing Code is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of the City existing on the effective date of this section, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this Housing Code is found to be in conflict with a provision of any other ordinance or code of the City existing on the effective date of this section which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this Housing Code shall be deemed to prevail and such other ordinances or codes are declared to be repealed to the extent that they may be found in conflict with this Housing Code.

(Ord. 2016-40. Passed 4-20-16.)

**CHAPTER 1363**

**Definitions**

**1363.01 Definitions and regulations.**

**CROSS REFERENCE**

General definitions - see ADM. 101.02

**1363.01 DEFINITIONS AND REGULATIONS.**

(a) This Chapter incorporates all definitions found in Part 11 of the City of Kent Codified Ordinances.

(b) Should there be any conflict between definitions in this Chapter and Part 11, the definition in this

Chapter controls for this Chapter only.

(c) Definitions:

(1) "Approved manner" means a manner which is in accordance with the existing minimum standards of the City Building Code.

(2) "Basement" means a portion of the building located underground, but having less than half its clear floor to ceiling height below the average grade of the adjoining ground.

(3) "Cellar" means a portion of a building located partly or wholly underground and having half or more than half of its clear floor to ceiling height below the average grade of the adjoining ground.

(4) "Dwelling" means any building, or portion thereof, which is designed or used primarily for residence purposes, including a single family, a household unit as that term is defined in this Chapter, a rooming house, a boarding house, a two-family dwelling, and a multifamily dwelling but not including hotels, motels, and bed and breakfasts.

(5) "Dwelling unit" means any room or group of rooms located within a dwelling and forming a residence with facilities that are used or intended to be used for living, sleeping, cooking and eating, with a restroom(s) and bathing facility (ies) to be utilized by a family, a household unit as that term is defined in this Chapter, or three or more unrelated individuals.

(6) "Dwelling, Two Family" means a building consisting of two (2) dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

(7) "Dwelling, Multifamily" means a building consisting of three (3) or more dwelling units, including condominiums, with varying arrangements of entrances and parting walls.

(8) "Extermination" means the control and elimination of insects, rodents or other pests by eliminating their harborage places by removing or making inaccessible materials that may serve as their food; by poisoning, fumigating, spraying, trapping; or by any other recognized legal pest elimination methods approved by the Department of Health.

(9) "Family" means individuals who are related by marriage, legally recognized civil union, adoption, or who are within three (3) degrees (or fewer) of consanguinity. See Table of Consanguinity found in Chapter 11.

(10) "Garbage" means all discarded putrescible materials including, but not limited to, animal, vegetable or fruit wastes resulting from the handling, storage, preparation or eating of food and handling and disposal of small dead animals.

(11) "Guest" means a person, who does not meet the definition of a resident, temporarily staying in a dwelling unit with the consent of a member of the household, who has express or implied authority to so consent.

(12) "Habitable room" means a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes excluding bathrooms, water closet compartments, laundries, pantries, foyers or communication corridors, closets and storage spaces.

(13) "Health Commissioner" means that individual as defined by Ohio R.C. 3709.14 or his/her authorized representative.

(14) "Household Unit" is defined in KCO 1122 as a family, a family and one unrelated person, a single person, two unrelated persons, or any of these four designations and a caregiver(s) (as these terms are defined by the City of Kent Zoning Ordinance) residing in a dwelling unit. Persons residing in a rooming house, boarding house hotel, group dwelling, fraternity, or sorority house, together, do not constitute a household unit.

(15) "Housing Code" means the Environmental Health and Housing Maintenance Code adopted by Ordinance 1979-219, passed December 5, 1979, as amended, which is codified as Title Seven of this Building Code.

(16) "Infestation" means the presence within or around a dwelling of any insects, rodents or other pests.

(17) "Occupant" means any individual who is a resident or guest of a dwelling unit, as those terms are defined in this Chapter.

(18) "Operator" means any person, property manager, or agent who has or has been designated by the owner to have charge, care or control of a residential rental unit.

(19) "Owner" means any person who alone or jointly or severally with others has legal title to any dwelling or dwelling unit with or without accompanying actual possession thereof or has charge, care or control of any dwelling or dwelling unit as owner or agent of the owner or as buyer under land contract, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Housing Code and of rules and regulations adopted pursuant thereto to the same extent as if he were the owner.

(20) "Permissible occupancy" means the maximum number of persons permitted to reside in a residential rental unit.

(21) "Person" means an individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, department, bureau, agency or any entity recognized by law.

(22) "Plumbing" includes all of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower-baths, installed clothes washing machines, catch basins, drains, vents and any other connections installed or connected to water, sewer or gas lines.

(23) "Premises" whenever used in this Housing Code means not only the dwelling and other buildings of whatever nature located on the lot, but also the entire parcel of land surrounding such buildings including but not limited to fences, walkways, walls and appurtenances.

(24) "Qualified Vacant Rental Unit" is any dwelling unit that, at the time of inspection, is not occupied by a tenant or any other person.

(25) "Residential Rental Unit" is any dwelling unit or portion of a dwelling unit that is occupied by an individual or individuals other than the property owner or member of the property owner's household unit, regardless of whether the occupant compensates the property owner, or is a qualified vacant rental unit.

(26) "Resident" means a person staying overnight in a dwelling unit for more than fourteen (14) consecutive days or a total of thirty (30) cumulative calendar days during any twelve (12) month period.

(27) "Solid waste" means such unwanted residual solid or semi-solid materials as results from industrial, commercial, agricultural and community operations, excluding earth or material from construction, mining or demolition operations, or other waste materials of the type that would normally be included in demolition debris, nontoxic fly ash, spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, tires, combustible and noncombustible material, street dirt and debris. Solid waste does not include any material that is an infectious waste, a hazardous waste, an asbestos waste or material defined in Section 935.02 (h).

(28) "Supplied" means paid for, furnished or provided by or under the control of the owner or operator.



(29) "Tenant" is any person who occupies a dwelling unit other than the owner, a member of the owner's family, or a member of the owner's household unit as that term is defined in this Chapter.

(30) "Unrelated" means persons not meeting the definition of "family" listed in item (9) of this "Definitions" section.

(31) "Net floor area" means the actual occupied area, not including accessory unoccupied areas or thickness of walls.

(d) Regulations.

(1) Unless the dwelling unit is a licensed rooming house or a licensed boarding house, each dwelling unit may only contain one family or one household unit as that term is defined by KCO 1122 .

(2) An attached garage for purposes of determining the front, side and rear yards shall be considered a part of the dwelling.

(Ord. 2016-40. Passed 4-20-16.)

**CHAPTER 1365**

**Minimum Standards and Requirements**

**1365.01 Owner to comply with standards and requirements.**

**1365.02 Occupant to maintain sanitary conditions.**

**1365.03 Equipment and facility requirements.**

**1365.04 Light, ventilation, electric and heating requirements.**

**1365.05 Solid waste storage and collection.**

**1365.06 Extermination; infestation.**

**1365.07 Space, use and location requirements.**

**1365.08 Sanitary maintenance standards.**

**1365.98 Violating a minimum standard set forth in 1365.**

**1365.99 Penalty.**

**CROSS REFERENCES**

Venting of heaters and burners - see GEN. OFF. 521.02

Noxious odors - see GEN. OFF. 521.09

Snow and ice removal - see GEN. OFF. 521.15 , 521.16

Civil offenses - see GEN. OFF. 501.13

**1365.01 OWNER TO COMPLY WITH STANDARDS AND REQUIREMENTS.**

(a) Whenever the words "dwelling," "dwelling unit," or "premises" are used in this Housing Code, they shall be construed as though they were followed by the words "or any part thereof".

(b) Every owner, operator or agent of a residential rental unit shall be responsible for providing, supplying and maintaining all equipment, facilities, requirements and sanitary standards as prescribed in Chapter 1365 of this Housing Code. In addition, it shall be the responsibility of such individuals to comply with all provisions of the Planning and Zoning Code (Part 11 ), the Building Code (Part 13 ) including the Environmental Health and Housing Maintenance Code (Title 7 ), and the Property Maintenance, Housing and Enforcement Code (Part 14 ) unless specifically otherwise stated. (Ord. 2016-40. Passed 4-20-16.)

**1365.02 OCCUPANT TO MAINTAIN SANITARY CONDITIONS.**

Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling or dwelling unit which he occupies or controls.

(Ord. 2016-40. Passed 4-20-16.)

**1365.03 EQUIPMENT AND FACILITY REQUIREMENTS.**

Unless specifically exempted by this Section, residential rental units must be maintained in accordance with the most recently adopted Ohio Residential Code. This includes, but is not limited to, each of the following requirements.

(a) Kitchen Sink. Each dwelling unit shall contain a kitchen sink in working condition and connected to a potable water supply and sewer system in an approved manner.

(b) Bathrooms. All dwellings shall be provided with a room affording privacy and equipped with a flush water closet, a lavatory basin, and a bathtub or shower in good working condition and connected to a potable water supply and sewer system in an approved manner. A minimum of one bathroom for six individuals shall be required.

(c) Water Lines. Each kitchen sink, lavatory basin, bathtub or shower required by the provisions of subsection (b) hereof shall be connected with both hot and cold water lines in an approved manner.

(d) Water Heating. Each dwelling shall be supplied with water heating facilities installed in an approved manner and maintained in good working condition connected with the hot water lines required under the provisions of subsection (c) hereof and capable of heating water to a temperature of not less than 120°F. No combustibles shall be stored within 18 inches of the water heating device.

(e) Means of Egress. All dwellings shall have a safe, unobstructed means of egress with a minimum headroom of six feet, six inches leading to safe and open space at ground level. All means of egress openings shall be readily openable from the side from which egress is to be made without the need for keys or special knowledge. All pathways and aisle ways shall be unobstructed. All means of egress shall be properly installed and maintained. All means of egress shall meet the minimum requirements outlined in the most current Fire Code adopted by the State of Ohio. Any residential rental unit having sleeping rooms located on floors greater than fourteen feet from the ground shall be equipped with a second means of egress in the form of an approved fire ladder, fire stairs, or emergency exit.

(f) Fire Extinguishers. All residential rental units shall be equipped with easily accessible and properly maintained fire extinguishers at all times. They shall be kept in a designated location at all times when not in use. The minimum classification of fire extinguisher shall be 3A:40B:C at 5 pounds. Residential rental units with multiple floors shall have a minimum of one fire extinguisher on each habitable floor. Fire extinguishers stationed in a common hallway shall be on the same floor and within 30 feet of every dwelling unit. The owner or operator of a multifamily dwelling, rooming house, or boarding house must be responsible for meeting the additional minimum standards for fire extinguishers as are outlined in the most current Fire Code adopted by the State of Ohio.

(g) Fire Stairs. All residential rental units having habitable rooms located on floors greater than fourteen feet from the ground must have fire stairs in compliance with the most current Fire Code adopted by the State of Ohio. Previously licensed residential rental units with existing fire ladders shall comply with the fire stairs requirements if such ladder is altered and/or removed. All newly installed fire stairs shall comply with the above requirements.

(h) Smoke Alarms. All residential rental units must be equipped with audible smoke alarm devices that are U.L. approved and are installed in compliance with the ~~the~~ standards set forth in the most recently adopted Ohio Residential Code. Additionally, each smoke alarm shall be installed within 12 inches of the ceiling. Working smoke alarms are required in each of the following locations:

- (1) In each sleeping room.
  - (2) Outside each separate sleeping area, such as in the corridors in the immediate vicinity of the sleeping rooms.
  - (3) On each additional story of the dwelling, including basements and habitable attics but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between adjacent levels, a smoke alarm installed on the upper level shall suffice for the lower level provided that the lower level is less than one full story below the upper level.
- (i) Exterior Locks. All exterior doors within a residential rental unit must be equipped with safe and functioning locking devices.

(j) Handrails. All residential rental units must comply with the following for handrails:

- (1) Every exterior and interior flight of stairs having more than four risers shall

have a handrail on at least one side of the stairs.

(2) Every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches above the grade below shall have handrails with balusters spaced no more than six inches apart.

(3) Handrails shall not be less than 34 inches in height or more than 38 inches in height measured vertically above the walking surfaces.

(4) Every handrail shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition and constructed in an approved manner.

(k) **Carbon Monoxide Alarms.** All residential rental units are required to have carbon monoxide alarms in new and existing dwelling units that have fuel-fired appliances or have attached garages and only when any of the conditions described in this section apply.

(1) **New Dwelling Units.** In new dwelling units, carbon monoxide detectors are required to be installed in the locations described in 1165.03 (k)(3).

(2) **Existing Dwelling Units.** In existing dwelling units, where an application for approval is required for work involving any of the following areas or systems within that dwelling unit, carbon monoxide alarms are required to be installed in the locations described in 1165.03 (k)(3).

- A. The addition or creation of a new sleeping room;
- B. An alteration of a sleeping room;
- C. An alteration in the immediate vicinity outside of a sleeping room;
- D. An addition of, or an alteration to, an attached garage;
- E. An addition, alteration, repair or replacement of a fuel-fired appliance.

(3) **Where required.** In new dwelling units and in existing dwelling units meeting any of the conditions described in Section 1165.03 (k)(2), an approved monoxide alarm shall be installed outside of each separate sleeping area in the immediate vicinity of the sleeping rooms in those dwelling units.

(4) **Alarm Requirements.** Single station carbon monoxide alarms shall be listed as complying with UL 2034 and shall be installed in accordance with the most recently adopted Residential Code of Ohio and the manufacturer's installation instructions.

(Ord. 2018-133. Passed 12-19-18.)

#### **1365.04 LIGHT, VENTILATION, ELECTRIC AND HEATING REQUIREMENTS.**

Unless specifically exempted by this Section, residential rental units must be maintained in accordance with the most recently adopted Ohio Residential Code. This includes, but is not limited to, each of the following requirements.

(a) **Window Areas.** Every habitable room shall have at least one window or ventilating sky light facing directly to the outdoors. The minimum total window area measured between stops, for every habitable room shall be ten percent of the floor space of such room.

(b) **Ventilation.** Every habitable room shall have at least one window or sky light which can be easily opened or such other device as will adequately ventilate the room. The total of openable window area in each habitable room shall be equal to at least fifty percent of the minimum window area size as required in subsection (a) herein, except when supplied with such other device affording adequate ventilation and installed in an approved manner.

(c) **Bathroom Ventilation.** Every bathroom and water closet compartment shall comply with ventilation requirements as described in subsection (b) herein.

(d) **Electric Requirements.** The owner or operator in charge of a dwelling shall provide a properly installed and maintained electric light fixture in order to supply adequate light in all common areas including stairways, hallways, entranceways, laundry rooms, furnace rooms, kitchens, bathrooms, exterior porches, and similar common areas. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Multiple converter plugs permitting two or more appliances to be plugged into the same outlet shall not

be used. Every laundry area shall contain at least one grounded-type receptacle. Every bathroom shall contain at least one receptacle. Any new bathroom or kitchen receptacle outlet shall have ground fault circuit interrupter protection. All receptacles exposed to outdoors shall be of the grounding type. All receptacle outlets shall have the appropriate faceplate cover for the location. All electrical equipment, wiring, lighting, and appliances shall be properly installed and maintained in a safe and approved manner.

(e) Heating Facilities. The owner or operator in charge of a dwelling shall provide a heating facility installed in an approved manner and maintained in good working condition capable of maintaining a temperature of at least 68°F for any 24 hour period in all habitable rooms, bathrooms, water closet compartments and kitchens. The temperature inside a dwelling shall be measured in the approximate center of each room and approximately three feet above the floor. No combustibles shall be stored within 18 inches of the furnace or heating facilities. Heating facilities designed with filters shall maintain the filters per the manufacturers' recommendations.

(f) Plumbing Fixtures. Every occupant of a dwelling unit shall keep all plumbing fixtures therein, in a clean and sanitary condition and shall be responsible for the exercise of reasonable care and the proper use and operation thereof.

(g) Screening. All windows or other devices used or intended to be used for ventilation shall be supplied with screens. If a screen is supplied to doorways opening directly from a dwelling to outdoor space it must be properly maintained and supplied with a self-closing device.

(h) Pest Protection. Every window and every other opening which might provide an entry for pests shall be supplied with a screen or other device as will effectively prevent entry by such pests into the building. Proper precautions shall be taken to secure the building and prevent pest infestation.

(Ord. 2016-40. Passed 4-20-16.)

#### **1365.05 SOLID WASTE STORAGE AND COLLECTION.**

Every occupant of a dwelling or dwelling unit shall store and dispose of all solid waste in a clean and sanitary manner by placing it in receptacles as required by Section 1365.01((d) and (e).

(a) Solid Waste Storage. The owner of each residential rental unit must provide adequate solid waste storage receptacles on the premises for the disposition of litter and solid waste. Such receptacles shall be maintained in a sanitary manner as to prevent the contents from being scattered upon such premises. Receptacles of sufficient size and number shall be of rigid plastic or metal, watertight and equipped with tight fitting lids. Any solid waste receptacle spillage which may occur upon the ground, sidewalk, street or alley shall be promptly cleaned up within twenty four hours after spillage. Solid waste containers must meet additional requirements outlined in Section 521.08 and 933.03 of the Kent Codified Ordinances. The Health Commissioner may require the owner of a residential rental unit to adhere to additional standards regarding solid waste storage outlined in section 1371.04 of this Housing Code.

(b) Solid Waste Collection. The owner of each residential rental unit must provide solid waste collection for the licensed dwelling by hiring a solid waste collector who is licensed by the City. The frequency of such solid waste collection shall be not less than once per week during those instances when solid waste is being generated on the premises. The owner shall provide written proof of such collection service if requested by the Health Commissioner. Additionally, the Health Commissioner may require the owner of a residential rental unit to obtain unlimited collection service at properties that are non-compliant with the solid waste ordinances as outlined in Section 1371.04.

(Ord. 2016-40. Passed 4-20-16.)

#### **1365.06 EXTERMINATION; INFESTATION.**

(a) Pest Infestation. All structures shall be kept free from insect and rodent infestation and all potential points of entry shall be properly maintained as to prevent pest migration. All structures in which



insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation.

(b) Owner. The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure. Proper precautions shall be taken to prevent infestation. Where the infestations are caused by defects in the structure, the owner shall be responsible for pest elimination. Whenever infestation exists in two or more dwelling units in any dwelling or in the common parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

(c) Occupant. The occupants of any structure shall be responsible for the continued pest-free condition of the structure. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for pest elimination. Every occupant of a dwelling unit shall be responsible for the extermination of insects, rodents and other pests therein, whenever their dwelling unit is the only dwelling unit within a dwelling that is infested. (Ord. 2016-40. Passed 4-20-16.)

#### **1365.07 SPACE USE AND LOCATION REQUIREMENTS.**

(a) Floor Space. Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof, and at least 100 additional square feet of floor space for every additional occupant thereof. The floor space to be calculated on the basis of net floor area.

(b) Sleeping Areas. In all dwellings, every room occupied for sleeping purposes by one occupant shall contain at least seventy square feet of floor space. Every room occupied for sleeping purposes by more than one occupant shall contain at least fifty square feet of floor space for each occupant thereof.

(c) Bathroom Access. No dwelling or dwelling unit containing two or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment, intended for use by occupants of more than one sleeping room, can be had only by going through another sleeping room, nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room, bathroom or water closet compartment.

(d) Ceiling Height. All habitable rooms located within a dwelling shall have an average ceiling height of not less than seven feet, six inches in at least fifty percent of the net floor area with no portion less than five feet in height.

(e) Basement and Cellars. No basement or cellar space shall be used as a habitable room or dwelling unit unless:

- (1) The floor and walls are impervious to leakage of underground and surface run-off water and are insulated against dampness;
- (2) The total window area in each room is equal to at least the minimum window area sizes as required by Section 1365.02 (a);
- (3) The required minimum area is located entirely above grade of the ground adjoining such window area;
- (4) The total of openable window area in each room is equal to at least the minimum as required under Section 1365.02 (b);
- (5) A basement or cellar space, when occupied for living, shall meet all minimum standards and requirements of the most recently adopted Ohio Residential Code at the time of the initial licensing.
- (6) Furnace and hot water tank areas are to be completely separated from habitable areas by the installation of fire rated materials in an approved manner;
- (7) Adequate makeup air is to be provided in an approved manner;
- (8) Two means of egress shall be provided. One means of egress shall be in



compliance with the provisions of Section 1365.01(g). The second means of egress can be either the same or a window whose area shall equal a minimum of 5.8 square feet and the window sill located no more than forty-four inches from floor level.

(Ord. 2016-40. Passed 4-20-16.)

#### **1365.08 SANITARY MAINTENANCE STANDARDS.**

(a) Structural Design and Repair. All dwellings, structures and all parts thereof including but not limited to foundations, roofs, gutters, downspouts, chimneys, walls, ceilings, etc., both exterior and interior, shall be maintained and in good repair and capable of performing the function for which such structure or part of any feature thereof was designed or intended to be used.

(1) If any dwelling is so designed to include the use of gutters and downspouts, such gutters and their appurtenant downspouting and drains shall be maintained in a weather tight and functioning order.

(b) Exterior Maintenance. All exterior parts of every dwelling including exterior walls, additions, chimneys, porches, steps, ramps and other such structures either above or below the roof line shall be maintained in a safe condition and in good repair and capable of performing the function for which such structure or part of any feature thereof was designed or intended to be used.

(c) Premises Maintenance. All premises shall be maintained in a safe and sanitary manner so as to preclude any situation that may be inimical to the public health and safety or which may provide harborage for rodents or infestation of insects. Such premises shall be free from the accumulation and/or location of the following:

- (1) Broken or dilapidated fences, walls or other structures;
- (2) Improperly installed or maintained walks, driveways and driveway aprons which are in a defective condition; and
- (3) Rugs, rags or other materials located on such premises which materials are not being used for general household or housekeeping purposes; broken furniture or upholstered furniture not designed or sold for outdoor use; mattresses or other household furnishing; ~~non-~~unusable appliances, automobile parts, plastic materials, paints, miscellaneous coverings and/or any other materials including those described in this section.

(d) All parts of a residential rental unit shall be maintained in a safe and sanitary condition and in good working order. Additionally, compliance shall be maintained with all portions of Part 14, and Chapter 933, and Section 521.08 of the Codified Ordinances of Kent.

(Ord. 2016-40. Passed 4-20-16.)

#### **1365.98 VIOLATING A MINIMUM STANDARD SET FORTH IN 1365.**

Any owner or operator of a residential rental unit in violation of the standards set forth in Section 1365 shall be subject to a civil offense in accordance with 501.13, including the right to notice, the right to answer a charge, the right to appeal, the amount of the fine, and the City's right to have the fine increase. Issuing a Notice of Civil Offense does not limit the City of Kent from pursuing any other additional remedies not prohibited by ordinance.

(Ord. 2016-40. Passed 4-20-16.)

#### **1365.99 PENALTY.**

~~Whoever violates any order of any provision of the standards set forth in this Chapter after been given notice in accordance with 501.13 (c) is guilty of a misdemeanor of the third degree as defined in Section 501.99. A property owner that pays a fine levied in accordance with 1365.98 may not be prosecuted for that specific violation, but may be prosecuted criminally for the same violation if the violation occurs in a subsequent month or if the fine is not paid in a timely manner.~~

~~(Ord. 2016 40. Passed 4 20 16.)~~

### **CHAPTER 1367 Licensing Requirements**

- 1367.01 Licensing procedure.
- 1367.02 Notice to tenants.
- 1367.03 Revolving Housing Fund.
- 1367.04 Establishment of Community Development Rental Licensing Revenue Line.
- 1367.05 Local requirement.
- 1367.98 Violation of notice to tenants.

**CROSS REFERENCES**  
Civil Offenses - see GEN. OFF. 501.13

**1367.01 LICENSING PROCEDURE.**

(a) **Licensing.** No person shall own, operate or be an agent for a residential rental unit without having in his their possession a current, unrevoked housing license. Such license shall be issued for a period of one year from the date of issuance and may be renewed for successive periods not to exceed one year. Upon the sale or disposition of such property, the housing license shall be permitted to be transferred to a new owner, operator or agent provided that the current holder of such license notifies the Health Commissioner or Community Development Director.

(1) The Health Commissioner must license all residential rental units that are located in:

- A. A multifamily dwelling;
- B. A two family dwelling that contains a dwelling unit that has a rooming house with more than three unrelated residents;
- C. A two family dwelling that contains a dwelling unit that has a boarding house with more than three unrelated residents; OR
- D. A single family dwelling that contains more than three unrelated residents.

(2) The Director of Community Development must license all residential rental units not described in 1367.01 (a)(1).

(b) **Application.** Prior to obtaining a housing license for a residential rental unit, the owner, operator or agent of the residential rental unit must make application on the prescribed forms, to the Health Commissioner or Community Development Director, as required by KCO 1367.01 . Such application shall be submitted with all requested information completed, signed and accompanied by the appropriate fee. The due date will be 30 days before the new licensing period. Failure to submit the application and licensing fee by the applicable due date will result in a late fee of an additional 25%.

(c) **Fee.** No operating license shall be issued or renewed unless the completed application form is accompanied by payment of the license fee. The cost of the license fee is \$100.00 per dwelling, plus an additional five dollars (\$5.00) per bedroom within the dwelling unit. For purposes of calculating the license fee only:

(1) If a building contains a single dwelling unit, the building shall be considered a single dwelling.

(2) If a building contains multiple dwelling units, and each dwelling unit has a separate egress route, the building shall be considered a single dwelling.

(3) If a building contains multiple dwelling units that share an egress route, the number of dwellings will be determined by the number of separate egress routes needed to access all of the dwelling units.

(4) Condominiums shall be considered separate dwellings except condominiums on the same parcel with the same ownership shall be treated as a single dwelling. Condominiums on the same parcel with different ownership but the same operator may, at the discretion of each owner, elect to be treated as a single dwelling.

(d) Inspection.

(1) For all residential rental units described in 1367.01 (a)(1)

A. Prior to obtaining a housing license for a residential rental unit described in 1367.01 (d)(1), the responsible owner, operator or agent shall schedule an inspection with the Health Commissioner at least 30 days before the new licensing period of said residential rental unit.

B. No housing license shall be issued or renewed until a residential rental unit is inspected and determined to be in compliance with the requirements of this Housing Code.

C. The frequency of inspections for a residential rental unit inspected under this section must be determined by the Health Commissioner.

D. Re-inspection. After the initial inspection of a residential rental unit is completed by the Health Department under this section, a reasonable amount of time will be allowed by the Health Department for the owner, operator or agent of the residential rental unit to correct potential violations. Failure to correct the violations by the re-inspection shall result in a non-compliance fee of up to \$75.00.

E. Non-compliance. The Health Commissioner has the authority to condemn any residential rental unit described in 1367.01( d)(1) that fails to comply with this housing code.

F. Any residential rental unit described in 1367.01 (d)(1) without a current license for more than 30 days may be condemned by the Health Commissioner.

(2) For residential rental units described in 1367.01 (a)(2):

A. Prior to obtaining a housing license for a residential rental unit described in 1367.01(a)(2), the owner, operator or agent shall have the residential rental unit inspected by the Director of Community Development at least 30 days before the new licensing period of said residential rental unit.

B. No housing license shall be issued or renewed until a residential rental unit is inspected and determined to be in compliance with the requirements of this Housing Code.

C. The frequency of inspections for the renewal of a housing license issued for a residential rental unit inspected under this section shall be determined by the Director of the Community Development Department.

E. Re-inspection. After the initial inspection of residential rental unit is completed by the Community Development Department under this section, a reasonable amount of time will be allowed for the owner, operator or agent to correct potential violations. A re-inspection may be required to verify that the corrections were made by the assigned date and time. Failure to correct the violations by the re-inspection shall result in a non-compliance fee of up to \$75.00 per re-inspection.

E. Non-compliance. The Chief Building Official, or his designee, has the authority to condemn any residential rental unit that fails to comply with the City of Kent Planning and Zoning Code (Part 11), the Building Code (Part 13) including this Housing Code, and the Property Maintenance, Housing and Enforcement Code (Part 14), or this housing code.

F. Any residential rental unit described 1367.01 (a)(2) without a current housing license for more than 30 days may be condemned by the Director of Community Development.

(3) In the event that a housing license expires before it the housing license is renewed, a late fee of 25% of the licensing fee will be required.



(e) Review of the Environmental Health and Housing Maintenance Code. The latest revision of the Environmental Health and Housing Maintenance Code was completed in 2016. The next scheduled review will take place no later than 2021.

(Ord. 2016-40. Passed 4-20-16.)

#### **1367.02 NOTICE TO TENANTS.**

It shall be the responsibility of the owner, operator or agent of any residential rental unit to give notice of his housing license with the City to tenants by one of the following authorized methods prior to the commencement of a rental term with such tenant:

(a) Display the license in a conspicuous place within the common ways of the residential rental unit.

(b) Give the following written notice to the tenants:

"This residential rental unit is licensed by the City of Kent for the period of \_\_\_\_\_ to \_\_\_\_\_ for not more than \_\_\_\_\_ occupants. Be advised that both landlords and tenants have certain responsibilities to each other as are set forth in the Environmental Health and Housing Maintenance Code of the City of Kent, Ordinance 1979-219 (Title 7), Planning and Zoning Code (Part 11), Building Code (Part 13) and Property Maintenance, Housing and Enforcement Code (Part 14) or any other applicable section of the Kent Codified Ordinances. Copies of this Housing Code can be obtained at the Kent Health and Community Development Departments. The owner, operator or agent of any residential rental unit shall give a minimum of 24-hour notice to tenants prior to entering the property for inspections, repairs, or maintenance."

(c) The blanks described in 1367.02( b) must be filled in, in ink, reflecting the accurate dates and number of residents.

(Ord. 2016-40. Passed 4-20-16.)

#### **1367.03 REVOLVING HOUSING FUND.**

There is hereby created a Revolving Housing Fund for the purpose of supporting the cost of repairs, corrective action or demolition made by the Health Commissioner pursuant to Section 1373.01 and other supportive costs associated with the enforcement of this Housing Code. Into this Fund, the following shall be paid:

(a) All civil penalties collected for violations of this Housing Code applicable to multifamily dwelling and enforced by the Health Department, pursuant to Section 1371.02.

(b) All judgments collected in actions to recover the cost of repairs and other corrective action or demolition of multifamily dwelling, pursuant to Section 1373.01 (b).

(c) Such other revenues the City may, from time to time authorize be paid into this Fund.

(Ord. 2016-40. Passed 4-20-16.)

#### **1367.04 ESTABLISHMENT OF COMMUNITY DEVELOPMENT RENTAL LICENSING REVENUE LINE.**

There is hereby established a separate and permanent revenue line in the General Fund known as the "Community Development Rental Licensing" revenue line. The Director of Budget and Finance is hereby authorized and directed to take such action and to make such records as may be necessary to establish the "Community Development Rental Licensing" revenue line and thereafter to show its existence and condition at all times upon the financial records of the City. Into said revenue line shall be paid:

(a) All civil penalties collected for violations of the Environmental Health and Housing Maintenance Code (Title 7 ), Planning and Zoning Code (Part 11 ), Building Code (Part 13) and Property Maintenance, Housing and Enforcement Code (Part 14 ) applicable to leased dwellings, not classified as multifamily dwelling, and enforced by the Community Development Department, pursuant to Section 1371.02 .

(b) All judgments collected in actions to recover the cost of repairs and other corrective action or demolition of leased dwellings not classified as multifamily and enforced by the Community Development Department, pursuant to Section 1373.01 (b).

(c) Such other revenues the City may, from time to time authorize be paid into this General Fund revenue line.

(Ord. 2016-40. Passed 4-20-16.)

#### **1367.05 LOCAL REQUIREMENT.**

In order to ensure that there is a local agent to contact to respond to property needs, concerns, or repairs in a timely manner, all owners of residential rental property in the City of Kent must designate an individual or property manager to be contacted by the City of Kent in case of an ordinance violation or inspection.

(a) The individual or property manager designated as a local agent for a residential rental unit must live or have their principal place of business in Portage County, Ohio or a county contiguous to Portage County, Ohio.

(b) The individual or property manager designated as a local agent for a residential rental unit must provide the City of Kent with a phone number, physical address, and e-mail address.

(Ord. 2016-40. Passed 4-20-16.)

#### **1367.98 VIOLATION OF NOTICE TO TENANTS.**

Any owner or operator of a residential rental unit in violation of the standards set forth in Section 1367.02 shall be subject to a civil offense in accordance with 501.13, including the right to notice, the right to answer a charge, the right to appeal, the amount of the fine, and the City's right to have the fine increase, but NOT including the right to a warning under 501.13 (c). Issuing a Notice of Civil Offense does not limit the City of Kent from pursuing any other additional remedies not prohibited by ordinance. (Ord. 2016-40. Passed 4-20-16.)

#### **1367.99 VIOLATING A MINIMUM STANDARD SET FORTH IN 1367.**

Any owner or operator of a residential rental unit in violation of the standards set forth in Section 1367 other than 1367.02 shall be subject to a civil offense in accordance with 501.13, including the right to notice, the right to answer a charge, the right to appeal, the amount of the fine, and the City's right to have the fine increase. Issuing a Notice of Civil Offense does not limit the City of Kent from pursuing any other additional remedies not prohibited by ordinance.

### **CHAPTER 1371**

#### **Enforcement and Penalty**

**1371.01 Right of entry and inspection.**

**1371.02 Notice of violation.**

**1371.03 Board of Health Rules and Regulations.**

**1371.04 Solid waste violations.**

**1371.98 Operating a Residential Unit without a valid license.**

**1371.99 Penalty.**

#### **CROSS REFERENCES**

Civil Offenses - see GEN. OFF. 501.13

#### **1371.01 RIGHT OF ENTRY AND INSPECTION.**

(a) Inspection. The Health Commissioner and the Community Development Director are hereby authorized and directed to make or cause to be made inspections of all residential rental units, the premises of a residential rental unit, the accessory buildings of a residential rental unit and qualified vacant rental units, to determine compliance with the provisions of this Housing Code.

(b) Right of Inspection: Upon presentation of proper identification, the Health Commissioner and the Community Development Director are hereby:

(1) Authorized to request to enter and inspect, between the hours of 8:00 a.m. and 5:00 p. m., any residential rental units, the premises of a residential rental unit, and the accessory buildings of a residential rental unit in the City to perform duties imposed upon him by subsection (a) hereof, Section 1373.01, and Section 1373.02 (a) and (b).

(2) Must inform the occupant of the occupant's right to refuse the inspection.

(3) Must inform the occupant of the inspector's right to request an



administrative search warrant to inspect the dwelling if the occupant refuses the inspection.

(c) Obligations of Inspection:

(1) While conducting an inspection authorized by the Housing Code, the Health Commissioner must inform the Community Development Director of any violations observed by the Health Commissioner of any Section of the Planning and Zoning Code (Part 11), the Building Code (Part 13) including the Environmental Health and Housing Maintenance Code (Title 7), and the Property Maintenance, Housing, and Enforcement Code (Part 14).

(2) While conducting an inspection authorized by the Housing Code, the Director of Community Development must inform the Health Commissioner of any violations observed by the Director of Community Development of any Section of the Environmental Health and Housing Maintenance Code (Title 7).

(d) The Health Commissioner and the Community Development Director has the right to require the owner, designated agent, or operator to be present at the time of the inspection.

(e) Every occupant of a residential rental unit shall give the owner thereof or his agent access to any part of such building or its premises at reasonable times for the purpose of making repairs or alterations as are necessary to effect compliance with the provisions of this Housing Code. (Ord. 2016-40. Passed 4-20-16.)

**1371.02 NOTICE OF VIOLATION.**

Whenever the Health Commissioner or the Community Development Director determines there has been a violation of any provision of the Planning and Zoning Code (Part 11), the Building Code (Part 13) including the Housing Code, or Property Maintenance, Housing and Enforcement Code (Part 14), they shall give notice of such violation to the owner, occupant, operator or responsible person that such violations must be corrected. The notice and order shall either

(a) If the City is pursuing a fine, be in accordance with 501.13 (b) (2)

~~(b) If the City is NOT pursuing a fine, delivered in any manner approved by the Health Commissioner on forms approved by the Health Commissioner.~~

~~(c) (b)~~ If a property is in violation of any provision of the Planning and Zoning Code (Part 11), the Building Code (Part 13) including the Housing Code, or the Property Maintenance, Housing and Enforcement Code (Part 14), the City may at any time elect to pursue a fine so long as a notice is issued in accordance with 501.13 (b) (2).

(Ord. 2016-40. Passed 4-20-16.)

**1371.03 BOARD OF HEALTH RULES AND REGULATIONS.**

As provided by Ohio R.C. 3709.20, the Board of Health is authorized to make and adopt such rules and regulations and fix such reasonable standards as may be necessary for the proper enforcement of the provisions of this Housing Code and to carry out the intent thereof.

(Ord. 2016-40. Passed 4-20-16.)

**1371.04 SOLID WASTE VIOLATIONS.**

The Health Commissioner has authority to assign additional requirements regarding solid waste storage and solid waste collection if a residential rental unit receives three violations in any 12 month period involving solid waste. This includes solid waste and similar violations documented in the following Ordinances: 521.08, 1365.01, 1365.04, 1369.03, 1412.01, 933, and 935. The Health Commissioner may require additional solid waste containers or different solid waste containers. Also, the Health Commissioner may require that a residential rental unit obtain unlimited trash collection service.

(Ord. 2016-40. Passed 4-20-16.)

**1371.98 OPERATING A RESIDENTIAL RENTAL UNIT WITHOUT A VALID LICENSE - FINES/PENALTIES.**

(a) Notwithstanding 1371.02(a) and 501.13(m), any owner that is found operating a residential



rental unit without a valid housing license may be fined up to \$3000.00. \$1000 per violation. Imposing a fine in accordance with this section does not limit the City of Kent from pursuing any other additional remedies not prohibited by ordinance.

(b) Each month that an owner is found to be in violation is a separate offense.

(c) If the residential rental unit without a valid housing license contains a single family or no more than three unrelated residents, the amount of the fine and length of time to pay that fine shall be determined by the City Manager or his designee. If the residential rental unit without a valid housing license is not a single family and has more than three unrelated residents, the amount of the fine and length of time to pay that fine shall be determined by the City of Kent Board of Health. In setting the fine, the City Manager or his designee or the City of Kent Board of Health shall consider the following factors:

- (1) The length of time of the violation;
- (2) The number of prior violations at that address;
- (3) The number of prior violations for that property owner;
- (4) The property owner's cooperation in resolving the violation; AND
- (5) Any other factor deemed relevant by the entity setting the fine (i.e. the City Manager or the City of Kent Board of Health).

(Ord. 2016-40. Passed 4-20-16.)

#### **1371.99 PENALTY.**

~~Whoever violates any order of any provision of the Planning and Zoning Code (Part 11 ), Building Code (Part 13 ) including the Housing Code or the Property Maintenance, Housing and Enforcement Code (Part 14 ) or notice of violation of any rule or regulation adopted by the Board of Health after having been given such order or notice of violation in accordance with Section 1371.02 is guilty of a misdemeanor of the third degree as defined in Section 501.99 . A property owner that pays a fine levied in accordance with 1371.98 (C) may not be prosecuted for that specific violation, but may be prosecuted criminally for the same violation if the violation occurs in a subsequent month or if the fine is not paid in a timely manner.~~

~~(Ord. 2016-40. Passed 4-20-16.)~~

Any owner or operator of a residential rental unit in violation of the standards set forth in Section 1371 other than 1371.98 shall be subject to a civil offense in accordance with 501.13, including the right to notice, the right to answer a charge, the right to appeal, the amount of the fine, and the City's right to have the fine increase. Issuing a Notice of Civil Offense does not limit the City of Kent from pursuing any other additional remedies not prohibited by ordinance.

### **CHAPTER 1373**

#### **Repairs and Demolitions**

**1373.01 Repairs.**

**1373.02 Condemnation; placard.**

**1373.03 Demolition.**

#### **CROSS REFERENCE**

Removal of unsafe structures - see Ohio R.C. 715.26

#### **1373.01 REPAIRS.**

(a) Whenever an owner, operator or agent of a residential rental unit fails, neglects or refuses to make repairs or engage in other corrective action as called for by an order or notice of violation issued pursuant to Section 1371.02 , the City may undertake such repairs or action on the City's own or by means of a court order when, in the sole judgment of the City of Kent, failure to make such repairs, will endanger the public health, safety or welfare. The cost of such repairs and action will not exceed fifty percent of the property value as reported by the Portage County Auditor for tax purposes.

(b) When repairs are made or other corrective action taken at the direction of the Health Commissioner or the Community Development Director, the cost of such repairs and corrective action, including labor, equipment, and supplies, plus fifteen percent (15%) for administrative costs, shall constitute a debt in favor of the City against the owner of the repaired structure. In the event such owner fails, neglects or refuses to pay the City the amount of this debt, it shall be recoverable in a civil action against the owner or his successor, brought in a court of competent jurisdiction by the City which shall possess all rights of a private creditor.

(Ord. 2016-40. Passed 4-20-16.)

### **1373.02 CONDEMNATION; PLACARD.**

(a) A residential rental unit must be designated as unfit for human habitation if any of the following deficiencies or conditions are found and when these defects create a hazard to the health or safety of the occupants or the public:

(1) The residential rental unit is damaged, decayed, dilapidated, unsanitary, unsafe or vermin infested or meets a minimum of two of the conditions of blight under Section 1.08 of the Ohio Revised Code.

(2) The residential rental unit Lacks illumination, ventilation, required sanitation facilities or any other minimum requirements as established in Chapter 1365 of this Housing Code.

(3) The general condition of the residential rental unit, outbuildings and surrounding property is unsanitary, unsafe or unhealthful.

(b) Whenever a residential rental unit has been designated as unfit for human habitation, the Health Commissioner or the Chief Building Official or his designee may placard the structure or premises by placing a placard thereon or in a location which is readily noticeable, identifies the building as condemned and the applicable state or local code sections that caused the premises to be condemned.

(c) If such residential rental unit is occupied, the Health Commissioner or City Building Official shall order the dwelling or premises to be vacated within a reasonable period of time. Such time is not to be less than three days or more than ten days.

(d) Any residential rental unit or premises which has been condemned and/or placarded as unfit for human habitation or use, shall not again be occupied by a non-owner until a written approval is secured from and such placard removed by the Health Commissioner or Chief Building Official. The Health Commissioner or Chief Building Official shall remove such placard and give written notice whenever the defect from which the condemnation and placarding action resulted has been eliminated.

(Ord. 2016-40. Passed 4-20-16.)

### **1373.03 DEMOLITION.**

(a) The Health Commissioner or Chief Building Official shall issue an order commanding the owner of a residential rental unit or premises and all other persons having an interest in such premises as shown by the records of the County Recorder's Office to repair, vacate or demolish any dwelling or premises found to be unfit for human habitation or use within the terms of this Housing Code.

(b) The owner of any residential rental unit or premises which has been ordered demolished shall be given notice of this order in the manner provided in Section 1371.02 and shall be given a reasonable time not to exceed ninety days to demolish such structure.

(c) If the Chief Building Official issues a notice to demolish, any owner aggrieved by the notice to demolish may within fourteen days seek a formal hearing before the Board of Building Appeals in Chapter 1309. If the Health Commissioner issues a notice to demolish, any owner aggrieved by the notice to demolish may within fourteen days seek a formal hearing before the City of Kent Board of Health who must address the issue at the next regularly scheduled board meeting.



(d) When the owner, operator, or agent fails, neglects or refuses to demolish an unfit, unsafe or unsanitary residential rental unit or premises within the prescribed time the Health Commissioner or Chief Building Official may apply to the court of competent jurisdiction for a demolition order to undertake the demolition. The court may grant such order when no hearing on the matter is pending. The cost of such demolition shall create a debt in favor of the City against such owner and shall be recovered in civil action brought by the City who shall possess all rights of a private creditor.

(e) Whenever a residential rental unit is demolished whether carried out by the owner or by the appropriate authority such demolition shall include the filling in of the excavation remaining on the property on which the demolished dwelling was located pursuant to the requirements of Chapter 905 "Excavations" (Part Nine ).

(Ord. 2016-40. Passed 4-20-16.)

**DRAFT ORDINANCE NO. 2019-91**

**AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPROVE THE PROPOSED UPDATED MEMORANDUM OF UNDERSTANDING AND ADDENDUM TO THE 2009 NEIGHBORHOOD STABILIZATION GRANT (NSP) SUBRECIPIENT AGREEMENT BETWEEN THE CITY OF KENT AND PORTAGE COUNTY TO UTILIZE THE PROGRAM INCOME FOR A CDBG ELIGIBLE PROJECT; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City has entered into a Subrecipient Agreement with Portage County for the receipt of Neighborhood Stabilization Program (NSP) funds made available to the City as part of a regional grant designated by the State of Ohio Department of Development to be used to address the problem of vacant and blighted residential properties; and

**WHEREAS**, the City of Kent generated \$138,706.83 in NSP program income through the implementation of two (2) of its projects and has been maintaining those funds in a separate bank account awaiting guidance from the U.S. Department of Housing & Urban Development (HUD) and the Ohio Development Services Agency (ODSA) regarding the expenditure of those funds; and

**WHEREAS**, in 2018 the City has received confirmation from HUD and ODSA that the NSP program income could be utilized on a CDBG eligible project; and

**WHEREAS**, an updated MOU AND Addendum to the Subrecipient Agreement will need to be approved in order to utilize the program income for a CDBG eligible project.

**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, authorizes the proposed updated Memorandum of Understanding and Addendum to the Subrecipient Agreement for 2009 NSP funds be renewed and the funds used for a CDBG eligible project 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: July 30, 2019

TO: Dave Ruller, City Manager

FROM: Bridget Susel, Community Development Director *BS*

RE: Updated NSP MOU and Amendment to Subrecipient Agreement

The City of Kent received Neighborhood Stabilization Grant (NSP) funding in 2009 as part of a regional allocation that included the City of Ravenna and Portage County. The City of Kent generated \$138,706.83 in NSP program income through the implementation of two of its projects and has been maintaining those funds in a separate bank account awaiting guidance from the U.S. Department of Housing & Urban Development (HUD) and the Ohio Development Services Agency (ODSA) regarding the expenditure of those funds.

The Community Development Department staff received confirmation from HUD and ODSA in 2018 that the NSP program income could be utilized locally on a CDBG eligible project. The Cities of Kent and Ravenna were designated as "Subrecipients" and Portage County was designated as the "Grantee" under the terms of the original MOU and as such, an updated MOU with Portage County and an addendum to the original NSP Subrecipient Agreement are needed in order to utilize the program income for a CDBG eligible project.

Attached is an explanatory letter to the Portage County Commissioners and draft versions of the proposed updated MOU and addendum. I am respectfully requesting time at the August 7, 2019 Council Committee session to discuss this matter in greater detail and to request Council authorization, with emergency, to enter into the updated MOU and execute the addendum to allow for the timely expenditure of the NSP program income.

Please let me know if you require any additional information in order to add this item to the August 7, 2019 agenda. Thank you.

Cc: Hope Jones, Law Director  
Dawn Bishop, Interim Clerk of Council  
Dan Morganti, Grants & Neighborhood Programs Coordinator

Attachments

930 Overholt Rd., Kent, Ohio 44240 • (330) 678-8108 fax (330) 678-8030 •  
[www.KentOhio.org](http://www.KentOhio.org)



# CITY OF KENT, OHIO

## DEPARTMENT OF COMMUNITY DEVELOPMENT

July 8, 2019

Portage County Board of Commissioners  
449 South Meridian Street  
Administration Building, 7<sup>th</sup> Floor  
Ravenna, Ohio 44266

Dear Board of Commissioners:

In 2009, Portage County and the Cities of Kent and Ravenna were designated by the State of Ohio Development Services Agency (ODSA)\* as a "defined region" for purposes of allocating a Neighborhood Stabilization Program (NSP) grant award of \$1,253,137 to the three (3) government entities. The ODSA designated the NSP funding for residential demolition and new construction initiatives throughout the County. The State received the original grant funds from the U.S. Department of Housing & Urban Development (HUD) as part of the funding made available under the Housing and Economic Recovery Act (HERA) of 2008 to address the high number of residential homes left vacant and abandoned as a result of the subprime mortgage foreclosure crisis of 2008.

The NSP grant funding agreement with the State of Ohio identified Portage County as the "Grantee" and the Cities of Kent and Ravenna as "Subrecipients" for purposes of administering the grant (see attachments A & B). Portage County and the City of Ravenna utilized their respective grant fund allocations for demolition activities only, while the City of Kent applied its funding to demolition and the construction of two new residential single-family structures. The City of Kent sold both new homes to NSP income-eligible households, which generated \$138,706.83 in NSP program income.

The City of Kent is categorized as a Grantee under the federal Community Development Block Grant (CDBG) program and as such, it receives funding directly from HUD on an annual basis. As a HUD Grantee, the City locally controls any program income that may be generated through a CDBG project and can utilize those funds for other eligible projects. The NSP funding received by the County and the Cities of Kent and Ravenna actually was categorized by Congress and HUD as a type of CDBG funding, but the model NSP agreement, provided by ODSA and utilized by Portage County and the Cities of Kent and Ravenna, did not address the matter of program income.

After the City of Kent sold the two (2) new single-family dwellings, it locally controlled the generated program income while the Ohio HUD field office and ODSA waited for a final ruling from HUD headquarters as to how to address NSP program income received by a community that was a direct entitlement recipient of CDBG funds, but which acted as a Subrecipient in a defined region for purposes of the NSP program.

The City received confirmation from HUD and ODSA in 2018 that the City of Kent could move forward with applying the NSP program income to a CDBG eligible project. The City is proposing to apply the available NSP program income to a 2018 CDBG funded project that will enable Family & Community Services to complete necessary renovations and upgrades to six (6) units at the Kentway Apartments on Summit Street, which provides rental housing options for low-to-moderate income seniors.

I am respectfully requesting time to meet with you to discuss this matter in greater detail and request authorization from the Portage County Commissioners to enter into an agreement granting the City of Kent the authority to maintain the NSP program income, plus accrued interest, and commit the available funds to the CDBG eligible project as described above.

If you have any questions or need additional information in order to add this to your agenda, please contact me at 330-678-8108 or [SuselB@kent-ohio.org](mailto:SuselB@kent-ohio.org).

Thank you for your consideration of this request. I look forward to meeting with you soon.

Sincerely,



Bridget Susel  
Community Development Director

\* Ohio Development Services Agency was known as the Ohio Department of Development (ODOD) at the time of NSP grant award

Attachments

## **MEMORANDUM OF UNDERSTANDING (MOU)**

**Between  
Portage County  
And  
City of Kent**

### **A. Introduction**

Pursuant to Public Law 110-289, Title III of Division B of the Housing and Economic Recovery Act (HERA), enacted on July 30, 2008, the State of Ohio received funding in 2009 through the Neighborhood Stabilization Program (NSP). The Ohio Department Services Agency (ODSA), formerly known as the Ohio Department of Development (ODOD), was responsible for administering a portion of the funds, which were allocated through a State program to local communities. ODSA designated Portage County, the City of Ravenna, and the City of Kent as a "defined region" and allocated a total of \$1,253,137 in NSP funding for the region. Portage County was designated as the "Grantee" and the Cities of Ravenna and Kent were designated as "Subrecipients." All of the NSP grant funding was expended within the identified grant period and in accordance with the ODSA requirements delineated in the NSP Subrecipient agreements.

### **B. Scope and Purpose of the MOU**

All three local communities expended funding on eligible demolition activities. The City of Kent also utilized a portion of its grant allocation on the NSP activity known as "residential development," which upon completion, generated \$138,706.83 in NSP program income. The City of Kent has retained the NSP program income in a separate savings account at a local bank in anticipation of the issuance of a ruling from the U.S. Department of Housing & Urban Development (HUD) and the ODSA regarding the requirements for the expenditure of the NSP program income. HUD and the ODSA notified the City of Kent in 2018 the NSP program income, plus any accrued interest, can be expended by the City of Kent, as a Community Development Block Grant (CDBG) entitlement community, on a CDBG eligible activity in the City that will benefit low-to-moderate income persons.

### **C. Terms of the MOU**

Portage County and the City of Kent hereby agree as follows:

Portage County was designated as the "Grantee" and the City of Kent was designated as one of two "Subrecipients" under the NSP program.

HUD and ODSA have categorized NSP funding, and any program income generated through implementation of an NSP project, as CDBG funding.



The City of Kent, operating in its capacity as a NSP Subrecipient, is granted authorization by Portage County, operating in its capacity as NSP Grantee, to commit all of the available NSP program income, plus accrued interest, to a City of Kent 2018 CDBG funded project.

**D. Period of MOU**

Portage County and the City of Kent hereby agree that this MOU will remain in effect until all NSP program income, plus accrued interest, is expended, and all HUD and ODSA reporting requirements associated with the NSP program income have been submitted and approved by the appropriate authority.

**E. Modification of the MOU**

This MOU may be modified or amended by written agreement of Portage County and the City of Kent. A request for an amendment to the MOU may be initiated by either community through written notification to the other community.

Now therefore, Portage County and the City of Kent do hereby agree to the aforementioned terms of this MOU as of \_\_\_\_\_, as evidenced by the following signatures:

By:

\_\_\_\_\_  
Vicki A. Kline, President,  
Portage County Board of Commissioners

Approved as to Form:

\_\_\_\_\_  
\_\_\_\_\_  
Print Name & Title  
Portage County Prosecutor

By:

\_\_\_\_\_  
Dave Ruller, City Manager,  
City of Kent

Approved as to Form:

\_\_\_\_\_  
Hope Jones, Law Director,  
City of Kent

**NEIGHBORHOOD STABILIZATION PROGRAM GRANT  
SUBRECIPIENT AGREEMENT AMENDMENT**

**BETWEEN**

**Portage County  
AND  
City of Kent**

THIS AMENDMENT is entered into effective the \_\_\_\_\_ day of \_\_\_\_\_, 2019 by and between Portage County (herein called the "Grantee") and the City of Kent (herein called "Subrecipient") to undertake the Community Development Block Grant ("CDBG") Neighborhood Stabilization Program ("NSP") as approved by the State of Ohio Development Services Agency ("Development").

WHEREAS, Grantee, in conjunction with the Subrecipient, applied for and was awarded funds from Development under the Housing and Economic Recovery Act of 2008 through the NSP; and

WHEREAS, Grantee and Subrecipient entered into an AGREEMENT dated July 28<sup>th</sup>, 2009 to set forth the responsibilities and obligations of each in undertaking the NSP and in utilizing such funds;

WHEREAS, said AGREEMENT did not address the use of any program income generated by NSP activities;

NOW, THEREFORE, it is agreed between the parties hereto that the following clause be added to the Subrecipient Agreement to address the use of program income:

IV. A. All program income received from NSP activities shall be retained by the Subrecipient. The Subrecipient shall maintain, transfer and expend program income subject to the requirements set forth in the CDBG regulations.

IN WITNESS WHEREOF, the parties hereto have executed this Grant Agreement on the last day and year set forth below.

**SUBRECIPIENT:**

City of Kent

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**GRANTEE:**

Portage County

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Approved as to form:

---

Hope Jones, Law Director,  
City of Kent

Approved as to form:

---

Assistant Prosecutor,  
Portage County

DRAFT

DRAFT

**THE CITY OF KENT, OHIO  
FINANCE COMMITTEE  
WEDNESDAY, AUGUST 7, 2019**

Chair Michael DeLeone called the meeting of the Finance Committee of Kent City Council to order 8:00 p.m.

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

**ALSO PRESENT:** 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. Dave Coffee, Budget and Finance Director; Mr. Tom Wilke, Economic Development Director; Ms. Dawn Bishop, Interim Clerk of Council.

**ABSENT:** Mr. Jerry T Fiala, Mayor and President of Council; Ms. Heidi Shaffer; Ms. Tracy Wallach

There were four (4) items on the Agenda.

1. East Main Street Transportation Improvement Funding Applications

Mr. Ruller said they are very excited about this project. He continued with they have the most unsafe corridor for pedestrians and traffic in Portage and Summit Counties with E Main and then when you end up looking for funding, you have a pretty good case to make when you have those stats and go to the funding agencies. This would be another city/neighborhood/university partnership and it could potentially be one of the most significant transformations, and not just talking about safety. He said Jim Bowling thinks he has extremely competitive proposals going in to the funding agencies.

Mr. Bowling said this is a long process, we've had agreements with KSU to study it, amended agreements, and then just two months ago Council approved Purpose and Needs. The next two months is a very important step and we will either have something or we won't. He's going to take these concepts to funding agencies. Mr. Bowling reiterated this is the worse corridor in Summit and Portage Counties. From 2016-2018, 12% of all crashes city-wide happened in that .8 mile stretch; we have over 90 miles of roadway and then 15% of all pedestrian crashes were in that same stretch. It is a significant problem that needs addressed. We have a great opportunity with what has been going on with the neighborhood involvement and we are coming forward with a greater plan than probably could have come up with on their own. Also Kent State's Gateway Plan is an opportunity to make changes on campus that dovetail in with E Main to make it safer and enhance the neighborhood to the north, not cut off the neighborhood to the north.

Mr. Bowling continued with some basic elements in the plan: wider sidewalk, tree lawn, bus pull off, projected tree lined boulevard, bike facility at Willow to Horning on the south side, enhance/improve lighting. There's a bunch of work to go into those ideas. Three things they are looking at right now: asking for 7.5 million grant funding from ODOT's Highway Safety Program for design, right of way, and construction; asking for 3.6 million grant from AMATS Surface Transportation Funding; and asking for 6 million in grant funding from AMATS Congestion Mitigation for construction. Funding would become available in 2024/2025. Their ultimate goal would be for the city to fund 10% of the costs for the total project from beginning to end.

Mr. Ferrara asked what is the total cost?

## DRAFT

Mr. Bowling said 20 million.

Mr. Ferrara asked what was Summit Street?

Mr. Bowling said Summit Street was 17 million, so basically the same accounting for inflation. It's been almost a year since Summit Street has been open and at this point traffic crashes have been reduced by 50% and considering there were over 200 crashes in that corridor in three years, that's a significant impact.

Mr. Sidoti asked as the south side is state property, does that help us in terms of application process?

Mr. Bowling said it helps the most as like on Summit, they hope to build sidewalk on Kent State property and not stay in the right of way. That gives us more room to expand south.

Mr. Sidoti said it's worth pointing out how significantly Kent State has been working with the City.

### **MOTION TO AUTHORIZE THE EAST MAIN STREET TRANSPORTATION IMPROVEMENT FUNDING APPLICATIONS, WITH AN EMERGENCY CLAUSE** made by Mr. Ferrara, seconded by Ms. Rosenberg.

Mr. Ferrara said when you look at the project on Summit Street and all the safety concerns, it's the proverbial no brainer, and the benefits will outweigh the City's costs. There's also the appreciation what Kent State has brought to the partnership on Summit Street and now with E Main Street as well.

Mr. Kuhar said it's a good thing. He didn't see some of the issues on Summit Street and now that he travels the road every day, you get that safer feeling, and if you could only get people to stop texting and driving you could probably reduce crashes 75%.

Mr. Sidoti said the response from his most recent attended Rotary meeting was overwhelmingly positive when speaking about the project and people wondered is this even possible.

**MOTION CARRIED** by a voice vote of 7-0.

### 2. 2019 Budget Appropriations Amendment

Mr. Coffee requested committee authorization for the appropriation amendment. There's one item under Fire EMS contingent on the committee's next agenda action.

### **MOTION TO AUTHORIZE THE 2019 BUDGET APPROPRIATIONS AMENDMENT, WITH AN EMERGENCY CLAUSE** made by Mr. Sidoti, seconded by Mr. Kuhar, and **CARRIED** by a voice vote of 7-0.

### 3. Authorization to Sell the Retired Heavy Duty Rescue Truck

Mr. Ruller said the chief has been trying to sell this on line. They got an offer on it from a community. This vehicle has already been replaced.

Chief Tosko said overall it's a very good deal for the city. They've sold their 1991 Telescor for \$13,000; this is a little bit older than that was at the time. It's going to a small volunteer department in PA. They run a 400 square mile area. They have a lot of river rescues so can certainly relate to that. Just asking permission to sell that. They've been offered \$40,000.

DRAFT

**MOTION TO AUTHORIZE THE SALE OF THE RETIRED HEAVY DUTY RESCUE TRUCK WITH AN EMERGENCY CLAUSE** made by Mr. Ferrara, seconded by Mr. Kuhar, and CARRIED by a voice vote of 7-0.

4. Certifications of Delinquent Accounts for Portage County's Property Tax Liens

Mr. Ruller said is pretty much the yearly housekeeping. Pending Council approval, they would like to certify the delinquencies to Portage County Auditor to be applied as a tax lien against the property.

Mr. DeLeone joked he was looking if his name was on there.

**MOTION TO AUTHORIZE THE CERTIFICATIONS OF DELINQUENT ACCOUNTS FOR PORTAGE COUNTY'S PROPERTY TAX LIENS, WITH AN EMERGENCY CLAUSE** made by Mr. Ferrara, seconded by Ms. Rosenberg, and CARRIED by a voice vote of 7-0.

Hearing no further business before this Committee, Chair DeLeone adjourned the committee meeting at 8:19 p.m.

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Dawn Bishop  
Interim Clerk of Council

**ACTION RECOMMENDED:**

- 1) **AUTHORIZE THE CITY TAX BUDGET, WITH AN EMERGENCY CLAUSE.**
- 2) **AUTHORIZE THE BAN RENEWAL, WITH AN EMERGENCY CLAUSE.**
- 3) **AUTHORIZE THE SALE OF THE RETIRED HEAVY DUTY RESCUE TRUCK, WITH AN EMERGENCY CLAUSE.**
- 4) **AUTHORIZE THE CERTIFICATIONS OF DELINQUENT ACCOUNTS FOR PORTAGE COUNTY'S PROPERTY TAX LIENS, WITH AN EMERGENCY CLAUSE.**



**DRAFT ORDINANCE NO. 2019 - 92**

**AN ORDINANCE AUTHORIZING THE CITY OF KENT TO SUBMIT THREE (3) FUNDING APPLICATIONS TOTALING \$16,850.00 AND TO EXECUTE THE SUBSEQUENT AGREEMENTS WITH THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY (AMATS) AND THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT), AND TO ACCEPT THE GRANTS, IF AWARDED, WITH CORRESPONDING APPROPRIATION OF FUNDS FOR THE EAST MAIN STREET AREA IMPROVEMENTS, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the first application submitted to AMATS and ODOT is the Congestion Mitigation/Air Quality Funding (CM/AQ). These funds are to reduce congestion and thereby improve air quality in the region. They fund transportation, transit and bike and pedestrian improvements that would reduce congestion. This program receives applications once every two (2) years. The City is requesting \$6,000.00 for construction of the project East Main Street Area Improvements. This funding would be available for use in 2025; and

**WHEREAS**, the second application submitted to ODOT is the Highway Safety Program (HSP) Funding. These funds are to reduce all types of crashes, (ie vehicular, bicycle and pedestrian). This program receives applications twice a year, however it requires a significant Safety Study that has been completed as part of the planning phase of the project that was funded by the City and Kent State University. The City is requesting \$7,250.00 for the design, right-of-way acquisition and construction of the project. This funding would be available for use in 2020 and beyond; and

**WHEREAS**, the third application submitted to AMATS is the Surface Transportation Block Grant (STBG) Funding. These funds are for general transportation improvements. It predominantly funds vehicular oriented projects, but they can include bike and pedestrian improvements as well. This program receives applications once every two (2) years. The City is requesting \$3,600.00 for construction of the project. This funding would be available for use in 2025.

**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 approves submission of the City's pre-application requests for AMATS and ODOT grant funding totaling \$16,850.00 and authorized that the Administration provide all information, funds, and documentation required in said applications for submission.

**SECTION 2.** That the Kent City Council hereby approves the City's acceptance of the grant(s), if awarded to the City, with corresponding appropriations for its use.

**SECTION 3.** That the Kent City Council hereby understands and agrees that participation in the AMATS and ODOT grant program will require compliance with program guidelines and assurances.

**SECTION 4.** 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 5.** 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

**DRAFT ORDINANCE NO. 2019-93**

**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**, 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; as amended by Ordinance No. 2019-16, passed 2/20/2019; as amended by Ordinance No. 2019-43, passed 4/17/2019; as amended by Ordinance 2019-57 passed 5/15/2019; and as amended by Ordinance 2019-64 passed 6/19/2019, be amended as set forth in Exhibit "A", attached hereto and incorporated herein, so as to increase appropriations in Fund 001, General; Fund 128, Fire & EMS; 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 &amp; Benefits</u> | <u>Other than Personnel &amp; Benefits</u> | <u>Capital</u> | <u>Reserve/ Debt Service</u> | <u>Contingency</u> | <u>Fund &amp; Department Total</u> |
|------------------------------------------------------------------|---------------------------------|--------------------------------------------|----------------|------------------------------|--------------------|------------------------------------|
| <b><u>General Fund (001)</u></b>                                 |                                 |                                            |                |                              |                    |                                    |
| City Council                                                     | \$161,266                       | \$32,603                                   |                |                              |                    | \$193,869                          |
| Mayor                                                            | \$9,530                         | \$5,300                                    |                |                              |                    | \$14,830                           |
| Community Support                                                |                                 | \$85,700                                   |                |                              |                    | \$85,700                           |
| 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                       | \$49,811                                   |                |                              |                    | \$169,533                          |
| Health                                                           | \$448,125                       | \$207,038                                  |                |                              |                    | \$655,163                          |
| Public Parking                                                   |                                 | \$116,000                                  |                |                              |                    | \$116,000                          |
| Main Street Program                                              |                                 | \$70,000                                   |                |                              |                    | \$70,000                           |
| Service Administration                                           | \$70,060                        | \$477,118                                  |                |                              |                    | \$547,178                          |
| Shade Tree                                                       |                                 | \$80,420                                   | \$10,000       |                              |                    | \$90,420                           |
| 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                     | \$2,599,406                                | \$198,000      | \$0                          | \$100,000          | \$5,833,886                        |
| <b><u>West Side Fire (101)</u></b>                               |                                 |                                            |                |                              |                    |                                    |
| Fire                                                             | \$268,910                       | \$26,427                                   |                |                              |                    | \$295,337                          |
| Fund Total                                                       | \$268,910                       | \$26,427                                   | \$0            | \$0                          | \$0                | \$295,337                          |
| <b><u>Street Construction Maintenance &amp; Repair (102)</u></b> |                                 |                                            |                |                              |                    |                                    |
| 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                        |
| <b><u>State Highway (103)</u></b>                                |                                 |                                            |                |                              |                    |                                    |
| Service                                                          |                                 | \$70,000                                   |                |                              |                    | \$70,000                           |
| Fund Total                                                       | \$0                             | \$70,000                                   | \$0            | \$0                          | \$0                | \$70,000                           |
| <b><u>Recreation (106)</u></b>                                   |                                 |                                            |                |                              |                    |                                    |
| Parks & Recreation                                               | \$1,372,462                     | \$662,183                                  | \$322,000      |                              |                    | \$2,356,645                        |
| Fund Total                                                       | \$1,372,462                     | \$662,183                                  | \$322,000      | \$0                          | \$0                | \$2,356,645                        |
| <b><u>Food Service (107)</u></b>                                 |                                 |                                            |                |                              |                    |                                    |
| Health                                                           | \$101,005                       | \$7,500                                    |                |                              |                    | \$108,505                          |
| Fund Total                                                       | \$101,005                       | \$7,500                                    | \$0            | \$0                          | \$0                | \$108,505                          |

## 2019 AMENDED APPROPRIATIONS

| <u>Fund - Department/Division</u>                     | <u>Personnel &amp; Benefits</u> | <u>Other than Personnel &amp; Benefits</u> | <u>Capital</u> | <u>Reserve/ Debt Service</u> | <u>Contingency</u> | <u>Fund &amp; Department Total</u> |
|-------------------------------------------------------|---------------------------------|--------------------------------------------|----------------|------------------------------|--------------------|------------------------------------|
| <b><u>Income Tax (116)</u></b>                        |                                 |                                            |                |                              |                    |                                    |
| 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                          |
| <b><u>Revolving Housing (120)</u></b>                 |                                 |                                            |                |                              |                    |                                    |
| Health                                                | \$156,431                       | \$10,500                                   |                |                              |                    | \$166,931                          |
| Fund Total                                            | \$156,431                       | \$10,500                                   | \$0            | \$0                          | \$0                | \$166,931                          |
| <b><u>State &amp; Local Forfeits (121)</u></b>        |                                 |                                            |                |                              |                    |                                    |
| Police                                                |                                 | \$2,000                                    |                |                              |                    | \$2,000                            |
| Fund Total                                            | \$0                             | \$2,000                                    | \$0            | \$0                          | \$0                | \$2,000                            |
| <b><u>Drug Law Enforcement (122)</u></b>              |                                 |                                            |                |                              |                    |                                    |
| Police                                                |                                 | \$12,000                                   |                |                              |                    | \$12,000                           |
| Fund Total                                            | \$0                             | \$12,000                                   | \$0            | \$0                          | \$0                | \$12,000                           |
| <b><u>Enforcement &amp; Education (123)</u></b>       |                                 |                                            |                |                              |                    |                                    |
| Police                                                |                                 | \$6,000                                    |                |                              |                    | \$6,000                            |
| Fund Total                                            | \$0                             | \$6,000                                    | \$0            | \$0                          | \$0                | \$6,000                            |
| <b><u>Income Tax Safety (124)</u></b>                 |                                 |                                            |                |                              |                    |                                    |
| Police                                                | \$7,010,447                     | \$677,700                                  |                |                              |                    | \$7,688,147                        |
| Fund Total                                            | \$7,010,447                     | \$677,700                                  | \$0            | \$0                          | \$0                | \$7,688,147                        |
| <b><u>Law Enforcement Trust (125)</u></b>             |                                 |                                            |                |                              |                    |                                    |
| Police                                                |                                 |                                            |                |                              |                    | \$0                                |
| Fund Total                                            | \$0                             | \$0                                        | \$0            | \$0                          | \$0                | \$0                                |
| <b><u>Community Development Block Grant (126)</u></b> |                                 |                                            |                |                              |                    |                                    |
| Community Development                                 | \$8,453                         | \$274,600                                  | \$116,000      |                              |                    | \$399,053                          |
| Fund Total                                            | \$8,453                         | \$274,600                                  | \$116,000      | \$0                          | \$0                | \$399,053                          |
| <b><u>Neighborhood Stabilization (127)</u></b>        |                                 |                                            |                |                              |                    |                                    |
| Community Development                                 | \$0                             | \$139,100                                  |                |                              |                    | \$139,100                          |
| Fund Total                                            | \$0                             | \$139,100                                  | \$0            | \$0                          | \$0                | \$139,100                          |
| <b><u>Fire &amp; E.M.S. (128)</u></b>                 |                                 |                                            |                |                              |                    |                                    |
| Fire                                                  | \$4,745,381                     | \$470,724                                  | \$1,076,215    |                              |                    | \$6,292,320                        |
| Fund Total                                            | \$4,745,381                     | \$470,724                                  | \$1,076,215    | \$0                          | \$0                | \$6,292,320                        |
| <b><u>Wireless 911 (129)</u></b>                      |                                 |                                            |                |                              |                    |                                    |
| Safety                                                |                                 | \$0                                        |                |                              |                    | \$0                                |
| Fund Total                                            | \$0                             | \$0                                        | \$0            | \$0                          | \$0                | \$0                                |
| <b><u>Swimming Pool Inspections (130)</u></b>         |                                 |                                            |                |                              |                    |                                    |
| Health                                                | \$8,261                         | \$500                                      |                |                              |                    | \$8,761                            |
| Fund Total                                            | \$8,261                         | \$500                                      | \$0            | \$0                          | \$0                | \$8,761                            |

## 2019 AMENDED APPROPRIATIONS

| <u>Fund - Department/Division</u>       | <u>Personnel &amp; Benefits</u> | <u>Other than Personnel &amp; Benefits</u> | <u>Capital</u> | <u>Reserve/ Debt Service</u> | <u>Contingency</u> | <u>Fund &amp; Department Total</u> |
|-----------------------------------------|---------------------------------|--------------------------------------------|----------------|------------------------------|--------------------|------------------------------------|
| <b><u>Police Pension (132)</u></b>      |                                 |                                            |                |                              |                    |                                    |
| Police                                  | \$120,000                       |                                            |                |                              |                    | \$120,000                          |
| Fund Total                              | \$120,000                       | \$0                                        | \$0            | \$0                          | \$0                | \$120,000                          |
| <b><u>Fire Pension (133)</u></b>        |                                 |                                            |                |                              |                    |                                    |
| Fire                                    | \$120,000                       |                                            |                |                              |                    | \$120,000                          |
| Fund Total                              | \$120,000                       | \$0                                        | \$0            | \$0                          | \$0                | \$120,000                          |
| <b><u>UDAG / EDA-RLF (134)</u></b>      |                                 |                                            |                |                              |                    |                                    |
| City Manager/C.D.                       |                                 | \$110,000                                  |                |                              |                    | \$110,000                          |
| Fund Total                              | \$0                             | \$110,000                                  | \$0            | \$0                          | \$0                | \$110,000                          |
| <b><u>Water (201)</u></b>               |                                 |                                            |                |                              |                    |                                    |
| Service                                 | \$1,739,036                     | \$834,705                                  | \$217,578      |                              |                    | \$2,791,319                        |
| Service (Capital Facilities)            |                                 |                                            | \$2,061,559    |                              |                    | \$2,061,559                        |
| 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                                  | \$2,293,137    | \$54,608                     | \$50,000           | \$5,645,202                        |
| <b><u>Sewer (202)</u></b>               |                                 |                                            |                |                              |                    |                                    |
| Service                                 | \$2,027,611                     | \$868,684                                  | \$468,381      |                              |                    | \$3,364,676                        |
| 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                                  | \$2,756,889    | \$625,720                    | \$50,000           | \$7,015,121                        |
| <b><u>Utility Billing (204)</u></b>     |                                 |                                            |                |                              |                    |                                    |
| Budget & Finance                        |                                 | \$102,586                                  |                |                              |                    | \$102,586                          |
| Fund Total                              | \$0                             | \$102,586                                  | \$0            | \$0                          | \$0                | \$102,586                          |
| <b><u>Solid Waste (205)</u></b>         |                                 |                                            |                |                              |                    |                                    |
| Service                                 | \$87,660                        | \$147,953                                  | \$5,000        |                              |                    | \$240,613                          |
| Fund Total                              | \$87,660                        | \$147,953                                  | \$5,000        | \$0                          | \$0                | \$240,613                          |
| <b><u>Storm Water Utility (208)</u></b> |                                 |                                            |                |                              |                    |                                    |
| Service                                 | \$240,982                       |                                            | \$27,750       |                              |                    | \$268,732                          |
| Service (Capital Facilities)            |                                 |                                            | \$1,798,157    |                              |                    | \$1,798,157                        |
| Admin. Support                          | \$319,162                       | \$69,371                                   | \$9,000        |                              |                    | \$397,533                          |
| Budget & Finance (Debt)                 |                                 |                                            |                | \$9,968                      |                    | \$9,968                            |
| Fund Total                              | \$560,144                       | \$69,371                                   | \$1,834,907    | \$9,968                      | \$0                | \$2,474,390                        |
| <b><u>Guaranteed Deposits (230)</u></b> |                                 |                                            |                |                              |                    |                                    |
| 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 &amp; Benefits</u> | <u>Other than Personnel &amp; Benefits</u> | <u>Capital</u> | <u>Reserve/ Debt Service</u> | <u>Contingency</u> | <u>Fund &amp; Department Total</u> |
|---------------------------------------------------------------------------|---------------------------------|--------------------------------------------|----------------|------------------------------|--------------------|------------------------------------|
| <b><u>Capital Projects (301)</u></b>                                      |                                 |                                            |                |                              |                    |                                    |
| Safety                                                                    |                                 |                                            | \$381,900      |                              |                    | \$381,900                          |
| Service                                                                   |                                 |                                            | \$810,000      |                              |                    | \$810,000                          |
| Service (Capital Facilities)                                              |                                 |                                            | \$4,314,431    |                              |                    | \$4,314,431                        |
| 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                                        | \$5,637,331    | \$554,828                    | \$25,000           | \$6,217,159                        |
| <b><u>Municipal Public Improvement Tax Increment Equivalent (302)</u></b> |                                 |                                            |                |                              |                    |                                    |
| Service (Capital Facilities)                                              |                                 | \$6,000                                    |                |                              |                    | \$6,000                            |
| Budget & Finance (Debt)                                                   |                                 |                                            |                | \$1,447,936                  |                    | \$1,447,936                        |
| Fund Total                                                                | \$0                             | \$6,000                                    | \$0            | \$1,447,936                  | \$0                | \$1,453,936                        |
| <b><u>Police Facility (303)</u></b>                                       |                                 |                                            |                |                              |                    |                                    |
| Safety (Capital Facilities)                                               |                                 | \$260,000                                  | \$425,000      |                              |                    | \$685,000                          |
| Budget & Finance (Debt)                                                   |                                 |                                            |                | \$3,961,479                  |                    | \$3,961,479                        |
| Fund Total                                                                | \$0                             | \$260,000                                  | \$425,000      | \$3,961,479                  | \$0                | \$4,646,479                        |
| <b><u>Debt Service (402)</u></b>                                          |                                 |                                            |                |                              |                    |                                    |
| Budget & Finance (Debt)                                                   |                                 |                                            |                | \$70,084                     |                    | \$70,084                           |
| Fund Total                                                                | \$0                             | \$0                                        | \$0            | \$70,084                     | \$0                | \$70,084                           |
| <b><u>Internal Service (807)</u></b>                                      |                                 |                                            |                |                              |                    |                                    |
| Health Insurance                                                          |                                 | \$3,385,000                                |                |                              |                    | \$3,385,000                        |
| Fund Total                                                                | \$0                             | \$3,385,000                                | \$0            | \$0                          | \$0                | \$3,385,000                        |
| Total Appropriations                                                      | \$23,874,784                    | \$12,794,228                               | \$14,664,479   | \$6,750,163                  | \$250,000          | \$58,333,654                       |
| 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                                                              |                                 | \$302,800                                  | \$629,000      |                              |                    | \$931,800                          |
| Amendment #4                                                              |                                 | \$97,000                                   | \$128,146      |                              |                    | \$225,146                          |
| Amendment #5                                                              | \$10,000                        | \$33,371                                   | \$408,715      |                              |                    | \$452,086                          |
| Amendment #6                                                              |                                 |                                            |                |                              |                    | \$0                                |
| Amendment #7                                                              |                                 |                                            |                |                              |                    | \$0                                |
| Amendment #8                                                              |                                 |                                            |                |                              |                    | \$0                                |
|                                                                           | \$23,874,784                    | \$12,794,228                               | \$14,664,479   | \$6,750,163                  | \$250,000          | \$58,333,654                       |

## 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            | \$0           | Fund 001 - General                 |
| Fund 116 - Income Tax                  |                    | \$1,000,000     | \$1,000,000            | \$0           | Fund 102 - St Const Maint & Repair |
| Fund 116 - Income Tax                  |                    | \$3,523,933     | \$3,523,933            | \$0           | Fund 124 - Income Tax Safety       |
| Fund 116 - Income Tax                  |                    | \$3,523,933     | \$3,523,933            | \$0           | Fund 128 - Fire & E.M.S.           |
| Fund 116 - Income Tax                  |                    | \$3,031,933     | \$3,237,674            | \$205,741     | Fund 301 - Capital Projects        |
| Fund 116 - Income Tax                  |                    | \$1,761,966     | \$1,689,459            | (\$72,507)    | Fund 303 - Police Facility         |
| Fund 116 - Income Tax                  |                    | \$70,000        | \$70,000               | \$0           | Fund 402 - Debt Service            |
| Total Fund 116 Income Tax              |                    | \$16,511,765    | \$16,644,999           | \$133,234.00  |                                    |
| Fund 201 - Water                       |                    | \$45,930        | \$45,930               | \$0           | Fund 204 - Utility Billing         |
| Fund 202 - Sewer                       |                    | \$45,930        | \$45,930               | \$0           | Fund 204 - Utility Billing         |
| Fund 001 - General                     |                    | \$3,200,000.00  | \$3,200,000.00         | \$0           | Fund 124 - Income Tax Safety       |
| Fund 001 - General                     |                    | \$120,000.00    | \$120,000.00           | \$0           | Fund 106 - Parks and Rec           |
| Fund 001 - General                     |                    | \$2,000,000.00  | \$2,000,000.00         | \$0           | 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               | \$0           | Fund 001 - General                 |
| Fund 201 - Water                       | *                  | \$32,100        | \$32,100               | \$0           | Fund 116 - Income Tax              |
| Fund 202 - Sewer                       | *                  | \$38,980        | \$38,980               | \$0           | Fund 116 - Income Tax              |
| Fund 205 - Solid Waste                 | *                  | \$56,000        | \$56,000               | \$0           | Fund 001 - General                 |
| Fund 205 - Solid Waste                 | *                  | \$53,000        | \$53,000               | \$0           | Fund 116 - Income Tax              |
| Fund 208 - Storm Water                 | *                  | \$110,000       | \$110,000              | \$0           | Fund 116 - Income Tax              |
| Subtotal - Total Advances              |                    | \$340,080       | \$340,080              | \$0           |                                    |
| Grand Total - All Transfers & Advances |                    | \$22,263,705    | \$22,396,939           | \$133,234     |                                    |

\* Designates Repayment of Advance

**DRAFT ORDINANCE NO. 2019-94**

**AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO ACCEPT A BID OF \$40,000.00 FROM RENOVO FIRE DEPARTMENT TO PURCHASE THE CITY OF KENT'S USED 1992 PIERCE DASH HEAVY RESCUE TRUCK, WITHOUT COMPETITIVE BIDDING, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Kent owns a 1992 Pierce Dash Heavy Rescue truck no longer needed for municipal purposes and wishes to sell it to Renovo Fire Department for \$40,000.00; and

**WHEREAS**, the truck has been advertised for sale on Brindlee Mountain Fire Apparatus website for \$49,500.00 for a number of months with no other bids received.

**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:

**SECTION 1.** That Council does hereby authorize the City Manager, or his designee, to accept the bid of \$40,000.00 from Renovo Fire Department to purchase the used 1992 Pierce Dash Heavy Rescue Truck without competitive bidding.

**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

**DRAFT ORDINANCE NO. 2019 – 95**

**AN ORDINANCE AUTHORIZING THE CERTIFICATION OF NON-PAYMENT OF WATER USE CHARGES, WASTEWATER USE CHARGES, STORM WATER UTILITY CHARGES AND RECYCLING/SOLID WASTE COLLECTION CHARGES TO THE COUNTY AUDITOR IN ORDER TO ALLOW FOR THE PLACEMENT OF THE CERTIFIED AMOUNT ON THE REAL PROPERTY TAX LIST AND DUPLICATE AGAINST THE PROPERTY FOR THE NON-PAYMENT OF WATER USE CHARGES, WASTEWATER USE CHARGES, STORM WATER UTILITY CHARGES AND RECYCLING/SOLID WASTE COLLECTION CHARGES, AND DECLARING AN EMERGENCY.**

**WHEREAS**, there are a number of water use, wastewater use, storm water utility, and recycling/solid waste collection that remain unpaid after attempts to collect have been made; and

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (7) of all members elected thereto concurring:

**SECTION 1.** That Kent City Council does hereby authorize the certification of the water use, wastewater use, storm water utility, and recycling/solid waste collection listed in Exhibit “A”, attached hereto and made a part hereof, on the real estate tax list and duplicate against the properties listed. It is the intent of Council that the amounts certified to the County Auditor shall be a lien on the property served by the services listed.

**SECTION 2.** That the amounts shown are hereby assessed upon the properties shown and such assessments shall be certified by the Clerk of Council to the County Auditor for collection in the same manner as general taxes. The Clerk of Council shall also certify that the unpaid charges have arisen pursuant to services made directly with the owner or tenant who occupied the property served.

**SECTION 3.** Council does hereby find that the certification of the unpaid bills meets all of the requirements of Sections 913.07, 915.72, 921.24 and 935.14 and is further authorized by the Ohio Revised Code.

**SECTION 4.** 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 5.** 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 Utility Billing: 2019 Filing of Delinquent Fines and Unpaid Fees

| Owner Name               | Address             | Parcel #             | Amount             | Date Delinquent | Description of Fine/unpaid fee |
|--------------------------|---------------------|----------------------|--------------------|-----------------|--------------------------------|
| Ahmad, Bassam            | 1112 Silver Meadows | 17-028-10-00-116-000 | \$55.53            | 12/28/2018      | water/sewer                    |
| Al-Sherifi, Adel         | 221 Starr           | 17-031-21-00-024-000 | \$22.94            | 2/7/2019        | water/sewer                    |
| Bosak, Steve             | 135 W Williams      | 17-012-10-00-022-000 | \$157.56           | 9/20/2018       | water/sewer                    |
| Brooks, Marcia           | 500 Francis         | 17-010-10-00-094-000 | \$75.70            | 11/19/2018      | water/sewer                    |
| CHC Property Mgmt        | 1020 Lake B         | 17-032-20-00-055-000 | \$57.18            | 9/20/2018       | water/sewer                    |
| Cotton, James            | 227 Lake            | 17-031-21-00-061-000 | \$221.77           | 4/18/2019       | water/sewer                    |
| Dyer, Dennis & Georgetta | 306 E College       | 17-024-40-00-096-000 | \$55.36            | 11/12/2018      | water/sewer                    |
| Ginther, Greg            | 915 Franklin        | 17-012-20-00-044-000 | \$21.42            | 9/7/2018        | water/sewer                    |
| Ginther, Greg            | 123 E Elm           | 17-013-20-00-053-000 | \$48.39            | 12/14/2018      | water/sewer                    |
| Gragg, Gary              | 1032 Davey          | 17-032-10-00-055-000 | \$483.58           | 4/18/2019       | water/sewer                    |
| Gross, Elizabeth         | 135 Crain           | 17-031-22-00-174-000 | \$29.29            | 8/10/2018       | water/sewer                    |
| Jacobs, Lyndon           | 232 E Oak           | 17-013-20-00-067-000 | \$30.36            | 1/9/2019        | water/sewer                    |
| Kamari, LLC              | 326 W Elm           | 17-012-20-00-138-000 | \$35.73            | 10/25/2018      | water/sewer                    |
| Kirschenmann, Lloyd      | 239 Cherry          | 17-007-10-00-081-000 | \$666.96           | 12/14/2018      | water/sewer                    |
| Koshy, TD                | 1111 Silver Meadows | 17-028-10-00-122-000 | \$27.42            | 3/22/2019       | water/sewer                    |
| Miller, Frank            | 546 Harris          | 17-008-10-00-004-000 | \$131.94           | 9/20/2018       | water/sewer                    |
| Miller, John             | 714 Silver Meadows  | 17-028-10-00-046-000 | \$480.20           | 8/20/2018       | water/sewer                    |
| Mitchell, James          | 350 Silver Meadows  | 17-028-20-00-115-000 | \$125.81           | 1/21/2019       | water/sewer                    |
| Roeder, Bron             | 397 Louise          | 17-027-10-00-141-000 | \$77.99            | 9/7/2018        | water/sewer                    |
| S&M Initiatives          | 143 E Main          | 17-024-20-00-031-000 | \$649.60           | 8/20/2018       | water/sewer                    |
| Starzyk, Larry           | 130 University A    | 17-024-33-00-085-000 | \$26.36            | 9/20/2018       | water/sewer                    |
| Tipton, Charles          | 1065 Hudson         | 17-043-00-00-030-000 | \$34.53            | 1/29/2018       | water/sewer                    |
| Tipton, Charles          | 124 N Mantua        | 17-025-10-00-149-000 | \$61.17            | 9/7/2018        | water/sewer                    |
| Tompkins, Leonard        | 1313 Middlebury     | 17-009-00-00-021-001 | \$ 22,422.85       | 2/6/2014        | water                          |
| Verma, Bipin             | 1652 Olympus        | 17-004-00-00-019-000 | \$13.59            | 11/19/2018      | water                          |
| Vogliano, Robert         | 486 Irma            | 17-010-40-00-025-000 | \$26.13            | 11/12/2018      | water/sewer                    |
| Wei, Li                  | 612 Edgewood        | 17-031-22-00-093-000 | \$24.66            | 8/10/2018       | water/sewer                    |
| Whitehall East Townhomes | 1587 Athena         | 17-004-00-00-006-003 | \$14.65            | 2/22/2019       | water                          |
| <b>TOTAL</b>             | <b>28 Parcels</b>   | <b>@</b>             | <b>\$26,078.67</b> |                 |                                |

**DRAFT ORDINANCE 2019 –96**

**AN ORDINANCE AUTHORIZING THE CERTIFICATION OF DELINQUENT MOWING BILLS, PROPERTY MAINTENANCE VIOLATIONS-CITATIONS, ZONING VIOLATIONS-CITATIONS, AND HEALTH DEPARTMENT VIOLATIONS-CITATIONS TO THE COUNTY AUDITOR IN ORDER TO ALLOW FOR THE PLACEMENT OF THE CERTIFIED AMOUNT ON THE REAL PROPERTY TAX LIST AND DUPLICATE AGAINST THE PROPERTY SERVED BY THE MOWING SERVICES, PROPERTY MAINTENANCE VIOLATION-CITATIONS, ZONING VIOLATIONS-CITATIONS, HEALTH DEPARTMENT VIOLATIONS-CITATIONS, AND DECLARING AN EMERGENCY.**

**WHEREAS**, there are a number of delinquent mowing bills which have been deemed uncollectible after numerous attempts to collect; and

**WHEREAS**, there are a number of property maintenance violations-citations that remain unpaid after attempts to collect have been made; and

**WHEREAS**, there are a number of zoning violations-citations that remain unpaid after attempts to collect have been made; and

**WHEREAS**, there are a number of Health Department violations-citations that remain unpaid after attempts to collect have been made.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (7) of all members elected thereto concurring:

**SECTION 1.** That Kent City Council does hereby authorize the certification of the delinquent mowing bills, property maintenance violations-citations, and zoning violations-citations listed in Exhibit “A”, attached hereto and made a part hereof, on the real estate tax list and duplicate against the property served by the mowing, property maintenance, and/or zoning. It is the intent of Council that the amounts certified to the County Auditor shall be a lien on the property served by the services listed.

**SECTION 2.** That the amounts shown are hereby assessed upon the properties shown and such assessments shall be certified by the Clerk of Council to the County Auditor for collection in the same manner as general taxes. The Clerk of Council shall also certify that the unpaid charges have arisen pursuant to services made directly with the owner or tenant who occupied the property served.

**SECTION 3.** Council does hereby find that the certification of delinquent mowing, property maintenance violations-citations, zoning violations-citations, and Health Department violations-citations meets all of the requirements of Sections 551.03 and 1405.03 and is further authorized by the Ohio Revised Code (including but not limited to Section 731.51).

**SECTION 4.** 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 5.** 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: Delinquent Fines/Unpaid Fees: Dept. Community Development 7/29/19

| Owner Name                            | Address                    | Parcel Number        | Amount   | Date Incurred                        | Description        |
|---------------------------------------|----------------------------|----------------------|----------|--------------------------------------|--------------------|
| Marie Kordinak                        | 1070 Norwood St            | 17-010-80-00-087-000 | \$1,300  | 7/12/18; 5/14/19;<br>6/25/19         | Mowing             |
| Nadine Hulbert aka<br>Nadine Sullivan | 336 Silver<br>Meadows Blvd | 17-028-20-00-112-000 | \$1,310  | 7/27/2018; 5/14/19;<br>6/25/19       | Mowing             |
| Terrance &<br>Kimberly Meloy          | 1054 Meredith St           | 17-010-80-00-066-000 | \$300    | 9/11/2018                            | 1410.04(g)         |
| Marcia Eberle                         | 1308 Denise Dr             | 17-028-10-00-019-000 | \$300    | 10/12/2018                           | 1411.02            |
| Erik Zemljic                          | 769 Marilyn Dr             | 17-010-70-00-059-000 | \$300    | 6/21/18; 9/7/18;<br>10/1/2018        | 1414.05            |
| Lisa Stamper                          | 434 Stow St                | 17-025-20-00-011-000 | \$670    | 11/6/2018; 6/12/19                   | Mowing             |
| Robert Billiter                       | 115 W Elm St               | 17-012-20-00-053-000 | \$1,940  | 8/2/18; 11/6/2018;<br>5/2/19; 6/6/19 | Mowing             |
| Francis Miller                        | 546 Harris St              | 17-008-10-00-004-000 | \$340    | 10/30/18; 11/2/18                    | 1414.01            |
| Diane Wolf                            | 1234 N Mantua St           | 17-042-10-00-016-000 | \$600    | 10/23/2018                           | 1411.02<br>1411.09 |
| Wilson Bell<br>Properties LLC         | 217 Cherry St              | 17-007-10-00-085-000 | \$325.87 | 1/31/2019                            | 1414.01            |
| Chad & Jessica<br>Salamon             | 544 Valleyview St          | 17-006-11-00-083-000 | \$300    | 2/6/2019                             | 1414.01            |
| Robert Billiter                       | 115 W Elm St               | 17-012-20-00-053-000 | \$320    | 3/5/2019                             | 1414.01            |
| Girlie Finkel                         | 733 Stinaff St             | 17-030-10-00-151-000 | \$350    | 3/5/2019                             | 1414.01            |
| Gary & Linda<br>Gragg                 | 1032 Davey St              | 17-032-10-00-055-000 | \$970    | 5/7/2019; 6/25/19                    | Mowing             |
| Patrick Clegg                         | 1216 Munroe Falls<br>Rd    | 17-010-70-00-046-000 | \$970    | 5/8/19; 6/6/19                       | Mowing             |
| Macintyre<br>Properties LLC           | 416 Stinaff St             | 17-030-20-00-189-000 | \$335    | 5/21/2019                            | Mowing             |
| William & Louann<br>Mack              | 542 Park Ave               | 17-025-10-00-124-000 | \$335    | 5/21/2019                            | Mowing             |
| Donald & Dottie                       | 221 Cherry St              | 17-007-10-00-084-000 | \$335    | 5/23/2019                            | Mowing             |

|                            |                          |                      |         |                                        |                      |
|----------------------------|--------------------------|----------------------|---------|----------------------------------------|----------------------|
| Dodson                     |                          |                      |         |                                        |                      |
| Red Door Renovations LLC   | 1565 Chadwick            | 17-005-20-00-016-000 | \$335   | 6/6/2019                               | Mowing               |
| Charles and Linda Hinton   | 996 Gardenview           | 17-011-20-00-094-000 | \$340   | 6/12/2019                              | Mowing               |
| Gary Philip Berardinelli   | 1401 and 1405 Loop       | 17-004-00-00-006-011 | \$600   | 5/20/2019                              | 1367.01a Rental Lic. |
| Eugene and Enned Stambaugh | Pine & Elm NW corner lot | 17-012-20-00-103-000 | \$340   | 6/6/2019                               | Mowing               |
| Tim Sullivan               | 415 Robert St            | 17-043-10-00-014-000 | \$1,950 | 7/27/18; 10/18/18;<br>5/21/19; 6/19/19 | Mowing               |
| James Mitchell             | 350 Silver Meadows       | 17-043-10-00-014-000 | \$335   | 6/25/2019                              | Mowing               |
| Acker Moore Memorial Post  | 500 VFW Pkwy             | 17-011-10-00-023-000 | \$1,550 | 6/19/19; 7/12/19                       | Mowing               |

**Total for Dept. of Community Development: 25 Items Total: \$16,750.87**

**City of Kent: Delinquent Fines/Unpaid Fees: Dept. of Health 7/29/19**

| Owner Name            | Address             | Parcel Number        | Amount | Date Incurred | Description |
|-----------------------|---------------------|----------------------|--------|---------------|-------------|
| David Kegley          | 436 S. Francis      | 17-010-20-00-028-000 | \$40   | 1/22/2019     | 19-4        |
| David Adams           | 538 S. Depeyster    | 17-013-10-00-016-000 | \$20   | 9/18/2018     | 18-85       |
| Robert Lindsey        | 187/189 Currie Hall | 17-007-20-00-010-000 | \$160  | 8/29/2018     | 18-77       |
| Arthur Property Mgmt. | 330 Pleasant        | 17-031-10-00-009-000 | \$20   | 8/21/2018     | 18-71       |

**Total for Dept. of Health : 4 Items Total: \$ 240.00**

**DRAFT ORDINANCE 2019 – 97**

**AN ORDINANCE AUTHORIZING THE CERTIFICATION OF NON-PAYMENT OF BILLS FOR RESIDENTS RESULTING FROM THE 2018 ANNUAL CONCRETE REPAIR PROGRAM, TO THE COUNTY AUDITOR IN ORDER TO ALLOW FOR THE PLACEMENT OF THE CERTIFIED AMOUNT ON THE REAL PROPERTY TAX LIST AND DUPLICATE AGAINST THE PROPERTY FOR THE NON-PAYMENT OF SIDEWALK REPAIRS, AND DECLARING AN EMERGENCY.**

**WHEREAS**, there are a number of concrete sidewalk repair bills that remain unpaid after attempts to collect have been made; and

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (7) of all members elected thereto concurring:

**SECTION 1.** That Kent City Council does hereby authorize the certification of the 2018 Annual Concrete Repair Program listed in Exhibit “A”, attached hereto and made a part hereof, on the real estate tax list and duplicate against the properties listed. It is the intent of Council that the amounts certified to the County Auditor shall be a lien on the property served by the services listed.

**SECTION 2.** That the amounts shown are hereby assessed upon the properties shown and such assessments shall be certified by the Clerk of Council to the County Auditor for collection in the same manner as general taxes. The Clerk of Council shall also certify that the unpaid charges have arisen pursuant to services made directly with the owner or tenant who occupied the property served.

**SECTION 3.** Council does hereby find that the certification of the unpaid bills meets all of the requirements of Section 521.06 and is further authorized by the Ohio Revised Code.

**SECTION 4.** 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 5.** 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 BISOP  
INTERIM CLERK OF COUNCIL

## 2018 ANNUAL CONCRETE REPAIR PROGRAM

Ohio Revised Code 715.261

Kent Codified Ordinance 521.06

|                        | <u>PARCEL I.D. #</u> | <u>ADDRESS</u> | <u>PROPERTY OWNER</u>            | <u>AMOUNT</u>     |
|------------------------|----------------------|----------------|----------------------------------|-------------------|
| 1                      | 17-023-10-00-022-000 | 444 Dansel St. | George & Jane Howe               | \$2,146.28        |
| 2                      | 17-032-20-00-113-000 | 466 Dansel St. | Benjamin & Jeanie Stenson        | \$630.00          |
| 3                      | 17-032-20-00-114-000 | 470 Dansel St. | Janet M. Hayes                   | \$1,630.30        |
| 4                      | 17-032-20-00-121-000 | 512 Dansel St. | Benjamin Cohen & April Kirkbride | \$831.45          |
| 5                      | 17-032-20-00-099-000 | 515 Dansel St. | Kimberly & Reade Allen           | \$570.00          |
| 6                      | 17-032-20-00-098-000 | 523 Dansel St. | Margaret J. Burns                | \$693.00          |
| <b>6 Parcels Total</b> |                      |                |                                  | <b>\$6,501.03</b> |

**DRAFT ORDINANCE NO. 2019-98**

**AN ORDINANCE ACCEPTING A DONATION OF TWO (2) HARD PLASTIC PET CARRIERS DONATED BY DARLENE ARDELIAN, VALUED AT \$40.00 EACH, AND DECLARING AN EMERGENCY**

**WHEREAS**, the City of Kent Police Department has worked with Ms. Darlene Ardelian in the past concerning feral cats in the Walter Street area; and

**WHEREAS**, Ms. Darlene Ardelian purchased the pet carriers for the Animal Compliance Officers to assist them in dealing with feral cats or stray animals; 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, or his designee, on behalf of the City of Kent Police Department to accept two (2) hard plastic pet carriers valued at \$40.00 each.

**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)



**DRAFT ORDINANCE NO. 2019-99**

**AN ORDINANCE ACCEPTING A GRANT FROM THE OHIO ARTS COUNCIL IN THE AMOUNT OF \$3,171.00 TO BE USED TO SUPPORT THE KENT CREATIVITY FESTIVAL WHICH WILL BE HELD ON SEPTEMBER 28, 2019, AND DECLARING AN EMERGENCY**

**WHEREAS**, the City of Kent received a grant from the Ohio Arts Council in the amount of \$3,171.00 to be used to support the Kent Creativity Festival which will be held on September, 28, 2019; and

**WHEREAS**, the Community Development Department is requesting the grant funds be appropriated to the Economic Development General Fund Professional Services line to allow staff to access funds available; and

**WHEREAS**, the City wishes to accept said grant in the amount of \$3,171.00.

**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, or his designee, on behalf of the City of Kent Community Development Department to accept the grant from the Ohio Arts Council in the amount of \$3,171.00 which amount will be placed in the Economic Development General Fund, Line Item Professional Services.

**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

DRAFT

**THE CITY OF KENT, OHIO  
STREETS, SIDEWALKS, AND UTILITIES COMMITTEE  
WEDNESDAY, AUGUST 7, 2019**

Chair Roger Sidoti called the meeting of the Streets, Sidewalks, and Utilities Committee of Kent City Council to order at 7:52 p.m.

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

ALSO PRESENT: 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. Dave Coffee, Budget and Finance Director; Mr. Tom Wilke, Economic Development Director; Ms. Dawn Bishop, Interim Clerk of Council.

ABSENT: Mr. Jerry T Fiala, Mayor and President of Council; Ms. Heidi Shaffer; Ms. Tracy Wallach

There were three (4) items on the Agenda.

1. Proposed Downtown Parking Ordinance Change

Ms. Susel said they were approached by Tom Simpson, owner of Kent Stage, as one of their recent events some of his patrons and some of the performers and support team received parking tickets. It is not enforced on a regular basis, but the city's code does have two hour parking limits from 8am until 3am. Mr. Simpson asked removing that restriction and allowing unlimited parking from 5pm until 3am. The two hour limit is constraining if for example someone is coming downtown for dinner and a show. They took this matter before an internal administration committee, Traffic, Engineering, and Safety Committee, and they voted unanimously in favor of this change. The Parking Action Committee also voted unanimously recommending Council authorize these changes to 353.02 in the core downtown.

Mr. Kuhar asked for clarification on the time: 5pm to 3am?

Ms. Susel said correct, remaining two hour limit from 8am until 5pm and of course not in effect in the case of a snow ban emergency.

**MOTION TO AUTHORIZE THE PROPOSED DOWNTOWN PARKING ORDINANCE CHANGE, AND DECLARING AN EMERGENCY** made by Mr. Kuhar, seconded by Ms. Rosenberg, and CARRIED by a voice vote of 7-0.

2. Proposed Street Closure Event for the Creativity Festival

Mr. Ruller said at the last minute the Creativity Fest had to be cancelled because of concerns for safety in light of the talk of an open carry rally. They have always been peaceful but there was talk amongst parents, etc, and Kent State in an abundance of caution cancelled the event last year. So this year the committee came up with a Plan B.

Mr. Ferrara asked what is the window to make this Plan B call in order to notify of street closures?

Mr. Wicks said postcards normally go up 72 hours prior to event, so as long as they feel they can make a decision within 72 hours, they'll be good.

Mr. DeLeone wanted clarification that this was only a Plan B.

Mr. Wicks said yes, only in the event that they feel they cannot be on campus.

DRAFT

**MOTION TO AUTHORIZE THE STREET CLOSURE EVENT FOR THE CREATIVITY FESTIVAL, AND DECLARING AN EMERGENCY** made by Mr. DeLeone, seconded by Mr. Kuhar, and CARRIED by a voice vote of 7-0.

3. Renew City ODOT Bridge Inspection Agreement

Mr. Bowling said since 2014 ODOT as performed necessary federal requirements for inspection, load ratings, etc. The City has ten or eleven bridges. Every three years we have to renew this agreement so this one will cover 2020-2022 at no cost to the City.

**MOTION TO APPROVE THE RENEWAL OF THE CITY-ODOT BRIDGE INSPECTION AGREEMENT, AND DECLARING AN EMERGENCY** made by Mr. Kuhar, seconded by Ms. Rosenberg, and CARRIED by a voice vote of 7-0.

4. Proposed Joint Easement with PARTA for new bus shelter at Kentway

Mr. Bowling said as Council is aware, an MOU was signed with PARTA to construct bus passenger shelters in residential areas. A councilmember had suggested Kentway as a good place for it and they've been working with PARTA for a good spot to it. Kentway has agreed to grant a joint access easement for \$1 to construct the concrete pad and then shelter.

**MOTION TO APPROVE THE JOINT EASEMENT WITH PARTA, AND DECLARING AN EMERGENCY** made by Mr. Kuhar, seconded by Mr. Ferrara, and CARRIED by a voice vote of 7-0.

Hearing no further business before this Committee, Chair Sidoti adjourned the meeting at 8:00 pm.

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Dawn Bishop  
Interim Clerk of Council

**ACTION RECOMMENDED:**

1. **AUTHORIZE THE PROPOSED DOWNTOWN PARKING ORDINANCE CHANGE, AND DECLARING AN EMERGENCY**
2. **AUTHORIZE THE STREET CLOSURE EVENT FOR THE CREATIVITY FESTIVAL, AND DECLARING AN EMERGENCY**
3. **AUTHORIZE THE RENEWAL OF THE CITY-ODOT BRIDGE INSPECTION AGREEMENT, AND DECLARING AN EMERGENCY**
4. **AUTHORIZE THE PROPOSED JOINT EASEMENT WITH PARTA FOR NEW BUS SHELTER AT KENTWAY, AND DECLARING AN EMERGENCY**

**DRAFT ORDINANCE NO. 2019- 100**

**AN ORDINANCE AMENDING SECTION 353.02 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT TITLED "PARKING REGULATION AUTHORIZATION" TO REMOVE THE TWO HOUR ON STREET PARKING RESTRICTION AFTER 5:00 P.M., ON SPECIFIED STREETS IN THE CENTRAL BUSINESS DISTRICT AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Kent wishes to modify Section 353.02 of the Codified Ordinances to remove the two (2) hour parking restriction after 5:00 p.m. on the downtown streets listed on the attached exhibit.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (7) of all members elected thereto concurring:

**SECTION 1.** That Council does hereby amend Section 353.02 of the Codified Ordinances of the City of Kent titled "Parking Regulation Authorization" in order to remove the two (2) hour parking restriction after 5:00 p.m. on the downtown streets listed on Exhibit "A", attached hereto and made a part thereof.

**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)

## Section 353.02

**COLLEGE ST, W** TWO HOUR PARKING BOTH SIDES BETWEEN 8 AM AND 5 PM; NO PARKING RESTRICTION BOTH SIDES BETWEEN 5 PM AND 3 AM; AND NO PARKING BOTH SIDES BETWEEN 3 AM AND 6 AM. NO PARKING YELLOW CURB ON NORTH SIDE ON BOTH SIDES OF ALLEY, YELLOW CURB ON BOTH SIDES 30' FROM INTERSECTION

**COLUMBUS ST** TWO HOUR PARKING SOUTH SIDE DEPEYESTER TO WILLOW EXCEPT FOR YELLOW CURB OPPOSITE HIGHLAND AVE. ~~AND~~

TWO HOUR PARKING BETWEEN 8 AM AND 5 PM; NO PARKING RESTRICTION BETWEEN 5 PM AND 3 AM; AND NO PARKING BETWEEN 3 AM AND 6 AM ON NORTH SIDE BETWEEN WATER ST AND DEPEYESTER ST.

**DEPEYSTER ST, N** TWO HOUR PARKING BETWEEN 8 AM AND 5 PM; NO PARKING RESTRICTION BETWEEN 5 PM AND 3 AM; AND NO PARKING BETWEEN 3 AM AND 6 AM WEST SIDE FROM COLUMBUS ST TO MAIN ST. NO PARKING ON EAST SIDE; NO PARKING WEST SIDE FROM CRAIN AVE TO COLUMBUS ST., "DISABLED/HANDICAPPED ONLY PARKING" AT THE FIRST SPACE NORTH OF MAIN ST ON THE WEST SIDE.

**DEPEYSTER ST, S** TEN MINUTE DROP OFF OR PICKUP ON EAST SIDE IN RECESSED AREA IN FRONT OF 215 S. DEPEYESTER ST, NO PARKING FROM HAYMAKER TO LOCKE LANE WEST SIDE. TWO HOUR PARKING BETWEEN 8 AM AND 5 PM; NO PARKING RESTRICTION BETWEEN 5 PM AND 3 AM , AND NO PARKING FROM 3AM TO 6AM BETWEEN LOCKE LANE AND E ERIE ST. NO PARKING FROM E. ERIE TO E. MAIN ST ON EAST SIDE. TWO HOUR PARKING BETWEEN 8 AM AND 5 PM; NO PARKING RESTRICTION BETWEEN 5 PM AND 3 AM, AND NO PARKING FROM 3AM TO 6AM BETWEEN E. ERIE ST AND E. MAIN ST. TWO HOUR PARKING WEST SIDE AND NO PARKING EAST SIDE BETWEEN SUMMIT STREET AND OAK STREET.

**ERIE ST, E** FROM S. WATER ST TO DEPEYSTER ST TWO HOUR PARALLEL PARKING BETWEEN 8 AM AND 5 PM; NO PARKING RESTRICTION BETWEEN 5 PM AND 3 AM; AND NO PARKING FROM 3 AM TO 6 AM SOUTH SIDE. TWO HOUR PARKING BETWEEN 8 AM AND 5 PM; NO PARKING RESTRICTION BETWEEN 5 PM AND 3 AM; AND NO PARKING FROM 3 AM TO 6 AM ANGLE PARKING HEAD IN ONLY ON NORTH SIDE. "DISABLED/ HANDICAPPED ONLY PARKING" AT THE FIRST SPACE EAST OF S. WATER ST ON NORTH SIDE. NORTH SIDE OF ERIE FROM S. DEPEYSTER ST TO HAYMAKER PKWY TWO HOUR PARKING BETWEEN 8 AM AND 5 PM; NO PARKING RESTRICTION BETWEEN 5 PM AND 3 AM; AND NO PARKING FROM 3 AM TO 6 AM ANGLE PARKING HEAD IN ONLY. TWO HOUR PARKING BETWEEN 8 AM AND 5 PM; NO PARKING RESTRICTION BETWEEN 5 PM AND 3 AM; AND NO PARKING FROM 3AM

TO 6 AM **PARALLEL PARKING ON SOUTH SIDE**. "DISABLED/HANDICAPPED ONLY PARKING" AT MID BLOCK NORTH SIDE TWO SPACES. TEN MINUTE DROP OFF OR PICKUP ON NORTH SIDE FROM HAYMAKER TO FIRST PARKING SEPARATION ISLAND.

**ERIE ST, W** TWO HOUR PARKING **BETWEEN 8 AM AND 5 PM; NO PARKING RESTRICTION BETWEEN 5 PM AND 3 AM**; AND NO PARKING FROM 3AM TO 6AM BOTH SIDES. HEAD IN ONLY ANGLE PARKING BOTH SIDES. "DISABLED/HANDICAPPED ONLY **PARKING**" AT THE N/W SPOT AT FRANKLIN AVE AND S/W SPOT AT S. WATER ST.

**FRANKLIN AVE** TWO HOUR PARKING **BETWEEN 8 AM AND 5 PM; NO PARKING RESTRICTION BETWEEN 5 PM AND 3 AM**; EAST SIDE FROM W. MAIN ST TO W. ERIE ST AND AT ANGLE PARKING WEST SIDE FROM W. MAIN ST TO COLLEGE ST., EXCEPT YELLOW CURB AREA; **AND** NO PARKING 3 AM TO 6 AM W. MAIN TO SUMMIT. "DISABLED/HANDICAPPED ONLY **PARKING**" AT THE FIRST SPACE NORTH OF THE BUILDING AT 152 FRANKLIN. NO PARKING FROM W. ERIE ST TO SUMMIT ST ON EAST SIDE; HEAD IN ONLY ANGLE PARKING ON WEST SIDE. NO PARKING BOTH SIDES FROM SUMMIT TO SR 261.

**MAIN ST, E** TWO HOUR PARKING **BETWEEN 8 AM AND 5 PM; NO PARKING RESTRICTION BETWEEN 5 PM AND 3 AM**; AND NO PARKING BETWEEN 3 AM AND 6 AM BOTH SIDES BETWEEN WATER ST. AND **DEPEYSTER ST** ~~HAYMAKER PARKWAY~~. "DISABLED/HANDICAPPED ONLY **PARKING**" AT THE FIRST DIAGONAL SPACES EAST OF WATER ST., ON THE NORTH AND SOUTH SIDES. NO PARKING BOTH SIDES IN ALL OTHER AREAS

**MAIN ST, W** TWO HOUR PARKING BETWEEN 8 AM AND 5 PM; **NO PARKING RESTRICTION BETWEEN 5 PM AND 3 AM**; AND NO PARKING BETWEEN 3 AM AND 6 AM FROM WATER ST TO GOUGLER AVE. NO PARKING BOTH SIDES IN ALL OTHER AREAS.

**WATER ST, N** TWO HOUR PARKING BETWEEN 8AM AND 5PM; **NO PARKING RESTRICTION BETWEEN 5 PM AND 3 AM**; AND NO PARKING BETWEEN 3 AM AND 6 AM BOTH SIDES, EXCEPT FOR PARKING SPACES ON WEST SIDE DESIGNATED AS "OVERNIGHT RESIDENT PARKING BY PERMIT ONLY". "DISABLED/ HANDICAPPED ONLY **PARKING**" AT THE FIRST SPACE NORTH OF ALLEY #3, ON THE EAST SIDE.

**WATER ST, S** TWO HOUR PARKING **BETWEEN 8 AM AND 5 PM; NO PARKING RESTRICTION BETWEEN 5 PM AND 3 AM**; AND NO PARKING BETWEEN 3 AM AND 6 AM BETWEEN MAIN ST AND HAYMAKER PKWY. NO PARKING BOTH SIDES FROM HAYMAKER PKWY **TO** CITY LIMITS. "DISABLED/HANDICAPPED ONLY **PARKING**" AT

THE FIRST SPACE NORTH OF ALLEY #4 (BURBICK WAY) ON THE EAST SIDE. "DISABLED/  
HANDICAPPED ONLY [PARKING](#)" AT THE FIRST SPACE SOUTH OF W. ERIE ST.



**Draft ORDINANCE NO. 2019 - 101**

**AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPROVE A NEW SPECIAL EVENT APPLICATION FROM THE CITY OF KENT AND KENT STATE UNIVERSITY FOR THE 2019 KENT CREATIVITY FESTIVAL “PLAN B” TO BE HELD ON SATURDAY, SEPTEMBER 28, 2019, AND THE TEMPORARY CLOSURE OF ERIE STREET BETWEEN HAYMAKER PARKWAY AND DEPEYSTER STREET, ERIE STREET BETWEEN DEPEYSTER STREET AND WATER STREET, AND A PORTION OF THE SOUTH WATER STREET PARKING LOT, A “PLAN B” FOR GREEN ENERGY OHIO TOUR-CLEAN TRANSPORTATION DRIVE-IN SCHEDULED TO BE HELD IN CONJUNCTION WITH KENT CREATIVITY FESTIVAL AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Kent Creativity Festival “Plan B” location is a precautionary measure in the event that this year’s festival cannot be held on campus grounds; and

**WHEREAS**, the “Plan B” location would temporarily close Erie Street between Haymaker Parkway and Depeyster Street and Erie Street between Depeyster Street and Water Street beginning at 7 a.m. on Saturday, September 28th and continue until 6 p.m. that evening; and

**WHEREAS**, additionally, the Green Energy Ohio Tour-Clean Transportation Drive-In is scheduled to be held in conjunction with Kent Creativity Festival in the parking lot of the City Health Department office on KSU’s campus. A proposed precautionary “Plan B” location for the Clean Transportation Drive-In is in the South Water Street Parking Lot; and

**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 September 28, 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 City of Kent and Kent State University 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 protected and authorizing a “Plan B” for the Green Energy Ohio Tour-Clean Transportation Drive-In.

**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

APPLICATION FOR SPECIAL EVENT  
PARADES, FESTIVALS, CARNIVALS, PUBLIC ASSEMBLIES, ETC.  
City of Kent, 319 S. Water Street, Kent, OH 44240

NAME OF EVENT Kent Creativity Festival (Precautionary Plan B)

ORGANIZATION SPONSORING EVENT City of Kent/Kent State University

APPLICANT NAME John R. Crawford-Spinelli PHONE 330-672-8386

ADDRESS KSU, PO Box 5190, 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:

Dan Morganti, City of Kent, Office 330-678-8108

Gloria Tilenni, KSU College of the Arts, Office 330-672-8386

DATE OF EVENT Saturday, Sept. 28, 2019 NO. OF PARTICIPANTS 30 artists

REQUESTED PERMIT TIME: Start Set up 7 a.m. Start Event 11 a.m.

End Event 5 p.m. End Cleanup 6 p.m.

IF PARADE: STARTING POINT \_\_\_\_\_ ENDING POINT \_\_\_\_\_

USE OF CITY WATER NEEDED? Yes, 4 artists need water  
(IF YES, PLEASE EXPLAIN)

USE OF CITY ELECTRIC NEEDED? Yes, 9 artists will need electricity  
(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.

John R. Crawford-Spinelli  
Name of Applicant

John R. Crawford-Spinelli  
Signature of Applicant

Office Use. Do not write below this line.

Safety, Service, Fire, Police, and Health Departments for review and approval  
via \_\_\_\_\_ on \_\_\_\_\_

Sent to:

MEMORANDUM AGREEMENT \_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_  
APPLICATION APPROVED \_\_\_\_\_ APPLICATION DISAPPROVED \_\_\_\_\_

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

Max J. [Signature]  
Law Director

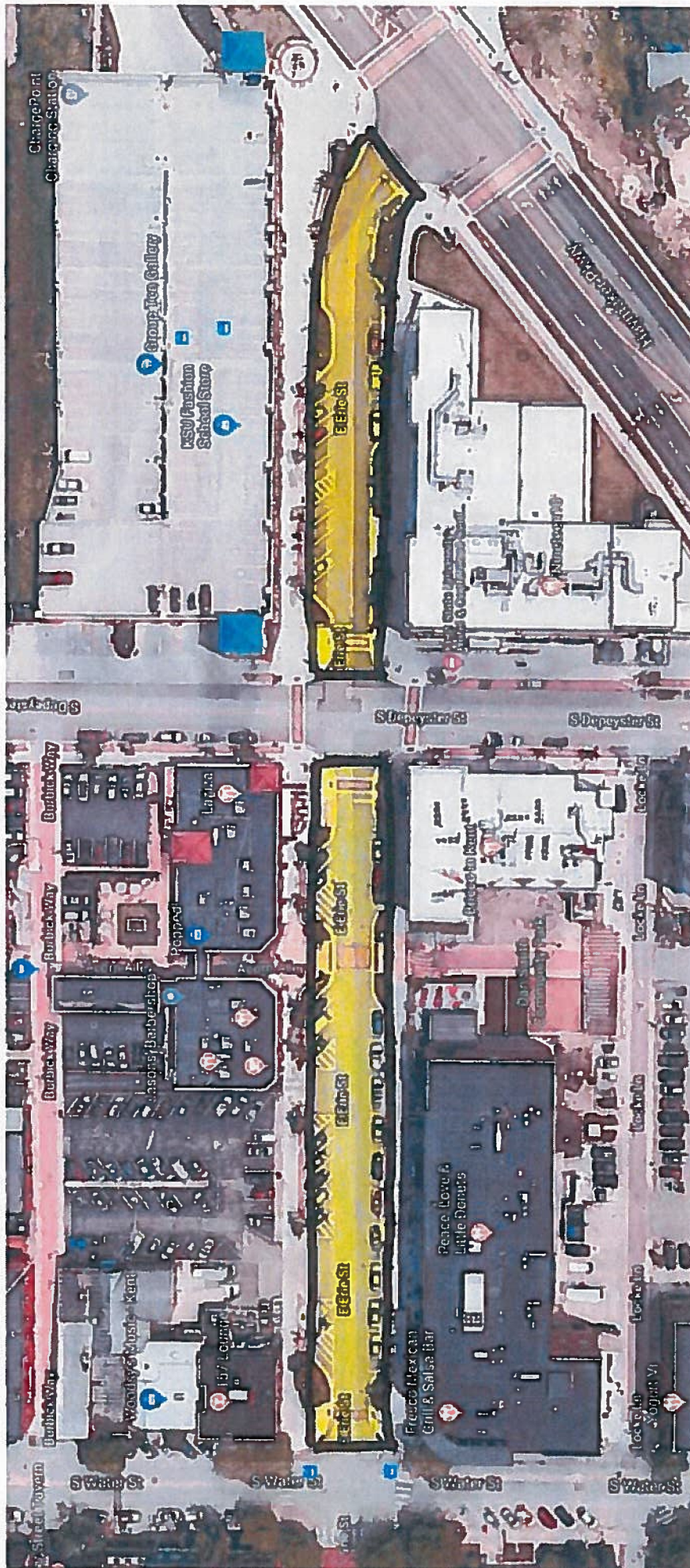
7-24-19  
Date

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



# KENT CREATIVITY FESTIVAL

"PLAN B" LOCATION



 = STREET CLOSURE AREA



Google Maps



# Clean Transportation Crux In Location





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
06/13/2019

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 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):  
E-MAIL:  
ADDRESS:  
FAX (A/C, No):

CN101360767-KenSt-PRIM-19-20

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

| INSURER(S) AFFORDING COVERAGE        |  | NAIC # |
|--------------------------------------|--|--------|
| INSURER A : IUC Insurance Consortium |  |        |
| INSURER B : N/A                      |  | N/A    |
| INSURER C : N/A                      |  | N/A    |
| INSURER D :                          |  |        |
| INSURER E :                          |  |        |
| INSURER F :                          |  |        |

## COVERAGES

CERTIFICATE NUMBER:

CLE-005422961-22

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                                                                                                                                                                                                  | ADD'L SUBR: INSD / WVD           | POLICY NUMBER          | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS                                                                                                                                                                                                                                                |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|------------------------|-------------------------|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A        | X COMMERCIAL GENERAL LIABILITY<br>CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR<br>GEN'L AGGREGATE LIMIT APPLIES PER:<br>X POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC<br>OTHER: |                                  | IUC-IC-GL JULY 2019-20 | 07/01/2019              | 07/01/2020              | EACH OCCURRENCE \$ 5,000,000<br>DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000<br>MED EXP (Any one person) \$ NOT COVERED<br>PERSONAL & ADV INJURY \$ 5,000,000<br>GENERAL AGGREGATE \$ 5,000,000<br>PRODUCTS - COMP/OP AGG \$ Incl in Gen. Agg |
| A        | X AUTOMOBILE LIABILITY<br>ANY AUTO<br>OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS<br>HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY                                                  |                                  | IUC-IC-AL JULY 2019-20 | 07/01/2019              | 07/01/2020              | COMBINED SINGLE LIMIT (Ea accident) \$ 5,000,000<br>BODILY INJURY (Per person) \$<br>BODILY INJURY (Per accident) \$<br>PROPERTY DAMAGE (Per accident) \$                                                                                             |
|          | UMBRELLA LIAB <input type="checkbox"/> OCCUR<br>EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE<br>DED <input type="checkbox"/> RETENTION \$                                                                      |                                  |                        |                         |                         | EACH OCCURRENCE \$<br>AGGREGATE \$                                                                                                                                                                                                                    |
|          | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY<br>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)<br>If yes, describe under DESCRIPTION OF OPERATIONS below                             | Y/N <input type="checkbox"/> N/A |                        |                         |                         | PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/><br>E L EACH ACCIDENT \$<br>E L DISEASE - EA EMPLOYEE \$<br>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.

Kate Kenny

*Kate W. Kenning*

**DRAFT ORDINANCE 2019 - 102**

**AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO RENEW AN AGREEMENT GIVING CONSENT TO THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION FOR PARTICIPATION IN THEIR BRIDGE INSPECTION PROGRAM SERVICES FOR THE YEARS 2020-2022; PID 109334; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Kent has determined the need for the described project:

Bridge Inspection Program Services, including, but not limited to routine inspections, element level inspections, critical-findings reports, fracture critical member inspections, load rating calculations and reports, weight limits posting sign recommendations, scour assessments, scour plan of actions, development of fracture critical plans, and underwater dive inspection reports if needed.

**WHEREAS**, the City of Kent, hereinafter referred to as the Legislative Authority/Local Public Agency (LPA), wishes to give consent to the Director of Transportation for participation in their Bridge Inspection Program Services; and

**WHEREAS**, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

The State shall assume and bear 100% of all of the cost for Bridge Inspection Program Services requested by the City and agreed to by the State. Eligible Bridge Inspection Services are described in the Consultant's Scope of Services Task Order Contract (Exhibit "A"); and

**WHEREAS**, the LPA agrees to pay 100% of the cost of those features which are not included in Exhibit A; and

**WHEREAS**, the LPA agrees that all right-of-way required for the described project will be made available in accordance with current State and Federal regulations; and

**WHEREAS**, time is of the essence, requiring passage of this Ordinance on an emergency basis.

**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, or his designee, to enter into an agreement giving consent to the State of Ohio Department of Transportation for participation in their Bridge Inspection Program services for the years 2020-2022, PID No. 109334; said consent attached hereto 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 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 to expedite the highway project and to promote highway safety for 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

# PRELIMINARY LEGISLATION

Consent

Rev. 6/26/00

Ordinance/Resolution # : \_\_\_\_\_

PID No. : 109334

County/Route/Section : \_\_\_\_\_

The following is a/an \_\_\_\_\_ enacted by the \_\_\_\_\_ of \_\_\_\_\_  
(Ordinance/Resolution) (Local Public Agency)  
County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

## SECTION I – Project Description

WHEREAS, the (LPA) has determined the need for the described project:

*Bridge Inspection Program Services, including, but not limited to routine inspections, element level inspections, critical-findings reports, fracture critical member inspections, load rating calculations and reports, weight limits posting sign recommendations, scour assessments, scour plan of actions, development of fracture critical plans, and underwater dive inspection reports if needed.*

NOW THEREFORE, be it ordained by the \_\_\_\_\_ of \_\_\_\_\_ County, Ohio.  
(LPA)

## SECTION II – Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

## SECTION III – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

*The State shall assume and bear 100% of all of the cost for Bridge Inspection Program Services requested by the City and agreed to by the State. Eligible Bridge Inspection Services are described in the Consultant's Scope of Services Task Order Contract (Exhibit A).*

*The LPA agrees to pay 100% of the cost of those features which are not included in Exhibit A. Those features may include but not limited to the purchasing and erecting the recommended weight limits postings signs, the implementation of critical findings reports such as partial or total bridge closures, the implementation of the scour plan of actions. When recommendations affect public safety, ODOT expects full implementation by the LPA. Starting in October 2019, FHWA requires installing weight limits posting signs within 30 days from the official date of the approved recommendations. Timely implementation is essential to the success of this program.*



**SECTION IV – Utilities and Right-of-Way Statement**

The LPA agrees that all right-of-way required for the described project will be made available in accordance with current State and Federal regulations.

**SECTION V Authority to Sign**

I, \_\_\_\_\_ of said \_\_\_\_\_ is hereby empowered on behalf of the  
(Contractual Agent) (LPA)  
\_\_\_\_\_ to enter into contracts with the Director of Transportation which is necessary to  
(LPA)  
complete the above described project.

Passed: \_\_\_\_\_, 2\_\_\_\_\_.  
(Date)

Attested: \_\_\_\_\_  
(Clerk)

\_\_\_\_\_  
(Contractual Agent of LPA – title)

Attested: \_\_\_\_\_  
(Title)

\_\_\_\_\_  
(President of Council)

The \_\_\_\_\_ is hereby declared to be an emergency measure to expedite the highway project and  
(Ordinance/Resolution)  
to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

**CERTIFICATE OF COPY  
STATE OF OHIO**

\_\_\_\_\_ of \_\_\_\_\_ County, Ohio  
(LPA)

I, \_\_\_\_\_, as Clerk of the \_\_\_\_\_  
(LPA)  
of \_\_\_\_\_ County, Ohio, do hereby certify that the foregoing is a true and correct copy of  
\_\_\_\_\_ adopted by the legislative Authority of the said  
(Ordinance/Resolution)

\_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.  
(LPA)

That the publication of such \_\_\_\_\_ has been made and certified of record according to  
(Ordinance/Resolution)

Law; that no proceedings looking to a referendum upon such \_\_\_\_\_ have been taken;  
(Ordinance/Resolution)

and that such \_\_\_\_\_ and certificate of publication thereof are of record in \_\_\_\_\_,  
Page \_\_\_\_\_ (Ordinance/Resolution)  
(Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable,  
this \_\_\_\_\_ day of \_\_\_\_\_ 2\_\_\_\_\_.

\_\_\_\_\_  
(Clerk)

**(CITY SEAL)**

\_\_\_\_\_ of \_\_\_\_\_ County, Ohio  
(LPA)

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No Seal is required to accompany the executed legislation.")

The foregoing is accepted as a basis for proceeding with the project herein described.

For the \_\_\_\_\_ of \_\_\_\_\_ County, Ohio.  
(LPA)

Attested: \_\_\_\_\_ Date \_\_\_\_\_  
(Contractual Agent)

.....  
For the State of Ohio

Attested: \_\_\_\_\_ Date \_\_\_\_\_  
(Director, Ohio Department of Transportation)

**DRAFT ORDINANCE NO. 2019- 103**

**AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AN EASEMENT TO ACCESS FOR THE PURPOSE OF INSTALLING A CONCRETE PAD AND BUS PASSENGER SHELTER FROM KENTWAY, INC., AS GRANTOR, TO THE CITY OF KENT AND THE PORTAGE AREA REGIONAL TRANSIT AUTHORITY (PARTA), AS GRANTEES, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the easement will allow the City of Kent, Ohio and PARTA the perpetual right to a permanent access to allow for the erection of a bus passenger shelter and install a concrete pad along Summit Street; and

**WHEREAS**, the bus passenger shelter would serve the residents of Kentway Apartments and the area surrounding the apartments; and

**WHEREAS**, the easement is being granted for the sum of \$1.00. This work is part of the Bus Passenger Shelter Agreement between the City of Kent, Ohio and PARTA.

**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 Council does hereby authorize the City Manager, or his designee, to enter into an Easement with Kentway, Inc. to allow the City of Kent, Ohio and PARTA to install a concrete pad and bus passenger shelter along Summit Street, and is more fully described in Exhibit "A", attached hereto and made a part hereof.

**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

## EASEMENT AGREEMENT

### GRANTING AN ACCESS EASEMENT

FOR AND IN CONSIDERATION of the sum of One Dollar (\$1.00), the receipt of which is acknowledged, and such other consideration as is herein below set forth, the undersigned Kentway, Inc., an Ohio Corporation, hereinafter referred to as "Grantor", who claim title to certain real estate by deed recorded in the Portage County records and recorded per Deed Volume 848, Page 09, does for their heirs, successors, and assigns, hereby give, devise, grant and convey to the City of Kent, Ohio, an Ohio Municipal Corporation, and the Portage Area Regional Transit Authority, which are hereinafter referred to as "Grantees," its successors and assigns, the perpetual right to a permanent access to allow for the erection of a bus shelter and all related necessary appurtenances over and through said real estate situated in the City of Kent, County of Portage and State of Ohio, known as being part of Lot 13 of Original Franklin Township, said easement being more fully described as follows:

Situated in the City of Kent, County of Portage, and State of Ohio, being part of Original Lot 13 of Franklin Township, this and all further references made to the Portage County Recorder records, being part of a parcel of land, now or formerly owned by Kentway Inc. An Ohio Corp. per Deed Volume 848, Page 09, and being more fully described as follows:

Being a parcel of land lying on the south side of East Summit Street.

Beginning at a point on the existing southerly right of way line of East Summit Street and being the Grantor's northeasterly corner.,

Thence S 89°36'52" W, 5.00 feet, along the existing southerly right of way line of East Summit Street, to a point, said point also being **TRUE POINT OF BEGINNING** of the following parcel herein described;

Thence S 0°23' 8" W, 10.00 feet, to a point;

Thence S 89°36'52" W, 20.00 feet, through the Grantor's parcel to a point;

Thence N 0°23' 8" E, 10.00 feet to a point on the existing southerly right of way line of East Summit Street;

Thence N 89°36'52" E, 20.00 feet, along the existing southerly right of way line of East Summit Street, to the true point of beginning and containing **0.0046 acres (200 square feet) of land**, more or less.

The above described area is contained within Portage County Auditor Parcel Number 17-013-10-00-099.000.

Bearings are assumed and shown to denote angles only.

The Grantor hereby reserves the right to use the premises for the passage or transportation of personnel, materials or equipment, and to make such other use of the premises as is not expressly prohibited by or inconsistent with the terms of this easement.

The Grantor hereby restricts said easement premises against the construction thereon of any buildings of a temporary or permanent type, excepting any sidewalks, and bus shelter and/or pavements as installed by the Grantees, and to restrict the storing or placing of any materials, equipment or other obstruction thereon, or otherwise interfering with the access to or the maintenance of the existing uses and appurtenances. The bus shelter and concrete pad upon the easement premises shall be maintained and repaired by Grantees, at Grantees's sole cost and expense, and with the least possible interference with the use of Grantor's property.

The Grantor covenants with the Grantees that it is well seized of the premises as a good and indefeasible estates and has the right to grant and convey the premises in the manner and form above written.

TO HAVE AND TO HOLD the above granted easement for the purposes above mentioned, unto the Grantees forever.

IN WITNESS WHEREOF, the Grantor has hereunto set its signature this \_\_\_\_ day of \_\_\_\_\_, 2019.

WITNESSES:

\_\_\_\_\_

\_\_\_\_\_

GRANTOR: \_\_\_\_\_

By:

STATE OF OHIO )  
 ) Ss:  
COUNTY OF PORTAGE )

This day, before me, a Notary Public of the State and County aforesaid, personally appeared \_\_\_\_\_, with whom I am personally acquainted and who upon oath acknowledged himself to be such City Manager of aforementioned City of Kent, Ohio and that he as such City Manager being authorized so to do executed the foregoing instrument for the purpose therein contained by signing in the name of the City of Kent as the City Manager.

Witness my hand official seal this \_\_\_\_ day of \_\_\_\_\_, 2019.

My Commission Expires: \_\_\_\_\_

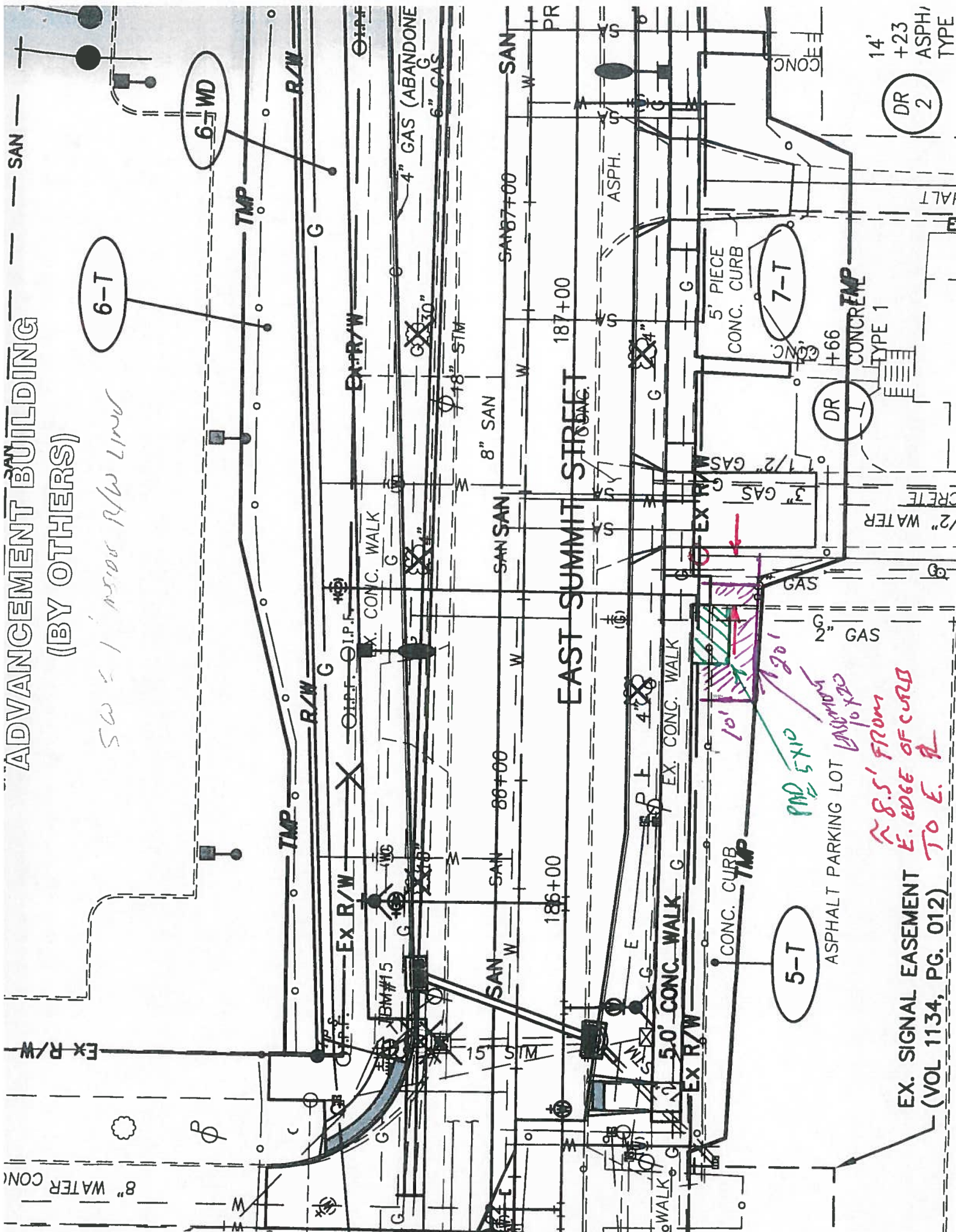
## Notary

This instrument prepared by:  
Hope L. Jones  
Law Director  
320 S. Deypeyster Street  
Kent, Ohio 44240



# (BY OTHERS)

pull m/d down



**EX. SIGNAL EASEMENT  
(VOL 1134, PG. 012)**

$\approx 8.5'$  FROM  
E. EDGE OF CURB  
TO E.  $\Delta$