



CITY OF KENT, OHIO

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

CITY COUNCIL

**WEDNESDAY, June 19, 2019
WORK SESSION AT 6:30 P.M.
REGULAR CITY COUNCIL MEETING AT 7:30 P.M.**

AGENDA

6:30 P.M. WORK SESSION Update on New City Hall Design

7:25 P.M. BOARD OF CONTROL

7:30 P.M. REGULAR COUNCIL

1. ROLL CALL

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

3. APPROVAL OF MINUTES

3.1 Regular City Council Meeting of May 15, 2019

3.2 Public Hearing of May 15, 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 Park and Recreation Board Packet for May 23, 2019, received May 20, 2019.

4.2.2 Planning Commission Staff Report and Meeting Agenda for June 4, 2019, received May 28, 2019.

4.2.3 Standing Rock Cemetery Meeting Notes of May 9, 2019, received May 17, 2019.

4.2.4 Sustainability Commission Meeting Agenda for June 3, 2019, and the minutes from May 6, 2019, received May 30, 2019.

4.2.5 Planning Commission Staff Report and Meeting Agenda for Zoning Code Update Work Session of June 18, 2019, received June 12, 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: None

5.1.2 ACTION RECOMMENDED: None

5.2 COMMUNITY DEVELOPMENT COMMITTEE (*Kuhar/Rosenberg*)

5.2.1 COMMITTEE MEETING MINUTES: None

5.2.2 ACTION RECOMMENDED: None

5.3 FINANCE COMMITTEE (*DeLeone/Wallach*)

5.3.1 COMMITTEE MEETING MINUTES: June 5, 2019

5.3.2 *ACTION RECOMMENDED:*

- 1) Authorize the City Surplus Property Auction, with an emergency clause.
- 2) Authorize the 2019 Budget Appropriations Amendment, with an emergency clause.
- 3) Authorize the Local Government Funding Resolution, with an emergency clause.
- 4) Authorize the Heritage Fest Fireworks Funding, with an emergency clause.

5.3.3 ***Draft No. 2019-63: AN ORDINANCE AUTHORIZING THE SALE AT PUBLIC AUCTION OF SURPLUS PROPERTY NOT NEEDED FOR MUNICIPAL PURPOSES BY A LIVE AUCTIONEER PURSUANT TO SECTION 721.15 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY. (Authorized)***

5.3.4 ***Draft No. 2019-64: 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. 2019-65: A RESOLUTION AUTHORIZING THE CITY OF KENT, OHIO TO STRONGLY URGE THE OHIO GOVERNOR AND MEMBERS OF THE OHIO GENERAL ASSEMBLY TO RESTORE THE LOCAL GOVERNMENT FUND TO PRE-RECESSION LEVELS; AND DECLARING AN EMERGENCY. (Authorized)***

5.3.6 ***Draft No. 2019-66: AN ORDINANCE AUTHORIZING THE CITY OF KENT TO CONTRIBUTE A TEN PERCENT (10%) INCREASE TO THE ANNUAL KENT HERITAGE FESTIVAL FOR THE FIREWORKS DISPLAY, AND DECLARING AN EMERGENCY. (Authorized)***

5.3.7 ***Draft No. 2019-67: AN ORDINANCE ACCEPTING DONATIONS IN THE AMOUNT OF \$5,700.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT TO SUPPORT THE TORCH FEST PLANNED FOR JUNE 20, 2019, AND DECLARING AN EMERGENCY. (Unauthorized)***

5.3.8 ***Draft No. 2019-68: AN ORDINANCE ACCEPTING A DONATION OF THIRTY PAIRS OF SPECIALIZED POLICE EYEWEAR PRODUCED BY ALPHAMICRON TO SUPPORT OFFICER SAFETY, VALUED AT \$6360 TOTAL, AND DECLARING AN EMERGENCY. (Unauthorized)***

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

5.4.1 COMMITTEE MEETING MINUTES: June 5, 2019

5.4.2 ACTION RECOMMENDED:

- 1) Authorize the Health Department Building Lease Renewal, with an emergency clause.

5.4.3 ***Draft No. 2019-69: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT THE LEASE RENEWAL TERMS WITH KENT STATE UNIVERSITY TO CONTINUE TO RENT 414 EAST MAIN***

**STREET BUILDING FOR THE CITY OF KENT HEALTH DEPARTMENT'S
USE; AND DECLARING AN EMERGENCY. (Authorized)**

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: None

5.6.2 ACTION RECOMMENDED: None.

6. SPECIAL COMMITTEE REPORTS

7. UNFINISHED BUSINESS

8. NEW BUSINESS

8.1 Items needing Council action or referral

8.2 Schedule future Council meetings

8.3 Councilmembers' comments

9. MAYOR'S REPORT

10. ADJOURNMENT

Posted: June 12, 2019

Dawn Bishop

Interim Clerk of Council

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

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**THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WEDNESDAY, May 15, 2019**

At 7:30 p.m., Mayor Jerry T. Fiala called the **Regular Meeting of Kent City Council** to order after the Public Hearing. Roll call was taken.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Mr. John Kuhar; Ms. Gwen Rosenberg; Mr. Roger Sidoti; 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 Director; and Ms. Dawn Bishop, Interim Clerk of Council.

ABSENT: Ms. Heidi Shaffer; Mr. Robin Turner

MOTION TO EXCUSE THE ABSENCE OF COUNCILMEMBERS SHAFFER AND TURNER made by Mr. Ferrara, seconded by Mr. Sidoti, and CARRIED by a voice of 7-0.

Mayor Fiala called upon Councilmember DeLeone for his opening remarks. Mr. DeLeone had none and led the Pledge of Allegiance.

APPROVAL OF MINUTES:

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF April 17, 2019, and the MINUTES OF THE JOINT MEETING WITH FRANKLIN TWP OF May 1, 2019 made by Mr. DeLeone, seconded by Mr. Ferrara, and CARRIED by a voice vote of 6-0-1 with Ms. Wallach abstaining.

STANDING COMMITTEES/LEGISLATION
COMMITTEE OF THE WHOLE:

There were no minutes needing approval.

Mayor Fiala altered the agenda as President Dr. Beverly Warren was in attendance before her upcoming retirement and wanted to give her the opportunity to say a few words.

Dr. Warren first said she wanted to say thank you for making her feel at home as a citizen of Kent and she feels like they have really come together to make Kent a destination city and Kent State University a destination university. Looking back she said one of the top achievements of work between the city and the university was the transformation of Summit Street. She believes they have also worked together charting the years to come in a master facility plan, the Gateway Plan, which Council helped to draft and that is another example of their work together. Citizens of Kent spoke up with their ideas for that plan and she expanded on some of those ideas. Dr. Warren said looking ahead there are many things to be optimistic about. The president-elect, current provost Todd Diacon, has a very strong belief in a positive town-gown relationship. She thanked City Manager Ruller who served on the presidential search committee and is an affirmation on the Board of Trustees' respect and belief in the strength of a town-gown relationship. Dr. Warren finished with her own bittersweet emotions of her departure as the fiftieth commemoration of May 4th approaches in 2020. That will see thousands of visitors descend on the city and the university and how do we look at this very thoughtfully and honor all voices as not everyone has the same memories and emotions on May 4, 1970. Dr. Warren said it has been a joy of a lifetime to be a part of the community and a part of Kent State University.

MOTION TO AUTHORIZE *Draft No. 2019-52* made by Mr. Amrhein, seconded by Mr. DeLeone, and CARRIED by a voice vote of 7-0.

Draft No. 2019-52: A RESOLUTION RECOGNIZING THE LEADERSHIP OF KENT STATE UNIVERSITY'S PRESIDENT BEVERLY WARREN, PH.D., ED.D., 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, Mr. Sidoti, Ms. Wallach. The Motion CARRIED by a roll call vote of 7-0.

MOTION TO ADOPT DRAFT No. 2019-52 made by Mr. Kuhar and seconded by Mr. DeLeone. On Roll call, voting "Yes:" Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Mr. Sidoti, Ms. Wallach. The Motion CARRIED by a roll call vote of 7-0.

RESOLUTION 2019-52 PASSED. Mr. Ruller read the resolution in its entirety before presenting the signed resolution to Dr. Warren.

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 three visitors who signed in with the Clerk.

Christopher M Myers, 220 E. Elm Street, Kent, gave his phone number: 330-678-6984 if anyone wanted to contact him about what he is about to discuss. Mr. Myers said he was misquoted by Valerie Royzman in her article where he did not use the word asinine to describe council members who didn't take landlord's concerns seriously but instead used it to describe a statement by Councilman Ferrara. She said she would change it. People around town also ask him why he was labelled vulgar when using the word 'asinine' but when Councilman Turner used it he was not labelled such. He was also told that Mayor Fiala was accused by Tara Grimm, former clerk of council, of stalking her. Perhaps the City or Record Courier would like to investigate this. Mr. Myers questioned why did the City Manager turn him for protesting when he did not know what he was protesting? Mr. Myers also asked of Law Director Jones why has he not received his public records that he requested almost two months ago. Mr. Myers last item to address was when he spoke before Council on Lincoln and Dr. ML King and then also spoke of fascists. Clerk Grimm wrote in minutes that he gave an oration but wrote nothing of the ideals of Lincoln and King he spoke about; Mr. Myers said that is why he had a hard time dealing with Clerk Grimm. He said they may want to look at this, as the lies allowed to manifest are not very nice.

David Ellingsworth, 1082 Graham Avenue, Kent, wanted to address Council on the issues of feral cats. In looking at city ordinances, it says residents are allowed to kill or trap feral animals trespassing on their property in 505.05 but in 505.11 one is not allowed to trap non-domesticated animals and he pointed out the conflict of the two.

Mayor Fiala said they are working on that.

Angela Jarrells, 1060 Davey Avenue Apartment A, Kent, also came before Council to speak on the issue of feral cats. She has been working with the animal compliance officers to either trap and turn over to the APL or legally dispose of these animals. The biggest problem she has been running in to is no amount of TNR or euthanasia is going to make a difference if they don't start prosecuting those who are promoting the problem. She has at least six neighbors who feed or shelter these cats, but don't actually care for these feral cats. They almost always test positive for feline leukemia. She and neighbors have small children they can't allow to play in their own yards because of toxic diseases these cats carry and can transfer, one being toxoplasmas, only found in domestic cats transferred through cat feces and is deadly if transmitted to a child under three. TNR does not seem to be working and she would suggest the only way to control the problem is through euthanasia and secondly prosecuting those who contribute to the problem.

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

1. Civil Service Commission Meeting Agenda for April 29, 2019, received on April 26, 2019.
2. Planning Commission Staff Report and Meeting Agenda for May 7, 2019, received April 30, 2019.
3. Standing Rock Cemetery Meeting Minutes of April 11, 2019, received April 19, 2019.
4. Sustainability Commission Meeting Agenda for May 6, 2019, and the minutes from March 4 and April 1, 2019, received May 2, 2019.
5. Liquor License Transfer Request from La Pizza LLC 25 W Main Street, 1st Floor, Adena, OH 43901 to River Merchant 911 N Mantua Street, Kent received May 1, 2019. Chief Lee returned no objections to that transfer.

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

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

1. Board of Zoning Appeals Agenda and Staff Report for public hearing and business meeting for May 20, 2019 received May 13, 2019.
2. Written request to support legislation to ban conversion therapy for youth received from Cari Orris, M.Ed., Professional Clinical Counselor, received May 2, 2019. (Attachment #1.)
3. Letter of Intent to Retire from John Idone received May 15, 2019.

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

1. Request Council's authorization of a resolution honoring Dr. Warren in her retirement from Kent State University and service to the Kent community. (Draft #2019-52)
2. Request Council's authorization of the proposed 2019 CDBG Action Plan. (Draft #2019-55)
3. Request Council's authorization to accept a \$2400 donation from the Henry V. & Frances W. Christenson Foundation to Kent Parks and Recreation for replacement of the projector used for the Sidewalk Cinema movie program. (Draft #2019-58)
4. Request Committee of the Whole time to consider proposed updated to the City's administrative policies to include guidelines for the use of medical marijuana.
5. Request Streets, Sidewalks & Utilities Committee time to review proposed modifications to the City's small cell utility regulations.
6. Request Streets, Sidewalk & Utilities Committee time to consider proposed regulations for the operation of shared rental e-scooters and bikes in Kent.

7. Request Community Development Committee time to consider a proposed new access agreement for the continued remediation of the Mogadore Road property.
8. Request Health & Safety Committee time to receive a staff update on the matter of backyard fires on Bryce Drive.
9. Request Health & Safety Committee time to consider the terms of the lease renewal with Kent State University for the Health Department office space on Haymaker Parkway.
10. Request Finance Committee time to consider a 2019 Budget Appropriations Amendment.
11. Request Finance Committee time to authorize the proposed list of grant funded projects recommended to be submitted for OPWC funding.

MOTION TO APPROVE ITEMS #2-11 OF THE CITY MANAGER'S REPORT made by Mr. Amrhein, seconded by Mr. Ferrara. Motion CARRIED by a voice vote of 7-0.

STANDING COMMITTEES/ LEGISLATION

COMMUNITY DEVELOPMENT COMMITTEE:

MOTION TO APPROVE THE COMMUNITY DEVELOPMENT COMMITTEE MEETING MINUTES OF May 1, 2019 made by Mr. Kuhar, seconded by Mr. DeLeone, and CARRIED by a voice vote of 6-0-1, with Ms. Wallach abstaining.

MOTION TO AUTHORIZE RECOMMENDED ACTION ITEM ONE made by Mr. Kuhar, seconded by Mr. DeLeone, and CARRIED by a voice vote of 7-0.

MOTION TO AUTHORIZE RECOMMENDED ACTION ITEM TWO made by Mr. Kuhar, seconded by Mr. DeLeone, and CARRIED by a voice vote of 7-0.

Recommended Action:

1. Authorize Proposed Permit and Overnight Parking Changes
2. Authorize Revised Neighborhood Grant Program

Draft No. 2019-53: AN ORDINANCE AMENDING SECTIONS 353.02 AND 353.03 OF "PART THREE - TRAFFIC CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF KENT TO IMPLEMENT THE PROPOSED OVERNIGHT PARKING PERMIT PROGRAM, 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. Sidoti. On Roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Mr. Sidoti, Ms. Wallach, Mr. Amrhein. The Motion CARRIED by a roll call vote of 7-0.

MOTION TO ADOPT DRAFT No. 2019-53 made by Mr. Kuhar and seconded by Mr. DeLeone. Mr. DeLeone said this is a move in the right direction for solving problems coming up with downtown building. On Roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Mr. Sidoti, Ms. Wallach, Mr. Amrhein. The Motion CARRIED by a roll call vote of 7-0.

ORDINANCE NO. 2019-53 PASSED as stated by Clerk Bishop.

Draft No. 2019-54: AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACCEPT THE PROPOSED REVISIONS TO THE NEIGHBORHOOD GRANT PROGRAM (NGP), 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, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone. The Motion CARRIED by a roll call vote of 7-0.

MOTION TO ADOPT DRAFT No. 2019-54 made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone. The Motion CARRIED by a roll call vote of 7-0.

ORDINANCE NO. 2019-54 PASSED as stated by Clerk Bishop.

Draft No. 2019-55: A RESOLUTION APPROVING A REQUEST FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ASSISTANCE FOR PROGRAM YEAR (PY) 2019 UNDER TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, INCLUDING THE PY2019 ANNUAL ACTION PLAN AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AND FILE THE PY2019 ANNUAL ACTION PLAN, INCLUDING RELATED CERTIFICATIONS, AND UPON AWARDING OF THE GRANT, AUTHORIZING THE APPROPRIATION OF FUNDS, AND DECLARING AN EMERGENCY was read by title only by Clerk Bishop per Mayor Fiala's request.

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

MOTION TO ADOPT DRAFT No. 2019-55 made by Mr. Kuhar and seconded by Mr. Sidoti. On Roll call, voting "Yes": Mr. Kuhar, Ms. Rosenberg, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara. The Motion CARRIED by a roll call vote of 7-0.

RESOLUTION NO. 2019-55: PASSED as stated by Clerk Bishop.

FINANCE COMMITTEE:

MOTION TO APPROVE THE FINANCE COMMITTEE MEETING MINUTES OF May 1, 2019 made by Mr. DeLeone, seconded by Mr. Kuhar, and CARRIED by a voice vote of 6-0-1, with Ms. Wallach abstaining.

MOTION TO APPROVE RECOMMENDED ACTIONS ONE AND TWO made by Mr. DeLeone, seconded by Mr. Ferrara, and CARRIED by a voice vote of 7-0.

Recommended Actions:

1. Authorize Law Director Prosecution Pay Revision
2. Authorize 2019 Budget Appropriations Amendment

Draft No. 2019-56: AN ORDINANCE AMENDING SECTION 135.02 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT TITLED "ASSISTANT DIRECTORS: APPOINTMENT; DUTIES", 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. Amrhein and seconded by Mr. Ferrara. On Roll call, voting "Yes": Ms. Rosenberg, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar. The Motion CARRIED by a roll call vote of 7-0.

MOTION TO ADOPT DRAFT No. 2019-56 made by Mr. Kuhar and seconded by Mr. DeLeone. On Roll call, voting "Yes": Ms. Rosenberg, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar. The Motion CARRIED by a roll call vote of 7-0.

ORDINANCE NO. 2019-56: PASSED as stated by Clerk Bishop.

Draft No. 2019-57: 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 was read by title only by Clerk Bishop per Mayor Fiala's request.

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

MOTION TO ADOPT DRAFT No. 2019-57 made by Mr. Kuhar and seconded by Mr. Ferrara. On Roll call, voting "Yes": Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg. The Motion CARRIED by a roll call vote of 7-0.

ORDINANCE NO. 2019-57: PASSED as stated by Clerk Bishop.

Draft No. 2019-58: AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$2,400.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT FROM THE HENRY V. AND FRANCES W. CHRISTENSON FOUNDATION TO REPLACE THE PROJECTOR USED FOR THE SIDEWALK CINEMA BLIMP SCREEN PROGRAM, AND DECLARING AN EMERGENCY was read by title only by Clerk Bishop per Mayor Fiala's request.

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

MOTION TO ADOPT DRAFT No. 2019-58 made by Mr. DeLeone and seconded by Mr. Kuhar. On Roll call, voting "Yes": Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Mr. Sidoti. The Motion CARRIED by a roll call vote of 7-0.

ORDINANCE NO. 2019-58: PASSED as stated by Clerk Bishop.

HEALTH AND SAFETY COMMITTEE:

There were no meeting minutes or actions to be approved.

LAND USE COMMITTEE:

MOTION TO APPROVE THE LAND USE COMMITTEE MEETING MINUTES OF MAY 1, 2019 and RECOMMENDED ACTION made by Mr. Ferrara, seconded by Mr. DeLeone, and CARRIED by a voice vote of 6-0-1, with Ms. Wallach abstaining.

MOTION TO AUTHORIZE RECOMMENDED ACTION ITEM ONE made by Mr. Ferrara, seconded by Mr. DeLeone, and CARRIED by a voice vote of 7-0.

Recommended Action:

1. Authorize Updates to the 208 Sewer Service District Plan

STREETS, SIDEWALKS AND UTILITIES COMMITTEE:

MOTION TO APPROVE THE STREETS, SIDEWALKS, AND UTILITIES COMMITTEE MEETING MINUTES OF May 1, 2019 made by Mr. Sidoti, seconded by Mr. DeLeone, and CARRIED by a voice vote of 6-0-1, with Ms. Wallach abstaining.

MOTION TO AUTHORIZE RECOMMENDED ACTION ITEMS ONE THROUGH FOUR made by Mr. Sidoti, seconded by Mr. DeLeone, and CARRIED by a voice vote of 7-0.

Recommended Actions:

1. Authorize AT&T Water Tower Lease Amendment
2. Authorize Easement with KSU for the Tower Lease
3. Authorize City & KSU Bike Share Agreement
4. Authorize City & ODOT Legislation for ODOT Repaving SR59

Draft No. 2019-59: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AMENDED AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC (FORMERLY KNOWN AS AT&T WIRELESS, PCS), FOR THE CONTINUED LOCATION OF ITS CELLULAR ANTENNA AND EQUIPMENT ON THE KENT CITY WATER TOWER LOCATED AT KENT STATE UNIVERSITY PROPERTY, 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. Ferrera and seconded by Mr. Kuhar. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Mr. Sidoti, Ms. Wallach. The Motion CARRIED by a roll call vote of 7-0.

MOTION TO ADOPT DRAFT No. 2019-59 made by Mr. Kuhar and seconded by Mr. Amrhein. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Mr. Sidoti, Ms. Wallach. The Motion CARRIED by a roll call vote of 7-0.

ORDINANCE NO. 2019-59: PASSED as stated by Clerk Bishop.

Draft No. 2019-60: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT A NON-EXCLUSIVE EASEMENT FROM THE STATE OF OHIO (DAS FILE NO. 3180-A-2) ON BEHALF OF THE KENT STATE UNIVERSITY FOR THE EXPANDED USE OF A PERMANENT EASEMENT FOR THE AT&T CELL TOWER, 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. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Mr. Sidoti, Ms. Wallach, Mr. Amrhein. The Motion CARRIED by a roll call vote of 7-0.

MOTION TO ADOPT DRAFT No. 2019-60 made by Ms. Wallach and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Mr. Sidoti, Ms. Wallach, Mr. Amrhein. The Motion CARRIED by a roll call vote of 7-0.

ORDINANCE NO. 2019-60: PASSED as stated by Clerk Bishop.

Draft No. 2019-61: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A NEW BIKE SHARE MEMORANDUM OF UNDERSTANDING BETWEEN KENT STATE UNIVERSITY DEPARTMENT OF RECREATION AND THE CITY OF KENT TO ESTABLISH A BIKE SHARE SYSTEM FOR A ONE (1) YEAR PERIOD, 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, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone. The Motion CARRIED by a voice vote of 7-0.

MOTION TO ADOPT DRAFT No. 2019-61 made by Mr. DeLeone and seconded by Mr. Ferrara. On Roll call voting "Yes": Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone. The Motion CARRIED by a voice vote of 7-0.

ORDINANCE NO. 2019-61: PASSED as stated by Clerk Bishop.

Draft No. 2019-62: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPROVE THE PARTICIPATORY LEGISLATION FOR THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION (ODOT), PROJECT POR SR59 (PID 110168) FOR THE REPAVING OF SR59 FROM RIVER STREET WEST TO THE CITY LIMITS, 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. DeLeone. On Roll call voting "Yes": Mr. Kuhar, Ms. Rosenberg, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara. The Motion CARRIED by a voice vote of 7-0.

MOTION TO ADOPT DRAFT NO. 2019-62 made by Mr. Kuhar and seconded by Mr. Ferrara. On Roll call voting "Yes": Mr. Kuhar, Ms. Rosenberg, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara. The Motion CARRIED by a voice vote of 7-0.

ORDINANCE NO. 2019-62: PASSED as stated by Clerk Bishop.

SPECIAL COMMITTEE REPORTS: NONE

UNFINISHED BUSINESS:

Mr. Sidoti's first point was that another year has gone by since the last Kent Heritage Festival and there still is not a concept for the new city hall. He's surprised no one else is upset about that. He doesn't want another year to go by where they can't engage with the community about what the new city hall will look like and be about. Mr. Sidoti said they also have missed the opportunity to save tax payers money when the interest rates were low.

Mr. DeLeone asked when will the police department be demolished?

Mr. Ruller said that Ms. Baker was starting to get the bid out for that demolition. He also wanted to respond to Mr. Sidoti: There was no obvious unanimity in design, and there was a lot of 'I hate the building'... 'it's ok' and there was no real consensus but also Council was not asked for an official vote. So Ms. Baker and he had met with the architect and said we've got to help Council "get to the end zone." In June they were supposed to come back to Council with the original look and some other versions so that Council can then say what they do or don't like and get to where Mr. Sidoti wants to get to. Mr. Ruller said they've enjoyed the inclusive process but as Ms. Baker has said, she is on a certain time line and what can they do to get the process moving.

Mr. Kuhar said there was an awful lot of time spent on the inside functionality and where the problem lay now was the outside appearance of the building. He believed at the last meeting there was pretty good consensus of what people would like to see on the outside. He thought something should now be coming back visually acceptable. Mr. Kuhar said he believes they are moving forward and planning is important.

Mr. Fiala said maybe if Ms. Baker and the architect return in June, by the Heritage Festival there will be a concept.

Ms. Baker said that would probably work.

Mr. Fiala said part of the problem is the architect comes in and the second guessing doesn't seem to come until after the meeting and nothing was discussed during it.

Mr. DeLeone said part of the problem is trying to cram these work sessions into a half an hour.

Mr. Sidoti said when Council engages with each other, we hear and understand each other, but Council hasn't done that with this project. Members have called Melanie, or Dave, or the Mayor; not talking to one another. Mr. Sidoti said he agrees you need to plan but he's frustrated over financial windows being closed. He'd like to have something to bring to the public and hear their opinion.

Mr. Fiala asked of Ms. Baker what did 'about going to bid' mean, is the asbestos abatement done?

Ms. Baker said no, this would be the bid to include that.

Mr. Sidoti's second point of unfinished business: if there is a conflict in city ordinances we certainly need to look into that. He continued that the feral cat issue was huge in southwest Kent. It keeps getting worse and worse and we need to take a look at this.

Mr. Fiala said this was looked at a few years ago.

MOTION TO PUT FERAL CAT ISSUE BACK INTO COMMITTEE AND NOTIFY RESIDENTS and TNR STAFF OF THAT COMMITTEE TIME made by Ms. Wallach, seconded by Mr. Sidoti, and CARRIED by a voice vote of 7-0.

Ms. Susel said there is nothing built into the ordinances regarding animal hoarding but there are three or four incidents and it is on her list to bring to Council. First is the conflict in 505 and then also property maintenance code enforcement and then also need to hit it with civil fines for those putting out food for the cats. She will make sure that comes before Council in August.

Ms. Rosenberg said she's glad the issue came up. It is also an environmental issue as feral cats kill thousands of song birds annually.

Mr. Kuhar said he has personally paid to have 35 cats neutered but also he thought the no trapping ordinance was not against nuisance trapping but against hunting. Another thing to take into consideration, you are not allowed to trap a raccoon and let it free, that is a violation of state law

NEW BUSINESS:

ITEMS NEEDING COUNCIL ACTION OR REFERRAL

MOTION FOR COMMITTEE TIME TO DISCUSS SUPPORTING LEGISLATION AGAINST CONVERSION THERAPY made by Ms. Wallach and seconded by Ms. Rosenberg.

Ms. Rosenberg said conversion therapy is a debunked method primarily used in populations trying to repress and forcibly change the nature of one. It can be violent, abusive, and in her opinion a form of child abuse. Ms. Rosenberg knows of no one practicing it in the city but is all for preventing it.

Mr. Kuhar said he doesn't totally understand what Council is trying to do but then on the other hand doesn't really feel like it's any of their business to do it.

Ms. Rosenberg said it would be a ban on people trying to change through unproven and unscientific practices kids who are gay or transgender but it is not a legitimate scientific practice.

Mr. Ruller read the letter in full.

Mr. Kuhar asked are people bringing their children to doctors or others to try to change them as he's never heard of it.

Ms. Rosenberg said it's a sham practice and some form of quackery.

Mr. Kuhar asked so these aren't degreed people trying to do this?

Ms. Rosenberg said they could be or people operating on a fringe.

Mr. Amrhein said there are a number of suicides attributed to this practice.

Ms. Rosenberg said yes and it is a vulnerable population that are being targeted specifically because of their orientation and as far as she knows there is no one practicing it and this would be preventative.

Mr. Ferrara said what Council would be saying is we are going to tell the Legislature we support banning conversion therapy in Ohio.

Mr. Sidoti said anybody could set up a conversion camp as long as one meets minimum requirements for health and sanitation. Then if parents wanted to send their kids there, knowing we are going to try to beat the snot out of them to change their gender identity, that is what we are trying to prevent. It's one thing if a trained psychologist works with a confused kid to help young people, that's not what we are talking about, we're talking about a camp that could be as bad as you can imagine.

The Motion CARRIED by a voice vote of 7-0.

Mr. Amrhein had a couple calls about the number of deer that is just outrageous and they are becoming pests. He would at least like the administration to find out what other cities may be doing to thin the herds out a little bit. He does not know how to deal with this. Mr. Amrhein believes the coyotes have moved on, hasn't seen or heard them for over a year, and because they have moved on the deer population has exploded. The feral cats probably exploded in numbers because of the absence of the coyotes too.

MOTION FOR THE ADMINISTRATION TO CALL CITIES ABOUT CONTROLLING DEER POPULATION made by Mr. Amrhein, seconded by Mr. DeLeone, and CARRIED by a voice vote of 7-0.

Ms. Wallach then asked if Council should also ban the practice of conversion therapy, or stick with just in support of legislation against it.

Mr. Ruller said we should probably run that by the Law Director and maybe she can report back about that, is it enforceable, etc.

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

Mr. DeLeone said talking about deer: on his way to the meeting and driving by the soccer field at St. Patrick's was a herd of deer eating hosta.

Mr. Kuhar said his son runs Ohio Deer Control and they spray for deer on the plants so they don't destroy them. He himself just uses a chemical and does it himself. He thinks they have more of a problem with squirrels, raccoons, possums, and feral cats than we ever will from deer.

Mr. Amrhein wanted to say how smoothly the Spring Cleanup has been running. He put his things out on Sunday and everything was picked up on Monday and his neighbors commented how much better it was than last year and the year before. Mr. Amrhein said thanks so much to Ms. Baker.

MAYOR'S REPORT:

Mayor Fiala said Happy Birthdays to Dave Ruller, Melanie Baker, Tracy Wallach, and Jack Amrhein.

The past week he went up to Brecksville with Melanie Baker as the City of Kent received its Tree City Award for the 34th year, Class of 1985, and that's something to be proud of.

Kent is currently celebrating *Blue Light Ohio* in conjunction with police week. Banners are currently up on the Main Street Bridge in support of police officers.

Mayor Fiala adjourned the meeting at 8:37 P.M.

Dawn Bishop
Interim Clerk of Council

Jerry T. Fiala
Mayor and President of Council



Cari Orris, LLC
Professional Clinical Counselor
126 West College Avenue
Kent, Ohio 44240
(330) 673-3558

April 29, 2019

Kent City Council
301 South Depeyster Street
Kent, OH 44240

Dear City Council:

I am writing to ask for your support of legislation to ban conversion therapy for youth.

I am a Professional Clinical Counselor in private practice in Kent and have served the community for more than 17 years.

Conversion therapy, which is therapy designed to change someone's sexual orientation, gender identity or gender expression, remains legal in Ohio. It is a sham therapy and is not supported by the American Counseling Association, the premiere professional counseling organization in the country of which I am a long-time member.

Conversion therapy does not work, causes untold emotional harm to individuals and violates the Code of Ethics of the American Counseling Association.

Conversion therapy has been banned in 15 states and Washington DC and the counseling community continues to work to support legislation at the state and municipal levels to ban this discredited practice.

I ask for your support to pass legislation banning conversion therapy for youth. Doing so will save countless lives today and in the future.

Thank you for your time.

Regards,

Cari Orris, M.Ed., PCC

Cari Orris, M.Ed.
Professional Clinical Counselor

cc: Kent4Equality

**THE CITY OF KENT, OHIO
PUBLIC HEARING
WEDNESDAY, MAY 15, 2019**

At 7:25 p.m., Mayor Jerry T. Fiala called the **Public Hearing for the Community Development Block Grant Program (CDBG) Program Year (PY) 2019 Annual Action Plan Part #2** to order. Roll call was taken.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Mr. John Kuhar; Ms. Gwen Rosenberg; Mr. Roger Sidoti; 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 Director; and Ms. Dawn Bishop, Interim Clerk of Council.

ABSENT: Ms. Heidi Shaffer; Mr. Robin Turner

MOTION TO EXCUSE THE ABSENCE OF COUNCILMEMBERS SHAFFER AND TURNER made by Mr. Ferrara, seconded by Mr. Sidoti, and CARRIED by a voice of 7-0.

In accordance with Article XII, Section 12.05 of the Kent City Charter, Kent City Council was conducting this second required Public Hearing to allow for public comment on *the COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG) PROGRAM YEAR (PY) 2019 ANNUAL ACTION PLAN*.

Mr. Susel announced this is the 2nd planned Public Hearing for the CDBG Program Year 2019 Annual Action Plan. The projects involved are to assist low to moderate income households. Ms. Susel said they were notified they are receiving \$283,165.00 in grant monies for Program Year 2019.

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

Hearing no further business, Mayor Fiala adjourned the Public Hearing at meeting at 7:26 p.m.

Dawn Bishop
Interim Clerk of Council

Jerry T. Fiala
Mayor and President of Council

**THE CITY OF KENT, OHIO
FINANCE COMMITTEE
WEDNESDAY, JUNE 5, 2019**

Chair Michael DeLeone called the meeting of the Finance Committee of Kent City Council to order at 7:15 p.m.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. John Kuhar; Ms. Gwen Rosenberg; Ms. Heidi Shaffer; Mr. Roger Sidoti.

ALSO PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Justin Smith; Interim Health Commissioner; Mr. Brian Huff, Budget and Finance Controller; Ms. Melanie Baker, Public Service Director; Fire Chief John Tosko; and Ms. Dawn Bishop, Interim Clerk of Council.

ABSENT: Mr. Garret Ferrara; Mr. Robin Turner; Ms. Tracy Wallach

There were four (4) items on the Agenda.

1. City Surplus Property Auction

Ms. Baker said this is a list of things not moved from the police building or the City had accumulated in surplus over the past nine months.

MOTION TO AUTHORIZE THE CITY SURPLUS PROPERTY AUCTION, WITH AN EMERGENCY CLAUSE made by Ms. Rosenberg, seconded by Mr. Amrhein, and CARRIED by a voice vote of 6-0.

2. 2019 Budget Appropriations Amendment

Mr. Huff asked for Council's approval of the appropriations amendment as outlined in the submitted memo dated May 29, 2019.

No questions or comments from Council or the Audience.

MOTION TO AUTHORIZE THE 2019 BUDGET APPROPRIATIONS AMENDMENT, WITH AN EMERGENCY CLAUSE made by Mr. Kuhar, seconded by Mr. Amrhein, and CARRIED by a voice vote of 6-0.

3. Restoration of Local Government Funding, HB 166

Ms. Jones said the proposed resolution was provided by Mayor Fiala as suggested by OML. In 2011 local government funding was cut by over 50% going from 3.8 percent to just over 1.6percent. This resolution would beg the State of Ohio to put cities and communities first, or at least more of a priority.

MOTION TO AUTHORIZE THE SUPPORT OF THE RESTORATION of LOCAL GOVERNMENT FUNDING, WITH AN EMERGENCY CLAUSE made by Mr. Sidoti, seconded by Mr. Kuhar,

Ms. Shaffer said this cut really did hurt the City.

Mr. Amrhein said it was an unconscionable move and Kent was lucky to be able to survive how they were.

Mr. Fiala said it cost the city over a million dollars a year all because the last governor wanted to balance the State Budget.

Mr. Sidoti said so all calculated, the City's loss in budget because of this from 2011 to now is over eight million dollars and it would be helpful if residents would write in to the state legislature in support of this too.

The Motion CARRIED by a voice vote of 6-0.

4. Heritage Fest Fireworks Funding

Mr. Fiala said the finance director for the Heritage Fest sent a letter as the fireworks company raised the cost of fireworks 10%. So they are in need of another \$1200.

Mr. Sidoti he believes the fireworks company is covering themselves as increase costs due to increase tariffs and it needs to be covered.

Ms. Rosenberg pointed out how enjoyable the Heritage Fest is and is a great family oriented event.

MOTION TO ALLOCATE THE ADDITIONAL FUNDS NECESSARY FOR THE HERITAGE FEST FIREWORKS, WITH AN EMERGENCY CLAUSE made by Mr. Kuhar, seconded by Mr. Amrhein,

Mr. Amrhein echoed what Ms. Rosenberg said, how enjoyable this festival is and he would hate to see them not have fireworks.

The Motion CARRIED by a voice vote of 6-0.

Hearing no further business before this Committee, Chair DeLeone adjourned the committee meeting at 7:27 p.m.

Council then moved into a work session with Brandstetter Carroll on the city hall project at corner of Haymaker and Water Street (Attachment 1) <https://bciaep.sharefile.com/d-sfdb77db91e6405e8>

At 8:40 p.m., Council moved into Executive Session.

MOTION TO MOVE INTO EXECUTIVE SESSION IMMEDIATELY FOLLOWING IN ACCORDANCE WITH ORC §121.22 (G)(1): *"To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing* made by Mr. Amrhein, seconded by Ms. Rosenberg. On Roll call voting "Yes:" Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. John Kuhar; Ms. Gwen Rosenberg; Ms. Heidi Shaffer; Mr. Roger Sidoti. Motion Carried 6-0.

At 8:50 p.m., Council reconvened in open forum.

MOTION TO EXCUSE MR FERRARA, MR TURNER, AND MS WALLACH made by Mr. Amrhein, seconded by Ms. Rosenberg, and CARRIED by a voice vote of 6-0.

MOTION TO ADJOURN THE MEETING AT 8:51 P.M. made by Mr. Sidoti, seconded by Amrhein, and CARRIED by a voice vote of 6-0.

Dawn Bishop
Interim Clerk of Council

ACTION RECOMMENDED:

- 1) **AUTHORIZE THE CITY SURPLUS PROPERTY AUCTION, WITH AN EMERGENCY CLAUSE.**
- 2) **AUTHORIZE THE 2019 BUDGET APPROPRIATIONS AMENDMENT, WITH AN EMERGENCY CLAUSE.**
- 3) **AUTHORIZE SUPPORT OF THE RESTORATION OF LOCAL GOVERNMENT FUNDING.**
- 4) **AUTHORIZE ALLOCATING THE ADDITIONAL FUNDING NEEDED FOR HERITAGE FEST FIREWORKS.**

**CONFERENCE MEMORANDUM
KENT ADMINISTRATION BUILDING
PROJECT NO. 18023**

CITY COUNCIL MEETING: DESIGN PRESENTATION / DISCUSSION



June 5, 2019

BCI presented three different concepts for how to address the building corner at Haymaker and Water Street.

1. Square
2. Curved
3. Recessed

Elevations were shown with different designs for the windows, brick, and stone on the north and west elevations.

Floor Plans were shown focused on the central lobby areas for each floor of each concept. Different locations of elevator and stairs were represented.

Option 1: Square corner

1. The corner projects out from the building with a square 2-story space (Lower Level and Main Level).
2. One central entry vestibule is provided at Haymaker/Water Streets.
3. The elevator and open stair are shown in the center of the lobby space, thereby creating two separate lobby spaces at the Lower Level.
4. The Main Level Lobby overlooks the 2-story space.

Option 2: Curved corner

1. The corner projects out from the building with a curved 2-story space (Lower Level and Main Level).
2. Two entry vestibules are shown – one at Haymaker and one at Water. This provides circulation on either side of the Main Level Lobby, allowing the center of the space to be more effectively utilized for functions.
3. A covered colonnade is shown along the lower level for both weather protection and to give human scale to the corner/entry of the building.
4. The lobby spaces can be used as one space or two.
5. The elevator has been moved to be opposite the open stair, which is shown adjacent to the Council Chambers.
6. The Main Level Lobby overlooks the 2-story space.

Option 3: Recessed corner

1. The corner is recessed into the building massing at the corner, allowing for more exterior plaza space at the Lower Level entry.
2. A single entry vestibule is centered on the recess.
3. The Main Level Lobby is only one story and interior to the building.
4. The elevator and open stair flank the Lower Level entry vestibule.
5. The Main Level Lobby has a view out the northwest corner of the building, but there is no 2-story space.
6. The Upper Level would require building over the Council Chambers, to replace the office areas (Mayor, City Manager, etc) that are located in the corner on the other options.
7. The exterior elevation shows an upper floor over the Council Chambers.

Exterior Elevation options:

1. Exterior materials will be brick, stone, and aluminum storefront windows.
2. The north elevations showed a variety of window bay treatments.

- a. One shows the Upper Level treated separately as a distinct feature with punched window opening.
- b. One shows vertical window bays extending all three levels, with stone banding between floors.
- c. One shows wider window bays on the upper two floors, with small punched openings in the lower level, with all materials in stone.

DISCUSSIONS:

- The square corner with the center door looks nice, however no one will be approaching the building at the corner. The crosswalks occur at either side.
- The curved corner is dramatic and fits the site. Like the heavy cornice.
- Would like to see some brick elements on the curved corner.
- The curved corner design would incorporate both vertical and horizontal shading elements.
- Can we consider reflective glass?
 - o BCI prefers clear glass to express the transparency of the building and the building function, however some reflective glass may be appropriate at certain levels.
- Would like to see more individual windows instead of large sections of window.
- Would like to see some round-top windows on the north elevation. Either at the lower level or the upper level.

CONSENSUS:

- Prefer the curved corner treatment.
- Like the arch treatment at Council Chambers.
- Want to see brick as the primary material.
- Do not treat the upper level as a separate element in the elevations.
- Lobby stair: move to the north side of the Lobby, allowing more glass between the Lobby and Council Chambers.
- Options to explore:
 - o Provide opinion of probable cost for building the upper level over Council Chambers.
 - o Look at more distinct windows (punched openings) as opposed to ribbon windows.
 - o Look at some curved top windows on the north elevation.

NEXT STEPS:

- BCI to present at the next Council meeting, June 19. 6:30-7:30pm
- Will present the following:
 - o One exterior concept showing all sides of the building.
 - o Options for window configurations.
 - o Revised floor plans.
 - o Updated Opinion of Probable Construction Cost

Nancy Nozik

DRAFT ORDINANCE NO. 2019-63

AN ORDINANCE AUTHORIZING THE SALE AT PUBLIC AUCTION OF SURPLUS PROPERTY NOT NEEDED FOR MUNICIPAL PURPOSES BY A LIVE AUCTIONEER PURSUANT TO SECTION 721.15 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.

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

SECTION 1. That Council does hereby authorize the sale at public auction of surplus property from the existing police station and other departments by a live auctioneer pursuant to Section 721.15 of the Ohio Revised Code; said items are no longer needed for municipal purposes, and are described on the attached list, marked "Exhibit A" and incorporated herein.

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

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

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Dawn Bishop
Interim Clerk of Council

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

(SEAL)

DAWN BISHOP
INTERIM CLERK OF COUNCIL
(SEAL)

Tag #	Dep/Div	Description	Qty.	Year	Manufacture	Model No.	Serial No.	Storage Location	No. Images	Know Defects	Why Taken Out of Service
2019	Example	18 hp Lawn Tractor, 48 inch cut with snow plow with skids, electric start	1	1985	Kubota	ABC123	XYZ567	1220 Mog. Rd.	6	Missing key, dead battery & plow pins	Unable to obtain parts & Unit replaced in 2009
2019-001	DB-7	Plain car	1	2004	Ford	Taurus	1FAFP53284A156308	590 Plum St		Rusted	
2019-002	CM	Stencil Maker for Signs	1	1980?							Replaced
2019-003	FD	Flag Pole	1								Replaced
2019-004	FD	Cots	3								No longer used
2019-005	FD	Ventilation Blower	1		Homelite						Replaced
2019-006	FD	Nozzles								Worn out	
2019-007	CM	Track pieces	4		Bobcat						No longer used
2019-008	PD	Police car mounts, and analog cameras									
2019-009	CM	Dust Collector	1		Jet Equipment						Replaced with newer model
2019-010	CM-250	Tailgate spreader	1								No longer used
2019-011	PR203	International Truck	1	1993	International	4900	1HTSDPPNXXPH488296				Older no longer used
2019-012	WP202	International Truck	1	1993	International	4900	1HTSDPPN1PH488297				Rusted
2019-013	PD	Radios			Motorolla						Bed rusted thru
2019-014	FD	Radios			Motorolla						Replaced
2019-015	CD	book cases	4								Replaced
2019-016	CD	laser Printer	1								No longer used
2019-017	CD	Typewriter	1								No longer used
2019-018	CD	Transcription Machine	1								No longer used
2019-019	Law	Fax/Printer	1								No longer used
2019-020	Law	Phones									Replaced
2019-021	PD	Mobile Radios (Truck)			Motorolla						Replaced
2019-022	PD	Radio Repeaters			Motorolla						Replaced
2019-023	PD	Soap Dispensers	5								Replaced
2019-024	PR	International Truck	1	1993	International	4900	1FTRX17W93NB91671				Old Plow truck rusted
2019-025	CM101	Pick up	1	2003	Ford	F150		930 Overholt		Rusted	
2019-026	CM076	Snow Blower	1		Toro	38150					Worn Out
2019-027	VM	Hydraulic Jacks	2								Out Dated
2019-028	SD	Defibrulators	15								No longer working
2019-029	VM	Battery Chargers	2								Electrical issues
2019-030	CM104	Pick up	1	2005	Chevrolet	2500	1GTHK24U75E285652				Rusted
2019-031	WP	Car	1	2006	Dodge	Caravan	1D4GP24E36B80584				Rusted
2019-032	SD	Defibrulators									
2019-033											

DRAFT ORDINANCE NO. 2019-64

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; and as amended by Ordinance 2019-57 passed 5/15/2019, be amended as set forth in Exhibit "A", attached hereto and incorporated herein, so as to increase appropriations in Fund 001, General; Fund 106, Parks and Recreation; Fund 134, UDAG/Revolving Loan; Fund 202, Sewer; and Fund 208, Storm Water; and Declaring An Emergency.

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

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

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Dawn Bishop
Interim Clerk of Council

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

(SEAL)

DAWN BISHOP
INTERIM CLERK OF COUNCIL

2019 AMENDED APPROPRIATIONS

<u>Fund - Department/Division</u>	<u>Personnel & Benefits</u>	<u>Other than Personnel & Benefits</u>	<u>Capital</u>	<u>Reserve/ Debt Service</u>	<u>Contingency</u>	<u>Fund & Department Total</u>
<u>General Fund (001)</u>						
City Council	\$161,266	\$32,603				\$193,869
Mayor	\$9,530	\$5,300				\$14,830
Community Support		\$84,500				\$84,500
City Manager	\$314,000	\$62,923				\$376,923
New City Hall Facility		\$0	\$188,000			\$188,000
Information Technology	\$80,395	\$246,668				\$327,063
Urban Renewal		\$67,300				\$67,300
Human Resources	\$61,964	\$19,488				\$81,452
Civil Service	\$31,105	\$41,523				\$72,628
Law	\$320,560	\$118,895				\$439,455
Budget & Finance	\$185,199	\$143,585				\$328,784
Community Development	\$597,546	\$208,070				\$805,616
Economic Development	\$119,722	\$46,640				\$166,362
Health	\$448,125	\$182,038				\$630,163
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	\$2,570,035	\$198,000	\$0	\$100,000	\$5,804,515
<u>West Side Fire (101)</u>						
Fire	\$268,910	\$26,427				\$295,337
Fund Total	\$268,910	\$26,427	\$0	\$0	\$0	\$295,337
<u>Street Construction Maintenance & Repair (102)</u>						
Service	\$1,137,201	\$1,369,261				\$2,506,462
Contingency					\$25,000	\$25,000
Fund Total	\$1,137,201	\$1,369,261	\$0	\$0	\$25,000	\$2,531,462
<u>State Highway (103)</u>						
Service		\$70,000				\$70,000
Fund Total	\$0	\$70,000	\$0	\$0	\$0	\$70,000
<u>Recreation (106)</u>						
Parks & Recreation	\$1,372,462	\$662,183	\$322,000			\$2,356,645
Fund Total	\$1,372,462	\$662,183	\$322,000	\$0	\$0	\$2,356,645
<u>Food Service (107)</u>						
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 & Benefits</u>	<u>Other than Personnel & Benefits</u>	<u>Capital</u>	<u>Reserve/ Debt Service</u>	<u>Contingency</u>	<u>Fund & Department Total</u>
<u>Income Tax (116)</u>						
Budget/Finance/IncTaxAdmin	\$269,714	\$526,683				\$796,397
Managed Reserve				\$25,540		\$25,540
Fund Total	\$269,714	\$526,683	\$0	\$25,540	\$0	\$821,937
<u>Revolving Housing (120)</u>						
Health	\$156,431	\$10,500				\$166,931
Fund Total	\$156,431	\$10,500	\$0	\$0	\$0	\$166,931
<u>State & Local Forfeits (121)</u>						
Police		\$2,000				\$2,000
Fund Total	\$0	\$2,000	\$0	\$0	\$0	\$2,000
<u>Drug Law Enforcement (122)</u>						
Police		\$12,000				\$12,000
Fund Total	\$0	\$12,000	\$0	\$0	\$0	\$12,000
<u>Enforcement & Education (123)</u>						
Police		\$6,000				\$6,000
Fund Total	\$0	\$6,000	\$0	\$0	\$0	\$6,000
<u>Income Tax Safety (124)</u>						
Police	\$7,010,447	\$677,700				\$7,688,147
Fund Total	\$7,010,447	\$677,700	\$0	\$0	\$0	\$7,688,147
<u>Law Enforcement Trust (125)</u>						
Police						\$0
Fund Total	\$0	\$0	\$0	\$0	\$0	\$0
<u>Community Development Block Grant (126)</u>						
Community Development	\$8,453	\$274,600	\$116,000			\$399,053
Fund Total	\$8,453	\$274,600	\$116,000	\$0	\$0	\$399,053
<u>Neighborhood Stabilization (127)</u>						
Community Development	\$0	\$139,100				\$139,100
Fund Total	\$0	\$139,100	\$0	\$0	\$0	\$139,100
<u>Fire & E.M.S. (128)</u>						
Fire	\$4,735,381	\$466,724	\$1,062,500			\$6,264,605
Fund Total	\$4,735,381	\$466,724	\$1,062,500	\$0	\$0	\$6,264,605
<u>Wireless 911 (129)</u>						
Safety		\$0				\$0
Fund Total	\$0	\$0	\$0	\$0	\$0	\$0
<u>Swimming Pool Inspections (130)</u>						
Health	\$8,261	\$500				\$8,761
Fund Total	\$8,261	\$500	\$0	\$0	\$0	\$8,761

2019 AMENDED APPROPRIATIONS

<u>Fund - Department/Division</u>	<u>Personnel & Benefits</u>	<u>Other than Personnel & Benefits</u>	<u>Capital</u>	<u>Reserve/Debt Service</u>	<u>Contingency</u>	<u>Fund & Department Total</u>
<u>Police Pension (132)</u>						
Police	\$120,000					\$120,000
Fund Total	\$120,000	\$0	\$0	\$0	\$0	\$120,000
<u>Fire Pension (133)</u>						
Fire	\$120,000					\$120,000
Fund Total	\$120,000	\$0	\$0	\$0	\$0	\$120,000
<u>UDAG / EDA-RLF (134)</u>						
City Manager/C.D.		\$110,000				\$110,000
Fund Total	\$0	\$110,000	\$0	\$0	\$0	\$110,000
<u>Water (201)</u>						
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
<u>Sewer (202)</u>						
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
<u>Utility Billing (204)</u>						
Budget & Finance		\$102,586				\$102,586
Fund Total	\$0	\$102,586	\$0	\$0	\$0	\$102,586
<u>Solid Waste (205)</u>						
Service	\$87,660	\$147,953	\$5,000			\$240,613
Fund Total	\$87,660	\$147,953	\$5,000	\$0	\$0	\$240,613
<u>Storm Water Utility (208)</u>						
Service	\$240,982		\$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
<u>Guaranteed Deposits (230)</u>						
Budget & Finance		\$1,000				\$1,000
Fund Total	\$0	\$1,000	\$0	\$0	\$0	\$1,000

2019 AMENDED APPROPRIATIONS

<u>Fund - Department/Division</u>	<u>Personnel & Benefits</u>	<u>Other than Personnel & Benefits</u>	<u>Capital</u>	<u>Reserve/ Debt Service</u>	<u>Contingency</u>	<u>Fund & Department Total</u>
<u>Capital Projects (301)</u>						
Safety			\$381,900			\$381,900
Service			\$810,000			\$810,000
Service (Capital Facilities)			\$3,919,431			\$3,919,431
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	\$5,242,331	\$554,828	\$25,000	\$5,822,159
<u>Municipal Public Improvement Tax Increment Equivalent (302)</u>						
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
<u>Police Facility (303)</u>						
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
<u>Debt Service (402)</u>						
Budget & Finance (Debt)				\$70,084		\$70,084
Fund Total	\$0	\$0	\$0	\$70,084	\$0	\$70,084
<u>Internal Service (807)</u>						
Health Insurance		\$3,385,000				\$3,385,000
Fund Total	\$0	\$3,385,000	\$0	\$0	\$0	\$3,385,000
Total Appropriations						
	\$23,864,784	\$12,760,857	\$14,255,764	\$6,750,163	\$250,000	\$57,881,568
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						\$0
Amendment #6						\$0
Amendment #7						\$0
Amendment #8						\$0
	\$23,864,784	\$12,760,857	\$14,255,764	\$6,750,163	\$250,000	\$57,881,568

2019 AMENDED APPROPRIATIONS - SCHEDULE OF OPERATING TRANSFERS AND TEMPORARY ADVANCES

	<u>Original</u>	<u>Current Request</u>	<u>Change</u>	<u>Receiving Fund</u>
<u>Operating Transfers</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 RESOLUTION NO. 2019-65

A RESOLUTION AUTHORIZING THE CITY OF KENT, OHIO TO STRONGLY URGE THE OHIO GOVERNOR AND MEMBERS OF THE OHIO GENERAL ASSEMBLY TO RESTORE THE LOCAL GOVERNMENT FUND TO PRE-RECESSION LEVELS; AND DECLARING AN EMERGENCY.

WHEREAS, the Local Government Fund was reduced in 2011 by 50% during the Kasich Administration, from 3.68% of General Revenue Funds to its current level of 1.66% of General Revenue Funds; and

WHEREAS, past Ohio General Assemblies have repeatedly decreased funding and revenue sharing in recent years in addition to significantly reducing the Local Government Fund, including eliminating the Estate Tax and phasing out the Tangible Personal Property Tax; and

WHEREAS, *these* reductions have resulted in an average annual loss of revenue from these combined sources exceeding \$1,000,000; and,

WHEREAS, this sudden revenue loss has made it increasingly difficult to provide basic services, rebuild infrastructure, and bolster public safety services to fight the opioid epidemic; and

WHEREAS, when municipalities experience success in fostering safe communities, building sound infrastructure, and increasing economic development, the State of Ohio reaps the benefits as well; and

WHEREAS, a reinvestment of Local Government Fund would aid the state in its goal of lowering taxes on the individual by enabling municipalities to decrease the local tax burden.

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 of Kent, Ohio urges the Ohio General Assembly to restore the Local Government Fund to pre-recession levels, ensuring that these local communities are able to provide crucial services and improvements in infrastructure and public safety.

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

SECTION 3. 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 MINUTES/ORDINANCE/RESOLUTION No. _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20____.

DAWN BISHOP
INTERIM CLERK OF COUNCIL
(SEAL)

DRAFT ORDINANCE NO. 2019 - 66

AN ORDINANCE AUTHORIZING THE CITY OF KENT TO CONTRIBUTE A TEN PERCENT (10%) INCREASE TO THE ANNUAL KENT HERITAGE FESTIVAL FOR THE FIREWORKS DISPLAY, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent, Ohio has been contributing funds to the Kent Area Chamber of Commerce Kent Heritage Festival each year for their fireworks display; and

WHEREAS, the American Fireworks has been the provider of the fireworks for the past twelve (12) years and has increased their prices by ten percent (10%); and

WHEREAS, the Kent Area Chamber of Commerce would like the City of Kent to increase their contribution from \$12,000 to \$13,200 to compensate for the ten percent (10%) increase from American Fireworks.

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 hereby authorizes the City of Kent to increase their contribution from \$12,000 to \$13,200 to compensate for the ten percent (10%) increase in price from the American Fireworks for the Kent Heritage Festival fireworks display.

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. 2019-67

AN ORDINANCE ACCEPTING DONATIONS IN THE AMOUNT OF \$5,700.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT TO SUPPORT THE TORCH FEST PLANNED FOR JUNE 20, 2019, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent Parks & Recreation Department has received the following donations: The Portage Foundation (\$3,000), HZW Environmental (\$1,500), Davey Tree Expert Company, (\$500), Portage County Storm Water District (\$500), Brian & Marilyn Sessions (\$100), and Bob Heath and Beth Buchanan (\$100), totaling \$5,700 to support the Torch Fest planned for June 20, 2019; and

WHEREAS, the City wishes to accept said donations.

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

SECTION 1. That Council does hereby authorize the City Manager on behalf of the City of Kent to accept the donations of \$5,700.00 to support the Torch Fest planned for June 20, 2019.

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

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

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Dawn Bishop
Interim Clerk of Council

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

(SEAL)

DAWN BISHOP
INTERIM CLERK OF COUNCIL
(SEAL)

**THE CITY OF KENT, OHIO
HEALTH & SAFETY COMMITTEE
WEDNESDAY, JUNE 5, 2019**

Chair Jack Amrhein called the meeting of the Health & Safety Committee of Kent City Council to order at 7:30 p.m. after the only item on Streets and Sidewalks Committee agenda was postponed.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. John Kuhar; Ms. Gwen Rosenberg; Ms. Heidi Shaffer; Mr. Roger Sidoti.

ALSO PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Justin Smith; Interim Health Commissioner; Mr. Brian Huff, Budget and Finance Controller; Ms. Melanie Baker, Public Service Director; Fire Chief John Tosko; and Ms. Dawn Bishop, Interim Clerk of Council.

ABSENT: Mr. Garret Ferrara; Mr. Robin Turner; Ms. Tracy Wallach

There were two (2) items on the Agenda.

1. Bryce Fire Safety Follow Up

Mr. Ruller explained that Chief Tosko and Law Director Jones have worked together to update information and better define issues that have been a source of confusion on Bryce and other areas in the City.

Ms. Jones explained that information handed out to Bryce Street residents contradicted itself. The Fire Department and Ms. Jones sat down to make sure the first thing when called out to Kent or Franklin Township that both residents were given the best information. Franklin Township has to comply with State Law and Kent has to comply with City Law. Overall she said the Fire Department is doing a great job making sure that if the fire needs put out, it is and then educating residents. Ms. Jones said she just made sure that the right message was getting out to residents.

Chief Tosko said this type of problem is definitely nothing new and just the night before there was couch and trash being burned on Franklin. In the last year they ran nineteen calls in the city and ten in the township on open burning. So far this year, Fire has had twelve of these types of calls. Sometimes it's just recreational fire to I want to get rid of my TV by burning it. Chief Tosko wanted to thank Ms. Jones and Lt. Tyler for getting the information clarified in their FAQ sheet they passed out. (Attachment #1) Chief Tosko continued with Bryce Street-specific update: Fire has had three calls there, the last May 6. First call was a small fire, second smoldering piece of wood that was still burning, and third coals still burning. On none of the calls was a large amount of smoke reported, which doesn't really matter as everyone's sensitivities are different. Most of the calls the fire department responds to is a complaint of smoke and they'll have them put the fire out.

Ms. Shaffer asked about the 50' distance required from any structure before having an open burn and how much of the city's lots aren't even spaced like that.

Ms. Jones said there are actually two different regulations there: 50' is with a burn pit and no chimney. Chimneys are grill are in approved containers and only require 15'.

Mr. Kuhar said every couple of years he gets a constitutional letter email and there was a particular community in Ohio that had banned all open burnings within the community. They were challenged because as long as there was food being cooked, they were allowed to have an open burn and then the resident won that challenge.

Chief Tosko said good point and that is how theirs is written too: the fire has to be for the consumption of food: s'mores, hot dogs. Granted, fire fighters aren't going out checking coolers, counting food.

Mr. Kuhar asked what about winter fires for warmth of construction crews?

Chief Tosko said that is permitted as an exception, as a burn barrel.

Ms. Rosenberg said thank you for the nice and concise work done.

Mr. Fiala asked how is it handled when it's a complaint from an asthma sufferer and the smoke is coming into their house and bothering them?

Chief Tosko said that is when the fire is put out and they get that kind of call all the time.

Mr. Kuhar asked if you have the space, are any type of bonfires permitted.

Ms. Jones said that is also an exception and not considered an open burn; it's more like an event where there is a fire inspector that comes out, as in a school event.

Chief Tosko said Akron Air Quality Control is also notified in a case like that.

2. Health Department Building Lease Renewal

Mr. Smith, the Interim Health Commissioner, spoke on the new lease opportunity for 414 E Main Street for the Health Department. He apologized for the late notice and it was kind of a shock for them that the renewal was not completed so now there is a bit of a scramble. This is the second amendment to the lease, the first expiring June 30, 2019. This will allow the Health Department to remain at this location until June 30, 2020. There is a line item allowing for a termination of the lease by either party with a thirty day notice. It will not be renewed after June 2020. There is a slight increase in the lease terms, an additional \$250 a year. He feels the Health Department is very fortunate to have a few months, if not a year, at this location.

Mr. Kuhar asked for clarification on the thirty day termination clause and asked is that after the terms of the lease, how can one have a lease with those terms?

Mr. Smith said the original lease also allowed that and that is what happened to the Health Department at the Michael Swartz Center.

Ms. Jones said you can agree to any term you want in a lease. Kent State felt there may come a time where they may need access to that building to tear it down and then also the Health Department knew it was not going to be their permanent home and wanted an out also.

Mr. Kuhar said so this is basically like a month to month rental agreement.

Mr. Smith said the Health Department is currently looking at three different locations, some pretty promising.

MOTION TO APPROVE THE HEALTH DEPARTMENT BUILDING LEASE RENEWAL, WITH AN EMERGENCY CLAUSE made by Mr. Sidoti, second by Ms. Rosenberg, and CARRIED by a voice vote of 6-0.

Hearing no further business before this Committee, Chair Amrhein adjourned the meeting at 7:15 p.m.

Dawn Bishop
Interim Clerk of Council

ACTION RECOMMENDED:

- 1) APPROVE THE HEALTH DEPARTMENT BUILDING LEASE RENEWAL, WITH AN EMERGENCY CLAUSE**

COULD I BE CITED FOR MY FIRE?

YES: If you don't follow the requirements of the Open Burning Ordinance (City of Kent Codified Ordinances- (Ch 1503) you could be cited. A violation is a misdemeanor of the third degree which could result in a fine of not more than \$ 500 or imprisoned not more than sixty days, or both.

The Ohio EPA and the Akron Regional Air Quality Management District has the authority to enforce the State's Open Burning Laws. Violations can result in substantial penalties.

If you have any questions, or would like to report a suspected open burning incident, contact your Ohio EPA district office (800-686-6330) or the City of Kent Fire Department (330-673-8814).

SAFETY TIPS

1. Never use gasoline, kerosene or any other flammable liquid to start a fire
2. Watch the wind. Be prepared to extinguish the fire due to sudden weather changes.
3. Do not delay a call for help: If the fire were to get out of control, call the Fire Department immediately.
4. Keep your grill clean by removing grease or fat buildup from cooking surfaces.
5. Always make sure your gas grill lid is open before lighting it.

KENT FIRE DEPARTMENT

320 S. Depeyster St Kent OH, 44240

Phone- 330-673-8814

Fax- 330-676-7374

City of Kent



OPEN BURN REGULATION FAQ's

WHAT IS OPEN BURNING?

Open burning is any time you light an outdoor fire without a chimney or stack.

ARE RECREATIONAL FIRES PERMITTED IN THE CITY OF KENT?

YES: Open burning is allowed for the following purposes in Kent without prior permission from Akron Regional Air Quality Management or the Ohio EPA:

- Cooking for human consumption
- Designated occupational needs

Open burning of ANY kind is prohibited on those days designated Ozone Action Days per Ohio EPA.

IF I WANT A RECREATIONAL FIRE IN MY YARD, ARE THERE RESTRICTIONS?

YES: The City of Kent has an Open Burning Ordinance. All recreational fires MUST meet the following requirements:

- Notification of the Kent Fire Department is requested PRIOR to the fire being kindled. Please call 330-673-8814 and submit Name, Address, and Duration of fire.
- The location of the fire must be at least 50 ft from any structure or motor vehicle on adjacent property, and provisions must be made to prevent the spread of fire to within 50 ft of structures and motor vehicles. This means keeping combustible ground-

Debris such as leaves and brush away from the fire. (i.e. fire pits & portable fire pits **without** a top)

- Fires in approved containers (an enclosure which surrounds and contains embers, hot ashes and sparks sufficiently to prohibit any spread of the fire beyond permissible dimensions) shall be permitted provided they are at least fifteen feet from any structure. (i.e. Chiminea's, gas or propane fire places)

- Use only dry seasoned firewood, natural gas or equivalent, or any clean burning fuel with emissions that are equivalent, or any clean burning of seasoned firewood.

- The fire shall be constantly attended by a competent person until the fire is extinguished. Fire extinguishing equipment shall be readily available near by. A garden hose or fire bucket meets this requirement.

- The fire shall be limited to a size NO larger than 3' X 3', and NO taller than 2 ft high.

- Fires that the Fire Department deem offensive or objectionable due to smoke or odor emissions will be ordered extinguished.

CAN I BURN TRASH, REFUSE OR LAWN WASTE?

NO: No person shall burn ANY refuse, rubbish, waste or other trash materials within the State of Ohio. This includes leaves, large uncut limbs or lawn waste.

CAN I HAVE A "BON FIRE"?

YES: Bon Fires are permitted with PRIOR notification to your local air quality management district or the Ohio EPA for the following

- Prevention and control of disease or pests.
- Recognized ceremonial purposes. PRIOR approval required. Total burn area is no greater than 5 feet in diameter and 5 feet in height and the duration of burn is no longer than 3 hours.
- All other stated rules apply..

Forms of notification /information can be found on your Ohio EPA/Akron Regional Air Quality Management websites.

IF MY NEIGHBORS COMPLAIN, WILL THE FIRE DEPARTMENT INVESTIGATE?

YES: The Fire Department will investigate all complaints of Open Burning. Provided the fire complies with the City of Kent Codified Ordinance for Open Burning (1503.03), it will be permitted to burn. However, the Fire Department will prohibit and **order the extinguishment** of any open burning that is offensive and objectionable due to smoke endangering to persons. The Fire Department will NOT mediate neighborhood disputes. All complaints will be handled according to compliance with the City of Kent Codified Ordinance for Open Burning.

RECREATIONAL FIRES OPEN BURN REGULATIONS FAQ's

City of Kent

WHAT IS OPEN BURNING?

You are open burning any time you light an outdoor fire without a chimney or stack.

ARE RECREATIONAL FIRES PERMITTED IN THE CITY OF KENT?

Yes: Open burning is allowed for the following purposes in Kent without prior permission from the Akron Regional Air Quality Management or the Ohio EPA:

- Cooking for human consumption.
- Designated occupational needs.

Open Burning of ANY kind is prohibited on those days designated Ozone Action Days per Ohio EPA.

IF I WANT A RECREATIONAL FIRE IN MY YARD, ARE THERE RESTRICTIONS?

Yes: The City of Kent has an Open Burning Ordinance. All recreational fires MUST meet the following requirements:

- Notification of the Kent Fire Department is requested PRIOR to the fire being kindled. Please call 330-673-8814 and submit Name, Address, and Duration of fire.
- The location of the fire must be at least fifty (50) feet from any structure or motor vehicle on adjacent property, and provisions must be made to prevent the spread of fire to within fifty (50) feet of structures and motor vehicles. This means keeping combustible ground debris such as leaves and brush away from the fire. (ie. fire pits & portable fire pits **without** a top)
- Fires in approved containers (an enclosure which surrounds and contains embers, hot ashes and sparks sufficiently to prohibit any spread of the fire beyond permissible dimensions) shall be permitted provided they are at least fifteen (15) feet from any structure. (ie. Chiminea's, gas or propane fire places)
- Use only dry seasoned firewood, natural gas or equivalent, or any clean burning fuel with emissions that are equivalent or lower than those caused by the burning of seasoned firewood.
- The fire shall be constantly attended by a competent person until the fire is extinguished. Fire extinguishing equipment shall be readily available/ near by. A garden hose or fire bucket meets this requirement.
- The fire shall be limited to a size NO larger than 3' x 3', and NO taller than two (2) feet high.
- Fires that the Fire Department deem offensive or objectionable due to smoke or odor emissions will be ordered extinguished.

CAN I BURN TRASH, REFUSE OR LAWN WASTE?

No: No person shall burn ANY refuse, rubbish, waste or other trash materials within the State of Ohio. This includes leaves, large uncut limbs or lawn waste.

April 24, 2019

CAN I HAVE A "BON FIRE"?

Yes: Bon Fires are permitted with PRIOR notification to your local air quality management district or the Ohio EPA for the following - excluding waste disposal purposes:

- Prevention and control of disease or pests.
- Recognized silviculture, range or wildlife management.
- Recognized ceremonial purposes. PRIOR approval required. Total burn area is no greater than five (5) feet in diameter and five (5) feet in height and the duration of burn is no longer than three (3) hours.
- All other stated rules apply.

Forms of notification can be found on your Ohio EPA website.

Akron Regional Air Quality Management information line: 330-375-2545 or 330-375-2480.

IF MY NEIGHBORS COMPLAIN, WILL THE FIRE DEPARTMENT INVESTIGATE?

Yes: The Fire Department will investigate all complaints of Open Burning. Provided the fire complies with the City of Kent Codified Ordinance for Open Burning (1503.03), it will be permitted to burn. However, the Fire Department will prohibit and **order the extinguishment** of any open burning that is offensive and objectionable due to smoke or odor emissions when atmospheric conditions make such fires hazardous or endangering to persons.

The Fire Department will NOT mediate neighborhood disputes. All complaints will be handled according to compliance with the City of Kent Codified Ordinance for Open Burning.

COULD I BE CITED FOR MY FIRE?

Yes: If you don't follow the requirements of the Open Burning Ordinance (City of Kent Codified Ordinances - Chapter 1503) you could be cited. A violation is a misdemeanor of the third degree which could result in a fine of not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both.

The Ohio EPA and the Akron Regional Air Quality Management District has the authority to enforce the State's Open Burning Laws. Violations can result in substantial penalties.

If you have any questions, or would like to report a suspected open burning incident, contact your Ohio EPA district office (800-686-6330) or the City of Kent Fire Department (330-673-8814).

April 24, 2019

Know your OHIO Outdoor Fire Laws

Ohio Revised Code 1503.18 Regarding Kindled Fires

ORC 1503.18 is under the authority of the Ohio Division of Forestry.

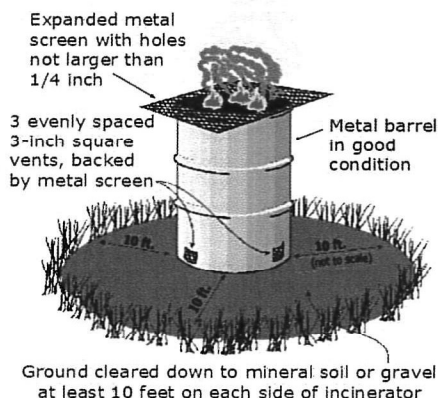
This law prohibits outdoor open burning statewide in unincorporated areas during the months of March, April, May, October, and November between the hours of 6:00 am and 6:00 pm.

This ban includes burning of yard waste, trash, and debris, even in a proper burn barrel.

During Spring, wildfire danger is high before plants have turned green, and in Fall, fire danger is high due to abundant dry leaves and dead grass. Warm, windy weather in both seasons also contribute to elevated fire risk. Always be sure to use a proper burn barrel when burning outdoors during legal hours.

Call your fire department for info about local burning regulations.

Call ODNR Forestry at 877-247-8733 with questions



Ohio Administrative Code 3745.19 Regarding Outdoor Burning

OAC 3745.19 is enforced by the Ohio EPA

EPA notification is required for many types of open burns in Ohio.

Call 614-644-2270 with questions or visit: www.epa.ohio.gov/dapc/general/openburning.aspx for complete rules and to find your local EPA office or air pollution control agency.

EPA Basics for Homeowners

Materials NEVER to be burned at any time or any place in Ohio:

- 1. Food Waste**
- 2. Dead Animals**
- 3. Materials containing rubber, grease, asphalt, or made from petroleum**

OTHER RESTRICTIONS:

- 1. Fires must be more than 1000 feet from neighbor's inhabited building**
- 2. No burning when air pollution alert, warning, or emergency is in effect**
- 3. Fire/smoke cannot obscure visibility on roadway, railways, or airfields**
- 4. No waste generated off the premises may be burned**
- 5. No burning within village or city limits or restricted areas**

**FOLLOW OPEN BURNING LAWS!
AVOID CITATION!
BE SAFE!**

Cooperative Education

Ohio Department of Natural Resources
Division of Forestry
1-877-247-8733
forestry.comments@dnr.state.oh.us
Follow us on Twitter @ohiodnr
www.ohiodnr.com



Ohio Department of Commerce
Division of State Fire Marshal
Fire Prevention Bureau
1-888-243-0305
TTY/TDD: 1-800-750-0750
websfm@com.state.oh.us
Follow us on Twitter @OhioFire
www.com.ohio.gov/fire

DRAFT ORDINANCE NO. 2019 - 69

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT THE LEASE RENEWAL TERMS WITH KENT STATE UNIVERSITY TO CONTINUE TO RENT 414 EAST MAIN STREET BUILDING FOR THE CITY OF KENT HEALTH DEPARTMENT'S USE; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent Health Department would like to renew their lease at 414 East Main Street for an additional 1 year from July 1, 2019 until June 30, 2020; and

WHEREAS, the annual lease would increase from \$12,495.12 (\$1,041.26/monthly) to \$12,745.08 (\$1,062.09/monthly).

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 hereby authorizes the City Manager, or his designee, to accept the lease renewal terms with Kent State University to continue to rent 414 East Main Street building for the City of Kent Health Department's use and is more fully described in 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_____.

(SEAL)

Dawn Bishop
INTERIM CLERK OF COUNCIL

SECOND AMENDMENT TO LEASE

The Second Amendment to Lease is made as of the ____ day of _____, 2019, by and between KENT STATE UNIVERSITY (“**Lessor**”) and the CITY OF KENT, OHIO (“**Lessee**”). Lessor and the Lessee sometimes hereafter are individually referred to as “**Party**” and collectively as “**Parties**”.

Background

A. The Lessor and Lessee are parties to that certain lease dated August 3, 2016, as such lease was amended by that certain First Amendment to Lease dated _____, 2018 (collectively, the “**Lease**”) for the right of the Lessee to occupy 6480 square feet of office space located at 414 East Main Street (“**Premises**”) in the City of Kent, Portage County, State of Ohio.

B. The Parties now desire to extend the Term of the Lease for one year.

NOW THEREFORE, in consideration of the mutual covenants and agreements of the Parties hereinafter set forth, and intending to be legally bound hereby, the Parties agree as follows:

1. The Term of the Lease is hereby extended for one (1) additional (1) year term from July 1, 2019 to June 30, 2020. No renewals are available under the Lease and the Lease shall terminate and be of no further force and effect after 11:59 p.m., June 30, 2020.
2. The Per Lease Year and Monthly Basic Rent payments from July 1, 2019 to June 30, 2020 are as follows:

<u>Lease Year</u>	<u>Per Lease Year</u>	<u>Monthly</u>
July 1, 2019 – June 30, 2020	\$ 12,745.08	\$1,062.09

Rent is payable in twelve (12) equal monthly payments, in advance, by the first day of each month during the term, beginning July 1, 2019.

3. The terms and conditions of the Lease as amended, shall remain in full force and effect, and are hereby confirmed and reaffirmed for all purposes and in all respects. All capitalized words not otherwise defined or modified herein shall have the meanings defined in the Lease.
4. Lessor and Lessee hereby represent, warrant, and covenant to each other that:
 - a. The Lease as amended remains in full force and effect free from default and free from the occurrence of an event which but for the passage of time or the service of notice or both would constitute a default thereunder by any party thereto; and,

- b. Each has the full power and authority to enter into this Second Amendment to Lease which shall become a binding and legal obligation upon complete execution without further approvals.

IN WITNESS WHEREOF, the Parties have duly executed this First Amendment Lease as of the date first above written.

Reviewed as to legal form for Kent State

By: _____
Douglas Kubinski
Associate Counsel
Office of General Counsel

LESSOR:

KENT STATE UNIVERSITY

By: _____
Mark Polatajko
Senior Vice President of
Finance and Administration

LESSEE:

CITY OF KENT

By: _____
David Ruller
City Manager

Approved as to Form:

Hope L. Jones
Law Director

CERTIFICATE OF DIRECTOR OF BUDGET AND FINANCE

It is hereby certified that the amount of (_____) required to meet the contract, agreement, obligation, payment or expenditure, for the above First Amendment, has been lawfully appropriated or authorized or directed for such purposes and is in the City Treasury or in the process of collection to the credit of _____ Fund free from any obligation or certificates now outstanding.

Date

DRAFT