CITY OF KENT, OHIO

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

CITY COUNCIL

AUGUST 15, 2018
REGULAR CITY COUNCIL MEETING AT *7:30 P.M.*
WITH AN EXECUTIVE SESSION IMMEDIATELY FOLLOWING

AGENDA

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

7:30 P.M. **REGULAR COUNCIL**

1. **ROLL CALL**
2. **OPENING REMARKS/PLEDGE OF ALLEGIANCE** *(Ms. Shaffer)*
3. **PRESENTATION OF MASTER MUNICIPAL CLERK (MMC) DESIGNATION TO CLERK OF COUNCIL, TARA GRIMM, FROM THE INTERNATIONAL INSTITUTE OF MUNICIPAL CLERKS ASSOCIATION (IIMC) AND THE OHIO MUNICIPAL CLERK'S ASSOCIATION (OMCA) BY SHARON CASSLER, MMC, CLERK OF COUNCIL, CITY OF CAMBRIDGE.**
4. **APPROVAL OF MINUTES**

   4.1 Regular City Council Meeting of July 18, 2018

5. **COMMUNICATIONS**

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

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

   5.2.1 Parks and Recreation Board Packet for July 19, 2014 received July 23, 2018.

   5.2.2 Civil Service Meeting Agenda for July 23, 2016 received on July 19, 2018.

   5.2.3 Notice from the Department of Commerce Division of Liquor Control received on July 23, 2018 reminding the Clerk that all liquor licenses will expire on October 1, 2018 unless a renewal application was filed.

   5.2.4 Letter from Wendy Hyde of Tobacco 21 received on July 30, 2018 supporting the legislation and requesting removing exemption 527.03.

   5.2.5 Sustainability Commission Meeting Agenda for August 6, 2018 and the Minutes of July 2, 2018 received on August 2, 2018.

   5.3 CITY MANAGER'S REPORT

6. **STANDING COMMITTEES/ LEGISLATION**

   6.1 COMMITTEE OF THE WHOLE *(Mayor Fiala)*

   6.1.1 COMMITTEE MEETING MINUTES OF JULY 11, 2018 *(Actions Approved 7.18.18)*

   6.1.2 SPECIAL COMMITTEE MEETING MINUTES OF JULY 18, 2018

   6.1.3 *ACTION RECOMMENDED:*

1) Authorize adding "In the case of an At-Large Council Person or the Mayor, such petition shall be signed by that number of electors which equals 25% of the total number of votes cast in the City for the President of the United States" to the City's Charter Recall Procedure with an emergency clause.

6.1.4 COMMITTEE MEETING MINUTES OF AUGUST 1, 2018

6.1.5 *ACTION RECOMMENDED:*

1) Approve the Updated City's Public Record Policy with an emergency clause.

6.1.6 BALLOTING FOR BOARDS AND COMMISSIONS

6.1.7 AUTHORIZE INSERTION OF NAMES INTO LEGISLATION

6.1.8 ***Draft No. 2018-86:*** **A RESOLUTION APPOINTING ______________________ TO THE ARCHITECTURAL REVIEW BOARD, AND DECLARING AN EMERGENCY.** (Authorized)

6.1.9 ***Draft No. 2018-87:*** **A RESOLUTION APPOINTING ______________________ TO THE BOARD OF BUILDING APPEALS AS AN ALTERNATE, AND DECLARING AN EMERGENCY.** (Authorized)

6.1.10 ***Draft No. 2018-88:*** **A RESOLUTION APPOINTING _______________ AND ______________TO THE SHADE TREE COMMISSION, AND DECLARING AN EMERGENCY.** (Authorized)

6.1.11 ***Draft No. 2018-89:*** **A RESOLUTION APPOINTING _______________ TO THE FAIR HOUSING BOARD, AND DECLARING AN EMERGENCY.** (Authorized)

6.1.12 ***Draft No. 2018-90:*** **A RESOLUTION APPOINTING _______________ TO THE STORM WATER DISTRICT REVIEW AND APPEALS BOARD, AND DECLARING AN EMERGENCY.** (Authorized)

6.2 COMMUNITY DEVELOPMENT COMMITTEE *(Kuhar/Rosenberg)*

6.2.1 COMMITTEE MEETING MINUTES OF AUGUST 1, 2018

6.2.2 *ACTION RECOMMENDED:*

1) Authorize the demolition of the house located at 408 Mantua Street with an emergency clause.

6.2.3 ***Draft No. 2018-91:*** **A RESOLUTION AUTHORIZING THE DEMOLITION OF CITY OWNED RENTAL HOUSE LOCATED AT 408 NORTH MANTUA STREET BECAUSE THE PROPERTY IS IN DIRE NEED OF RENOVATION AND WILL BE VERY EXPENSIVE TO KEEP ON THE RENTAL MARKET, AND DECLARING AN EMERGENCY.** (Authorized)

6.3 FINANCE COMMITTEE *(DeLeone/Wallach)*

6.3.1 COMMITTEE MEETING MINUTES OF JULY 11, 2018 *(Actions Approved 7.18.18)*

6.3.2 COMMITTEE MEETING MINUTES OF AUGUST 1, 2018

6.3.3 *ACTION RECOMMENDED:*

1) Authorize the 2018 proposed appropriations amendment as submitted with an emergency clause
2) Authorize the settlement of a pending legal matter with an emergency clause

6.3.4 ***Draft No. 2018-92:* AN ORDINANCE AMENDING ORDINANCE NO. 2017-156, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 13, 2017; AS AMENDED BY ORDINANCE NO. 2018-33, PASSED FEBRUARY 21, 2018; AS AMENDED BY ORDINANCE NO. 2018-38, PASSED MARCH 21, 2018; AS AMENDED BY ORDINANCE NO. 2018-51, PASSED APRIL 18, 2018; AND AS AMENDED BY ORDINANCE NO. 2018-71, PASSED JUNE 20, 2018; SO AS TO INCREASE APPROPRIATIONS IN FUND 001, GENERAL; AND FUND 128, FIRE & EMS; AND SO AS TO DECREASE APPROPRIATIONS IN FUND 301, CAPITAL; AND SO AS TO TRANSFER APPROPRIATIONS WITHIN FUND 201, WATER; AND DECLARING AN EMERGENCY.** (Authorized)

6.3.5 ***Draft No. 2018-93:* AN ORDINANCE AUTHORIZING THE SETTLEMENT & RELEASE AGREEMENT BETWEEN THE CITY OF KENT AND TODD GAVRILOFF; AND DECLARING AN EMERGENCY.** (Authorized)

6.3.6 ***Draft No. 2018-94:* A RESOLUTION ACCEPTING A DONATION IN THE AMOUNT OF $50.00 TO THE CITY OF KENT FIRE DEPARTMENT IN HONOR OF RETIRED FIRE AND POLICE DISPATCHER RITA LOFTIN, AND DECLARING AN EMERGENCY.** (Unauthorized)

6.3.7 ***Draft No. 2018-95:* AN ORDINANCE AUTHORIZING THE CERTIFICATION OF NON-PAYMENT OF WATER USE CHARGES, WASTEWATER USE CHARGES, STORM WATER UTILITY CHARGES AND RECYCLING/SOLID WASTE COLLECTION CHARGES TO THE COUNTY AUDITOR IN ORDER TO ALLOW FOR THE PLACEMENT OF THE CERTIFIED AMOUNT ON THE REAL PROPERTY TAX LIST AND DUPLICATE AGAINST THE PROPERTY FOR THE NON-PAYMENT OF WATER USE CHARGES, WASTEWATER USE CHARGES, STORM WATER UTILITY CHARGES AND RECYCLING/SOLID WASTE COLLECTION CHARGES, AND DECLARING AN EMERGENCY.** (Unauthorized)

6.3.8 ***Draft No. 2018-96:* AN ORDINANCE AUTHORIZING THE CERTIFICATION OF DELINQUENT MOWING BILLS, PROPERTY MAINTENANCE VIOLATIONS-CITATIONS, ZONING VIOLATIONS-CITATIONS, AND HEALTH DEPARTMENT VIOLATIONS-CITATIONS TO THE COUNTY AUDITOR IN ORDER TO ALLOW FOR THE PLACEMENT OF THE CERTIFIED AMOUNT ON THE REAL PROPERTY TAX LIST AND DUPLICATE AGAINST THE PROPERTY SERVED BY THE MOWING SERVICES, PROPERTY MAINTENANCE VIOLATION-CITATIONS, ZONING VIOLATIONS-CITATIONS, HEALTH DEPARTMENT VIOLATIONS-CITATIONS, AND DECLARING AN EMERGENCY.** (Unauthorized)

6.3.9 ***Draft No. 2018-97:* AN ORDINANCE AUTHORIZING THE CERTIFICATION OF NON-PAYMENT OF BILLS FOR RESIDENTS RESULTING FROM THE 2016 AND 2017 ANNUAL CONCRETE REPAIR PROGRAMS, TO THE COUNTY AUDITOR IN ORDER TO ALLOW FOR THE PLACEMENT OF THE CERTIFIED AMOUNT ON THE REAL PROPERTY TAX LIST AND DUPLICATE AGAINST THE PROPERTY FOR THE NON-PAYMENT OF SIDEWALK REPAIRS, AND DECLARING AN EMERGENCY.** (Unauthorized)

6.3.10 *Draft No. 2018-98:* **A RESOLUTION ACCEPTING A DONATION IN THE AMOUNT OF $50.00 FROM MARY L. "MOE" KENNELEY TO THE CITY OF KENT POLICE DEPARTMENT IN MEMORY OF RETIRED POLICE DISPATCHER RITA LOFTIN, AND DECLARING AN EMERGENCY.** (Unauthorized)

6.3.11 *Draft No. 2018-99* **A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT A 2018 CHEVROLET EQUINOX (VIN#________________) FROM THE PORTAGE COUNTY TASK FORCE, VALUED AT $28,975.00, AND DECLARING AN EMERGENCY.** (Unauthorized)

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

6.4.1 COMMITTEE MEETING MINUTES OF JULY 11, 2018 *(Actions Approved 7.18.18)*

6.4.2 COMMITTEE MEETING MINUTES OF AUGUST 1, 2018

6.4.3 *ACTION RECOMMENDED:*

1) Authorize have staff bring forward recommended legislation to discuss and modify on urban chickens with an emergency clause.
2) Accept the recommendation of raising the cost to the residents for animal trapping to 50% of the cost to the city and remove commercial properties from using the service, with an emergency clause.

6.5 LAND USE COMMITTEE (*Ferrara/Shaffer)*

6.5.1 COMMITTEE MEETING MINUTES: None

6.5.2 *ACTION RECOMMENDED:* None

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

6.6.1 COMMITTEE MEETING MINUTES OF JULY 11, 2018 *(Actions Approved 7.18.18)*

6.6.2 COMMITTEE MEETING MINUTES OF AUGUST 1, 2018

6.6.3 *ACTION RECOMMENDED:*

1) Authorize the Better Block Special Event Permit with an emergency clause.

6.6.4 *Draft No. 2018-100:* **A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPROVE A NEW SPECIAL EVENT APPLICATION FROM THE EACH & EVERY GROUP FOR THE NORTH WATER STREET KENT BETTER BLOCK PROJECT TO BE HELD ON SEPTEMBER 29, 2018 IN CERTAIN AREAS OF KENT, AND DECLARING AN EMERGENCY.** (Authorized)

7. SPECIAL COMMITTEE REPORTS

8. UNFINISHED BUSINESS

9. NEW BUSINESS

9.1 Items needing Council action or referral
9.2 Schedule future Council meetings
9.3 Councilmembers' comments

10. MAYOR'S REPORT

11. EXECUTIVE SESSION IMMEDIATELY FOLLOWING THE MEETING IN ACCORDANCE WITH ORC §121.22 Section G, Item (3): *"Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action."*

12. ADJOURNMENT

Posted: AUGUST 8, 2018

Tara Grimm

Tara Grimm, MMC
Clerk of Council
Visit www.kentohio.org for up to the minute Agenda Amendments

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

RESOLUTION NO. 2018-86

A RESOLUTION APPOINTING ________________ TO THE ARCHITECTURAL REVIEW BOARD, AND DECLARING AN EMERGENCY.

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

SECTION 1. That ________________ is hereby appointed to the **ARCHITECTURAL REVIEW BOARD.**

NAME	TERM
	8/19/2018 - 12/31/2021

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

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

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

PASSED: ______________________
Date

____
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: ______________________
Date

ATTEST: ______________________
Tara Grimm, MMC
Clerk of Council

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

(SEAL)

____
TARA GRIMM, MMC
CLERK OF COUNCIL

RESOLUTION NO. 2018-87

A RESOLUTION APPOINTING ________________ TO THE BOARD OF BUILDING APPEALS AS AN ALTERNATE, AND DECLARING AN EMERGENCY.

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

SECTION 1. That _________________ is hereby appointed to the **BOARD OF BUILDING APPEALS AS AN ALTERNATE.**

NAME	**TERM**
	8/15/2018 - 12/31/2021

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

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

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

PASSED: ________________________
Date

____
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: ______________________
Date

ATTEST: _________________________
Tara Grimm, MMC
Clerk of Council

I, TARA GRIMM, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *RESOLUTION No.* ___________, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON ______________________________, 20______.

(SEAL)

____
TARA GRIMM, MMC
CLERK OF COUNCIL

RESOLUTION NO. 2018-88

A RESOLUTION APPOINTING ________________ AND _______________TO THE SHADE TREE COMMISSION, AND DECLARING AN EMERGENCY.

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

SECTION 1. That ________________ and _______________ are hereby appointed to the **SHADE TREE COMMISSION.**

NAME	**TERM**
	8/18/2018 - 12/31/2023
	8/18/2018 - 12/31/2023

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

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

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

PASSED: ______________________
Date

____
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: ____________________
Date

ATTEST: ______________________
Tara Grimm, MMC
Clerk of Council

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

(SEAL)

____
TARA GRIMM, MMC
CLERK OF COUNCIL

RESOLUTION NO. 2018-89

A RESOLUTION APPOINTING ________________ TO THE FAIR HOUSING BOARD, AND DECLARING AN EMERGENCY.

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

SECTION 1. That ________________ is hereby appointed to the **FAIR HOUSING BOARD.**

NAME	TERM
	8/19/2018 - 12/31/2021

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

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

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

PASSED: ______________________
Date

____
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: ____________________
Date

ATTEST: ________________________
Tara Grimm, MMC
Clerk of Council

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

(SEAL)

____
TARA GRIMM, MMC
CLERK OF COUNCIL

RESOLUTION NO. 2018-90

A RESOLUTION APPOINTING ________________ TO THE STORM WATER DISTRICT REVIEW AND APPEALS BOARD, AND DECLARING AN EMERGENCY.

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

SECTION 1. That _________________ is hereby appointed to the **STORM WATER DISTRICT REVIEW AND APPEALS BOARD.**

NAME	TERM
	8/15/2018 - 12/31/2020

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

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

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

PASSED: ______________________
Date

____
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: ______________________
Date

ATTEST: ________________________
Tara Grimm, MMC
Clerk of Council

I, TARA GRIMM, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *RESOLUTION No.* ___________, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON ______________________________, 20______.

(SEAL)

____
TARA GRIMM, MMC
CLERK OF COUNCIL

RESOLUTION NO. 2018-91

A RESOLUTION AUTHORIZING THE DEMOLITION OF CITY OWNED RENTAL HOUSE LOCATED AT 408 NORTH MANTUA STREET BECAUSE THE PROPERTY IS IN DIRE NEED OF RENOVATION AND WILL BE VERY EXPENSIVE TO KEEP ON THE RENTAL MARKET, AND DECLARING AN EMERGENCY.

WHEREAS, the City owned rental house located at 408 North Mantua Street was purchased years ago on the premise of securing land for possible expansion of the West Side Fire Station; and

WHEREAS, the property is in need of significant reinvestment in order to keep it on the rental market and is no longer needed for municipal purpose and should be considered to be demolished.

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 demolition of the City owned rental house located at 408 North Mantua Street because the property is in dire need of renovation and no longer needed for municipal purposes.

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: ________________________
Tara Grimm, MMC
Clerk of Council

I, TARA GRIMM, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *RESOLUTION No.* __________, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON ______________________, 20______.

(SEAL)

____
TARA GRIMM, MMC
CLERK OF COUNCIL

ORDINANCE NO. 2018-92

AN ORDINANCE AMENDING ORDINANCE NO. 2017-156, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 13, 2017; AS AMENDED BY ORDINANCE NO. 2018-33, PASSED FEBRUARY 21, 2018; AS AMENDED BY ORDINANCE NO. 2018-38, PASSED MARCH 21, 2018; AS AMENDED BY ORDINANCE NO. 2018-51, PASSED APRIL 18, 2018; AND AS AMENDED BY ORDINANCE NO. 2018-71, PASSED JUNE 20, 2018; SO AS TO INCREASE APPROPRIATIONS IN FUND 001, GENERAL; AND FUND 128, FIRE & EMS; AND SO AS TO DECREASE APPROPRIATIONS IN FUND 301, CAPITAL; AND SO AS TO TRANSFER APPROPRIATIONS WITHIN FUND 201, WATER; 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, 2018.

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 appropriations Ordinance No. 2017-156 passed December 13, 2017, as amended by Ordinance No. 2018-33 passed February 21, 2018, as amended by Ordinance No. 2018-38 passed March 21, 2018, as amended by Ordinance No. 2018-51 passed April 18, 2018, as amended by Ordinance No. 2018-71 passed June 20, 2018, be amended as set forth in Exhibit "A", attached hereto and incorporated herein.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such 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

EFFECTIVE: _____________________
Date

____
Jerry T. Fiala
Mayor and President of Council

ATTEST: _________________________
Tara Grimm, CMC
Clerk of Council

I, TARA GRIMM, 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)

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TARA GRIMM, CMC
CLERK OF COUNCIL

2018 AMENDED APPROPRIATIONS

Fund - Department/Division	Personnel & Benefits	Other than Personnel & Benefits	Capital	Reserve/ Debt Service	Contingency	Fund & Department Total
General Fund (001)						
City Council	$154,230	$33,133				$187,363
Mayor	$9,560	$6,300				$15,860
Community Support		$84,500				$84,500
City Manager	$300,120	$62,133				$362,253
New City Hall Facility		$0	$300,000			$300,000
Information Technology	$76,458	$128,980				$205,438
Urban Renewal		$56,100				$56,100
Human Resources	$58,980	$18,318				$77,298
Civil Service	$29,381	$38,383				$67,764
Law	$348,834	$154,495				$503,329
Budget & Finance	$174,475	$138,085				$312,560
Community Development	$549,772	$251,520				$801,292
CHIP Grant		$0				$0
Economic Development	$113,707	$74,840				$188,547
Health	$436,531	$184,058				$620,589
Public Parking		$62,000				$62,000
Main Street Program		$60,000				$60,000
Service Administration	$69,189	$443,688				$512,877
Shade Tree		$79,670	$10,000			$89,670
Adjunct Facilities		$1,770				$1,770
Building	$292,955	$62,972				$355,927
Land banking		$35,000				$35,000
Engineering	$222,546	$143,642				$366,188
Miscellaneous & Sundry		$369,250				$369,250
Contingency					$100,000	$100,000
Fund Total	$2,836,738	$2,488,837	$310,000	$0	$100,000	$5,735,575
West Side Fire (101)						
Fire	$256,301	$27,827				$284,128
Fund Total	$256,301	$27,827	$0	$0	$0	$284,128
Street Construction Maintenance & Repair (102)						
Service	$1,105,077	$1,059,131				$2,164,208
Contingency					$25,000	$25,000
Fund Total	$1,105,077	$1,059,131	$0	$0	$25,000	$2,189,208
State Highway (103)						
Service		$70,000				$70,000
Fund Total	$0	$70,000	$0	$0	$0	$70,000
Recreation (106)						
Parks & Recreation	$1,353,255	$663,644	$135,000			$2,151,899
Fund Total	$1,353,255	$663,644	$135,000	$0	$0	$2,151,899
Food Service (107)						
Health	$93,439	$30,754				$124,193
Fund Total	$93,439	$30,754	$0	$0	$0	$124,193

2018 AMENDED APPROPRIATIONS

Fund - Department/Division	Personnel & Benefits	Other than Personnel & Benefits	Capital	Reserve/ Debt Service	Contingency	Fund & Department Total
Income Tax (116)						
Budget/Finance/IncTaxAdmin	$255,764	$502,183				$757,947
Managed Reserve				$25,540		$25,540
Fund Total	$255,764	$502,183	$0	$25,540	$0	$783,487
Revolving Housing (120)						
Health	$146,333	$10,500				$156,833
Fund Total	$146,333	$10,500	$0	$0	$0	$156,833
State & Local Forfeits (121)						
Police		$2,000				$2,000
Fund Total	$0	$2,000	$0	$0	$0	$2,000
Drug Law Enforcement (122)						
Police		$12,000				$12,000
Fund Total	$0	$12,000	$0	$0	$0	$12,000
Enforcement & Education (123)						
Police		$6,000				$6,000
Fund Total	$0	$6,000	$0	$0	$0	$6,000
Income Tax Safety (124)						
Police	$6,603,345	$584,200				$7,187,545
Fund Total	$6,603,345	$584,200	$0	$0	$0	$7,187,545
Law Enforcement Trust (125)						
Police		$1,000				$1,000
Fund Total	$0	$1,000	$0	$0	$0	$1,000
Community Development Block Grant (126)						
Community Development	$22,625	$292,650	$442,227			$757,502
Fund Total	$22,625	$292,650	$442,227	$0	$0	$757,502
Fire & E.M.S. (128)						
Fire	$4,479,301	$466,344	$1,367,000			$6,312,645
Fund Total	$4,479,301	$466,344	$1,367,000	$0	$0	$6,312,645
Wireless 911 (129)						
Safety		$0				$0
Fund Total	$0	$0	$0	$0	$0	$0
Swimming Pool Inspections (130)						
Health	$7,783	$500				$8,283
Fund Total	$7,783	$500	$0	$0	$0	$8,283

2018 AMENDED APPROPRIATIONS

Fund - Department/Division	Personnel & Benefits	Other than Personnel & Benefits	Capital	Reserve/ Debt Service	Contingency	Fund & Department Total
Police Pension (132)						
Police	$110,000					$110,000
Fund Total	$110,000	$0	$0	$0	$0	$110,000
Fire Pension (133)						
Fire	$110,000					$110,000
Fund Total	$110,000	$0	$0	$0	$0	$110,000
UDAG / EDA-RLF (134)						
City Manager/C.D.		$400,000				$400,000
Fund Total	$0	$400,000	$0	$0	$0	$400,000
Water (201)						
Service	$1,690,883	$826,855	$646,240			$3,163,978
Service (Capital Facilities)			$1,785,369			$1,785,369
Admin. Support	$523,382	$41,536	$14,000			$578,918
Budget & Finance (Debt)				$54,608		$54,608
Contingency					$50,000	$50,000
Fund Total	$2,214,265	$868,391	$2,445,609	$54,608	$50,000	$5,632,873
Sewer (202)						
Service	$1,909,922	$903,384	$490,442			$3,303,748
Service (Capital Facilities)			$2,856,508			$2,856,508
Admin. Support	$574,813	$43,837	$14,000			$632,650
Budget & Finance (Debt)				$684,208		$684,208
Contingency					$50,000	$50,000
Fund Total	$2,484,735	$947,221	$3,360,950	$684,208	$50,000	$7,527,114
Utility Billing (204)						
Budget & Finance		$100,086				$100,086
Fund Total	$0	$100,086	$0	$0	$0	$100,086
Solid Waste (205)						
Service	$84,089	$497,683				$581,772
Fund Total	$84,089	$497,683	$0	$0	$0	$581,772
Storm Water Utility (208)						
Service	$226,819		$25,000			$251,819
Service (Capital Facilities)			$1,041,485			$1,041,485
Admin. Support	$306,635	$70,921	$89,000			$466,556
Budget & Finance (Debt)				$9,968		$9,968
Fund Total	$533,454	$70,921	$1,155,485	$9,968	$0	$1,769,828
Guaranteed Deposits (230)						
Budget & Finance		$1,000				$1,000
Fund Total	$0	$1,000	$0	$0	$0	$1,000

2018 AMENDED APPROPRIATIONS

Fund - Department/Division	Personnel & Benefits	Other than Personnel & Benefits	Capital	Reserve/ Debt Service	Contingency	Fund & Department Total
Capital Projects (301)						
Safety			$74,900			$74,900
Service			$434,568			$434,568
Service (Capital Facilities)			$9,701,906			$9,701,906
Health			$0			$0
Budget & Finance Admin.			$100,000	$806,258		$906,258
Contingency					$25,000	$25,000
Fund Total	$0	$0	$10,311,374	$806,258	$25,000	$11,142,632
Municipal Public Improvement Tax Increment Equivalent (302)						
Service (Capital Facilities)						$0
Budget & Finance (Debt)				$1,517,151		$1,517,151
Fund Total	$0	$0	$0	$1,517,151	$0	$1,517,151
Police Facility (303)						
Safety (Capital Facilities)			$975,494			$975,494
Budget & Finance (Debt)				$4,189,098		$4,189,098
Fund Total	$0	$0	$975,494	$4,189,098	$0	$5,164,592
Debt Service (402)						
Budget & Finance (Debt)				$297,694		$297,694
Fund Total	$0	$0	$0	$297,694	$0	$297,694
Internal Service (807)						
Health Insurance		$3,260,000				$3,260,000
Fund Total	$0	$3,260,000	$0	$0	$0	$3,260,000
Total Appropriations	$22,696,504	$12,362,872	$20,503,139	$7,584,525	$250,000	$63,397,040
Original Appropriations	$22,277,704	$11,709,693	$12,520,619	$7,584,525	$250,000	$54,342,541
Amendment #1	$417,000	$3,500	$7,709,393			$8,129,893
Amendment #2		$50,000	$3,000			$53,000
Amendment #3	$1,800	$159,754	$322,227			$483,781
Amendment #4		$435,500	$127,900			$563,400
Amendment #5		$4,425	($180,000)			($175,575)
Amendment #6						$0
Amendment #7						$0
Amendment #8						$0
	$22,696,504	$12,362,872	$20,503,139	$7,584,525	$250,000	$63,397,040

2018 AMENDED APPROPRIATIONS - SCHEDULE OF OPERATING TRANSFERS AND TEMPORARY ADVANCES

Paying Fund		Original	Current Request	Change	Receiving Fund
Operating Transfers					
Fund 116 - Income Tax		$3,600,000	$3,600,000	$0	Fund 001 - General
Fund 116 - Income Tax		$867,500	$867,500	$0	Fund 102 - St Const Maint & Repair
Fund 116 - Income Tax		$3,532,228	$3,532,228	$0	Fund 124 - Income Tax Safety
Fund 116 - Income Tax		$3,532,228	$3,532,228	$0	Fund 128 - Fire & E.M.S.
Fund 116 - Income Tax		$2,828,520	$3,528,057.44	$699,537.44	Fund 301 - Capital Projects
Fund 116 - Income Tax		$1,766,120	$1,812,504.22	$46,384.22	Fund 303 - Police Facility
Fund 116 - Income Tax		$268,708	$268,708	$0	Fund 402 - Debt Service
Fund 116 - Income Tax		$0	$0	$0	Fund 807 - Health Insurance
Total Fund 116 Income Tax		$16,395,304	$17,141,225.66	$745,921.66	
Fund 201 - Water		$44,543	$44,543	$0	Fund 204 - Utility Billing
Fund 202 - Sewer		$44,543	$44,543	$0	Fund 204 - Utility Billing
Fund 001 - General		$3,200,000	$3,200,000	$0	Fund 124 - Income Tax Safety
Fund 001 - General		$0	$100,000	$100,000	Fund 126 -CDBG
Fund 001 - General		$2,000,000	$2,000,000	$0	Fund 128 - Fire & EMS
Fund 001 - General		$0	$6,640	$6,640	Fund 106 - Parks & Recreation
Subtotal - Total Operating Transfers		$19,684,390	$22,536,951.66	$852,561.66	
Temporary Advances					
Fund 106 - Recreation	*	$50,000	$50,000	0	Fund 001 - General
Fund 116 - Income Tax		$0	$75,000	75,000	Fund 126 -CDBG
Fund 201 - Water	*	$80,000	$80,000	0	Fund 116 - Income Tax
Fund 202 - Sewer	*	$65,000	$65,000	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		$414,000	$489,000	$75,000	
Grand Total - All Transfers & Advances		$20,098,390	$23,025,951.66	$927,561.66	

*** Designates Repayment of Advance**

ORDINANCE 2018-93

AN ORDINANCE AUTHORIZING THE SETTLEMENT & RELEASE AGREEMENT BETWEEN THE CITY OF KENT AND TODD GAVRILOFF; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent and Todd Gavriloff have reached a Settlement & Release Agreement mutually agreed upon by both parties in terms substantially comparable to the terms contained in the document attached as Exhibit “A”.

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

SECTION 1. Based upon the recommendation of City Council, the City of Kent and Todd Gavriloff have mutually agreed upon a Settlement & Release Agreement in terms substantially comparable to the terms contained in the document as Exhibit “A”, attached hereto and made a part hereof.

SECTION 2. No payment required under the Settlement & Release Agreement shall be made until all statutory waiting periods have passed.

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

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

PASSED: ______________________
Date

____
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: ______________________
Date

ATTEST: ________________________
Tara Grimm, MMC
Clerk of Council

I, TARA GRIMM, 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)

____
TARA GRIMM, MMC
CLERK OF COUNCIL

RESOLUTION NO. 2018-94

A RESOLUTION ACCEPTING A DONATION IN THE AMOUNT OF $50.00 TO THE CITY OF KENT FIRE DEPARTMENT IN HONOR OF RETIRED FIRE AND POLICE DISPATCHER RITA LOFTIN, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent Fire Department has received a donation in the amount of $50.00 in honor of retired Fire and Police Dispatcher Rita Loftin; and

WHEREAS, the City wishes to accept said donation.

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

SECTION 1. That Council does hereby authorize the City Manager on behalf of the City of Kent Fire Department to accept the donation in the amount of $50.00 in honor of retired Fire and Police Dispatcher Rita Loftin.

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

EFFECTIVE: ______________________
Date

____
Jerry T. Fiala
Mayor and President of Council

ATTEST: _________________________
Tara Grimm, CMC
Clerk of Council

I, TARA GRIMM, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF RESOLUTION *No.* ______________, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON __________________________, 20________.

(SEAL)

____
TARA GRIMM, CMC
CLERK OF COUNCIL

ORDINANCE NO. 2018-95

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

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

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

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

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

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

SECTION 4. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 5. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: ______________________
Date

____
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: ______________________
Date

ATTEST: ________________________
Tara Grimm, MMC
Clerk of Council

I, TARA GRIMM, 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)

____
TARA GRIMM, MMC
CLERK OF COUNCIL

City of Kent: Delinquent Fines and Unpaid Fees Dept: Utility Billing

Owner Name	Address	Parcel #	Amount	Date Delinquent	Description of Fine/unpaid fee
Abell, Brian	435 Crain	17-024-33-00-003-000	$84.95	7/26/2017	water/sewer
Adams, Dave	306 E Summit	17-013-10-00-060-000	$69.76	11/28/2017	water/sewer
Adams, Dave	220 N Lincoln	17-024-33-00-135-000	$130.83	11/28/2017	water/sewer
Ahmad, Bassam	1110 Silver Meadows	17-028-10-00-116-000	$55.91	12/1/2017	water/sewer
Alexovich, Louann	542 Park	17-025-10-00-124-000	$187.45	1/29/2018	water/sewer
Apel, Myrna	601 Franklin	17-012-10-00-040-000	$28.19	6/5/2018	water/sewer
Austin, Beverlee	1018 Kevin	17-044-10-00-025-000	$12.91	5/25/2017	water/sewer
Berthiaume, Justin	1265 Meadow	17-010-10-00-172-000	$46.71	3/23/2018	water/sewer
Biggie, William	326 W Elm	17-012-20-00-138-000	$8.31	10/24/2017	water/sewer
Bina, Margaret	709 Marilyn	17-010-70-00-054-000	$17.41	10/31/2017	water/sewer
Bridgewater, Michelle	1156 Hampton	17-010-20-00-064-000	$97.46	6/2/2017	water/sewer
Bruckelmyer, Clay	1465 Mogadore	17-008-00-00-012-000	$16.97	5/25/2018	water/sewer
Bukovac, Michael	447 Park	17-025-10-00-102-000	$310.16	12/15/2017	water/sewer
Cadle, Krimson	614 Hudson	17-030-20-00-097-000	$146.05	5/29/2018	water/sewer
Cartwright, William	811 S Water	17-013-20-00-030-000	$104.97	10/26/2017	water/sewer
Cartwright, William	809 S Water	17-013-20-00-029-000	$392.43	1/25/2017	water/sewer
Casto, James	1251 Overbrook	17-010-10-00-006-000	$70.82	7/31/2017	water/sewer
Chawla, Nishi	1599 Chadwick	17-005-20-00-021-000	$195.74	11/30/2017	water/sewer
Ciccone, Robert	402 Harris	17-007-10-00-036-000	$59.01	5/31/2018	water/sewer
CLC Holdings, LLC	482 Irma	17-010-40-00-026-000	$147.57	9/5/2017	water/sewer
Coble, Harris	539 Miller	17-031-22-00-004-000	$69.87	2/12/2018	water/sewer
Cole, Windy	1533 S Water	17-006-12-00-152-000	$84.35	1/9/2018	water/sewer
Condos, George	221 Starr	17-031-21-00-024-000	$5,680.51	5/31/2017	water/sewer
Daniels, Doria	322 Dodge	17-012-20-00-214-000	$455.18	10/23/2017	water/sewer
Dodson, Donald	221 Cherry	17-007-10-00-084-000	$221.60	8/29/2017	water/sewer
Ellis, Shane	118 Crain	17-031-22-00-208-000	$38.04	10/12/2017	water/sewer
Family & Comm Services	1540 Benjamin	17-007-20-00-014-000	$86.53	5/3/2018	water/sewer
Garrett Townhomes, LLC	421 Garrett	17-027-10-00-084-000	$65.45	9/8/2017	water/sewer
Gillespie, Jessica	1102 Franklin	17-012-20-00-209-000	$28.01	11/6/2017	water/sewer
Giner, Jose	465 Deidrick	17-010-40-00-046-000	$227.10	10/25/2017	water/sewer

Ginther, Greg	228 Robert	17-043-10-00-005-000	$58.30	7/3/2017	water/sewer
Gross, Elizabeth	215 S Prospect	17-025-20-00-111-000	$64.87	1/2/2018	water/sewer
Gross, Elizabeth	135 Crain	17-031-22-00-174-000	$94.57	6/8/2018	water/sewer
Hershiser, Scott	445 Burns	17-030-20-00-209-000	$407.18	11/8/2017	water/sewer
Hershiser, Scott	407 N Water	17-024-20-00-064-000	$98.45	7/31/2017	water/sewer
Hershiser, Scott	316 E College	17-024-40-00-090-000	$73.69	7/31/2017	water/sewer
Hershiser, Scott	535 S Water	17-013-10-00-006-000	$48.01	7/21/2017	water/sewer
Hershiser, Scott	445 Burns	17-030-20-00-209-000	$96.32	3/1/2018	water/sewer
Hershiser, Scott	447 Burns	17-030-20-00-209-000	$156.68	3/19/2018	water/sewer
Hershiser, Scott	424 Burns	17-030-20-00-208-000	$65.35	4/23/2018	water/sewer
Hershiser, Scott	430 Burns 2	17-030-20-00-210-000	$262.27	6/6/2018	water/sewer
Hostetler, Larry	1090 Silver Meadows	17-028-10-00-115-000	$154.35	11/1/2017	water/sewer
Hostetler, Larry	804 Franklin	17-012-20-00-024-000	$47.33	4/25/2018	water/sewer
J.R. Acquisitions, LLC	416 E Summit	17-013-10-00-097-000	$100.05	12/8/2017	water/sewer
Jacobs, Lyndon	239 E Elm	17-013-20-00-065-000	$33.31	10/9/2017	water/sewer
Kapusta, Kellie	900 Hudson	17-030-10-00-105-000	$26.12	10/31/2017	water/sewer
Kerr, Lorraine	907 Highridge	17-029-20-00-011-095	$35.62	2/14/2018	water/sewer
Knapp, Paul	815 Hudson	17-030-20-00-213-000	$64.23	11/8/2017	water/sewer
Knauss, Marie	715 Hughey	17-009-10-00-007-000	$18.28	7/31/2017	water/sewer
Koeberle, Mara	147 N Pearl	17-025-10-00-173-000	$457.64	3/1/2018	water/sewer
Kreiner, Janice	1936 Kimberly	12-016-20-00-039-000	$61.06	4/20/2018	water/sewer
Kruis, Diane	933 S Water	17-013-20-00-051-000	$69.89	6/28/2017	water/sewer
Kurtz, Jeffrey	311 Mckinney	17-043-20-00-015-000	$79.00	9/19/2017	water/sewer
Langston, Brian	1531 Statesman	17-007-20-00-036-000	$90.12	6/28/2017	water/sewer
Langston, Brian	1545 Statesman	17-007-20-00-039-000	$146.44	5/7/2018	water/sewer
Leone, James	212 Lake	17-031-22-00-156-000	$66.45	5/8/2018	water/sewer
Less, Laura & Jeffrey	3 Vine	17-013-10-00-071-000	$64.04	8/30/2017	water/sewer
Lewis, William	915 S Water	17-013-20-00-048-000	$54.84	6/1/2018	water/sewer
Liethold, Thomas	647 S Depeyster	17-013-20-00-120-000	$8.61	10/4/2017	water/sewer
McIntyre, Jennifer	511 W Main	17-025-10-00-204-000	$301.02	11/14/2017	water/sewer
Medley, Helen	729 Berkeley	17-005-10-00-008-000	$17.59	7/28/2017	water/sewer
Mileski, Steve	243 E Summit	17-024-40-00-072-000	$23.04	8/21/2017	water/sewer
Miller, Harry	571 Beech	17-010-60-00-030-000	$19.50	2/1/2018	water/sewer
Miller, John	716 Silver Meadows	17-028-10-00-046-000	$94.62	6/2/2017	water/sewer
Moore, Andrew	424 Irma	17-010-40-00-035-000	$71.77	7/3/2017	water/sewer
Morrison, John	1139 N Mantua	17-031-10-00-029-000	$36.77	12/15/2017	water/sewer
O'Neal, Logan	1248 Denise	17-028-10-00-104-000	$68.50	5/24/2017	water/sewer
Paying It Forward LLC	154 N Depeyster	17-024-20-00-036-000	$165.06	6/27/2017	water/sewer

Paypay Properties, LLC	542 Rockwell	17-030-20-00-028-000	$32.83	5/11/2018	water/sewer
Peppeard, Cory	1295 Denise	17-028-10-00-031-000	$112.74	12/29/2017	water/sewer
Plymale, Shands	1326 Chelton B	17-010-40-00-013-000	$276.59	12/26/2017	water/sewer
Plymale, Shands	1328 Chelton B	17-010-40-00-013-000	$225.70	9/5/2017	water/sewer
Portage Housing	1674 Olympus	17-004-00-00-018-004	$20.94	6/2/2017	water
Quad Property Mgmt	1509 Mogadore	17-008-00-00-014-000	$27.04	3/13/2018	water/sewer
Rahmani, Mastafa	721 Akron	17-009-20-00-010-003	$266.16	5/29/2018	water/sewer
Ray, Lynette	221 Mckinney	17-043-20-00-006-000	$119.21	10/2/2017	water/sewer
Reeves, Glen	620 Virginia	17-032-20-00-011-000	$57.59	10/17/2017	water/sewer
Reitz, Cheryl	1538 Mogadore	17-008-00-00-018-000	$61.88	11/3/2017	water/sewer
Rhodes, William	745 Stow	17-026-20-00-034-000	$43.12	6/21/2017	water/sewer
Roberts, Bret	129 N Depeyster	17-024-34-00-077-000	$379.99	8/24/2017	water/sewer
Rock, John	115 Overlook	17-023-10-00-088-000	$45.61	3/14/2018	water/sewer
Rockland Homes	760 Riverbend	17-041-30-00-065-047	$159.89	11/16/2017	water/sewer
Russell, Ashley	208 Crain	17-031-22-00-200-000	$59.30	5/29/2018	water/sewer
Sampson, Erica	1019 Gardenview	17-010-80-00-108-000	$19.46	8/1/2017	water/sewer
Sapp, John	1061 Meredith	17-010-80-00-033-000	$73.14	8/11/2017	water/sewer
Schultz, Scott	406 E School	17-013-20-00-313-000	$201.38	1/31/2018	water/sewer
Schweda, Tia	510 Longmere	17-010-80-00-079-000	$277.42	5/24/2017	water/sewer
Seaholts, Gordon	609 Vine	17-013-20-00-193-000	$29.17	6/11/2018	water/sewer
Seaholts, Mark	819 Mae	17-017-10-00-052-000	$88.12	12/1/2017	water/sewer
SHR S Mantua St, LLC	206 S Mantua 3	17-025-20-00-052-000	$100.73	8/1/2017	water/sewer
Sicuro, Letty	1400 Vine	17-006-12-00-008-000	$146.83	8/22/2017	water/sewer
Sicuro, Letty	1402 Vine	17-006-12-00-008-000	$133.95	8/22/2017	water/sewer
Sizemore, Cody	827 Randall	17-030-20-00-248-000	$167.47	7/3/2017	water/sewer
Sleek, Marc	709 Stinaff	17-030-10-00-158-000	$47.95	11/14/2017	water/sewer
Sullivan, Timothy	415 Robert	17-043-10-00-014-000	$153.21	3/9/2018	water/sewer
Thompson, James	554 Longcoy	17-030-10-00-138-000	$312.99	9/27/2017	water/sewer
Tipton, Charles	1067 Hudson	17-043-00-00-030-000	$27.59	3/26/2018	water/sewer
Ury, Patricia	308 Woodard	17-030-20-00-035-000	$36.71	4/16/2018	water/sewer
Van Horn, Marcia	1240 Meadow	17-010-10-00-158-000	$54.49	6/28/2017	water/sewer
Vanags, John	1017 N Mantua 1	17-031-10-00-045-000	$665.06	11/30/2017	water/sewer
Vanags, John	1017 N Mantua 4	17-031-10-00-045-000	$209.93	3/5/2018	water/sewer
Vanard, Jean	602 N Willow	17-031-22-00-129-000	$125.97	9/22/2017	water/sewer
Verma, Bipin	1664 Olympus	17-004-00-00-019-000	$25.95	4/9/2018	water
Victor, Michael & Cathy	382 Irma	17-027-10-00-124-000	$21.35	7/7/2017	water/sewer
Vintson, Donna	1060 Kevin	17-044-10-00-032-000	$94.79	9/1/2017	water/sewer
Vogliano, Robert	486 Irma	17-010-40-00-025-000	$78.07	6/22/2017	water/sewer

Watson, Walter	1224 Fairview	17-023-10-00-121-000	$307.04	4/9/2018	water/sewer
WRI Property Mgmt	521 Grant	17-043-30-00-019-000	$36.99	4/11/2018	water/sewer
XP-7 Properties LLC	315 Harris	17-012-20-00-227-000	$47.30	10/23/2017	water/sewer
Zhao, Lei	489 S Francis	17-010-10-00-024-000	$28.81	7/3/2017	water/sewer
Zwolinski, Mark	345 Harris	17-012-20-00-227-000	$27.07	7/3/2017	water/sewer
TOTAL			$18,368.72		

ORDINANCE 2018-96

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

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

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

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

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

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

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

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

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

SECTION 4. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

<u>SECTION 5</u>. 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

EFFECTIVE: ______________________
Date

____
Jerry T. Fiala
Mayor and President of Council

ATTEST: ________________________
Tara Grimm, MMC
Clerk of Council

I, TARA GRIMM, 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)

____
TARA GRIMM, MMC
CLERK OF COUNCIL

City of Kent: Delinquent Fines/Unpaid Fees: Dept. Community Development 7/24/18

Owner Name	Address	Parcel Number	Amount	Date Incurred	Description
SULLIVAN NADINE HULBERT AKA NADINE H	336 SILVER MEADOWS BV	17-028-20-00-112-000	$29,265	4/19/18	Asbestos survey, demo cost, Stm/San Abandonment
GREENE JOSHUA R	416 SUMMIT	17-013-10-00-097-000	$300	6/25/18	1410.04f
DIFIORE FAMILY PROPERTIES LLC	108 W COLLEGE ST	17-025-40-00-056-000	$300	6/11/18	1411.05
CLEGG PATRICK D	1216 MUNROE FALLS	17-010-70-00-046-000	$13,200	9/25/17	1411.05, 1410.04f, 1413.02, 1411.06
KOSCO MAURUS J & SUSAN E	1572 SUMMIT ST	17-004-00-00-006-009	$2100	10/26/17	1418.04, 1411.06
AURAND PATRICIA P	202 S PROSPECT ST	17-025-20-00-125-000	$300	7/9/18	1411.06
JONES NATALIE L	731 CUYAHOGA	17-030-20-00-278-000	$680	6/5/18	mowing
BILLITER ROBERT L	115 W ELM	17-012-20-00-053-000	$1290	6/29/18	mowing
GREENE JOSHUA R	347 HIGH	17-013-20-00-180-000	$335	6/29/18	mowing
COTTON JAMES A & JAMES ALBERT	227 LAKE	17-031-21-00-061-000	$335	6/5/18	mowing
THOMPSON JAMES V	554 LONGCOY	17-030-10-00-138-000	$1310	6/29/18	mowing
GALLAWAY CHARLES T JR & CHRISTY SUE (J&S)	1198 MIDDLEBURY	17-009-20-00-062-000	$335	6/5/18	mowing
CLEGG PATRICK D	1216 MUNROE FALLS	17-010-70-00-046-000	$335	6/29/18	mowing
SULLIVAN NADINE HULBERT AKA NADINE H	336 SILVER MEADOWS BV	17-028-20-00-112-000	$1305	6/29/18	mowing
STAMPER LISA G	434 STOW	17-025-20-00-011-000	$335	6/5/18	mowing
GREENE JOSHUA R	416 SUMMIT	17-013-10-00-097-000	$335	6/29/18	mowing
KIMCO KENT 637 INC AN OHIO CORP	ST RT 43 & 261, NW CORNER	45-004-00-00-051-000	$335	6/5/18	mowing

Total for Dept. of Community Development: $52,395

City of Kent: Delinquent Fines/Unpaid Fees: Dept. of Health 7/24/18

Owner Name	Address	Parcel Number	Amount	Date Incurred	Description
Joseph Horning	134 E Summit	17-013-10-00-022-000	$20	9/29/2017	17-90
James Thompson	554 Longcoy	17-030-10-00-138-000	$640	10/18/2017	17-100
Linda Jones Waud	1306/1314 Parmalee	17-010-40-00-036-001	$40	2/28/2018	18-17
Heimans LLC	312 S Willow	17-024-40-00-085-000	$40	3/15/2018	18-22
Robert Lindsey	187 Currie Hall Pkwy	17-007-20-00-010-000	$60	4/30/2018	18-33

Total for Dept. of Health : 5 Items Total: $ 800.00

ORDINANCE 2018-97

AN ORDINANCE AUTHORIZING THE CERTIFICATION OF NON-PAYMENT OF BILLS FOR RESIDENTS RESULTING FROM THE 2016 AND 2017 ANNUAL CONCRETE REPAIR PROGRAMS, TO THE COUNTY AUDITOR IN ORDER TO ALLOW FOR THE PLACEMENT OF THE CERTIFIED AMOUNT ON THE REAL PROPERTY TAX LIST AND DUPLICATE AGAINST THE PROPERTY FOR THE NON-PAYMENT OF SIDEWALK REPAIRS, AND DECLARING AN EMERGENCY.

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

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

SECTION 1. That Kent City Council does hereby authorize the certification of the 2016 and 2017 Annual Concrete Repair Program listed in Exhibit "A", attached hereto and made a part hereof, on the real estate tax list and duplicate against the properties listed. It is the intent of Council that the amounts certified to the County Auditor shall be a lien on the property served by the services listed.

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

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

SECTION 4. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 5. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: ________________________
Date

EFFECTIVE: ________________________
Date

____
Jerry T. Fiala
Mayor and President of Council

ATTEST: ________________________
Tara Grimm, MMC
Clerk of Council

I, TARA GRIMM, 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/ RESOLUTION No.* ____________, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON ________________________, 20____________.

(SEAL)

____
TARA GRIMM, MMC
CLERK OF COUNCIL

2016 ANNUAL CONCRETE REPAIR PROGRAM

Ohio Revised Code 715.261
Kent Codified Ordinance 521.06

	PARCEL I.D. #	ADDRESS	PROPERTY OWNER	AMOUNT
1	45-004-00-00-054-000	166 Currie Hall Parkway	Colo S., Inc.	$ 3,131.20
2	45-004-00-00-060-000	184 Currie Hall Parkway	New Era Real Estate	$ 6,341.96
3	17-023-10-00-203-000	126 Linden Rd.	Ramon A. Rousseau	$ 2,154.07
4	17-023-10-00-204-000	132 Linden Rd.	David Yost	$ 2,393.95
5	17-023-10-00-205-000	200 Linden Rd.	Pamela A. Bozica	$ 2,035.43
6	17-023-10-00-206-000	206 Linden Rd.	A & P Income LLC	$ 1,842.53
7	17-030-20-00-189-000	416 Stinaff St.	MacIntyre Properties, LLC	$ 180.00
8	17-030-20-00-192-000	436 Stinaff St.	Eric & Callie Channell	$ 872.16
9	17-030-10-00-100-000	437 Stinaff St.	Hot Rod Enterprises (Randy Dean)	$ 402.56
10	17-030-20-00-193-000	440 Stinaff St.	Nathaniel L. Hawkins	$ 154.80
11	17-030-10-00-098-000	447 Stinaff St.	David & Joy Moon	$ 650.22
12	17-030-10-00-096-000	459 Stinaff St.	Jerry T. Dawson	$ 386.80
13	17-030-10-00-095-000	465 Stinaff St.	Ashley R. Marder	$ 136.00
14	17-030-10-00-092-000	485 Stinaff St.	Timothy D. Pagliari	$ 149.60
15	17-030-20-00-187-001	850 N. Mantua	Cole CK Portfolio IV LLC	$ 831.60
			TOTAL	$ 21,662.88

2017 Street Program; S. Chestnut/Middlebury Road Rehabilitation

Ohio Revised Code 715.261
Kent Codified Ordinance 521.06

	PARCEL I.D. #	ADDRESS	PROPERTY OWNER	AMOUNT
1	17-026-20-00-098-000	114 S. Chestnut St.	Julie Monbeck Obraza	$2,995.45
2	17-026-20-00-097-000	120 S. Chestnut St.	William P. Bintz	$1,616.94
3	17-026-20-00-083-000	301 S. Chestnut St.	Kirk E. Johnson	$911.25
4	17-026-20-00-085-000	305-307 S. Chestnut St.	John & Susan Morrison	$3,483.85
5	17-026-20-00-087-000	308 S. Chestnut St.	Janet Hill	$1,345.12
			TOTAL	$10,352.61

RESOLUTION NO. 2018-98

A RESOLUTION ACCEPTING A DONATION IN THE AMOUNT OF $50.00 FROM MARY L. "MOE" KENNELEY TO THE CITY OF KENT POLICE DEPARTMENT IN MEMORY OF RETIRED POLICE DISPATCHER RITA LOFTIN, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent Fire Department has received a donation in the amount of $50.00 from Mary L. "Moe" Kenneley in memory of retired Police Dispatcher Rita Loftin; and

WHEREAS, the donation will be spent towards the new communication center training needs of the City's dispatchers; and

WHEREAS, the City wishes to accept said donation.

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

SECTION 1. That Council does hereby authorize the City Manager on behalf of the City of Kent Police Department to accept the donation in the amount of $50.00 from Mary L. "Moe" Kenneley in memory of retired Police Dispatcher Rita Loftin.

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

EFFECTIVE: ______________________

Date

____
Jerry T. Fiala
Mayor and President of Council

ATTEST: ________________________
Tara Grimm, CMC
Clerk of Council

I, TARA GRIMM, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *RESOLUTION No.* ______________, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON __________________________, 20________.

(SEAL)

____
TARA GRIMM, CMC
CLERK OF COUNCIL

RESOLUTION NO. 2018-99

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT A 2018 CHEVROLET EQUINOX (VIN#________________) FROM THE PORTAGE COUNTY TASK FORCE, VALUED AT $28,975.00, AND DECLARING AN EMERGENCY.

WHEREAS, the Portage County Task Force has awarded a 2018 Chevrolet Equinox (VIN#___________________) to the Kent Police Department, valued at $28,975.00; and

WHEREAS, the Kent City Council wishes to accept this donation.

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

SECTION 1. That Council does hereby authorize the City Manager, or his designee, to accept a 2018 Chevrolet Equinox (VIN#_____________________) from the Portage County Task Force, valued at $28,975.00, to be used by the Kent Police Department.

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: ______________________
Tara Grimm, MMC
Clerk of Council

I, TARA GRIMM, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *RESOLUTION No.* ____________, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _________________________, 20____________.

(SEAL)

____
TARA GRIMM, MMC
CLERK OF COUNCIL

RESOLUTION NO. 2018-100

A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPROVE A NEW SPECIAL EVENT APPLICATION FROM THE EACH & EVERY GROUP FOR THE NORTH WATER STREET KENT BETTER BLOCK PROJECT TO BE HELD ON SEPTEMBER 29, 2018 IN CERTAIN AREAS OF KENT, AND DECLARING AN EMERGENCY.

WHEREAS, the Each & Every group wishes to hold a special event in certain areas of Kent, Ohio on September 29, 2018 for the North Water Street Kent Better Block project; and

WHEREAS, they would like to temporarily close North Water Street from Main to Brady Streets, Friday evening at 7 p.m. until 11 a.m. Saturday morning in order to properly mark and create temporary installations, such as crosswalks and curb extensions on the road; and

WHEREAS, this event is to temporarily transform the urban landscape with temporary place-making activities to reimagine how residents, businesses, and the community interact in the neighborhood; and

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

WHEREAS, the time is of the essence as the event is scheduled for September 29, 2018.

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

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

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this 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

EFFECTIVE: ________________________
Date

____
Jerry T. Fiala
Mayor and President of Council

ATTEST: ________________________
Tara Grimm, MMC
Clerk of Council

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

(SEAL)

____
TARA GRIMM, MMC
CLERK OF COUNCIL

THE CITY OF KENT, OHIO
COMMITTEE OF THE WHOLE
WEDNESDAY, JULY 11, 2018

Mayor Fiala called the Committee of the Whole meeting of Kent City Council to order at 7:04 p.m.

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

ALSO PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Public Service Director; Mr. David Coffee, Budget and Finance Director; Mr. Tom Wilke, Economic Development Director; Mr. Jim Bowling, City Engineer; Mr. Jeff Neistadt, Health Commissioner; Police Chief Michelle Lee; and Ms. Tara Grimm, MMC, Clerk of Council.

ABSENT: Mr. John Kuhar and Mr. Roger Sidoti

There was 1 item on the Agenda.

1. Consideration of Previous Charter Review Committee Recommendation for Council Recall Procedures
Ms. Wallach began by calling Council's attention to the handout she requested from the Clerk of Council on the current "Recall" language. ***(See Attachment #1)***. She proposed putting changes to the language on the ballot this coming fall because it will less expensive to do so since it is a national election. Ms. Wallach referred to some of the research of minutes she asked Clerk Grimm to perform and wanted to include some of the recommendations found in those minutes into the new Recall Petition language. She also wanted to up the current percentage to 15% of the total registered voters of each Ward if it is a Ward councilperson, 15% of the total registered voters of the whole City if it is a recall of an At-Large councilperson, and to add the requirement of stating a reason if the councilperson did something immoral, unethical or illegal. She did not feel the reason "because" is enough of a reason because that is what voting is for. If someone disagrees with a proposal a councilmember has made or on something they are standing for or pushing through, then that is what an election is for, not a recall.

Mr. Turner asked what happed to this initially. He asked if this did not come out our Charter Review Committee.

Mayor Fiala replied how the Charter Review Committee recommended it, Council recommended it, but it did not move forward at the time.

Ms. Wallach agreed that we were going to recommend putting it on the ballot but the Motion failed at that time.

Ms. Shaffer recalled how there were some Councilmembers missing and there was one who voted against it plus we had one abstention. Therefore, Council did not have a majority vote to move it forward, but it was clearly the wishes of the majority of the people present at that meeting that day.

Mr. Turner stated "a change like this would require a super majority vote."

Ms. Wallach stated she believes a super majority vote is only at a regular council meeting when voting.

Mayor Fiala reminded Mr. Turner how all they were doing tonight to recommend moving it forward to Council to vote on at the next meeting.

Clerk Grimm added how in the collection of research information she provided to Ms. Wallach, there were several discussions on this topic amongst a few committees with a few motions and votes, one of which failed 4-5.

Mr. Turner is supportive of adopting this, but his issue is by adding conditions, it abdicates or removes from the electorate, their ability to make their own self-determinations on whether or not a councilperson is doing a good job, or not, by having to worry about stating a reason, other than getting those signatures on a petition. He feels this requirement to state a reason and council moving this forward would both be problematic.

Ms. Wallach replied how this is standard for most elected officials that there has to be a reason for them to be recalled on something immoral, unethical or illegal. If they are not doing a good job as a councilperson or not upholding the oath that they took, then that is unethical and is a reason for the citizens to have a recall. For the citizens to have a recall because they don't agree with a councilperson because they don't like them, that is what voting is about. She further clarified for Mr. Turner. Council is not making the decision, it is going in front of the voters and the voters are going to decide if they would like to change our City's Charter to this new format. It is not Council, the only thing we are doing is putting it on the ballot so it is in front of the voters.

Mayor Fiala commented "Good point."

Ms. Shaffer, stated that, in her opinion, and after speaking with the League of Women Voters and other people, they want this. They want the opportunity to vote on a new provision because of the havoc it can create otherwise in destabilizing our city government. There is value to having a stable city government.

Ms. Jones had some concerns about using the language "unethical, immoral or illegal." She envisions lawsuits coming down the pike with that because putting those broad terms in a city's constitution without defining them is going to lead to a lot of problems in a recall section. We also need to verify the percentage of signatures on registered voters because that is something that has been shot down by the Supreme Court. What we need to do is tie a percentage to either a regular municipal election, Mayoral election or gubernatorial election. The Supreme Court doesn't like us to use registered voters, they like us to use actual people who vote.

Ms. Wallach questioned what type of election we could tie it to, which has the most voter turnout.

Ms. Jones stated typically it's going to be a gubernatorial or presidential election.

Ms. Wallach decided she would like it tied to the last presidential election and we can remove the words "immoral, illegal or unethical" because that would require further discussion in the future.

Ms. Jones agreed, but time is not on our side if we want to get this on the ballot this year. She agrees defining those world may be something we want to flush out at a future charter review session.

Ms. Shaffer asked for clarification on still using the 15% because previously it was 20%. The election previous to the recall was so poorly attended that 20% was just a handful of people in some of our wards. She agrees we need to use a presidential election, but not necessarily lower the percentage to 15%. She thinks the problem how was it was tied to the primary that virtually had nothing on the ballot. She is okay with removing the language for the three causes because she believes Council has the ability to remove somebody for illegal behavior.

Mayor Fiala commented "We do."

Ms. Shaffer continued to state how what bothers her is that the reason for the recall didn't need to be stated. It should be required to have a stated reason on the petitions. The reason for the last petition was because Council "did not listen to them." That reason is so vague and was unfair to the people who signed the petition.

Mr., Turner gave a bit of history on this topic. He was part of the Charter Review Committee and can remember putting forward the topic of the recall and hearing crickets chirp. At that time, the League of Women Voters did not see a big issue and three years later after he had brought it forward, it actually occurred. So who is for it or against it is really not that relevant. What is relevant is *who* is going to judge what someone puts on that petition is valid. Some issues are for the courts. Ultimately the people make the determination, irrespective of the time, if they decide they want a change in their representation in the middle of a term or after 6 months, he believes they can do it. We are putting ourselves in a situation where this is a very tricky dance and slippery slope when asking for what a person has done allegedly. He wants to know who makes the initial determination in whether or not if the petition being distributed is valid.

Ms. Shaffer thinks the Board of Elections reviews the petitions. Some reference has to be written down to what Council didn't listen to. We did indeed listen, but doesn't mean we followed what some people suggested us to do. The people they were gathering signatures from did not know why they were signing a petition other than what was verbally told to them.

Mayor Fiala commented that it was not in the wording of the petition.

Ms. Shaffer and Ms. Wallach both replied "It was not."

Ms. Shaffer knows "the reason" was not on the petitions, she felt it was unfair to the people signing petitions to not have any knowledge or statement that had been approved. She believes the Board of Elections can do that.

Mayor Fiala would like to believe the Board of Elections would come back to see if the wording is proper.

Mr. Amrhein feels we don't put in the 3 reasons if immoral, unethical or illegal and just say it needs to be 20% of people who voted in the last presidential election. It is far easier and we do not run into these legal problems.

Ms. Wallach felt there should still be a reason stated. If there is a petition going around to recall a councilperson and they don't even know what's going on, how can they correct their behavior?

Mr. Turner stressed how this is going to be problematic. People are passing around what their opinion is of what you may or may not have done wrong. He commented that both he and Ms. Shaffer thought that Council was doing a great job, but based on the recall there were some people who thought otherwise. He doesn't even know if the verbiage or language used on something like that is even legal. That's why we leave that blank. A petition being passed around with that kind of language could be heresy. There was no validity to what the claims were on the last petition, but they had the right to bring it forward. The public has a responsibility to be paying attention, know what is going on and not just go and sign a petition. We have to require more of our constituents. He would like the threshold of the number of people signing a petition to be really high because they are trying to overturn an election.

Ms. Shaffer asked that it be reflected in the minutes that "she did NOT say that we were doing a good job. I said that we listened to people, which was actually the truth. We listened to people but we did not necessarily act; we did not necessarily carry through in our actions what some people had asked us to do. That is very different than saying that we did a good job. That is for somebody else to judge."

Mr. Turner apologized to Ms. Shaffer.

Ms. Wallach asked Ms. Jones if there is going to be a problem if we do specify it and if it needs to be vague.

Ms. Jones asked for clarification if she was referring to the petitions themselves because she would like to do some research on that because she has not been asked that question before. If she were the one filing for the petition, she may not want to put adjectives in her petition that might get her sued later by the person if they do not like the words she's used. She understands time is of the essence.

Ms. Shaffer's concern is if we authorize this to move forward to Council, will we have time to adjust the language based on what Ms. Jones brings forward.

Ms. Jones replied "Yes."

Ms. Wallach would like a Committee meeting before next week's Council meeting so Ms. Jones has more than 2 days to research before the next agenda is due for the meeting on the 18th.

Ms. Wallach would like the percentage increased to 25% of the voters who voted in the last presidential election.

MOTION TO AUTHORIZE A SPECIAL MEETING OF THE COMMITTEE OF THE WHOLE ON JULY 18, 2018 TO DISCUSS AND AUTHORIZE VERBIAGE FOR INCREASING THE PERCENTAGE OF PETITION SIGNATURES TO 25% OF THE MOST RECENT PAST PRESIDENTIAL ELECTION TO THE CITY'S CHARTER RECALL PROCEDURE TO BE ADDED TO THE BALLOT FOR THIS FALL'S ELECTION, WITH AN EMERGENCY CLAUSE made by Ms. Wallach, seconded by Mr. DeLeone.

Mr. Turner requested the motion be read back before voting.

Clerk Grimm read the motion back to Council: MOTION TO AUTHORIZE A SPECIAL MEETING OF THE COMMITTEE OF THE WHOLE ON JULY 18, 2018 TO DISCUSS AND AUTHORIZE VERBIAGE FOR INCREASING THE PERCENTAGE OF PETITION SIGNATURES TO 25% OF THE MOST RECENT PAST PRESIDENTIAL ELECTION TO THE CITY'S CHARTER RECALL PROCEDURE TO BE ADDED TO THE BALLOT FOR THIS FALL'S ELECTION, WITH AN EMERGENCY CLAUSE.

Mr. DeLeone asked what time we will start the meeting.

Mayor Fiala stated we will start the Special Committee meeting at 7:15 p.m.

MOTION CARRIED by a voice vote of 7-0.

Hearing no further business before this Committee, Mayor Fiala adjourned the meeting at 7:47 p.m.

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Tara Grimm, MMC
Clerk of Council

ACTION RECOMMENDED:

1) **DISCUSS AND AUTHORIZE VERBIAGE FOR INCREASING THE PERCENTAGE OF PETITION SIGNATURES TO 25% OF THE MOST RECENT PAST PRESIDENTIAL ELECTION TO THE CITY'S CHARTER RECALL PROCEDURE TO BE ADDED TO THE BALLOT FOR THIS FALL'S ELECTION, WITH AN EMERGENCY CLAUSE**

5.15 RECALL PETITION AND ELECTION.

The electors shall have the power to remove from office by recall election any elected officer of the City. If an elected officer shall have served for six months of a term, a petition demanding such officer's removal may be filed with the Clerk of Council who shall note thereon the name and address of the person filing the petition and the date of such filing. Such petition shall be signed by at least that number of electors which equals 20% of the total number of votes cast at the next preceding regular municipal election in the City of Kent. In the case of a ward council person the required number of electors shall equal 20% of the total number of votes cast in that ward at the next preceding regular municipal election. Within ten days after the day on which such petition shall have been filed, the Clerk shall determine whether or not it meets the requirements hereof. If the Clerk shall find the petition insufficient, the Clerk shall promptly certify the particulars in which the petition is defective, deliver a copy of this certificate to the person who filed the petition, and make a record of such delivery. Such person shall be allowed a period of twenty days after the day on which such delivery was made in which to make the petition sufficient. If the Clerk shall find the petition sufficient, the Clerk shall promptly so certify to the Council, shall deliver a copy of such certificate to the officer whose removal is sought, and shall make a record of such delivery. If such officer shall not resign within five days after the day on which such delivery shall have been made, the Council shall thereupon fix a day for holding a recall election, not less than sixty nor more than seventy-five days after the date of such delivery. At such recall election this question shall be placed on the ballot: "Shall (naming officer) be allowed to continue as (naming the office)?" with provision on the ballot for voting affirmatively or negatively on such question. If a majority of the votes cast at such election shall be voted affirmatively, such officer shall remain in office. If a majority of the votes cast shall be voted negatively, such officer shall be considered as removed, the office shall be deemed vacant, and such vacancy shall be filled as provided in this Charter. The officer removed by such recall election shall not be eligible for appointment to the vacancy created thereby. (Amended 11-6-90.)

THE CITY OF KENT, OHIO
FINANCE COMMITTEE
WEDNESDAY, JULY 11, 2018

Chair Michael DeLeone called the meeting of the Finance Committee of Kent City Council to order at 8:52 p.m.

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

ALSO PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Public Service Director; Mr. David Coffee, Budget and Finance Director; Mr. Tom Wilke, Economic Development Director; Mr. Jim Bowling, City Engineer; Mr. Jeff Neistadt, Health Commissioner; Police Chief Michelle Lee; and Ms. Tara Grimm, MMC, Clerk of Council.

ABSENT: Mr. John Kuhar and Mr. Roger Sidoti

There were three (3) items on the Agenda.

1. Approve the City Tax Code Update

Mr. Coffee and Ms. Jones informed Council how there was a 2015-2016 income tax code change for the state. We now have to update our Code to comply with the state. Net profit taxes can be filed with the sate instead of municipalities.

Ms. Wallach asked about the lawsuit.

Ms. Jones stated “we lost”; there were 2 suits filed in Franklin County. When the attorneys read the opinion, they did not appeal.

Mr. Coffee further explained it is an option to file net profit through the state, but do not have to. Very few have opted for filing through the state.

Ms. Shaffer asked if the state gets a cut.

Mr. Coffee responded “well they don’t do it for free.” The fee structure is favorable, but there is loss of our direct control. It is early in the process and we do not know how it will work out as there is slow remittance. It is out of our hands, but we need to bring the City’s Tax Code current. He further stated there is an “out” clause by RITA if the law changes.

Ms. Jones clarified it is listed in Section 187.27(D).

Council nor the audience had questions.

MOTION TO AUTHORIZE THE AMENDMENT TO KENT CODIFIED ORDINANCES SECTION 187 TO COMPLY WITH THE STATE REQUIREMENTS FOR INCOME TAX CODE UPDATE WITH AN EMERGENCY CLAUSE made by Mr. Amrhein, seconded by Ms. Wallach, and CARRIED by a voice vote of 7-0.

2. Authorize the Sale of Surplus Property

Mr. Ruller joked about having an old police station for sale this month and how Chief Lee said there will be damage if not moved out by the end of this month. These items are old stuff; we sell surplus property once a year on-line to reach a broader audience.

Ms. Baker referred to her Memo to the City Manager dated July 3, 2018 containing a list of the items. She has a hold and reserve on the larger items. She is requesting Council's approval so the auction can take place late August or September.

Ms. Wallach asked are we why we're not moving the items to the new building.

Ms. Baker stated the new building has new furniture. These items are not worthy of moving. She has opened up the items to other departments for their use.

Council nor the audience had questions.

MOTION TO AUTHORIZE THE AUCTION AND SALE OF THE CITY'S SURPLUS PROPERTY WITH AN EMERGENCY CLAUSE made by Mr. Ferrara, seconded by Mr. Amrhein, and CARRIED by a voice vote of 7-0.

3. Authorize the City Bond Anticipation notes renewal.

Mr. Ruller stated we need to renew the City's outstanding debt issues and how the short-term rates have been working for us.

Mr. Coffee referred to his Memo to the City Manager dated June 26, 2018 for where he is requesting authorization of 4 separate Ordinances related to the debt coming due August 23, 2018. We had 5 and we are reducing it down to 4. He referred to the safety center and how we need to pay it down further and not bond out more than we need to. He is pleased with the maintenance schedule and favorable short-term rates.

Ms. Wallach asked if we pay these once a month like a regular bill.

Mr. Coffee answered "no", we pay them annually at the time of maturity and the bonds we pay semi-annually.

Ms. Shaffer asked how much we have paid over the terms of theses. Are we capable of paying?

Ms. Coffee was at a loss to be able to recall the exact amount but is in excess of $3-3.5 million.

Mr. Ruller stated they can get that information and email it to Council.

Ms. Shaffer asked if they could also include the number of years we are paying.

Council nor the audience had questions.

MOTION TO AUTHORIZE THE RENEWAL AND NEW ISSUE OF CITY DEBT AND RELATED NOTE ISSUE ORDINANCES WITH AN EMERGENCY CLAUSE made by Ms. Shaffer, seconded by Mr. Amrhein, and CARRIED by a voice vote of 7-0.

Ms. Wallach questioned the safety center and if we upped the taxes, we still had to borrow and extra $3 million.

Mr. Coffee replied how it was part of our original plan and bonded out on 2 separate occasions a flexible amount with project completion and are repaying.

Chair DeLeone adjourned the meeting at 9:08 p.m.

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Tara Grimm, MMC
Clerk of Council

ACTION RECOMMENDED:

1) **AUTHORIZE THE AMENDMENT TO KENT CODIFIED ORDINANCES SECTION 187 TO COMPLY WITH THE STATE REQUIREMENTS FOR INCOME TAX CODE UPDATE WITH AN EMERGENCY CLAUSE**

2) **AUTHORIZE THE AUCTION AND SALE OF THE CITY'S SURPLUS PROPERTY WITH AN EMERGENCY CLAUSE**

3) **AUTHORIZE THE RENEWAL AND NEW ISSUE OF CITY DEBT AND RELATED NOTE ISSUE ORDINANCES WITH AN EMERGENCY CLAUSE**

THE CITY OF KENT, OHIO
HEALTH & SAFETY COMMITTEE
WEDNESDAY, JULY 11, 2018

Chairman Jack Amrhein called the meeting of the Health & Safety Committee of Kent City Council to order at 8:02 p.m.

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

ALSO PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Public Service Director; Mr. David Coffee, Budget and Finance Director; Mr. Tom Wilke, Economic Development Director; Mr. Jim Bowling, City Engineer; Mr. Jeff Neistadt, Health Commissioner; Police Chief Michelle Lee; and Ms. Tara Grimm, MMC, Clerk of Council.

ABSENT: Mr. John Kuhar and Mr. Roger Sidoti

There were two (2) items on the Agenda.

1. Consideration and Authorization of Health Board Recommendations for T-21 “Tobacco” Legislation.

Mr. Ruller stated Mr. Neistadt was here tonight to follow up on the some of the initiatives Council may have seen around the region as some of the larger cities have adopted the T-21. He believes it has been about 2 years since Dr. Warren advised him that the Kent State campus was going smoke-free and was encouraging the City to raise the purchasing age. He stated Mr. Neistadt has provided information from the American Red Cross reaffirming their position and strongly supporting raising the age given the health risks and research trends.

Mr. Neistadt commented that as a Health Department they have been working on this for well over a year now as it takes a lot of effort and wanted to get citizen feedback. Tobacco related deaths are the #1 preventable death in America. 75% of adults nationally and 76% locally agree with raising the age to 21. 95% of those stated the started using tobacco products before the age of 20. Vapor products are the new trend in high schools with an increase of 900% over the last 4 years. With all the flavors out their now, the “juice” can contain 3 times more nicotine than the average cigarette. Youth addicted to nicotine are 7 times more likely to abuse drugs. $1 million a day is spent on advertising in Ohio; $5.6 billion a day in medical costs. Even the residents of KentWay who were surveyed who are heavy smokers gave their full support because they started when they were 16 or 17, and now that they are in their 70’s & 80’s, they are still smoking. 93% of all tobacco is advertised to youth; unique vaping devices are being created almost overnight - “jewels” look like mini flash drives; they are getting more creative. The proposal is to restrict the sale of tobacco and tobacco related and vaping products to age 21 and over. Military is going to ban all tobacco products on their bases. There is a national push. Over 290 cities nationally and 10 cities in Ohio have enacted T-21 legislation, including Akron recently. The Health Department discussed with our Law Director and Police Chief whether there should be civil or criminal penalties similar to the sale of alcohol. This Ordinance will have civil penalties with the first violation could be a fine, second violation being a $500 fine and third violation being a $1,000 fine. Whatever monies are collected will go back into education and cessation programs.

Ms. Rosenberg had a couple of questions. She attended Mr. Neistadt’s public forum and thanked him for that. She asked what is being done now to enforce the age of 18.

Mr. Neistadt stated there are spot checks that are being done throughout the state. If we raise the age to 21 we will be performing an increased amount of spot checks as they have received grant funding to do that.

Ms. Rosenberg clarified how right now our Health Department is not currently performing spot checks, but if this passes they will then have the ability to go to retailers to make sure they are abiding by it and how the penalties is on the seller, not the person who purchased it.

Mr. Neistadt replied “Correct.”

Ms. Rosenberg felt Mr. Neistadt's presentation she attended was well done because overwhelmingly, this is being marketed towards children. We know it is a highly addictive substance and our federal government has not done a thorough investigation; we do not know what is in it. She supports this Ordinance as a preventative measure from getting cancer.

Mr. Neistadt stated vaping is being marketed as a safer alternative, but we do not know that for a fact.

Ms. Wallach feels it is a good idea to raise the age to 21 but she is not going to support it because she feels the inconsistency with age in students and adults is wrong. To be considered an adult at 18 and be prosecuted as an adult at 18, to be able to be drafted at 18, be able to fight and die at 18 and not be afforded all the other privileges of being an adult is unfair. She thinks we should raise our age of adulthood to 21 also so we can be consistent.

Mayor Fiala commented that he attends the MAAPS meetings which include Portage, Stark and Summit County Mayors, who have stated they have already done this or are going to do it. He feels it is a sound idea for Kent to do this and also is glad the vapor products are being included. He asked if we pass local laws or if there are state laws that help support this.

Mr. Neistadt replied that this is a local movement as of now. The state is looking at it. He would like us to get out ahead of it and make it work for us instead of waiting for the state to tell us what we are going to do.

Mr. DeLeone reiterated that the penalty goes to the person selling the products, so a 16 year old kid can still go around smoking. There is no penalty to the kid.

Mr. Neistadt sated he was correct. A friend or relative could have purchased them and he's not going to go around spot checking kids.

Ms. Shaffer asked if they have to be caught in the act of selling.

Mr. Neistadt replied that is what the spot checks are for. We are going to do a lot of education initially. Sellers are going to know, they are state licensed to sell tobacco. If they violate, it that could be their livelihood and have to close up shop.

Ms. Shaffer wondered what a spot check would look like. She will support this because the intention is good. She has some concerns about a few particular businesses and if it is going to be enforced evenly.

Mr. Neistadt compared it to a secret shopper type of concept and they will be enforcing it evenly. There is a standard across the board.

Mr. Ferrara called a POINT OF ORDER to keep with just questions.

Mayor Fiala asked if the sellers of the products are going to have to register.

Mr. Neistadt stated yes, they are doing a registration so we will know who is selling them. It is a lot easier in Kent because we already know who is selling them because they are out in the field all day.

Mr. Amrhein referred to the audience.

Ms. Wendy Hyde with the Preventing Tobacco Addiction Foundation, a non-profit advocacy organization who works on the national, state and local levels to encourage local municipalities to raise the tobacco purchasing age from 18 to 21… (Some parts are inaudible as she was not close enough or walking away from the microphone.) This ordinance is meant to restrict youth access. She told a story about being a health educator to middle school students and how 4 years ago, her son asked her if she knew what "vapes" are. Her 13 year old son informed her that someone was selling them out of his locker for $10. She realized adults do not know what they are, but kids do. A pack of cigarettes has been reinvented into a nicotine delivery device system. If you ask a kid if they smoke, the answer is no, but if you ask them if they vape, at least 1 out of 2 or 3 kids say yes they vape. Ms. Hyde showed what a "jewel" looks like that she bought here in town and was carded for. It looks like a small flash drive and if a kid takes a hit from it, it doesn't have the typical vape cloud and may have a hint of the juice smell that can be mistaken as someone's perfume. She reference a story of one of her son's classmates getting caught using it as he sat in front of his Chromebook because everything is being recorded in the school. We are trying to protect our youth from this because it's about nicotine not just tobacco anymore. Nicotine addiction affect an adolescent brain which is not fully developed until age 25. Every day our youth has access to 18 year olds in school and on school buses. They do not have access to 21 year olds. Youth adolescent addiction to nicotine greatly increases their risk of depression, 22 % of youth smokers suffer from depression. In Portage County alone, 38% of the youth that attempted suicide were current tobacco users vs. 7% of non-tobacco users. 18-21 year olds are only 2% of the sales but provide 90% of it to the youth for use. The economic impact on a community is minimal, 2%. The impact of health on youth in the community is 90%.

Mayor Fiala commented how Ms. Hyde makes the subject very interesting and is very good at what she does.

Mr. Tim Lewis of 140 Fairfield Drive, Kent who also represent the American Heart Association, who works as a community health director and works with the board of Summit and Portage counties, thanked our leadership for building health in our community as well as thanked the Health Department for their leadership initiative.

Council nor the audience had and further questions.

MOTION TO AUTHORIZE THE PROPOSED RECOMMENDATION FROM THE HEALTH BOARD TO ENACT CHAPTER 527 ON THE CODIFIED ORDINANCES CHANGING THE PURCHASING AGE FOR TOBACCO AND TOBACCO PRODUCTS FROM AGE 18 TO AGE 21 WITH AN EMERGENCY CLAUSE made by Mr. Ferrara, seconded by Ms. Rosenberg.

Mr. Ferrara heard what Ms. Wallach had to say about the age discrepancy but feels it is a good thing in terms of protecting the youth from a harmful substance. If we wait until everything turns to 21, then we've wasted an opportunity to save certain people from nicotine and tobacco.

Ms. Rosenberg concurs with Mr. Ferrara. She feels it is important to put greater distance between the age where 18 year olds have access to our youth, as well as the specific marketing to our youth by these companies. These are dangerous chemicals that are being marketed to children who do not have the mental faculties to be wary of things like this.

Ms. Shaffer agrees with the intention but disagrees with the immediate impact on sectors of our economy. There are a huge number of 18-21 year olds in our community, but the benefits outweigh that.

MOTION CARRIED by a voice vote of 6-1 with Ms. Wallach voting "No."

2. <u>Receive Staff Report on Downtown Cycle Tours</u>

Mr. Ruller commented on how nothing says Kent better than something quirky, new and different. When Mr. Wilke first brought this to his attention, the picture seemed very "Kent-like". The staff has done their market research, have talked to people and were informed to go to Kent. This is something we can work with and we have talked to our Police and technically the law allows them to bring the cycle tours here right now. They are here as a good faith gesture to make sure the community understands what they are all about.

Mr. Wilke introduced Mike and Carol Stanek who have owned and operated Cleveland Cycle Tours since 2013 and have been very successful in 3 neighborhoods up there. They are looking to expand their footprint and make this more convenient for people in Akron, Canton, and Youngstown with Kent being right in the middle. There was a meeting with Mr. Wilke, the Staneks, Chief Lee, Capt. Prusha, Mr. Wicks and Heather Malarcik of Main Street Kent where all questions were answered and discussion was had to bring this forward to present to Council. Mr. Wilke referred to the pictures in the Memo to the City Manager dated July 3, 2018 and a handout Council received from the Staneks ***(See Attachment #1& #2)*** depicting the spider bike which, in the corporate world, is known as a "quadricycle." They are considering bringing 2 bikes to Kent. It was brought to Mr. Wilke's attention at that meeting how the Ohio Revised Code has made an exception for commercially operated quadricycles for at least 5 passengers, they can have open containers while on the bike which is an exception to the open container law, and each passenger can bring 36 oz. of beer of 18 oz. of wine with them as long as they are on the bike. An employee, who is not allowed to drink, will be driving and steering the bike on its tour through the City. The Ohio Revised Code does allow for local municipalities to take away that exception to the ORC and pass their own legislation upholding the open container law and not allowing the exception. That would be Council's choice. After that meeting, the Staneks reached back out to Chief Lee to discuss a possible tour route which is depicted in ***Attachment #1***. They have not tested this proposed 3.2 mile route which would last about 2 hours travelling at 9-10 mph and making stops for photo opportunities and at local bars.

Ms. Wallach asked how this will impact traffic flow because they are big.

Mr. Wilke commented on how bikes and Amish buggies are on the roads and people have learned to go around them.

Chief Lee stated they also took that into consideration with the route. We are supposed to share the road with bicycles. There may be some slowdowns, but there will be opportunities for the bike to move over out of the way or for people to pass the bike.

Mayor Fiala was concerned about the hours of operation as it will start getting darker earlier and Water Street is dark at night.

Mr. Wilke apologized for that not being in the Memo and stated in their current operations the bike is off the road by 10:30 p.m.

Mr. Wilke referred to the Staneks.

Mr. Stanek stated they are off the road by 10:30 and the bikes have headlights and rear lights.

Mr. Ruller asked for clarification on Ms. Wallach's question and how their operators deal with traffic.

Mr. Stanek was very appreciative of everyone who meet with them. Their drivers always allow traffic to go by and will move over. They always keep as far to the right of the road as they can. Most of the bikes they operate now are 15 person bikes and go about 7-8 mph. The 5 person bikes go 10-12 mph and are a bit more maneuverable. They currently run on West 25th Street and Lorain Road in Cleveland and it has not been a problem. In Cleveland, they have to be off the streets by midnight, but they have chosen to be off the streets by 10:30 p.m. They are open to any hours the City of Kent would like for them to operate. Their earliest outings start at 10:30 a.m. Also the bikes have headlights as well.

Mayor Fiala stated in the pictures, the headlights are not very substantial and Mogadore Road is very dark at night.

Ms. Stanek added the drivers will be wearing reflective vests.

Mr. Ferrara commented on the familiarity in the City and the safety knowing that the bikes are also out there.

Mr. Stanek further stated how they operate out of 3 Cleveland areas including Ohio City and Tremont. People become quickly aware as you can't miss the bikes. From a traffic standpoint, the biggest concerns were the buses, but we have not had an issue with them. They actually honk and wave.

Ms. Shaffer asked about the impact on taxes in the city. Would they be paying taxes just like any other business?

Mr. Wilke clarified there would be withholding tax on the employees and net profit tax.

Mr. Ruller commented on how this is just another way we distinguish ourselves as a really great place and will have a trickle effect. The tour may last 2 hours, but for another 3 hours they could be visiting other spots downtown.

Mr. Stanek stated that about 80% of their customers will visit a local restaurant either before or after their outing.

Ms. Stank added that this will bring people to the City who normally would not visit, just for the experience.

Mr. Ferrara sked if they only run when tours are booked.

Mr. Stanek replied how all of their tours are pre-booked on-line or over the phone so they can schedule their drivers. There will be a maximum capacity of 12 between the 2 bikes. They have only been running the smaller bike for about a year so they are still learning their clientele.

Mr. Ferrara sked if they will be looking for local drivers.

Mr. Stanek commented on how, not to be presumptuous, they have already started advertising for drivers through the college, but with school not in session, it has been a bit more challenging.

Mr. Ferrara confirmed they have 2 bikes committed to Kent.

Mr. Stanek stated yes, it is a $30,000 investment and should the City of Kent decide this is not for them, they would redeploy the bikes elsewhere.

Mr. Ferrara asked about other cities regulations. He questioned if they are being regulated or are working within the confines of the ORC.

Mr. Stanek commented on how they are currently only in Cleveland, which has a business registration and a driver registration requirement. They carry a $2 million liability policy that is extended to the City, all of their drivers are passed through their insurance company. He knows Put-In-Bay did restrict the alcohol, which surprised him, but that is a different company that runs up there.

Mr. Ferrara asked if they were the first in Cleveland and if there has been any competition with things like bike taxis.

Mr. Stanek replied how they are the *only* in Cleveland; but there are pedi-taxis and single bike tours and how their bikes are different from them serving 2 different markets. It is also very challenging to find storage locations for the larger bikes and have a shorter season with the weather in Cleveland. They do very little in December, January and February.

Mr. Turner asked about the short season.

Ms. Stanek stated they will run 12 months a year which is road condition dependent; salt will damage the chains so they won't run when there is salt, heavy snow, or ice on the roads.

Mr. Turner thanked them for coming to Kent and feels they are an excellent fit.

Mayor Fiala still had safety after dark concerns. He questioned if they would object to putting LED flashing yellow lights on the bikes.

Mr. Stanek replied the rear light on the bikes in Cleveland flashes. They have just taken delivery of the bikes for here in Kent and are unsure if the manufacturer's rear light flashes yet.

Ms. Stanek stated they replace the manufacturer's lights with a flashing light. They have small LED headlights too.

The Staneks are open to whatever would make City Council comfortable when it comes to safety and also install slow moving vehicles signs and continue to use the reflective vests on their drivers.

Ms. Wallach commented on how about once they get this going, a route between the university and downtown would be nice.

Ms. Stanek felt the challenge they had was finding really flat routes. They were surprised how "hilly" Kent was.

Mr. Amrhein referred to the audience.

Ms. Barb Tittle of 909 Middlebury Road, Kent reminded Council about the specific law that we need to share the road with bikes because they can use the whole lane at any time on any road but is unsure if that includes quadricycles.

Ms. Debbi Redman of 141 S. Mantua St., Kent stated she is a school bus driver and already has a problem with single bike drivers, especially when she has to stop for the tracks near Middlebury. She is concerned about the visibility and width of Fairchild Bridge she drives every day. There is also a lot of truck traffic and a gravel berm. She thinks the idea is great, but the route area is her concern.

Ms. Shaffer questioned the weekday likelihood.

Mr. Stanek stated 80% of their business are Friday nights, Saturdays and Sundays. They do not run a lot during weekdays. They are open to change and to re-route if the Chief finds there are issues.

Mr. Ferrara moved to authorize with an emergency clause.

Mr. Wilke interrupted that essentially Council has to authorize one of the 3 options – one of which is to take no action.

Clerk Grimm added since this falls under the Ohio Revised Code, taking no action allows them to already operate.

Mr. Ferrara re-stated that he would just like to say he supports this then.

Ms. Jones clarified there were 3 options given, she advised Council to ask the administration to put together a permitting process, which would allow us to look at the drivers and their records, have them sign an indemnity clause, get insurance and other legal things such as those. Possibly in the months coming, we should consider adding a section to our Code so there may be a revocation process on their permit if something were misrepresented or falsified. They can do what they want right now, so let's put the permitting process in place administratively.

Mr. DeLeone clarified this would be "Option 2 then".

Ms. Jones agreed.

Ms. Wallach asked if they had licenses in Cleveland they had to abide by. The rest of her comment/question and the reply by Ms. Stanek is inaudible for transcription because the microphone was not utilized.

Mr. Stanek added that "inspectors" of the bikes in Cleveland come and they have no idea what they are looking at. They run under Cleveland's horse and carriage ordinance.

Ms. Shaffer asked if Kent will be getting an exclusive deal.

Mr. Stanek laughed and stated how their original thought was to go to Akron, but other than the hills not being ideal, and they have been so welcomed here in Kent, plus they are partnering with MadCap Brewery they are happy they chose Kent.

Mr. Ferrara asked for confirmation that the permitting process is not going to hinder them from starting up.

Mr. Stanek is fine with it and appreciative.

MOTION TO AUTHORIZE ADMINISTRATIVE ACTION FOR A PERMITTING PROCESS FOR QUADRICYCLE TOURS WITHIN THE CITY WITH AN EMERGENCY CLAUSE made by Mr. Ferrara, seconded by Ms. Shaffer, and CARRIED by a voice vote of 7-0.

Hearing no further business before this Committee, Chairman Amrhein adjourned the meeting at 8:52 p.m.

____
Tara Grimm, MMC
Clerk of Council

ACTION RECOMMENDED:

1) **AUTHORIZE THE PROPOSED RECOMMENDATION FROM THE HEALTH BOARD TO ENACT CHAPTER 527 ON THE CODIFIED ORDINANCES CHANGING THE PURCHASING AGE FOR TOBACCO AND TOBACCO PRODUCTS FROM AGE 18 TO AGE 21 WITH AN EMERGENCY CLAUSE**

2) **AUTHORIZE ADMINISTRATIVE ACTION FOR A PERMITTING PROCESS FOR QUADRICYCLE TOURS WITHIN THE CITY WITH AN EMERGENCY CLAUSE.**

ATTACHMENT #1

trip

Cleveland

Cleveland Cycle Tours

Manage This Listing

145 Reviews **#1** of 21 Outdoor Activities in Cleveland Bike Tours, Outdoor Activities, Tours

2061 Gehring Ave, Cleveland, OH 44113-4120 +1 440-532-9995 Website Email

Review Highlights

"Fun time!"

I went with a group of friends for a bachelorette party and had a blast during the downtown... read more

Reviewed yesterday
Cory K

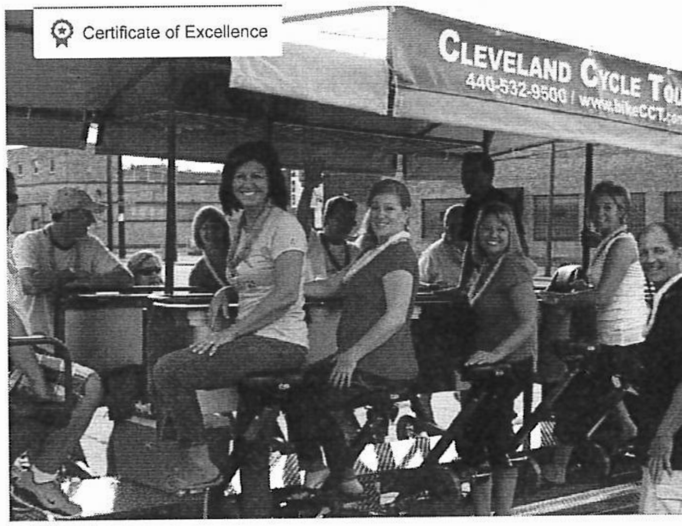
"Corporate Team Building Outing Tak…

this was a great way to have a fun team team outing that involves physical activity, team building... read more

Reviewed 4 days ago
mszeghy11 , Aurora, Ohio

Read all 145 reviews

Certificate of Excellence



All photos (41)

Overview Reviews Location Q&A

Overview

Cleveland Cycle Tours, "the ultimate group party bike", offers a pedal-powered excursion that ... More

5.0 145 reviews

Excellent	93%
Very good	6%
Average	1%
Poor	0%
Terrible	0%

TRAVELERS TALK ABOUT

"ohio city" (51 reviews)
"pub crawl" (8 reviews)
"great driver" (3 reviews)

Open Now Hours
Hours Today: 10:30 AM - 10:30 PM

Suggested Duration: 2-3 hours

LOCATION

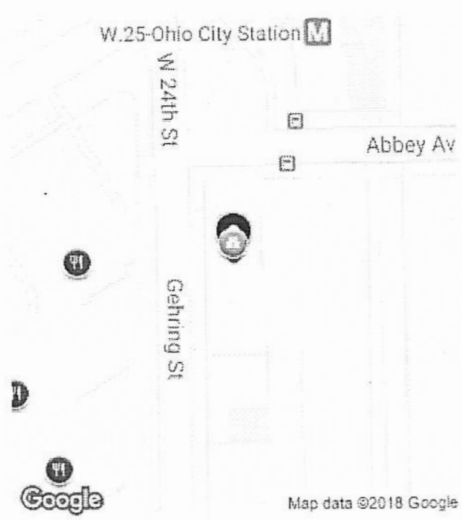
2061 Gehring Ave, Cleveland, OH 44113-4120

CONTACT

Website

+1 440-532-9995

Update your listing



Cleveland Cycle Tours' TripAdvisor Reviews

"Cleveland Cycle Tours was the best afternoon activity! We had a group of 5 girls and we did the Spider Bike and it was PERFECT! A little more intimate than the big bike, or if you don't have as many people – but equally as fun! The family was extremely accommodating to find the best fit for us, and it worked out great. Adam, our driver, was so nice and fun! Definitely made the tour even better. Highly recommend this!" - MaryA9019

"My wife and I had family in from Dayton and took a chance on a spider bike in Tremont. Mark was our driver, and we had a great time from beginning to end. The folks booking the trip and giving us background on our locations were very cordial and treated us great! My wife and I are already looking to go back and book another trip. Definitely recommended!" - Josh H.

There were six of us going and when they recommended the Spider Bike I saw the picture and thought it was too crammed for all of us but booked it anyway. I couldn't have been more wrong!! We had plenty of room for us and our cooler. There were cup holders and a Bluetooth speaker. We had so much fun, our driver was great and super fun!! I would highly recommend anyone looking for an outing in Cleveland to check this out!" - mlittle82

"We had a BLAST! And Adam, our tour guide, was awesome too! We left and are planning to book one again in August! Ohio City was beautiful and can't wait to check out another. 100% recommend! Can't wait to try the bigger bike! Thanks again for having us!!" - evanscara13

"We had a group of 21 on the Tremont Tour, one 15 passenger bike and one 6 passenger Spider bike. The CCT staff was easy to work with and their drivers were very friendly and accommodating. We plan on making this an annual event for our group." - 874bill

ATTACHMENT #2

7 Person Spider Bike

4'H x 6'W x 8' L. (400 lbs.)

Ohio Revised Code 4301.62

(F)

(1) Except if an ordinance or resolution is enacted or adopted under division (F)(2) of this section, this section does not apply to a person who, pursuant to a prearranged contract, is a passenger riding on a commercial quadricycle when all of the following apply:

(a) The person is not occupying a seat in the front of the commercial quadricycle where the operator is steering or braking.

(b) The commercial quadricycle is being operated on a street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.

(c) The person has in their possession on the commercial quadricycle an opened container of beer or wine.

(d) The person has in their possession on the commercial quadricycle not more than either thirty-six ounces of beer or eighteen ounces of wine.

(2) The legislative authority of a municipal corporation or township may enact an ordinance or adopt a resolution, as applicable, that prohibits a passenger riding on a commercial quadricycle from possessing an opened container of beer or wine.

(3) As used in this section, "commercial quadricycle" means a vehicle that has fully-operative pedals for propulsion entirely by human power and that meets all of the following requirements:

(a) It has four wheels and is operated in a manner similar to a bicycle.

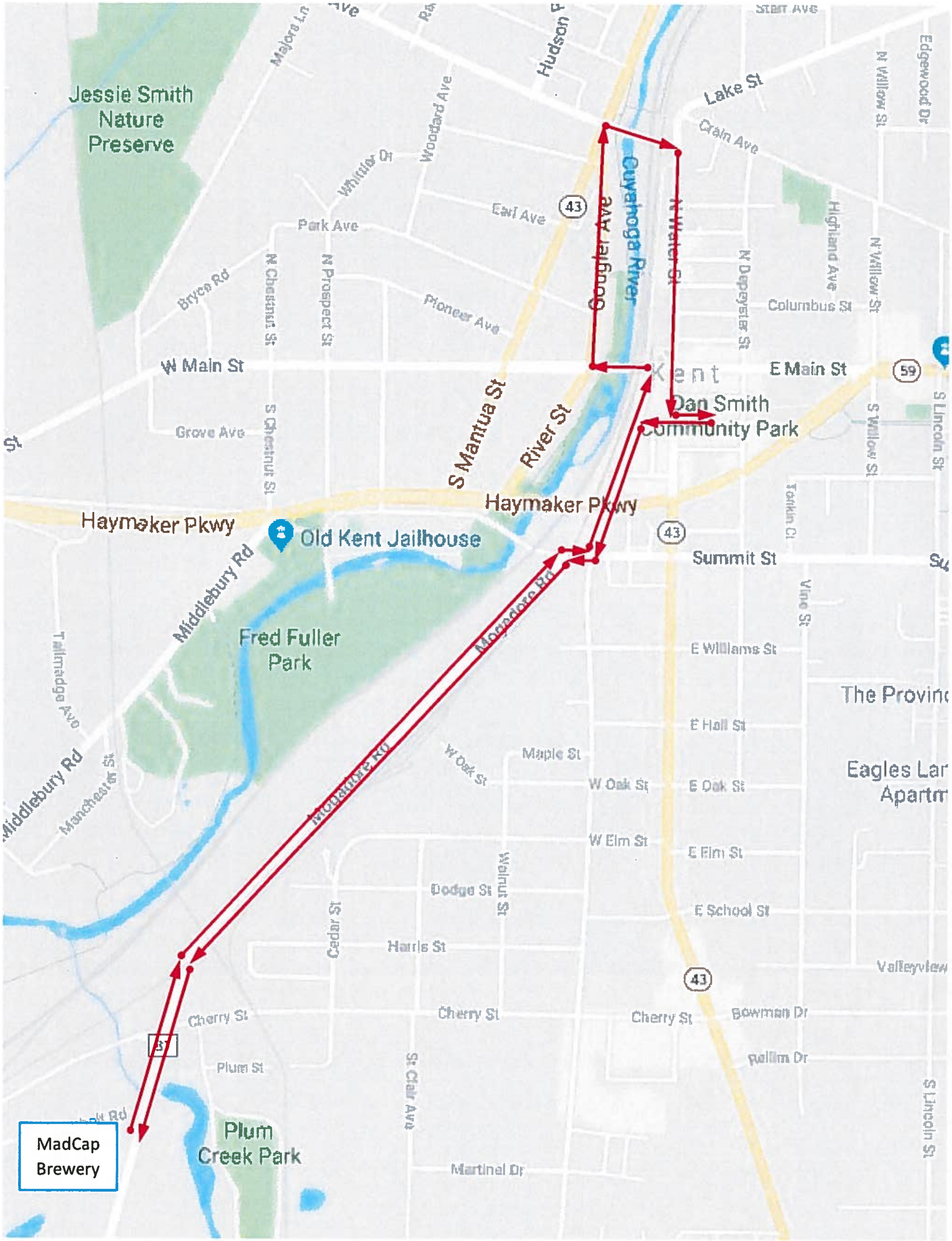
(b) It has at least five seats for passengers.

(c) It is designed to be powered by the pedaling of the operator and the passengers.

(d) It is used for commercial purposes.

(e) It is operated by the vehicle owner or an employee of the owner.

Proposed Cycle Tour Route



THE CITY OF KENT, OHIO
STREETS, SIDEWALKS, AND UTILITIES COMMITTEE
WEDNESDAY, JULY 11, 2018

Vice-Chair Tracy Wallach called the meeting of the Streets, Sidewalks, and Utilities Committee of Kent City Council to order at 7:27 p.m.

PRESENT:	Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Ms. Gwen Rosenberg; Ms. Heidi Shaffer; Mr. Robin Turner; and Ms. Tracy Wallach.
ALSO PRESENT:	Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Public Service Director; Mr. David Coffee, Budget and Finance Director; Mr. Tom Wilke, Economic Development Director; Mr. Jim Bowling, City Engineer; Mr. Jeff Neistadt, Health Commissioner; Police Chief Michelle Lee; and Ms. Tara Grimm, MMC, Clerk of Council.
ABSENT:	Mr. John Kuhar and Mr. Roger Sidoti

There were three (3) items on the Agenda.

1. <u>Authorize Proposed City Code Updates for Regulations on Small Cell Wireless Antennas</u>

Mr. Ruller stated that since the passage of legislation by Council last year, the State has adopted some additional language to their legislation that allows local municipalities some additional latitudes and controls. We have until July 31, 2018 to update, pass, and conform to the latest standards offered through the State of Ohio. Ms. Jones has been working with an attorney that has been engaging with a lot of other cities. They are both here this evening to briefly discuss what those changes are.

Ms. Jones agreed with Mr. Ruller that an Ordinance we pass has to be passed by July 31, 2018 and effective by August 1, 2018. The draft ordinance before Council is a result of the work that the law firm of Walter Haverfield has done for the City. Mr. William Hannah is here representing the City, is in the municipal law section of Walter Haverfield and is in a particularly good position to help the city draft the optimum small cell ordinance. A lot of cities did not like how the first round of legislature was passed so they entered into a lawsuit together. As a result of that lawsuit, the state legislature, municipalities and law firms like Walter Haverfield all sat down with AT&T and many of the other providers to come up with amendments to the original legislation to give cities a little more leeway. The 1st version of the state ordinance was awful. Chapter 939 is completely new and is the Chapter Mr. Hannah and Walter Haverfield helped us with. As a result we will eventually need to make changes to the existing right-of-way Chapter 937.

Mr. William Hannah of Walter Haverfield stated his firm had begun working with this issue for a couple of years and prior to Senate Bill 331 adopted by the state legislature in December 2016, there was a federal law effort to speed the deployment of small cell wireless antennas in general, including in right-of-ways. In 2012, the federal law established a particular set of criteria that applied to non-substantial modifications, which is new antennas going up on existing poles. As the need increased, they began to speak with state legislatures to streamline and expedite the deployment of the small cell wireless antennas, particularly in a public right-of-way. When we talk about 5G technology with small cell antennas, the "G" stands for generation, so we are talking about the 5th generation of this technology. With 1G through 3G and start of 4G, the problem is geographical coverage. They were on giant phones with small amounts of data being transmitted. Phone are smaller and we text and use more data. Lots of data needs to move very quickly so we can all use the supercomputers we carry around. As a result, the existing infrastructure is insufficient for 5G technology. The large lattice towers with small antennas do not support the speed or capacity required for 5G. 5G moves quickly enough to be able to download a movie in 3.6 seconds and they need to be able to support 1 million connected devices in a square kilometer. The advantage of these small cell antennas are that they are smaller and can move a lot of data very quickly. The limitation of them is that there is limited range with that robust signal. When Senate Bill 331 came along, about 100 communities filed lawsuits because it was a very difficult law to live with from a municipal level. HB 478 came out of the process of everyone sitting down together which becomes effective on July 31, 2018.

Mr. Hannah then highlighted a few of the improvements that happened with HB 478. ***(See Attachment #1)***

Ms. Shaffer asked if these are limited to public and city owned properties.

Mr. Hannah replied “Yes, public right of way is what is encompassed in the statute.” Outside of the public right-of-way, it would fall back to zoning regulations.

Ms. Shaffer asked about the guidelines and how soon we need to have those done because if this goes into effect by the end of July, won’t we see a rush of small cell installations.

Mr. Hannah agreed, the fear is someone is sitting on a giant basket full of small cell antennas and will dump it upon the application window of August 1st. The anticipated timetable, as he understands it, and after AT&T and Verizon’s lawyers communicated, there will continued deployments to densify the existing 4G networks and increase the strength and speed of that coverage. When they are trying to increase to 5G in a community, there will be a much larger increase in applications than we would expect. With that being said, they could come in and start being processed under the new law as of August 1st. The City will be better protected by having Chapter 939 in place prior to August 1st. The document can be examined further and edited as issues arise.

Ms. Shaffer followed up by questioning how without having specific guidelines, they will be restricted in following our existing zoning and have to go before our Architectural Review Board in a historic district.

Mr. Hannah clarified how typically zoning does not reach the public right-of-way and deferred to Mr. Jones.

Ms. Jones added how Mr. Hannah had provided the City with a set of design guidelines so we could begin to set our own guidelines and she has been working with Ms. Susel and Ms. Baker on our design guidelines; Mr. Hannah has also helped us with an application.

Ms. Susel informed Council that when Senate Bill 331 was passed, we had Chapter 937, so we have had applications, but it has not been a mad rush. The primary locations have been in right-of-way up along Kent State where there are already poles. We are setting guidelines that complement the limitations where the zoning code doesn’t apply.

There were no comments from the audience or further from Council.

Ms. Jones reminded Council we do have to wait to amend the existing Chapter 937 because the Public Utilities Commission (PUCO) needs a 45 day notice that we are going to change our right-of-way ordinance.

MOTION TO AUTHORIZE THE PROPOSED ADDITION OF SECTION 939 OF THE CITY CODE FOR REGULATIONS ON SMALL CELL WIRELESS ANTENNAS WITH AN EMERGENCY CLAUSE made by Mr. Ferrara, seconded by Ms. Shaffer, and CARRIED by a voice vote of 7-0.

2. <u>Authorize Proposed ODOT Sign Replacement Project Consent Legislation</u>

Mr. Ruller stated ODOT wants to do sign work here in the City. He referred to Mr. Bowling.

Mr. Bowling explained the signs are just for SR 59 and 43 route markers and mile markers.

Mr. DeLeone asked if the signs were going to be any different than the ones that are already there.

Mr. Bowling was informed they are going to be the exact same signs going in about the same places. They are refreshed every 15 years.

Ms. Debbie Redman of 141 S. Mantua St., Kent, stated Mantua is also known as SR 43 South. She is wondering about the signage size because they have a hard time seeing on their street already with all the signage on it. She asked if the signs were going to be any bigger.

Mr. Bowling replied “No.”

There were no further questions from Council or the audience.

MOTION TO AUTHORIZE THE PROPOSED ODOT SIGN REPLACEMENT PROJECT CONSENT LEGISLATION WITH AN EMERGENCY CLAUSE made by Mr. DeLeone, seconded by Mr. Amrhein, and CARRIED by a voice vote of 7-0.

3. Consideration of a Request to Waive Driveway Bond

Mr. Ruller began with how some of the different staff that are all here tonight can weigh in on this topic, but there have been a couple discussions and meetings reviewing the request, terms of the request and the ability to waive fees, timing and setting a precedence. He stated Ms. Baker spent the most amount of time after conferring with Ms. Jones and Ms. Susel, but in the end the recommendation is to *not* waive the fee. We are a Compassionate City, but the circumstances in this case do not add up to warrant it.

Ms. Baker gave a chronological history of this situation. In 2016, Community Development’s Ms. Jennifer Barone, Development Engineer, had been speaking and working with Mr. Shepherd quite extensively, written letter and explained the process to him. She went above and beyond; then did so again in October 2017. Mr. Shepherd was still not happy and contacted Ms. Baker in late October 2017, early November 2017. She visited the site, had phone conversations and then asked Mr. Shepherd to meet in March 2018. He was unable to meet until April 11, 2018. Ms. Baker went over our City Code, section by section, with Mr. Shepherd, highlighting the areas and reviewing the requirements. Mr. Shepherd was happy with the staff’s efforts, but still unhappy with where we were on it. She does not feel we should be waiving the bond. The process is fairly and equitably required by all persons of the City.

Ms. Baker further noted that Mr. Shepherd is not actually the property owner; it is owned by someone else according to the County tax records. The Code is very clear that the property owner is responsible for these types of repairs. She believes Mr. Shepherd is trying to accomplish something good, but he really needs to involve the property owner who the responsibility is actually on. Bonds are there to cover all of the incidentals should the work not be done properly, completed correctly or if we have problems in the future. If the bond were not enough to cover those types of expenses, the City would have to certify them to their taxes. It is for all of these reasons staff is recommending that we do not waive this bond.

Mr. Turner referred to Mr. Ruller’s statement about being a compassionate city. He asked how that would apply here, would it be based on income.

Mr. Ruller clarified that he is not suggesting by being a compassionate city that it warrants anything in terms of this instance. He was proudly making a general statement that we are calling ourselves a compassionate city and he didn’t mean to confuse anyone.

Ms. Shaffer asked to be refreshed if this is something this property has to do legally. Are we requiring this?

Ms. Bakers replied no, we are not requiring it nor is it mandatory. After his neighbor had their property surveyed, it appears that a portion of Mr. Shepherd’s driveway is off-set and on their property. Since then he has had to move his driveway completely onto his own property which slightly off-sets the curb cut and entry into his driveway. This is why he wants to do the curb cut and widen the apron of his driveway. He does still have access to his property.

Mr. DeLeone asked if the neighbors put a fence up along his driveway.

Ms. Baker replied “No.”

Mr. DeLeone asked how far it is that the driveway was on the neighbor’s property.

Ms. Baker stated that after being out there, it is more like is 5-8 feet. The curb cut that flares to the north is wider than it needs to be, but he still has the ability to enter his driveway. His issue is when he is turning right, or heading south, because if he doesn’t turn wide enough, he can clip the corner of the curb.

Mr. Amrhein has been working and talking with Mr. Shepherd and his neighbor wants him off of their property; he asked what is he to do when he doesn’t have $1,000 for the bond? He believes that legally the City is responsible because the apron was put in wrong when the road was constructed.

Ms. Baker has tried to work with Mr. Shepherd and his put him in contact with several contractors that could perform the work at a reasonable price. Many of them are already licensed and registered with the City. The problem is Mr. Shepherd really needs to get the property owner involved. There are avenues that the property owner could utilize to assist him. The property is not in Mr. Shepherd’s name.

Mayor Fiala commented that Ms. Baker answered this already. It really isn’t the burden of Mr. Shepherd, it is the burden of the land owner, so the $1,000 should be coming from the property owner.

Mr. Ferrara asked why this is even at Council; We are not the judge, there are rules that have to be followed. Is every exception now going to come to Council?

Mr. Ruller explained Mr. Shepherd came to Council and it was referred to Administration to look into.

Mr. Ferrara apologized as that must have been when he was absent.

Ms. Jones added that if Council was going to allow a waiver, they would have to pass an ordinance doing just that for this property.

Mr. DeLeone asked that if the work is performed correctly, that person receives their bond back and it is not our money.

Ms. Baker replied “That is correct.”

Ms. Wallach referred to the audience.

Ms. Barb Tittle of 909 Middlebury Road, Kent asked if this is recommendation only as to this specific case or if it is overall.

Ms. Debbie Redman, 141 S. Mantua St., Kent, questioned if this is an easement issue. She questioned how long he has being using that land as his driveway. The neighbor has allowed him to use that driveway for X number of years, she believes he has the right to continue to use it.

Mr. Ruller commented how these are really good questions for the property owners to talk to their attorneys about.

Mr. Ferrara Motioned to deny the request.

Clerk Grimm stated Council cannot make a Motion in the negative. The Motion would need to be made in the affirmative and vote it down. Making a Motion would be a moot point.

Ms. Shaffer asked if a letter has gone out to the land owner.

Ms. Baker replied “No. Because the land owner has not made a request to the City.”

Hearing no further business before this Committee, Chair Sidoti adjourned the meeting at 8:02 p.m.

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Tara Grimm, MMC
Clerk of Council

ACTION RECOMMENDED:

1) **AUTHORIZE THE PROPOSED ADDITION OF SECTION 939 OF THE CITY CODE FOR REGULATIONS ON SMALL CELL WIRELESS ANTENNAS WITH AN EMERGENCY CLAUSE**
2) **AUTHORIZE THE PROPOSED ODOT SIGN REPLACEMENT PROJECT CONSENT LEGISLATION WITH AN EMERGENCY CLAUSE**

Walter | Haverfield LLP
ATTORNEYS AT LAW

ATTACHMENT #1

Current as of April 11, 2018

<table>
<tr><th>Topic</th><th>Existing Provisions (Senate Bill 331)</th><th>Sub. House Bill 478</th></tr>
<tr><th colspan="3">APPLICATION PROCESSING TIMELINE AND TOLLING</th></tr>
<tr><td>Application Fee</td><td>Fee cannot exceed $250 <u>or</u> the fee charged for a building permit for other types of development, whichever is less. §4939.0319</td><td>A municipality may charge up to $250 to process an application, at its discretion, and may adjust the fee up to 10% every 5 years. §4939.0316.</td></tr>
<tr><td>Application Processing Time</td><td>Municipality must grant or deny an application for collocation or for a new pole within 90 days of receipt of a complete application, unless the time is tolled or extended pursuant to another provision. §4939.031</td><td>Collocation is unchanged, but the initial time to review and decide upon a new pole would increase to <u>120</u> days. §4939.031(B)</td></tr>
<tr><td>Consolidated Applications</td><td>No limit on the number of consolidated requests. §4939.0313 (A)</td><td>Requests for new poles and applications to place antennas on existing poles cannot be filed together (intermingled) but may be filed simultaneously. An operator may file an application for up to 30 antennas or up to 30 poles/support structure together as long as the antenna or new poles are substantially similar. §4939.0312</td></tr>
<tr><td rowspan="2">Tolling</td><td>Beyond the initial 90 days, an extension for up to an additional 90 days is permitted for an “extraordinary number” of pending requests for consent. §4939.035 (A)(3)</td><td>From the initial 90 or 120 day timetables, an extension of <u>21 days</u> would be available to the municipality as provided below. §4939.036(A)(3)(a). Further, even if an application is consolidated, each facility or support structure in the consolidated application is counted toward tolling. §4939.0312(C)

<table>
<tr><th>Population</th><th>Number of Requests</th></tr>
<tr><td>30,000 or less</td><td>15 requests</td></tr>
<tr><td>30,001-40,000</td><td>20</td></tr>
<tr><td>40,001-50,000</td><td>25</td></tr>
<tr><td>50,001-60,000</td><td>30</td></tr>
<tr><td>60,001-100,000</td><td>60</td></tr>
<tr><td>Over 100,000</td><td>90</td></tr>
</table></td></tr>
<tr><td colspan="2">Comment: The tolling provisions have been revised from up to 90 days for an “extraordinary” number (undefined) to an initial period of 21 days when a specific number of requests have been submitted, subject to further tolling.</td></tr>
</table>

Additional Tolling	No similar existing provision.	For every 15 applications above the threshold for municipalities with populations of 100,000 or less, and every 30 applications above the threshold for municipalities over 100,000, an additional 15 days may be taken, up to a maximum of 90 days beyond the initial 90 or 120 days. §4939.036(A)(3)(b).
Tolling for Incompleteness	Upon providing written notice of the deficiency in the application within 30 days of receipt, a municipality may toll until the necessary information is provided to complete the application. If a supplemental submission is inadequate, the municipality has 10 days to provide notice of the deficiency. §4939.035. This is consistent with federal law (Spectrum Act).	No change. §4939.036(A)(2).
Eligible Facilities Requests (Federal Law)	Pursuant to the Spectrum Act, municipality has 60 days to approve and may not deny an insubstantial modification. §4939.039	No change. §4939.038.
ATTACHMENT TO MUNICIPAL SUPPORT STRUCTURES		
Provider Entitled to Attach to Municipal Support Structure	Municipality must permit attachment to a wireless support structure owned or operated by the municipal corporation and located in the public way. §4939.0325	The right to attach to municipal support structures (owned by a municipality) is conditioned upon operator compliance with design guidelines. §4939.0322. This provision continues to permit mandatory attachment of small cell facilities to municipal support structure. The legislation also imposes requirements that structures and small cells be constructed in a manner that does not impede public safety, travel, or municipal and other public utility use of the public way. §4939.031(A).
	Comment: Sub. H.B. 478 continues to provide a "right" to place small cell facilities on municipal support structures in the public ROW. The new language requires that an operator comply with municipal design guidelines and provides that the operator may be required, at its cost, to replace or modify/harden/fortify a municipal pole if necessary to support the new facilities.	

Annual Fee (attachment to municipal pole)	A municipality may charge up to $200 per year or the actual, direct, and reasonable costs related to the use of the municipal support structure, whichever is less. §4939.0325	A municipality may charge up to $200 per year, at its discretion, for attachment to municipal poles, with no necessity for "proving" municipal costs. The municipality may adjust the fee up to 10% every 5 years. §4939.0322(B)
	Comment: The capped fee is now discretionary, with no burden of proof on the municipality, and it can be adjusted for inflation.	
MUNICIPAL AUTHORITY REGARDING SMALL CELL FACILITIES		
Design Guidelines	No similar existing provision.	Municipality may adopt reasonable written design guidelines based on objective criteria regarding: (1) the location of ground-mounted small cell facilities; (2) the location of a small cell facility on a wireless support structure; (3) the appearance and concealment of the small cell facilities, including those relating to materials used for arranging, screening, or landscaping; and (4) the design and appearance of a wireless support structure including height requirements. §4939.0314(C)
	Comment: Municipalities must have design guidelines in place in order to apply them to an application. H.B. 478 will take effect 90 days after it is signed by the Governor.	
Height Limitations	Increased height cannot be more than an additional ten feet or the overall resulting height cannot be more than fifty feet. 4939.01(N)(b)(2)	New poles can be up to **40 feet** above ground level. *Page 25, lines 693-696.* A collocation of an antenna on an existing pole is permitted to increase the height of the pole by up to 5 feet. Using design guidelines, a municipality may cap the height as low as 35 feet in areas that have shorter poles and are subject to building height restrictions. §4939.0314(F). *However, an operator may exceed the size limits unless the municipality has regulations preventing the operator from doing so.* §4939.0329.
Protections for Designated Undergrounding Areas	No similar existing provision.	Municipality may require a wireless operator to comply with undergrounding requirements, subject to certain conditions, and the municipality must permit the operator to seek a waiver if the operator is unable to service the area due to undergrounding requirements. §4939.0313(G)

	Comment: The undergrounding protections are only applicable if certain conditions are met, such as a requirement that all structures and facilities requires to be buried, including those owned by a municipal electric company. See §4939.0313(G) for detailed requirements.	
Protections for Historic Districts	No similar existing provision.	Any new pole or attachment to be placed in areas designated by federal or state law as historic districts can be subject to specific design requirements. §4939.0314(H)
	Comment: Municipalities should ensure that historic districts are registered as such under federal or state law.	
Relocation Request by Municipalities	No similar existing provision.	Operator will relocate or adjust its facilities, at no cost to the municipality, if the municipality requests the relocation for purposes of completing construction and maintenance activities. §4939.08
Spacing Requirements for New Poles	Municipalities shall not impose any separation requirements.§ 4939.0315 (P)	Municipality may impose reasonable and nondiscriminatory spacing requirements for new poles. §4939.0314(I)
Proposed Alternative Locations	Municipality may propose an alternate location within fifty feet of the proposed location. §4939.0315(D)	A municipality may require the operator to utilize an alternate location for a new pole/wireless support structure within 100 feet of the proposed location, or the width of the public ROW, provided no technical problems or additional costs. §4939.0314(D)
Abandoned Poles or Equipment	Municipality may adopt reasonable rules intended to ensure the public health, safety, and welfare with respect to the removal of an abandoned wireless support structure or abandoned wireless facilities. §4939.0315 (E)	Municipalities may require an operator to remove a small cell facility or support structure that has been unused for a year and may impose financial obligations on the operator to ensure their removal. §4939.0314(J) and §4939.0313(D)
Permits for Collocation	Municipality shall not limit the duration of any permit that is granted, except the municipality may require that construction commence within two years. §4939.0315 (L)	An approved municipal permit to collocate a small cell to a wireless support structure must be valid for at least ten years, with presumed renewal for additional five-year terms. §4939.0317. A municipality may void a permit if the collocation does not occur within 180 days of issuance, although the operator may get up to 365 days to complete the collocation under certain circumstances. §4939.0314(E)

Work Permits	Municipality may require a work permit for routine maintenance and unsubstantial modifications to the pole or small cell. §4939.0311(B)	A municipality may require an operator obtain a work permit for any construction on the public right-of-way, including for routine maintenance, activities related to strand-mounted micro wireless facilities, and unsubstantial modifications to the pole or small cell. §4939.0311(B). A municipality may charge a fee for the work permit. §4939.0311(C).
Reserved Space	No similar existing provision.	A municipality may put a plan in place to reserve space in the right of way and on municipal structures for future safety or transportation uses. If a structure needs to be replaced to accommodate both a planned future use and collocation, the operator must pay for the replacement. §4939.0314(A).
Environmental Protections	A municipality may impose requirements that do not exceed federal law. §4939.0315(N)	A municipality may impose requirements that do not exceed <u>state</u> or federal law. §4939.0313(J).
RESTRICTIONS ON MUNICIPAL AUTHORITY TO REGULATE SMALL CELL FACILITIES		
Information about business decisions, demand, capacity, propagation maps, etc.	Municipality shall not require information related to business decisions, the operator's service, customer demand, quality of service to or from a particular area or site, need for additional wireless coverage, capacity, increased speeds, and may not require operator to submit strategy documents, propagation maps, or telecommunications traffic studies. §4939.0315 (A)(B)(C)	May request the information, but **<u>not</u>** as a condition of approval of the request. §4939.0313(A)(B)(C).
Removal of existing structures or small cells	Municipality shall not require removal of small cell facilities or support structures as a condition of approval. §4939.0315 (E)	Municipality may require removal as a condition of the approval of the request when the facility to be removed has been unused or abandoned. §4939.0313(D).
Air Space Regulations	Municipality cannot impose restrictions on navigable airspace that are stricter or in conflict with federal regulations. §4939.0315 (F)	No change. §4939.0313(E).
Unreasonable Discrimination Among Providers	Municipality shall not unreasonably discriminate among providers of functionally equivalent services. §4939.0315 (H)	No change. §4939.0313(F).

Lease Agreements	Municipality shall not require that the operator purchase, lease, or use facilities, networks, or services owned or operated by the municipal corporation. §4939.0315 (J)	No change. §4939.0313(G).
Requiring Operators to Collocate Together	Municipality shall not condition the grant of consent on the requestor's agreement to permit other wireless facilities to be placed at, attached to, or located on the associated wireless support structure. §4939.0315(K)	No change. §4939.0313(H).
Unique setback and fall-zone	Municipality cannot impose setback or fall-zone requirements different from requirements imposed on other types of structures. §4939.0315(M)	Fall-zone and set back requirements may not be different from other **similar** types of structures. §4939.0313(I).
Radio Frequency Regulations	Municipality cannot impose any regulations pertaining to radio frequency emissions or exposure to such emissions that are contrary to or exceed rules of the federal communications commission. §4939.0315 (O)	No change. §4939.0313(K).
Moratorium Prohibited	A municipality may not impose a moratorium on the filing, acceptance, consideration, or approval of requests. §4939.0317	No change. §4939.0315.

MISCELLANEOUS		
Small Cell Facility Operators	A public utility or cable operator that operates a micro wireless facility. §4939.01(G)	Limits the entities that can avail themselves of most of the provisions of Chapter 4939 to the big carriers -- AT&T, Sprint, Verizon, and T-Mobile, or their designated agents. Cable operators and their designated agents and video service providers and their designated agents are also included. §4939.031. Certain entities, such as Crown Castle, may also apply as long as they can show that they are applying on behalf of an operator. §4939.031(E). Further, entities that are not operators, such as Crown Castle, may apply for consent even if they are not applying on behalf of an operator, but a municipality is not required to grant its consent in that situation. §4939.033.

Structures Exempt From Attachment	Excludes a utility pole or other facility owned or operated by a municipal electric utility. §4939.01(R)	Municipal electric utility poles are not considered wireless support structures, nor are street signs under fifteen feet tall, and equipment used to supply power to public transportation. §4939.01(V).
Indemnification of Municipalities by Operators	No similar existing provision.	A small cell facility operator must indemnify the municipality for any damage arising out of the operator's negligence. §4939.039
Size of Facilities	Antenna is within, or could fit within, an enclosure of not more than six cubic feet in volume. All other associated equipment is cumulatively not more than twenty-eight cubic feet in volume. §4939.01(N)(1)	No change. §4939.01(P)
Strand-Mounted Facilities	No similar existing provision.	A cable company or video service provider does not need to obtain consent from a municipality or pay small cell fees before it installs, maintains, or replaces "micro wireless facilities" strung between wireless support structures. §4939.0311(C). Micro wireless facilities are no more than 24 inches long, fifteen includes wide, and twelve inches high, and its exterior antenna, if any, must be eleven inches tall or shorter. Micro wireless facilities may only be strung between wireless support structures. §4939.01(H)
"Savings" Clause for Investor-Owned Electric Utilities	No similar existing provision.	Provision stating that Chapter 4939 will not affect or supersede any tariff, contractual obligation or right, or federal or state law currently applicable to investor-owned electric utilities. §4939.0322(E)

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THE CITY OF KENT, OHIO
SPECIAL MEETING FOR COMMITTEE OF THE WHOLE
WEDNESDAY, JULY 18, 2018

Mayor Fiala called the Special Meeting for Committee of the Whole of Kent City Council to order at 7:15 p.m.

PRESENT:	Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Mr. John Kuhar; Ms. Gwen Rosenberg; Ms. Heidi Shaffer; Mr. Roger Sidoti; Mr. Robin Turner; and Ms. Tracy Wallach.
ALSO PRESENT:	Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Public Service Director; Mr. Jim Bowling, City engineer; and Mr. David Coffee, Budget and Finance Director.
ABSENT:	Ms. Tara Grimm, MMC, Clerk of Council.

There was 1 item on the Agenda.

1) <u>Discuss and Authorize verbiage for increasing the percentage of petition signatures to 25% of the most recent past presidential election to the City's Charter recall procedure to be added to the ballot for this fall's election.</u>

Mayor Fiala referred to Ms. Wallach who only had one suggestion for this.

Mayor Fiala asked Ms. Wallach to read the proposed verbiage.

Ms. Wallach read:

> *"The electors shall have the power to remove from office by recall election any elected officer of the City. If an elected officer shall have served for six months of a term, a petition demanding such officer's removal may be filed with the Clerk of Council who shall note thereon the name and address of the person filing the petition and the date of such filing."*

She suggested adding the words "In the case of an at-large council person, such petition shall be signed by that number of electors which equals 25% of the total number of votes cast in the City for the President of the United States before continuing with:

> *"In the case of a ward council person the required number of electors shall equal 25% of the total number of votes cast in that ward for President of the United States at the last regular municipal election in which the President was elected. A recall petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain the name and office of the person whose removal is sought, and a verified statement, in not more than two hundred (200) words, of the alleged grounds for which the removal is sought."*

The rest of the paragraph is just the standard. She would like it to be specified between at-large and ward.

Ms. Jones clarified that the language she gave them, the only thing Ms. Wallach would change would be at the beginning of the first sentence that start "Such position…" you would like "in the case of an at-large councilperson"?

Ms. Wallach stated Mr. Jones was correct because in the second part Ms. Jones drafted "In the case of a ward Councilperson" so everyone is included, not just wards.

Mr. Ferrara asked for clarification, the number of percentage doesn't change, just that the at-large has to be the same percentage of the entire city.

Ms. Wallach stated Mr. Ferrara was correct.

Ms. Jones added that actually the current language is 20% so we are changing it to 25%.

Ms. Wallach added that we are also changing it to the election where the President is elected.

Mr. Ferrara confirmed "the last Presidential election."

Ms. Jones agreed.

Mr. Kuhar asked if numbers wise we were taking it from the number of registered voters.

Ms. Wallach and Mr. Jones both answered "No."

Ms. Wallach and Mayor Fiala both stated "It has always been a percentage of an election of the people who voted.

Mr. Kuhar asked why we are wanting to change it or increase it by 5%.

Ms. Wallach explained we'd like to change it from the voters of the last municipal election which could have been only 10 people who showed up to vote. We are changing the percent upwards a little bit and to the Presidential election because more people come out to vote.

Mr. Kuhar asked how this is a benefit.

Ms. Wallach further explained that it assures that a large percentage of the population wants the recall to occur instead of just 6 people.

Mr. Kuhar asked if we can't just put certain stipulations in for certain things a person can be recalled for.

Ms. Wallach stated the reason has to be listed what the person says, and not more than 200 words of the alleged grounds for which the removal was sought. So there has to be a reason. It can't just be "because".

Mr. Kuhar thought the way it was is crazy.

Ms. Wallach stated that's why we are looking to up the percentage so there wouldn't be frivolous recalls.

Mr. Kuhar asked if it would not make more sense, and maybe we can't do it, to put in stipulations for unlawful or illegal things.

Ms. Wallach explained that we already discussed that at the last meeting and we can't do that.

Mr. Kuhar stated "which I missed."

Ms. Shaffer reminded Mr. Kuhar how Council can vote to remove a fellow councilmember if they do something illegal or immoral. There are certain stipulations.

Mayor Fiala reminded Council "That is in our Standing Rules."

Ms. Shaffer replied "Correct."

Ms. Wallach further explained the reason why we couldn't put those things in the rules is because we'd have to come up with a long list of definitions that went with the behaviors.

Mr. Sidoti asked if he is understanding all this correctly, we are going to trust the judgment of the whole community based on a 200 word document for whatever the reasons are for a recall. We are not going to stipulate individual stuff. If someone puts out a petition, they have to tell why and we just trust the community to make their judgement. Is that what we are saying?

Mayor Fiala asked Ms. Wallach if Mr. Sidoti is correct.

Ms. Wallach stated "That is all that we can do. Last time we put it forward was for unethical, illegal or immoral activity and Ms. Jones said we would have to define exactly what that meant. So instead of going with a long list of definitions, we are going to up the percentage."

Mr. Sidoti stated he liked that. He would rather trust individuals in the community to make good judgments.

Mr. Turner asked since Council can do it, and has the authority to actually remove one of their colleagues, why is this become necessary for us to have a petition passed. Why wouldn't they just come to the Council members and say 'look this is our problem with this guy that been adjudicated. Council has taken action based on their conduct.' What is the distinction then for the public other than the necessity of bypassing Council? What is the rationale for doing this?

Ms. Wallach clarified how last time 5 members of Council were recalled, how could Council remove 5 of Council?

Mayor Fiala added "they would be voting to remove themselves."

Ms. Wallach continued that there are now 2 avenues for the public to recall a Council person. They can go through Council if it's one specific Councilperson or they can do a recall.

Mr. Turner said his question still is, now that we have 2 ways, why Council is then becoming engaged in or involved to intercede with one of their colleagues if in fact we have the ability to remove this person from office based on allegations, not necessarily anything proven.

Ms. Wallach was not understanding what Mr. Turner's question is. This is in our City Charter anyway, we are just changing it.

Mayor Fiala commented "We are refining it. We can do it through Charter or do it through Council. It has been there. All Tracy is trying to do is refine it and broaden it over the whole community instead of just a handful of people. It's always been this way."

Ms. Shaffer asked for permission to respond to Mr. Turner. "The point is Council is very bound to remove a colleague only under certain, very specified situations. But the community can decide they do not like how someone on Council voted. The reason why we are doing this is because we don't necessarily want a small minority of people who said 'I don't like the way that person voted for my neighborhood', then get the neighborhood together and be able to put the City through a recall election. In her opinion, and hopefully everybody's, it should be a higher test than that because it tends to make people not take any risks when they are on Council because it might upset a small minority of people.

Mr. Ferrara commented “Well said.”

Mr. Kuhar asked “Tracy do you think there’s also the possibility that if Council does it, it is very limited and if Council does it, there’s a lot of people that don’t trust what we do. People can’t say they are taking care of their buddies because they are putting it to the voters? That’s what I’m thinking.”

Mr. Turner feels this could be a real slippery slope when we are now interceding, or in the overall process of how we get to this point. If somebody now, comes in from the public and says I don’t like certain aspects of the Charter. This situation was brought to us right after the last Charter Review. The last Charter Review Commission and Council determined that we shouldn’t put it on the ballot. That was by a process standpoint. Now that we’ve decided this, what stops any other member of the public coming to us and saying “I would like ‘this’ to be on the ballot.” Last time a certain group of people had worked to try to determine what would be acceptable, it now diminished the overall process and credibility of the process on the Charter. Because now we are agreeing to do political shorthand. The public interest that we feel we have valued; “don’t forget I am the one who actually brought this.”

Ms. Wallach reminded Mr. Turner that Council has the authority to shoot down anything the Charter Review Commission brings to them also, so what is the difference.

Mr. Turner stated “and they have.”

Mayor Fiala asked to wind this up because we are running out of time and still have to go to the audience.

Ms. Wallach added that we are going to go to the electorate and let them decide.

Ms. Jones asked for permission to add that because this is under Article 5, Council and Mayor, that the language that they would like to add to the Ordinance also include “or the Mayor.”

Mayor Fiala referred to the audience for comments.

Ms. Stacy Yaniglos, President of the League of Women Voters of Kent read from a prepared statement. ***(See Attachment #1).***

Ms. Barb Tittle of 909 Middlebury Road, Kent stated “you said municipal presidential election and I think you meant general presidential election”. She referred to Ms. Yaniglos statement and how they recently held extensive conversations on this subject and the conclusion she talked about. She wonders if anyone believes 25% of the actual voters can be a higher threshold than 15 % of registered voters. 71% of Ohio registered voters turned out for the 2016 Presidential election. Only 60% of registered voters voted in Kent, which is a poor outcome, but that is another story. She’s a number person and all things considered, it is the same amount of voters unless it falls below 60%. She reminded Council that after the 2018 election, the current Secretary of State will be able to enact the verified legal act of removing people who have not voted at all for several years, and we know that number is not a small one. A larger percentage of actual voters is not necessarily larger than a smaller percentage of registered voters.

Mr. Peter Kierstead of 1039 Davey Avenue, Kent asked if the 200 words for wording goes on the petition, the ballot, or both?

Mayor Fiala explained it would be on the petition, but the Board of Elections will word it for the ballot, and he would assume that would be the same.

Ms. Jones stated it would not be the same. The ballot would say “shall be recalled.”

Mr. Kierstead stated he emphatically supports that because then it validates the reason to be recalled.

Ms. Wallach wanted to let the League of Women Voters know that originally Council wanted 15% of the registered voters and we were told by our Law Director that we were not allowed to do that.

Ms. Jones stated the Supreme Court of Ohio has shot down Charter provisions that attached registered voters to both initiative petitions and recall.

MOTION TO AUTHORIZE ADDING "IN THE CASE OF AN AT-LARGE COUNCIL PERSON OR THE MAYOR, SUCH PETITION SHALL BE SIGNED BY THAT NUMBER OF ELECTORS WHICH EQUALS 25% OF THE TOTAL NUMBER OF VOTES CAST IN THE CITY FOR THE PRESIDENT OF THE UNITED STATES" TO THE CITY'S CHARTER RECALL PROCEDURE WITH AN EMERGENCY CLAUSE made by Mr. Ferrara, seconded by Ms. Shaffer.

Ms. Shaffer feels this is the right thing to do. We do need to raise the test so a small minority cannot put the business of this City in jeopardy, while retaining the right to recall.

Mr. Kuhar wanted to AMEND the Motion to add "OR 15% of the registered voters, whichever is greater."

Several Council members spoke over each other stating "we just told you we are not allowed to do that."

There was no second to Mr. Kuhar's Motion.

Mr. Turner questioned the current language of the Charter for the referendum or initiative, why are we not creating a situation where the requirement is uniform? He feels that is a better alternative.

Ms. Wallach called a POINT OF ORDER. We are only talking about this one at this time. We would have to talk about the other types at another committee meeting if you want to bring them all to the same level. If Mr. Turner would like to make a Motion to do that, he can at the end of the Regular Council meeting to do just that.

Mr. Kuhar stated he is probably going to support the Motion, but he is thinking in his Ward, it would be a windfall for him because if you went by who voted, it would be a very small amount; but if you went by the registered voters, it would be a much larger amount. There's quite a difference in his Ward of registered voters and he doesn't know how that carries through in other Wards.

MOTION CARRIED by a voice vote of 8-1 with Mr. Turner voting "No.".

Hearing no further business before this Committee, Mayor Fiala adjourned the meeting at 7:40 p.m.

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Tara Grimm, MMC
Clerk of Council

ACTION RECOMMENDED:

1) **AUTHORIZE ADDING "IN THE CASE OF AN AT-LARGE COUNCIL PERSON OR THE MAYOR, SUCH PETITION SHALL BE SIGNED BY THAT NUMBER OF ELECTORS WHICH EQUALS 25% OF THE TOTAL NUMBER OF VOTES CAST IN THE CITY FOR THE PRESIDENT OF THE UNITED STATES" TO THE CITY'S CHARTER RECALL PROCEDURE WITH AN EMERGENCY CLAUSE**

Read at Comm.

7-18-18, 7:15 PM

SPECIAL MEETING FOR COMMITTEE OF THE WHOLE

KENT CITY COUNCIL

Good evening. I'm Stacy Yaniglos, President of the League of Women Voters of Kent and I appreciate the opportunity to speak on behalf of the League in favor of a proposed change in the formula for the number of petition signatures needed to trigger recall of an elected official.

The right to vote is the driving force behind the League's activities, and the right to remove an elected official from office is a natural extension of the right to choose one's representatives. On the other hand, recalling elected officials is potentially expensive, disruptive and divisive and should be undertaken carefully, with strong justification and substantial elector support. Thus we support a careful balance between the voters' right to choose their representative and the rigor of the process for recalling that official.

The League of Women Voters of Kent believes that the "bar" is currently too low for triggering a recall. In spring 2017 we reached consensus and adopted a position in support of:

> *The power of electors to remove from office by recall election any officer of the City. A petition signed by* ***no less than 15% of the voters registered in the City of Kent*** *to sign a petition to place on the ballot recall of Mayor or Council-at-Large, or in the case of a ward councilperson* ***15% of the voters registered in the ward in question****.* (Emphasis added.)

The League would prefer that the number of signatures required for a recall election be indexed to the registered voters in the city or ward because this number is generally more stable and predictable than the current proposal, based on the number voting in an election.

As of July 2, there were 17,508 registered voters in Kent City, of which 2,626 comprise those required to sign a recall petition for Councilperson at large with a 15% of registered voters requirement. In the 2016 election 11,660 ballots were cast by Kent voters; the proposed 25% of these voters would require 2915 signatures, or 11% more.

In summary, the League supports the amendment of the charter to change the number of required signatures to initiate a recall. We believe that at the current time either formula – 15 % of registered voters or 25% of voters in the last presidential election yields a number of signatures within a reasonable range of 2600-2950 signatures. However, we would prefer that the number of signatures required be tied to the registered voters to increase the predictability and stability of the requirement. Further we believe that 15% of registered voters is the optimal requirement.

THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WEDNESDAY, JULY 18, 2018

At 7:40 p.m., Mayor Jerry T. Fiala apologized for starting late after the Special Committee Meeting and called the **Regular Meeting of Kent City Council** to order. Roll call was taken.

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

ALSO PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Public Service Director; Mr. Jim Bowling, City Engineer; and Mr. David Coffee, Budget and Finance Director.

ABSENT: Ms. Tara Grimm, MMC, Clerk of Council.

Mayor Fiala called upon Councilmember Rosenberg for her opening remarks. Ms. Rosenberg had two remarks. She stated she had the opportunity to participate in one of our police department active scenario training sessions and was incredibly impressed with their professionalism. She is pleased to see how much they value continuing education and training that the landscape for police scenes changes so frequently, she is pleased to see that they are keeping up. Ms. Rosenberg further stated how BluesFest was a wonderful, huge success and thanked all the organizers and participants as it is part of what makes the culture of Kent so incredibly special. She then led the Pledge of Allegiance.

APPROVAL OF MINUTES:

MOTION TO APPROVE THE MINUTES OF THE WORK SESSION OF JUNE 20, 2018 AND THE REGULAR COUNCIL MEETING OF JUNE 20, 2018 made by Mr. DeLeone, seconded by Mr. Ferrara and CARRIED by a voice vote of 7-0-2 with Ms. Rosenberg and Ms. Wallach abstaining.

MOTION TO APPROVE THE MINUTES OF THE PUBLIC HEARING OF JULY 11, 2018 AND THE SPECIAL CITY COUNCIL MEETING made by Ms. Rosenberg, seconded by Mr. DeLeone and CARRIED by a voice vote of 6-0-3 with Mr. Kuhar, Mr. Sidoti and Ms. Wallach abstaining.

COMMUNICATIONS:

Mayor Fiala called for audience comments and reminded each visitor to please state their name and address for the record and limit their comments to three minutes. There were four (4) visitors who signed in with the Acting Clerk. *(The visitor's portion of communications were requested to be transcribed with precise detail per Mayor Fiala upon the Clerk of Council's return to the office.)*

Mr. Christopher Myers of 220 E. Elm Street, Kent stated he "will probably take longer than three minutes with all he has to do."

Mayor Fiala stated "We cannot have that."

Mr. Myers commented "Well I am very sorry Mr. Mayor. Have you taken any action regarding my last two months complaints against, formal complaints against Heidi Shaffer, or ignoring me by not responding to me email?" "Have you taken any action?"

Mayor Fiala asked "Who are you asking?"

Mr. Myers responded “You.”

Mayor Fiala answered “You didn’t say that.”

Mr. Myers continued “I have to go through you Mr.”

Mayor Fiala replied “No we haven’t.”

Mr. Myers asked “Why?”

Mayor Fiala replied “I haven’t seen any reason to do so.”

Mr. Myers stated “A formal complaint is a formal complaint. You just ignore formal complaints?”

Mayor Fiala responded “That is a personal item with you sir.”

Mr. Myers commented “I’m not allowed to talk to her. It’s you, you’re the President of Council. It’s all on you. I made a formal complaint and nothing has been done and nothing will be done. Shame on you.”

Mayor Fiala said “Thank you.”

Mr. Myers continued with his next question. “Would you ask Mr. Ruller what his motivation was for sending you an email that I was protesting on the corner of Depeyster and Haymaker? Would you ask him his motivation?”

Mayor Fiala asked “Who are you asking, me again?”

Mr. Myers clarified “I am asking you to ask him.”

Mayor Fiala asked “How do we know Mr. Ruller did that?”

Mr. Myers responded “Because it is right here in the police report.”

Mayor Fiala questioned “Did he take the photo?”

Mr. Myers answered “I don’t know who took the photo, but he told you that I was protesting. I want to know if you will ask him what his motivation was.”

Mayor Fiala referred to Mr. Ruller and asked him if there was any motivation.

Mr. Ruller replied “Exactly what was said, for your information. There’s no judgment, just simply information. He is the Mayor, you targeted him; you targeted Council. When I see that, I like to let them know. Period.”

Mr. Myers asked “Do you know what was on the sign when I was protesting?”

Mr. Ruller responded “I do not.”

Mayor Fiala responded “I do not either.”

Mr. Myers stated “Fascinating. That’s fascinating. Perhaps it may have been that I was saying support your local animal protective league on its adopt-a-pet program. This is in the police report against me that you told him that I was protesting. Why would you bother to tell him I was protesting? Would you ask him that?”

Mr. Ruller stated “I think I just answered that sir. It’s for his information. My job is to keep the Council informed for matters that relate to them. You have…”

Mr. Myers interrupted “But I’m allowed to protest. Would you tell him I’m allowed to protest?”

Mr. Ferrara interrupted and stated “I don’t think anyone said you couldn’t.”

Mayor Fiala added “Nobody said you couldn’t.”

Mr. Myers asked “Then why is it in the police report that I was for God’s sake?”

Mayor Fiala asked “Are you done?”

Mr. Myers responded “No.”

Mayor Fiala reminded Mr. Myers that “Your time is getting close.”

Mr. Myers stated “Sorry, I’ve only begun.”

Mayor Fiala replied “Well we are going to have to take some…”

Mr. Myers interrupted with “Alright, well that’s fine, do it. On the 6th of April I was informed by the Law Director that I had been reported to Lieutenant Lewis of the City of Kent Police as being a threat to the Kent Clerk of Council. I asked for and received no name of the person who reported me other than it was not the Clerk herself. Asked for specifics to the nature of the threat and received none. Asked for a letter stating specifics of threat. Was told I was to have no contact with the Clerk, to not even say hello in passing. Mr. Mayor, can you find out who it was that made the report if it wasn’t the Clerk?”

Mayor Fiala replied “No.”

Mr. Myers asked “You can’t ask?”

Mayor Fiala stated “Did I file the report?”

Mr. Myers replied “YOU are the President of Council.”

Mayor Fiala replied “I am.”

Mr. Myers continued “Then I have to work through you why I can’t, I want to know who filed the report.”

Mayor Fiala responded “I will tell you tomorrow.”

Ms. Wallach added “If it was anonymous, then we can’t.”

Mayor Fiala agreed “Well if it was anonymous, I can’t do that.”

Mr. Myers continued “Well, here, on the 9th of April, Tara Grimm went and talked to Hilbruner, a policeman, and she told him that no threats have been made. Now how can I be a threat if she told him that no threats have been made? I’m asking you, would you find out?”

Mayor Fiala stated “I am going to answer this question this way. Did I file the report against you?”

Mr. Myers interrupted “I didn’t say you did. YOU are the President of this Council Mr. Mayor.”

Mayor Fiala continued “That I am, if you have a problem with a report that someone filed against you, I suggest you either get legal counsel to approach it or approach it yourself.”

Mr. Myers replied “Listen Mr. Mayor, YOU people spent hours putting together a police report against me that I stalk the Clerk of Council. You spent hours. Mr. Ferrara, Mr. Ferrara talks about dealing with this in an Executive Session. He even went so far as to send out a thread of emails for some sort of action. This is in a police report against me for being a threat to Council. My right to free expression does not end because anybody FEELS something or other. I have a right to free expression. I have a right to criticize the Clerk of Council. It is in the Council Rules. I have a right to criticize her. I have never insulted her. I have never made a personal remark, I have never stalked her. I have never, she says I get very belligerent and violated the Kent Council Rules during a meeting several times, oh yeah, right, when? Which is been warned about. I just don't get it, I don't get it. I don't get it."

Mayor Fiala warned Mr. Myers he was "giving him a half a minute to wind this up."

Mr. Myers continued "You know, you know, that Clerk plays fast and loose. You know she wrote a melodrama. She wrote something that reads like a…"

Mr. DeLeone called a POINT OF ORDER. "Point of Order, she's not even here to defend herself."

Mr. Myers interrupted "I know she's not. She, I, she, I can't talk to her. I deal in public. I speak in pubic right here, I speak in public on the streets. You people deal in secretive executive sessions. And you say that I stalked her. You agree, does anybody agree…"

Mayor Fiala interrupted to ask Mr. Myers a question. "You're saying we people said you stalked her. Did we fill out that report?"

Mr. Myers replied "Nobody has said you didn't. I want to talk about this publicly. And you won't talk about it publicly."

Mayor Fiala informed Mr. Myers "I am going to give you another half a minute and then I am going to ask for you to be removed."

Mr. Myers asked "Why won't you talk about this publicly? You know there are people out there on my street that think I stalked the Clerk of Council because nobody here is willing to say I didn't stalk her because she said I stalked her. Do you agree with that?"

Mayor Fiala interrupted again "Mr. Myers, listen to me. I am not particularly saying about you or me. I'm just saying out there is this wonderful world we live in, there are people that have personalities and on the other side there are people that have a lot of personalities. And sometimes people get along with each other's personality and sometimes some personalities irritate other personalities. I can't help that. That is human nature. Now if that was incidents that maybe happened, maybe happened, I don't know."

Mr. Myers interrupted "But I can't find out. Because nobody will talk to me publicly. Nobody will speak to this issue publicly."

Mayor Fiala commented "I don't know how to help you Mr. Myers."

Mr. Myers asked "Well who did it?"

Mayor Fiala clarified by asking "Who's filed the report?"

Mr. Myers asked "Why don't you ask everyone who filed the report?"

Mayor Fiala continued "All right, here, and I am out of order for doing this. Mr. Sidoti did you file that report?"

Mr. Sidoti replied "No".

Mayor Fiala continued though each Council member. "Ms. Rosenberg?"

Ms. Rosenberg replied "No Mr. Mayor."

Mayor Fiala continued "DeLeone?"

Mr. DeLeone responded "No."

Mayor Fiala asked “Tracy, Heidi, John, Turner, Jack, Garret?”

Ms. Wallach, Ms. Shaffer, Mr. Kuhar, Mr. Turner, Mr. Amrhein and Mr. Ferrara all responded “No.”

Mayor Fiala added “I didn’t file it. There you got it, we didn’t file it.”

Mr. Myers said “Well did she file it?”

Mayor Fiala asked “Who, Hope, file it?”

Mr. Myers asked again “Ask her if she filed it.”

Ms. Jones interjected “You know what, I did not file it, but I know that Tara filed it. The Clerk of Council went to the police department because she was concerned about your behavior. She had every right to do that, ladies and gentlemen of Council. Whether or not he agrees with how she perceived how you treated her, that’s not up to you, that’s up to her. She made a police report, there’s a police officer here in the room and he will tell you that they take police reports all the time that might be just information only. I do not believe that she asked you to be charged with anything, she wanted to put it on the record. It is on the record. I think that you have had your say here in this “public hearing” and I think that Council needs to get on with their business.”

Mayor Fiala stated “I agree.”

Mr. Myers continued “I am sorry, very sorry, but the Clerk of Council, she does not accurately say or report what I have said here. She just doesn’t and I can give you instances if anybody would like to call me up and meet with me I’d be more than happy to discuss it.”

Mayor Fiala interrupted Mr. Myers “We have other business here.”

Mr. Myers continued “I have been liabled, I have been liabled. I have been called a stalker.”

Ms. Jones interjected by asking Mayor Fiala to ask Mr. Myers “to ask him to take a seat. Ask him to take a seat please and be in order.”

Mayor Fiala reminded Mr. Myers to “Please take your seat or I will have you removed.”

Mr. Myers interrupted “I have been labeled a stalker. How would you like to be labeled a stalker? How would you like it?”

Mr. Ferrara interjected “Will you please take your seat?”

Mayor Fiala stated again “Please take your seat or I am going to have you removed. That’s your choice.”

Mr. Myers responded “Well I will have to be removed then because I’m not going to take my seat. I want to know why somebody can call me a stalker and nobody will think that I’m not.”

Mayor Fiala tried to speak over Mr. Myers.

Mr. Myers continued” I want to know why Robin Turner was not called as being vulgar when he used the term “asinine”.

Mayor Fiala replied “He was.”

Mr. Myers disagreed stating “He was not, he was not labeled vulgar. You said that ‘this is a word we don’t use here’.”

There was multiple inaudible words of Councilmember speaking over each other.

Ms. Jones asked again “Mr. Myers, please take your seat.”

Mr. Ferrara added “Help yourself and please take a seat, please, please.”

Mr. Myers stated “Listen.”

Mayor Fiala declared “That’s it, I am done with it. Have him removed. I asked you…”

Mr. Myers spoke over Mayor Fiala “I really feel bad about you people.”

Mayor Fiala replied “I do too.”

Mr. Myers continued “I feel bad, you’ve liabled me, calling me a stalker. You’re sick, you’re just sick. And I appreciate this.”

There was inaudible conversation between Mr. Myers and Mr. Ferrara.

Mr. Ferrara stated “He will still read it.”

Ms. Jones asked Mayor Fiala “Mr. President, will Mr. Myers be invited back to these proceedings in the future?”

Mayor Fiala answered “It is still an open meeting.”

Ms. Jones replied “Ok, as long as he behaves himself.

Mr. Myers commented “I can’t believe you would want to keep me out of here. What kind of Law Director are you?”

Ms. Jones stated “Wonderful.”

Mr. Myers continued speaking as he was escorted out.

Mayor Fiala and Mr. Ferrara repeatedly said “Mr. Myers, Mr. Myers please.

Mayor Fiala stated “You are welcome back anytime under control.”

Ms. Jones announced the next visitor.

Ms. Linda Jordan of 1017 S. Daniel Way, San Jose, CA stated “it was 2 years ago tonight that I sat in my last meeting as your Clerk and sitting back there for the last 10 minutes, San Jose is looking like a pretty good place. I don’t know what to tell you. You’ve got your hands full. Oh my God it was awful. But anyway I just stopped and wanted to meet Hope, best wishes to you Gwen and a successful career here. The rest of you, some I talk to some I haven’t heard form. And this one, I miss sitting next to him and listening to the little cracks under his breath. It was good while I was here; it is better since I retired. We’ve gone from Texas to Washington and now we are in California and I’m living the life. I have a beautiful home with 28 solar panels, drive a hybrid. I’m doing it. I don’t know if I will come back this way to live ever, but my daughter is getting married Saturday so here I am. But I couldn’t pass it up without saying ‘Hi’.

Mr. Ferrara and Mayor Fiala commented “Nice to see you.”

Ms. Barb Tittle of 909 Middlebury had signed in, but declined to speak.

Mr. Peter Hans Kierstead of 1039 Davey Avenue, Kent stated “First of all, with respect to the City flag, I sent an email to every member of Council, the Mayor, Mr. Ruller and Mr. Wicks with a presentation by a designer named Roman Mars. He talks about city flags. I don’t know if any of you saw the video, but it’s a really great presentation about city flags, bad city flags and good city flags, and I’d just like to say because he heard from the Mayor that there is going to be a contest coming up.”

Mayor Fiala interrupted and clarified “I said if we can’t find the flag, but we have possibly located the flag.”

Mr. Kuhar added “I remember it having a tree with little branches and acorns.”

Mr. Kierstead continued “Is there a possibility of redesigning it?”

Mayor Fiala commented “We are going to find the flag so we can remember what it looked like.”

Mr. Kierstead continued again “Being that some of the city flags I saw on that presentation, the second best thing you can do as opposed to bringing back and old, good flag or a new, good flag is to be to have no flag. Because looking at some of those flags, some of them are horrible. And it would be better not to have one. So it’s a very important decision and it’s something that symbolizes the city. Also something I spoke about before, I am the President of the Association of World History at Kent State and am taking a group of students to Canada and we will be visiting Toronto and Kingston and visiting with a number of local and hopefully provincial and federal officials. If any of you have any gifts or trinkets that you want to hand over at some point between now and August 12th…, I can present to the Kingston City Council with the Mayor… and possibly the Premier. I may get to meet the Premier of Ontario. They elected a new Premier and he is a bit more pro-American than the last Premier.”

Mayor Fiala stated “We will let you know about this flag.”

Mr. Tony Lahood of 5031 Stone Ridge, Richfield, stated “I am the proprietor of Firefly Hookah Bar here in Kent at 124 S. Water. I am here about the Tobacco 21. Essentially this ordinance would put us out of business. Our primary business is 18-20 year olds who can’t go to the bars in Kent and frequent our establishment. I understand the premise of the law and essentially wholeheartedly agree with the premise of the law as far as people just over 18 being able to provide tobacco and cigarettes to people under the age of 18. When I was in high school, I didn’t smoke personally, but that’s how my friends got cigarettes – either from their parents or from someone who was just over 10. So I understand the premise of the law. My issue is obviously it affects my business, my livelihood and our business in Kent and my employees, like 100% are going to go out of business. I was just made aware and I am sorry I didn’t attend any previous meetings to talk to you guys. So the one thing I wanted to say is I don’t know what kind of leeway there is with the law, or what we could do with the ordinance; if there could be a measure made for amending in slightly for on premise use. We are an ‘on premise’ establishment. We don’t sell tobacco products outside of our establishment. People 18-20 have to come into the establishment, we are very diligent with checking I.D.’s. We make sure the people are within the ages of 18-20. That would help us greatly. I’m a libertarian and I think everyone should be allowed to do what they really want, so I don’t completely agree with the law in that aspect. As far as protecting a Kent business that has been around for 12 years without any incidence or issue with the City, I would really appreciate if you guys amended or at least created some kind of grandfather clause for our business to stay in business. Otherwise again, we will unfortunately have to close very quickly. Does anyone have any questions, I’ve never been to a City Council meeting.”

Mayor Fiala responded “Generally, and believe me we are out of order tonight… ”

There was lots of laughter and chatter making the recording inaudible.

Mayor Fiala continued “…we normally don’t answer questions, we just take your input”

Ms. Wallach suggested “If we decide to, so let’s decide to let questions.”

Mayor Fiala replied “Alright, let’s go. Do you have a question Tracy?”

Ms. Wallach answered “No.”

Mr. Kuhar stated “I’ve got one. Is there or is there not tobacco-less smoking products that could be utilized?”

Mr. Lahood replied “So basically if this law passes, if it passes somewhat like what Akron passed, or Cleveland passed, even the vape products or non-tobacco products that contain any type of nicotine would be against the ordinance.”

Mr Kuhar added “I don’t know, I don’t smoke so.”

Mr. Lahood continued “Not particularly, not on the market today. Unfortunately tobacco is the only avenue. We do file yearly with the state for a tobacco store, cigarette license. Both with the county and the state we have to file yearly in order to approve our sales are 80% tobacco. I just want to reiterate, we do not sell any tobacco products outside of our store. We don’t sell anything that can be used outside of our facility. It is an ‘on premise’ only. It be like the same as a bar, they can’t sell a bottle of liquor to someone walking out the door.”

Mr. Kuhar stated “Now I see these people smoking these things and puffing this vapor of smoke.”

Mr. Lahood clarified “We are a little different. We are a Mediterranean smoking pipe. It’s like a water pipe almost. If you were to see it, you’d think someone was smoking marijuana or something like that, but its just tobacco. We don’t sell any vape products or anything along those lines.”

Mr. Kuhar said “So you couldn’t substitute the vapor product...” (Inaudible though all the cross talk.)

Mayor Fiala asked “John, further?”

Mayor Fiala acknowledged Ms. Rosenberg “Gwen?”

Ms. Rosenberg asked “And you I.D. your customers?”

Mr. Lahood replied “Yeah, diligently. We are very, very diligent with our customers…” (Inaudible because of crosstalk) “We own a couple bars across Cleveland, we don’t like to mess around.”

Ms. Rosenberg commented “Good to know, thank you.”

Mayor Fiala asked if there were any other questions and recognized Mr. Ferrara.

Mr. Ferrara asked “So the product is not packaged to go, only to be presented and consumed on premises?”

Mr. Lahood answered “There are people who can and do sell at markets and stuff and they do sell packaged tobacco. We do not. We only sell on premise. So again, everyone that is in there is above the age of 18. We don’t allow them in if they are under the age of 18 period. We watch over who comes and goes in our facility so there’s no chance of someone under the age of 18. And it be really silly for someone to make an I.D. for someone under 18. If you are going to make a fake I.D. you might as well…” (Inaudible due to cross chatter and laughter.)

Mayor Fiala recognized Ms. Shaffer. “Heidi? We are getting into a committee meeting here.”

Ms. Shaffer stated “Yeah, my question is, is this a cultural thing?”

Mr. Lahood replied “Yeah, we are Lebanese. I grew up with it…” (Inaudible because of crosstalk)

Ms. Shaffer continued “And you’re clients, you attract a lot of Arabic?”

Mr. Lahood added "The Saudis… inaudible… when the schools are in session. We are there. They don't drink. They really don't go out to the bars. We are the place they frequent within the City of Kent. We also provide for anyone 18-20 kind of like a refuge from the house parties, the bars and everything like that.

Ms. Shaffer stated "So it's a social…"

Mr. Lahood interrupted "It is a social you know event. It's not really about, I don't want to get into the whole spiel but it's really about smoking about having something to kind of conversate over. That originally what it's all about?"

Mayor Fiala asked "Are there any further questions?" then recognized Mr. Kuhar "John, one more."

Mr. Kuhar stated he has a question for the law director. "Can we pass an ordinance that eliminates and existing business and the procedure in that business, or is that actually grandfather?"

Ms. Jones replied "Because you're saying because all of his customers are 18-20, the majority is, it is going to affect his business. I think we can, yeah unfortunately."

Mayor Fiala sked if there was anybody else and stated "Thank you. Hope is there anymore?"

Ms. Jones replied "No sir."

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

1. Planning Commission Meeting Agenda and Staff Report for July 3, 2018 received on June 25, 2018.
2. Sustainability Commission Meeting Agenda for July 2, 2018 and the Minutes of June 11, 2018 received on June 28, 2018.
3. Standing Rock Cemetery Meeting Minutes for May 10, 2018 received July 6, 2018.
4. Invitation received from Tree City Carvers for their 30th Anniversary celebration on August 11, 2018 from 10-5 at the United Methodist Church as well as their demonstration at the Parks & Recreation's 25th Anniversary of Art in the Park
5. Civil Service Meeting Agenda for July 16, 2016 received on July 12, 2018.
6. Health Board Agenda for July 16, 2018, Minutes from May 8, 2018, and Statistical Reports were received on July 12, 2018.

Additional Communications were provided to Council, but not reported by Acting Clerk Jones as being received after the Agenda was published. The following items were placed on file in the Clerk's office as follows:

1. Letter of support from the American Heart Association's Jeff Hallan, Ph.D., Professor and Associate Dean of the College of Public Health at Kent State University on raising the minimum age to purchase tobacco products to age 21 received on July 17, 2018.
2. Letter from NATO's Executive Director and Legal Counsel, Thomas A. Briant commenting on raising the minimum age to purchase tobacco products to age 21 received on July 18, 2018.

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

1. Request Council's authorization to accept a donation of $350 to Kent Parks and Recreation youth programs in memory of Joseph Cettomai (Draft #2018-76)
2. Request Council's final approval of the Parking Action Committee recommendations from November 2017 and City Council's recommendation from January 2018 to amend the on street

parking restrictions on Portage Street, eliminating parking permits and allowing up to 10 hour on street parking.
3. Request Committee of the Whole time to authorize the final changes to the City's Public Record's policy.
4. Request Public Health & Safety Committee time to consider the possibility of amending the Code to allow more opportunities to raise chickens in Kent.
5. Request Public Health & Safety Committee time to receive a staff report on the City's animal trapping services.
6. Request Community Development Committee time to receive a report on the progress of the Kent Convention and Visitors Bureau to promote Kent.
7. Request Community Development Committee time to request Council's consideration for the removal of a City owned rental unit at 408 N. Mantua Street.
8. Request Finance Committee time for consideration of a 2018 Budget Appropriations Amendment.

MOTION TO APPROVE ITEMS #1 - #8 OF THE CITY MANAGER'S REPORT made by Mr. Amrhein, seconded by Mr. Ferrara. Motion CARRIED by a voice vote of 9-0.

STANDING COMMITTEES/ LEGISLATION

COMMITTEE OF THE WHOLE:

Mayor Fiala asked to approve the minutes that were IN PROGRESS. There was some confusion as there were no meeting minutes to approve from July 11, 2018 as they are still in the transcription process so nothing needed approving.

MOTION TO APPROVE THE ONE (1) RECOMMENDED ACTION made by Mr. DeLeone, seconded by Mr. Ferrara, and CARRIED by a voice vote of 9-0.

Recommended Action:

1. Authorize a Special Committee meeting prior to the July 18, 2018 Regular Council Meeting to discuss adding verbiage for increasing the percentage of petition signatures to 25% of the most recent past presidential election to the City's Charter recall procedure a Resolution of Support for the use of the Heart & Soul community planning process with an emergency clause.

Draft No. 2018-75: AN ORDINANCE PROVIDING AN AMENDMENT TO THE CHARTER OF THE CITY OF KENT, OHIO, ORIGINALLY ADOPTED BY THE ELECTORATE ON JANUARY 24, 1926, AND AMENDED FROM TIME TO TIME, TO BE SUBMITTED AT THE NEXT GENERAL ELECTION ON NOVEMBER 6, 2018, WHICH AMENDMENT WILL AMEND ARTICLE V, SECTION 5.15. TITLED "RECALL PETITION AND ELECTION," AND DECLARING AN EMERGENCY was read by title only by Acting Clerk Jones per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara and seconded by Mr. Sidoti.

Mayor Fiala asked to please call the roll on suspension then referred to Acting Clerk Jones if they should authorize the ordinance first.

Ms. Jones stated actually you should amend it first.

MOTION TO AMEND TO INSERT WORDS BEFORE THE 3RD SENTENCE THAT SAY "IN THE CASE OF AN AT-LARGE COUNCILPERSON OR THE MAYOR, SUCH PETITION SHALL BE SIGNED BY AT LEAST THAT NUMBER OF ELECTORS WHICH EQUALS 25% OF THE TOTAL NUMBER OF VOTES" made by Ms. Wallach, seconded by Mr. Ferrara.

There was no discussion and the Mayor request a voice vote. MOTION CARRIED 8-1 with Mr. Turner voting “No.”

MOTION TO AUTHORIZE ORDINANCE NO. 2018-75 AS AMENDED made by Mr. DeLeone, seconded by Mr. Ferrara and CARRIED by a voice vote of 8-1 with Mr. Turner voting “No.”

Mayor Fiala asked Acting Clerk Jones to read the title to Draft No. 2018-75 as amended.

Draft No. 2018-75: AN ORDINANCE PROVIDING AN AMENDMENT TO THE CHARTER OF THE CITY OF KENT, OHIO, ORIGINALLY ADOPTED BY THE ELECTORATE ON JANUARY 24, 1926, AND AMENDED FROM TIME TO TIME, TO BE SUBMITTED AT THE NEXT GENERAL ELECTION ON NOVEMBER 6, 2018, WHICH AMENDMENT WILL AMEND ARTICLE V, SECTION 5.15. TITLED “RECALL PETITION AND ELECTION,” AND DECLARING AN EMERGENCY as read by Acting Clerk Jones.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting “Yes”: Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, and Ms. Wallach.   The motion CARRIED by a roll call vote of 8-1 with Mr. Turner voting “No”.

MOTION TO ADOPT DRAFT No. 2018-75 made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting “Yes”: Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Ms. Wallach, and Mr. Amrhein.   The motion CARRIED by a roll call vote of 8-1 with Mr. Turner voting “No”.

ORDINANCE NO. 2018-75: AN ORDINANCE PROVIDING AN AMENDMENT TO THE CHARTER OF THE CITY OF KENT, OHIO, ORIGINALLY ADOPTED BY THE ELECTORATE ON JANUARY 24, 1926, AND AMENDED FROM TIME TO TIME, TO BE SUBMITTED AT THE NEXT GENERAL ELECTION ON NOVEMBER 6, 2018, WHICH AMENDMENT WILL AMEND ARTICLE V, SECTION 5.15. TITLED “RECALL PETITION AND ELECTION,” AND DECLARING AN EMERGENCY PASSED AS AMENDED as stated by Acting Clerk Jones.

COMMUNITY DEVELOPMENT COMMITTEE:
There were no minutes or actions to approve.

FINANCE COMMITTEE:
There were no meeting minutes to approve from July 11, 2018 as they are still in the transcription process.

MOTION TO APPROVE THE THREE (3) RECOMMENDED ACTIONS made by Mr. DeLeone, seconded by Mr. Ferrara and CARRIED by a voice vote of 9-0.

Recommended Action:

1. Authorize the Amendment to Kent Codified Ordinances Section 187 to Comply with the State requirements for Income Tax Code Update
2. Authorize the Auction and Sale of the City’s Surplus Property
3. Authorize the Renewal and New Issue of City Debt and related Note Issue Ordinances

Draft No. 2018-76: A RESOLUTION ACCEPTING A DONATION IN THE AMOUNT OF $350.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT IN MEMORY OF JOSEPH CETTOMAI TO SUPPORT YOUTH SPORTS; AND DECLARING AN EMERGENCY was read by title only by Acting Clerk Jones per Mayor Fiala’s request.

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

MOTION TO ADOPT DRAFT No. 2018-76 made by Mr. Ferrara and seconded by Mr. Kuhar. On Roll call, voting “Yes”: Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The motion CARRIED by a roll call vote of 9-0.

RESOLUTION NO. 2018-76: A RESOLUTION ACCEPTING A DONATION IN THE AMOUNT OF $350.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT IN MEMORY OF JOSEPH CETTOMAI TO SUPPORT YOUTH SPORTS; AND DECLARING AN EMERGENCY PASSED as stated by Acting Clerk Jones.

Draft No. 2018-77: AN ORDINANCE AMENDING CHAPTER 187 ENTITLED "INCOME TAX"; AND DECLARING AN EMERGENCY was read by title only by Acting Clerk Jones per Mayor Fiala’s request.

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

MOTION TO ADOPT DRAFT No. 2018-77 made by Mr. Ferrara and seconded by Mr. Kuhar. On Roll call, voting “Yes”: Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, and Ms. Rosenberg. The motion CARRIED by a roll call vote of 9-0.

ORDINANCE NO. 2018-77: AN ORDINANCE AMENDING CHAPTER 187 ENTITLED "INCOME TAX"; AND DECLARING AN EMERGENCY PASSED as stated by Acting Clerk Jones.

Draft No. 2018-78: A RESOLUTION 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 was read by title only by Acting Clerk Jones per Mayor Fiala’s request.

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

MOTION TO ADOPT DRAFT No. 2018-78 made by Mr. Ferrara and seconded by Mr. Sidoti. On Roll call, voting “Yes”: Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, and Ms. Shaffer. The motion CARRIED by a roll call vote of 9-0.

ORDINANCE NO. 2018-78: A RESOLUTION 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 PASSED as stated by Acting Clerk Jones.

Draft No. 2018-79: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF $510,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY COSTS OF RENOVATING AND EXPANDING THE CITY’S MAIN FIRE STATION, INCLUDING ACQUISITION OF NECESSARY REAL ESTATE, AND TO RETIRE OUTSTANDING NOTES THAT WERE PREVIOUSLY ISSUED FOR THAT PURPOSE, AND DECLARING AN EMERGENCY was read by title only by Acting Clerk Jones 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. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, and Mr. Sidoti. The motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2018-79 made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, and Mr. Turner. The motion CARRIED by a roll call vote of 9-0.

ORDINANCE NO. 2018-79: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF $510,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY COSTS OF RENOVATING AND EXPANDING THE CITY'S MAIN FIRE STATION, INCLUDING ACQUISITION OF NECESSARY REAL ESTATE, AND TO RETIRE OUTSTANDING NOTES THAT WERE PREVIOUSLY ISSUED FOR THAT PURPOSE, AND DECLARING AN EMERGENCY PASSED as stated by Acting Clerk Jones.

Draft No. 2018-80: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF $3,250,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY COSTS OF CONSTRUCTING A SAFETY CENTER, AND TO RETIRE OUTSTANDING NOTES THAT WERE PREVIOUSLY ISSUED FOR THAT PURPOSE, AND DECLARING AN EMERGENCY was read by title only by Acting Clerk Jones per Mayor Fiala's request.

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

MOTION TO ADOPT DRAFT No. 2018-80 made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, and Mr. Amrhein. The motion CARRIED by a roll call vote of 9-0.

ORDINANCE NO. 2018-80: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF $3,250,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY COSTS OF CONSTRUCTING A SAFETY CENTER, AND TO RETIRE OUTSTANDING NOTES THAT WERE PREVIOUSLY ISSUED FOR THAT PURPOSE, AND DECLARING AN EMERGENCY PASSED as stated by Acting Clerk Jones.

Draft No. 2018-81: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF $315,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY COSTS OF REPLACING, UPGRADING AND EXTENDING SANITARY SEWER TRUNK LINES, AND TO RETIRE OUTSTANDING NOTES THAT WERE PREVIOUSLY ISSUED FOR THAT PURPOSE, AND DECLARING AN EMERGENCY was read by title only by Acting Clerk Jones 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. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, and Mr. DeLeone. The motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2018-81 made by Mr. DeLeone and seconded by Mr. Ferrara. On Roll call, voting "Yes": Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The motion CARRIED by a roll call vote of 9-0.

ORDINANCE NO. 2018-81: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF $315,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY COSTS OF REPLACING, UPGRADING AND EXTENDING SANITARY SEWER TRUNK LINES, AND TO RETIRE OUTSTANDING NOTES THAT WERE PREVIOUSLY ISSUED FOR THAT PURPOSE, AND DECLARING AN EMERGENCY PASSED as stated by Acting Clerk Jones.

Draft No. 2018-82: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF $1,070,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY A PORTION

OF THE COSTS OF RECONSTRUCTING ALLEY 5, ERIE STREET, AND DEPEYSTER STREET AND OTHERWISE IMPROVING NEARBY STREETS, INCLUDING BY RELOCATION OF PUBLIC UTILITIES, LANDSCAPING, AND INSTALLING PARKING PAYMENT DEVICES, STREET SIGNAGE AND SITE IMPROVEMENTS, AND TO RETIRE OUTSTANDING NOTES THAT WERE PREVIOUSLY ISSUED FOR THAT PURPOSE, AND DECLARING AN EMERGENCY was read by title only by Acting Clerk Jones 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": Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Mr. Kuhar. The motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2018-82 made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, and Ms. Rosenberg. The motion CARRIED by a roll call vote of 9-0.

ORDINANCE NO. 2018-82: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF $1,070,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY A PORTION OF THE COSTS OF RECONSTRUCTING ALLEY 5, ERIE STREET, AND DEPEYSTER STREET AND OTHERWISE IMPROVING NEARBY STREETS, INCLUDING BY RELOCATION OF PUBLIC UTILITIES, LANDSCAPING, AND INSTALLING PARKING PAYMENT DEVICES, STREET SIGNAGE AND SITE IMPROVEMENTS, AND TO RETIRE OUTSTANDING NOTES THAT WERE PREVIOUSLY ISSUED FOR THAT PURPOSE, AND DECLARING AN EMERGENCY PASSED as stated by Acting Clerk Jones.

HEALTH AND SAFETY COMMITTEE:
There were no meeting minutes to approve from July 11, 2018 as they are still in the transcription process.

Ms. Wallach asked to separate the action items for approval because she has a question.

Mayor Fiala asked Ms. Wallach to ask her question first.

Ms. Wallach asked "If we are going to amend the Ordinance, do we need to amend the action?"

Acting Clerk Jones stated "No, because the action is still authorizing the enactment of that new chapter. We would wait until we get to that ordinance and you could recommend your amendments at that time."

Ms. Wallach asked again to please separate the actions to be approved.

MOTION TO APPROVE THE FIRST RECOMMENDED ACTION made by Mr. Amrhein, seconded by Mr. Ferrara.

Ms. Wallach stated she is not going to approve this action because of the inconsistency in ages.

MOTION CARRIED by a voice vote of 7-1-1 with Ms. Wallach voting "No" and Mr. Kuhar abstaining.

Recommended Action:

1. Authorize the proposed recommendation from the Health Board to Enact Chapter 527 on the Codified Ordinances changing the purchasing age for tobacco and tobacco products from Age 18 to Age 21.

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

Recommended Action:

2. Authorize Administrative Action for a permitting process for quadricycle tours within the City.

Draft No. 2018-83: AN ORDINANCE TO ENACT CHAPTER 527 OF THE KENT CODIFIED ORDINANCES, TITLED “ILLEGAL DISTRIBUTION OF CIGARETTES, OTHER TOBACCO PRODUCTS, ELECTRONIC CIGARETTES OR ALTERNATIVE NICOTINE PRODUCTS,” AND DECLARING AN EMERGENCY was read by title only by Acting Clerk Jones per Mayor Fiala’s request.

MOTION TO AMEND DRAFT ORDINANCE NO. 2018-83 TO EXEMPT LICENSED TOBACCO BUSINESSES WHERE TOBACCO PRODUCTS ARE SOLD AND CONSUMED ON THE PREMISES AS A PRIMARY PURPOSE OF THE BUSINESS made by Ms. Shaffer, seconded by Mr. Ferrara.

Mayor asked for Discussion.

Ms. Shaffer said she was concerned about this, concerned about this business in particular during the last meeting and hopes to get a chance to talk to the proprietor. She was concerned on two levels, first of all it is a cultural experience and have had Arabic housemates and been involved with the Arabic community, and this was the place they went for socializing and not everyone was over 20; secondly it is a business that has been here for a long time in Kent, they pay their taxes and its primary purpose is socialization, not addiction.

Mr. Ferrara had no comment.

Ms. Rosenberg would like to tighten it up a bit so not every business that is selling vape products turns into a social business that allows for people to use their products in their establishment. She’d like to tighten up the language so it is specifically businesses that sell tobacco and tobacco related products exclusively for consumption on premises without being additionally for sale, or whatever the phrasing the law director recommends.

Mayor Fiala asked Ms. Jones to incorporate that into Ms. Shaffer’s amendment so we do not have to amend the amendment.

Acting Clerk and Law Director Jones agreed.

Mr. Ferrara seconded the addition of exclusivity.

Ms. Wallach requested the amendment be read back to Council.

MOTION TO AMEND DRAFT ORDINANCE NO. 2018-83 TO EXEMPT LICENSED TOBACCO BUSINESSES WHERE TOBACCO PRODUCTS ARE *EXCLUSIVELY* SOLD AND CONSUMED ON THE PREMISES AS A PRIMARY PURPOSE OF THE BUSINESS was read back to Council by Acting Clerk Jones.

Mr. Kuhar stated he is going to vote for the amendment, and he is totally opposed to tobacco, but can’t see how a person who is conducting business for a number of years and we’ve amended the amendment to where it stays inside that we should stop that person from continuing its business. He thinks that the amendment is excellent to at least take care of some of the needs.

Mayor Fiala requested a voice vote on the amendment. MOTION CARRIED 9-0.

Mayor Fiala then asked Acting Clerk Jones to read Draft No. 2018-83 as amended.

Draft No. 2018-83: AN ORDINANCE TO ENACT CHAPTER 527 OF THE KENT CODIFIED ORDINANCES, TITLED “ILLEGAL DISTRIBUTION OF CIGARETTES, OTHER TOBACCO PRODUCTS, ELECTRONIC

CIGARETTES OR ALTERNATIVE NICOTINE PRODUCTS", AND DECLARING AN EMERGENCY was read by title only as amended by Acting Clerk Jones.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, and Mr. Turner. The motion CARRIED by a roll call vote of 8-1 with Ms. Wallach voting "No."

MOTION TO ADOPT DRAFT No. 2018-83 made by Mr. Ferrara and seconded by Ms. Shaffer. On Roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, and Mr. Amrhein. The motion CARRIED by a roll call vote of 8-1 with Ms. Wallach voting "No."

ORDINANCE NO. 2018-83: AN ORDINANCE TO ENACT CHAPTER 527 OF THE KENT CODIFIED ORDINANCES, TITLED "ILLEGAL DISTRIBUTION OF CIGARETTES, OTHER TOBACCO PRODUCTS, ELECTRONIC CIGARETTES OR ALTERNATIVE NICOTINE PRODUCTS," AND DECLARING AN EMERGENCY PASSED AS AMENDED as stated by Acting Clerk Jones.

***LAND USE COMMITTEE*:**
There were no meeting minutes or actions to be approved.

STREETS, SIDEWALKS AND UTILITIES COMMITTEE:
There were no meeting minutes to approve from July 11, 2018 as they are still in the transcription process.

MOTION TO APPROVE THE TWO (2) RECOMMENDED ACTIONS made by Mr. Sidoti, seconded by Mr. Ferrara and CARRIED by a voice vote of 9-0.

Recommended Actions:

1. Authorize the Proposed addition of section 939 of the City Code for Regulations on Small Cell Wireless Antennas
2. Authorize the proposed ODOT Sign Replacement Project Consent Legislation

Draft No. 2018-84: AN ORDINANCE ENACTING NEW CHAPTER 939 "USE OF PUBLIC WAYS FOR SMALL CELL WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES" OF THE STREETS, UTILITIES AND PUBLIC SERVICES CODE, AND DECLARING AN EMERGENCY was read by title only by Acting Clerk Jones per Mayor Fiala's request.

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

MOTION TO ADOPT DRAFT No. 2018-84 made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Kuhar, Ms. Rosenberg Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The motion CARRIED by a roll call vote of 9-0.

ORDINANCE NO. 2018-84: AN ORDINANCE ENACTING NEW CHAPTER 939 "USE OF PUBLIC WAYS FOR SMALL CELL WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES" OF THE STREETS, UTILITIES AND PUBLIC SERVICES CODE, AND DECLARING AN EMERGENCY PASSED as stated by Acting Clerk Jones.

Draft No. 2018-85: A RESOLUTION AUTHORING THE CITY MANAGER TO ENTER INTO AN AGREEMENT GIVING CONSENT TO THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION (ODOT) TO REPLACE SIGNS ON SR43 AND SR59 IN KENT, AND DECLARING AN EMERGENCY was read by title only by Acting Clerk Jones per Mayor Fiala's request.

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

MOTION TO ADOPT DRAFT No. 2018-85 made by Mr. Kuhar and seconded by Mr. DeLeone. On Roll call, voting "Yes": Ms. Rosenberg Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Mr. Kuhar. The motion CARRIED by a roll call vote of 9-0.

ORDINANCE NO. 2018-85: A RESOLUTION AUTHORING THE CITY MANAGER TO ENTER INTO AN AGREEMENT GIVING CONSENT TO THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION (ODOT) TO REPLACE SIGNS ON SR43 AND SR59 IN KENT, AND DECLARING AN EMERGENCY PASSED as stated by Acting Clerk Jones.

SPECIAL COMMITTEE REPORTS: NONE

UNFINISHED BUSINESS: NONE

NEW BUSINESS:
Mr. Amrhein had a resident contact him regarding our Ordinance of "discharging a firearm" with concerns that he would like it amended that it would be allowed in the case of self-defense, which he assumed would be the case anyway, but he is requesting the amendment actually listed in the Ordinance anyway for the case of self-defense. He couldn't be here and asked Mr. Amrhein if he could speak on his behalf.

MOTION TO REFER TO THE HEALTH AND SAFETY COMMITTEE A DISCUSSION ON AMENDING THE "DISCHARGING OF A FIREARM" ORDINANCE made by Mr. Amrhein, seconded by Mr. Kuhar.

Mr. Kuhar believes that self-defense is already covered under state law.

Mr. Ferrara stated instead of setting aside committee time, we just refer it to the Law Director and see what her opinion is on it.

Mr. Amrhein withdrew his Motion based on Mr. Ferrara's recommendation.

COUNCILMEMBERS' COMMENTS:

Mr. Ferrara had two comments. He stated on the tobacco issue, Mr. Lahood did a very good job on presenting his case. Fundamentally he is opposed to restricting people's individual freedoms and liberties, but these days when we talk about universal health care and the cost that society has to burden or shoulder for medical issues, health care and those types of things, he thinks it becomes more and more the responsibility of the government to help regulate the situation. He does not have any problem saying lets restrict the sale of those products that are ultimately going to lead to health issues down the road.

Mr. Ferrara then stated his second comment "You are going to love." He read verbatim from a written statement. ***(See Attachment #1).***

Ms. Wallach asked if we should come up with a list of words people should not being saying.

There was a tremendous amount of cross talk causing inaudible conversations.

Mayor Fiala replied "Mr. Myers left a dictionary back there, look them up."

Mr. Sidoti stated how all summer he has been receiving phone calls and at the Heritage Fest he had some people say to him, and he is just letting Council know how he is responding. The concern is West Main

Street on the west-side of Kent from Haymaker out to the Stow line. We all know that it is a horrible mess right now and also know that it is not the City's responsibility. He remembers when he first got on Council how the Governor had cut over $900,000 as year, when we begin to add that up over the last 8 years, that is $7.2 million and they chose to use that money to repave Route 261. It's ridiculous and doesn't know who made that decision, but he hopes that we get accurate information out to anyone who calls Council. Most people do not realize that it is not the responsibility of the City of Kent. He knows that our crews are out there trying to patch and do what they can, but the reality is the state screwed us out of almost $8 million over the last 8 years and we can't even get that road paved. He thinks people need to hear that and we cover when we shouldn't. We should not cover this for the State of Ohio for their lack of taking care of that road.

Mr. Kuhar received a call today from a resident that stated the City had wide open ditches cut across the middle of Water Street that are very deep and very damaging to their car and that there was no warning sign.

Mr. DeLeone said when he drove through town today there were some cut repairs; they were pretty deep and painted orange. By his 2nd time through, they were paved. So it was only for a short time that he noticed it.

MAYOR'S REPORT:

Mayor Fiala apologized to the public and my Council. His mom told him there would be days like this, he just didn't know they would happen so often. He apologized for his action and it really bothered him that he had to do what he had to do, but this is a public meeting and we do have to be professional about it and carry out our business. He apologized again for tonight's meeting. .

Mayor Fiala adjourned the meeting at 8:43 p.m.

Hope Jones, Acting Clerk of Council and Law Director	Jerry T. Fiala Mayor and President of Council

Transcribed by:
Tara Grimm, MMC
Clerk of Council

Several weeks ago I had a civil conversation with Mr. Myers with regards to his use of the word "asinine" during the audience comments portion of a council meeting. I don't want to rehash the entire conversation nor do I want to rehash the chain of events that ensued. However, suffice it to say that Mr. Myers was called out of order and his comment was deemed to be offensive and noted as such in the official minutes of Council. I think I can paraphrase Mr. Myers request in that he would like the record to show that 1. He wasn't being offensive, and 2. The use of the word asinine is not cause to be called out of order. I'd like to make this statement as an official record to note that "asinine" is not an offensive word and that he was incorrectly called out of order for using it. His comment should not have gone into the official minutes being termed "offensive". I'd like for Mr. Myer to know that Council has taken his concern for his reputation seriously and I personally would say that while I disagree with his comments I don't disagree with his right to use the word or his right to his opinion. And for what it is worth I was not personally offended nor do I hold anything personally against Mr. Myers. The important issue here in my opinion is the right to not only have an opinion, but to voice it without prejudice. It is also my opinion that if you demand those rights for yourself you also owe them to everyone else. One of the founding principles of the United States was and still is the right of free speech. I hope my comments and conversation with Mr. Myers can serve as an example of how people of differing opinions can exercise that right and communicate and respect each other's rights and opinions with civility. I would like to personally thank Mr. Myers for doing just that.

THE CITY OF KENT, OHIO
COMMITTEE OF THE WHOLE
WEDNESDAY, AUGUST 1, 2018

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

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

ALSO PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Public Service Director; Mr. Brian Huff, Budget and Finance Controller; Mr. Jim Bowling, City Engineer; Ms. Suzanne Stemnock, Human Resources Director; Fire Chief John Tosko; Police Chief Michelle Lee; and Ms. Tara Grimm, MMC, Clerk of Council.

ABSENT: Mr. Robin Turner (Arrived 7:05) and Ms. Tracy Wallach (Arrived 7:08)

There were 2 items on the Agenda.

1. Interviews for Boards and Commissions Vacancies
Mayor Fiala stated Council will be interviewing applicants for Boards this evening. He called each person by name, starting with Mr. Peter Kierstead since he applied for multiple Boards. There was some discussion on the possibility of Mr. Kierstead withdrawing his application for the Architectural Review Board.

- ARCHITECTURAL REVIEW BOARD One (1) vacancy for a three (3) year term commencing 8/15/2018 through 12/31/2021.

    1. Peter Hans Kierstead – New Applicant - Was present to be interviewed.
    2. Dennis Saxe – New Applicant - Was present to be interviewed.
    3. Allan Orashan – Re-applicant; Does not require being re-interviewed but was unable to attend this evening to speak with Council.

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

    1. Peter Hans Kierstead – New Applicant and only qualifies to be considered for an alternate.

- SHADE TREE COMMISSION Two (2) vacancies. Four (4) year term commencing 8/18/2018 through 12/31/2023.

    1. Andrew Roland – New Applicant - Was present to be interviewed.
    2. Peter Hans Kierstead – New Applicant - Was present to be interviewed.

- FAIR HOUSING BOARD One (1) vacancy. One (1) three-year term commencing 8/19/2018 through 12/31/2021.

    1. Rouven Cyncynatus – Re-applicant; Does not require being re-interviewed but was unable to attend this evening to speak with Council.
    2. MJ Eckhouse – New Applicant – Was present to be interviewed.
    3. Peter Hans Kierstead – New Applicant – Was present to be interviewed.

- STORM WATER DISTRICT REVIEW AND APPEALS BOARD One (1) vacancy. Two (2) year term commencing immediately through 12/31/2020.

  1. Peter Hans Kierstead – New Applicant - Was present to be interviewed.

Each of the interviewees were asked a variety of questions pertaining to the Board(s) they had applied for by several members of Council. Each Councilperson took their own notes on the candidates.

Mayor Fiala thanked everyone for coming to the interviews and explained that Council will not be voting on candidates this evening. Voting and appointment will take place at the next regularly scheduled Council meeting on Wednesday, August 15, 2018.

2. Approval of Updated City Public Records Policy for the State Auditor
Mr. Ruller stated how we have updated and tightened our compliance with our public records policy since Ms. Jones has arrived and although we have adopted it internally, during our exit interview with the State Auditor's they requested Council to approve the policy as a legislative act. It is basically a housekeeping item.

MOTION TO APPROVE THE UPDATED CITY'S PUBLIC RECORD POLICY WITH AN EMERGENCY CLAUSE made by Mr. Sidoti, seconded by Mr. Ferrara and CARRIED by a voice vote of 9-0.

Hearing no further business before this Committee, Mayor Fiala adjourned the meeting at 7:24 p.m.

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Tara Grimm, MMC
Clerk of Council

ACTION RECOMMENDED:

1) **APPROVE THE UPDATED CITY'S PUBLIC RECORD POLICY WITH AN EMERGENCY CLAUSE**

THE CITY OF KENT, OHIO
COMMUNITY DEVELOPMENT COMMITTEE
WEDNESDAY, AUGUST 1, 2018

Chair John Kuhar called the meeting of the Community Development Committee of the Kent City Council to order at 8:48 p.m.

PRESENT:	Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Mr. John Kuhar; Ms. Gwen Rosenberg; Ms. Heidi Shaffer; Mr. Roger Sidoti; Mr. Robin Turner; and Ms. Tracy Wallach.
ALSO PRESENT:	Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Public Service Director; Mr. Brian Huff, Budget and Finance Controller; Mr. Jim Bowling, City Engineer; Ms. Suzanne Stemnock, Human Resources Director; Fire Chief John Tosko; Police Chief Michelle Lee; and Ms. Tara Grimm, MMC, Clerk of Council.
ABSENT:	None

There was 1 item on the Agenda.

1. <u>Status Update on 408 Mantua Street House and Authorization of Demolition</u>

Ms. Baker read from her Memo to the City Manager dated July 31, 2018 which was given to Council this evening. ***(See Attachment #1)***

Ms. Shaffer questioned if we demolish the house will there be no more property taxes and go off the docket.

Ms. Baker responded yes because we do not pay property taxes on city property.

Mr. Ferrara asked if the land was going to be used to build a storage structure for the fire department.

Ms. Baker replied no and we are unable to keep the rear building currently on the property.

Chief Tosko added that currently they do not have a need for that type of storage, but would like to add truck bays.

Ms. Wallach questioned if since we are still looking to sponsor a Syrian family if we can donate the house to the International Institute of Akron. The City would keep the property, donate the house and place the family there.

Mr. Ruller commented on how this is the last rental property. It was not our core mission to be in the rental business. A better solution may be to put a Syrian family in an apartment. This house requires serious upgrading.

Ms. Wallach stated the International Institute of Akron would be responsible for the upgrade of the house.

Ms. Baker added how she would have to look into what financial obligations there would be.

Mr. Sidoti asked about the gross rental income and stated the taxes are about $2,500.

Ms. Baker replied $6,000 and the renters pay the utilities.

Mr. Kuhar referred to the audience.

Ms. Barb Tittle of 909 Middlebury Road, Kent asked Mr. Ruller if 500 Middlebury Road was not a rental.

Mr. Ruller apologized for the confusion as Parks and Recreation are owners of that rental.

There were no further comments from Council or the audience.

MOTION TO AUTHORIZE THE DEMOLITION OF THE HOUSE LOCATED AT 408 MANTUA STREET, WITH AN EMERGENCY CLAUSE made by Mr. Ferrara, seconded by Mr. DeLeone.

Mr. Ferrara asked that the land be made to look nice after the demolition.

MOTION CARRIED by a voice vote of 7-2 with Mr. Kuhar and Ms. Wallach voting "No."

Hearing no further business before this Committee, Chair Kuhar adjourned the meeting at 9:02 p.m.

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Tara Grimm, MMC
Clerk of Council

ACTION RECOMMENDED:

1. **AUTHORIZE THE DEMOLITION OF THE HOUSE LOCATED AT 408 MANTUA STREET, WITH AN EMERGENCY CLAUSE**

CITY OF KENT, OHIO

DEPARTMENT OF PUBLIC SERVICE

MEMO

TO: Dave Ruller, City Manager

All of Council

FROM: Melanie A. Baker, Service Director

DATE: 7/31/2018

SUBJECT: 408 Mantua

The City of Kent purchased 408 Mantua in 1996 for future expansion of the Fire Department Station 2.

Since the purchase of the parcel it appears that the City of Kent has used this parcel and home as a rental unit.

408 Mantua is a .2653 acres parcel of land that measures 54' wide by 214' deep. The parcel contains a residential home and garage. The house was built in 1955 and it is approximately 30' x 26' and has 1,170 square feet of finished floor space. The house appears to be a 1 ½ story home and the first floor is 780 square feet. There is a small porch on the front and rear of the house. The parcel also contains a one story garage that is 40'x14' for a total area of 560 square feet.

The parcel and buildings are appraised (as per the tax records) at $103,200.00.

The City currently pays $2,486.78 per year in property taxes.

There are no records of any significant repairs or upgrades since 2006 and 2009 when the City spent $6,800.00 and $2,425.00 respectfully on repairs and maintenance after a tenant(s) moved out.

The issue that has brought this to the fore front again is that our property management company has asked for an increase in their management fees. The increase is only 3%. This is going from 7% of the rent ($58.80 per month or $705.60 per year) to 10% of the rent ($84.00 per month or $1,008.00 per year.)

As well the Fire Department has been looking at an addition to the station 2 and would like to be more creative with design to accommodate their needs.

I have taken a look at the current rent and cost for the property. It appears that we are clearing about $6,500. 00 per year from this property at this time. With a recent look just at the outside, I believe that we are in need of a new roof on the house and the garage in the next 2 to 3 years. We should clean the siding and look at the foundation for pointing and tucking to secure and seal the outside foundation. We may want to look at new windows if we wish to keep it a rental. The garage itself should also receive a cleaning and the area around it assessed as well.

This cost for the new roof on the house, cleaning the siding, pointing and tucking and painting of the foundation will run around $4,800.00 to $5,500. If we add the garage roof and siding cleaning there is an additional $2,500. If we add new windows to the house we would be looking at an additional $4,500.00 to $6,000.00. I have not had a chance to visit inside so I am not sure what would need repair or sprucing up inside. If no work has occurred since 2006 and 2009 we are talking about 10 years of wear, meaning we may need new paint, new carpet fixtures etc.

Without going inside the house and just based on the outside work that needs to be done, plus looking at recent sales in the immediate area over the last 5 years, I would say that the house is appraised at the $103,200 on the county website. The selling cost could be around this amount and maybe slightly higher. However we would need to take into consideration the above mentioned improvements. The average sale of house in the immediate area have been an average sale of $90,000.00. Most of the houses sold are 500 to 700 square feet larger. So while it is a sellers' market, I believe the improvements needed would bring the sale down considerably.

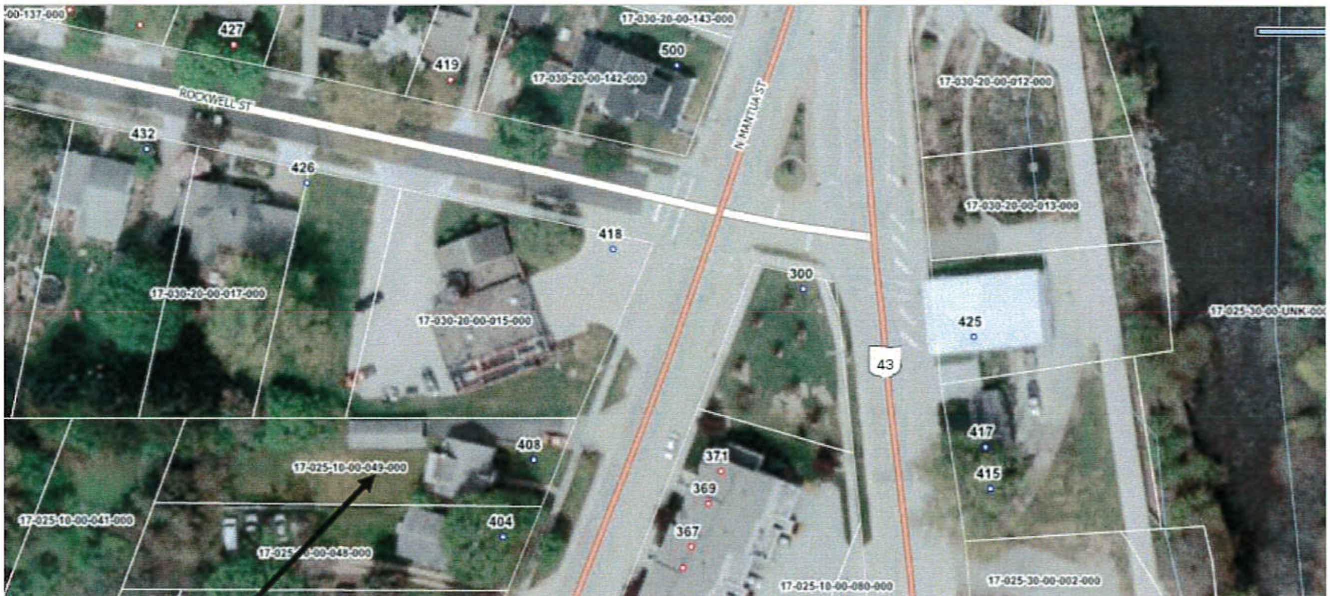
The estimated cost for demolition at this time is between $5,000.00 and $8,000.00. We would need to do an asbestos report and then remove any asbestos. This cost will be between $3,000.00 and $5,000.00. This cost is due to the age of the home and the likely hood of asbestos and other environmental issues that could be found. Total expense would be between $8,000 and $13,000.00.

Upon further investigation, I was able to learn that several departments would like to see the house torn down as well as the Fire Department. CD would like to see the house down just for one less rental and review/violation issue. The Fire Department would like the house down and the lot consolidated so that they could use the parcel to its fullest capability and allow for extension of the existing building and if in the future a full lot for a new building.

The estimated cost for demolition at this time is between $5,000.00 and $8,000.00. We would need to do an asbestos report and then remove any asbestos. This cost will be between $3,000.00 and $5,000.00. This cost is due to the age of the home and the likely hood of asbestos and other environmental issues that could be found. Total expense would be between $8,000 and $13,000.00.

Therefore, I recommend that we remove the house, clean and clear the property, plant grass and consolidate the parcels for future use by the Fire Department. This will eliminate the tax issues and payment for finance, and there will be one less contract for the City to administer.

ATTACHMENT #1



408 Mantua

THE CITY OF KENT, OHIO
FINANCE COMMITTEE
WEDNESDAY, AUGUST 1, 2018

Chair Michael DeLeone called the meeting of the Finance Committee of Kent City Council to order at 9:16 p.m.

PRESENT:	Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Mr. John Kuhar; Ms. Gwen Rosenberg; Ms. Heidi Shaffer; Mr. Roger Sidoti; Mr. Robin Turner; and Ms. Tracy Wallach.
ALSO PRESENT:	Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Public Service Director; Mr. Brian Huff, Budget and Finance Controller; Mr. Jim Bowling, City Engineer; Ms. Suzanne Stemnock, Human Resources Director; Fire Chief John Tosko; Police Chief Michelle Lee; and Ms. Tara Grimm, MMC, Clerk of Council.
ABSENT:	None

There was one (1) item on the Agenda.

1. <u>2018 Budget Appropriations Amendment</u>

Mr. Huff referred to Mr. Coffee's Memo to the City Manager dated July 25, 2018, with attachments, outlining the requested budget appropriations.

Council nor the audience had questions.

MOTION TO AUTHORIZE THE 2018 PROPOSED APPROPRIATIONS AMENDMENT AS SUBMITTED WITH AN EMERGENCY CLAUSE made by Mr. Amrhein, seconded by Mr. Ferrara, and CARRIED by a voice vote of 9-0.

At 9:17, after hearing no further business before this Committee, Council moved into Executive Session.

MOTION TO MOVE INTO EXECUTIVE SESSION IMMEDIATELY FOLLOWING IN ACCORDANCE WITH ORC §121.22 (G)(1) & (3): *(1)"To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing"* ***AND*** *(3) Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action"* made by Mr. Amrhein, seconded by Mr. Ferrara. On Roll call voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Mr. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach and Mr. Amrhein. Motion CARRIED 9-0.

At 9:47 p.m., Council came out of Executive Session and reconvened the meeting in open forum.

At 9:48 p.m., **MOTION TO AUTHORIZE THE SETTLEMENT OF A PENDING LEGAL MATTER WITH AN EMERGENCY CLAUSE** made by Mr. Ferrara, seconded by Mr. Sidoti and CARRIED by a voice vote of 9-0.

Chair DeLeone adjourned the meeting at 9:49 p.m.

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Tara Grimm, MMC
Clerk of Council

ACTION RECOMMENDED:

1) **AUTHORIZE THE 2018 PROPOSED APPROPRIATIONS AMENDMENT AS SUBMITTED WITH AN EMERGENCY CLAUSE**
2) **AUTHORIZE THE SETTLEMENT OF A PENDING LEGAL MATTER AND DECLARING AN EMERGENCY**

THE CITY OF KENT, OHIO
HEALTH & SAFETY COMMITTEE
WEDNESDAY, AUGUST 1, 2018

Chairman Jack Amrhein called the meeting of the Health & Safety Committee of Kent City Council to order at 7:24 p.m.

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

ALSO PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Public Service Director; Mr. Brian Huff, Budget and Finance Controller; Mr. Jim Bowling, City Engineer; Ms. Suzanne Stemnock, Human Resources Director; Fire Chief John Tosko; Police Chief Michelle Lee; and Ms. Tara Grimm, MMC, Clerk of Council.

ABSENT: None

There were 2 items on the Agenda.

1. Consideration of Urban Chicken Farming Legislation

Mr. Ruller commented on how Ms. Susel and Ms. Jones have been reviewing alternative legislative options used in other cities to allow urban chicken farming. We have spent a lot of time on this topic before.

Ms. Susel referred to her Memo to the City Manager dated July 24, 2018 and how the Sustainability Commission discussed the topic at its July 2, 2018 meeting and made a formal motion to recommend Kent City Council adopt legislation allowing property owners to maintain chickens in residential areas with the City staff developing recommended parameters for the harboring and care of the chickens. The Community Development Department staff also reviewed ordinances enacted by several other communities that allow property owners to keep chickens on residential properties and identified the following factors that are often incorporated in the legislation:

- Most communities that have legislation governing the harboring of chickens (fowl) include the requirements within their respective "General Offenses Code," under the chapter that addresses "Animals and Fowl." A few communities include language governing the harboring of chickens within their zoning code regulations. The City of Kent's General Offenses Code Section 505, Section 505.19 and 505.20 currently provides a definition for chickens, requires a permit from the Director of Public Safety, and limits the harboring of chickens to parcels that are 2 acres or greater.

- Many communities specify the maximum number of chickens that are allowed, with the range typically falling between 2-6 chickens.

- The majority of communities prohibit roosters and require the chickens (hens) be housed in a chicken coop and run that is located in the rear yard outside area. Actual dimensions for such enclosures frequently are specified (i.e. 2 square feet per chicken) in the ordinance.

- Several communities include language that prohibits the slaughtering of chickens and specifies the coop and runs must be sanitary, in good repair and free of rodents and noxious smells.

- Many communities stipulate a minimum setback distance from all adjacent side and rear properties that range from *5* feet to 150 feet.

- Some require permits for the harboring of chickens, but others assume compliance unless there is acomplaint.

Ms. Susel also provided Council a handout listing 13 recommendations by Staff if Council supports the drafting of proposed legislation ***(See Attachment #1).***

Ms. Shaffer asked a question on item #5 regarding “rear yards” as Ms. Susel began reading through the list.

Mr. Kuhar then asked about the storage of chicken poop.

Ms. Susel replied those are further down on the list.

Mr. Kuhar interjected if there have been any studies done on the type of prey and asked do chickens attract nuisance animals.

Ms. Susel stated yes, that is also on this list and the Ohio Department of Natural Resources (ODNR) has done the research. Mostly we have coyotes and raccoons.

Mr. Kuhar questioned chicks and if there has been any research on 10 foot sidelines.

Ms. Susel stated this will be limited to R1, R2 & R3 to discourage duplexes and rentals, etc.; limited to owner occupied. The setbacks need to be tighter.

Mr. Kuhar felt the 10 ft. setback is too close.

Ms. Susel replied “Correct, those numbers are for primary structures and non-conforming lots.”

Ms. Rosenberg concern was the poop of a dog not being compostable v. chickens and its disposal.

Ms. Susel commented on the removal of animal feces is part of a topic on animal hoarding she will be bringing to Council in October. She agrees with Ms. Rosenberg.

Ms. Susel continued that the challenge is going to be enforcement as they are recommending not using a permit process. It will be a complaint driven process. Simpler is better.

Ms. Rosenberg asked if Ms. Susel was aware that the sex of a chick is linked to their color for a pullet.

Ms. Susel replied that there are different types of chicks and around 4 months old is when the sex of a chick can be determined. They are recommending not allowing chicks at all.

Mayor Fiala asked if the current requirement for chickens is 2 acres.

Ms. Susel replied yes the Code now requires 2 acres and a permit from the Safety Director. This will require amending Sections 505.19 and 505.20 of the Code.

Mr. Sidoti asked about what other communities have done.

Ms. Susel commented on how Hudson, Lakewood, South Euclid, and Gates Mills allow chickens by not prohibiting them.

Mr. Sidoti clarified how the only local city is Hudson.

Ms. Susel replied yes and she was surprised with the density of Lakewood and South Euclid allowing chickens.

Mr. Sidoti asked if there has been any feedback on these cities experiences.

Ms. Susel stated there are not many; it is work and mostly because of human error such as not securing pens at night.

Ms. Sidoti added “so common sense issues.”

Ms. Susel feels we need parameters so we do not have nuisances, violate Health and Safety or affect adjacent properties.

Mr. Sidoti asked if we pass legislation will we be able to make changes and amendments later and have better flexibility if this is not in our Zoning Code.

Ms. Susel replied “Yes.’

Ms. Shaffer asked what the recourse would be if someone does not have enough space or setback.

Ms. Susel commented on how there could be an appeal process. She is working with Ms. Jones administratively to keep the coop as close to the primary unit.

Ms. Shaffer asked about needing a fence for the yard.

Ms. Susel replied how the yard does not need to be fenced; there has to be a coop and run that is fully enclosed.

Ms. Wallach was concerned about there being stated minimum coop requirements of 2 sq. ft. of space per chicken but there is not a listed minimum amount of space for the run per chicken.

Ms. Susel added how the run has to be attached, covered and we can establish a size.

Ms. Wallach clarified how we will be relying on neighbors to turn in complaints.

Mr. Kuhar asked if Ms. Susel was aware of how proportioned meals equal proportioned droppings; chickens eat all of the time and have a very distinctive aroma.

Ms. Susel laughed and added that she will not challenge or verify that.

Ms. Ferrara was concerned about permits and not having rationale.

Ms. Susel stated they will provide a sheet of requirements; people do not know they need a permit. Enforcement will come after the fact. With the upcoming rental licensing program taking up an inordinate amount of time on her staff, permitting for chickens is not feasible.

Mr. Ferrara understood the time constraints on her department but is worried about the unsanitary conditions and how that will be extremely unfair to the neighbors.

Ms. Susel added how just like dogs and feral cats, there will be civil enforcement.

Mr. Ferrara is concerned about the significant adverse effect of not permitting prior v. the ramifications.

Ms. Susel explained just because we require a permit doesn’t mean they will pull one. Her department works hard to bring all the other types of permits, such as deck, fence or shed permits that are not pulled, into compliance.

Mr. Ferrara stated how an ounce of prevention versus a pound of cure and we owe it to our neighbors. He disagrees with Ms. Susel as this is not a fence or a shed. This is a new issue and new topic. There needs to be large setbacks and minimum lot sizes. People can't have everything they want.

Ms. Susel replied that these are only recommendations and the minimums and non-conforming all have to be looked at.

Mr. Ferrara asked if Ms. Susel knows the average lot size in the City making chickens available to everyone.

Ms. Susel did not know the average lots size but will look. We are trying to control this as we are an older established community and need to work backwards.

Mr. Ferrara asked if we can set parameters for building materials and standards for the coop as we need to be wary of a projects integrity.

Ms. Susel was unsure what, if anything, is in the Building Code, but we can look at materials.

Mr. Ferrara would like the problem dealt with before it actually becomes a problem. Owning chickens is not a right, it is a privilege.

Mayor Fiala asked if we have had any input from the Health Department on the "by product" of chickens.

Ms. Susel replied "we will get it."

Ms. Rosenberg reminded Council that the byproduct of chickens is compostable and how the Sustainability Commission recommended permits. People have chickens now and wondered if they are in compliance and self-regulate.

Ms. Susel replied how complaints have been received and can't speak to the self-regulating.

Ms. Rosenberg was referring to self-regulation of those that have not received complaints.

Mr. Sidoti was curious of the percentage of homeowners associations (HOA's) regulating chickens.

Ms. Susel listed a few of the developments with HOA's and how complaints there are not covered by our Code but by the HOA's.

Mr. Sidoti clarified "So HOA's supersede Code?"

Ms. Susel replied "Yes."

Mr. Kuhar questioned if there are provisions for electric to be run to the coop for warmers for water.

Ms. Susel replied "Not yet, but needs to vet this with staff."

Ms. Wallach asked when an adolescent female is considered an adult hen; what is the age to be considered an adult?

Ms. Susel stated it varies on the type of chicken, but approximately 4-6 months. She will look into it further. She also stated we cannot call chickens "pets" as there needs to be an informal attachment otherwise there will be Fair Housing issues with emotional support animals and other scenarios.

Mr. Kuhar asked if Ms. Susel was aware of the sexing process of chicks.

Ms. Susel asked if the company that is sexing chicks can provide documentation guaranteeing they are female.

Ms. Wallach asked Mr. Kuhar what his point was and if he was for or against this.

Mr. Amrhein referred to the audience.

Ms. Frances Penny of 309 Willow Street, Kent grew up with chickens and has many fond memories of them when she lived on Ravenna Road. She agrees dropping and waste are a hygienic situation, it makes great fertilizer. Chickens eat all food scraps, are great insect and weed control, and supply fresh eggs. They are easy to care for with a large pay-off. People who want chickens have done their research, but of course every city has goofballs.

Ms. Wallach asked if Ms. Penny felt a maximum of 4 chickens was appropriate.

Ms. Penny replied how chickens are a pack animal, they get lonely. She would recommend no more than 6, but 4-6 chickens would be a good number.

Mayor Fiala asked Ms. Penny what size lot she has.

Ms. Penny was unsure and referred to her husband sitting in the audience. Mr. Penny stated they have about ¼ of an acre.

Mayor Fiala added how hens make noise too; he raised chickens and ducks when he was younger.

Ms. Penny agreed how hens make noise when they lay eggs, but nothing like a rooster.

Ms. Renee Ruchotzke of 237 Highland Ave. and owner of a rental unit at 243 Highland Ave., Kent commented on how she lives a sustainable life with solar panels, shares her garden's crops with her community and would love to have legal chickens. She discussed a "chicken tractor" which is a moveable chicken coop to allow fertilization in place and can then be move to another area. She only has 1/8 of an acre and no garage.

Ms. Shaffer asked if an additional coop was needed along with the chicken tractor.

Ms. Ruchotzke stated it is an all-in-one on wheels.

Mr. Ferrara questioned how hard it is to move.

Ms. Ruchotzke replied with handles it is not hard.

Ms. Judy Nelson of 330 Whetstone, Kent and member of the Sustainability Commission stated how she has spoken with many of our farmers' market people and they feel the educational component is important and should be a minimum requirement for owning chickens. The thought about a "chicken club" where there could be informal support for owners.

Ms. Shaffer asked if the Sustainability Commission discussed a licensing and permitting process.

Ms. Nelson replied yes, as well as training and a registration.

Ms. Rosenberg asked if the training would be donated or required.

Ms. Nelson felt maybe it could be done a flyer with on-line training or you-tube video.

Mr. Ruller added that there has been a fair amount of work done already on this topic and we need a general sense of what Council is thinking.

There were no further comments from Council or the audience.

MOTION TO HAVE STAFF BRING FORWARD RECOMMENDED LEGISLATION TO DISCUSS AND MODIFY ON URBAN CHICKENS WITH AN EMERGENCY CLAUSE made by Ms. Shaffer, seconded by Ms. Ferrara.

Ms. Shaffer would like to see the Staff work more on this and craft legislation.

Mr. Ferrara agrees as there is enough interest. Out of the 104 people he personally spoke to about chickens, 52% are not in favor, 99% want a permitting process along with size and setback requirements. The people who do not want chickens want their needs to be heard. He requested that members of Council send a list of their concerns to Bridget.

Mr. DeLeone appreciates all the work Ms. Susel and staff have put in on this topic last time and this time. He would like to vote on it as he is all for it.

Mr. Sidoti agrees with Mr. Ferrara with a caveat of the possibility of piloting a program for a year, but that takes time. Basic legislation could be brought forward quicker than 2 months.

Ms. Wallach supports raising the number of chickens to 4-6.

Mr. Kuhar commented on how chickens are a lot of work.

Ms. Wallach called a POINT OF ORDER on Mr. Kuhar asking him if he is for or against the Motion.

Mr. Kuhar feels this needs to be highly regulated and highly watched.

Mr. Sidoti asked for a sunset provision.

Ms. Rosenberg supports the drafting of the legislation.

MOTION CARRIED by a voice vote of 9-0.

Clerk Grimm asked to be recognized by Chair Amrhein to give a Parliamentary recommendation. Chair Amrhein recognized Clerk Grimm. In accordance with Council Standing Rules, she recommended allowing the Department Heads and Staff to finish their presentations to Council without interruptions and have Council save or write down their questions during the presentations so they may be asked at the end, as many of their questions are addressed by the Department Head or Staff further into their presentations.

Mr. Amrhein agreed. He and several other Councilmembers later thanked Clerk Grimm for the reminder.

2. Animal Trapping Staff Report

Mr. Ruller stated Ms. Baker was here to discuss the frequency, costs and services provided for the humane animal trapping program. It is a relatively high expense service and we are trying to get a feel of what Councils wishes are after receiving the overview.

Ms. Baker read from her Memo to the City Manager dated July 31, 2018 which was given to Council this evening. ***(See Attachment #2)***

Mr. Kuhar wondered if there couldn't be a 3rd option by having a City employee licenses by the Ohio Department of Natural Resources (ODNR) for trapping animals.

Ms. Baker replied no and would have to look into it. We have to be able to humanely dispose of the animal.

Ms. Wallach asked if it was only 1 person who traps.

Ms. Baker responded yes, there is 1 person who traps, kills and disposes of the animal which is required by the ODNR.

Ms. Wallach asked if we can charge 50% of the cost to the residents even if the cost continues to go up.

Ms. Baker replied how she came up with 50% so that it would keep the original cost of the program designated by Council to $5,000.

Mayor Fiala asked about destroying the animal and if quarantining them first is an additional cost.

Ms. Baker commented how if the animal is exhibiting rabies or a disease then yes the animal needs to be quarantined, but there is no additional cost.

Mr. Sidoti asked if in 1998 we were charging residents $20, what was the City charged.

Ms. Baker's research found that from 1998 to 2007 residents paid $20 per call and the City paid $22 per animal to dispose of each animal.
Mr. Sidoti determined $42 total versus $150 or higher over 20 years of a steady increase.

Ms. Baker added that in 2007 the cost jumped, then again in 2009 it increased and the trappers stopped removing dead animals. The garbage companies were then responsible for removing the dead animals.

Mr. Sidoti felt it is an equitable increase and a logical argument which would be better than eliminating the program.

Mr. DeLeone added that the reason the cost went up was because the law changed for the destruction of the animals. He would like to see the increase be 50% of our costs from here on, not a set price.

Ms. Baker conferred with Ms. Jones as to if this was an Ordinance or a policy. It is a policy now so we can change the policy to 50% of the total cost.

Mr. Ferrara asked since only 1% of the population is using the service and we did away with it, would the problem increase. He also questioned if we could have a provision for need based on income.

Ms. Baker stated she can look into that.

Ms. Rosenberg agreed with charging half but would like to see businesses removed from being able to use the service as pest control should be on them.

Mr. Renee Ruchotzke of 237 Highland Ave., Kent uses the service for groundhogs. She found out that she can't do her own trapping in the City and then found out about this service as it is not advertised. She likes the idea of the 50% as it is an incentive to do the right thing.

Ms. Shaffer asked Ms. Ruchotzke if she shares the cost with her neighbors.

Ms. Ruchotzke does not have any neighbors as there is vacant land on the one side.

There were no further comments from Council or the audience.

MOTION TO ACCEPT THE RECOMMENDATION OF RAISING THE COST TO THE RESIDENTS FOR ANIMAL TRAPPING TO 50% OF THE COST TO THE CITY AND REMOVE COMMERCIAL PROPERTIES FROM USING THE SERVICE, WITH AN EMERGENCY CLAUSE made by Ms. Rosenberg, seconded by Ms. Shaffer.

Ms. Shaffer stated the cost creates a sense of accountability with an overseeing licensed individual and a sense of fairness.

Mr. Kuhar is in favor of the Motion and maybe can do more with wild and feral cats with the change in demographics. He would still like to see if we can get our people trained.

MOTION CARRIED by a voice vote of 9-0.

Hearing no further business before this Committee, Chair Kuhar adjourned the meeting at 8:48 p.m.

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Tara Grimm, MMC
Clerk of Council

ACTION RECOMMENDED:

1. **HAVE STAFF BRING FORWARD RECOMMENDED LEGISLATION TO DISCUSS AND MODIFY ON URBAN CHICKENS WITH AN EMERGENCY CLAUSE**

2. **ACCEPT THE RECOMMENDATION OF RAISING THE COST TO THE RESIDENTS FOR ANIMAL TRAPPING TO 50% OF THE COST TO THE CITY AND REMOVE COMMERCIAL PROPERTIES FROM USING THE SERVICE, WITH AN EMERGENCY CLAUSE**

Recommendations by Staff if Council Supports the Drafting of Proposed Legislation:

1. Do not incorporate into Zoning Code, but rather, amend Chapter 505 “Animals and Fowl” to add a new section for backyard chicken regulations. Will likely need to amend some of the language in Sections 505.19 and 505.20 to ensure consistency throughout the Chapter.

2. Maintain the definition of fowl currently included in 505.19, but establish a more limited categorization of the fowl that are eligible under any new backyard chicken legislation section to adult female chickens (hens) only;

3. Prohibit roosters and chicks;

4. Specify a maximum number of hens that can be kept (3-4 is staff recommendation);

5. Limit to an allowed use in the rear yard area only of owner-occupied dwelling units within R-1, R-2 and R-3 residential zoning districts;

6. Establish setback requirements for the harboring of chickens that are more restrictive than the setbacks established for the primary dwelling unit in the Zoning Code:

   a. R-1, rear is 45 feet depth, side is 12 feet width
   b. R-2, rear is 45 feet depth, side is 10 feet width
   c. R-3, rear is 30 feet depth, side is 10 feet width

7. Chickens must be provided with a coop and enclosed outside run. The coop and run need to be constructed in a manner that contains the chickens on the property and prevents access by predators.

8. The coop needs to be ventilated, be of sufficient size to allow free movement of the chickens, and provide for no less than 2 square feet of space per chicken.

9. Coop and enclosed outside run need to be kept in good repair and maintained in a clean and sanitary condition, free of vermin and noxious smells and substances.

10. The coop, enclosed outside run and chickens shall not create a nuisance or disturb neighboring residents.

11. Prohibit the slaughtering of chickens on the premises;

12. Eggs produced and collected are for personal consumption purposes only and cannot be for commercial sale or sold on site;

13. Do not require the issuance of a permit. Enforcement will be complaint driven or through staff observation, similar to other Health and Community Development enforcement practices.

CITY OF KENT, OHIO

DEPARTMENT OF PUBLIC SERVICE

MEMO

TO: Dave Ruller, City Manager

All of Council

FROM: Melanie A. Baker, Service Director

DATE: 7/31/2018

SUBJECT: Animal Trapping within the City

Animal trapping is a service that the City of Kent offers to their residents. The current practice and policy dates back to September 27, 1995 when a motion was made and passed by Council to allow for trapping of skunks when they became a nuisance. As per the September 27, minutes, Council agreed to contract with a trapper and add $5,000.00 to the Service Director's budget to cover the costs.

In September of 1998, Council revisited this issue of trapping and its costs. It was agreed to charge the residents $20.00 per request.

This service consists of a licensed trapper to go onto private properties and set traps to catch and remove nuisance animals for the home owner. The City traps raccoons, skunks, opossums, ground hogs, and the like. The trapper removes the animal and cage when caught, and properly takes care of the animal as per the ODNR regulations.

The trapper will set as few as 2 traps and as many as 6 or 7 traps depending on area and animal. The traps remain in place for one week. The cost for this service is $175.00 per request and we charge residents $20.00. Therefore the City covers $155.00 of each request each time the trapper sets a traps.

Over the past five years, the City has received a total of 246 calls for an average of 60 calls per year. The total cost to the City for this service has been $41,330.00. This comes to an average cost of $8,266.00 per year to the City. The total cost for the program has been $47,420.00 this is an average cost of $9,484.00 for the program. (City cost $41,330.00 + resident share $6,090.00 = $47,420.00)

Based on the number of calls for service, less than 1% of the City population is using this service. The service is located on the Health Departments website, however we do not actively advertise this service. Just based on the cost for service and the payment of $20.00 it is probably a good thing that we do not advertise this service as our costs could be much higher.

We did check with several communities as to what they do with nuisance animals. We contacted about 15 City's and the following 10 cities responded. As you will see only one community, the Village of Mayfield, offers the service free to their residents. (Village of Mayfield population is approximately 3,400 people.) The City of Akron offers the service but charges for the trap and the removal of the animal. They do not trap skunks, however, they do provide a list of trappers to their residents. The other eight communities do not provide the service and refer there residents to a trapper.

City	Population	Service offered
City of Akron	198,000	\$50.00 for trap setting. \$40.00 for removal of animal. Residents with skunks are referred to private trapper.
Aurora	16,000	Refers resident to private trapper.
Barberton	26,000	Refers resident to private trapper.
Cuyahoga Falls	50,000	Refers resident to private trapper.
Hudson	22,000	Refers resident to private trapper.
Village of Mayfield	3,400	Trapping is offered for free.
Mentor	47,000	Refers resident to private trapper.
Ravenna	12,000	Refers resident to private trapper.
Stow	35,000	Refers resident to private trapper.
Twinsburg	19,000	Refers resident to private trapper.

I believe that this is a great cost to the City based on the limited use by our residents. Again if we advertise, the use may go up but our costs will escalate as well.

I would suggest two options for Council:

The first option would be to eliminate the service and allow the City to solicit trappers for a list and price for the service and make this available to our residents. We can ensure that these trappers are licensed by ODNR and have permits to perform such functions.

The second option would be to raise the cost of to the resident. My suggestion for this would be to raise the cost from $20.00 to a minimum of 50% of the cost to the City. Current cost for the program is $175.00. I would recommend that the cost go from $20.00 to $87.50 or $88.00. I say 50% of the cost as the program has raised over the last two years from $150.00 to $175.00. This way as the price escalates, we can automatically pass the increase onto the residents.

This action would lower our annual costs by about half. So we would go from an average cost of $8,000 to $9,000 cost to about $4,000. To $5,000.00 expenditure.

Additional thoughts include:

> We have also allowed rental units and larger complexes like University Edge to utilize this service.
>
> Less common, but small businesses close to or near residential neighborhoods have been allowed to use these services too.
>
> The users mentioned above, since they are considered commercial, perhaps should pay the full cost of the service and / or be provided a list of trappers.

In conclusion, I recommend that we raise the cost to residents, eliminate use by commercial entities and offer lists of trappers to those commercial entities that need assistance.

Cost as of June 2018:

As an aside we are already around $7,000.00 cost to the City for this year through June. July was a busy month and we anticipate August and September to be the same. Trapping slows when the weather gets cold. Estimate for this year to be around $10,000.00.

THE CITY OF KENT, OHIO
STREETS, SIDEWALKS, AND UTILITIES COMMITTEE
WEDNESDAY, AUGUST 1, 2018

Chair Roger Sidoti called the meeting of the Streets, Sidewalks, and Utilities Committee of Kent City Council to order at 9:02 p.m.

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

ALSO PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Public Service Director; Mr. Brian Huff, Budget and Finance Controller; Mr. Jim Bowling, City Engineer; Ms. Suzanne Stemnock, Human Resources Director; Fire Chief John Tosko; Police Chief Michelle Lee; and Ms. Tara Grimm, MMC, Clerk of Council.

ABSENT: None

There was one (1) item on the Agenda.

1. Consideration and Approval of the Better Block Special Event Permit

Mr. Ruller summarized how Mr. Wicks and Mr. Bowling have been working on a “Better Block” program with property and business owners on N. Water St. Mr. Wicks brought it to his attention how they were going to need a special event permit because of the temporary road closure. In conjunction with the safety corridor grant Mr. Bowling was able to secure, this event will be using temporary paint, structures, furniture, plantings, showcasing arts and culture to demonstrate what the area could look like. The event is being held September 29th, however the street will need to be closed Friday evening, September 28th to prepare for the event.

Mr. Wicks referred to his Memo to the City Manager dated July 25, 2018 and explained how this event will run along with the Kent Creativity Festival. The purpose of this Better Block event is to demonstrate temporary solutions which will become real in 2020. Items such as new crosswalks, curb extensions, reconfiguration of on-street parking will all be created using a washable paint offering a first look at potential traffic and safety solutions.

Ms. Shaffer asked for the 3 visitors to introduce themselves.

Ms. Grace Leuenberger, Each + Every, Team Leader Marketing and Promotions
Ms. Bethany Hammond, Each + Every, Team Leader Marketing and Promotions
Ms. Lysa Anderson, Off the Wagon, Team Leader Planning and Programming

Mr. Kuhar questioned if the washable removable paint was environmentally friendly or if there would be a mosaic of color in the river.

Mr. Wicks stated Better Block purchases their paint from a discount schools supply wholesaler and if the paint is safe for 3 year olds to put in their mouths and eyes, he would hope it is environmentally friendly.

Ms. Shaffer asked Mr. Wicks what it is exactly he is looking for.

Mr. Wicks referred to the maps in his Memo and how a portion of Water Street will need to be closed from 7:00 p.m. to 11:00 a.m. so they can be on the road painting crosswalks and curb bump outs in order to create a new traffic environment on a new scenario. At 11:00 a.m. the street will be reopened in its new temporary configuration.

Ms. Shaffer asked if there will be detour information.

Mr. Wicks stated they have spoken with the Police Department about using Depeyster for the detour and Portage having local access only. They are working on the detour route.

Ms. Shaffer asked if the detour will be marked.

Mr. Ruller commented yes and how there will be a maintenance of traffic just like any other event.

Mr. Kuhar asked about notification to his overnight tenants in that area.

Mr. Wicks informed Council there are plans to send out notices before the event. They had already walked door to door for signatures for the event permit petition so people are aware.

Mr. Ferrara questioned if we are doing this for traffic, economic development or community reasons and cross marketing with the creativity fest.

Mr. Wicks replied “All 3”.

There were no further questions from Council or the audience.

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

Hearing no further business before this Committee, Chair Sidoti adjourned the meeting at 9:16 p.m.

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Tara Grimm, MMC
Clerk of Council

ACTION RECOMMENDED:

1) **AUTHORIZE THE BETTER BLOCK SPECIAL EVENT PERMIT WITH AN EMERGENCY CLAUSE**