CITY OF KENT, OHIO

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

CITY COUNCIL

WEDNESDAY, NOVEMBER 14, 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. Wallach)*
3. **APPROVAL OF MINUTES**

   3.1 Regular City Council Meeting of October 17, 2018
   3.2 Special City Council Meeting for a Work Session of October 17, 2018
   3.3 Public Hearing of October 17, 2018

4. **COMMUNICATIONS**

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

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

   4.2.1 Planning Commission Agenda and Staff Report for November 6, 2018 received October 30, 2018.
   4.2.2 Sustainability Commission Meeting Agenda for November 13, 2018 and the Minutes of October 2, 2018 received on November 6, 2018.
   4.2.3 Health Board Agenda for November 13, 2018, Minutes of October 10, 2018 and October Statistical Report received November 8, 2018.
   4.2.4 Liquor License transfer request received November 6, 2018 to 1337 Water St. Inc. DBA Kent Fuel & Mini Mart, 1337 S. Water St. from Kent Fuel and Mini Mart Inc. 1337 S. Water St. chief Lee had no objections.

   4.3 CITY MANAGER'S REPORT

5. **STANDING COMMITTEES/ LEGISLATION**

   5.1 COMMITTEE OF THE WHOLE *(Mayor Fiala)*

   5.1.1 COMMITTEE MEETING MINUTES: NONE
   5.1.2 *ACTION RECOMMENDED:* NONE

   5.2 COMMUNITY DEVELOPMENT COMMITTEE *(Kuhar/Rosenberg)*

   5.2.1 COMMITTEE MEETING MINUTES: NONE
   5.2.2 *ACTION RECOMMENDED:* NONE

5.3 FINANCE COMMITTEE *(DeLeone/Wallach)*

5.3.1 COMMITTEE MEETING MINUTES – NONE, AS THEY ARE "***IN PROGRESS"*** FROM NOVEMBER 7, 2018

5.3.2 *ACTION RECOMMENDED:*

1) Authorize the proposed 2019 Capital Plan with an emergency clause
2) Authorize the Main Street Contract renewal with an emergency clause
3) Authorize the 2018 Budget Appropriations Amendment with an emergency clause

5.3.3 ***Draft No. 2018-120:*** **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; AS AMENDED BY ORDINANCE NO. 2018-71, PASSED JUNE 20, 2018; AS AMENDED BY ORDINANCE NO. 2018-92, PASSED AUGUST 15, 2018; AND AS AMENDED BY ORDINANCE NO. 2018-103, PASSED SEPTEMBER 19, 2018; SO AS TO INCREASE APPROPRIATIONS IN FUND 001, GENERAL; AND FUND 126, COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG); AND SO AS TO DECREASE APPROPRIATIONS IN FUND 208, STORM WATER; AND DECLARING AN EMERGENCY.** (Authorized)

5.3.4 ***Draft No. 2018-121:*** **A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT BETWEEN MAIN STREET KENT AND THE CITY OF KENT TO GRANT MAIN STREET KENT UP TO SEVENTY THOUSAND DOLLARS ($70,000) TO PROMOTE ECONOMIC DEVELOPMENT AND REVITALIZATION TO THE CITY OF KENT, AND DECLARING AN EMERGENCY.** (Authorized)

5.3.5 ***Draft No. 2018-122:*** **A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT A GRANT IN THE AMOUNT OF $72,140.00 FROM THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC), AND DECLARING AN EMERGENCY.** (Unauthorized)

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

5.4.1 COMMITTEE MEETING MINUTES – NONE, AS THEY ARE "***IN PROGRESS"*** FROM NOVEMBER 7, 2018

5.4.2 *ACTION RECOMMENDED:*

1) Authorize enacting Section 521.18 titled "Sweeping Leaves And Grass Into Gutters Prohibited" in the Kent City Codified Ordinances with an emergency clause
2) Approve the City/KSU Lighting Agreement with an emergency clause

5.4.3 ***Draft No. 2018-123:*** **AN ORDINANCE ENACTING SECTION 521.18 OF THE KENT CODIFIED ORDINANCES TITLED "SWEEPING LEAVES AND GRASS INTO GUTTERS PROHIBITED", AND DECLARING AN EMERGENCY.** (Authorized)

5.4.4 ***Draft No. 2018-124:*** **A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A TRAIL CROSSING LIGHTING AGREEMENT BETWEEN THE CITY OF KENT AND KENT STATE UNIVERSITY TO JOINTLY INSTALL ROADWAY LIGHTS AT THE TRAIL/ESPLANADE CROSSINGS OF WILLOW AND LINCOLN STREETS, AND DECLARING AN EMERGENCY.** (Authorized)

5.5 LAND USE COMMITTEE (*Ferrara/Shaffer)*

5.5.1 COMMITTEE MEETING MINUTES: None

5.5.2 *ACTION RECOMMENDED:* None

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

5.6.1 COMMITTEE MEETING MINUTES – NONE, AS THEY ARE "***IN PROGRESS"*** FROM NOVEMBER 7, 2018

5.6.2 *ACTION RECOMMENDED:*

1) Authorize proposed updates to the City's Solid Waste/Recycling Code with an emergency clause

5.6.3 ***Draft No. 2018-125:*** **AN ORDINANCE AMENDING SECTION 935.13 OF THE KENT CODIFIED ORDINANCES TO DELETE CERTAIN LANGUAGE, AND DECLARING AN EMERGENCY.** (Authorized)

6. SPECIAL COMMITTEE REPORTS

7. UNFINISHED BUSINESS

8. NEW BUSINESS

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

9. MAYOR'S REPORT

10. EXECUTIVE SESSION *IN ACCORDANCE WITH ORC §121.22 Section G, Item (1): To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing"*

11. ADJOURNMENT

Posted: November 9, 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.

TENTATIVE CALENDAR FOR DECEMBER 2018

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	**3**	**4** **7:00 p.m.** Planning Commission Mtg.	**5** **6:55 p.m.** Board of Control **7:00 p.m.** Council Committee Mtgs	**6**	**7**	**8**
9	**10**	**11** **5:30 p.m.** Health Dept. Mtg. @ 414 E. Main	**12**	**13** **4:00 p.m.** Standing Rock Cemetery	**14**	**15**
16	**17** **7:00 p.m.** BZA Mtg.	**18** **7:00 p.m.** Planning Commission Mtg.	**19** **6:55 p.m.** Bd. of Control **7:00 p.m.** Work Session for New City Hall **7:30 p.m.** Reg. Council Mtg.	**20** **5:30 p.m.** Parks & Recreation Mtg. @ 497 Middlebury	**21**	**22**
23	**24**	**25 CHRISTMAS - CITY OFFICES CLOSED**	**26**	**27**	**28**	**29**
30	**31**					

TENTATIVE CALENDAR FOR JANUARY 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 **NEW YEAR'S - CITY OFFICES CLOSED**	**2** **Committee Mtgs. MOVED to January 9th**	**3**	**4**	**5**
6	**7**	**8**	**9** **6:55 p.m.** Board of Control **7:00 p.m.** Council Committee Mtgs	**10** **4:00 p.m.** Standing Rock Cemetery	**11**	**12**
13	**14**	**15** **5:30 p.m.** Health Dept. Mtg. @ 414 E. Main **7:00 p.m.** Planning Commission Mtg.	**16** **Regular Mtg. MOVED to January 23rd**	**17** **5:30 p.m.** Parks & Recreation Mtg. @ 497 Middlebury	**18**	**19**
20	**21** **7:00 p.m.** BZA Mtg.	**22**	**23** **6:55 p.m.** Bd. of Control **7:00 p.m.** Work Session for New City Hall **7:30 p.m.** Reg. Council Mtg.	**24**	**25**	**26**
27	**28**	**29**	**30**	**31**		

Posted: November 9, 2018

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

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

THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WEDNESDAY, OCTOBER 17, 2018

At 7:30 p.m., Mayor Jerry T. Fiala 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; Mr. Jim Bowling, City Engineer; Mr. David Coffee, Finance Director; Ms. Melanie Baker, Public Service Director; Mr. Tom Wilke, Economic Development Director; and Ms. Tara Grimm, MMC, Clerk of Council.
ABSENT:	None

Mayor Fiala called upon Councilmember Turner for his opening remarks. Mr. Turner commended the staff, Council and people of the City as there are a lot of positive things happening in the City. He then led the Pledge of Allegiance.

<u>APPROVAL OF MINUTES:</u>

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF SEPTEMBER 19, 2018, THE SPECIAL COUNCIL MEETING OF SEPTEMBER 19, 2018, AND THE DEMOCRACY DAY PUBLIC HEARING OF OCTOBER 3, 2018 made by Mr. Ferrara, seconded by Mr. Kuhar *CARRIED* by a voice vote of 8-0-1 with Ms. Wallach abstaining.

<u>COMMUNICATIONS:</u>

Mayor Fiala read a statement to the audience: *"While the law does not require Council to provide time for public comment, we have historically invited the public to make comments and we appreciate their input. This is the time where residents and others can comment on matters that concern them. However, we will not engage in debate, and as President of Council, I reserve the right to end any public communication that is disruptive, embarrassment, harassment or otherwise objective. We ask that when you come to the microphone that you speak into the microphone clearly, give your name and address and limit comments to three (3) minutes of discussion."* He then asked the Clerk if anyone was signed in. There was one (1) visitor who signed in with the Clerk.

Mr. David Reith of 520 Harvey, Kent declined to speak when called upon by Clerk Grimm.

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

1. Sustainability Commission Meeting Agenda for October 2, 2018 and the Minutes of September 11, 2018 received on September 28, 2018.
2. Standing Rock Cemetery Meeting Minutes of September 13, 2018 received September 28, 2018.
3. Letter to Clerk of Council from our Code Service provider, Walter Drane, regarding their becoming a member of American Legal Publishing and being able to provide better customer service received on October 3, 2018.
4. Civil Service Meeting Agenda for October 8, 2018 received October 4, 2018.

5. Health Board Agenda and Statistical Report for October 10, 2018 and Minutes from September 19, 2018 received on October 4, 2018.

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

1. Civil Service Agenda for October 15, 2018 received October 11, 2018.
2. Letter received from Joe Seryak regarding the length of testing times and decibel levels of the City's tornado sirens and the ambulance sirens during overnight hours October 11, 2018.
3. Portage County Solid Waste Meeting Minutes form March 28, 2018 received October 16, 2018.
4. Parks & Recreation Board Packet for October 18, 2018 received October 16, 2018.
5. Invitation to NOPEC's 2018 General Assembly Meeting on November 13, 2018 received October 16, 2018.
6. Standing Rock Cemetery Meeting Minutes of October 11, 2018 received October 17, 2018.

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

1. The City Clerk requests Council's authorization to consider a resolution regarding the City Manager's compensation and contract. {Draft #2018-112).
2. Request Council's consideration of an ordinance to renew the appointment of John Ryan of Hometown Bank to the City's Revolving Loan Fund (RLF) Review Committee. {Draft #2018-118).
3. Request Streets, Sidewalks & Utilities Committee time to receive the 2018 Capital Projects update report.
4. Request Streets, Sidewalks & Utilities Committee time to consider proposed updates to the City's solid waste and recycling code.
5. Request Finance Committee time to consider the proposed 2019-2024 Capital Improvement Plan.
6. Request Finance Committee time to consider the renewal and extension of the Main Street Kent contract.
7. Request Finance Committee time to consider a proposed 2018 Budget Amendment.
8. Request Health & Safety Committee time to consider proposed clarifications in the City's ordinances related to raking yard and leaf debris into the street.
9. Request Health & Safety Committee time to consider a proposed new lighting agreement between the City of Kent and Kent State University.
10. Request Council's authorization to allocate $500 for the Kent Police Department to use to provide food for the public safety employees assigned to work the night of Halloween.

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

<u>STANDING COMMITTEES/ LEGISLATION</u>

COMMITTEE OF THE WHOLE:

There were no minutes or actions needing approval.

Mayor Fiala questioned whether or not the Resolution required authorization.

Clerk Grimm informed Council they had just authorized this item when they approved the City Manager's Report.

Draft No. 2018-118: A RESOLUTION APPOINTING JOHN RYAN TO THE LOAN REVIEW COMMITTEE, AND DECLARING AN EMERGENCY was read by title only by Clerk Grimm per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara and seconded by Mr. Sidoti. On Roll call, voting "Yes": 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. 2018-118 made by Mr. Sidoti 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.

RESOLUTION NO. 2018-118: A RESOLUTION APPOINTING JOHN RYAN TO THE LOAN REVIEW COMMITTEE, AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

COMMUNITY DEVELOPMENT COMMITTEE:
MOTION TO APPROVE THE COMMITTEE MEETING MINUTES OF OCTOBER 3, 2018 made by Mr. Kuhar, seconded by Mr. Ferrara, and CARRIED by a voice vote of 8-0-1 with Ms. Wallach abstaining.

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

Recommended Action:

1. Authorize the draft legislation for urban chickens as submitted for keeping urban chickens in Kent

Mr. Ferrara wanted to note that one of the issues Council is going to run into is monitoring this. In cases where we have not gotten prior approval for these types of things and expecting people to self-police their project, it is a mistake not to have a permit or fee. The thing that really upsets citizens is not what we can do, but what we can’t do. Time and time again when someone is out of compliance, it is the neighbors and the community that suffer as Council tries to find a way to alleviate a problem. This case is the perfect example where if we can approve the coop prior to it happening, we are going to avoid the situation. It goes back to the same old adage every time: if you don’t have the time to do it right the first time, how are you going to find time to do it right the second time? He feels it is a mistake to not have a permit to start this process.

Mayor Fiala asked for all those in favor of the Motion. Mr. Ferrara did not actually make a Motion; therefore, the voice vote of 9-0 did not need to be taken.

Draft No. 2018-116: AN ORDINANCE AMENDING SECTION 505.19 AND ENACTING SECTION 505.22 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT, AND DECLARING AN EMERGENCY was read by title only by Clerk Grimm per Mayor Fiala’s request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Kuhar and seconded by Mr. Amrhein. 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. 2018-116 made by Mr. Ferrara and seconded by Mr. Sidoti. 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.

RESOLUTION NO. 2018-116: AN ORDINANCE AMENDING SECTION 505.19 AND ENACTING SECTION 505.22 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT, AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

Draft No. 2018-117: AN ORDINANCE AMENDING SECTION 501.13 OF THE KENT CODIFIED ORDINANCES, TITLED “CIVIL OFFENSES”, TO CORRECT AND CLARIFY SOME LANGUAGE REGARDING FINES AND PROCEDURES, AND DECLARING AN EMERGENCY was read by title only by Clerk Grimm per Mayor Fiala’s request.

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

MOTION TO ADOPT DRAFT No. 2018-117 made by Mr. Kuhar 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.

RESOLUTION NO. 2018-117: AN ORDINANCE AMENDING SECTION 501.13 OF THE KENT CODIFIED ORDINANCES, TITLED "CIVIL OFFENSES", TO CORRECT AND CLARIFY SOME LANGUAGE REGARDING FINES AND PROCEDURES, AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

FINANCE COMMITTEE:
MOTION TO APPROVE THE COMMITTEE MEETING MINUTES OF OCTOBER 3, 2018 made by Mr. DeLeone, seconded by Mr. Sidoti, and CARRIED by a voice vote of 8-0-1 with Ms. Wallach abstaining.

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 the rescinding of the fees for the delinquent mowing bill certified to the Auditor for 535 Bowman Drive with an emergency clause

Draft No. 2018-111: AN ORDINANCE RESCINDING THE AUTHORIZATION OF THE CERTIFICATION OF A CERTAIN DELINQUENT MOWING BILL, TO THE COUNTY AUDITOR THAT WAS PLACED ON THE REAL PROPERTY TAX LIST IN THE AMOUNT OF $1,530.00 ON THE PROPERTY KNOWN AS 535 BOWMAN, KENT, OHIO, AND DECLARING AN EMERGENCY was read by title only by Clerk Grimm 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": 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.

MOTION TO ADOPT DRAFT No. 2018-111 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.

ORDINANCE NO. 2018-111: AN ORDINANCE RESCINDING THE AUTHORIZATION OF THE CERTIFICATION OF A CERTAIN DELINQUENT MOWING BILL, TO THE COUNTY AUDITOR THAT WAS PLACED ON THE REAL PROPERTY TAX LIST IN THE AMOUNT OF $1,530.00 ON THE PROPERTY KNOWN AS 535 BOWMAN, KENT, OHIO, AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

Draft No. 2018-112: A RESOLUTION AUTHORIZING THE CITY BUDGET & FINANCE DIRECTOR AND LAW DIRECTOR, OR THEIR DESIGNEES, TO SIGN AN ADDENDUM TO AN EMPLOYMENT CONTRACT BETWEEN THE CITY OF KENT AND DAVID RULLER, DATED JULY 3, 2008 FOR AN EXTENSION OF THE CURRENT CONTRACT FOR FIVE (5) YEARS AND GRANTING FIVE PERCENT (5%) PAY RAISE EFFECTIVE JUNE 15, 2018, AND DECLARING AN EMERGENCY was read by title only by Clerk Grimm per Mayor Fiala's request.

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

MOTION TO ADOPT DRAFT No. 2018-112 made by Ms. Shaffer and seconded by Mr. Ferrara. On Roll call, voting “Yes”: Mr. Ferrara, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, and Mr. DeLeone. The Motion CARRIED by a roll call vote of 8-0-1 with Mr. Kuhar abstaining.

RESOLUTION NO. 2018-112: A RESOLUTION AUTHORIZING THE CITY BUDGET & FINANCE DIRECTOR AND LAW DIRECTOR, OR THEIR DESIGNEES, TO SIGN AN ADDENDUM TO AN EMPLOYMENT CONTRACT BETWEEN THE CITY OF KENT AND DAVID RULLER, DATED JULY 3, 2008 FOR AN EXTENSION OF THE CURRENT CONTRACT FOR FIVE (5) YEARS AND GRANTING FIVE PERCENT (5%) PAY RAISE EFFECTIVE JUNE 15, 2018, AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

Draft No. 2018-119: AN ORDINANCE AUTHORIZING THE SETTLEMENT & RELEASE AGREEMENT BETWEEN THE CITY OF KENT AND DOUGLAS PARTNERS, LLC, ET AL., AND DECLARING AN EMERGENCY was read by title only by Clerk Grimm per Mayor Fiala’s request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara and seconded by Mr. Sidoti. On Roll call, voting “Yes”: 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. 2018-119 made by Mr. Ferrara and seconded by Mr. Sidoti. On Roll call, voting “Yes”: Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Mr. Kuhar. The Motion CARRIED by a roll call vote of 9-0.

RESOLUTION NO. 2018-119: AN ORDINANCE AUTHORIZING THE SETTLEMENT & RELEASE AGREEMENT BETWEEN THE CITY OF KENT AND DOUGLAS PARTNERS, LLC, ET AL., AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

HEALTH AND SAFETY COMMITTEE:
MOTION TO APPROVE THE COMMITTEE MEETING MINUTES OF OCTOBER 3, 2018 made by Mr. Amrhein, seconded by Mr. Ferrara. MOTION CARRIED by a voice vote of 8-0-1 with Ms. Wallach abstaining.

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

Recommended Action:

1. Authorize repealing Section 509.10 titled “Vagrants” from the Kent City Codified Ordinances with an emergency clause

Draft No. 2018-113: AN ORDINANCE REPEALING THE CITY OF KENT CODIFIED ORDINANCES KNOWN AS SECTION 509.10 TITLED “VAGRANTS”, AND DECLARING AN EMERGENCY was read by title only by Clerk Grimm per Mayor Fiala’s request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Kuhar and seconded by Mr. Sidoti. On Roll call, voting “Yes”: 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. 2018-113 made by Mr. Kuhar 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. 2018-113: AN ORDINANCE REPEALING THE CITY OF KENT CODIFIED ORDINANCES KNOWN AS SECTION 509.10 TITLED "VAGRANTS", AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

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

STREETS, SIDEWALKS AND UTILITIES COMMITTEE:
MOTION TO APPROVE THE COMMITTEE MEETING MINUTES OF OCTOBER 3, 2018 made by Mr. Sidoti, seconded by Mr. Amrhein, and CARRIED by a voice vote of 8-0-1 with Ms. Wallach abstaining.

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

Recommended Action:

1. Authorize the proposed amendments to Chapter 937 with an emergency clause
2. Authorize participation in the 2019 Portage County Paving Program FOR the paving of the portion of Mogadore Road south of SR261 inside the City limits, with an emergency clause

Draft No. 2018-114: AN ORDINANCE AMENDING CHAPTER 937 ENTITLED "USE OF PUBLIC WAYS BY SERVICE PROVIDERS", SPECIFICALLY SECTIONS 937.01, 937.02, 937.03, 937.04, 937.05, 937.06, 937.07, 937.08, 937.09 AND 937.10, AND DECLARING AN EMERGENCY was read by title only by Clerk Grimm per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara and seconded by Mr. Amrhein. On Roll call, voting "Yes": Mr. 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. 2018-114 made by Mr. Ferrara and seconded by Mr. Sidoti. 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. 2018-114: AN ORDINANCE AMENDING CHAPTER 937 ENTITLED "USE OF PUBLIC WAYS BY SERVICE PROVIDERS", SPECIFICALLY SECTIONS 937.01, 937.02, 937.03, 937.04, 937.05, 937.06, 937.07, 937.08, 937.09 AND 937.10, AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

Draft No. 2018-115: A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACCEPT AND SUPPORT THE PROPOSAL BY THE PORTAGE COUNTY ENGINEER TO PARTICIPATE WITH THE PAVING OF MOGADORE ROAD, AND DECLARING AN EMERGENCY was read by title only by Clerk Grimm 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. 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. 2018-115 made by Mr. Kuhar and seconded by Mr. Ferrara. On Roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, and Mr. Amrhein. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE NO. 2018-115: A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACCEPT AND SUPPORT THE PROPOSAL BY THE PORTAGE COUNTY ENGINEER TO PARTICIPATE WITH THE PAVING OF MOGADORE ROAD, AND DECLARING AN EMERGENCY
PASSED as stated by Clerk Grimm.

<u>SPECIAL COMMITTEE REPORTS:</u> NONE

<u>UNFINISHED BUSINESS:</u> NONE

<u>NEW BUSINESS:</u> NONE

COUNCILMEMBERS' COMMENTS:
Ms. Wallach stated she liked the orange paper Clerk Grimm had chosen for the agendas.

Mr. Ferrara congratulated the City Manager on his 5-year renewal of his contract stating it is a demonstration of being a great sign of confidence; it is the best thing that Kent has done, and he continues to provide excellent service and guidance. Mr. Ruller is a real asset to the community and he is really proud of the work Mr. Ruller has done as well as Council's commitment to him by granting the raise and extension of contract.

Mr. Kuhar would like the City to take a more active part on reducing the raccoon population in the City, we will not have to worry about chickens.

Ms. Shaffer appreciated taking the Cleveland Cycle "conference" bike ride during the homecoming parade, which operates from MadCap Brewery. She stated it was a good time, interactive and recommends trying it for a great team building experience, family fun or with friends. The ride is also very interactive with the public.

Mr. DeLeone wanted to thank those responsible for getting the Council meeting audio recordings uploaded to YouTube.

Mr. Sidoti agrees with both Mr. DeLeone and Mr. Kuhar and commented on the groundhog population being an issues, although they do not eat chickens. He also thanked Mr. Ruller for his hard work and informed the audience that 3-4 years ago, Mr. Ruller also assumed the additional duties and took on the role of Safety Director after the Safety Director retired, which saves the City money. Mr. Sidoti also asked that we move more cautiously forward with One Kent and finish clarifying the process that all of Council wants to use. He also thanked Ms. Baker for listening to all of Council's comments 2 weeks ago at the Work Session and appreciates the incorporation of those changes in the presentation tonight.

<u>MAYOR'S REPORT:</u>
Mayor Fiala also commented on the recordings of the Council meetings now on-line and "if people don't think we are transparent now, they better get a hearing aid or a computer." He also wished Mr. Kuhar a Happy Birthday on October 20th and reminded Council that he will be attending the awards ceremony on October 23rd where Heritage Ohio will be recognizing Ron Burbick for the work he has done. The Mayor also informed Council that he has been working with Ms. Baker and Mr. Ruller on the cost to have recognition banners placed on the bridge for all the fallen police officers and fire fighters.

Hearing no further business, Mayor Fiala adjourned the meeting at 7:55 p.m.

Tara Grimm, MMC	Jerry T. Fiala
Clerk of Council	Mayor and President of Council

THE CITY OF KENT, OHIO
PUBLIC HEARING
WEDNESDAY, OCTOBER 17, 2018

At 7:27 p.m., Mayor Jerry T. Fiala called the **Public Hearing for the PY2017 CDBG CAPER** 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; Mr. Jim Bowling, City Engineer; Mr. David Coffee, Finance Director; Ms. Melanie Baker, Public Service Director; Mr. Tom Wilke, Economic Development Director; and Ms. Tara Grimm, MMC, Clerk of Council.

ABSENT: None

On October 3, 2018 notice was given that the Kent City Council was conducting this Public Hearing to allow for public comment on the *PY2017 Consolidated Annual Performance and Evaluation Report (CAPER)*

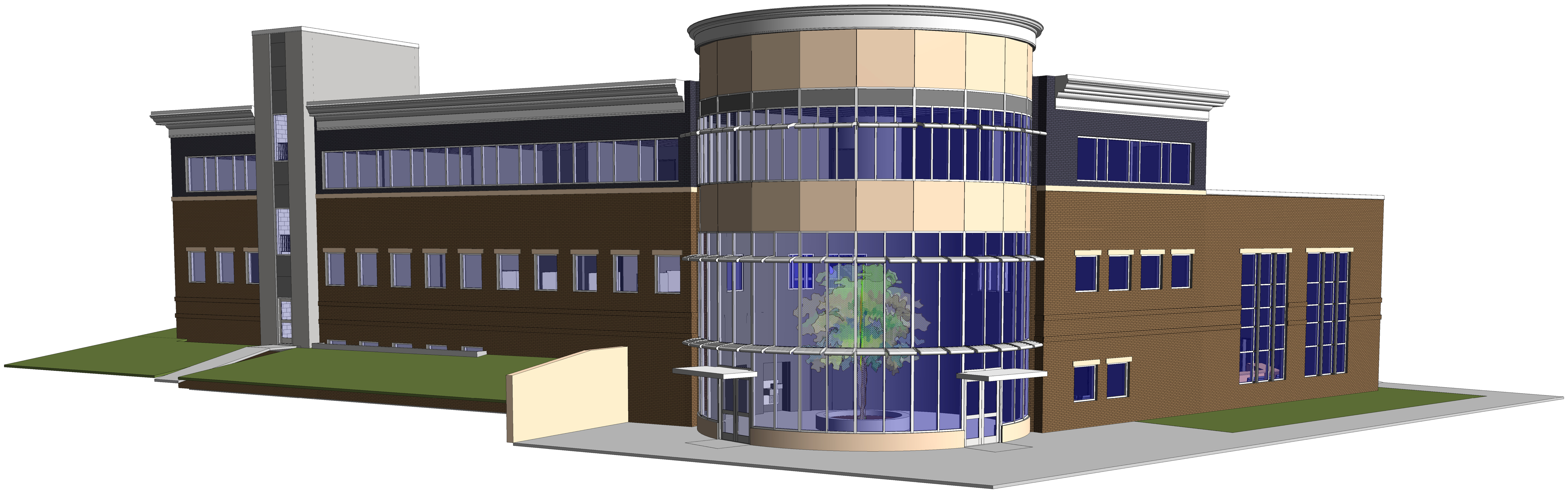
Mr. Susel explained this is the 2nd of the 2 required Public Hearings for the CDBG Program Year 2017 Consolidated Annual Performance and Evaluation Report. $580,215 was spent on program and projects that support low and moderate income households in the community. Those funds leveraged an additional $387,000 in expenditures. From August 1, 2017 to July 31, 2018, 10 households were provided funding for owner occupied housing rehabilitation; 113 persons/homes received emergency shelter and essential support of services at Miller House and the domestic violence homeless shelter; funds were also used to support neighborhood policing efforts in low to moderate income areas of the community; and there was a small allocation to the hike and bike trail near Brady's Leap. The largest expenditure was for the reconstruction of Cedar Street which included street paving, installation of water and sewer lines, curbs, gutters and sidewalks. One low to moderate income resident received small business development training services through the support of our Small Business Development Center with the State of Ohio.

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

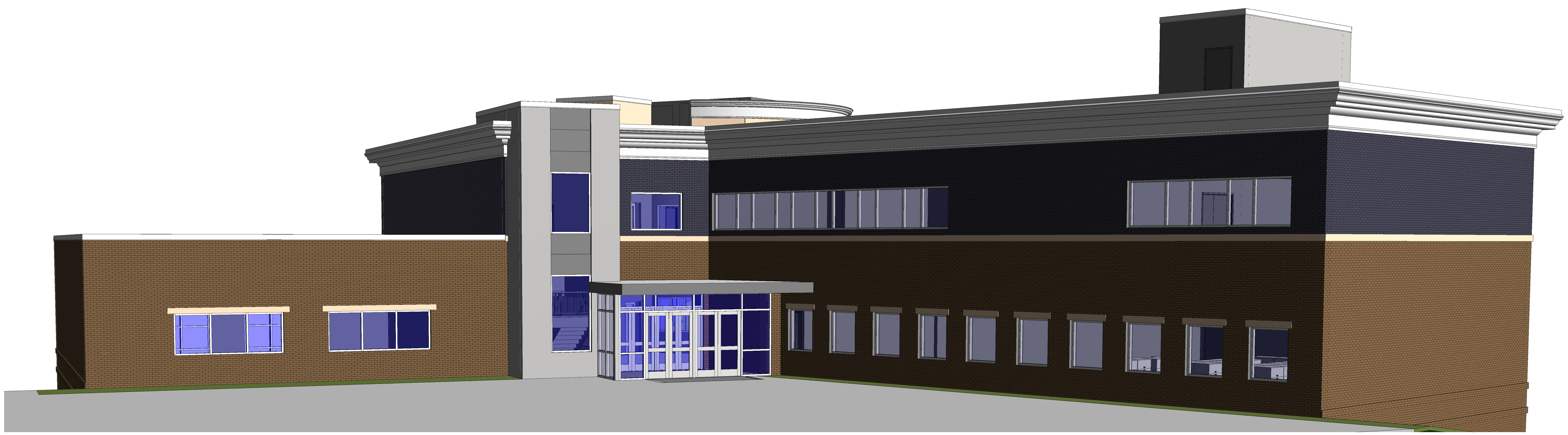
Hearing no further business, Mayor Fiala adjourned the Public Hearing at meeting at 7:29 p.m.

Tara Grimm, MMC	Jerry T. Fiala
Clerk of Council	Mayor and President of Council

3D VIEWS



3D STREET VIEW



3D PARKING VIEW

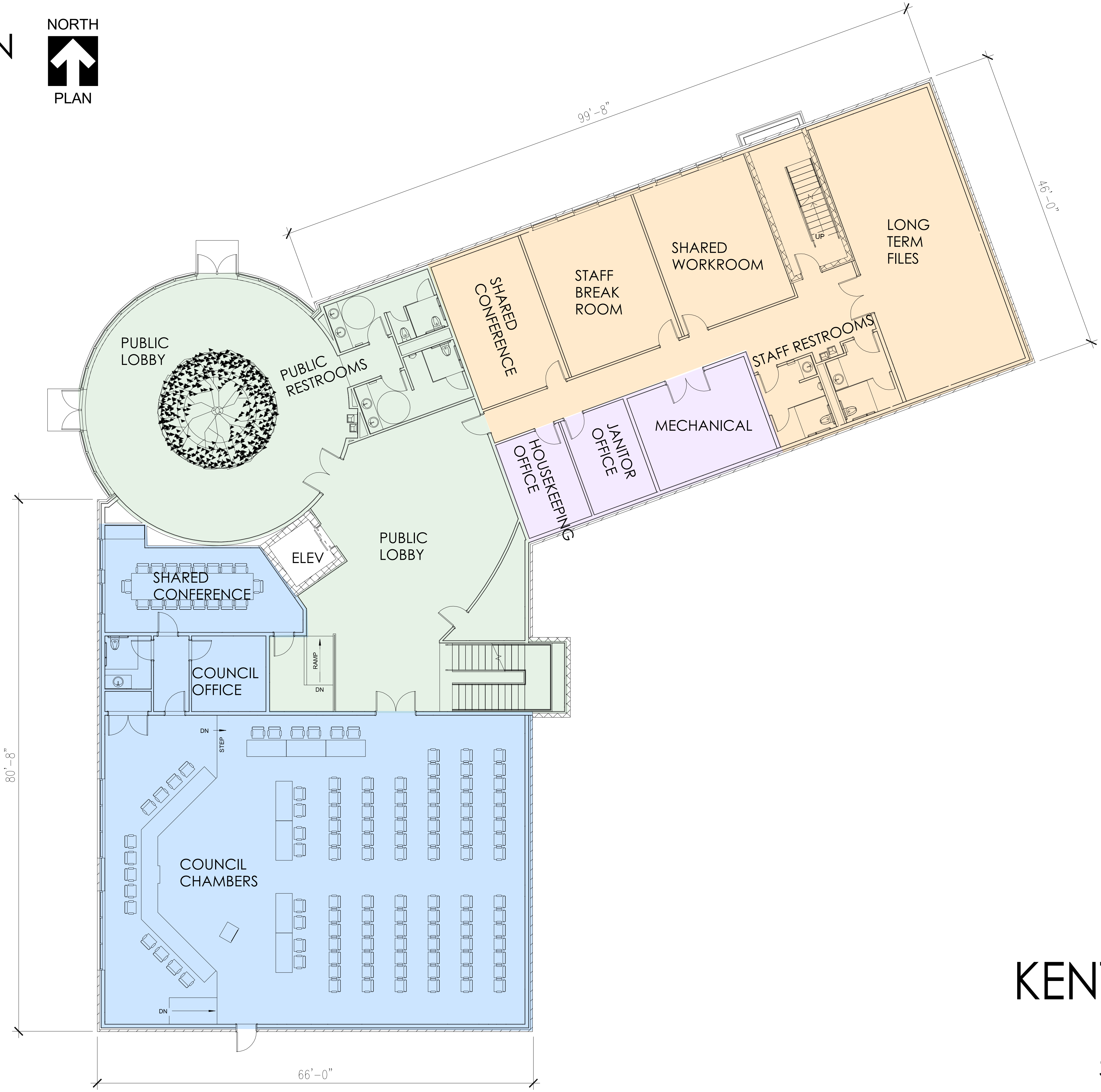
BRANDSTETTER CARROLL INC
ARCHITECTS . ENGINEERS . PLANNERS
Lexington . Cincinnati . Cleveland . Dallas

October 17, 2018

KENT CITY HALL
319 S. Water Street
Kent, OH 44240

SCHEMATIC DESIGN

LOWER LEVEL PLAN



BRANDSTETTER CARROLL INC
ARCHITECTS . ENGINEERS . PLANNERS
Lexington . Cincinnati . Cleveland . Dallas

October 17, 2018

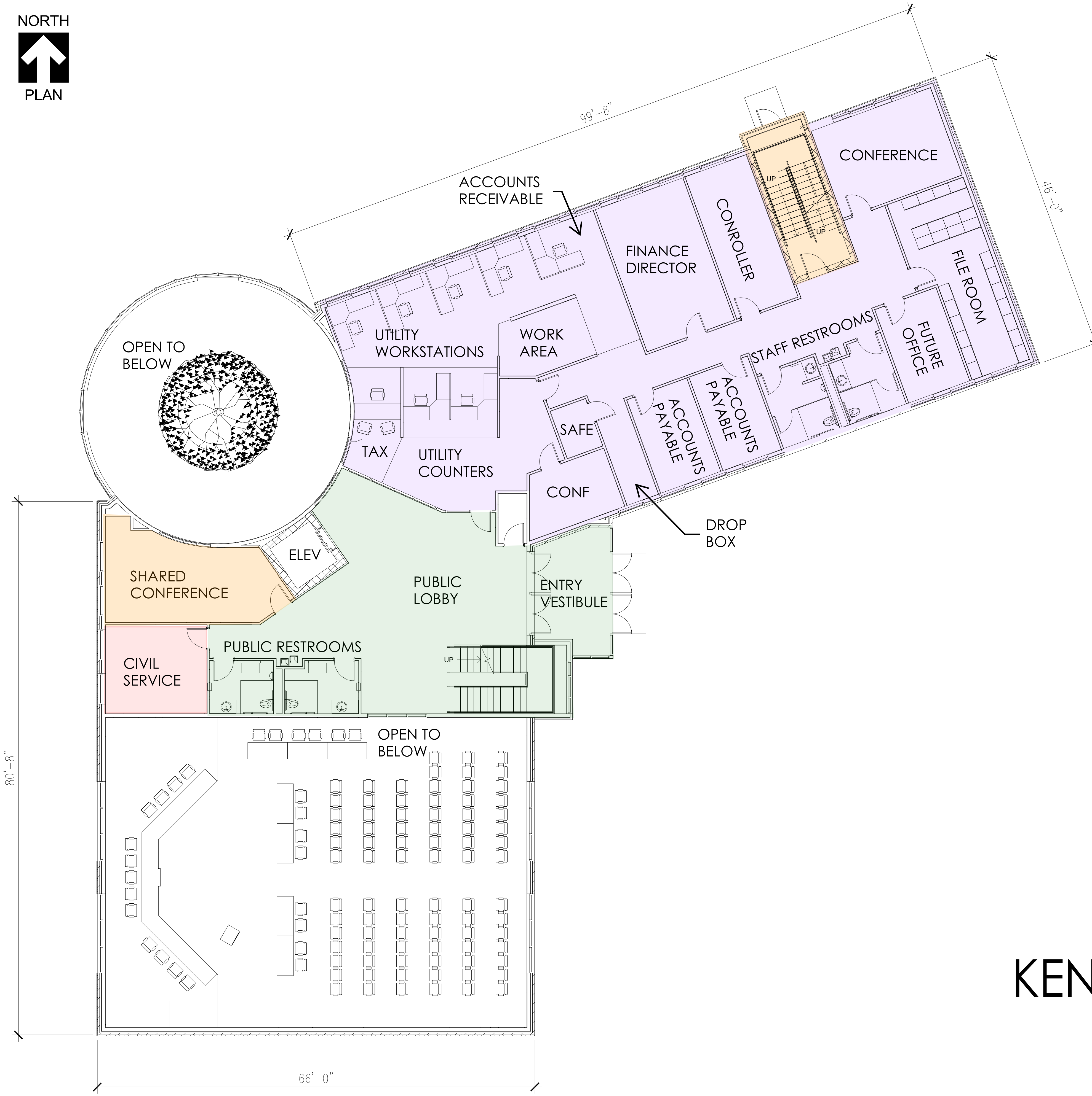
KENT CITY HALL

319 S. Water Street
Kent, OH 44240

SCHEMATIC DESIGN

MAIN LEVEL PLAN

NORTH
PLAN



BRANDSTETTER CARROLL INC
ARCHITECTS . ENGINEERS . PLANNERS
Lexington . Cincinnati . Cleveland . Dallas

October 17, 2018

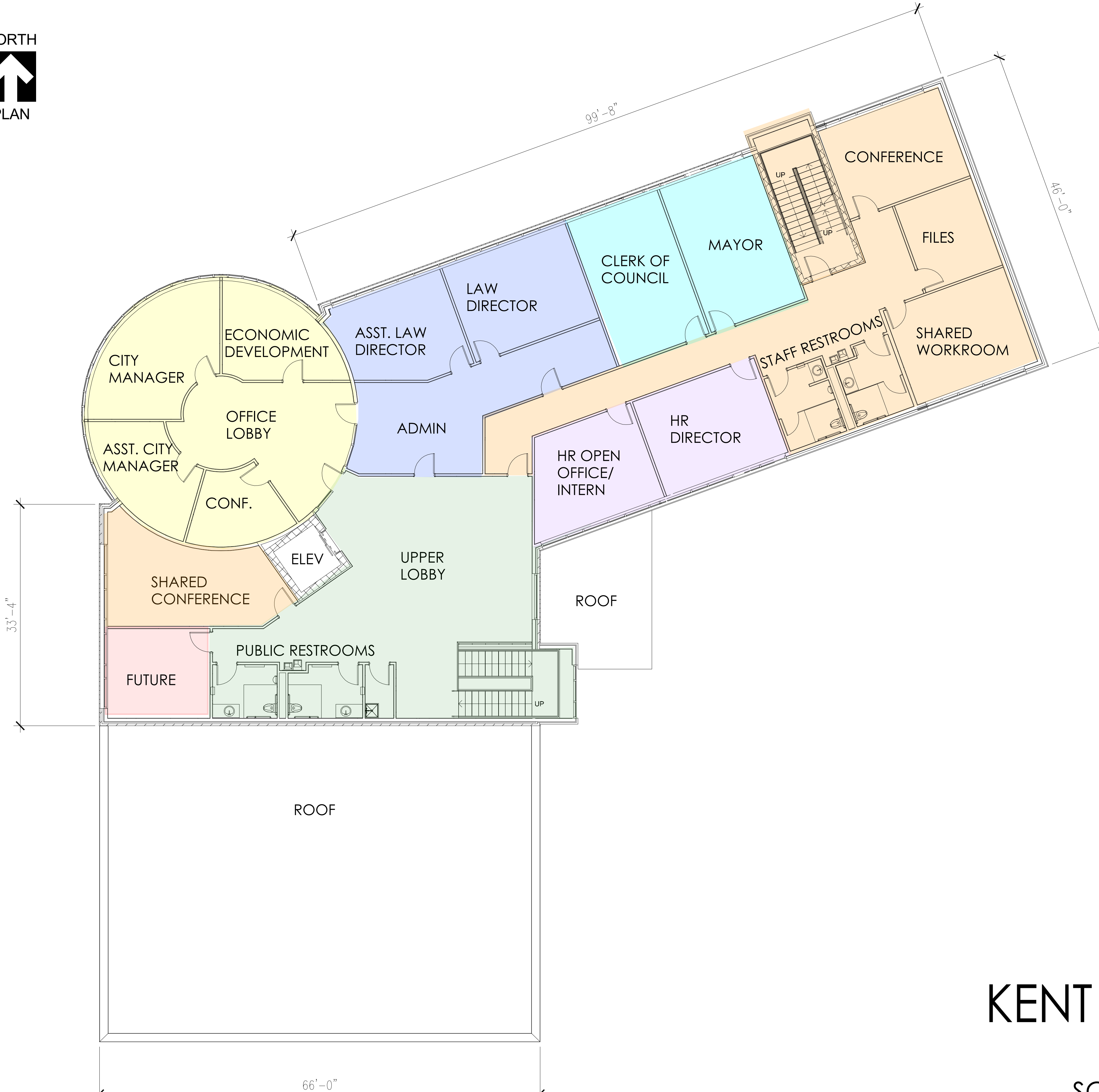
KENT CITY HALL

319 S. Water Street
Kent, OH 44240

SCHEMATIC DESIGN

UPPER LEVEL PLAN

NORTH
PLAN



BRANDSTETTER CARROLL INC
ARCHITECTS . ENGINEERS . PLANNERS
Lexington . Cincinnati . Cleveland . Dallas

October 17, 2018

KENT CITY HALL

319 S. Water Street
Kent, OH 44240

SCHEMATIC DESIGN

Kent Administration Building - Space Program

	Space Description	Notes	Qty	Program Net Each	Program Total Net
1.00	**GROUND FLOOR**				
	Public Lobby - Rotunda		1	1,247	1,247
	Public Lobby		1	1,114	1,114
	Open Stairs		1	195	195
	Stair B	Egress Stair	1	173	173
	Elevator		1	54	54
	Janitor		1	101	101
	Restroom Vestibule		1	40	40
	Women's Public Restroom	2 wc, 2 lav	1	128	128
	Men's Public Restroom	1 wc, 1 ur, 2 lav	1	128	128
	Council Chambers	Seating for 92 persons	1	2,980	2,980
	Executive Conference Room	Sized for 18 persons. Used for staff meetings as well. Coffee	1	372	372
	Council Office	Sized for 4 persons	1	128	128
	Council Restroom		1	56	56
	Council AV Closet		1	21	21
	Council Corridor		1	61	61
	Staff Corridor		1	406	406
	Staff Women's Restroom	2 wc, 2 lav	1	97	97
	Men's Staff Restroom	1 wc, 1 ur, 2 lav	1	103	103
	Shared Workroom		1	406	406
	Janitor Office		1	151	151
	Housekeeping Office		1	151	151
	Mechanical/Electrical		1	278	278
	Staff Kitchen/Break Room		1	406	406
	Conference Room	Sized for 14 people	1	320	320
	Long Term File Storage	Shared by multiple departments	1	836	836
Total Net Square Footage					**9,952**
Grossing Factor (walls, chases)					1,104
Total Gross Square Footage GROUND FLOOR					**11,056**
2.00	**FIRST FLOOR**				
	Entry Vestibule		1	200	200
	Open Stairs		1	176	176
	Stair B	Egress Stair	1	194	194
	Elevator		1	54	54
	Public Lobby		1	923	923
	Janitor		1	33	33
	Women's Public Restroom	1 wc, 1 lav	1	85	85
	Men's Public Restroom	1 wc, 1 ur, 2 lav	1	77	77
	Civil Service Office		1	206	206
	Conference Room	Shared	1	327	327

Kent Administration Building - Space Program

	Space Description	Notes	Qty	Program Net Each	Program Total Net
	Utility/Finance Lobby, Counters		1	382	382
	Utility Billing Workstations	4 workstations, 3 counter positions	1	585	585
	Accounts Receivable	Workstation	1	79	79
	Work Area		1	120	120
	Passage		1	110	110
	Conference Room		1	127	127
	Staff Corridor		1	465	465
	Safe		1	43	43
	Drop Box		1	77	77
	Controller Office		1	224	224
	Finance Director Office		1	320	320
	Accounts Payable Office		1	144	144
	Future Office		1	144	144
	Payroll Office		1	144	144
	File Room		1	310	310
	Conference Room		1	268	268
	Staff Women's Restroom	1 wc, 1 lav	1	97	97
	Staff Men's Restroom	1 wc, 1 lav	1	103	103
Total Net Usable Square Footage					**6,017**
	Open to Below: Public Lobby		1	1,265	1,265
	Open to Below Council Chambers		1	2,980	2,980
Total Net Square Footage					**10,262**
Grossing Factor (walls, chases)					1,002
Total Gross Square Footage FIRST FLOOR					**11,264**
3.00	**SECOND FLOOR**				
	Public Lobby		1	1,012	1,012
	Open Stairs		1	185	185
	Stair B	Egress Stair	1	193	193
	Elevator		1	54	54
	Janitor		1	34	34
	Women's Public Restroom	1 wc, 1 lav	1	86	86
	Men's Public Restroom	1 wc, 1 ur, 1 lav	1	77	77
	Unprogrammed Space	Future Use	1	206	206
	Shared Conference Room		1	336	336
	City Manager Lobby		1	381	381
	Conference Room		1	140	140
	Asst. City Mgr Office		1	193	193
	City Manager Office		1	294	294
	Econ Dev Office		1	202	202

Kent Administration Building - Space Program					
	Space Description	**Notes**	**Qty**	**Program Net Each**	**Program Total Net**
	Law Lobby	1 workstation for Admin Asst.	1	263	263
	Asst. Law Director Office		1	250	250
	Law Director Office		1	294	294
	Law Hallway		1	161	161
	Clerk of Council Office		1	327	327
	Mayor's Office		1	340	340
	Staff Corridor		1	527	527
	HR Open Office		1	270	270
	HR Manager Office		1	290	290
	Staff Women's Restroom	1 wc, 1 lav	1	97	97
	Staff Men's Restroom	1 wc, 1 lav	1	103	103
	Shared Work Room		1	287	287
	Shared Conference Room		1	268	268
	File Storage		1	169	169
Total Net Square Footage					**7,039**
Grossing Factor (walls, chases)					881
Total Gross Square Footage SECOND FLOOR					**7,920**
Total City Hall Square Footage					**30,240**

THE CITY OF KENT, OHIO
SPECIAL CITY COUNCIL MEETING for a
COUNCIL WORK SESSION
WEDNESDAY, OCTOBER 17, 2018

At 7:00 p.m., Mayor Fiala called the **COUNCIL WORK SESSION** with Brandstetter Carroll Inc. to order.

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; Mr. Jim Bowling, City Engineer; Mr. David Coffee, Finance Director; Ms. Melanie Baker, Public Service Director; Mr. Tom Wilke, Economic Development Director; and Ms. Tara Grimm, MMC, Clerk of Council.

ABSENT: None

The Mayor welcomed everyone and referred to Ms. Nancy Nozik of Brandstetter Carroll.

Ms. Nozik had several large boards for Council's viewing as well as hard copies depicting the exterior 3D views, floor plans for all 3 levels, and the space program breaking down the square footage. ***(See Attachment #1).*** She stated they are about half-way through the schematics. The focal point will be the curved rotunda on the corner. She then went over the three levels of the building beginning with the main level that will be entered from the parking area, then the lower level that will be entered from Haymaker, and the upper level.

A summary of the comments and questions were:

Mr. Kuhar asked if the rotunda was opened or closed at the 2nd story, if it was 2 or 3 stories, or 2 stories with offices on 3rd floor. He was also concerned about the windows and heat loss or gain.

Ms. Nozik explained that the rotunda was 2 stories tall and the City Manager's offices were on the 3rd floor in the rotunda area. She also explained that they are looking at shading devices and the band on the picture is actually a shading device. Ms. Nozik stated she has provided Ms. Baker with some shading examples.

Mr. Sidoti liked the rendition and spatial look - "Urban Chic". He is concerned about the flat roof and asked if maybe they can look at a pitched roof and ways to facilitate solar panels, if cost effective.

Ms. Nozik explained how the roof and solar has been talked about a lot. There is a need for flat roof space for the mechanical systems, while hiding the views from the street, and that you could still place solar panels on flat roofs. The image and aesthetic is different with pitched roofs.

Mayor Fiala stated there are issues with the flat roof leaking over at the new Police Department near Clerk Grimm's office.

Ms. Shaffer felt that the pitched roof would take away from the block look, but maybe can angle it to fit in with an older city and modern building combined. She asked about the Lower Level space being potentially reconfigured for the Health Department as we are interested in creating a flexible structure and utilize wasted space.

Ms. Nozik stated she has visited the Health Department and their unique nature requires a fair amount of space; however there may be flexibility to expand other departments in the Lower Level. Maybe file storage could go off site. She explained that they are looking at the building and trying not to over build but also plan for the future.

Mayor Fiala mentioned the possibility of building out over Council Chambers.

Ms. Nozik stated yes but reminded Council how that could become a budget issue.

Ms. Wallach commented on how the inside looks good. She felt good overall on the façade but stated that the ends of the building looked and felt institutional like the old building. She would like to see it more inviting and friendly.

Mr. Kuhar joked how he doesn't like much of anything, but likes how the building is looking. He added how flat roofs could hold non-intrusive solar panels with minor visibility and how life spans are getting longer and better for flat roofs. He also suggested a plaza type building with arched windows to meet Ms. Wallach's concerns.

Mr. Ferrara asked if the rotunda on the corner is centered with the building across the street and how it relates.

Ms. Nozik stated they had not looked at that, then showed a photo of the building across the street on one of the display boards. She noted it is set back more and that only the top portion is rounded. Ms. Nozik further stated how the back entry off the parking lot needs to be more attractive.

Mayor Fiala reminded everyone they were running out of time and asked about financing and public presentation.

Mr. Ruller explained that the New City Hall Administration Building has been discussed in their Capital Project review meeting. The financing strategies for $5.7 million have yet to be determined. At the end of this process Ms. Nozik will provide a cost out. Then we will hold 1-2 meetings and/or an open house with the public.

Mayor Fiala stated we are out of time, thanked Ms. Nozik and adjourned the Council Work Session at 7:26 p.m.

Tara Grimm, MMC Clerk of Council	Jerry T. Fiala Mayor and President of Council

ORDINANCE NO. 2018-120

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; AS AMENDED BY ORDINANCE NO. 2018-71, PASSED JUNE 20, 2018; AS AMENDED BY ORDINANCE NO. 2018-92, PASSED AUGUST 15, 2018; AND AS AMENDED BY ORDINANCE NO. 2018-103, PASSED SEPTEMBER 19, 2018; SO AS TO INCREASE APPROPRIATIONS IN FUND 001, GENERAL; AND FUND 126, COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG); AND SO AS TO DECREASE APPROPRIATIONS IN FUND 208, STORM 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, as amended by Ordinance No. 2018-92 passed August 15, 2018, as amended by Ordinance No. 2018-103 passed September 19, 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

ATTEST: ________________________
Tara Grimm, MMC
Clerk of Council

____
Jerry T. Fiala
Mayor and President 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

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	$94,124				$207,831
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	$2,508,121	$310,000	$0	$100,000	$5,754,859
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	$300,150	$442,227			$765,002
Fund Total	$22,625	$300,150	$442,227	$0	$0	$765,002
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	$46,536	$14,000			$583,918
Budget & Finance (Debt)				$54,608		$54,608
Contingency					$50,000	$50,000
Fund Total	$2,214,265	$873,391	$2,445,609	$54,608	$50,000	$5,637,873
Sewer (202)						
Service	$1,909,922	$903,384	$490,442			$3,303,748
Service (Capital Facilities)			$756,508			$756,508
Admin. Support	$574,813	$48,837	$14,000			$637,650
Budget & Finance (Debt)				$684,208		$684,208
Contingency					$50,000	$50,000
Fund Total	$2,484,735	$952,221	$1,260,950	$684,208	$50,000	$5,432,114
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)			$966,485			$966,485
Admin. Support	$306,635	$70,921	$89,000			$466,556
Budget & Finance (Debt)				$9,968		$9,968
Fund Total	$533,454	$70,921	$1,080,485	$9,968	$0	$1,694,828
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			$274,900			$274,900
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	$10,511,374	$806,258	$25,000	$11,342,632
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	$12,399,656	$18,528,139	$7,584,525	$250,000	$61,458,824
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		$13,284	($1,900,000)			($1,886,716)
Amendment #7		$23,500	($75,000)			($51,500)
Amendment #8						$0
	$22,696,504	$12,399,656	$18,528,139	$7,584,525	$250,000	$61,458,824

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**

RESOLUTION NO. 2018-121

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT BETWEEN MAIN STREET KENT AND THE CITY OF KENT TO GRANT MAIN STREET KENT UP TO SEVENTY THOUSAND DOLLARS ($70,000) TO PROMOTE ECONOMIC DEVELOPMENT AND REVITALIZATION TO THE CITY OF KENT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent wishes to enter into an agreement with Main Street Kent; and

WHEREAS, the City of Kent wishes to grant Main Street Kent up to Seventy Thousand Dollars ($70,000) for the 2019 and 2020 calendar years with a City option to renew the agreement at Seventy Thousand Dollars ($70,000) for calendar year 2021, to promote economic development and revitalization to the City of Kent.

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

SECTION 1. That Council does hereby authorize the City Manager, or his designee, to enter into an Agreement with Main Street Kent and to grant Main Street Kent up to Seventy Thousand Dollars ($70,000) for the 2019 and 2020 calendar years with a City option to renew the agreement at Seventy Thousand Dollars ($70,000) for calendar year 2021, to promote economic development and revitalization to the City of Kent, and is more fully described 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 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

AGREEMENT

THIS AGREEMENT made this ____ day of _______, 2018 by and between the City of Kent, Ohio, hereinafter referred to as "CITY" and Main Street Kent, hereinafter referred to as "GRANTEE".

WHEREAS, GRANTEE desires to receive funding from the CITY and agrees to abide by the Grant Requirements attached hereto as "EXHIBIT A;" and

WHEREAS, GRANTEE will sponsor various activities within the City of Kent; and

WHEREAS, GRANTEE and the CITY have agreed to a two (2) year commitment from the CITY with the CITY having the option to renew the agreement for a third year; and

WHEREAS, the Kent City Council has contributed to Grant Programs to support the economic revitalization of the local economy; and

WHEREAS, the Kent City Council approved a grant of Seventy Thousand Dollars and no cents ($70,000.00) to the GRANTEE for calendar years 2019 and 2020, with a CITY option to renew the agreement at Seventy Thousand Dollars and no cents ($70,000.00) for calendar year 2021.

NOW, THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. GRANTEE agrees to abide by the terms and conditions of the Grant Requirements as delineated in "EXHIBIT A."

2. CITY agrees to grant GRANTEE Seventy Thousand Dollars and no cents ($70,000.00) for eligible expenses related to the Downtown Program in accordance with GRANTEE's Program Description and Program Budget. The CITY will donate the Seventy Thousand Dollars and no cents ($70,000.00) to exercise its option to renew the agreement for calendar year 2021.

3. In return for this consideration, the GRANTEE agrees to provide City Council with four (4) quarterly reports throughout the year indicating the activities undertaken, estimates of the economic impact generated through its efforts, and a financial statement for the GRANTEE for year to date. Reports shall be submitted as follows:

    a. January 1st - March 31st: Due April 30st
    b. April 1st - June 30th: Due July 31st
    c. July 1st- September 30th: Due October 31st

d. October 1st – December 31st: Due January 31st

4. This Agreement shall be binding upon the parties, their successors and assigns.

WITNESS: **CITY OF KENT, OHIO**

_______________________________ _______________________________
David Ruller, City Manager, City of Kent

Approved as to Form:

____
Hope Jones, Law Director, City of Kent

WITNESS: **MAIN STREET KENT**

_______________________________ _______________________________
Regan Gettans, President
Main Street Kent Board of Directors

CERTIFICATE OF DIRECTOR OF BUDGET AND FINANCE

It is hereby certified that the amount of $70,000.00 required to meet the contract, agreement, obligation, payment or expenditure for the above has been lawfully appropriated or authorized or directed for such purposes and is in the City Treasury or in the process of collection to the credit of the General Fund, free from any obligation or certificates now outstanding.

_____________________ _______________________________
Date David Coffee,
Director of Budget & Finance, City of Kent

“EXHIBIT A”

GRANT REQUIREMENTS

GOAL:

To provide opportunities to promote economic development and revitalization of the Kent central business district; to celebrate the quality of life enjoyed by the residents of the City of Kent; and share with those outside of the community the attributes that make Kent a unique and exciting place to work, go to school, and to live.

OBJECTIVES:

1. Attract City of Kent residents, and visitors from other communities, to downtown events.
2. Promote the City’s attributes to those outside of the community.
3. Create additional commercial opportunities for downtown retail operations.
4. Help to enhance a positive business climate for additional investment by businesses in the Kent downtown area.

PROGRAM AND ADMINISTRATIVE REQUIREMENTS:

1. The project should be oriented toward attracting people to downtown Kent.
2. Funding is intended to support verifiable program expenses and reasonable administrative costs.
3. The GRANTEE shall submit reports to the City of Kent, four (4) times a year, summarizing and documenting the results of the pursuit of the stated goal and objectives as stated in Section 3.
4. GRANTEE shall maintain the necessary records to adequately document the financial activity and transactions of the organization, including but not limited to, revenues received, itemized expenditures and outlays, procurement activities, and unobligated fund balances for the GRANTEE’s fiscal year. The CITY reserves the right to access and review these records for monitoring purposes in order to ensure the GRANTEE is performing in accordance with generally accepted financial and accounting principals and the program’s stated goal and objectives.
5. The GRANTEE shall submit a copy of its most recent Annual Audit within six (6) months of the end of the GRANTEE’s most recent fiscal year and include copies of any management letter or other communication from the entity performing the audit which describes deficiencies and/or prescribed corrective actions. The GRANTEE shall also provide the CITY with written evidence showing what actions it has or is undertaking to address any such deficiencies.
6. The GRANTEE shall be current at all times in paying City Income Tax due the City of Kent, Ohio and in withholding the proper amount of income tax due the CITY from its employees.

RESOLUTION NO. 2018-122

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT A GRANT IN THE AMOUNT OF $72,140.00 FROM THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC), AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent, Ohio is a member of the Northeast Ohio Public Energy Council ("NOPEC") and is eligible for one or more NOPEC Energized Community Grants for 2018 ("NEC Grant(s)") as provided for in the NEC Grant Program guidelines; and

WHEREAS, the City of Kent, Ohio wishes to accept the grant in the amount of $72,140.00 and enter into a Grant Agreement with NOPEC, Inc. to receive one NEC Grant for 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 Kent City Council hereby authorizes the City Manager, or his designee, to accept the grant in the amount of $72,140.00 and enter into a Grant Agreement with NOPEC, attached hereto as Exhibit "A" and made a part hereof.

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

NOPEC, Inc.

NOPEC ENERGIZED COMMUNITY

GRANT AGREEMENT

This Grant Agreement (the "Agreement") is made and entered into by and between NOPEC, Inc. ("NOPEC"), and __________________, _____________ County, Ohio ("Grantee"; NOPEC and Grantee, the "Parties") regarding a grant by NOPEC to Grantee to be used primarily for energy efficiency or energy infrastructure projects in accordance with NOPEC Energized Community Grant criteria, guidelines and requirements ("NOPEC Policy").

NOW, THEREFORE, in consideration of the foregoing and the mutual promises and covenants hereinafter set forth, the Parties hereby agree as follows:

1. **Grant of Funds**. NOPEC hereby grants a NOPEC Energized Community Grant ("NEC Grant") to Grantee in the amount calculated by NOPEC based on the number of natural gas and/or electric accounts served by NOPEC in Grantee in accordance with NOPEC Policy in the amount determined by NOPEC ("Funds"), for the purposes set forth in Grantee's Grant Application, as amended, and incorporated by reference into this Agreement for the Project(s) described on Schedule(s) to this Agreement.

2. **Use of Funds.** Grantee shall use the Funds granted by NOPEC for the Project(s) approved by NOPEC. Funds shall be paid in accordance with NOPEC Policy. NEC Grant disbursements shall be accompanied by a completed Disbursement Request Form with the expenditures supported by contracts, invoices, vouchers, and other data as appropriate as supporting documents. Funds not used in the year they are granted to Grantee may be escrowed and carried forward for up to two (2) years from NOPEC grant approval. If Grantee does not expend the Funds for the Project(s) approved by NOPEC within three (3) years of NOPEC's approval, Grantee shall forfeit any unused Funds.

3. **Accounting of Funds.** Grantee shall keep all Funds and make all disbursements and expenditures consistent with the manner in which all public funds are kept by Grantee in accordance with applicable law.

4. **Term.** The Parties agree that this Agreement shall begin on January 1, 2018, and shall expire on December 31, 2018, and shall be automatically renewed annually unless NOPEC discontinues the NEC Grant program for any subsequent year or Grantee is no longer a NOPEC member in good standing, as defined herein.

5. **Renewable Energy Credits.** Grantee shall be entitled to claim Renewable Energy Credits, carbon credits, or NOx allowances and/or allowances arising under other trading programs that may be established in the future for the Project(s). NOPEC reserves the right to claim/apply for such allowances if Grantee does not claim such allowances or this Agreement terminates. Grantee must notify NOPEC if Grantee does not wish to trade or sell any such credits or assets.

6. **Records, Access and Maintenance.** Grantee shall establish and maintain all records associated with the Funds in accordance with the Ohio Public Records Act and shall promptly make available to NOPEC all of its records with respect to matters covered by this

Agreement, and for NOPEC to audit, examine and make copies from such records. Grantee agrees to share and release all of its utility and other data with NOPEC, Inc. and NOPEC and its consultant(s) in order to measure, verify and otherwise track savings from energy efficiency and for such other related uses as NOPEC shall require.

7. **Property and Equipment Purchases.** All items purchased by Grantee from the Funds granted herein are and shall remain the property of Grantee.

8. **Inability to Perform.** In the event that Grantee does not or cannot complete the Project(s) or perform its obligations under this Agreement, Grantee shall immediately notify NOPEC in writing. NOPEC, with the approval of the Committee formed to award NEC Grants (the "Committee"), and Grantee shall jointly identify Project amendments or suitable Project(s) that meet NOPEC Policy.

9. **Dispute Resolution.** In the event Grantee desires clarification or explanation of, or disagrees with, any matter concerning the Agreement, or the interpretation or application of any and all federal or state statutes, rules, regulations, laws or ordinances, the matter must be submitted in writing to NOPEC, which shall convene the Committee to review and decide the matter. All decisions of the Committee shall be final and binding upon Grantee, and non-appealable.

10. **Termination.**

(a) If NOPEC determines that Grantee has failed to perform any requirements of this Agreement, or if Grantee is in default under any provision of this Agreement, or upon just cause, as shall be determined by the Committee, NOPEC, upon approval by the Committee, may terminate the Agreement at any time after providing Grantee with written notice and a period of at least thirty (30) days to cure any and all defaults under this Agreement. During such thirty day cure period, Grantee shall incur only those obligations or expenditures which are necessary to enable Grantee to continue to achieve compliance with the terms of this Agreement.

(b) This Agreement shall automatically terminate if Grantee is not a NOPEC member in good standing. A NOPEC member in good standing means a Northeast Ohio Public Energy Council member whose residents are receiving service from Northeast Ohio Public Energy Council's natural gas or electric aggregation program and which has not provided written notice to withdraw from such Northeast Ohio Public Energy Council's natural gas or electric aggregation program.

11. **Effects of Termination.**

(a) Within sixty (60) days after termination of this Agreement, Grantee shall surrender all reports, data, documents, and other materials assembled and prepared pursuant to this Agreement which shall become the property of NOPEC. Upon surrender of such material, Grantee shall receive Funds only as to a Project that had been approved for a NEC Grant by NOPEC prior to such termination.

(b) The Committee also may withhold final installment payment of the Funds or require Grantee to return all or any part of the Funds awarded if Grantee is found to have violated the provisions of this Agreement. Notwithstanding any other provision in this Agreement, if Grantee either withdraws from membership in the Northeast Ohio Public Energy Council or from its electric or natural gas aggregation program(s), Grantee shall no longer be eligible for any NEC Grants. The provisions of this paragraph are in addition to the termination provisions of this Agreement and to any payments required under the Northeast Ohio Public Energy Council Bylaws and the Northeast Ohio Public Energy Council of Governments Agreement with its member communities in connection with any such withdrawal.

12. **Liability.** Grantee shall maintain, or cause any vendors or subcontractors to maintain, all required liability and property insurance to cover actionable legal claims for liability or loss which are the result of injury to or death of any person, damage to property caused by the negligent acts or omissions, or negligent conduct of the Grantee. To the extent permitted by law, in connection with activities conducted in connection with this Agreement. Grantee agrees to defend NOPEC and pay any judgments and costs arising out of such negligent acts or omissions, and nothing in this Agreement shall impute or transfer any liability of any nature whatsoever from Grantee to NOPEC, Inc. or the Northeast Ohio Public Energy Council.

13. **Compliance with Laws.** Grantee agrees to comply with all applicable federal, state, and local laws in the performance of the Project. Grantee is solely responsible for payments of all unemployment compensation, insurance premiums, workers' compensation premiums, all income tax deductions, social security deductions, and any and all other taxes or payroll deductions required for all employees engaged by Grantee on the performance of the work authorized by this Agreement.

14. **Miscellaneous.**

(a) Governing Law. The laws of the State of Ohio shall govern this Agreement. All actions regarding this Agreement shall be venued in a court of competent subject matter jurisdiction in Cuyahoga County, Ohio.

(b) Entire Agreement. This Agreement and any documents referred to herein constitute the complete understanding of the Parties and merge and supersede any and all other discussions, agreements and understandings, either oral or written, between the Parties with respect to the subject matter hereof.

(c) Severability. Whenever possible, each provision of this Agreement shall be interpreted in such manner as to be effective and valid under applicable law, but if any provision of this Agreement is held to be prohibited by or invalid under applicable law, such provision shall be ineffective only to the extent of such prohibition or invalidity, without invalidating the remainder of such provisions of this Agreement.

(d) Notices. All notices, consents, demands, requests and other communications which may, or are required to be, given hereunder shall be in writing and delivered to the addresses set forth hereunder or to such other address as the other party hereto may designate from time to time:

In case of NOPEC, to:

Charles W. Keiper, II
President
NOPEC, Inc.
31360 Solon Road
Suite 33
Solon, OH 44139

In case of Grantee, to:

Fiscal Officer (or other position)
____
____
____________, Ohio ______

(e) Amendments or Modifications. Either party may at any time during the term of this Agreement request amendments or modifications. Requests for amendment or modification of this Agreement shall be in writing and shall specify the requested changes and justification therefor. The Parties shall review the request for modification in terms of the Project and NOPEC Policy. Should the Parties consent to modification of the Agreement, then an amendment shall be drawn, approved, and executed in the same manner as the original Agreement.

(f) Headings. Section headings contained in this Agreement are inserted for convenience only and shall not be deemed to be a part of this Agreement.

(g) Assignment. Neither this Agreement nor any rights, duties or obligations described herein, shall be assigned or subcontracted by Grantee without the prior express written consent of NOPEC.

(h) Authority. The undersigned represents and warrants to the other that each has all the necessary legal power and authority to enter into this Agreement. Grantee further represents and warrants to NOPEC that it has received all necessary approvals from Grantee's legislative authority for Grantee to accept the NEC Grant and enter into this Agreement.

(i) Determinations by NOPEC Final. All determinations as to eligibility of any project for an award of any NEC Grant, and the amount and payment schedule of a NEC Grant, will be made by NOPEC and its Committee, which shall be final, conclusive and binding upon Grantee.

(j) Designation of Grantee Representative. Grantee hereby designates its [Fiscal Officer] to take all actions with respect to the NEC Grant and this Agreement as may be required and NOPEC shall be entitled to rely on the authority of such designated representative of Grantee in connection with this Agreement.

(k) Marketing Consent. Grantee hereby authorizes NOPEC, Inc. and NOPEC to use information about Grantee's grant(s) and project(s) in any marketing they may conduct, and agrees to cooperate with NOPEC in connection with such marketing.

[*Signature Page to Follow*.]

IN WITNESS WHEREOF, the Parties hereto have executed this Grant Agreement on the last date set forth below.

GRANTEE:

________________________, Ohio

By:________________________________

Its:________________________________

Date:______________________________

NOPEC, INC.:

By:__________________________________

Its:__________________________________

Date:________________________________

[Signature page to NOPEC Energized Community Grant Agreement.]

EXHIBIT "A"

SCHEDULE

PROJECT(S)

ORDINANCE NO. 2018-123

AN ORDINANCE ENACTING SECTION 521.18 OF THE KENT CODIFIED ORDINANCES TITLED "SWEEPING LEAVES AND GRASS INTO GUTTERS PROHIBITED", AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent wishes to enact Section 521.18 of the Kent Codified Ordinances titled "Sweeping Leaves and Grass into Gutters Prohibited".

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

SECTION 1. That Council does hereby enact Section 521.18 per Exhibit "A", attached hereto and made a part thereof.

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

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

PASSED: ______________________
Date

____
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: ______________________
Date

ATTEST: ______________________
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

EXHIBIT “A’

521.18 SWEEPING LEAVES AND GRASS INTO GUTTERS PROHIBITED.

No person shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of leaves or grass clippings from any building or lot or from the public sidewalks. Said actions are hereby declared to be a public nuisance and civil offense.

RESOLUTION NO. 2018 –124

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A TRAIL CROSSING LIGHTING AGREEMENT BETWEEN THE CITY OF KENT AND KENT STATE UNIVERSITY TO JOINTLY INSTALL ROADWAY LIGHTS AT THE TRAIL/ESPLANADE CROSSINGS OF WILLOW AND LINCOLN STREETS, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent desires to enter into a Trail Crossing Lighting Agreement with Kent State University (KSU) to jointly install roadway lights (not traffic signals) at the Trail/Esplanade crossings of Willow and Lincoln Streets; and

WHEREAS, the City and KSU have noticed an increase in pedestrian/bike traffic along the Trail/Esplanade to and from downtown and campus; and

WHEREAS, adding lighting to the existing electrical circuits owned by KSU would be the most cost effective method to improve visibility at the roadway crossings; and

WHEREAS, the agreement includes KSU managing the installation of the lights and the City reimbursing KSU for fifty percent (50%) of the out of pocket expenses.

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:

<u>SECTION 1.</u> That Council does hereby authorize the City Manager, or his designee, to enter into a Trail Crossing Lighting Agreement between the City and KSU to jointly install roadway lights at the Trail/Esplanade crossings of Willow and Lincoln Streets, and is more fully described in Exhibit "A" attached hereto and incorporated herein.

<u>SECTION 2.</u> 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.

<u>SECTION 3.</u> 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

Trail Crossing Lighting Agreement
POR-KSU Gateway Bike Trail (PID 88517)

KENT STATE UNIVERSITY
AND
THE CITY OF KENT

ALL PARTIES BEING IN THE COUNTY OF PORTAGE,
STATE OF OHIO

This Agreement, dated ______________________ 2018, is an agreement made and entered into between Kent State University ("KSU") and the City of Kent, Ohio, duly formed under the laws of the State of Ohio (the "City").

WITNESSETH:

WHEREAS, KSU and the City worked collaboratively to connect KSU and downtown Kent through the construction of the POR-KSU Gateway Bike Trail (PID 88517), hereinafter referred to as the *Gateway Bike Trail*; and

WHEREAS, KSU and the City executed the Construction, Maintenance and License Agreement POR-KSU Gateway Bike Trail (PID 88517) on November 17, 2011 (Attachment "A") to formalize the collaboration on the *Gateway Bike Trail*; and

WHEREAS, the *Gateway Bike Trail* crosses Lincoln Street and Willow Streets; and

WHEREAS, KSU is responsible for the safety, maintenance and use of the Gateway Bike Trail; and

WHEREAS, the City is responsible for the safety, maintenance and use of the Lincoln and Willow Streets; and

WHEREAS, both KSU and the City desire to improve the safety and usability of the *Gateway Bike Trail* crossings at Lincoln Street and Willow Streets by installing street lights ("Project"); and

WHEREAS, KSU and the City have determined that the most cost effective method to install street lights at the *Gateway Bike Trail* crossings would be to expand KSU's existing lighting circuits for a budgeted cost of one hundred thousand dollars ($100,000);

NOW THEREFORE, in consideration of the mutual agreements contained herein, the parties hereby agree as follows:

KSU Responsibilities:

- Manage the design and construction of the project, including holding all contracts with outside entities required to complete the Project. The design will include KSU's light poles, including brackets for banners, while lighting the crossings to applicable standards.
- Submit plans to the City for review and to obtain a Right of Way Permit for the Project.
- Invoice the City fifty percent (50%) of out of pocket expenses required to complete the project.
- Maintain the project after completion in accordance with the terms of the existing agreement included in Attachment "A".

City Responsibilities:

- Waive all City permit and review fees associated with the Project.
- Reimburse KSU fifty percent (50%) of all out of pocket expenses for the completion of the Project not to exceed \$50,000.

City and KSU Responsibilities:

- KSU and the City shall review and approve plans and specifications associated with the construction of the Project.

Schedule:

The City and KSU will diligently pursue the completion of the Project. Construction shall be completed by June 30, 2019 unless otherwise modified by both parties.

Term, Termination and Abandonment:

The Term, Termination and Abandonment of the facilities constructed under the Project shall be included as part of the existing agreement included in Attachment "A".

Severability:

In the event any one or more of the provisions contained in the Agreement shall be determined to be invalid and the remaining provisions can be given effect, then in such event the remaining provisions shall remain in full force and effect.

Non-Assignment:

The rights, duties and responsibilities of parties under this agreement shall not be assignable by either party without written consent of the other party.

Non-Waiver of Breach:

The waiver of a breach of any one or more of the terms, provisions and conditions set forth and included in this Agreement shall not constitute, nor be construed to represent or constitute, the waiver in whole or in part of any subsequent breach of any term, provision or condition contained in this Agreement.

Integrated Agreement:

This Agreement, including attachments, represents the entire, complete and exclusive understanding and agreement of the parties hereto and reduces to writing all oral negotiations and agreements of the parties and shall not be changed, varied or otherwise amended except in writing, signed by each of the parties hereto.

Notices:

Unless and until otherwise advised in writing in accordance herewith, all notices required to be given under this Agreement shall be in writing sent by certified mail, postage prepaid, as follows:

To City: City of Kent
301 South Depeyster Street
Kent, Ohio 44240
Attn: City Manager

To KSU: Vice President for Administration
Kent State University
P.O. Box 5190
Kent, Ohio 44242

Article Headings:

The article headings contained herein are inserted only as a matter of convenience and for reference and in no way shall be construed to define, limit or describe the scope or intent of this Agreement, nor in any way to affect the interpretation of any provision of this agreement.

Governing Law:

This Agreement is being executed in the state of Ohio and the laws of Ohio shall govern its validity, effect and performance.

In witness whereof, the Parties hereto have offered their hands and seals:

KENT STATE UNIVERSITY

Approved and Accepted by:

___________________________ Witness:___________________________

Mark Polatajko,
Senior Vice President
for Finance and Administration

Witness:___________________________

Date: _________________________

CITY OF KENT

Approved and Accepted by:

___________________________ Witness:___________________________

Dave Ruller
City of Kent, City Manager

Witness:___________________________

Date: _________________________

Approved as to Form:

____

Hope Jones
City of Kent, Law Director

Date: _________________________

Certificate of Director of Budget and Finance

It is hereby certified that the amount FIFTY THOUSAND Dollars ($50,000) required to meet the contract, agreement, obligation, payment or expenditure, for the above, has been lawfully appropriated or authorized or directed for such purpose and is in the City Treasury or in the process of collection to the credit of the Capital Fund free from any obligation or certificates now outstanding.

____

Dave Coffee,
Director of Budget and Finance

____

Date

Attachment A

Construction, Maintenance and License Agreement

POR-KSU Gateway Bike Trail (PID 88517)

Construction Maintenance and License Agreement
POR-KSU Gateway Bike Trail (PID 88517)

THIS CONSTRUCTION, MAINTENANCE AND LICENSE AGREEMENT made this 17 day of NOVEMBER, 2011, by and between the CITY OF KENT (hereinafter referred to as "CITY") and KENT STATE UNIVERSITY (hereinafter referred to as "KSU") recites that:

WHEREAS, the CITY and KSU agreed to cooperate in the design, construction and funding of the Esplanade Extension, SR 59 crossing and Erie Street upgrade on March 5, 2010. This Memorandum of Understanding is included as Exhibit A; and

WHEREAS, the CITY and KSU amended the Memorandum of Understanding dated March 5, 2010 on June 17, 2010 to incorporate a $700,000 grant received by the City for the construction of the Esplanade Extension. This amendment to the Memorandum of Understanding is included as Exhibit B; and

WHEREAS, the construction of the Esplanade Extension shall now be known as POR-KSU Gateway Bike Trail - PID 88517 (hereafter referred to as ("POR-KSU") to coincide with the funding obtained; and

WHEREAS, a portion of the POR-KSU will traverse the property of KSU for the enjoyment and use by the general public including KSU (hereinafter referred to as "USERS"); and

WHEREAS, the CITY and KSU desire to delineate the duties, rights, and responsibilities of each party to the other regarding POR-KSU;

NOW THEREFORE, in consideration of the mutual agreements contained herein, the parties do hereby agree as follows:

CONSTRUCTION

KSU hereby grants to the City a license for the construction, maintenance and use of The POR-KSU across a portion of the KSU campus. The City shall construct The POR-KSU in accordance with plans and specifications that have been approved by KSU and the City. KSU shall maintain The POR-KSU in accordance with terms defined later in this agreement.

The POR-KSU shall be designed to meet minimum AASHTO standards for bike and hike trails and be approved by The Ohio Department of Transportation. The project shall be constructed in accordance with the policies of the Local Public Administered projects required by the Ohio Department of Transportation. Additional amenities for the POR-KSU such as observation points, bridges, boardwalks, lighting, water fountains, art, trash bins, signage, etc. shall also conform to current KSU standards. These amenities shall receive KSU approval prior to installation regarding its proposed type, size and location.

KSU shall be responsible for the cost of all utilities connected for use along The POR-KSU.

The City shall administer the contracts for the design and construction of the POR-KSU. KSU shall reimburse the City all local share costs for the project. The project construction budget of $3,282,000, previously approved by the KSU Board of Trustees on 6-2-11, shall not be exceeded without the written approval of KSU. The project construction budget includes all costs to complete the construction of the project, including but not limited to; construction engineering, inspection services, testing services, utility fees, legal fees, construction & contingencies. KSU shall assist the City's Engineer to complete the construction of the project within the approved budget.

LOCATION

The POR-KSU shall commence at or near the intersection of Erie Street and S.R. 59 and continue easterly to its terminus at the existing Esplanade at Lincoln Street generally following the route delineated in Exhibit C.

KSU reserves the right to relocate the POR-KSU on its property and or its related amenities at any time during the term of this agreement. KSU shall be responsible for the cost of any such relocation, shall maintain the POR-KSU connectivity to The Portage Bike and Hike Trail system and shall meet minimum AASHTO standards for bike and hike trails effective the date of this agreement. Conversely, the City may not alter The POR-KSU on KSU property without receiving the written approval of KSU.

MAINTENANCE

The POR-KSU, including all improvements and amenities, shall be the sole maintenance and repair responsibility of KSU. The City shall have the right to make any and all emergency repairs necessary at roadways to protect the safety and welfare of the traveling public. The City shall notify KSU of the emergency repairs and KSU shall diligently pursue to make all permanent repairs to the facility upon receipt of notification from the City.

The City & KSU shall perform non-emergency repairs to its utilities in such a manner as to minimize disturbance to the functioning of the POR-KSU. The POR-KSU shall be restored to the quality of the existing facility with similar materials whenever the City and or KSU disturb the facility in the course of repairing and/or maintaining its utilities or facilities.

Maintenance shall be in accordance with the standards generally applied to public facilities of this nature, including repair and/or replacement as a result of weather, animals, individuals or any other cause. The maintenance responsibility shall remain in full force for the duration of the terms of this agreement.

SAFETY/LIABILITY

The safe and secure enjoyment of The POR-KSU by users while on the property of KSU shall be the sole responsibility of KSU. KSU hereby indemnifies and saves harmless the City from and against any liability actions, claims and causes of action, whether in law or in equity, for injury or death to persons or damage to property related to the use of The POR-KSU.

KSU shall maintain general liability insurance coverage to such extent and in such amounts, as it deems appropriate, but in no event less than the amount of coverage that the City carries for general liability coverage. KSU shall cause the city to be named as additional insured, whether in law or in equity. Further the City shall name KSU as an additional insured on any liability coverage in place for the operation and use of The POR-KSU.

TERM, TERMINATION AND ABANDONMENT

It is the desire of the parties that this agreement shall remain in full force in perpetuity, but in no event shall the initial term of this agreement expire before January 1, 2062. After such initial term, should the City wish to abandon the other portions of the Portage, or should KSU abandon The Portage-KSU, and/or terminate this agreement, the moving party shall give the other party no less than 365 days prior notice.

SEVERABILITY

In the event anyone or more of the provisions contained in the Agreement shall be determined to be invalid and the remaining provisions can be given effect, then in such event the remaining provisions shall remain in full force and effect.

NON-ASSIGMNENT

The rights, duties and responsibilities of parties under this agreement shall not be assignable by either party without written consent of the other party.

NON-WAIVER OF BREACH

The waiver of a breach of any one or more of the terms, provisions and conditions set forth and included in this Agreement shall not constitute, nor be construed to represent or constitute, the waiver in whole or in part of any subsequent breach of any term, provision or condition contained in this Agreement.

INTEGRATED AGREEEMENT

This Agreement, including exhibits, represents the entire, complete and exclusive understanding and agreement of the parties hereto and reduces to writing all oral negotiations and agreements of the parties and shall not be changed, varied or otherwise amended except in writing, signed by each of the parties hereto.

NOTICES

Unless and until otherwise advised in writing in accordance herewith, all notices required to be given under this Agreement shall be in writing sent by certified mail, postage prepaid, as follows:

To City: City of Kent
215 East Summit street
Kent, Ohio 44240

To KSU: Vice President for Administration
Kent State University
P.O. Box 5190
Kent, Ohio 44242

ARTICLE HEADINGS

The article headings contained herein are inserted only as a matter of convenience and for reference and in no way shall be construed to define, limit or describe the scope or intent of this Agreement, nor in any way to affect the interpretation of any provision of this agreement.

GOVERNING LAW

This Agreement is being executed in the state of Ohio and the laws of Ohio shall govern its validity, effect and performance.

IN WHITNESS WHEREOF, the parties to this agreement have hereunto set their hands on the day and year first written above.

KENT STATE UNIVERSITY

By Gregg S Floyd

Gregg S Floyd
Vice President for Finance & Administration

REVIEWED BY UNIVERSITY COUNSEL

APPROVED AS TO FORM:

Legal Council for Kent State University

CITY OF KENT

By

David Ruller
City Manager

APPROVED AS TO FORM:

Jim Silver
Law Director

Certificate of Director of Budget and Finance

It is hereby certified that the amount SEVEN HUNDRED THOUSAND Dollars ($700,000) required to meet the contract, agreement, obligation, payment or expenditure, for the above, has been lawfully appropriated or authorized or directed for such purpose and is in the City Treasury or in the process of collection to the credit of the Capital Fund free from any obligation or certificates now outstanding.

David A. Coffee

Dave Coffee, Director of Budget and Finance

11-17-2011

Date

Exhibit A
Esplanade – Erie Street Memorandum of Understanding

ESPLANADE – ERIE STREET

MEMORANDUM OF UNDERSTANDING

KENT STATE UNIVERSITY
AND
THE CITY OF KENT

ALL PARTIES BEING IN THE COUNTY OF PORTAGE,
STATE OF OHIO

This Memorandum of Understanding, dated March 5, 2010, is an agreement made and entered into between Kent State University ("KSU") and the City of Kent, Ohio, duly formed under the laws of the State of Ohio (the "City").

WITNESSETH:

WHEREAS, KSU and the City desire better connectivity for pedestrians between KSU and downtown Kent; and

WHEREAS, The City and KSU agree that an extension of the pedestrian facility on campus called the "Esplanade" to downtown Kent would provide the better connectivity desired; and

WHEREAS, The construction of the Esplande Extension requires approval of a break in the Limited Access along SR 59 from the Ohio Department of Transportation; and

WHEREAS, The construction of the Esplanade Extension will require an upgrade and extension of the Esplanade from Lincoln Street to SR 59 and road and pedestrian improvements on Erie Street from SR 59 to Water Street; and

WHEREAS, The KSU Board of Trustees approved revisions to the KSU Campus Master Plan and the City presented to the public on July 9 and 14, 2009 and City Council a downtown redevelopment plan that depicts the extension of the Esplanade from KSU to downtown Kent along Erie Street in downtown Kent; and

WHEREAS, The above Esplanade Extension, SR 59 crossing and Erie Street upgrade represent a significant investment.

THEREFORE, The City and KSU agree to cooperate in the design, construction and funding of the Esplanade Extension, SR 59 crossing and Erie Street upgrade. Each party agrees to the following to create the connectivity described above:

City:

- Improve East Erie Street from SR 59 to Water Street, including street condition, streetscape with increased pedestrian and bicycle facilities and other amenities consistent with other downtown streets.
- Continue to diligently pursue limited access breaks on SR 59 from the Ohio Department of Transportation for the Esplanade-Erie Street connection at SR 59.
- Permit construction of the Esplanade Extension in the existing Erie Street Right-of-Way from SR 59 to Willow Street with consideration of the existing utilities and upon approval of the final plans.
- Perform non-emergency repairs to the existing utilities within the existing Erie Street Right-of-Way in such a manner as to minimize disturbance to the functioning of the Esplanade.
- Repair the Esplanade Extension to the quality of the existing facility with similar materials when the City disturbs the facility in the course of repairing and/or maintaining its utilities.

KSU:

- Extend the Esplanade in accordance with the Board of Trustee approved revisions to the KSU Campus Master Plan, including design, land acquisition and construction.
- Assist the City in pursuing the limited access breaks on SR 59 from the Ohio Department of Transportation for the Esplanade-Erie Street connection at SR 59.
- Maintain the Esplanade Extension from Lincoln Street to SR 59, including routine maintenance such as sweeping, plowing and landscaping, repairs to the surface, lighting system and other amenities and eventually replacement at the end of the facility's useful life.

City and KSU:

- Collaborate to expand and extend the proposed community sculpture walk along the esplanade.
- Collaboratively pursue Federal, State or other funding for the Esplanade Extension from SR 59 to Lincoln Street.
- Collaborate to provide a safe, vibrant pathway between the City and the University including individual and jointly sponsored regularly scheduled events.

Schedule:

The City and KSU will diligently pursue the completion of the Esplanade Extension and Erie Street Upgrade. Construction shall be completed for both facilities by December 1, 2012 unless otherwise modified by both parties.

In witness whereof, the Parties hereto have offered their hands and seals:

CITY OF KENT

Approved and Accepted by:

Dave Ruller
City of Kent, City Manager

Date: 2/22/10

Witness: Suzanne Robinson
Witness: Elizabeth Zorc

Approved as to Form:

James R. Silver
Jim Silver
City of Kent, Law Director

Date: 2-23-10

KENT STATE UNIVERSITY

Approved and Accepted by:

Gregg S. Floyd
Gregg S. Floyd,
Vice President
for Finance and Administration

Date: 3/5/10

Witness: Shelly Ingraham
Witness: [illegible]

REVIEWED BY
FEB 25 2010
UNIVERSITY COUNSEL

<u>Exhibit B</u>
Esplanade – Erie Street Memorandum of Understanding Amendment #1

ESPLANADE – ERIE STREET
MEMORANDUM OF UNDERSTANDING

Amendment #1

KENT STATE UNIVERSITY
AND
THE CITY OF KENT

ALL PARTIES BEING IN THE COUNTY OF PORTAGE, STATE OF OHIO

This Amendment, dated June 17, 2010, is by and between Kent State University ("KSU") and the City of Kent, ("City"), duly formed under the laws of the State of Ohio.

WITNESSETH:

WHEREAS, The City and KSU agreed on March 5, 2010 to complete the design, construction and funding of the Esplanade Extension, SR 59 crossing and Erie Street upgrade, herein after referred to as the "project".

WHEREAS, The City obtained a $700,000 grant for the Esplanade Extension which requires the City manage the design and construction of the project.

NOW, THEREFORE, in consideration of the mutual covenants, promises, conditions and terms to be kept and performed, it is agreed between the parties that the City and KSU agree to collaborate on the design and construction of the Esplanade Extension ("Project"). Each Party shall be responsible for the following tasks to complete the "Project":

City:

- Manage the Local Public Agency (LPA) Agreement with O.D.O.T.
- A City of Kent Engineer will be in responsible charge of the Project.
- Administer the contract involving the Design and Construction of the Project.

KSU:

- Reimburse the City all local share costs for design and construction.
- Assist the City's Engineer in responsible charge to complete the design and construction of the project within the approved frame.
- KSU will pay for all design expenses up to $300,000

City and KSU:

- KSU and the City shall review and approve design plans and specifications.
- KSU and City shall both approve all Project invoices and expenses prior to payment.

In witness whereof, the Parties hereto have offered their hands and seals:

CITY OF KENT

Approved and Accepted by:

Dave Ruller
City of Kent, City Manager

Witness: Suzanne Robertson

Witness: Linda L. Lance

Date: 6-8-10

Approved as to Form:

Jim Silver
City of Kent, Law Director

Date: 6-9-10

Certificate of City of Kent Director of Budget and Finance

It is hereby certified that the amount THREE HUNDRED THOUSAND Dollars ($300,000) required to meet the contract, agreement, obligation, payment or expenditure, for the above, has been lawfully appropriated or authorized or directed for such purpose and is in the City Treasury or in the process of collection to the credit of the ~~General~~ CAPITAL PROJECTS #301 Fund free from any obligation or certificates now outstanding.

Dave Coffee, Director of Budget and Finance

6-17-10
Date

KENT STATE UNIVERSITY

Approved and Accepted by:

Gregg S. Floyd,
Vice President
for Finance and Administration

Witness: Shelley Ingraham

Witness: Peter Berns

Date: 6/2/10

ORDINANCE NO. 2018-125

AN ORDINANCE AMENDING SECTION 935.13 OF THE KENT CODIFIED ORDINANCES TO DELETE CERTAIN LANGUAGE, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent wishes to amend Section 935.13 of the Codified Ordinances to delete certain language; and

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

SECTION 1. That Council does hereby amend Section 935.13 of the Codified Ordinances of the City of Kent to delete certain language per Exhibit "A", attached hereto and made a part thereof.

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

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

PASSED: ________________________
Date

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

935.13 SOLID WASTE RECYCLING FEE RATES.

There shall be a fee, billed to each ~~residential~~ **billing** unit in the city of Kent, weekly or monthly basis for the following:

(a) Annual spring cleanup, yard waste, branches, leaf pickup, mulch supply……….……………………………...$2.88 monthly

(b) Recycling collection

(1) For single and smaller unit residential Properties using a 65 or 95 gallon Container……………………………......$2.28 monthly

(2) For multi-family residential complexes using larger Containers:

A. 2 yard containers will be billed at $10.00 per Collection;

B. 4 yard containers will be billed at $12.00 per Collection; and

C. 8 yard containers will be billed at $15.00 per Collection.

D. Senior citizens discount does not apply to these larger containers.