City of Kent

Wednesday, October 20, 2021

Regular City Council Meeting

320 S. Depeyster Street, Kent, OH 44240

AGENDA

7:25 P.M. CAPER Public Hearing

7:30 P.M. Regular Council Meeting

1. Roll Call

2. Opening Remarks and Pledge of Allegiance- Mike DeLeone

3. Approval of Minutes

   3.1. Work Session Minutes of September 15, 2021

   3.2. Regular City Council Meeting of September 15, 2021

   3.3. Democracy Day Public Hearing of October 6, 2021

   3.4. DORA Expansion Public Hearing of October 6, 2021

   3.5. Special Council Meeting Minutes of October 6, 2021

4. Communications

   4.1. Public Comment

      4.1.1. Anyone wishing to address Council must submit their written comments to the Clerk of Council at councilclerk@kent-ohio.org by 4:30 p.m. on the day of the meeting. If also requesting to speak at the meeting, comments are limited to three (3) minutes

   4.2. Written Communication (All placed on file in the Clerk of Council's office)

      4.2.1. Civil Service Commission Meeting Agenda for September 20, 2021 received September 16, 2021

      4.2.2. Letter of Insufficiency that was sent to the Committee for Sensible Marijuana Laws was forwarded to Council Members on September 20, 2021

4.2.3. Proclamation of Population Certificate from the Ohio Secretary of State, Frank LaRose, indicating the municipality has a population of more than 5,000 persons and continues with its City status (population 28, 215) received on September 20, 2021

4.2.4. Design Guideline document created in October 2009 received from Mr. Doug Fuller and forwarded to Council on September 20, 2021.

4.2.5. Standing Rock Cemetery Board meeting minutes from September 9, 2021 received on September 23, 2021.

4.2.6. Health Board minutes and Statistical Report from September 14, 2021 and Agenda for October 12, 2021 received on October 8, 2021.

4.2.7. Planning Commission Agenda and Staff Report for October 19, 2021 received on October 12, 2021

4.2.8. Liquor License Transfer Request from Beer Bins LLC dba Beer Bins to G108 Ventures LLC, DBA Garage 108 received on August 25, 2021. Chief Shearer did not have any objections

4.3. City Manager's Report

5. Standing Committees & Legislation

5.1. **Committee of the Whole** (Mayor Fiala)

5.1.1. Committee Meeting Minute Approval: NONE

5.1.2. Action(s) Recommended: NONE

5.2. **Community Development** (Kuhar/Rosenberg)

5.2.1. Committee Meeting Minute Approval for October 6, 2021

5.2.2. Action(s) Recommended

1) Approve the appeal of Garage 108 to allow for the use of a backlit business sign on the front of the building

5.3. **Health & Safety Committee** (Amrhein/Sidoti)

5.3.1. Committee Meeting Minute Approval for October 6, 2021

5.3.2. Action(s) Recommended

1) Authorize the proposal to provide dispatch services to Brimfield Township

2) Authorize the expansion of the DORA boundaries to include 310 Park Ave. and 115 Lake Street.

5.3.3. **Draft No. 2021- 103** AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO ENTER INTO A COMMUNICATIONS SERVICE CONTRACT WITH THE BRIMFIELD FIRE DEPARTMENT FOR THE PURPOSE OF PROVIDING 911 DISPATCH SERVICES, AND DECLARING AN EMERGENCY (Authorized)

5.3.4. **Draft No. 2021-104** AN ORDINANCE AMENDING THE DOWNTOWN KENT DORA TO EXPAND THE BOUNDARIES TO INCLUDE TWO NEW BUSINESSES LOCATED AT 310 PARK AVENUE AND 115 LAKE STREET, AND DECLARING AN EMERGENCY (Authorized)

5.4. **Land Use Committee** (Ferrara/Schafer)

5.4.1. Committee Meeting Minute Approval: NONE

5.4.2. Action(s) Recommended: NONE

5.5. **Streets, Sidewalks and Utilities** (Sidoti/Wallach)

5.5.1. Committee Meeting Minute Approval for October 6, 2021

5.5.2. Action(s) Recommended

1) Authorize the application for a grant through the State Highway Safety Program for a study to improve Gougler and River Streets.
2) Authorize the license agreement with 257 N. Water Street for a patio.
3) Authorize the renewal of the water tower easement agreement with Kent State University.

5.5.3. **Draft No. 2021-105** AN ORDINANCE AUTHORIZING THE CITY OF KENT TO SUBMIT A HIGHWAY SAFETY PROGRAM (HSP) GRANT TOTALING $230,843 TO IMPROVE RIVER AND GOUGLER STREETS, TO EXECUTE THE SUBSEQUENT AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT), AND TO ACCEPT THE GRANT, IF AWARDED, WITH CORRESPONDING APPROPRIATION OF FUNDS AND DECLARING AN EMERGENCY. (Authorized)

5.5.4. **Draft No. 2021-106** AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A LICENSE AGREEMENT BETWEEN THE CITY OF KENT AND 257 NORTH WATER, LTD. (257 NORTH WATER STREET) TO INSTALL A FENCED OUTDOOR PATIO TO EXPAND THE SERVICE AT THEIR DOWNTOWN LOCATION, AND DECLARING AN EMERGENCY (Authorized)

5.5.5. **Draft No. 2021- 107** AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO RENEW THE NON-EXCLUSIVE EASEMENT FROM THE STATE OF OHIO (DAS FILE NO. 3180-A-2) ON BEHALF OF THE KENT STATE UNIVERSITY FOR THE CITY'S TELECOMMUNICATIONS EQUIPMENT AND THE EXPANDED USE OF A PERMANENT EASEMENT FOR THE AT&T CELL TOWER, AND DECLARING AN EMERGENCY (Authorized)

5.6. **Finance Committee** (DeLeone/Wallach)

5.6.1. Committee Meeting Minute Approval for October 6, 2021

5.6.2. Action(s) Recommended

1) Approve the 2021 Budget Appropriations Amendment
2) Authorize the approval of the new TIF Agreements.
3) Authorize proceeding with bond issues to finance the new City Hall project.
4) Authorize the advertisement, bidding and selection of the City's bank depository.
5) Approve the ODH Workforce Grant acceptance and allocation.

5.6.3. **Draft No. 2021- 108** AN ORDINANCE AMENDING ORDINANCE NO. 2020-129, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 16, 2020; SO AS TO ADJUST APPROPRIATIONS, TRANSFERS AND ADVANCES FROM THE VARIOUS FUNDS OF THE CITY OF KENT TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES OF THE CITY FOR THE FISCAL YEAR ENDING DECEMBER 31, 2021; AND DECLARING AN EMERGENCY (Authorized)

5.6.4. **Draft No. 2021- 109** AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT SUCH PARCELS, REQUIRING THE OWNERS OF THE IMPROVEMENTS ON SUCH PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A DAVEY TREE EXPANSION PROJECT MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43, AND DECLARING AN EMERGENCY (Authorized)

5.6.5. **Draft No. 2021- 110** AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT SUCH PARCELS, REQUIRING THE OWNERS OF THE IMPROVEMENTS ON SUCH PARCELS TO MAKE SERVICE

PAYMENTS IN LIEU OF TAXES, ESTABLISHING A DUNKIN DONUTS MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43, AND DECLARING AN EMERGENCY (Authorized)

5.6.6. **Draft No. 2021 111** AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT SUCH PARCELS, REQUIRING THE OWNERS OF THE IMPROVEMENTS ON SUCH PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A HASAWI'S MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43, AND DECLARING AN EMERGENCY (Authorized)

5.6.7. **Draft No. 2021- 112** AN ORDINANCE PROVIDING THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF $9,130,000 TO PROVODE FUNDS TO PAY COSTS OF CONSTRUCTING, FURNISHING AND EQUIPPING A NEW CITY HALL AND IMPROVING THE SITE THEREOF, TOGETHER WITH THE NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO, AND DECLARING AN EMERGENCY. (Authorized)

5.6.8. **Draft No. 2021- 113** A RESOLUTION ESTIMATING THE AMOUNT OF ACTIVE, INTERIM, AND INACTIVE DEPOSITS TO BE AWARDED, FIXING PERIOD OF DESIGNATION AND DATE OF AWARDING AND DECLARING AN EMERGENCY (Authorized)

5.6.9. **Draft No. 2021-114** AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACCEPT GRANT FUNDING FOR THE KENT HEALTH DEPARTMENT IN THE AMOUNT OF $180,000 FROM THE CENTERS FOR DISEASE CONTROL AND PREVENTION, AND DECLARING AN EMERGENCY (Authorized)

6. Unfinished Business

7. New Business

8. Councilmembers' Comments

9. Mayor's Report

10. Executive Session: In accordance with ORC §121.22 Section G, Item (4) Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment" Item to be discussed: Contract Negotiations

11. Adjourn

Any person who requires an auxiliary aid or service for effective communication or a modification of policies and procedures to participate in any City or City Council public meeting or event should contact the Clerk of Council at 330-676-7555 or councilclerk@kent-ohio.org. 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.

New City Hall Work Session
September 15, 2021

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara (7:15 p.m.); Mr. John Kuhar; Ms. Gwen Rosenberg; Ms. Heidi Shaffer Bish; Mr. Roger Sidoti; Ms. Tracy Wallach; Mr. Robin Turner

ALSO PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Mr. Jim Bowling, City Engineer; Ms. Joan Seidel, Health Commissioner; Ms. Rhonda Hall, Budget and Finance Director; Mr. Gary Bishop, IT Manager; Mr. Nick Shearer, Chief of Police; Mr. Bill Myers, Fire Chief; Ms. Amy Wilkens, Clerk of Council.

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The Work Session began at 7:00 P.M. with members of council and staff present. Ms. Melanie Baker approached the podium to update members of Council on the New City Hall Project bids that were submitted. Ms. Baker read from a prepared statement (**Attachment #1**).

Mr. Ruller stated that Ms. Rhonda Hall will bring before Council a Budget Appropriation Memo at the next meeting asking them to authorize the additional funding. The plan is to borrow this money, which is about a million dollars more but the interest rates are favorable so it is essentially a wash. When this process was started in 2018 they were projecting paying off the debt on the fire station, which was done in 2020. $250,000 a year was removed from payment and if rates stay the same, we are projecting it being about $430, 000 a year minus $250,000. He added they are very grateful interest rates have remained low.

Mr. Sidoti asked if the bid includes the demo of the old police station and Ms. Baker confirmed it did. He asked about funds remaining from the sale of another building, and Mr. Ruller said we have $1.4 million left from the original sale. He is recommending keeping that money on hand, due to the instability and unknown factors regarding the city's income tax receipts. He needs cash in pocket because he does not know what is coming. Mr. Sidoti added it is important for residents to know the City is not paying any more than was originally estimated.

Mr. DeLeone asked about the money set aside from the new police station to demolish the old police station and where that fits into this. Ms. Baker replied it is still there and will be utilized for the demo. Ms. Rhonda Hall confirmed that is part of the Capital funding. Mr. Ruller and Ms. Baker confirmed an estimate of about $200,000.

Ms. Shaffer Bish inquired about the earliest time demolition could be done. Ms. Baker said keeping it unified with building is the best way to go. She said demolition could occur in the winter, but probably wouldn't occur until February or March.

Mr. Kuhar said there has been speculation that construction costs were expected to drop by 11% by the end of the year. He said with that news we should be able to get it built for less than $8 million. Ms. Baker replied that the issue is that labor costs will probably not be going down. She does not want to go too low

and have this cycle repeat. Ms. Baker confirmed that all contractors are required to bid prevailing wage, as it is a publicly bid project. She added there are both union and non-union contractors who have placed bids. Mr. Turner asked if only previous bidders are allowed to bid again. Ms. Baker said anyone can place a bid.

Mr. Ruller said they expect a lot of the same bidders will more than like resubmit their bids. Some contractors who bid high may not, but they are expecting many to rebid.

Ms. Shaffer Bish asked if we consider minority, women owned businesses or local labor. Ms. Baker said there are no requirements for minority owned businesses. Mr. Ruller stated they have a Kent based company on the list and Mayor Fiala said that some are Portage County based.

Mr. Ferrara asked for clarification on the numbers of the project. Ms. Baker clarified that $8.3 million is now the new construction estimate. The architect did a full review of the project and amendments were made. Mr. Ferrara continued with funding questions and Ms. Baker referred these questions to the Budget and Finance Director, Ms. Rhonda Hall.

Ms. Rhonda Hall distributed a documented and Mr. Ruller said the timing of getting to the bond market as early as possible, but bids must be in hand when this is done.

Ms. Rhonda Hall referenced her document just distributed (**Attachment #2**) saying the current rate is 1.87%. She calculated what the annual principle and interest would be if we wait to finance. The principle and interest of financing $7.5 million at 3% is $428,575. The principle and interest is about the same if we finance $8.5 million at 1.87%. It is a matter of timing.

Ms. Hall said that depending on the direction Council gives to Ms. Baker tonight, she then could go out to bid. Once the bids are open, Ms. Hall has sixty days to sign the certificate so the contract does not change cost. She spoke to the financial advisor and bond counsel and we are backtracking to get the date for the bonding issue. They are aware this will be brought before council on October 6, 2021 and can start the process at that time.

Mr. Sidoti asked when the 1.87% would be locked in. Ms. Hall said it would not be locked in until the actual sale, and whatever the rate is at that time. We are looking at signing the certificate prior to the closer of the bond issue. Ms. Hall said she doesn't want to lock it in for a long period of time, but will vary.

Mr. Turner said he thought Ms. Shaffer Bish brought up a good point earlier in the discussion. He wants to see how we can capture local workers. He would like to incentivize local businesses with points to hire locals, minorities, etc. He doesn't want to do this now and impact the timing of this. Ms. Baker said it may be difficult to apply this right now due to the timing. She would like some time to look into this.

MOTION TO ACCEPT THE RECOMMENDATION TO PUT OUT BIDS FOR THE $8.3 MILLION CITY HALL MADE by Mr. Sidoti SECONDED by Mr. Ferrara and CARRIED by a voice vote of 8-1-0 with Mr. Kuhar voting "No".

Mr. Sidoti applauds the administration's efforts in answering all of Council's questions and thinks this makes sense financially. If we can save tax payers money in the long run, we should. He added "Let's get it built".

Mr. Ferrara echoed Mr. Sidoti's comments, adding we got lucky once and it's not good odds to play with tax payer money and funding and the sooner we get it done, the better.

Mr. Kuhar said his against the dollar amount, but wants it to be at a lower dollar amount.

Ms. Shaffer said it's important to move forward but hopes that at some point there is some way to consider some qualitative factors as well as quantitative.

Ms. Baker thanked Council and the work session adjourned at 7:32 P.M.

DRAFT

Amy Wilkens
Clerk of Council

Jerry T. Fiala
Mayor and President of Council

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CITY OF KENT, OHIO

DEPARTMENT OF PUBLIC SERVICE

MEMO

TO: Dave Ruller, City Manager

FROM: Melanie A. Baker, Service Director

DATE: 9/15/2021 presentation to Council

SUBJECT: City of Kent Administration Building Bid Review

DRAFT

The City of Kent bid the Administration building beginning Tuesday July 6, 2021.There was a prebid site meeting held on Thursday July 22, 2021 and the bids were publicly opened on August 10, 2021 at 2:00 p.m. The city received 16 bids. The bids ranged from the lowest bid of $8,500,000.00 to the highest bid of $9,927,000.00.

The architect's estimate was for $7,300,000.00. Even with the 10% increase allowed by law ($8,030,000.00) all the bids came in over the amount allowed by law. The bids were over by more than 16% of the architect's estimate.

Please see the attached bid sheet for the Kent City Hall Bid Opening.

After review of the bids and concern for the estimate, it was determined that several factors played a role in this increase. The economic times were a big factor. The recent prices for wood products, along with the escalating prices for steel were reflected in the bids. The glazing and ceramic tiles seemed to be a bit more costly. Some have said it is the availability of the materials but others felt it was the ability to find the skilled labor force to install. Finally, the site itself may have helped with the increase (while minor) to cost due to the hill and the need for so many retaining walls.

The one thing that I feel most confident about is the design of the building. With 16 bids received and the lowest 6 bids all being between $8,500,000.00 and $9,000,000.00, it would indicate that this was a favorable building to build that sparked the interest of many to provide a good quality product for the design developed. I think Council value engineered this building by limiting the amount of space taken up by the foot print and floors while allowing the staff to

Attachment #1

secure appropriate space for work areas and the public. I also think that Council and staff were very prudent with their desire and choices of interior finishes.

While all the bids reflected an increase in material pricing, most of the bidding was consistent. This indicates to me there were no major busts in the project, and contractors and suppliers provided the current industry standard cost for materials and labor. Basically the price is the price.

As we have seen in the last year and half anything can happen. The industry now seems to be leaning towards increased pricing with little or no true leveling out or returning to "normal" in the near future. We are seeing a delay in product delivery on some items and think this will increase as federal funded projects pick up. This was supported with the bids indicating an additional 4 to 6 months for construction due to availability and deliverability of materials.

Some industry predictors and experts think we are looking at 2 years or more before manufacturing, delivery and products hit a steady level again.

With all this said and after confirming with a few contractors, I feel that this building is solidly designed, not overly built, and finish material are not outrageous or excessive for the use of the building.

The architect and I have had a chance to analyze the estimate, review the bids, and look at the industry as a whole. After further review and taking into consideration the demo and all facets of construction, the amended architects construction estimate including furniture, and contingencies we are looking at $9,200.000.00. This includes a construction estimate of $8,300,000.00. - Furniture ($180,000.00) and looking at the City's contingency requirement, (10% - 830,000.00) we are looking at a total cost of $ 9,122,000.00.

I believe that the most prudent move is to rebid this project with the architects amended construction cost estimate. I would bid this for 4 weeks giving contractors time to confirm numbers and or sharpen pencils and then open the bids.

In the end, I must respectfully ask Council for more money. We were approved for $7,300,000.00 and I am now before council asking for $9,200,000.00. This amount takes into consideration demo, construction, furniture, contingencies, and elevated pricing due to the industry and world economics. I am sorry to say that is the cost for construction in 2021.

If Council can approve this dollar increase in October, I would be looking to bid this October 11th, and open bids on November 8th. We would be looking at awarding this by mid to late December, with construction and demolition to occur in the New Year. (February March.)

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CITY OF KENT, OHIO

DEPARTMENT OF PUBLIC SERVICE

MEMO

Architects amended estimate	Construction	$8,300,000.00
	Less demo	($ 188,000.00)
	10% contingency	$ 830,000.00
	Furniture	$ 180,000.00
		$9,122,000.00
		$9,200,000.00

Architects days of completion — 1.5 years – 1 year 6 months

540 substantial completion 1.4 yrs.
571 final 1.5 years.

Proposed new time — 1 year – 10 months - 2 years

630 days to 730 days.

Original cost estimate	$5,100,000.00	May of 2018
Design nearing completion	$7,100,000.00	December 18, 2019
	40% increase since 2018	
Cost estimate for bid	$7,300,000.00	July 6, 2021
	3% increase since 2019.	

Even if we had gone up 5.5% to 7.5 mil
Low bid would still be over by 13%

Attachment #1

DRAFT

Kent City Hall Bid Opening - Bid Sheet

8/10/2021 2:00 p.m.

Architect's Estimate
$7,300,000.00

Architect: Brandstetter Carroll, Inc. - Nancy Nozik

City staff present: Melanie Baker - Service Director
Sheri Chestnutwood - Adm. Asst. Service Dir.

Company	Bid Bond	Addendum #1	Addendum #2	Addendum #3	$8,030,000.00 Lump sum bid	10% above architects estimate Notes:
Hummel Cosntruction	Y	X	X	X	$ 8,500,000.00	16% above architects estimate
Thomarios	Y	X	X	X	$ 8,511,000.00	17% above architects estimate
Green Heart Co. LLC	Y	X	X	X	$ 8,780,000.00	20% above architects estimate
Metis Cosntruction	Y	X	X	X	$ 8,831,873.00	21% above architects estimate
Vendrick Construction Inc.	Y	X	X	X	$ 8,888,000.00	22% above architects estimate
Millstone Management Group	Y	X	X	X	$ 8,982,300.00	23% above architects estimate
Infinity Cosntruction	Y	X	X	X	$ 9,075,000.00	24% above architects estimate
Cold Harbor Building	Y	X	X	X	$ 9,130,000.00	25% above architects estimate
Mike Coates Construction	Y	X	X	X	$ 9,145,155.00	25% above architects estimate
Sona Construction LLC	Y	X	X	X	$ 9,200,000.00	26% above architects estimate
Dunlop & Johnson Inc.	Y	X	X	X	$ 9,200,000.00	26% above architects estimate
A. M. Higley	Y	X	X	X	$ 9,226,000.00	26% above architects estimate
Rycon Construction	Y	X	X	X	$ 9,299,000.00	27% above architects estimate
RFC Contracting	Y	X	X	X	$ 9,439,000.00	29% above architects estimate
The Ruhlin Co.	Y	X	X	X	$ 9,450,000.00	29% above architects estimate
Hudson Group Inc.	Y	X	X	X	$ 9,927,000.00	36% above architects estimate

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Attachment #1

City of Kent
Bond/Note Financing Options for New City Hall

Debt Amount	Current Rate Annual P&I Payment	1st Qtr 2022 Annual P&I Payment	1st Qtr 2023 Annual P&I Payment	Original 2018 Estimates Annual P&I Payment	 Annual P&I Payment
$9.35 Million**	$ 469,924	$ 496,690	$ 513,159	$ 534,290	$ 564,252
$9 Million**	452,333	478,097	493,950	514,290	543,130
$8.5 Million**	427,204	451,536	466,508	485,719	512,957
$8 Million**	402,074	424,975	439,067	457,147	482,783
$7.5 Million**	376,944	398,414	411,625	428,575	452,609
$7 Million**	351,815	371,853	384,183	400,004	422,435
25 Yr Bond/Note Rate	**1.87%**	**2.35%**	**2.68%**	**3.00%**	**3.50%**

** Calculated at at 25 Year Amortization, with semi-annual payments.

Note: As of 12/31/2020, the Fire Station Note was paid off thereby decreasing our annual debt service by approximately $270,000 annually.

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Attachment #2

City Council Regular Meeting
The City of Kent, Ohio
Wednesday, September 15, 2021

At 7:32 p.m., Mayor Jerry T. Fiala called the **Regular Meeting of Kent City Council** to order. Roll was taken.

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

ALSO PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Service Director; Ms. Joan Seidel, Health Commissioner; Ms. Rhonda Hall, Budget and Finance Director; Mr. Gary Bishop, IT Manager; Mr. Bill Myers, Fire Chief; Ms. Suzanne Stemnock, HR Manager; Ms. Amy Wilkens, Clerk of Council

Mayor Fiala called upon Councilmember Wallach for opening remarks. Ms. Wallach mentioned she is tired of wearing her mask and asked everyone to get vaccinated.

Mayor Fiala asked everyone to stand for the Pledge of Allegiance.

Approval of Regular Council Meeting Minutes:

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF August 18, 2021 and the Work Session Minutes from September 1, 2021 made by Mr. DeLeone, SECONDED by Mr. Kuhar and CARRIED by a voice vote of 8-0-1 with Ms. Wallach abstaining.

Communication:

Public Comment: There were two visitors signed in to speak at the meeting.

Mayor Fiala read the following statement:

"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 objectionable. We ask that give your name and address and limit comments to three (3) minutes."

1. Mr. Doug Fuller of 1431 River Edge Dr., Kent Ohio approached the microphone and introduce himself to Council. He had previously submitted comments to the Council Clerk (**Attachment #1**) that were distributed to Council prior to the meeting. He came before

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Council to clarify a few items regarding the Design Guidelines for the Architecture Review Board that were discussed in the previous meeting. He prefaced his comments by stating he had made an error when he spoke last to Council about the property of the Bell Tower Brewery being outside of the Design District. He said that was an error and is clearly inside the Design Guidelines District and apologized for making that mistake. He continued his comments by referencing a committee that worked on the original design guidelines and a manual they prepared for their work. He said this manual was not adopted, instead a document that he believes is unusable is currently being used. He passed out a handout with information on Elizabeth Corbin Murphy (**Attachment #2**) who was the professional architect that worked on these guidelines. He compared the two documents and suggested Council review the original document that was put together by the committee, as it may be useful and suggested getting an assessment of the two documents. He asked Council members, at least one, to be a part of the process.

2. Christopher Myers of 220 E. Elm Street approached the microphone to address Council. He sang a song about racism from the 1940's. He wanted to talk to Council about racism and read his comments from his previously submitted statement (**Attachment #3**). He added the subwoofer man is back on the streets and thinks eight million dollars is a lot to spend on City Hall.

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

1. Notification of the Main Street Kent Oktoberfest Event which is set for September 25, 2021 in downtown Kent received on August 19, 2021.
2. Email from Standing Rock Cemetery Board requesting a joint meeting to appoint an upcoming vacant spot of the appointed Franklin Township Commissioner received August 20, 2021.
3. Email from resident Christine Vais requesting the City reinstate the citywide mask mandate received and forwarded to Council on August 24, 2021.
4. Letter from Ohio Citizen Action along with eleven handwritten letters from residents requesting the City of Kent join the Power a Clean Future Ohio and take the 30 by 30 pledge, received and forwarded to City Council and members of the Sustainability Commission on August 27, 2021.
5. Standing Rock Cemetery Board of Trustees August meeting minutes and Agenda for the September 9, 2021 received on August 26, 2021.
6. Kent City Health Board Agenda for September 14, 2021 and minutes from August 10, 2021 received on September 9, 2021.
7. City of Kent Zoning District Map update from August 2021 received September 9, 2021.
8. Email from Christopher Clevenger-Morris resigning from the Planning Commission received and forwarded to Council on September 9, 2021.

MOTION TO ACCEPT MR. CHRISTOPHER CLEVENGER-MORRIS' RESIGNATION MADE by Mr. Ferrara SECONDED by Mr. DeLeone and CARRIED by a voice vote of 9-0.

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Communication received after the agenda was published:

1. Parks and Recreation September Board Report received on Monday, September 13, 2021.
2. Planning Commission Agenda and Staff Report for the September 21, 2021 meeting received September 15, 2021.
3. Request from Paul Kulwinski, Director of Licensing for the Division of Liquor Control to cancel the liquor license transfer request originally submitted in April 2021 for Olympia Hotel Management, DBA Kent State University Hotel & Conference Center and replace with a NEW liquor license request with the same type of permit, privileges and hours, etc. Chief Shearer has no objection.

MOTION TO RETURN THE NEW LIQUOR LICENSE REQUEST WITH NO OBJECTIONS MADE by Mr. Ferrara SECONDED by Mr. Kuhar and CARRIED by a voice vote of 9-0-0.

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

1. Rhonda has requested Council's authorization to certify the tax rates and amounts to Portage County. (Draft #2021-099)
2. Rhonda has requested Council's authorization to accept and allocate a $500 donation from the Edith Chase Symposium to be used to help support the City's pollinator park behind the Police Station. (Draft #2021-100)
3. The City Clerk has requested Council's authorization to schedule a public hearing on the request to expand the DORA district boundaries.
4. The City Clerk has requested Council's authorization to schedule the annual Democracy Day public comment session.
5. Bridget has requested Community Development Committee time to allow the owner of the Garage 108 to appeal a ruling of the ARB on her property.
6. Nick has requested Health & Public Safety Committee time to present a proposal to provide contract 911 dispatch services to Brimfield Township.
7. Tom has requested Health & Public Safety Committee time to present a request from local businesses to expand the DORA district boundaries.
8. Jim has requested Streets, Sidewalks & Utilities Committee time to present a proposal for a new street improvement project at Gougler and River Street.
9. Jim has requested Streets, Sidewalks & Utilities Committee time to present a proposed license agreement with the owner of 257 N. Water Street for an outdoor patio.
10. Hope has requested Streets, Sidewalks & Utilities Committee time for Council's consideration of a water tower easement with Kent State University.
11. Rhonda has requested Finance Committee time for Council's consideration of proposed 2021 Budget appropriations amendments.
12. Rhonda has requested Finance Committee time to present a request from local businesses to create 3 new TIFF agreements to support their business investment.
13. Joan has requested Council's authorization to accept and allocate grant funds received from the CDC to support Health Department services.

MOTION TO APPROVE ITEMS #1-13 OF THE CITY MANAGER'S REPORT, made by Mr. Amrhein SECONDED by Mr. Ferrara and CARRIED by a voice vote of 9-0-0.

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STANDING COMMITTEES/ LEGISLATION

1) COMMITTEE OF THE WHOLE

MOTION TO APPROVE COMMITTEE MEETING MINUTES OF SEPTEMBER 1, 2021 MADE BY Mr. DeLeone SECONDED BY Mr. Kuhar and CARRIED by a voice vote of 8-0-1 with Ms. Wallach abstaining.

MOTION TO APPROVE ITEMS #1 AND #3 OF THE ACTIONS RECOMMENDED MADE by Mr. DeLeone SECONDED Mr. Sidoti and CARRIED by a voice vote 9-0-0.

RECOMMENDED ACTION:

1) Authorize setting the rate of pay for At Large Council Members, Ward Council Members and the Mayor of Kent as recommended by the 2021 Salary Review Committee.
2) Authorize the City's Law Director to draft a letter of reprimand asking for the Chair of the Planning Commission to step down from his position.
3) Authorize the yearly update to the City Codified Ordinance Books.

Before the ordinances were put to the vote, Mayor Fiala stated the following ordinances were not for the current members but for future terms.

Mayor Fiala asked Clerk Wilkens to read Draft No. 2021-092 by title only.

Draft No. 2021- 092 AN ORDINANCE SETTING THE RATE OF PAY FOR THE AT LARGE CITY COUNCIL MEMBERS AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

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

MOTION TO ADOPT DRAFT No. 2021-092 made by Mr. Ferrara and SECONDED by Ms. Shaffer Bish. On roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE 2021-092 PASSED as stated by Clerk Wilkens.

Draft No. 2021- 093 AN ORDINANCE SETTING THE RATE OF PAY FOR THE WARD COUNCIL MEMBERS AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

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

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MOTION TO ADOPT DRAFT No. 2021-093 made by made by Mr. DeLeone and SECONDED by Mr. Sidoti. On roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE 2021-093 PASSED as stated by Clerk Wilkens.

Draft No. 2021- 094 AN ORDINANCE SETTING THE RATE OF PAY FOR THE MAYOR OF KENT, OHIO AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens 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. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2021-094 made by 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 Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE 2021-094 PASSED as stated by Clerk Wilkens

Draft No. 2021- 095 AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE CITY OF KENT CODIFIED ORDINANCES AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens 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 Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2021-095 made by made by Mr. Kuhar and SECONDED by Mr. DeLeone. On roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE 2021-095 PASSED as stated by Clerk Wilkens

2) COMMUNITY DEVELOPMENT COMMITTEE

MOTION TO APPROVE MEETING MINUTES OF SEPTEMBER 1, 2021 made by Mr. Kuhar SECONDED Mr. Ferrara by and CARRIED by a voice vote of 8-0-1 with Ms. Wallach abstaining.

RECOMMENDED ACTION:

1) Authorize the development of community enrichment/engagement guidelines for the

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funding of the Neighborhood Grant Program.

2) Authorize the approval of a license agreement with Main Street Kent to allow for the installation of a new public art piece.

Draft No. 2021- 096 AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO DEVELOP GUIDELINES FOR FUNDING OF TO THE NEIGHBORHOOD GRANT PROGRAM (NGP) TO ALLOW FOR COMMUNITY ENRICHMENT/ENGAGEMENT, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

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

MOTION TO ADOPT DRAFT No. 2021-096 made by made by Ms. Shaffer Bish and SECONDED by Mr. Ferrara. On roll call, voting "Yes": Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE 2021-096 PASSED as stated by Clerk Wilkens

Draft No. 2021- 097 AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A LICENSE AGREEMENT BETWEEN THE CITY OF KENT AND MAIN STREET KENT (MSK) TO INSTALL AND MAINTAIN AN ART PIECE AND ASSOCIATED LANDSCAPING, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

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

MOTION TO ADOPT DRAFT No. 2021-097 made by made by Ms. Shaffer Bish and SECONDED by Mr. Sidoti. On roll call, voting "Yes": Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE 2021-097 PASSED as stated by Clerk Wilkens

3) HEALTH AND PUBLIC SAFETY COMMITTEE

MOTION TO APPROVE MEETING MINUTES of SEPTEMBER 1, 2021 MADE BY Mr. Amrhein SECONDED Mr. DeLeone by and CARRIED by a voice vote of 8-0-1 with Ms. Wallach abstaining.

MOTION TO APPROVE RECOMMENDED ACTIONS of SEPTEMBER 1, 2021 MADE BY Mr. Amrhein SECONDED Mr. DeLeone by and CARRIED by a voice vote of 9-0.

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RECOMMENDED ACTIONS:

1) Authorize the Law Director and Chief of Police to review the City's noise ordinance and return to Council with recommendations.
2) Continue to monitor COVID numbers prior to deciding on mask mandates.
3) Authorize staff to disperse COVID information presented from Health Commissioner and mention the effectiveness of masks and vaccines as a preemptive measure.

4) LAND USE COMMITEE

No Meeting Minutes or Recommended Actions.

5) STREETS, SIDEWALKS AND UTILITIES COMMITTEE

MOTION TO APPROVE MEETING MINUTES of SEPTEMBER 1, 2021 MADE BY Mr. Sidoti, SECONDED Mr. Amrhein by and CARRIED by a voice vote of 8-0-1 with Ms. Wallach abstaining.

MOTION TO APPROVE RECOMMENDED ACTIONS of SEPTEMBER 1, 2021 made by Mr. Sidoti, SECONDED by Mr. DeLeone and CARRIED by a voice vote of 9-0.

RECOMMENDED ACTIONS:

1) Authorize the change in the City Parking Ordinance to allow for on street parking on Walnut Street.

Draft No. 2021-098 AN ORDINANCE AMENDING SECTION 353.02 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT TITLED "PARKING REGULATION AUTHORIZATION" TO ALLOW FOR ON-STREET PARKING ON THE EAST SIDE OF WALNUT STREET BETWEEN CHERRY AND HARRIS STREETS; AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

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

MOTION TO ADOPT DRAFT No. 2021-098 made by Mr. DeLeone and SECONDED by Mr. Sidoti. On roll call, voting "Yes": Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE 2021-098 PASSED as stated by Clerk Wilkens.

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6) FINANCE COMMITTEE

NO COMMITTEE MEETING MINUTES OR ACTIONS TO APPROVE.

Draft No. 2021-099 RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR was read by title only by Clerk Wilkens per Mayor Fiala's request.

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

MOTION TO ADOPT DRAFT No. 2021-099 made by Mr. DeLeone and SECONDED by Mr. Sidoti. On roll call, voting "Yes": Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE 2021-099 PASSED as stated by Clerk Wilkens.

Draft No. 2021-100 AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF $500.00 TO THE CITY OF KENT SERVICE DEPARTMENT FOR THE PURCHASE OF NATIVE PLANTS AND AN INFORMATION SIGN FOR THE POLLINATOR PARK / HAMMOCK PARK, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Ms. Shaffer Bish 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 Bish, Mr. Sidoti. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2021-100 made by Ms. Shaffer Bish and SECONDED by Mr. Amrheini. On roll call, voting "Yes": Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti. The Motion CARRIED by a roll call vote of 9-0.

Ms. Shaffer Bish thanked the donor for the items and the sign to identify the pocket park. She mentioned visiting the park just recently and loves seeing the lights at night. She added this is just one example of one of the things that make Kent a unique city to live in and hopes all residents will get a chance to enjoy it.

ORDINANCE 2021-100 PASSED as stated by Clerk Wilkens.

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Unfinished Business: NONE

New Business: NONE

Council Comments:

1) Mr. Garret Ferrara said the 9/11 presentation was very nice and hopes the safety forces continue to honor those lives lost on 9/11/2001 and it is something that cannot be forgotten.

2) Ms. Gwen Rosenberg congratulated Angela Manley, the City of Kent's new Parks and Recreation Director for the Art in the Park event. She said the event was really well done, the weather beautiful and was a job well done. She also congratulated Main Street Kent for receiving the Year's Best Main Street Event Award from the Main Street Organization for Rainbow Weekend. She ended her comments by congratulating Rhonda Boyd for the Environmental Activism Award she received from the Portage Parks.

3) Mr. Kuhar told everyone to get vaccinated to save a life.

4) Mr. Amrhein said he was fortunate enough to be invited on a tour of Bell Tower Brewery and said the community is in for a very big treat, as it is one of the most stunning buildings he has ever seen.

Mayor's Report:

Mayor Fiala was going to comment on the 9/11 ceremony, but that was already covered by Mr. Garret Ferrara. He estimated there were approximately 50 people in attendance.

Motion made by Mr. Amrhein to move into 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 AND*(3) Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action *AND (4) Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment "* Items to be discussed: Boards and Commissions; Pending Litigation; Contract Negotiations **SECONDED** by Ms. Rosenberg. On roll call voting "Yes": Mr. Amrhein; Mr. DeLeone; Mr. Ferrara; Mr. Kuhar; Ms. Rosenberg; Ms. Shaffer Bish; Mr. Sidoti; Mr. Turner and Ms. Wallach.

MOTION TO RETURN TO THE REGULAR COUNCIL MEETING MADE by Mr. Ferrara (8:51 pm) SECONDED by Mr. Kuhar and CARRIED by a voice vote of 9-0.

MOTION APPOINT MICHELLE FREDERICK TO THE BOARD OF HEALTH made by Mr. Turner SECONDED by Mr. Kuhar and CARRIED by a voice vote of 9-0.

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MOTION AUTHORIZE INSERTION OF NAME INTO LEGISLATION MADE by Mr. DeLeone SECONDED by Mr. Kuhar and CARRIED by a voice vote of 9-0.

Draft No. 2021-101 A RESOLUTION APPOINTING MICHELLE FREDERICK TO THE HEALTH BOARD AND DECLARING AN EMERGENCY was read by title only by Ms. Hope Jones per Mayor Fiala's request.

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

MOTION TO ADOPT DRAFT No. 2021-101 made by Mr. Kuhar and SECONDED by Mr. DeLeone. On roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

RESOLUTION 2021-101 PASSED

The Regular Meeting adjourned at 8:53 P.M.

Amy Wilkens Clerk of Council	Jerry T. Fiala Mayor and President of Council

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Todays Council Meeting - September 15, 2021

Douglas Fuller <dfuller161@gmail.com> Wed, Sep 15, 2021 at 11:59 AM
To: Clerk of Council <councilclerk@kent-ohio.org>

Comments on the City of Kent Design Guidelines

- Origin of the Original Design Guidelines accepted by City Council on October 2, 2009
- Changes made to the Design Guidelines approved on April 13, 2011
- General comparison of the two:
  - Table of Contents
  - Color
  - District Boundary changes
  - others
- Professional assistance in Developing the original Design Guidelines.
  - Elizabeth Corbin Murphy
- Suggestions:
  - ?

Doug Fuller

DRAFT

9/15/21 Attachment #1

I began by saying that I will probably be called racist by my remarks but that I have been called vulgar and a stalker.

I cotinued by singing a little grade school song of racial and religious harmony from the early 1940s during WWII and which should be just as applicable today:

"We work and play together,

We hear our country's call.

No matter what our race or creed

We are Americans all"

I then read from my notes: "I am not going to talk this evening about the NAACP's Geraldine Nelson's letter to council in which she besmirches a member of Council as racist and hard-hearted." I added that I had read the councilperson's words she said were racist and that I could find nothing in them that affected negatively upon any minority citizen. I want on: " ... nor will I talk about Health Commissioner Joan Seidel's inability to name a Kent racist in an encounter I had with her downtown. I will, however, acknowledge and comment upon Councilman Amrhein'sstatement about Kent racism as it appears in the minutes of the 21 July 2021 regular council meeting." I indicated that Mr. Amrhein was Council's representative on Kent's Board of Health.

I continued, " All along I was under the impression that when the Kent City Board of Health declared recism a public health crisis it was talking about words or deeds, things plainly, overtly, right out in the open and identifiable, as being hurtful to the life, liberty and pursuit of happiness of minorities. But Mr. Amrhein said that is not the case.

According to Mr. Amrhein"...the Board is not saying that people in Kent are racist but that "... there seems to be social and cultural injustices that create a problem for minorities receiving health care." I ask: "Who are the perpetrators of these social and cultural injustices that the Board defines as unseen, unheard, and refers to as, '...a covert sort of situation.' "

I continue that perhaps someone has reported to the Board about a black citizen going to the doctor and standing in front of the receptionist and not being recognized as being there. If something like this is reported what is the Board doing about it? Does it verify or take any action?

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I then changed the subject to say that the sub-wooferman is still in his vehicle disturbing the peace in our neighborhood and that he had just passed the fire department on S. DePeyster Street going South to North and that Councilwoman Shaffer's home has also affected by it. She nodded assent.

Then I said that I thought 8.3 million dollars tor the new city hall was too much and that I guessed that councilpersons must have a lot of money.

I said I despise racism and, like Elvis, left the building.

DRAFT

PUBLIC HEARING "DEMOCRACY DAY"
WEDNESDAY, OCTOBER 6, 2021

Mayor Fiala called to order the Special Meeting of Kent City Council for purposes of a Public Hearing for "Democracy Day" at 6:00 p.m. A quorum was present.

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

ALSO PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Mr. Jim Bowling, City Engineer; Ms. Rhonda Hall, Budget and Finance Director; Ms. Melanie Baker, Service Administration Director; Mr. Gary Bishop, IT Manager; Ms. Joan Seidel, Health Commissioner; and Ms. Amy Wilkens, Clerk of Council.

ABSENT: Ms. Tracy Wallach

Mayor Fiala welcomed everyone and read portions of the Charter as outlined below:

In accordance with the Kent City Charter Article XII, Section 12.05 titled "DEMOCRACY DAY PUBLIC HEARING/POLITICAL INFLUENCE":

"Beginning in 2016, City Council shall designate one day a "Democracy Day" during the first week of October each year in which a local, state, or national election is held in Kent. On this day, the Mayor and City Council shall sponsor a Public Hearing in a public space within the City. The public hearing shall be held during the evening or weekend time. The City will publicize the public hearing on its website and in area media at least one month in advance. The Public Hearing shall examine the impact on our City, our state and our nation of political influence resulting from campaign contributions by corporate entities. Corporate entities include business corporations, Political Action Committees, PACS, Super PACs, 501(c)(4) groups and unions. Members of the general public in attendance shall be afforded the opportunity to speak on these matters for up to five minutes per person. The City shall record the minutes of the hearing and make them available to the public no later than November 1 of each year in which it is held by posting them on the City's website.

Within one (1) week following the annual Public Hearing, the Clerk of City Council shall send a letter to every elected state-level representative of the citizens of the City, to the leaders of the Ohio House and Senate, to our U.S. Congressional Representative(s), and to both U.S. Senators from Ohio. The letter shall include a brief summary of the Public Hearing and will state that the citizens of Kent in November 2015 voted in support of a Citizens' Initiative calling for an amendment to the U.S. Constitution declaring the following principles:

1. *Only human beings, not corporations, are legal persons with Constitutional rights, and*
2. *Money is not equivalent to speech, and therefore, regulating political contributions and spending does not equate to limiting political speech.*

The annual Public Hearings will no longer be required if and when a Constitutional Amendment reflecting the principles set forth in Section 02 is ratified by three-quarters (3/4) of the state legislatures."

Mayor Fiala then referred to Clerk Wilkens to read each name, in turn, of the Visitors who signed-in. There were eight (8) visitors who wished to speak.

Mr. Bill Wilen of 867 Stonewater Dr., Kent read from a prepared statement. **(See Attachment #1)**

Ms. Deborah Barber of 7531 Diagonal Rd., Kent read from a prepared statement. (**See Attachment #2)**

Mr. Greg Coleridge of 3016 Somerton Rd., Cleveland Heights, read from a prepared statement. **(See Attachment #3)**

Shawn Schreckengost of 250 River St. Apt. A16, and Alex DiDonato of 330 Lincoln Ave., Cuyahoga Falls, read from a prepared statement **(See Attachment #4)**

Mr. Dale Wynn approached the microphone to inform Council he knows of a way to save the City a lot of money and it's to quit planting trees under electric lines. He showed pictures of various trees that were cut half hazard due to power lines. **(Attachment #5).** Mayor Fiala reminded Mr. Winn that this hearing was for Democracy Day and although his suggestions are welcome, to comment on the topic at hand. Mr. Winn submitted his photos to Clerk Wilkens.

Mr. Andrew Rome of 2063 Conwill Rd., Stow, read from a prepared statement **(See Attachment #6).**

Mr. Lee Brooker of 814 Hudson Rd., Kent, read from a prepared statement and did not submit his comment to Clerk Wilkens.

Mayor Fiala thanked everyone for coming. Meeting adjourned at 6:18 p.m.

DRAFT

Amy Wilkens
Clerk of Council

Jerry T. Fiala
Mayor and President of Council

2021 DEMOCRACY DAY TALK (Bill Wilen, Kent, OH)

Greg Coleridge has authored a brief history of democracy and challenges today to our freedoms. It is titled Citizens Over Corporations: We the People. Here are some of the important statements he makes and conclusions he draws that impact today: "The Move to Amend movement has been on its national course since the mid-1990s after a meeting of 25 Ohioans came together in the Columbus area to participate in a workshop titled "Remaking Corporations, Rethinking Democracy." These environmental, labor, peace and justice activists were drawn to the gathering because each was struggling against or concerned about repeated corporate assaults upon their communities in particular, and upon democracy in general."

"Move to Amend is a non-partisan grassroots organization that seeks to blunt corporate power by amending the US Constitution to end corporate personhood and state that money is not speech."

"With each passing day, corporations have a greater say in our lives – the food we eat, the products we buy, the health care we receive, the news we see, the ideas we think, the economic rules we follow, the entertainment we enjoy, the education we require, the laws we enact, the work we do, the politicians we elect, the policies we have, the fossil fuels we use, and the natural world we have left..."

The more we know about the origins of today's corporate rule, and about corporations' persistent insurgencies against democracy, the more easily we can reorient our civic organizations to undo what corporations have done to our minds, constitutions, laws, culture, environment, and governance.

Resolutions calling for a constitutional amendment, public hearings, charter amendments and city ordinances are declaring that

In short, I am supporting Tim Ryan's candidacy for the U.S. Senate because of his support for HJR #48 - he seems serious about regulating corporations and their power especially during elections. I hope you will join me.

Quotations Source: Greg Coleridge. Citizens Over Corporations: A Brief History of Democracy in Ohio and Challenges to Freedom in the Future. 2003.

Attachment #1

Democracy Day
October 6, 2021

The National League of Women Voters is the umbrella organization for the state leagues, which are the parent organizations for our local leagues.

Each of these levels has statements of their positions on various aspects of our democracy. The positions are determined by extensive and in-depth study and consensus.

I will share with you tonight the League's position on Money in Politics, which was adopted by the National Board April, 2016.

The League believes that elections should be about the voters, not big money interests. It is time to limit SuperPACs and secret donors to protect representative democracy.

This matters because reducing the influence of big money in our politics makes our elections fairer. Voters have the right to know who are the political candidates, how much money they are raising and how that money is being spent. Our elections should be free from corruption and undue influence and should work so that everyday Americans can run for office, even if they aren't well connected to wealthy special interests.

We fight to reform money in politics in Congress, with state legislatures, with the executive branch and, where appropriate, the courts. We are deeply committed to reforming our nation's campaign finance system to ensure the public's right to know, combat corruption and undue influence, and enable candidates to compete more equitably in public office and allow maximum citizen participation in the political process.

Every American has the right to know who is paying for online political ads, whether it is organizations with ties to foreign governments or wealthy special interests at home.

Attachment #2

The League of Women Voters of the United States believes that the methods of financing political campaigns should:

Enhance political equality for all citizens; ensure maximum participation by citizens in the political process; protect representative democracy from being distorted by big spending in election campaigns; provide voters sufficient information about candidates and campaign issues to make informed choices; ensure transparency and the public's right to know who is using money to influence elections; enable candidates to compete equitably for public office; ensure that candidates have sufficient funds to communicate their messages to the public; and combat corruption and undue influence in government.

In order to achieve the goals for campaign finance regulation, the League supports:

Public financing of elections, either voluntary or mandatory, in which candidates must abide by reasonable spending limits; enhanced enforcement of campaign finance laws that includes changes to ensure that regulatory agencies are properly funded, staffed, and structured to avoid partisan deadlock in the decision-making process; abolishing Super PACs and abolishing spending coordinated or directed by candidates (other than a candidate's own campaign committee); and restrictions on direct donations and bundling by lobbyists, which may include monetary limits as well as other regulations.

Until full public financing of elections is enacted, limits on election spending are needed in order to meet the League's goals for protecting democratic processes.

> *This position is applicable to all federal campaigns for public office — presidential and congressional, primaries, as well as general elections. It also may be applied to state and local campaigns.*

Attachment #2

KENT DEMOCRACY DAY PUBLIC HEARING
Wednesday, October 6, 2021
Testimony of Greg Coleridge
Outreach Director, National Move to Amend Coalition

Corporations are not people and money is not speech are the two constitutional doctrines at root of the Kent ballot initiative passed by voters in 2015. The same is true of the 704 other communities, 7 states and over 600 organizations that have taken formal positions supporting the Move to Amend initiative -- in addition to the 480,000 individuals who've signed a petition.

The We the People Amendment (HJR 48), which would abolish both of these bizarre doctrines, is more than simply overturning Citizens United and more than simply ending money as free speech. It includes ending all forms of corporate constitutional rights.

Without abolishing all corporate constitutional rights -- not simply political free speech rights -- this is what could happen. Four examples.

1. Efforts by Kent city council or residents to, say, require a lawn care company to require the disclosure of specific toxic chemicals used on city or private properties could be challenged in court as a violation of that corporation's First Amendment right NOT to speak.

2. Efforts by Kent city council or residents either directly or indirectly to require city inspection of a corporation to protect workers or the environment could be challenged in court as a violation of that corporation's Fourth Amendment privacy rights.

3. Efforts by Kent city council or residents to protect homeowners from a company digging or drilling under private homes could be challenged in court as a violation of that corporation's Fifth Amendment takings rights to lost future profits.

4. Efforts by Kent city council or residents to provide preferential treatment of locally owned businesses over a chain store that send profits outside the community could be challenged in court as a violation of that corporation's Fourteenth Amendment equal protection rights. FYI, the 14th Amendment was intended solely to protect freed slaves.

These examples of corporate hijacking of Constitutional Amendments intended exclusively for human beings doesn't includes the scores of times corporate entities have abused the Constitution's Commerce Clause to support corporate interests over the police powers of communities to protect the health, safety and welfare of residents.

To reiterate, the We the People Amendment (HJR 48) is more than simply overturning Citizens United and more than simply ending money as free speech. It includes ending all forms of corporate constitutional rights. As City of Kent elected officials, you need to protect residents and the community by asserting your local right to decide **and** to educate and advocate for abolishing the corporate hijacking of constitutional amendments. This includes reaching out to your peers in other communities and national organizations representing the interests of cities, mayors and councilpersons. We're here to help.

My dad build an addition to our house pretty much all by himself. He said when doing so it was essential when planning each task to make sure the tools, material, time and energy were proportionate in scale to what was needed. Pouring 3 inches of a concrete base when 6 was required, using 2 by 2 inch lumber when 2 by 8's were needed and pounding 1 inch nails when 2 inch nails were called for may look like a job well done, but if the thickness, width and length of materials didn't match the needed scale and proportion, the house would eventually crack, if not crumble.

The same goes for democracy. Believing we can create authentic democracy by simply or solely electing better representatives, passing the For the People Act (HR1) or having better regulations of political campaign spending or corporate harms is equivalent to insufficient thickness, width or length in building materials. They all may seem appropriate, but aren't nearly enough in scale or proportion to address the fundamental, if not existential, crises we face -- political, economic and ecological.

We can't afford to be small when massive changes are needed to address massive systemic problems. It's only logical that systemic problems require systemic solutions.

Only the We the People Amendment HJR 48 nails it. Thank you.

Attachment #3

Hello, everyone. My name is… and my name is... Although much of the discussion tonight will be focused on the way unregulated corporate contributions influence political campaigns, we wish to bring our unique perspective as students at Kent State University to highlight how the effects of corporate personhood can also infiltrate the realm of public health.

Over the past century, the government has granted corporations certain Constitutional rights that were meant to protect the American people. The *Citizens United* case in 2010, which enabled corporations and other organizations to spend unlimited funds on elections, was one of the most important on the corporate personhood timeline. This decision laid the foundation for future cases like *Burwell v. Hobby Lobby*, which went further than just corporate rights regarding campaign contributions. Hobby Lobby used the *Citizens United* case in their fight for First Amendment rights (specifically religious freedom) as a corporation to restrict access to effective contraceptive methods. This is indicative of a country in which paid maternity leave is not guaranteed because of the "cost" to employers, leaving the most vulnerable--infants--to less assurance of well-being in ways that could impact their health for the rest of their lives. In the end, the Supreme Court decided that corporations are people within the language of the Religious Freedom Restoration Act of 1993. This was the first case in American history to apply the free exercise clause to for-profit corporations.

However, this is not just a national issue. We have seen the dangerous implications of corporate personhood on public health and safety firsthand. We have seen it in the way our state legislators have limited the ability of local health departments to protect the wellbeing of people in the communities the legislators were elected to serve, and in many cases have greater incentive to protect the interests of business owners. While we all want strong local businesses and thriving communities, it is concerning that the public health experts--who are there to look out for our lives and well-being--are limited in their ability to enact important protective measures. This also shifts much of this decision-making to people like you, our City Council, who already have a broad range of policy issues to consider. Because of this, you may not be able or willing to prioritize the health of our city's citizens the same way a public health professional could. For example, on June 2nd, City Council repealed Ordinances 2020-97 and 2020-62, which effectively ended a ban on gatherings of more than 10 non-household members and the city-wide mask mandate. Face coverings and reducing the capacity of gatherings have all played an effective role in reducing the spread of COVID-19. In the months following, Portage

County has seen an exponential rise in COVID-19 cases and hospitalizations. This has strained our local hospitals and has most greatly impacted our lower-income citizens--those who need the most advocacy from you--their elected officials. Yet simple and effective protective measures like mask mandates and gathering limits have not been reinstated, while KSU Homecoming, Oktoberfest, and the Main Street DORA were allowed to remain. This is a prime example of how the national movement to give corporations the rights of individuals has permeated our society and changed the scope of who our representatives are serving.

With this, we ask you to tip back the scales in favor of prioritizing the rights and health of the people of this community.

Attachment #4

N. MANTUA
BATTAGLIA

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Attachment #5

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Attachment #5

Hello, my name is Andrew Rome and I work and play in Kent, even though I live elsewhere. I choose to be in this city because I love it, and I'm grateful to speak today – thank you to Bill Wilen for his advocacy and to Kent City Council for the opportunity. I manage the Haymaker Farmers' Market in Kent and through that job I have a privileged view of our local food system. I get to visit and talk with our local farmers and I work daily to support 50 local businesses who bring products to Market to feed our community. And I know that their work is made more difficult because of decades of federal subsidy and support for big-agribusiness, driven directly by corporate lobbying and campaign contributions promoting private interests over the public good. Ever since the 1973 revision of agricultural subsidies which mostly support the largest farms, we've had a federal incentive to consolidate and grow more and more monocrops of corn and soy, which feed our nation with processed food junk and siphon farm profits away from communities like Kent. Fruit and vegetable farmers have limited federal support as "specialty growers" and the family farm is treated like a relic, rather than the foundation of our rural communities.

We've been in a pandemic for over 20 years, with a broken food system that pushes unhealthy, cheap foods leading to increased rates of obesity, heart disease, and diabetes. This is no accident and no collection of personal failings, but rather the consequence of a national food system designed for corporate profits rather than for people. Our COVID crisis exposes just how fragile the national food system can be, with shortages of products at the grocery store due to sickness at a meat processing plant in Iowa or a shortage of truck drivers or slowdowns in global shipping. When we plan for the increased disruption of climate change, we see that we cannot rely on a corporate food system to feed our community. I'm even not suggesting that our local farmers deserve a level playing field (although they do), I'm saying it is in Kent's best interest to grow our regional food system.

These are national problems, but they require local advocacy and local action. What can Kent do? Kent already supports the Haymaker Farmers' Market by allowing us low-cost space downtown for the summer Market for the past 30 years. Thank you. But we know that direct farmer-to-consumer sales account for a small proportion of food eaten in Kent. We applied for a USDA Local Food Promotion Program grant to plan our expansion to the "Haymaker Food Hub", providing opportunities for our local food producers to sell to restaurants, schools, institutions, and create products on shared equipment for retail sales. We envision a year-round permanent space that will support our farmers, bakers, and makers – the local food producers who can feed our community in a healthy, sustainable way. We believe that everyone deserves to eat the quality of food produced by our local businesses, and if the City of Kent believes so too, we ask for your support bringing that food to more people in our community.

J. Andrew Rome
Market Manager
Haymaker Farmers' Market
jandrew.rome@gmail.com
330/577-3355
(he / him / his)

Attachment #6

WEDNESDAY, October 6, 2021
PUBLIC HEARING- Designated Outdoor Refreshment Area (DORA) Expansion

At 5:50 p.m., Mayor Jerry T. Fiala called the *Public Hearing public hearing to allow for public comment and questions regarding of the Designated Outdoor Refreshment Area*. Roll call was taken.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Mr. John Kuhar; Ms. Gwen Rosenberg; Ms. Heidi Shaffer Bish; Mr. Roger Sidoti; Mr. Robin Turner; 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. Tom Wilke, Economic Development Director; Mr. Jim Bowling, City Engineer; Ms. Rhonda Hall, Budget and Finance Director; Ms. Melanie Baker, Service Administration Director; Mr. Gary Bishop, IT Manager; Mr. Bill Myers, Fire Chief; Mr. Nick Shearer, Chief of Police; and Ms. Amy Wilkens, Clerk of Council.

ABSENT: Ms. Heidi Shaffer Bish; Ms. Tracy Wallach

On September 20, 2021, and September 27, 2021 notice was given that the Kent City Council will conduct a public hearing to allow for public comment and questions regarding the City of Kent's application for a Designated Outdoor Refreshment Area Expansion.

Mr. Tom Wilke, Economic Development Director, reviewed the proposal, noting a full presentation will be given during the Community Development Committee Meeting and that this hearing was to allow for public comment.

Mr. Fiala asked if there were any members of the public signed in to speak or provided comment. Clerk Wilkens stated there was noon one signed in nor any comments provided prior to the meeting.

Hearing no further business, Mayor Fiala adjourned the Public Hearing at meeting at 5:52 p.m.

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Amy Wilkens
Clerk of Council

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Jerry T. Fiala
Mayor and President of Council

CITY OF KENT, OHIO

CITY COUNCIL ▮320 S. DEPEYSTER STREET ▮KENT, OHIO 44240 ▮330-678-8007

Special City Council Meeting
Wednesday, October 6, 2021

At 8:00 p.m., Mayor Jerry T. Fiala called the **Special City Council Meeting** order. Roll call was taken.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Mr. John Kuhar; Ms. Gwen Rosenberg; Ms. Heidi Shaffer Bish; Mr. Roger Sidoti; Mr. Robin Turner; 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. Melanie Baker, Service Director; Ms. Bridget Susel, Community Development Director; Mr. Jim Bowling, City Engineer; Ms. Joan Seidel, Health Commissioner; Ms. Rhonda Hall, Budget and Finance Director; Mr. Gary Bishop, IT Manager; Ms. Angela Manley, Parks and Recreation Director; Mr. Nick Shearer, Chief of Police; Mr. Bill Myers, Fire Chief; Ms. Amy Wilkens, Clerk of Council

MOTION TO AUTHORIZE DRAFT LEGISLATION NO. 2021-102 MADE BY Mr. Amrhein SECONDED by Mr. Kuhar and carried by a voice vote of 9-0-0.

Draft No. 2021-102 AN ORDINANCE EXTENDING THE AGREEMENTS OF THE CURRENT DESIGNATED DEPOSITORIES FOR THE CITY OF KENT, OHIO, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens 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 Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2021-102 made by Mr. Kuhar and SECONDED by Mr. Ferrara. On roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

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ORDINANCE 2021-102 PASSED as stated by Clerk Wilkens.

The Special Council Meeting adjourned at 8:12 P.M.

Amy Wilkens
Clerk of Council

Jerry T. Fiala
Mayor and President of Council

DRAFT

Community Development Committee Meeting
Wednesday, October 6, 2021

Chair Kuhar called the Community Development Committee of Kent City Council to order at 6:33 p.m.

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

ALSO PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Mr. Jim Bowling, City Engineer; Ms. Joan Seidel, Health Commissioner; Ms. Rhonda Hall, Budget and Finance Director; Mr. Gary Bishop, IT Manager; Mr. Nick Shearer, Chief of Police; Mr. Bill Myers, Fire Chief; Ms. Amy Wilkens, Clerk of Council

There was one (1) item on the Agenda.

1) **Garage 108 Architecture Review Board Appeal**

Chair Kuhar introduced Ms. Bridget Susel, Community Development Director, to address the topic of tonight's discussion.

Ms. Susel referenced her memo addressed to Council and that the applicant is here presenting her case. Currently, Garage 108 has two signs on their business and appeared before the ARB requesting sign approval. Returning a month later, realizing the sign was hard to see, the owner, Ms. Valerie Landis returned to the ARB requesting the front sign to be internally lit. ARB heard the case and no motion was made, therefore approval for the front of the sign was not made. Ms. Susel said she provided verbatim meetings from that meeting attached to her memo to Council

Valerie Landis appeared before Council requesting the sign for her business. She worked with the sign manufacturer on its design, looked at existing signs in the community and used the same vendor others used. She would like a light to illuminate the letters. She is simply asking to have light inside the sign on the front of the building (on College Street).

Ms. Shaffer Bish asked what signs were in the vicinity. She said the closest was Karate, Brewhouse, Huntington Bank, Five Guys, among many others internally lit. Additional signs outside of the district also have internally lit signs.

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Ms. Tracy Wallach asked if there were any apartments in the area that would be bothered by the light. Ms. Susel said there were not.

Mr. Ferrara asked if this would help her business. She said it would. He asked if there would be additional lights, she said there would not.

Ms. Shaffer asked Ms. Landis to describe some of the hardships she has experienced because of this. Ms. Landis said that coming into Kent and having the first thing not be positive, after her careful consideration, it felt hostile at best. Seeing nearly a dozen signs in the community that have internally lit signs, and to also have it written in the code adds to the confusion.

Ms. Shaffer Bish asked what additional cost was to her. Ms. Landis said there were physical problems such as the building being brick and that she tried to make the least impact on the building. Having the tree in front of the sign makes the sign read “Rage 108” which is not the name of her business.

Mr. Turner asked Ms. Susel what the reason was for the exception from the Architecture Review Board (ARB).

Ms. Susel said ARB views each case individually. The guidelines are written for an historic district, which this was not. For the most part ARB does not support internally lit signs, but prefer externally lit signs. Community Development is currently working on having someone come in to work on the new design guidelines.

Ms. Susel said staff reviews the zoning code and presents facts to the Architecture Review Board and decisions are made on discussions made with the board.

Mr. Sidoti apologized that this felt like an adversarial situation, and that’s not what Kent is all about. He has a few questions. He asked if when the signs were purchased if they would both be internally lit. She said no. He said they look identical. He asked if the ARB broke a precedent by allowing an internally lit sign by allowing it on Haymaker. Ms. Susel explained in more detail ARB’s past decisions. Ms. Landis took the sign down and then found out she had to replace it within 180 days.

Mr. Sidoti said he was confused as to why the sign on the front can’t be front lit. Ms. Landis said she would have to install more holes in the masonry. He thought she wouldn’t need much attachment to the brick. Ms. Landis said it would not be a desired design choice. Ms. Susel said if the appeal is granted she could continue with her current sign.

Ms. Rosenberg said there are a lot of other internally lit signs downtown and asked if she felt there was a reasonable explanation why her request was denied, or if she feels it’s an arbitrary decision. Ms. Landis said she felt like it was a retaliation of previous meetings due to lack of knowledge. She said she didn’t receive a good explanation of why it was

denied. She gave a good deal of consideration to the sign and felt like this was a good compromise. She said she didn't understand why it wasn't approved

Ms. Shaffer Bish said she respects the Architecture Review Board, but believes we have to respect new and locally owned businesses. This is not prohibited in the Zoning Code and thinks it's a matter of fair and equal treatment and trying to keep a new business from undue hardship.

Ms. Rosenberg said design guidelines are important but feels that when it comes to government and having the public coming before the board, we need to tidy things up. She said this seems very reasonable to her and the reason to deny it doesn't strike her as strong enough.

Mr. Ferrara said we need to support businesses coming into Kent. He said the building looks great and is a vast improvement on what is already there.

Mr. Turner said there is some type of gap with what the ARB is doing. He apologized to Ms. Landis that she felt an adversarial relationship.

Ms. Shaffer Bish clarified she thinks the building does look good and in the absence of design guidelines that are clear, it could overwhelm the process.

Mr. Sidoti thanked Ms. Landis and says we have a flawed process. Mr. Sidoti said the problem lies with us and that we need to clean up the design guidelines. He said decisions should not have to be made at this level.

MOTION TO APPROVE THE APPEAL OF GARAGE 108 MADE BY Ms. Shaffer Bish SECONDED by Ms. Rosenberg and CARRIED by a voice vote of 7-2-0 with Mr. Amrhein and Mr. Sidoti voting "No".

Seeing no further business, the Community Development Committee Meeting adjourned at 7:09 p.m.

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Amy Wilkens
Clerk of Council

ACTION RECOMMENDED:

1) Approve the appeal of Garage 108 to allow for a backlit sign to be hung on the front of the business.

Health and Safety Committee Meeting
Wednesday, October 6, 2021

Chair Amrhein called the Health and Public Safety Committee of Kent City Council to order at 7:10 p.m.

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

ALSO PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Mr. Jim Bowling, City Engineer; Ms. Joan Seidel, Health Commissioner; Ms. Rhonda Hall, Budget and Finance Director; Mr. Gary Bishop, IT Manager; Mr. Nick Shearer, Chief of Police; Mr. Bill Myers, Fire Chief; Ms. Amy Wilkens, Clerk of Council

There were two (2) items on the Agenda.

1) **Proposal to Consider Dispatch Services to Brimfield**

Chair Amrhein introduced Police Chief, Nicholas Shearer to address the topic of tonight's discussion.

Chief Shearer was approached by Brimfield Twp. Fire Department who would like to move forward with the City of Kent dispatching for them. He did a lot of research and came up with a cost of $ 44,040/year . There may be times where extra dispatch would be required, but generally staffing would not need to be increased.

Mr. Kuhar asked if the contract be a term contract or per call. He asked if would handle all 911. He said no, the general 911 call would go into Kent State University and if it is determined to be fire would be routed to the fire department. It may go to a per call contract in the future, but for now it will be a locked in rate.

Mr. Ferrara asked if the request is because Kent State cannot handle the calls. He said no, they were not happy with what they were receiving.

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Mr. Ferrara asked a clarifying question on funding and if this would be revenue generating. Chief Shearer said it may be profitable this year, but they are not doing this as a money maker.

Mayor Fiala asked if in a year if they would entertain doing this with Police. He does not believe this will happen and that they will stay with their current service.

MOTION TO AUTHORIZE THE PROPOSAL TO PROVIDE DISPATCH SERVICES TO BRIMFIELD MADE BY SECONDED BY and CARRIED by a voice vote of 9-0-0.

2) DORA Expansion

Chair Amrhein introduced Economic Development Director, Mr. Tom Wilke, to speak on the next topic.

Mr. Wilke said he had two different businesses approach him, Kent Cycle Shop and Belltower Brewery, asking to be included in the Designated Outdoor Refreshment Area (DORA) boundaries. He reached out to neighboring properties and Chief Shearer and received no objections to this expansion. The boundary would be increased with 33 liquor license holders. If approved, they will work with Service on updating signage.

Mr. Turner asked if he received responses from the public. Mr. Wilke explained that was the point of the public hearing.

Mr. Kuhar asked if he talked to businesses near Wild Goat, and Mr. Wilke said he did and that they asked to be included in it in the future.

Ms. Rosenberg asked about any additional trash receptacles needed. Mr. Wilke said recycle bins are provided to those on the DORA and the business would be responsible for their own.

Mr. DeLeon asked why Kent Cycle was interested. Mr. Wilke explained that the business next door, N. Water Brewery, is within the boundaries and its customers could come over to their business.

Mr. Sidoti asked if there was any type of thought about litter on the bridge. He said they can look at putting additional trashcans on the bridge. Mr. Wilke said the bridge is in the DORA. Chief Shearer said if any beverage was purchased at a special event they would need to stay in that area. As long as the sale of liquor is not taking place outside of Belltower Brewing, beverages can be consumed in that area.

Mr. DeLeone asked about crossing the train tracks. There was no concern from the railroad.

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MOTION TO AUTHORIZE THE DORA BOUNDARIES AS TO INCLUDE BELLTOWER BREWERY AND BIKE SHOP MADE BY Mr. Sidoti SECONDED BY Mr. Ferrara and CARRIED by a voice vote of 8-0-1 with Mr. Kuhar abstaining.

Mr. Ferrara said people are in favor of this and the only thing people were concerned of was crossing the river.

Ms. Wallach is very happy Kent Cycle will be included in the DORA, as they have been asking about this for some time.

Seeing no further business, the Health and Public Safety Committee Meeting adjourned at 7:25 p.m.

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Amy Wilkens
Clerk of Council

ACTION RECOMMENDED:

1) Authorize the proposal to provide dispatch services to Brimfield Township.
2) Authorize the expansion of the DORA boundaries to include Kent Cycle and The Bell Tower Brewery.

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DRAFT ORDINANCE NO. 2021 -103

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO ENTER INTO A COMMUNICATIONS SERVICE CONTRACT WITH THE BRIMFIELD FIRE DEPARTMENT FOR THE PURPOSE OF PROVIDING 911 DISPATCH SERVICES, AND DECLARING AN EMERGENCY.

WHEREAS, Brimfield Fire Department desires to purchase from the City of Kent communication services and is outlined in the attached Communications Service Contract marked as Exhibit "A".

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, that:

SECTION 1. The City Manager, or his designee, are hereby authorized and directed to enter into a Communications Service Contract with Brimfield Fire Department for the purpose of providing 911 Dispatch services upon the terms set forth in Exhibit "A" which is attached hereto, incorporated herein by reference and made a part hereof.

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

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

PASSED: _____
Date

_____
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

I, AMY WILKENS, 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)

_____
AMY WILKENS
CLERK OF COUNCIL
(SEAL)

DRAFT ORDINANCE NO. 2021- 104

AN ORDINANCE AMENDING THE DOWNTOWN KENT DORA TO EXPAND THE BOUNDARIES TO INCLUDE TWO NEW BUSINESSES LOCATED AT 310 PARK AVENUE AND 115 LAKE STREET, AND DECLARING AN EMERGENCY.

WHEREAS, the Bell Tower Brewing Co. (310 Park Avenue) and the Kent Cycle (115 Lake Street) have submitted applications to be considered to be part of the DORA expansion; and

WHEREAS, both businesses are either adjacent to or in close proximity to the existing DORA and have legitimate business reason for their request; and

WHEREAS, the combined parcels of the proposed expansion total 4.10 acres bringing the total DORA to 37.35 acres which is still well below 150 acre limit for the size of Kent and it will also add one liquor permit (Bell Tower) to the DORA bringing the total to 33 liquor permits.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, that:

SECTION 1. Council approves the expansion to the DORA to include Bell Tower Brewing Co. and Kent Cycle as two new businesses to the City of Kent DORA.

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: _____
Amy Wilkens
Clerk of Council

I, AMY WILKENS, 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_____.

_____
AMY WILKENS
CLERK OF COUNCIL
(SEAL)

Streets, Sidewalks and Utilities Committee Meeting
Wednesday, October 6, 2021

Chair Sidoti called the Streets, Sidewalks and Utilities Committee of Kent City Council to order at 7:25 p.m.

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

ALSO PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Mr. Jim Bowling, City Engineer; Ms. Joan Seidel, Health Commissioner; Ms. Rhonda Hall, Budget and Finance Director; Mr. Gary Bishop, IT Manager; Mr. Nick Shearer, Chief of Police; Mr. Bill Myers, Fire Chief; Ms. Amy Wilkens, Clerk of Council

There were four (4) items on the Agenda.

1) **Gougler and River Street Improvements**

Mr. Sidoti introduced Mr. Jim Bowling to speak on the first topic.

Mr. Jim Bowling said River Street and Gougler are considered a high crash corridor. They would like to submit to the State Highway Safety Program for design and planning money to continue to look into improving this area. The crash problems come from people turning left from the right lane.

Ms. Rosenberg said it is also an area that is difficult to walk in. Mr. Bowling said it would improve this. Ms. Rosenberg said this will save a lot of stress.

Mr. Ruller said the concept is not planned or designed yet and the community and Council will have more time for input.

Ms. Shaffer Bish asked about Mantua Street. Mr. Bowling said there was not the same problem due to being more residential. She asked if part of the study would be looking at this. Mr. Bowling said this was correct. He said he sees the potential of a lot improvement in the area with this project.

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Mayor Fiala asked if there were any concerns due to it being a state route. Mr. Bowling said there were not.

MOTION MADE to AUTHORIZE THE GRANT APPLICATION made by Ms. Shaffer Bish SECONDED by Mr. Ferrara and CARRIED by a voice vote of 9-0-0.

2) **Patio License Agreement at 257 N. Water Street**

Mr. Bowling said 257 N. Water Street is near completion and they are requesting a fenced in patio.

MOVE TO AUTHORIZE THE PATIO LICENSE FOR 257 N. WATER STREET made by Ms. Shaffer Bish SECONDED by Ms. Rosenberg and PASSED by a voice vote of 9-0-0.

3) **Water Tower Easement**

Mr. Sidoti introduced Law Director, Ms. Hope Jones to present on the third topic.

Ms. Hope Jones said this is a renewal of a five-year term. The price went up 10% to $750 month for a total of $9,000 a year.

Ms. Wallach asked why this is going up so high. Ms. Jones stated this is the normal amount.

MOTION TO APPROVE THE WATER TOWER EASEMENT AGREEMENT WITH KENT STATE UNIVERSITY made by Mr. Ferrara, SECONDED by Ms. Rosenberg and CARRIED by a voice vote of 9-0-0.

4) **Ice Rink Update**

Ms. Melanie Baker came up to the podium in her Kent winter gear to get all excited for the ice rink on Erie Street.

The rink is scheduled for delivery the week of November 15th. Weather dependent, she anticipates Franklin Ave. would be reopened and the tables from that location would be moved to Erie Street.

Ms. Baker reviewed possible future programming, which include youth hockey, University hockey, a night with the Cleveland Monsters, and possibly curling competitions. She suggested possible sponsorship from Council. At this time, skate rental would be free, customers would just need to sign a waiver. She is planning for lighting and working with Central Maintenance. She added parking is not an issue and the PARTA deck is right next door. A website is currently being developed to help

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get the word out. Central Maintenance has begun making road closure signs as well. She thanked all involved from KSU and the City.

Ms. Tracy Wallach asked if the ice depends on the weather. Ms. Baker said rain and warm temperatures would be the enemy. She said they could use it up to 40 degrees.

Mr. Kuhar asked if there was a fee. Ms. Baker said it would be free but would need to sign a waiver.

Ms. Rosenberg asked about Parks and Rec involvement. Ms. Baker said Parks and Recreation Director, Angela Manley, has been very helpful thinking through all that needs to be done and that the University is running and maintaining this site.

Ms. Shaffer Bish asked about restrooms. Ms. Baker said port-o potties would be provided. Most venues they've looked into use these.

Ms. Baker played a video created by Kent State University that will be distributed to help promote the new ice rink.

Seeing no further business, the Streets, Sidewalks and Utilities Committee Meeting adjourned at 7:45 p.m.

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Amy Wilkens
Clerk of Council

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ACTION RECOMMENDED:

1) Authorize the application for a grant through the State Highway Safety Program for a study to improve Gougler and River Streets.
2) Authorize the license agreement with 257 N. Water Street for a patio.
3) Authorize the renewal of the water tower easement agreement with Kent State University.

DRAFT ORDINANCE NO. 2021 - 105

AN ORDINANCE AUTHORIZING THE CITY OF KENT TO SUBMIT A HIGHWAY SAFETY PROGRAM (HSP) GRANT TOTALING $230,843 TO IMPROVE RIVER AND GOUGLER STREETS, TO EXECUTE THE SUBSEQUENT AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT), AND TO ACCEPT THE GRANT, IF AWARDED, WITH CORRESPONDING APPROPRIATION OF FUNDS AND DECLARING AN EMERGENCY.

WHEREAS, a safety study was recently completed to determine the cause of crashes on River and Gougler Streets; and

WHEREAS, the study was completed in response to speeding and pedestrian safety concerns from property owners and because both River and Gougler Streets are typically included on AMATS high crash locations report; and

WHEREAS, the current HSP Grant request is for planning, environmental and design funds in fiscal year 2023. The request is for $230,843 in HSP funds which require a local match of $25,649.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, that:

SECTION 1. Kent City Council approves submission of a Highway Safety Program (HSP) grant totaling $230,843 to improve River and Gougler Streets and authorized that the Administration provide all information, funds, and documentation required in said applications for submission.

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

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

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

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

PASSED: _____
Date

_____
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

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

(SEAL)

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AMY WILKENS
CLERK OF COUNCIL

DRAFT ORDINANCE NO. 2021 - 106

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A LICENSE AGREEMENT BETWEEN THE CITY OF KENT AND 257 NORTH WATER, LTD. (257 NORTH WATER STREET) TO INSTALL A FENCED OUTDOOR PATIO TO EXPAND THE SERVICE AT THEIR DOWNTOWN LOCATION, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent wishes to enter into a License Agreement with 257 North Water, Ltd. (257 North Water Street) to install a fenced outdoor patio to allow for additional seating but to maintain sufficient sidewalk space for pedestrians; and

WHEREAS, the popularity of outdoor seating has proven to provide a significant boost to local businesses.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, that:

SECTION 1. That Council does hereby authorize the City Manager, or his designee, to enter into a License Agreement between the City of Kent and 257 North Water, Ltd. (257 North Water Street) to install a fenced outdoor patio to allow for additional seating, 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 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: _____
Amy Wilkens
Clerk of Council

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

(SEAL)

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AMY WILKENS
CLERK OF COUNCIL

DRAFT ORDINANCE NO. 2021 - 107

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO RENEW THE NON-EXCLUSIVE EASEMENT FROM THE STATE OF OHIO (DAS FILE NO. 3180-A-2) ON BEHALF OF THE KENT STATE UNIVERSITY FOR THE CITY'S TELECOMMUNICATIONS EQUIPMENT AND THE EXPANDED USE OF A PERMANENT EASEMENT FOR THE AT&T CELL TOWER, AND DECLARING AN EMERGENCY.

WHEREAS, the State of Ohio will grant a non-exclusive easement, on behalf of the Kent State University, to the City of Kent for its telecommunications equipment and the expanded use of a permanent easement for the AT&T Cell Tower; and

WHEREAS, the term of this agreement shall be for five (5) years commencing on November 1, 2021 through October 31, 2026.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, that:

SECTION 1. That Kent City Council hereby authorizes the City Manager, or his designee, to renew the non-exclusive easement from the State of Ohio on behalf of the Kent State University for the City's telecommunications equipment and the expanded use of a permanent easement for the AT&T Cell Tower, and is more fully described in Exhibit "A", attached hereto and made a part thereof.

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

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

PASSED: _____
Date

_____
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

I, AMY WILKENS, 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_____.

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AMY WILKENS
CLERK OF COUNCIL
(SEAL)

Finance Committee Meeting
Wednesday, October 6, 2021

Chair DeLeone called the Finance Committee of Kent City Council to order at 7:49 p.m.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Mr. John Kuhar; Ms. Gwen Rosenberg; Ms. Heidi Shaffer Bish; Mr. Roger Sidoti; Mr. Robin Turner; 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. Melanie Baker, Service Director; Ms. Bridget Susel, Community Development Director; Mr. Jim Bowling, City Engineer; Ms. Joan Seidel, Health Commissioner; Ms. Rhonda Hall, Budget and Finance Director; Mr. Gary Bishop, IT Manager; Ms. Angela Manley, Parks and Recreation Director; Mr. Nick Shearer, Chief of Police; Mr. Bill Myers, Fire Chief; Ms. Amy Wilkens, Clerk of Council

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There were five (5) items on the Agenda.

1) **2021 Budget Appropriations Amendment**

Chair DeLeone introduced Ms. Rhonda Hall, Finance Director, to tonight's meeting to present on the first topic.

Ms. Rhonda Hall is requesting approval for her budget amendment that was presented in the Council Packet for tonight's meeting. It is the fifth amendment of the year.

There were no questions from Council or the audience.

MOTION TO AUTHORIZE THE BUDGET AMENDMENT AS PRESENTED made by Mr. Kuhar SECONDED by Ms. Wallach and CARRIED by a voice vote of 9-0-0.

2) **Proposed New Non-School TIF's**

Ms. Hall said this is something new to the City. When a new building or project is started, the increase in the assessed value of the area is what the TIF is placed on, which allows the City to gain any additional property taxes, excluding the schools. The City will receive a portion of the TIF, the non-school portion. She noted that Davey Tree

is included in the Enterprise Zone and will have that for ten years, with a tax abatement of 75% of their property taxes. The Hasawi project is in the CRA, so that will start in year eleven through year thirty and Dunkin' Donuts is going to start immediately. This allows creation of new funds for each and the property tax comes in and is used which as defined in the ordinance. It can be used for construction, improvements, lighting, landscaping, sidewalks, etc.

There were no questions from Council or the audience.

MOTION TO APPROVE THE NEW NON-SCHOOL TIFs made by Mr. Ferrara SECONDED by Mr. Amrhein and CARRIED by a voice vote of 9 -0-0.

3) Bond for City Hall Payments

Ms. Rhonda Hall said the third item on the agenda is for the City Hall bond issue. This will put a bond issue and an ordinance in front of Council in the next meeting, not to exceed the $9,350,000. After bids are open, the exact amount will be determined. The ordinance will be after receipt of the packet, so it will be written as to not exceed that amount.

Ms. Wallach asked if the bids are still too high, would we need to rebid again. Ms. Hall said that would be up to the bids. Ms. Wallach asked about interest rates. Ms. Hall has received protentional rates which are the low 2% conservatively, but could go lower, it just depends, as rates are going up and down.

There were no further questions from Council and no questions from the audience.

MOTION TO AUTHORIZE PROCEEDING WITH BOND ISSUES FOR THE NEW CITY HALL MADE by Mr. Sidoti SECONDED by Mr. Amrhein and CARRIED by a voice vote of 9-0-0 with Mr. Kuhar abstaining.

4.) Depository Agreement

Ms. Rhonda Hall said this was a housekeeping item. Every five years, according to Chapter 135 of the ORC, cities are to go out to bid for the City's depositories for active, interim and inactive deposits. It didn't come to her attention until just recently that this was needed this year, so we are having a Special Council meeting to extend the current contracts with banks. This will allow us to go out to bid and then will return in November with the City's depositories with specific banks.

MOVE TO ALLOW ADVERTISING, BIDDING AND SELECTION OF CITY DEPOSITORIES made by Ms. Wallach SECONDED BY Mr. Amrhein and CARRIED by a voice vote of 9-0-0.

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5.) Work Force Development Grant

Ms. Joan Siedel said the pandemic has highlighted the need for additional funding for public health. As part of the CDC Response Cooperative Agreement, the Ohio Dept. of Health will award up to a total of $27 million to Ohio's 113 local health departments to be used to recruit, hire and train personnel to address COVID-19 needs. The grant is for a total of $180,000 with a stipulation to use 50% of the sliding scale for new hires. An intent to apply form, a survey, and budget justification was submitted by the Health Department. The final step is to receive approval from City Council to receive this grant. Portage County will administer the grant and have already received the funding.

Mr. Ferrara asked if the hiring of staff would be part time or full time and what type of benefits they would receive. Ms. Seidel said she was looking at using the bulk of the grant to fund a 32-hour position that would be split between the Health and Fire Departments to help start its paramedicine program. After June 30th, they would renew the grant for up to five years. After that, it would be up to the local Health Department to either find their own funding or find other grants. Ms. Seidel added this was a gift and would be a good transition into the paramedicine program. It would be a position with benefits.

MOVE TO APPROVE APPLICATION FOR THE WORKFORCE DEVELOPMENT GRANT MADE BY Ms. Shaffer Bish SECONDED BY Ms. Wallach and CARRIED by a voice vote of 9-0-0.

Ms. Shaffer Bish said this is a great opportunity and would vote to receive the grant.

There were no further questions from City Council members and no questions from the public.

Seeing no further business, the Finance Committee Meeting adjourned at 8:00 p.m.

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Amy Wilkens
Clerk of Council

Actions Recommended:

1) Approve the 2021 budget appropriations amendments.
2) Authorize the approval of the new TIF Agreements.
3) Authorize proceeding with bond issues to finance the new City Hall project.
4) Authorize the advertisement, bidding and selection of the City's bank depository services.

5) Approve the ODH Workforce Grant acceptance and allocation.

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DRAFT ORDINANCE NO. 2021-109

AN ORDINANCE AMENDING ORDINANCE NO. 2020-129, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 16, 2020; SO AS TO ADJUST APPROPRIATIONS, TRANSFERS AND ADVANCES FROM THE VARIOUS FUNDS OF THE CITY OF KENT TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES OF THE CITY FOR THE FISCAL YEAR ENDING DECEMBER 31, 2021; 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, 2021.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, that:

SECTION 1. The current appropriations Ordinance No. 2020-129 passed December 16, 2020; as amended by Ordinance No. 2021-13, passed 2/17/2021, as amended by Ordinance No. 2021-39, passed 4/21/2021, as amended by Ordinance No. 2021-72, passed 8/4/2021, as amended by Ordinance No. 2021-86, passed 8/18/2021, be amended as set forth in Exhibit "A", attached hereto and incorporated herein, so as to increase appropriations in the General Fund 001, Parks & Recreation Fund 106, Fire & EMS Fund 128, Water Fund 201, Sewer Fund 202, Storm Water Fund 208, and Capital Improvement Fund 301; and Declaring An Emergency.

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

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

PASSED: _____
Date

_____
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

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

(SEAL)

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AMY WILKENS
CLERK OF COUNCIL

DRAFT ORDINANCE NO. 2021 - 109

AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT SUCH PARCELS, REQUIRING THE OWNERS OF THE IMPROVEMENTS ON SUCH PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A DAVEY TREE EXPANSION PROJECT MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43, AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code Sections 5709.40, 5709.42 and 5709.43 (the "Act") provide that this Council may describe public improvements to be made which directly benefit certain parcels, declare Improvements (as defined in Ohio Revised Code Section 5709.40) with respect to such parcels of real property located in the City of Kent (the "City") to be a public purpose, thereby authorizing the exemption of those Improvements from real property taxation for a period of time, and provide for the making of service payments in lieu of taxes by the owner of such parcels, and establish a municipal public improvement tax increment equivalent fund into which such service payments shall be deposited; and

WHEREAS, to improve the flow of traffic in and around the parcels described in **Exhibit A** hereto, as such parcels may be consolidated or split (each a "Parcel" and collectively, the "Parcels"), this Council may cause construction of the public improvements described in **Exhibit B** hereto (collectively, the "Public Improvements"), that once made will directly benefit the Parcels and the City and its residents; and

WHEREAS, the City has determined that it is necessary and appropriate and in the best interests of the City to provide for service payments in lieu of taxes with respect to the Parcels pursuant to Section 5709.42 of the Ohio Revised Code (the "Service Payments") to pay costs of the Public Improvements; and

WHEREAS, the Kent City School District has been notified of this Ordinance consistent with Revised Code Sections 5709.40 and 5709.83.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, that:

SECTION 1. The Public Improvements described in Exhibit B hereto, and any other public infrastructure improvements hereafter designated by ordinance, if made or caused to be made by the City, are hereby designated as those Public Improvements that directly benefit, or that once made will directly benefit, the Parcels, and are determined to be necessary for the public health, safety and welfare and constitute public infrastructure improvements made, to be made or in the process of being made by the City that directly benefit, or that once made will directly benefit, the Parcels for purposes of the Act and this Ordinance.

SECTION 2. Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.40, and, in particular, Section 5709.40(B), this Council hereby finds and determines that 100% of the increase in the assessed value of each Parcel that would first appearon the tax list and duplicate of real property after the effective date of this Ordinance (which increase in assessed value is herein referred to as the "Improvement" or "Improvements" as defined in said Section 5709.40) is a public purpose, and 100% of said Improvement is hereby declared to be a public purpose for a period of 30 years and exempt from taxation commencing for each separate parcel on the January 1 of the tax year in which at least an aggregate of $100,000 ($35,000 of assessed value) of Improvements would appear on the tax list and duplicate for such tax year for that Parcel were it not for the exemption granted by

this Ordinance ending for each Parcel on the earlier of (1) the date the Improvements have been exempted from taxation for a period of 30 years or (2) the date on which the City can no longer require service payments in lieu of taxes, all in accordance with the requirements of the TIF Act; provided, however, that Service Payments shall be paid to the Kent City School District in the amount of the taxes that would have been payable to the Kent City School District if the Improvements had not been exempted from taxation. The exemption authorized by this Ordinance is subordinate to any exemption granted pursuant to Section 5709.62 et. seq. of the Revised Code (Enterprise Zone exemption).

SECTION 3. As provided in Section 5709.42 of the Revised Code, the owner or owners of the Improvement are hereby required to and shall pay the Service Payments to the County Treasurer on or before the final dates for payment of real property taxes, which Service Payments, together with any associated rollback payments, shall be deposited in the Municipal Public Improvement Tax Increment Equivalent Fund established in Section 4 hereof. In accordance with Ohio Revised Code Section 5709.42, the County Treasurer shall distribute a portion of the Service Payments directly to the Kent City School District in an amount equal to the property tax payments the Kent City School District would have received from the portion of the Improvements exempted from taxation, had such Improvements not been exempted from taxation. This Council hereby authorizes the City Manager, Director of Budget & Finance and Law Director, and other appropriate officers of the City, to provide such information and certifications, and execute and deliver or accept delivery of such instruments, as are necessary or incidental to collect those Service Payments, and to make such arrangements as are necessary and proper for payment of the Service Payments.

SECTION 4. This Council hereby establishes pursuant to and in accordance with the provisions of Section 5709.43 of the Ohio Revised Code, the **Davey Tree Expansion Project** Municipal Public Improvement Tax Increment Equivalent Fund (the "Fund"), into which shall be deposited all of the Service Payments and any associated rollback payments distributed to the City with respect to the Improvements on the Parcels by or on behalf of the County Treasurer, as provided in Section 5709.42 of the Ohio Revised Code, and hereby agrees that moneys in that fund shall be used for any or all of the following purposes:

(i) to pay any and all planning, engineering, acquisition, construction, installation, financing costs, and any and all other direct and indirect costs of the Public Improvements, including those costs set forth in Ohio Revised Code Section 133.15(B);

(ii) to pay the interest on and principal of bonds or notes, and premium, if any, including refunding or additional bonds or notes or other obligations issued or loans entered into by the City or other governmental entity to finance costs of the Public Improvements until such notes or bonds or other obligations or loans are paid in full, and to pay any trustee, administrative and other costs related to servicing the obligations and providing and replenishing a reserve fund and to pay any costs charged by the issuer of the obligations; and

(iii) to reimburse the City, or other governmental entity for any funds used to pay costs of the Public Improvements, or to pay interest, principal, or premium, and related costs on any of the aforesaid notes, bonds, loans or other obligations, prior to receipt of Service Payments.

The Fund shall remain in existence so long as the Service Payments are collected and used for the aforesaid purposes, after which said Fund shall be dissolved in accordance with said Section 5709.43.

SECTION 5. Pursuant to Section 5709.40 of the Ohio Revised Code, the Clerk of Council is hereby directed to deliver a copy of this Ordinance to the Director of the Ohio Development

Services Agency within fifteen days after its passage. On or before March 31 of each year that the exemption set forth in Section 2 hereof remains in effect, the City Manager or other authorized officer of this City shall prepare and submit to the Director of the Ohio Development Services Agency the status report required under Section 5709.40 of the Ohio Revised Code.

SECTION 6. 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 7. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to eliminate existing hazards to vehicular traffic; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the City Manager, provided it receives the affirmative vote of at least two-thirds of the members of the Council, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____
Date

_____
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

I, AMY WILKENS, 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)

_____
AMY WILKENS
CLERK OF COUNCIL
(SEAL)

DRAFT ORDINANCE NO. 2021-110

AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT SUCH PARCELS, REQUIRING THE OWNERS OF THE IMPROVEMENTS ON SUCH PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A DUNKIN DONUTS MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43, AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code Sections 5709.40, 5709.42 and 5709.43 (the "Act") provide that this Council may describe public improvements to be made which directly benefit certain parcels, declare Improvements (as defined in Ohio Revised Code Section 5709.40) with respect to such parcels of real property located in the City of Kent (the "City") to be a public purpose, thereby authorizing the exemption of those Improvements from real property taxation for a period of time, and provide for the making of service payments in lieu of taxes by the owner of such parcels, and establish a municipal public improvement tax increment equivalent fund into which such service payments shall be deposited; and

WHEREAS, to improve the flow of traffic in and around the parcels described in **Exhibit A** hereto, as such parcels may be consolidated or split (each a "Parcel" and collectively, the "Parcels"), this Council may cause construction of the public improvements described in **Exhibit B** hereto (collectively, the "Public Improvements"), that once made will directly benefit the Parcels and the City and its residents; and

WHEREAS, the City has determined that it is necessary and appropriate and in the best interests of the City to provide for service payments in lieu of taxes with respect to the Parcels pursuant to Section 5709.42 of the Ohio Revised Code (the "Service Payments") to pay costs of the Public Improvements; and

WHEREAS, the Kent City School District has been notified of this Ordinance consistent with Revised Code Sections 5709.40 and 5709.83.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, that:

SECTION 1. The Public Improvements described in Exhibit B hereto, and any other public infrastructure improvements hereafter designated by ordinance, if made or caused to be made by the City, are hereby designated as those Public Improvements that directly benefit, or that once made will directly benefit, the Parcels, and are determined to be necessary for the public health, safety and welfare and constitute public infrastructure improvements made, to be made or in the process of being made by the City that directly benefit, or that once made will directly benefit, the Parcels for purposes of the Act and this Ordinance.

SECTION 2. Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.40, and, in particular, Section 5709.40(B), this Council hereby finds and determines that 100% of the increase in the assessed value of each Parcel that would first appearon the tax list and duplicate of real property after the effective date of this Ordinance (which increase in assessed value is herein referred to as the "Improvement" or "Improvements" as defined in said Section 5709.40) is a public purpose, and 100% of said

Improvement is hereby declared to be a public purpose for a period of 30 years and exempt from taxation commencing for each separate parcel on the January 1 of the tax year in which at least an aggregate of $100,000 ($35,000 of assessed value) of Improvements would appear on the tax list and duplicate for such tax year for that Parcel were it not for the exemption granted by this Ordinance ending for each Parcel on the earlier of (1) the date the Improvements have been exempted from taxation for a period of 30 years or (2) the date on which the City can no longer require service payments in lieu of taxes, all in accordance with the requirements of the TIF Act; provided, however, that Service Payments shall be paid to the Kent City School District in the amount of the taxes that would have been payable to the Kent City School District if the Improvements had not been exempted from taxation. The exemption authorized by this Ordinance is subordinate to any exemption granted pursuant to Section 5709.62 et. seq. of the Revised Code (Enterprise Zone exemption).

SECTION 3. As provided in Section 5709.42 of the Revised Code, the owner or owners of the Improvement are hereby required to and shall pay the Service Payments to the County Treasurer on or before the final dates for payment of real property taxes, which Service Payments, together with any associated rollback payments, shall be deposited in the Municipal Public Improvement Tax Increment Equivalent Fund established in Section 4 hereof. In accordance with Ohio Revised Code Section 5709.42, the County Treasurer shall distribute a portion of the Service Payments directly to the Kent City School District in an amount equal to the property tax payments the Kent City School District would have received from the portion of the Improvements exempted from taxation, had such Improvements not been exempted from taxation. This Council hereby authorizes the City Manager, Director of Budget & Finance and Law Director, and other appropriate officers of the City, to provide such information and certifications, and execute and deliver or accept delivery of such instruments, as are necessary or incidental to collect those Service Payments, and to make such arrangements as are necessary and proper for payment of the Service Payments.

SECTION 4. This Council hereby establishes pursuant to and in accordance with the provisions of Section 5709.43 of the Ohio Revised Code, the **Dunkin Donuts** Municipal Public Improvement Tax Increment Equivalent Fund (the "Fund"), into which shall be deposited all of the Service Payments and any associated rollback payments distributed to the City with respect to the Improvements on the Parcels by or on behalf of the County Treasurer, as provided in Section 5709.42 of the Ohio Revised Code, and hereby agrees that moneys in that fund shall be used for any or all of the following purposes:

(i) to pay any and all planning, engineering, acquisition, construction, installation, financing costs, and any and all other direct and indirect costs of the Public Improvements, including those costs set forth in Ohio Revised Code Section 133.15(B);

(ii) to pay the interest on and principal of bonds or notes, and premium, if any, including refunding or additional bonds or notes or other obligations issued or loans entered into by the City or other governmental entity to finance costs of the Public Improvements until such notes or bonds or other obligations or loans are paid in full, and to pay any trustee, administrative and other costs related to servicing the obligations and providing and replenishing a reserve fund and to pay any costs charged by the issuer of the obligations; and

(iii) to reimburse the City, or other governmental entity for any funds used to pay costs of the Public Improvements, or to pay interest, principal, or

premium, and related costs on any of the aforesaid notes, bonds, loans or other obligations, prior to receipt of Service Payments.

The Fund shall remain in existence so long as the Service Payments are collected and used for the aforesaid purposes, after which said Fund shall be dissolved in accordance with said Section 5709.43.

SECTION 5. Pursuant to Section 5709.40 of the Ohio Revised Code, the Clerk of Council is hereby directed to deliver a copy of this Ordinance to the Director of the Ohio Development Services Agency within fifteen days after its passage. On or before March 31 of each year that the exemption set forth in Section 2 hereof remains in effect, the City Manager or other authorized officer of this City shall prepare and submit to the Director of the Ohio Development Services Agency the status report required under Section 5709.40 of the Ohio Revised Code.

SECTION 6. 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 7. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to eliminate existing hazards to vehicular traffic; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the City Manager, provided it receives the affirmative vote of at least two-thirds of the members of the Council, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____
Date

_____
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

I, AMY WILKENS, 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)

_____
AMY WILKENS
CLERK OF COUNCIL
(SEAL)

DRAFT ORDINANCE NO. 2021 - 111

AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT SUCH PARCELS, REQUIRING THE OWNERS OF THE IMPROVEMENTS ON SUCH PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A HASAWI'S MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43, AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code Sections 5709.40, 5709.42 and 5709.43 (the "Act") provide that this Council may describe public improvements to be made which directly benefit certain parcels, declare Improvements (as defined in Ohio Revised Code Section 5709.40) with respect to such parcels of real property located in the City of Kent (the "City") to be a public purpose, thereby authorizing the exemption of those Improvements from real property taxation for a period of time, and provide for the making of service payments in lieu of taxes by the owner of such parcels, and establish a municipal public improvement tax increment equivalent fund into which such service payments shall be deposited; and

WHEREAS, to improve the flow of traffic in and around the parcels described in **Exhibit A** hereto, as such parcels may be consolidated or split (each a "Parcel" and collectively, the "Parcels"), this Council may cause construction of the public improvements described in **Exhibit B** hereto (collectively, the "Public Improvements"), that once made will directly benefit the Parcels and the City and its residents; and

WHEREAS, the City has determined that it is necessary and appropriate and in the best interests of the City to provide for service payments in lieu of taxes with respect to the Parcels pursuant to Section 5709.42 of the Ohio Revised Code (the "Service Payments") to pay costs of the Public Improvements; and

WHEREAS, the Kent City School District has been notified of this Ordinance consistent with Revised Code Sections 5709.40 and 5709.83.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, that:

SECTION 1. The Public Improvements described in Exhibit B hereto, and any other public infrastructure improvements hereafter designated by ordinance, if made or caused to be made by the City, are hereby designated as those Public Improvements that directly benefit, or that once made will directly benefit, the Parcels, and are determined to be necessary for the public health, safety and welfare and constitute public infrastructure improvements made, to be made or in the process of being made by the City that directly benefit, or that once made will directly benefit, the Parcels for purposes of the Act and this Ordinance.

SECTION 2. Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.40, and, in particular, Section 5709.40(B), this Council hereby finds and determines that 100% of the increase in the assessed value of each Parcel that would first appearon the tax list and duplicate of real property after the effective date of this Ordinance (which increase in assessed value is herein referred to as the "Improvement" or

"Improvements" as defined in said Section 5709.40) is a public purpose, and 100% of said Improvement is hereby declared to be a public purpose for a period of 30 years and exempt from taxation commencing for each separate parcel on the January 1 of the tax year in which at least an aggregate of $100,000 ($35,000 of assessed value) of Improvements would appear on the tax list and duplicate for such tax year for that Parcel were it not for the exemption granted by this Ordinance ending for each Parcel on the earlier of (1) the date the Improvements have been exempted from taxation for a period of 30 years or (2) the date on which the City can no longer require service payments in lieu of taxes, all in accordance with the requirements of the TIF Act; provided, however, that Service Payments shall be paid to the Kent City School District in the amount of the taxes that would have been payable to the Kent City School District if the Improvements had not been exempted from taxation. The exemption authorized by this Ordinance is subordinate to any exemption granted pursuant to Section 5709.62 et. seq. of the Revised Code (Enterprise Zone exemption) or Section 3735.65 et. Seq. of the Revised Code (Community Reinvestment Area exemption).

SECTION 3. As provided in Section 5709.42 of the Revised Code, the owner or owners of the Improvement are hereby required to and shall pay the Service Payments to the County Treasurer on or before the final dates for payment of real property taxes, which Service Payments, together with any associated rollback payments, shall be deposited in the Municipal Public Improvement Tax Increment Equivalent Fund established in Section 4 hereof. In accordance with Ohio Revised Code Section 5709.42, the County Treasurer shall distribute a portion of the Service Payments directly to the Kent City School District in an amount equal to the property tax payments the Kent City School District would have received from the portion of the Improvements exempted from taxation, had such Improvements not been exempted from taxation. This Council hereby authorizes the City Manager, Director of Budget & Finance and Law Director, and other appropriate officers of the City, to provide such information and certifications, and execute and deliver or accept delivery of such instruments, as are necessary or incidental to collect those Service Payments, and to make such arrangements as are necessary and proper for payment of the Service Payments.

SECTION 4. This Council hereby establishes pursuant to and in accordance with the provisions of Section 5709.43 of the Ohio Revised Code, the **Hasawi's** Municipal Public Improvement Tax Increment Equivalent Fund (the "Fund"), into which shall be deposited all of the Service Payments and any associated rollback payments distributed to the City with respect to the Improvements on the Parcels by or on behalf of the County Treasurer, as provided in Section 5709.42 of the Ohio Revised Code, and hereby agrees that moneys in that fund shall be used for any or all of the following purposes:

(i) to pay any and all planning, engineering, acquisition, construction, installation, financing costs, and any and all other direct and indirect costs of the Public Improvements, including those costs set forth in Ohio Revised Code Section 133.15(B);

(ii) to pay the interest on and principal of bonds or notes, and premium, if any, including refunding or additional bonds or notes or other obligations issued or loans entered into by the City or other governmental entity to finance costs of the Public Improvements until such notes or bonds or other obligations or loans are paid in full, and to pay any trustee, administrative and other costs related to servicing the obligations and providing and replenishing a reserve fund and to pay any costs charged by the issuer of the obligations; and

(iii) to reimburse the City, or other governmental entity for any funds used to pay costs of the Public Improvements, or to pay interest, principal, or premium, and related costs on any of the aforesaid notes, bonds, loans or other obligations, prior to receipt of Service Payments.

The Fund shall remain in existence so long as the Service Payments are collected and used for the aforesaid purposes, after which said Fund shall be dissolved in accordance with said Section 5709.43.

SECTION 5. Pursuant to Section 5709.40 of the Ohio Revised Code, the Clerk of Council is hereby directed to deliver a copy of this Ordinance to the Director of the Ohio Development Services Agency within fifteen days after its passage. On or before March 31 of each year that the exemption set forth in Section 2 hereof remains in effect, the City Manager or other authorized officer of this City shall prepare and submit to the Director of the Ohio Development Services Agency the status report required under Section 5709.40 of the Ohio Revised Code.

SECTION 6. 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 7. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to eliminate existing hazards to vehicular traffic; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the City Manager, provided it receives the affirmative vote of at least two-thirds of the members of the Council, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____
Date

_____
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

I, AMY WILKENS, 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)

_____

AMY WILKENS
CLERK OF COUNCIL
(SEAL)

DRAFT ORDINANCE NO. 2021-112

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF $9,130,000 TO PROVIDE FUNDS TO PAY COSTS OF CONSTRUCTING, FURNISHING AND EQUIPPING A NEW CITY HALL AND IMPROVING THE SITE THEREOF, TOGETHER WITH THE NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, the Director of Budget and Finance as fiscal officer of this City has certified to this Council that the estimated life or period of usefulness of each class of the improvements described in Section 1 is at least five years and the maximum maturity of the Bonds described in Section 1 is at least 27 years.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, that:

SECTION 1. Definitions and Interpretation. In addition to the words and terms elsewhere defined in this ordinance, unless the context or use clearly indicates another or different meaning or intent:

"Authorized Denominations" means (a) with respect to Capital Appreciation Bonds, if any, a denomination equal to a principal amount that, when interest is accrued and compounded thereon at the applicable compounding interest rate on each Interest Accretion Date to the stated maturity of those Bonds, will result in a Maturity Amount equal to $5,000 or any whole multiple thereof and (b) with respect to Current Interest Bonds, a denomination of $5,000 or any whole multiple thereof.

"Bond proceedings" means, collectively, this ordinance, the Certificate of Award, the Registrar Agreement, the Continuing Disclosure Agreement and such other proceedings of the City, including the Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Bonds.

"Bond Register" means the books and records necessary for the registration, exchange and transfer of the Bonds maintained by the Bond Registrar as provided in Section 5.

"Bond Registrar" means The Huntington National Bank, as the initial authenticating agent, bond registrar, transfer agent and paying agent for the Bonds under the Registrar Agreement and until a successor Bond Registrar shall have become such pursuant to the provisions of the Registrar Agreement and, thereafter, "Bond Registrar" shall mean the successor Bond Registrar.

"Book entry form" or "book entry system" means a form or system under which (a) the ownership of book entry interests in Bonds and the principal of and interest on Bonds may be transferred only through a book entry, and (b) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds deposited with and retained in the custody of the Depository or its agent. The book entry maintained by others than the City is the record that identifies the owners of book entry interests in those Bonds and that principal and interest.

"Capital Appreciation Bonds" means any Bonds designated as such in the Certificate of Award, maturing on the Principal Payment Dates, being in the principal amounts and having the Maturity Amounts set forth in the Certificate of Award, and bearing interest accrued and

compounded on each Interest Accretion Date and payable at maturity.

"Certificate of Award" means the certificate to be signed by the City Manager and the Director of Budget and Finance pursuant to subsection (a) of Section 6, setting forth and determining those terms or other matters pertaining to the Bonds and their issuance, sale and delivery as this ordinance requires or authorizes to be specified, set forth or determined therein.

"City Manager" means the person at the time performing the duties of the chief executive and administrative officer of the City.

"Closing Date" means the date of physical delivery of, and payment of the purchase price for, the Bonds.

"Code" means the Internal Revenue Code of 1986, the Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable successor section or provision and the applicable Treasury Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

"Compound Accreted Amount" means, with respect to any Capital Appreciation Bond, the principal amount thereof plus interest accrued and compounded on each Interest Accretion Date to the date of maturity or other date of determination. The Compound Accreted Amount per $5,000 Maturity Amount of the Capital Appreciation Bonds of each maturity and each compounding interest rate within a maturity as of each Interest Accretion Date shall be set forth in the Certificate of Award. The Compound Accreted Amount of a Capital Appreciation Bond as of any date other than an Interest Accretion Date is the sum of (a) the Compound Accreted Amount for that Bond on the immediately preceding Interest Accretion Date plus (b) the product of (i) the difference between (A) the Compound Accreted Amount of that Bond on the immediately preceding Interest Accretion Date and (B) the Compound Accreted Amount of that Bond on the immediately succeeding Interest Accretion Date, times (ii) the ratio of (C) the number of days from the immediately preceding Interest Accretion Date to the date of determination to (D) the total number of days from that immediately preceding Interest Accretion Date to the immediately succeeding Interest Accretion Date; provided, however, that in determining the Compound Accreted Amount of a Capital Appreciation Bond as of a date prior to the first Interest Accretion Date, the Closing Date shall be deemed to be the immediately preceding Interest Accretion Date and the principal amount of that Bond shall be deemed to be the Compound Accreted Amount on the Closing Date.

"Continuing Disclosure Agreement" means the continuing disclosure agreement to be signed by the City Manager and the Director of Budget and Finance pursuant to subsection (c) of Section 6, to be substantially in the form on file with the Clerk of Council, and which, together with the agreements of the City set forth in that subsection and the Bonds, shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the Bonds in accordance with the Rule.

"Current Interest Bonds" means, collectively, the Current Interest Serial Bonds and the Term Bonds.

"Current Interest Serial Bonds" means those Current Interest Bonds designated as such (or as "Serial Bonds") in the Certificate of Award, maturing on the Principal Payment Dates

set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and not subject to Mandatory Redemption Requirements.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of book entry interests in Bonds or the principal of and interest on Bonds, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Director of Budget and Finance" means the person at the time performing the duties of the chief financial officer and fiscal officer of the City.

"Director of Law" means the person at the time performing the duties of the chief legal officer of the City.

"Interest Accretion Dates" means, unless otherwise determined by the City Manager and the Director of Budget and Finance and specified in the Certificate of Award, as to any Capital Appreciation Bonds, June 1 and December 1 in each year during which any Capital Appreciation Bonds are outstanding, commencing June 1, 2022, or such other date not later than June 1, 2022, as is otherwise determined by the City Manager and the Director of Budget and Finance and specified in the Certificate of Award.

"Interest Payment Dates" means, unless otherwise determined by the City Manager and the Director of Budget and Finance and specified in the Certificate of Award, (a) as to Current Interest Bonds, June 1 and December 1 of each year during which the Current Interest Bonds are outstanding, commencing June 1, 2022, or such other date not later than December 1, 2022, as is otherwise determined by the City Manager and the Director of Budget and Finance and specified, and (b) as to any Capital Appreciation Bonds, their respective maturity dates.

"Mandatory Sinking Fund Redemption Requirements" means Mandatory Sinking Fund Redemption Requirements as defined in subsection (e)(i) of Section 3.

"Maturity Amount" means, with respect to a Capital Appreciation Bond, the principal of and interest on that Bond due and payable at its stated maturity.

"Municipal Advisor" means Baker Tilly Municipal Advisors, LLC.

"Original Purchaser" means the original purchaser of the Bonds identified in the Certificate of Award.

"Participant" means any participant contracting with a Depository under a book entry system and includes securities brokers and dealers, banks and trust companies, and clearing corporations.

"Principal Payment Dates" means, unless otherwise determined by the City Manager and the Director of Budget and Finance and specified in the Certificate of Award, December 1 in each of the years from 2022 through 2041.

"Registrar Agreement" means the Bond Registrar Agreement between the City and the Bond Registrar, as it may be modified from the form on file with the Clerk of Council and signed by the City Manager and the Director of Budget and Finance in accordance with Section 4.

"Rule" means Rule 15c2-12 prescribed by the SEC pursuant to the Securities Exchange Act of 1934.

"SEC" means the United States Securities and Exchange Commission.

"Term Bonds" means those Current Interest Bonds designated as such in the Certificate of Award and maturing on the Principal Payment Date or Dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and subject to mandatory sinking fund redemption.

The captions and headings in this ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this ordinance unless otherwise indicated.

SECTION 2. Authorized Principal Amount and Purpose; Application of Proceeds. . That is necessary to issue bonds of this City in the maximum aggregate principal amount of $9,130,000 (the Bonds) to provide fund to pay costs of constructing, furnishing and equipping a new City Hall and improving the site thereof, together with the necessary appurtenances and work incidental thereto, including issuance costs relating to the Bonds.

Subject to the limitations set forth in this ordinance, the aggregate principal amount of the Bonds to be issued, the principal maturities of and the principal payment schedule for the Bonds, the interest rate or rates or compounding interest rate or rates that the Bonds shall bear and certain other terms and provisions of the Bonds identified in this ordinance are subject to further specification or determination in the Certificate of Award upon the finalization of the terms and provisions of the Bonds. The aggregate principal amount of Bonds to be issued, as so specified in the Certificate of Award, shall be the amount determined by the City Manager and the Director of Budget and Finance to be necessary, taking into account any premium above or discount from the aggregate principal amount of the Bonds at which they are sold to the Original Purchaser and other funds available for the purpose, to carry out the purpose for which the Bonds are to be issued.

The proceeds from the sale of the Bonds, except any premium and accrued interest, shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Bonds are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund

SECTION 3. Denominations; Dating; Principal and Interest Payment and Redemption Provisions. The Bonds shall be issued in one lot and only as fully registered bonds, in the Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount stated to mature on that date. The respective principal amounts of the Bonds to be issued as Current Interest Bonds and Capital Appreciation Bonds (if any Bonds are issued as Capital Appreciation Bonds) shall be determined by the City Manager and the Director of Budget and Finance in the Certificate of Award, having due regard to the best interest of and financial advantages to the City. The Current Interest Bonds shall be as of the Closing Date, or such other date not later than May 15, 2022, as is established by the City Manager and the Director of Budget and Finance in the Certificate of Award, and any Capital Appreciation Bonds shall be dated as of the Closing Date.

(a) Interest Rates and Payment Dates. The Current Interest Bonds shall bear interest at the rate or rates per year (computed on the basis of a 360-day year consisting of twelve 30-day months), not exceeding 10% per year for any stated maturity, as shall be specified by the City Manager and the Director of Budget and Finance (subject to the provisions of subsection (c) of this Section) in the Certificate of Award. Interest on the Current Interest Bonds shall be payable on each Interest Payment Date until the principal amount has been paid or provided for. The Current Interest Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

Any Capital Appreciation Bonds shall bear interest from the Closing Date at the compounding rate or rates per year (computed on the basis of a 360-day year consisting of twelve 30-day months), not exceeding 20% per year for any stated maturity, accrued and compounded on each Interest Accretion Date and payable at maturity, that will result in the aggregate Maturity Amounts payable at maturity, as shall be specified by the City Manager and the Director of Budget and Finance (subject to the provisions of subsection (c) of this Section) in the Certificate of Award. The total interest accrued on any Capital Appreciation Bond as of any particular date shall be an amount equal to the amount by which the Compound Accreted Amount of that Capital Appreciation Bond as of that date exceeds the principal amount of that Capital Appreciation Bond.

(b) Principal Payment Schedule. The Bonds shall mature or be payable pursuant to Mandatory Sinking Fund Redemption Requirements (as hereinafter defined and described) on the Principal Payment Dates in the following years and principal amounts:

Year	Principal Amount	Year	Principal Amount
2022	$205,000	2036	$355,000
2023	210,000	2037	360,000
2024	220,000	2038	370,000
2025	235,000	2039	375,000
2026	245,000	2040	385,000
2027	255,000	2041	390,000
2028	270,000	2042	400,000
2029	285,000	2043	410,000
2030	295,000	2044	420,000
2031	310,000	2045	430,000
2032	330,000	2046	440,000
2033	335,000	2047	450,000
2034	340,000	2048	460,000
2035	350,000		

; provided that, subject to the limitations set forth in Sections 1 and 2 and subsection (c) of this Section 3, the principal amount of Bonds maturing or payable on any one or more of the Principal Payment Dates may be increased or decreased as specified by the City Manager and the Director of Budget and Finance in the Certificate of Award, consistently with their determination of the best interest of and financial advantages to the City.

Consistently with the foregoing and in accordance with their determination of the amount needed for the purpose set forth in Section 2 and the best interest of and financial advantages to the City, the City Manager and the Director of Budget and Finance shall specify in the Certificate of Award (i) the aggregate principal amount of Bonds to be issued, (ii) the aggregate

principal amount of Bonds to be issued as Current Interest Bonds, (iii) the aggregate principal amount of Current Interest Bonds to be issued as Current Interest Serial Bonds, the Principal Payment Dates on which those Bonds shall be stated to mature and the principal amount thereof that shall be stated to mature on each such Principal Payment Date, (iv) the aggregate principal amount of Current Interest Bonds to be issued as Term Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature, the principal amount thereof that shall be stated to mature on each such Principal Payment Date, the Principal Payment Date or Dates on which Term Bonds shall be subject to mandatory sinking fund redemption (Mandatory Redemption Dates) and the principal amount thereof that shall be payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Mandatory Redemption Date, and (v) the aggregate principal amount of the Bonds to be issued as Capital Appreciation Bonds, if any, and the corresponding aggregate Maturity Amount of any such Bonds, the Principal Payment Date or Dates on which any such Bonds shall be stated to mature, and the principal amount and corresponding Maturity Amount thereof that shall be payable on each such Principal Payment Date.

(c) Conditions for Establishment of Interest Rates and Principal Payment Dates and Amounts. The rate or rates of interest per year to be borne by the Current Interest Bonds and the compounding rate or rates of interest per year to be borne by any Capital Appreciation Bonds, and the principal amount of Current Interest Bonds maturing or payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Principal Payment Date and the Maturity Amount of any Capital Appreciation Bonds payable on each Principal Payment Date, shall be such that the total amount of the principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the total amount of those payments in any other such fiscal year. The weighted average of the rate or rates of interest per year to be borne by the Bonds, determined by taking into account the respective principal amounts of the Bonds and terms to maturity or mandatory sinking fund redemption, as applicable, of those principal amounts of Bonds shall not exceed 5% per year.

(d) Payment of Debt Charges. The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal of and any premium on the Current Interest Bonds, and principal of and interest on any Capital Appreciation Bonds, shall be payable when due upon presentation and surrender of the Bonds at the designated corporate trust office of the Bond Registrar. Interest on a Current Interest Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register at the close of business on the 15th day of the calendar month next preceding that Interest Payment Date. Notwithstanding the foregoing, if and so long as the Bonds are issued in a book entry system, principal of and any premium on interest on the Bonds shall be payable in the manner provided in any agreement entered into by the Director of Budget and Finance, in the name and on behalf of the City, in connection with the book entry system.

The City reserves the right to order the Bond Registrar to return to it any money held by the Bond Registrar for the payment of (i) checks or drafts for the payment of interest on the Bonds or (ii) principal of or premium on Bonds, which checks, drafts or Bonds have not been presented for payment within four years following the date on which payment of the interest or principal represented thereby came due. Thereafter, the registered owners shall look only to the City for payment of the interest and principal represented by those checks, drafts and Bonds.

(e) Redemption Provisions. The Capital Appreciation Bonds, if any, shall not be subject to redemption prior to stated maturity.

Except as may be otherwise specified by the City Manager and the Director of Budget and Finance in the Certificate of Award consistently with their determination of the best interest of and financial advantages to the City, the Current Interest Bonds shall be subject to redemption prior to stated maturity as follows:

(i) Mandatory Sinking Fund Redemption of Term Bonds. If any of the Current Interest Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory redemption in part by lot and be redeemed pursuant to mandatory sinking fund requirements, at a redemption price of 100% of the principal amount redeemed, plus accrued interest to the redemption date, on the applicable Mandatory Redemption Dates and in the principal amounts payable on those Dates, for which provision is made in the Certificate of Award (such Dates and amounts, the Mandatory Sinking Fund Redemption Requirements).

The aggregate of the moneys to be deposited with the Bond Registrar for payment of principal of and interest on the Bonds on each Mandatory Redemption Date shall include an amount sufficient to redeem on that Date the principal amount of Term Bonds payable on that Date pursuant to Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as hereinafter provided).

The City shall have the option to deliver to the Bond Registrar for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City, as specified by the Director of Budget and Finance, for Term Bonds stated to mature on the same Principal Payment Date and bear interest at the same rate as the Term Bonds so delivered. That option shall be exercised by the City on or before the 45th day preceding any Mandatory Redemption Date with respect to which the City wishes to obtain a credit, by furnishing the Bond Registrar a certificate, signed by the Director of Budget and Finance, setting forth the extent of the credit to be applied with respect to the then current or any subsequent Mandatory Sinking Fund Redemption Requirement for Term Bonds stated to mature on the same Principal Payment Date and to bear interest at the same rate as the Term Bonds so delivered. If the certificate is not timely furnished to the Bond Registrar, the current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation), as specified by the Director of Budget and Finance, also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the applicable Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any Mandatory Sinking Fund Redemption Requirement, for Term Bonds stated to mature on the same Principal Payment Date and bear interest at the same rate as the Term Bonds so redeemed or

purchased and canceled.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Bond Registrar at 100% of the principal amount thereof against the then current or subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations), as specified by the Director of Budget and Finance, for Term Bonds stated to mature on the same Principal Payment Date and bear interest at the same rate as the Term Bonds so delivered, redeemed or purchased and canceled.

(ii) Optional Redemption. The Current Interest Bonds stated to mature on or after December 1, 2032 shall be subject to redemption, by and at the sole option of the City, either in whole or in part (in whole multiples of $5,000), on any date on or after December 1, 2031, at a redemption price of 100% of the principal amount redeemed, plus accrued interest to the redemption date.

Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the Director of Budget and Finance to the Bond Registrar, given upon the direction of this Council by passage of an ordinance. That notice shall specify the redemption date and the principal amount of each maturity, and each interest rate within a maturity, of Bonds to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar.

(iii) Partial Redemption. If fewer than all of the outstanding Bonds are called for optional redemption at one time and Bonds of more than one maturity or interest rate within a maturity are then outstanding, the Bonds that are called shall be Bonds of the maturity or maturities and interest rate or rates within a maturity selected by the City. If fewer than all of the Bonds of a single maturity or interest rate within a maturity are to be redeemed, the selection of Bonds of that maturity or interest rate within a maturity to be redeemed, or portions thereof in amounts of $5,000 or any whole multiple thereof, shall be made by the Bond Registrar by lot in a manner determined by the Bond Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than $5,000 are then outstanding, each $5,000 unit of principal thereof shall be treated as if it were a separate Bond of the denomination of $5,000. If it is determined that one or more, but not all, of the $5,000 units of principal amount represented by a Bond are to be called for redemption, then, upon notice of redemption of a $5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Bond Registrar (A) for payment of the redemption price of the $5,000 unit or units of principal amount called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (B) for issuance, without charge to the registered owner, of a new Bond or Bonds of any Authorized Denomination or Denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(iv) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (A) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (B) the redemption price to be paid, (C) the date fixed for redemption, and (D) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Bond Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Bond Registrar at the close of business on the 15th day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(v) Payment of Redeemed Bonds. In the event that notice of redemption shall have been given by the Bond Registrar to the registered owners as provided above, there shall be deposited with the Bond Registrar on or prior to the redemption date, moneys that, in addition to any other moneys available therefor and held by the Bond Registrar, will be sufficient to redeem at the redemption price thereof, plus accrued interest to the redemption date, all of the redeemable Bonds for which notice of redemption has been given. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, subject to the provisions of subsection (d) of Section 3 and Section 5, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Bonds and portions thereof to be redeemed, together with accrued interest thereon to the redemption date, are held by the Bond Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All moneys held by the Bond Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds, provided that any interest earned on the moneys so held by the Bond Registrar shall be for the account of and paid to the City to the extent not required for the payment of the Bonds called for redemption..

SECTION 4. Execution and Authentication of Bonds; Appointment of Bond Registrar. The Bonds shall be signed by the City Manager and the Director of Budget and Finance, in the name of the City and in their official capacities, provided that either or both of those signatures may be a

facsimile. The Bonds shall be issued in the Authorized Denominations and numbers as requested by the Original Purchaser and approved by the Director of Budget and Finance, shall be numbered as determined by the Director of Budget and Finance in order to distinguish each Bond from any other Bond and to distinguish Current Interest Bonds from any Capital Appreciation Bonds, and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to Chapter 133 of the Revised Code, the Charter of the City and this ordinance.

The Huntington National Bank is appointed to act as the initial Bond Registrar. The City Manager and the Director of Budget and Finance shall sign and deliver, in the name and on behalf of the City and in their official capacities, the Registrar Agreement between the City and the Bond Registrar, in substantially the form as is now on file with the Clerk of Council. The Registrar Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the City Manager and the Director of Budget and Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Registrar Agreement or amendments thereto. The Director of Budget and Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement, from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond proceedings unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Bond proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the Director of Budget and Finance on behalf of the City. The same person need not sign the certificate of authentication on all of the Bonds.

SECTION 5. Registration; Transfer and Exchange; Book Entry System.

(a) Bond Registrar. So long as any of the Bonds remain outstanding, the City will cause the Bond Registrar to maintain and keep the Bond Register at its designated corporate trust office. Subject to the provisions of subsection (d) of Section 3 and subsection (c) of Section 6, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of the Bond proceedings. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

(b) Transfer and Exchange. Subject to any inhibitions of book entry form during any period in which the Bonds are in book entry form, any Bond may be (i) exchanged for Bonds of any Authorized Denomination upon presentation and surrender at the designated corporate trust office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar, and (ii) transferred only on the Bond Register upon presentation and surrender of the Bond at the designated corporate trust office of the Bond Registrar together with an assignment signed by the registered

owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign or provide for signing and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of the Bond proceedings. The exchange or transfer shall be without charge to the owner, except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under the Bond proceedings as the Bonds surrendered upon that exchange or transfer. Neither the City nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for redemption between the 15th day preceding the mailing of notice of Bonds to be redeemed and the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part.

(c) Book Entry System. Notwithstanding any other provisions of this ordinance, if the City Manager and the Director of Budget and Finance determine in the Certificate of Award that it is in the best interest of and financially advantageous to the City, the Bonds may be issued in book entry form in accordance with the following provisions of this Section.

The Bonds may be issued to a Depository for use in a book entry system and, if and so long as a book entry system is utilized, (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and interest rate within a maturity and registered in the name of the Depository or its nominee, as registered owner, and deposited with and retained in the custody of the Depository or its agent, which may be the Bond Registrar; (ii) the owners of book entry interests in Bonds shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of book entry interests in Bonds shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of book entry interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Director of Budget and Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Budget and Finance does not or is unable to do so, the Director of Budget and Finance, after making provision for notification of the book entry interest owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and shall cause Bond certificates in registered form to be authenticated by the Bond Registrar and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The City Manager and the Director of Budget and Finance are each also hereby authorized and directed, to the extent necessary or required, to enter into any agreements, in the name and on behalf of the City, that either determines to be necessary in connection with a book entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the City.

SECTION 6. Sale of the Bonds.

(a) To the Original Purchaser. The Bonds shall be awarded and sold by the City Manager and the Director of Budget and Finance to the Original Purchaser at private sale at a purchase price not less than 97% of the aggregate principal amount thereof plus any accrued interest on the Current Interest Bonds from their date to the Closing Date, as shall be determined in the Certificate of Award and with and upon such other terms as are required or authorized by this ordinance to be specified in the Certificate of Award, in accordance with law, the provisions of this ordinance.

The City Manager and the Director of Budget and Finance shall sign and deliver the Certificate of Award and the Director of Budget and Finance shall cause the Bonds to be prepared and, following their sale, have the Bonds signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price. The City Manager, the Director of Budget and Finance, the Director of Law, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this ordinance.

The City Manager and the Director of Budget and Finance are authorized, if they determine it to be in the best interest of the City, to combine the issue of the Bonds with one or more other unvoted general obligation bond issues of the City into a consolidated bond issue pursuant to Section 133.30(B) of the Revised Code in which case a single Certificate of Award may be utilized for the consolidated bond issue if appropriate and consistent with the terms of this ordinance.

(b) Primary Offering Disclosure -- Official Statement. The City Manager and the Director of Budget and Finance are authorized and directed, on behalf of the City and in their official capacities, to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, a disclosure document in the form of an official statement relating to the original issuance of the Bonds, (ii) determine, and to certify or otherwise represent, when the official statement is to be "deemed final" (except for permitted omissions) by the City as of its date or is a final official statement for purposes of paragraph (b) of the Rule, (iii) use and distribute, or authorize the use and distribution of, those official statements and any supplements thereto in connection with the original issuance of the Bonds, and (iv) complete and sign the final official statement and any supplements thereto, together with such certificates, statements or other documents in connection with the finality, accuracy and completeness of those official statements and any supplements as they may deem necessary or appropriate.

(c) Agreement to Provide Continuing Disclosure. For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees to provide or cause to be provided such financial information and operating data, audited financial statements and notices of the occurrence of certain events, in such manner as may be required for purposes of the Rule. The City Manager and the Director of Budget and Finance are authorized and directed to

complete, sign and deliver the Continuing Disclosure Agreement, in the name and on behalf of the City and in their official capacities, in substantially the form as is now on file with the Clerk of Council. The Continuing Disclosure Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the City Manager, the Director of Budget and Finance and Director of Law on behalf of the City, all of which shall be conclusively evidenced by the signing of the Continuing Disclosure Agreement.

The Director of Budget and Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its Continuing Disclosure Agreement, including timely provision of information and notices as described above. Prior to making any filing required under the Rule, the Director of Budget and Finance shall consult with and obtain legal advice from, as appropriate, the Director of Law and bond counsel or other qualified independent special counsel selected by the City. The Director of Budget and Finance, acting in the name and on behalf of the City, shall be entitled to rely upon any such legal advice in determining whether a filing should be made. The performance by the City of its Continuing Disclosure Agreement shall be subject to the annual appropriation of any funds that may be necessary to perform it.

(d) Application for Rating or Bond Insurance; Financing Costs. If, in the judgment of the City Manager or the Director of Budget and Finance, the filing of an application for (i) a rating on the Bonds by one or more of the nationally recognized rating agencies, or (ii) a policy of insurance from a company or companies to better assure the payment of principal of and interest on all or a portion of the Bonds, is in the best interest of and financially advantageous to this City, the City Manager or the Director of Budget and Finance may prepare and submit those applications. The Director of Budget and Finance is also authorized to provide to each such agency or company such information as may be required for the purpose and, if it is, in his judgment, in the best interest of and financially advantageous to the City, to accept a commitment for insurance issued by a nationally recognized municipal bond insurance company insuring the payment when due of the principal of and interest on all or any portion of the Bonds. The City Manager and the Director of Budget and Finance may to enter into any agreements, in the name and on behalf of the City and in their official capacities, that they determine to be necessary or required to obtain such ratings or insurance, which agreements may be included in the Registrar Agreement.

The expenditure of the amounts necessary to secure a rating or ratings on the Bonds or any such policy and to pay the other financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Bonds, is authorized and approved, and the Director of Budget and Finance is authorized to provide for the payment of the cost of obtaining each such rating and any such policy and all such other financing costs from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose.

SECTION 7. Provisions for Tax Levy. There shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other

items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Bonds when and as the same fall due.

SECTION 8. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Code or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Bonds will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Bonds to be and to remain excluded from gross income for federal income tax purposes, and (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Budget and Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Bonds is hereby authorized (a) to make or effect any election, selection, designation (including specifically designation or treatment of the Bonds as "qualified tax-exempt obligations" if such designation or treatment is applicable and desirable), and to make any related necessary representations and covenants, choice, consent, approval, or waiver on behalf of the City with respect to the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on or status of the Bonds.

SECTION 9. Certification and Delivery of Ordinance and Certificate of Award. The Clerk of Council is directed to deliver to the Portage County Auditor a certified copy of this ordinance and a signed copy of the Certificate of Award as soon as each is available.

SECTION 10. Satisfaction of Conditions for Bond Issuance. This Council determines that all acts and conditions necessary to be performed by the City or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the City

of Kent have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 7) of the City are pledged for the timely payment of the debt charges on the Bonds; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds.

SECTION 11. Retention of Legal Services. The legal services of the law firm of Squire Patton Boggs (US) LLP as bond and disclosure counsel to the City be and are hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Bonds and rendering at delivery related legal opinions and letters, all as set forth in the form of engagement letter dated October 6, 2021, now on file in the office of the Clerk of Council. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. The Director of Law is authorized and directed to sign and deliver the engagement letter, the Director of Budget and Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

SECTION 12. Retention of Municipal Advisory Services. The municipal advisory services of Baker Tilly Municipal Advisors, LLC, as municipal advisor in connection with the issuance of the Bonds, are retained pursuant to an engagement agreement which has been delivered to the City by that firm. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. For those municipal advisory services that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those services. That engagement agreement, and the execution thereof by the City Manager, is hereby authorized, ratified and approved, the Director of Budget and Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

SECTION 13. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the passage of this ordinance were taken, and that all deliberations of this Council and of any committees that resulted in those formal actions were held, in meetings open to the public in compliance with the law.

SECTION 14. That this Ordinance is 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 and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Bonds, which is necessary to provide for the construction, furnishing and equipping of a new city hall which is urgently needed to promote the effective and efficient provision and administration of city services and thereby to improve the safety and welfare of the residents of the City, and to enable the City to timely enter into and meet its obligations under contracts for the city hall project, for which reasons 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.

ADOPTED: _____
Date

_____
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

I, AMY WILKENS, 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.* 2021-_____, PASSED BY THE COUNCIL OF THE CITY OF KENT ON OCTOBER _____, 2021.

(SEAL)

_____
AMY WILKENS
CLERK OF COUNCIL

DRAFT RESOLUTION NO. 2021 -113

A RESOLUTION ESTIMATING THE AMOUNT OF ACTIVE, INTERIM, AND INACTIVE DEPOSITS TO BE AWARDED, FIXING PERIOD OF DESIGNATION AND DATE OF AWARDING AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Revised Code Chapter 135 mandates that depositories must be designated every five (5) years; and

WHEREAS, the Kent City Council wishes to proceed with the designation of depositories for the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kent, Portage County, Ohio, that**:**

SECTION 1. That the aggregate amount of public funds to be awarded for deposit during the period from December 17, 2021 to December 16, 2026 are as follows:

Active Deposits	$20 Million
Interim Deposits	$35 Million
Inactive Deposits	$35 Million

SECTION 2. That the period for which said active, interim, and inactive deposits will be awarded shall be for the period from December 17, 2021 to December 16, 2026, both dates inclusive.

SECTION 3. That this Council shall meet on the 17th day of November, 2021 at 7:30 p.m. for the purpose of designating the depository or depositories of said funds.

SECTION 4. That the Clerk of this Council shall cause notice of the adoption of this Resolution to be published once a week for two consecutive weeks.

SECTION 5. 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 6. This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Resolution is required to be immediately effective in order to eliminate existing hazards to vehicular traffic; wherefore, this Resolution shall be in full force and effect immediately upon its passage and approval by the City Manager, provided it receives the affirmative vote of at least two-thirds of the members of the Council, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____
Date

_____
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

I, AMY WILKENS, 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)

_____
AMY WILKENS
CLERK OF COUNCIL
(SEAL)

DRAFT ORDINANCE NO. 2021 -114

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACCEPT GRANT FUNDING FOR THE KENT HEALTH DEPARTMENT IN THE AMOUNT OF $180,000 FROM THE CENTERS FOR DISEASE CONTROL AND PREVENTION, AND DECLARING AN EMERGENCY

WHEREAS, the City of Kent Health Department has received grant monies in the amount of $180,000 from the Centers for Disease Control and Prevention; and

WHEREAS, the grant monies are to be used to educate and grow current employees professionally and to hire new employees; and

WHEREAS, the grant runs for 96 weeks and then is to be renewed for an additional three years. The funding grant can start to be spent beginning September 1, 2021.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, that:

SECTION 1. That Kent City Council hereby authorizes the City Manager, or his designee, to accept the grant funding in the amount of $180,000 from the Centers for Disease Control and Prevention to be used by the Kent Health Department to build and strengthen their workforce.

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: _____
Amy Wilkens
Clerk of Council

I, AMY WILKENS, 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)

_____

AMY WILKENS
CLERK OF COUNCIL