

**THE CITY OF KENT, OHIO
PUBLIC HEARING
WEDNESDAY, JUNE 3, 2020**

At 6:50 p.m., Mayor Jerry T. Fiala called the *Public Hearing to allow for public comment and questions regarding the City of Kent's application for a Designated Outdoor Refreshment Area* to order. Roll call was taken.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Mr. John Kuhar; Ms. Gwen Rosenberg; Ms. Heidi Shaffer; Mr. Roger Sidoti; 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; Mr. Tom Wilke, Economic Development Director; and Ms. Amy Wilkens, Clerk of Council.

ABSENT: Ms. Tracy Wallach

On May 13, 2020 and May 20, 2020, notice was given that the Kent City Council was conducting a Public Hearing to allow for public comment and questions regarding the City of Kent's application for a Designated Outdoor Refreshment Area.

Mr. Tom Wilke, Economic Development Director introduced the hearing to allow the public to comment on the proposed application for a Designated Outdoor Refreshment Area (DORA) in the City of Kent. If approved, it would allow liquor license holding establishments within the DORA boundary to sell alcohol beverages for outdoor consumption also within the DORA boundaries.

Mayor Fiala asked for comments from the audience and asked Clerk Wilkens to call the first public commenter and asked them to give their name and address.

Clerk Wilkens called forth Heather Malarcik from the audience to speak.

Heather Malarcik of 7685 W. Lake Blvd, Kent, OH, is representing Main Street Kent. She shared at Main Street Kent they are seeing first hand the struggle local businesses are having due to COVID-19. They feel it is something that will support businesses in all of downtown. They have been in touch with liquor license holders, business owners, and other stakeholders to develop a plan that is well suited for Kent and feel this is one of the tools to provide help to the downtown business community to help them through this time. Some concerns expressed by one stakeholder, Ron Burbick, were read by Ms. Malarcik. The first concern of his is parking lots and feels both public and private lots should be excluded from the DORA including the PARTA parking facility. His second concern is he believes the North Water Street portion that is part of the DORA is unnecessary because of all of the residences in that area. His third concern is the increase in litter potential and whose responsibility it would be to manage those items. Ms. Malarcik will forward Mr. Burbick's comments to Clerk Wilkens for the record.

Ms. Wilkens called Josh Rider who had signed in to speak. He said he will be deferring his comments in the interest of time.

Ms. Wilkens called Michelle Sahr who owns Off the Wagon, Red Letter Day and Kent Cheesemonger and resides at 1366 Nicholas Drive, Kent, Ohio. She came to show support for DORA and feels like it will be something different and fun to bring people back down to Kent. With everyone getting in different habits of staying home, she wants to give people a reason to come back downtown and to feel safe. She likes the idea of people being able to buy a meal and a drink and eat outside if that's where they are going to feel safer. She feels this is important. She also wanted to note the restaurants business affects retail, the whole downtown

district is tied together. What's good for restaurants in bringing people downtown to enjoy food and drink does help retail.

Ms. Wilkens called Tim Dean, Director of Operation for College Town Kent. He was in favor of the DORA prior to COVID-19 and believes now more than ever this will help with social distancing. It will provide opportunity for those who are waiting for a table to grab a drink and walk around and enjoy beautiful downtown Kent. He is confident that the local administration, business leaders and safety forces will implement one of the best DORA concepts in the State of Ohio.

Hearing no further business, Mayor Fiala adjourned the Public Hearing at meeting at 6:55 p.m.



Amy Wilkens
Clerk of Council



Jerry T. Fiala
Mayor and President of Council



Community Development Committee
Meeting Minutes
The City of Kent, Ohio
Wednesday, June 3, 2020

Chair Kuhar called the Community Development of Kent City Council to order at 7:00 p.m.

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

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

There were two (2) items on the Agenda.

1. **Modification to the regulation of farm animals in residential areas** (Jones)

Ms. Hope Jones has had conversations over the past months with the Police Department and Community Development regarding farm animals and livestock issues in the City. She was specifically asked by Police Chief, Michelle Lee to take a look at what remedies are in that section. When looked at more closely, Ms. Jones noticed if there was someone that violated the farm animal or livestock section, the City only has a civil remedy to file an injunctive action. It is nice to have this option but it is time consuming. Typically, animal officers are sent out to address any violations and if they do not comply, a citation is issued. She is proposing that in addition to the civil remedy to also give the availability to have police officers go out and cite the person if they are not in compliance with having farm animals on a lot that is not zoned to be. The first violation would be a misdemeanor of the third degree, more than one violation would be a misdemeanor of the first degree and go to Kent Municipal Court.

Mayor Fiala asked if this keeps in line with the two-acre limitation for farm animals.

Ms. Bridget Susel says this would give another opportunity to address violations. In section 505 of the code, the misdemeanor option allows the animal control officers to talk to anyone that is in violation. Section 505.19 which deals with livestock, that remedy is no longer listed, so this would add the same remedy used for the control of dangerous dogs, feral cats and any other animal violation in this section of the code.

Ms. Heidi Shaffer asked if there is a definition of "farm yard animals". Donkeys were mentioned and she asked if these were miniature donkeys or full-sized donkeys, and if it included pot belly pigs, etc.

Ms. Hope Jones replied there is a definition section in the Ordinance attached to the communication. It includes mules, jacks, burrows, goats, kids, swine, and any other animals normally found in the wild state which are being kept for exhibition purposes. It would include miniature horses, ponies, donkeys, pigs.

Ms. Heidi Shaffer asked if pot-bellied pigs would be included in this.

Ms. Bridget Susel read the definition which states "livestock means horse, ponies, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, steers, heifers, cows, calves, mules, burrows, jacks, goats, kids, swine and any other animal normally found in a wild state or exhibition. She said there was a pot-bellied pig scenario in Forest Lake in 2013-2014 and the Safety Director at that time said it was applicable to pot bellied pigs.

Ms. Shaffer asked what would be the distinction, if it is whether they are being kept in the house or outside.

Ms. Susel stated the size of the parcel. If it's under two acres, this code would apply even under its current structure.

Ms. Tracy Wallach asked if it is under two acres they should not have these animals.

This was confirmed by Ms. Susel to be correct.

Ms. Wallach said she knows chickens are allowed, but you have to get a license.

Ms. Susel clarified a license is not needed but would need to follow the requirements that were added to the backyard chicken section (505. 22) which specifies what is needed for a coup.

Ms. Wallach asked if Dave (Ruller) would be the person to apply to to get the license.

Ms. Susel replied "yes".

MOTION to modify the regulation of farm animals in residential areas made by Mr. Sidoti, **SECONDED** by Ms. Wallach and **CARRIED** by a voice vote of 9-0.

2. Consideration of Main Street's proposed "Designated Outdoor Refreshment Area" (Wilke)

Mr. Ruller echoed comments made earlier (during the Public Hearing) by Heather Malarcik and Tim Dean that this was something being discussed prior to the Covid pandemic. Some communities around Ohio have already adopted this and Kent tries to make sure not to fall behind neighboring communities, keeping an eye on new things happening to stay relevant. So much of the value of Kent's downtown is the experience that people get. It's not just strictly the business, bar or restaurant, it's the full package. This is an interesting addition that some communities (such as North Canton) have instituted earlier. The COVID-19 pandemic has really accelerated interest in the DORA, now that social distancing matters and the limitations of space within the buildings makes using the outdoors more attractive. Mr. Ruller had spoken to Councilwoman Gwen Rosenberg who stated "We attract businesses out of a promise to do everything we can do for them to succeed". Out of respect, this is another effort to at least try. It can have faults, as Mr. Burbick has pointed out, would like to give it a try. He added that it is an important topic worthy of consideration of Council to support the downtown businesses.

Mr. Tom Wilke, Economic Development Director, started his presentation by referencing the application and presentation included in the meeting packet. The application is to City Council, who would be approving the application and be in charge of the application going forward. It can be amended, changed, suspended, change hours, days of week, whatever is needed. It is one of the few state programs that gives the City so much control. Mr. Wilke started his PowerPoint presentation for the audience (**Attachment #1**). During the presentation there were a number of questions from City Council members.

Mr. Robin Turner asked who would be enforcing the DORA rules.

Mr. Wilke said the police department would, primarily, with some help from the Health Department at times. He said it is no different than the current enforcement of liquor laws, and it's really up to the owner of the bar or restaurant first and foremost and then second the police department.

Mr. Turner asked if someone is taking alcohol from one establishment into the other, if the other establishment doesn't enforce the rule, would they be in charge of calling the police officer for enforcement.

Mr. Wilke said the operator of that bar would just request the consumer to discard their cup into the recycle container right at the door. If it turned into some sort of disagreement or escalated the police could be called, but wouldn't expect to happen very often.

Mr. Ruller added that Chief Michelle Lee and Captain Nick Shearer were very much involved in the conversation from the start, so there are no surprises for the police and it is supported by them. It would not have been brought forward if not supported by the police.

Mr. Wilke has reached out to many entities, including the Police Department, Health Department, Law Department, Ms. Heidi Shaffer (Ward 5 Council Representative), Townhall II, Mental Health Recovery Board and St. Patrick's Church. Townhall II will be placing their own signage near/on their building regarding the DORA zone.

The DORA boundaries were discussed in detail. Mr. Wilke said it includes all of College Town Kent, the Hotel, the core of downtown, East Main Street, up to N. Depeyster and North Water Street out to Lake Street and Franklin down to Summit. The goal was to include all 31 liquor licenses downtown, not wanting to exclude anybody and give them a disadvantage with the competition. The DORA extends all the way north on North Water Street to include the North Water Brewing Company that is currently under construction. It runs all the way down Franklin to Summit was to include the PUB.

Ms. Tracy Wallach asked about signage and how people will know where they can or can't drink. She asked if signage will be posted downtown so everyone will know where they can or can't drink.

Mr. Wilke replied the only place they cannot drink is in front of Townhall II and Sue Whitehurst is going to take care of signage there. There will also be sidewalk decals that will indicate when in the DORA area, as well as signs in the entrance ways.

Ms. Wallach asked if patrons walk out of the DORA with their drinks if that would be enforced by the police.

Mr. Wilke replied that it is a violation of open container laws once leaving the boundaries.

Mr. Wilke continued his presentation by announcing the DORA is a total of 33 ¼ acres. It could actually be allowed to go up to 50 acres but they do not wish to make it any bigger at this time. He also reviewed DORA materials such as wristbands, cups, signage and decals.

Ms. Wallach asked if each establishment will have its own design on the DORA cups so people in the establishment will know immediately if someone is drinking something from another establishment.

Mr. Wilke clarified all cups will be the same and will be managed by the host/hostess at the door. If someone is coming in with the cup they will be asked to discard it. If someone left the establishment and wanted to reenter they would need to discard their cup.

Mr. Roger Sidoti asked if there are any provisions for new liquor licenses and if the DORA could be expanded.

Mr. Wilke said Council will have the power to extend the DORA based on new liquor license applications. It would be facilitated by Mr. Wilke himself or Main Street Kent. He mentioned he has already heard from potential owners of a new hotel downtown asked this question. They were reassured they could apply to have the boundaries extended.

Mr. Sidoti asked if new businesses would need to come before City Council if they want the DORA extended and Mr. Wilke confirmed they would.

Mr. Turner asked if properties need to be contiguous.

Mr. Wilke said it does have to be contiguous. Based on the size of the city, there is only one (1) DORA permitted. The new proposed hotel would be contiguous with the downtown area.

Ms. Wallach said she is concerned about the number of cups that will be used in reference to her concern about recycling. She asked if different colored cups be used in each establishment.

Mr. Wilke said the state guidelines are to have the same cup for every establishment. The other reason cups will need to be discarded is they cannot be reused due to health concerns with COVID-19.

Mayor Fiala asked about controlling the potential of people bringing their drinks to the parking lots, getting in their cars and driving away. He asked if parking lots could be removed from the DORA. Mr. Wilke said Council has the ability to alter the application to exclude parking lots or signage could be placed at the entranceway of public parking lots saying "No DORA Beverages Allowed". The application can be altered prior to the full Council meeting on June 17th. Mayor Fiala added he thinks that would be a proactive move.

Mr. Wilke reviewed the DORA estimated budget and costs associated with implementing and maintaining it. Funding is proposed and will include monies from City of Kent, Main Street Kent, College Town Kent, Destination Kent CVB and a major sponsor. The hope is to be cost free for the establishments the first year. He reviewed the timeline with Council from application to becoming operational, which is estimated to happen July 9th. At any time, Council can alter the DORA, but it must be advertised twice before action can be taken.

Ms. Heidi Shaffer mentioned certain parking lots should be reviewed to be excluded from the DORA, but not all of them. She said certain parking lots would make sense to remain in the DORA due to their location.

Mr. Turner has some concerns, stating his biggest concern is the diminution of a family atmosphere downtown. Council has the opportunity to have redress on this in 90 days and concerns can be addressed. Trying to get businesses going again, he believes this needs to be done and is supportive of it.

Ms. Malarcik asked if language be provided in the legislation notifying patrons they could not congregate in parking lots. This has not come up in conversations with other Main Street Directors, but there certainly has to be a way to manage and avoiding parking lot parties. She asked if general language could be placed in the legislation that parking lots can be passed through but are not an area to congregate.

Mayor Fiala said there is a concern of people leaving in their cars with their beverage.

Ms. Rosenberg commented the police enforce people getting in their cars at their homes with a beer and driving down the road. There are open container laws currently in place to handle this. She has not heard from other Main Street Directors of a change in behavior where people believe that is allowable. If removing some parking lots and having the area "chopped up" could prove problematic with walking. It would be difficult for police to monitor the boundaries and then ignore the parking lots. Businesses are in a critical situation, down 75-80% and the last thing needed would be for someone to come to the community to walk around and shop and have dinner and then be stopped by the police. She encouraged going with the current boundaries for ninety days (or less if needed).

Mr. Sidoti asked Council could come back and make any changes to the legislation.

Mr. Wilke confirmed that could be done as long as it is properly advertised.

Mr. Sidoti suggested going with what is currently planned for the DORA and then reviewing what is working or what isn't and then altering in the future.

Mr. Wilke added Council does not even need to wait 90 days. If something comes up in the first two weeks or at any time, the legislation can be altered.

Ms. Wallach concurred with Mr. Sidoti's suggestion to move forward. She said the Parking Deck should be excluded and all the other lots could remain in.

Mr. Ferrara said he can see the point of the parking deck, with the top of the deck having a nice view on a nice day. He added he thinks it should move forward as is and go with it for 90 days and see what happens.

Mr. Kuhar asked for clarification regarding council members with a financial interest in the area if they are allowed to vote.

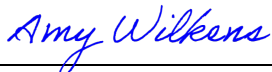
Ms. Jones asked if their financial interest is in bars.

Mr. Kuhar said Mr. DeLeone's (interest) would be.

Ms. Jones said to not vote tonight.

MOTION to authorize submission of the DORA application made by Mr. Ferrara, **SECONDED** by Ms. Rosenberg and **CARRIED** by a voice vote of 8-0-1 with Mr. DeLeone abstaining.

Hearing no further business before this Committee, the meeting adjourned at 7:55 p.m.



Amy Wilkens
Clerk of Council

ACTION RECOMMENDED:

- 1) **Authorize the proposed amendment to the City's regulations of farm animals in residential areas as presented.**
- 2) **Authorize submission of the DORA application as presented.**



Downtown Kent Designated Outdoor Refreshment AREA (DORA)

Community Development Committee Meeting
June 3, 2020

What is a DORA



- A specific area where alcoholic beverages may be sold by licensed liquor establishments for outdoor consumption
- Limitations are set for days of the week and hours of the day when DORA refreshments may be sold
 - 12:00pm to 10:00pm, seven days a week is proposed for Kent
- Patrons 21 years of age and older may purchase a beverage in a plastic DORA cup from any participating business during those hours/days, and, wearing a DORA wristband, carry it outdoors and consume it within the DORA boundaries.

DORA Rules



- DORA beverages purchased at one bar/restaurant may not be taken into another.
- DORA cups are to be placed in a recycling bin upon entering another establishment.
- Retailers may choose to permit DORA beverages in their shops at their own discretion.
- NO other alcoholic beverages may be consumed outdoors within the DORA; only those purchased at a businesses within the DORA boundaries, in a DORA cup, are permitted.

Other Ohio Cities with a DORA



Worthington

Hamilton

Lorain

Canton

Chillicothe

Marysville

Mason

Toledo 1

Toledo 2

Delaware

Lancaster

Milford

Middletown

Grove City

Powell

Springfield

Port Clinton

Liberty Center

Sylvania

Fairborn

Shaker Heights

Columbiana

Hilliard



Why Should Kent Consider a DORA Now?



- Help downtown businesses serve more customers with current seating/spacing/occupancy restrictions
- Give people who are especially sensitive to social distancing the opportunity to support downtown business but still stay as separated as they are comfortable
- 90-day “test period” will help determine whether a DORA makes sense long-term
- Keep Kent top-of-mind as a destination for visitors

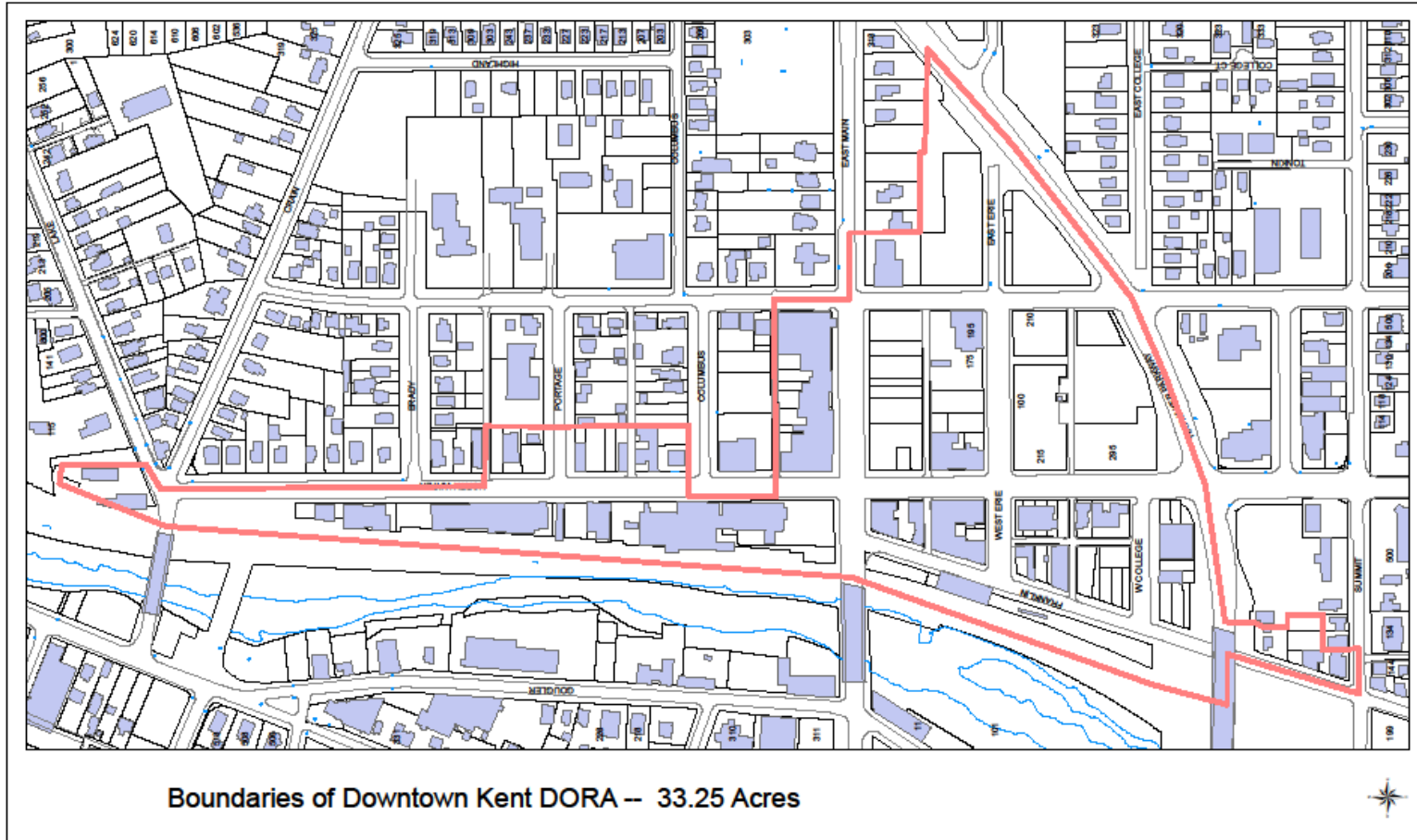




Entities Contacted

- City of Kent Police Department
- City of Kent Health Department
- City of Kent Law Department
- KSU Police Department
- Ward 5 Council Representative
- Townhall II
- Mental Health and Recovery Board
- St. Patrick's Church

DORA Boundaries – 33.25 Acres



DORA Collateral Materials



Wristband

Cups



KNOW THE RULES

1. Permitted daily from noon - 10pm.
2. Must be 21+ with DORA wristband from participating establishment.
3. DORA beverages must be purchased at a bar/restaurant, and may not be taken inside another.
4. DORA beverages allowed only within DORA boundaries. Consumption from other vessels subject to law enforcement.
5. Please drink responsibly and never drink and drive.
6. Map and full program details at mainstreetkent.org/DORA



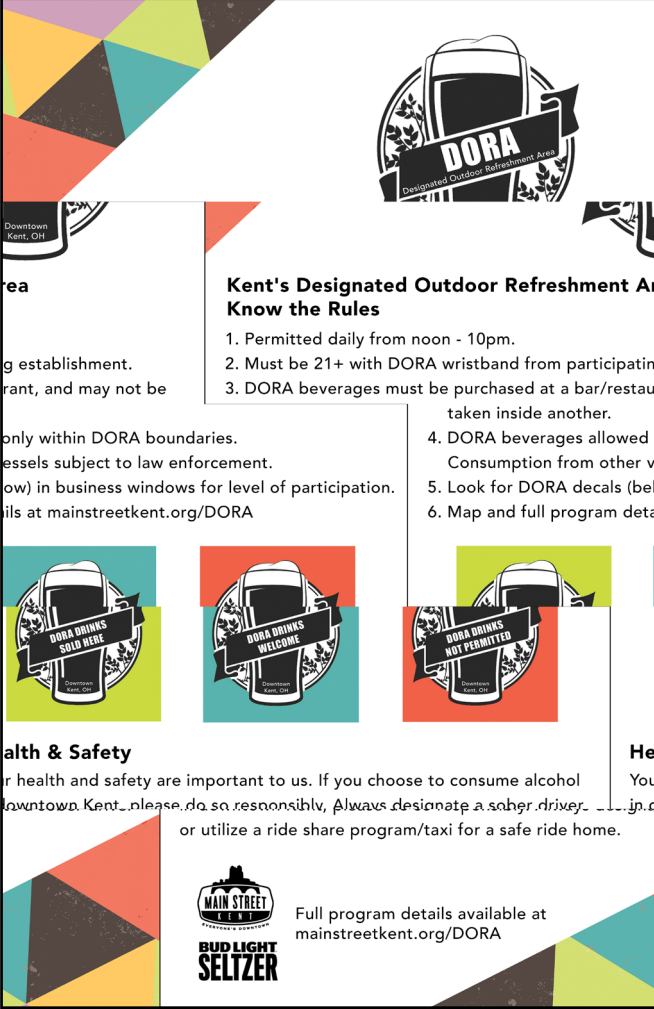
DORA Collateral Materials

- Window Decals



DORA Collateral Materials

DORA Establishments' Poster



The poster is a vertical rectangular sheet with a white background and colorful geometric patterns in the corners. At the top right is the DORA logo. Below it, the text 'Kent's Designated Outdoor Refreshment Area' is followed by 'Know the Rules'. A list of six rules is provided. Below the rules are three circular icons: 'DORA DRINKS SOLD HERE' (green background), 'DORA DRINKS WELCOME' (blue background), and 'DORA DRINKS NOT PERMITTED' (red background). At the bottom, there is a 'Health & Safety' section and logos for 'MAIN STREET KENT' and 'BUD LIGHT SELTZER'.

Kent's Designated Outdoor Refreshment Area
Know the Rules

1. Permitted daily from noon - 10pm.
2. Must be 21+ with DORA wristband from participating establishment.
3. DORA beverages must be purchased at a bar/restaurant, and may not be taken inside another.
4. DORA beverages allowed for consumption only within DORA boundaries. Consumption from other vehicles subject to law enforcement.
5. Look for DORA decals (below) in business windows for level of participation.
6. Map and full program details at mainstreetkent.org/DORA

Health & Safety
Your health and safety are important to us. If you choose to consume alcohol in downtown Kent, please do so responsibly. Always designate a sober driver or utilize a ride share program/taxi for a safe ride home.

Full program details available at mainstreetkent.org/DORA

MAIN STREET KENT
BUD LIGHT SELTZER

DORA

Collateral Materials

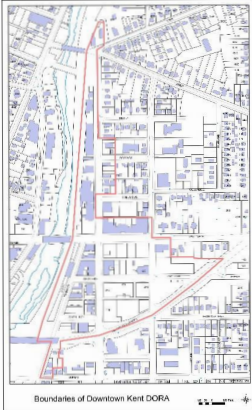
Kiosk Inserts



Welcome to downtown Kent, OH, where we have a Designated Outdoor Refreshment Area for the enjoyment of our residents and guests age 21 and over. Alcoholic beverages are available for sale at many bars and restaurants, and can be taken "to go" in a special DORA cup, for outdoor consumption in the downtown district. Go for a walk, do some shopping, check out the pocket park, art galleries, public art, bars and eateries at your leisure!

How it works
Purchase a DORA beverage at any participating establishment, seven days a week, noon to 10pm, and take it outside to enjoy! Participants must wear a DORA wristband and drink from the designated cup within the DORA boundaries. DORA beverages may not be taken inside another liquor licensed establishment; simply recycle your cup and get a new one at your next stop if you wish.

Pedestrian signs indicate when you're "entering" or "exiting" DORA boundaries, and full program information is available at mainstreetkent.org/DORA. Below is also a map.



Boundaries of Downtown Kent DORA

DORA beverages may not be taken inside another liquor license holding establishment; however DORA beverages may be taken into retailers, coffee shops, and other businesses that do not hold a liquor license, at the business owner's discretion. Each business has a decal in the front window, indicating their level of participation in the DORA program.



Health and Safety
Your health and safety is important to us. If you choose to consume alcohol in downtown Kent, please do so responsibly. Never drink and drive! Always designate a sober driver or utilize a ride share program/taxi for a safe ride home. If you think you have a problem with alcohol, support and resources are available by calling the Addiction Helpline at Townhall II at 330-678-3006.

Full program details available at mainstreetkent.org/DORA



DORA Collateral Materials

Boundary Signs



DORA Collateral Materials



Recycle Containers



Sidewalk Decals



DORA Estimated Budget



• Wristbands	\$700
• Cups	\$7,350
• Window Decals	\$300
• Establishment Posters	\$120
• Kiosk Inserts	\$500
• Boundary Signs	\$300
• Sidewalk Decals	\$300
• <u>Recyclable Containers</u>	<u>\$819</u>
Total	\$10,389



DORA Proposed Funding Sources

• City of Kent (Econ. Dev.)	\$1,000
• Main Street Kent	\$1,000
• College Town Kent	\$1,000
• Destination Kent CVB	\$2,500
• <u>Sponsor</u>	<u>\$5,000</u>
Total	\$10,500

DORA Timeline



- Application submitted to Clerk of Council May 11
- Public notice advertised May 13 and 20
- Public Meeting June 3
- Community Development Committee Vote June 3
- Full Council Vote (if applicable) June 17
- Documents submitted to state (if applicable) June 18
- Amended liquor licenses sent to holders July 8 (est.)
- Dora is established and operational July 9 (est.)

Council Discretion to End DORA



From the Ohio Department of Commerce:

“Additionally, by ordinance or resolution at any time, the Legislative Authority may, dissolve all or part of the DORA. It must give notice of the proposed dissolution by publication once a week for two consecutive weeks in a newspaper of general circulation in the Municipal Corporation or Township.”

Why Should Kent Consider a DORA Now?



- Help downtown businesses serve more customers with current seating/spacing/occupancy restrictions
- Gives people who are especially sensitive to social distancing the opportunity to support downtown business but still stay as separated as they are comfortable
- 90-day “test period” will help determine whether a DORA makes sense long-term
- Keep Kent top-of-mind as a destination for visitors





Finance Committee Meeting Minutes

The City of Kent, Ohio

Wednesday, June 3, 2020

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

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

ALSO PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; 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; Mr. Tom Wilke, Economic Development Director; and Ms. Amy Wilkens, Clerk of Council.

There were four (4) items on the Agenda.

1. City Bond Anticipation/Short Term Notes (Hall)

Mr. Ruller reminded everyone that in previous years (former Budget and Finance Director) Mr. Dave Coffee would continue with the short-term rollover of notes. There is a cost to this every time it is done and it pays off if the rates remain higher. The rates are at an all time low and Rhonda (Hall) and the City's financial advisor have been watching the market and believe it to be better financially to tie up short term notes into private bank debt. The rates are historically low and now would be a good time to lock in a low rate and avoid annual cost to rollover to short term notes.

Ms. Rhonda Hall introduced Brian Cooper from Baker Tilley who is also on the call. In the past, these notes have always been rolled over. There are three notes that make up the total with the rollover costing \$30,000 each year. Looking at how low the rates are, which are comparable to the current short-term notes, for both the capital market and the bank purchase. In a capital market we would need to go through Moody's and the rating agency, looking at a fee of \$125,000 to do a bond issue for these three notes. To do a bank purchase bond issue, the fee would be approximately \$50,000. Brian Cooper from Baker Tilley informed Ms. Hall they could possibly get a loan rate of 1.88% from the capital market. It has been recalculated to 1.55% rate and will save the city a lot of money. This would be locked in for eleven years which would take it to the end of the Police facility. This includes the stormwater notes which will take out three years, the policy facility will take out eleven years, and the alley five street improvement notes will take four to five years to pay down.

Brian Cooper says the cost of borrowing money for one year is under 2% and the cost of borrowing money for ten years is even less than that. Long term rates are at an all time low. Now is the chance to lock this rate in for ten years. The current market rate is 1.25%. The bonds will have a call feature so that after year five there is a chance to pay these bonds off.

Ms. Wallach asked if it is a fixed rate.

Mr. Cooper confirmed they are.

Mr. Sidoti asked if these rates could be considered for new construction, for perhaps a new city hall or similar project.

Mr. Cooper replied that this eleven-year deal if there was a longer repayment term, say twenty years, the rate would be closer to 2.25 or 2.5%.

Mr. Sidoti asked if Mr. Cooper's best guest would be that this rate would remain at this low rate for the next twelve months.

Mr. Cooper said he did not know as the market has been very rocky in March and April. There was some recovery in May with the market snapping back quite a bit, but anything could happen.

Ms. Hall added that if the City Hall is built, and obtain short term notes or bonds, it might be advantageous to do the same thing that was done by (previous Finance Director) Dave Coffee of rolling the notes over each year until get to a point where could do a bank purchase, or go to the capital market and do an official statement with the rating agency and pay the \$125,000 in fees. If you roll notes over, you are looking at \$25,000-30,000 each year. The sooner bonds could be issued for City Hall, the better off the city would be.

Mr. Sidoti added that would save the taxpayers money

Ms. Hall said this is correct.

MOTION TO APPROVE THE CONVERSION OF CITY'S SHORT-TERM DEBT INTO BANK BONDS WITH AN EMERGENCY CLAUSE made by Mr. Kuhar **SECONDED** by Mr. Sidoti and **CARRIED** by a voice vote of 9 -0.

2. **Consideration of placing the renewal of the West Side Fire Levy on the Fall ballot** (Hall)

Mr. Ruller said the city was fortunate to have the general levy pass in the last election cycle and now coming back with another one due, the West Side Fire Station. The first step is the Resolution of Necessity which is the first step to put back on the ballot. Clerk Wilkens will work with the Board of Elections to get this on the ballot in the next month. Asking for renewal of the levy and not change anything. It is similar to the last levy, on a \$100,000 house, the amount it will cost will be a little less. It is critically important to sustain the West Side fire station services.

Ms. Hall said the levy expires in 2020 and we have until 2021 to continue to take back to the ballot to get it passed.

MOTION TO AUTHORIZE THE PLACEMENT OF THE WEST SIDE FIRE OPERATING LEVY (.73 MIL) ON THE NOVEMBER 2020 BALLOT WITH AN EMERGENCY CLAUSE made by Mr. Sidoti **SECONDED** by Mr. Amrhein and **CARRIED** by a voice vote of 9-0.

3. **Proposed amendment to the City's 5-Year Revolving Loan Fund Update** (Susel)

Mr. Ruller stated this is another example where the Covid-19 pandemic has changed things for the community. The money that Bridget (Susel) manages through the revolving loan fund gives more flexibility.

Ms. Susel states the EDA has added flexibility to the issuance of loans through the revolving loan fund program. The flexibilities are in place for a year, so it would be for any loan issued between now and next May 6th. Tom Wilke and Bridget Susel met with the Revolving Loan Fund Committee on June 1, 2020 and reviewed the proposed amendments. The five-year plan was adopted and submitted to the EDA in January, so this would allow the City to submit recommendations to amend the plan and to include the flexibilities the EDA said were allowed to be incorporated. Through the discussions with the

Loan Fund Committee, Kent would be looking at issuing loans at a minimum of \$2000 and a maximum of \$10,000. The normal loan program does allow for more than that, and those loans would still be available with the same requirements currently in the plan. One difference for the smaller loan is 100% of the smaller loan can be honored, where the current RLF only 30% of the project cost can be applied through the loan program. They anticipate most of these loans will be for working capital to help offset the unanticipated closures that most of the businesses have experienced which resulted in difficulty with cash flow. The Revolving Loan Committee wants to set the minimum interest rate at 1% and the application fee will be reduced from \$100 to \$50. Loan documentation will still be required to include how the funds would be used to address the matter that resulted from the COVID-19 pandemic. One issue with this program is the grading of a Moody score. Part of the CARES act funding in CDBG we are establishing forgivable loans, which will be grants, but will be tied to businesses that can retain or have low income workers come back the loan will be forgiven. We could use the smaller loans to bridge with this program. Both of these programs will help businesses that are really struggling right now.

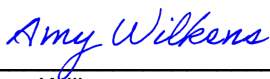
MOTION TO AUTHORIZE THE PROPOSED REVOLVING LOAN FUND WITH AN EMERGENCY CLAUSE made by Mr. Amrhein **SECONDED** by Ms. Shaffer and **CARRIED** by a voice vote of 9-0.

4. Proposed 2020 Budget Amendment

Ms. Rhonda Hall asked Council to approve the amended appropriation as presented in a memo to the City Manager dated May 27, 2020. She asked to add two additional items to the request, received last minute to increase appropriations for the storm fund by \$20,000 as the appropriation request was included in the 2019 Capital Improvement Plan Update it was in avertedly excluded from the 2020 budget. The second request is to reduce \$182,500 from the Capital fund (301) which was for a reduction required due to the grant money from the Mogadore Road resurfacing being appropriated twice, once in 2019 and once in February.

MOTION TO AUTHORIZE 2020 BUDGET APPROPRIATION AMENDMENTS WITH AN EMERGENCY CLAUSE made by Mr. Sidoti **SECONDED** by Ms. Rosenberg and **CARRIED** by a voice vote of 9-0.

Hearing no further business, the meeting adjourned at 8:21 p.m.



Amy Wilkens
Clerk of Council

ACTION RECOMMENDED:

- 1) **Approve the conversion of the City's short-term debt in bank bonds**
- 2) **Authorize the placement of the West Side Fires Operating Levy (.73 MIL) on the November 2020 ballot**
- 3) **Authorize the proposed revolving loan fund.**
- 4) **Approve the Budget Appropriations Amendment**



Streets, Sidewalks & Utilities Meeting Minutes

The City of Kent, Ohio
Wednesday, June 3, 2020

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

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

Mr. Roger Sidoti called the Streets, Sidewalks & Utilities Committee of Kent City Council to order at 7:44 p.m.

There were two (2) items on the Agenda:

1. Consider authorization of a temporary administrative process or business activity on City sidewalks and streets due to Covid-19

Mr. Ruller prefaced Mr. Bowling's introduction to say this is another effort to try to make it easier for downtown businesses. Council has already approved permits and licenses to occupy the right of way and have given some latitude for tables being brought in and out on the same day. Some businesses, such as Franklin Square Deli, currently do this. With the current economic and public health climate, a month delay is too long to wait for a vote. A couple of other cities have done a similar thing, basically streamlining the process where the city is given the temporary authority to work with all involved to make accommodations for businesses to use the street.

Mr. Bowling reiterated the need to do everything possible to help the downtown businesses succeed and that is exactly what this is. In response to the COVI-19 situation and talking with others, it seems as if this could be another tool to offer to business owners to move forward with a formal license agreement for extra seating in the right of way for businesses. The current program through Community Development has limitations but this would give business owners flexibility. A quick look was looked at on Erie Street near Ray's Place and Dominick's and Venice up to alley nine which would give fifty to sixty extra seats on the sidewalk. This could help businesses with space that is needed to provide social distancing.

Mayor Fiala asked if this would be temporary or long term.

Mr. Bowling said it would be temporary for this summer.

There were no further questions from Council or the public.

MOTION TO AUTHORIZE A TEMPORARY ADMISTRATIVE PROCESS AUTHORIZATION FOR BUSINESS ACTIVITY ON CITY STREETS AND SIDEWALKS DUE TO COVID-19 WITH AN EMERGENCY CLAUSE made by Ms. Shaffer, *SECONDED* by Ms. Wallach and *CARRIED* by a voice vote of 9-0.

Ms. Shaffer commented that this feels like an extension of the DORA and a real part of what has been hoped for all along, which is to encourage people gathering outside which contributes to a sense of vibrancy downtown. There is a lot of street furniture out and Kent is a welcoming city that has a lot going on.

Mr. DeLeone said it is all about space and he understands doing this.

Mr. Amrhein said this is a great idea. It is going on all over the United States right now and has been very successful. He added this is a great idea and will really help the restaurants.

2. Consideration of a request for temporary street closure on Franklin Avenue with the reopening of the Haymaker Farmers Market downtown

Mr. Ruller said the Haymaker Farmers Market has been in discussion with the Health Department in making the transition downtown safely while allowing everyone to still enjoy the market. They have come up with a plan to line up vendors in a way to have one way "traffic".

Ms. Susel introduced Mr. Andrew Rome from Haymaker Farmers Market who has put together the application that covers all the details.

Mr. Andrew Rome said in order to carry out the plan for health and safety during the coronavirus as approved by the Kent Health Department, additional space is needed. It is more than doubling the space for each vendor, one-way traffic flow, limiting the total capacity of people in the market at one time created by using barricades provided by the City and volunteers to put everything in place. There will be an entrance and exit to the market to control how many people are in the space at one time and to keep people separated but still having access to local food at the market.

Ms. Wallach said she saw the list of customer responsibilities and asked how these would be communicated to the public.

Mr. Rome said there will be signs posted at the entrances, online, on social media, on newsletter and there will be volunteers at the entrances helping people know what the new requirements and the new way. It is now more of a shop and go market as opposed to a social gathering, and that is just the way it has to be.

Ms. Wallach asked if mask use would be encouraged by the Market.

Mr. Rome said in the listed signs at the Market, there are reminders about mask wearing and the specific policy is all customers coming to the Market wear masks. They are welcoming all customers to the Market regardless if wearing a mask, or not.

Ms. Shaffer asked if family members shopping together have been considered and if enforcing one shopper at a time will occur. She understands trying to limit opportunities for those shopping in groups that aren't in the same household, and wonders if this is a health department requirement or something else. Currently, she has her family in the car when visiting the mobile market. This may be hard to enforce.

Mr. Rome agreed and stated there is a difference between best practices for limiting the number of people in the space for the market and requirements that will be enforced. There are going to be volunteers more or less enforcing social distancing but not enforcing mask wearing recommendation or that people limit the number of family members coming to the market. This is unenforceable as people have young children at home and have to bring them with them. There is not problem with that. They do want to describe best practices and rely on customers who want to make the market successful to do what makes sense for them.

MOTION TO AUTHORIZE THE TEMPORARY STREET CLOSURE ON A PORTION OF FRANKLIN AVENUE TO ENSURE PUBLIC HEALTH AND SAFETY DURING THE HAYMAKER FARMER'S MARKET ON SATURDAYS WITH AN EMERGENCY CLAUSE was made by Mr. Ferrara, *SECONDED* by Ms. Shaffer and *CARRIED* by a voice vote of 9-0.

Hearing no further business before this Committee, the meeting adjourned at 8:00 p.m.

Amy Wilkens

Amy Wilkens
Clerk of Council

ACTION RECOMMENDED:

- 1) **Grant the administration temporary licensing authority as presented.**
- 2) **Authorize the proposed temporary street closure on a portion of Franklin Avenue to ensure public health and safety during the Haymaker's Farmer's market on Saturdays.**