

**THE CITY OF KENT, OHIO
COMMUNITY DEVELOPMENT COMMITTEE
WEDNESDAY, FEBRUARY 6, 2019**

Chair John Kuhar called the meeting of the Community Development Committee of Kent City Council to order at 7:30 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; Tom Wilke, Economic Development Director; Mr. David Coffee, Budget and Finance Director; Mr. John Idone, Parks and Recreation Director; Mr. Jim Bowling, City Engineer; Ms. Jennifer Barone, Development Engineer; Ms. Dawn Bishop, Acting Interim Clerk of Council.

There were three (3) items on the Agenda.

1. Whitewater Park Plan Refresher

Mr. Idone brought an update of the 2007 conceptual plan in response to Ms. Wallach's request. A CO firm, Recreation Engineering and Planning, came up with a general concept plan on how to make some improvements to the river and make Kent a more river-friendly community. **See Attachment #1**

Ms. Wallach asked if we currently have the funds now for the conceptual drawing of the bike stair as part of the Brady's Leap Segment and Mr. Idone said that is what they are applying for the RTP Funds for. \$150,000 there and they have \$700,000 in AMATS and Parks and Rec is putting in about \$200,000.

Mr. Idone had a side note to his update. A graduate class at Kent State, a couple years before this study, were asked to do a marketing and business plan for a canoe livery. Everyone said you can't have a canoe livery, no one is going to want to go in the river and there was a stigma about the river. There were fifteen graduate students in the class and as it turned out, only five of them knew there was a river running through Kent. He said now these were graduate students, so probably a lot were commuting in, but with the prominence of the canoe livery operations through the Student Union Center, connections of the trails, and the esplanade before that bringing people downtown and onto the river, he would venture to guess that perception has dramatically changed in the last decade.

Mr. Idone returned back to the project goals in **Attachment #1**.

Mr. Idone believes they are moving towards the goal they originally had.

Ms. Shaffer said she was very excited about the updates and plans and asked as part of the grant discussed in the Finance Committee, is that going to include some type of mapping.

Mr. Idone said yes, as part of that they are going to do some wayfinding and are going to look at concepts of branding so you know you are getting on the Portage Hike and Bike Trail and there's a river down there. Having the wayfinding as part of that is something they are looking at and is part of the grants process.

Ms. Shaffer said that's great and then asked if they were involving the Kent Environmental Council at all in the trail planning.

Mr. Idone said they are planning some public meetings and have one coming up in March, maybe the third Thursday in March, and will be soliciting some additional public comment. He said the concept of the hike and bike trail has really been being talked about for almost twenty years. They'll be open for additional comments.

Ms. Shaffer said yes, she asked that as the Kent Environmental Council takes ownership of that trail they helped build along the river. And as far as what kind of surfacing, did Mr. Idone have that kind of detail yet.

Mr. Idone said it will be a concrete trail, just like where it abuts into. So a 10' wide concrete trail with 2' shoulders on either side.

Ms. Shaffer asked does that give enough room.

Mr. Idone said pretty much all of the Portage Hike and Bike Trail is 10' wide: 10, 2, and 2.

Ms. Shaffer said she was just thinking run off.

Mr. Idone said yes, that's all part of the design process and the environmental design group they hired is starting the design. They will have public meetings to solicit additional ideas.

Mr. Ferrara asked about the grant plus the \$700,000, the total of close to a million, is that amount just for that bike bridge.

Mr. Idone said yes, the bridge, trail, lighting, additional enhancements along there.

Mr. Ferrara said yes, but primarily that's the cost to redo the steps there.

Mr. Idone said yes.

Mr. Ferrara said his next question piggybacks on Ms. Shaffer's as far as signage. What about marketing or tying together the eco-tourism. He said there are now all the pieces: vibrant downtown, university, river, how do we market it to get some economic benefits? Has Mr. Idone looked into that?

Mr. Idone said they are looking into the wayfinding, but as far as a marketing plan, they have not. It's something they would certainly work with the Economic Development Department and Community Development and make this something we could piece together.

Mr. Ferrara said it should be a great way to tie together the University, the City, and Parks and Rec and show everything available out there and he thinks it would be worth pursuing.

Ms. Shaffer said that map idea was really what she was thinking, using it as a marketing tool to help people guide them to town.

After checking that there were no more questions from Council, Mr. Kuhar asked if there were any questions from the audience.

Ms. Barb Tittle from 909 Middlebury had a question about the price list of approximately 1.3 million. She said Parks and Rec is putting in approximately \$200,000.

Mr. Idone said those were old numbers from the original project, not from this grant project.

Ms. Tittle asked well still it's being funded primarily from the City and not from Parks and Rec and why is that?

Mr. Idone asked how is the city funding it?

Ms. Tittle said I thought that was why it's being brought to City Council. \$200,000 from Parks and Rec, \$700,000 from federal funds, and \$150,000 from?

Mr. Idone said from RTP through ODNR.

Ms. Tittle said ok, so the city isn't funding anything? Thank you, that clarifies it.

Ms. Wallach said it looks wonderful, she's very excited, and she hopes they get the money to make that bike stairway.

No more comments from the audience.

2. Dedication of a Portion of West Main Street at Klaben

Ms. Barone said Klaben Properties has come to consolidate two lots: 1106 and 1116 on West Main, the vacant lot and Klaben Jeep-Dodge on the south side.

Mr. Kuhar asked if that was where Garrett Olds used to be.

Ms. Barone wasn't sure. But she said there had been a building there but that has been torn down for a number of years. 1116 parcel extends into the street and into the middle of the road. Usually when she sees that, she asks if they want to give the part in the right of way to the City and they agreed. They are here asking you to accept the part in the right of way.

Mr. DeLeone said he believed that was the property with the yard sale on it.

Ms. Barone said no, the other side.

Mr. Fiala said no, where the Cadillac dealership used to be. Remember Short Stop? More west.

Mr. DeLeone said next to A&W

Ms. Barone said yes, next to A&W.

Several members commented together ok, they were thinking the wrong side of the street.

No further questions or comments from Council or the Audience.

MOTION TO APPROVE THE DEDICATION OF A PORTION OF WEST MAIN STREET AT KLABEN, AND DECLARING AN EMERGENCY made by Mr. Ferrara, seconded by Mr. Sidoti, CARRIED by a voice vote of 9-0.

3. Economic Development Projects Update

Mr. Ruller said they try to do this about once a year, maybe it's a little late this year. But there are a lot of pieces of good news along with some bad news. Mr. Ruller continued that Economic Development is not for the faint of heart, especially when you are dealing with a lot of mom and pop operations which notoriously turn over a lot. Mr. Wilke is going to give an update on successful businesses, some that have been less than successful, and some upcoming projects. One of the take aways for Mr. Ruller was watching how what we had hoped the downtown would eventually be a catalyst for the rings of growth outside of the core downtown and how we have North Water and even just the night before with the Planning Commission considering rezoning the next ring out at Mogadore just outside of downtown. Some older strip malls are doing pretty decent. Where some would find they are just not popular spots in real estate, ours have hung in there, found their niches, and are encouraged by new growth. Mr. Ruller said he wants to see them keep moving though, and complacency is death when it comes to city/community development. We still have to

be smart and strategic, but you can't just rest on your laurels; everybody is catching up and copying formulas as far as Main Street, pedestrian oriented, mom and pop shops.

Mr. Wilke thanked Council for their time and wanted to remind everyone that this is not only projects in the City, but projects in the JEDDS. Although this year, most of the activity took place within the City and really only one in a JEDD. Mr. Wilke went through his update, **See Attachment #2**

Ms. Wallach asked if Pizza Fire was going to reopen as she had heard.

Mr. Wilke said the new owner is working on it and he was told reopening the Kent location is high on their list.

Ms. Shaffer asked about Newdle Bar as a few people have asked her about it, feeling like the establishment was very well supported.

Mr. Wilke said there were two other Asian restaurants that moved into downtown, couldn't say this was the direct cause, but guessed the increased competition.

Ms. Wallach said she has had residents come to her with concerns about increased parking needs for the Hasawi Building.

Mr. Wilke said this is only a sixteen apartment unit complex and spaces will be reserved in the deck for those residential units.

Mr. Wilke had two additions since he finalized his Power Point: Linda Boardman, owner of Dietz Floral in Cuyahoga Falls, recently bought Kent Floral. Also soon to open on West Main Street is Heritage Barbershop, a four chair shop.

Mr. Fiala asked about the downtown parking situation.

Mr. Wilke said there was a parking study done about a year ago and any parking problem appears to be a perception and during the study there was adequate parking available. People may want to park directly in front of a business and are unable to.

There were no comments from the Audience.

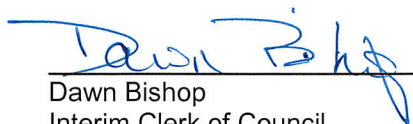
At 8:55 p.m., after hearing no further business before this Committee, Council moved into Executive Session.

MOTION TO MOVE INTO EXECUTIVE SESSION IMMEDIATELY FOLLOWING IN ACCORDANCE WITH ORC §121.22 (G)(1): (1) *"To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing"* made by Mr. Amrhein, seconded by Mr. Ferrara. On Roll call voting "Yes:" Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Mr. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach. Motion CARRIED 9-0.

At 9:02 p.m. **MOTION TO COME OUT OF EXECUTIVE SESSION AND RECONVENE THE REGULAR MEETING IN OPEN FORUM** made by Mr. Amrhein, seconded by Ms. Wallach. On roll call voting "Yes:" Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Mr. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach. Motion CARRIED 9-0.

No action was taken.

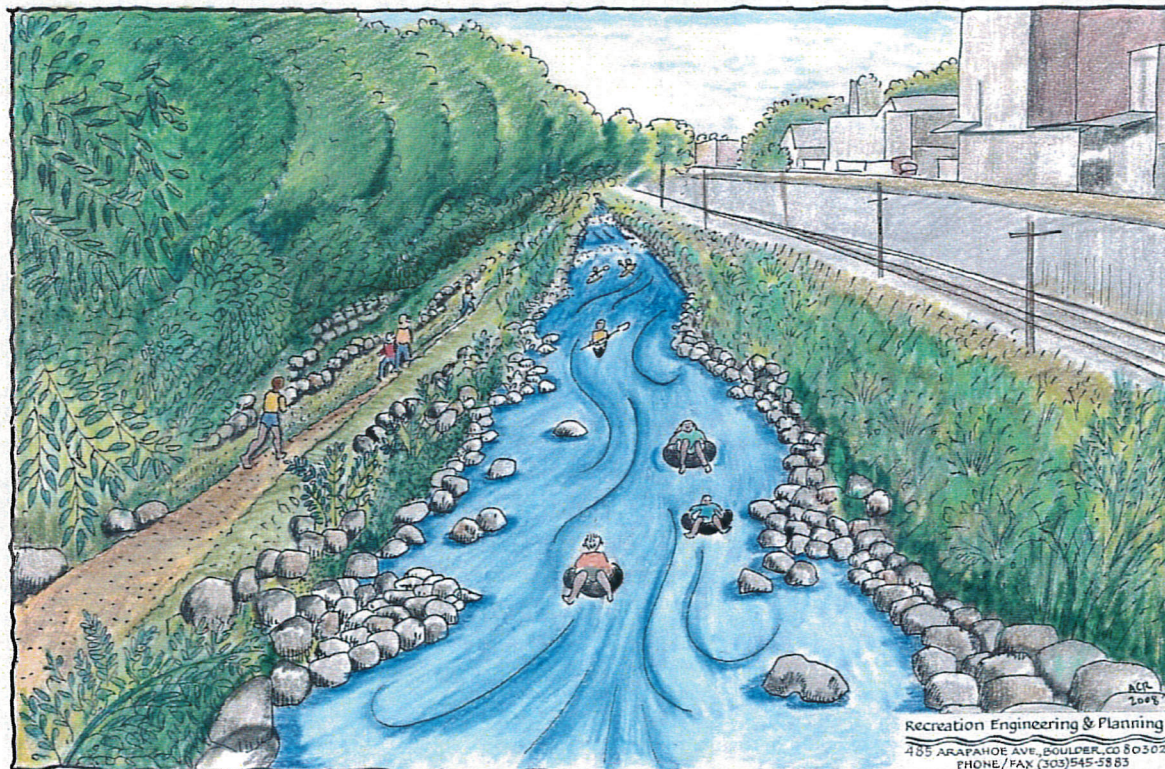
Hearing no further business before this Committee, the meeting was adjourned at 9:02 p.m.


Dawn Bishop
Interim Clerk of Council

ACTION RECOMMENDED:

- 1) **APPROVE THE DEDICATION OF A PORTION OF WEST MAIN STREET AT KLABEN,
AND DECLARING AN EMERGENCY**

Kent Cuyahoga River Whitewater Plan



KENT CUYAHOGA RIVER PARK
View from West Main Street Bridge, looking upstream

2007

Whitewater Parks

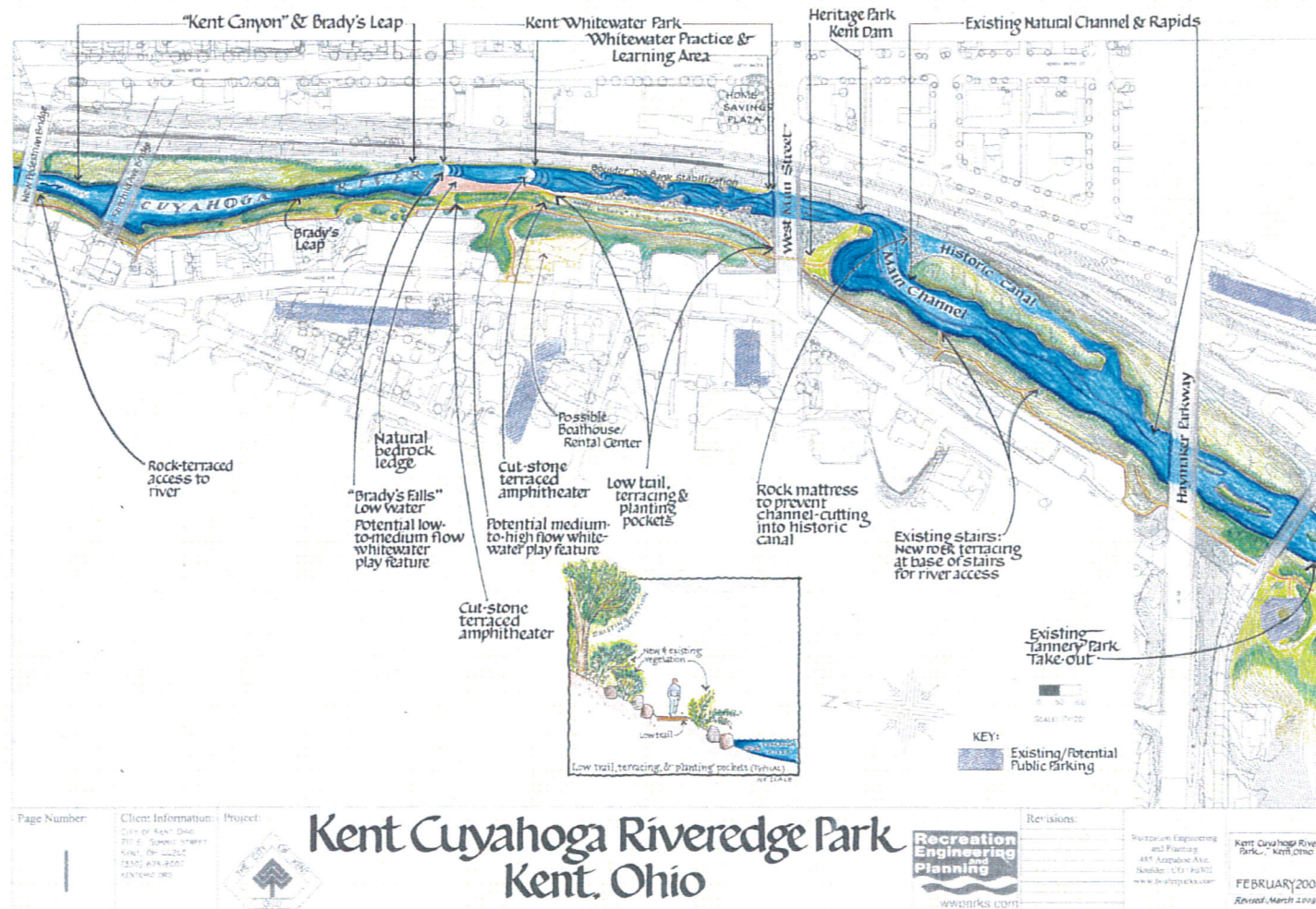


Our objective is not only to improve the streambed for whitewater boating but to re-integrate river corridors into communities. Our parks are not just Whitewater Parks, but Community parks.



The mission of the Cuyahoga River Water Trail partners is to improve and promote public access to and use of, the Cuyahoga River Water Trail as a valuable resource for low-impact recreation, economic development and tourism and to support and enhance river appreciation, conservation and stewardship.

Kent Cuyahoga RiverEdge Park



Attachment #1

Kent Cuyahoga RiverEdge Park Conceptual Cost Estimate

<u>Project Component Description</u>	<u>Estimated Cost</u>
Mobilization	\$50,000
Bank Improvements/Landscaping/Access Improvements	
Put-In Access Point	\$45,000
Brady's Falls Bank Terracing	\$30,000
WW Park Stone Terracing	\$24,000
Stone Terracing Below Kent Dam	\$18,000
Kent WW Park In-Stream Improvements	
WW Play Feature 1	\$60,000
WW Play Feature 2	\$75,000
Practice/Learning Area Improvements	\$150,000
Water Control	\$60,000
Lower Trail Corridor	
Bank Excavation/Terracing	\$21,000
Concrete Trail/subsurface prep./forming/pouring	\$36,000
Re-vegetation/landscaping	\$20,000
Stone Mattress @ Head of Canal	
Stone Mattress(including material and placement of material)	\$120,000
Water Control	\$10,000
Sub-Total=	\$719,000
Design and Permitting	\$75,000
Construction Administration	\$50,000
Contingency	\$180,000
Estimated Total=	\$1,024,000



Whitewater Park

Project Goal

- Improve public access to the Cuyahoga River.



ODNR Cooperative Boating Grant \$250K + \$54K Park Funds

2011 Grant provided development of River Bend Park River Access and 12 car parking lot using concrete pervious pavers.

Whitewater Park

Project Goal

- Improve public access to the Cuyahoga River.



Canoe/Kayak Glides were installed on stairs at two new launching areas.

**ODNR Cooperative Boating
Grant \$250K + \$54K Park Funds**

**Grant provided new access
points on either side of the dam
to avoid challenging lock sluices.**



Whitewater Park

Project Goal

- Improve public access to the Cuyahoga River.

AMATS Grant

Provided funding to expand the Tannery Parking Lot from 18 to 36 cars and provide an area for the Canoe Livery



Whitewater Park

Project Goal

- Improve public access to the Cuyahoga River.



AMATS Grant

As part of the Brady's Leap Segment Improvements slated for 2020 construction, the steps will be replaced with a bike stair.

Whitewater Park



- Enhance whitewater paddling opportunities in Kent



KSU Crooked River Canoe Livery

Partnership with KSU has offered a canoe and kayak livery at Tannery Park since 2010.

Whitewater Park

Project Goal

- Create a space on the Cuyahoga River that can serve to highlight the environmental improvements that have occurred along the River and help future generations form a personal relationship with the River.



Whitewater Park

Project Goal

- Highlight the natural beauty along the Cuyahoga River in downtown Kent.



Along the trail there is a large bedrock shelf the will receive improved access as part of the 2020 project. Further upstream is a sandstone canyon area that are remnants from an old quarry.

Whitewater Park

Project Goal

- Make the Cuyahoga River a central feature of Downtown Revitalization efforts including attracting re-development to the river corridor.

West River Place - Property owners are pleased with the proposed improvements to the trail and bike stair access. Parking will soon be available to the public on evenings and weekends to their 30 car lot.

Access Point - A new physicians and medical office building was recently constructed with direct access to the trail.

Cene Development Project - The LN Gross Building was recently redeveloped and special attention was given to the connection to the trail. A parking lot was developed by Cene for park users on evenings and weekend.

Economics

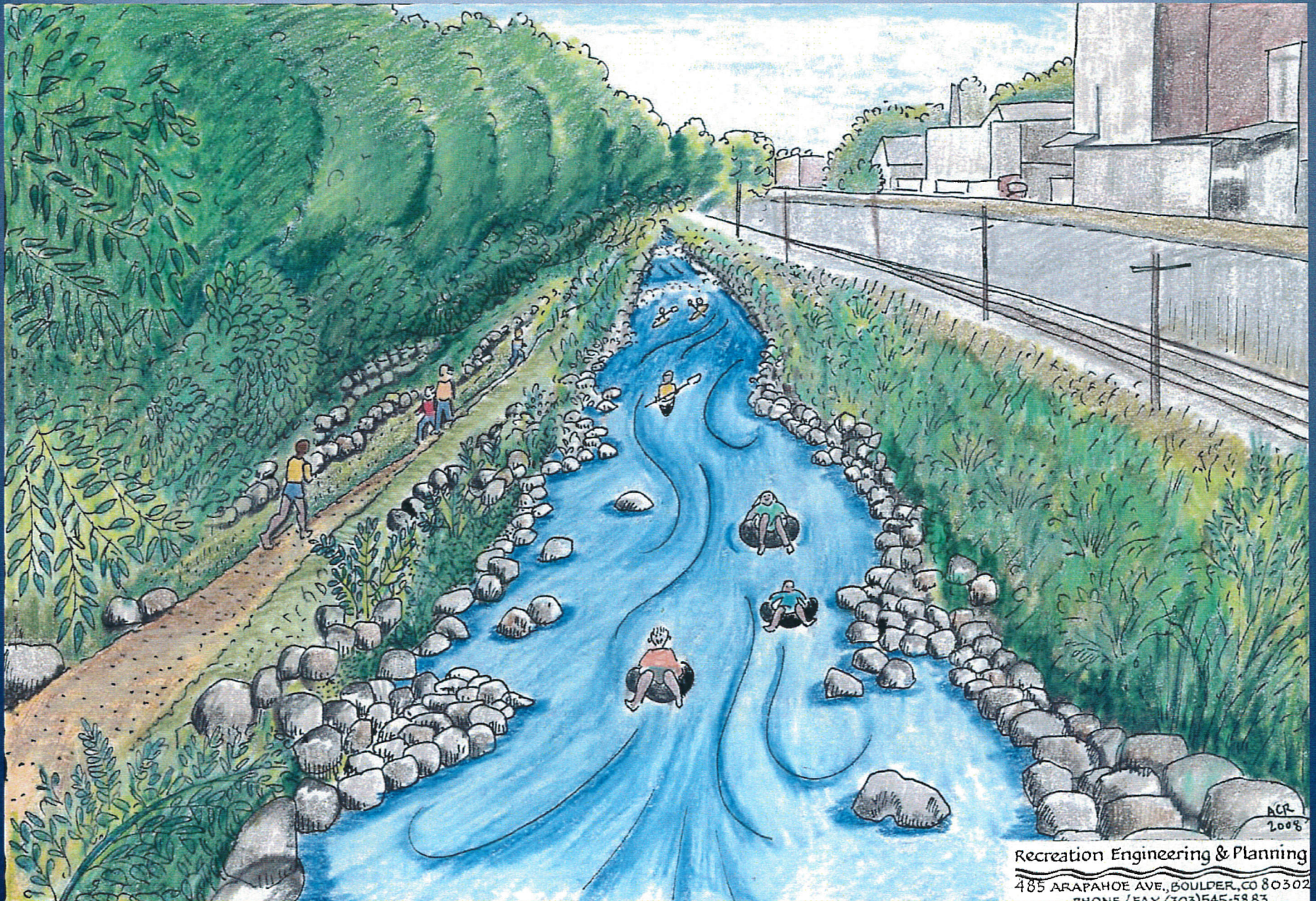


These parks affect their communities in many ways. Recent studies show that our parks have had millions of dollars of impact every year in the communities in which they reside. In addition these parks have become the showcase summer attraction for cities like Reno, Nevada and Golden, Colorado.



This photo taken from Reno, Nevada highlights the “Park and Play” concept of playing in the rapids and walking back to repeat. This is possible through downtown utilizing the trail.

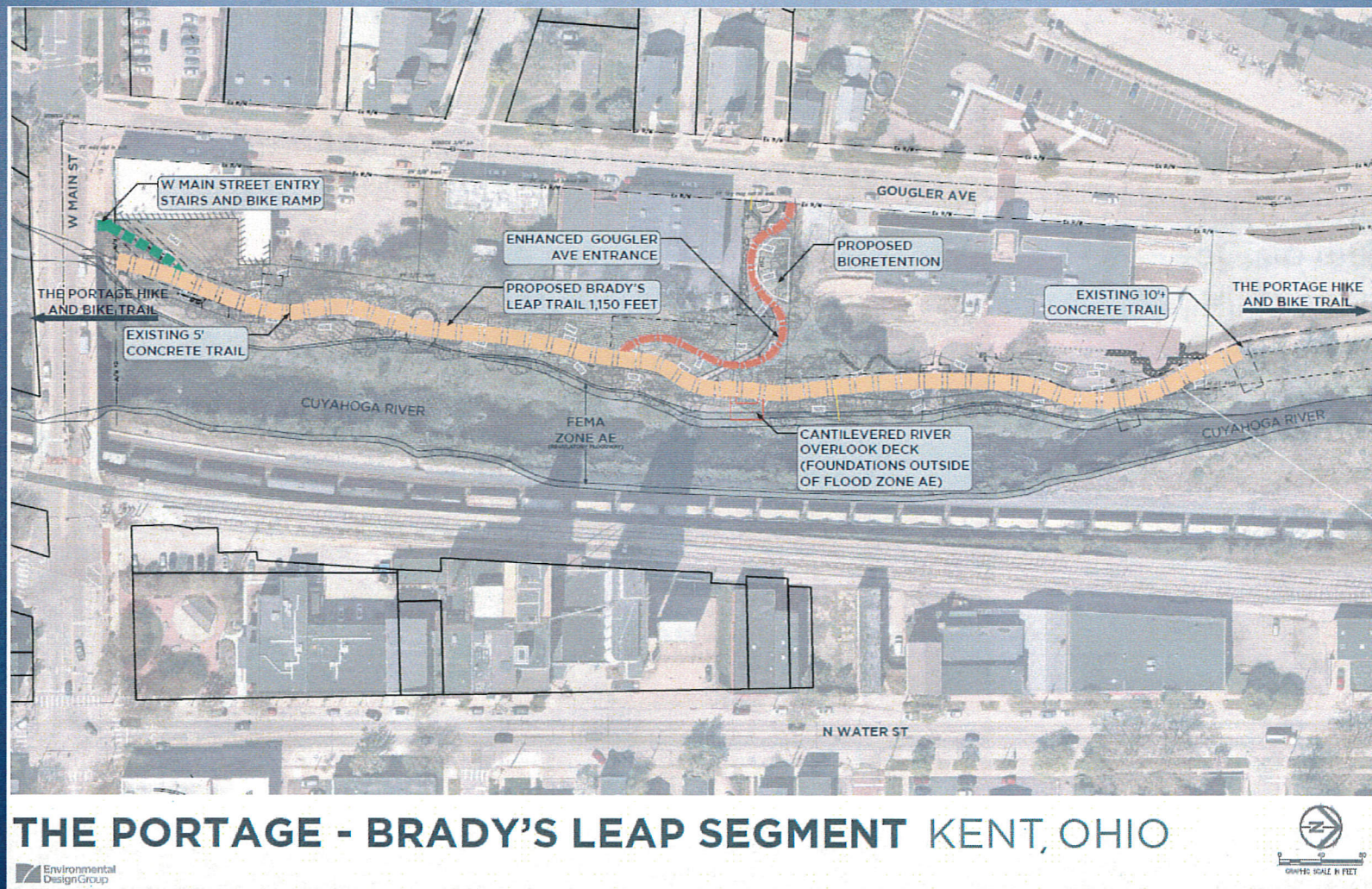
Attachment #1



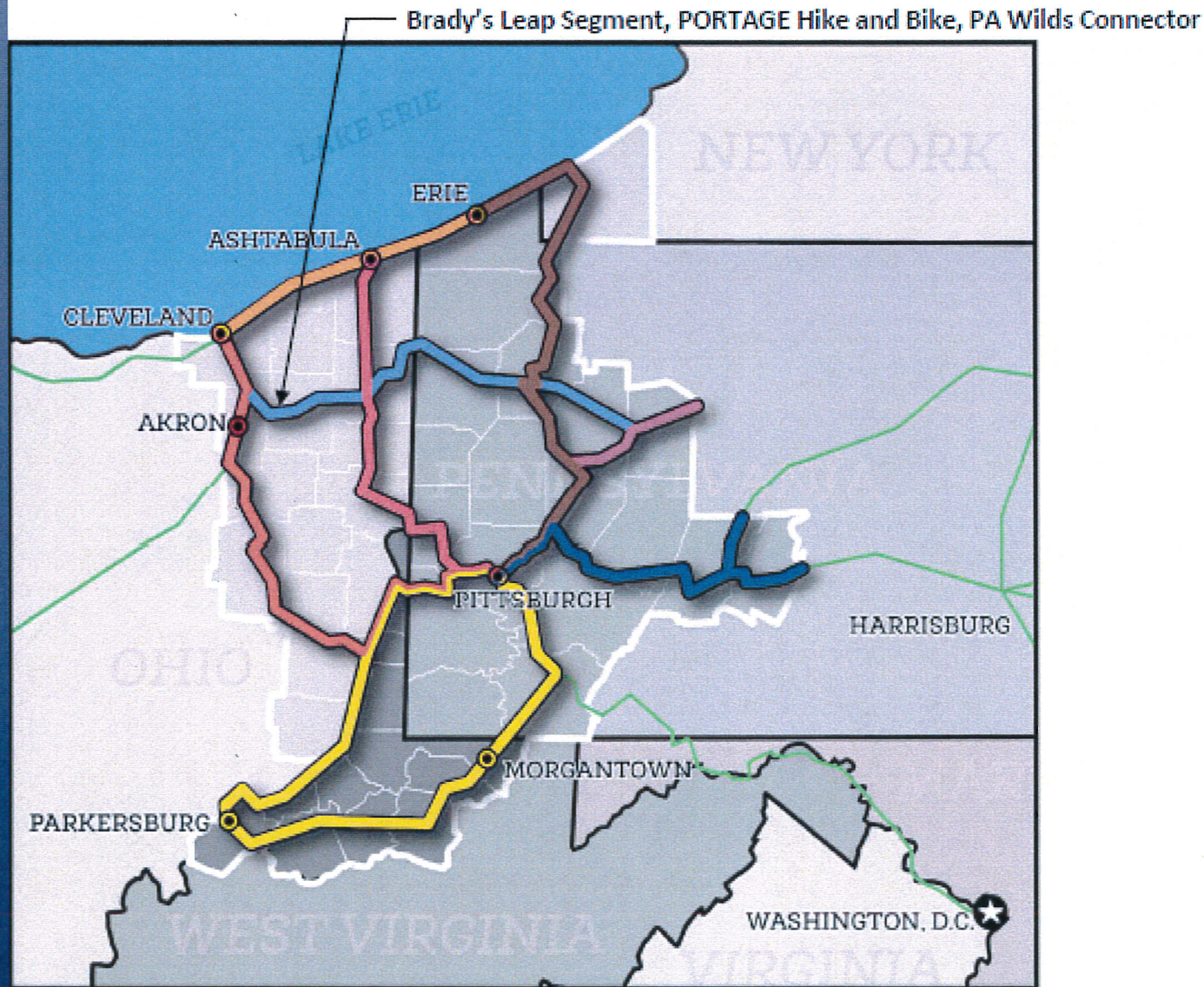


Attachment #1

- Make the Cuyahoga River a central feature of Downtown Revitalization efforts including attracting re-development.



Regional Connections



The Brady's Leap Segment of The Portage is part of the "H" Connector for two major North/South Regional Trails

Attachment #2



Attachment #2

Completion of Last Year's Projects (cont.)

Woodsy's



Completion of Last Year's Projects (cont.)

Plaza Theater



Completion of Last Year's Projects (cont.)

MadCap Expansion



Completion of Last Year's Projects (cont.)

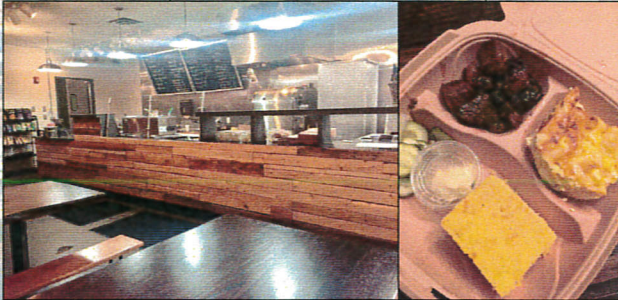
Raising Cane's



Attachment #2

Completion of Last Year's Projects (cont.)

Burnside Barbeque



Completion of Last Year's Projects (cont.)

Ferrell Whited Physical Therapy



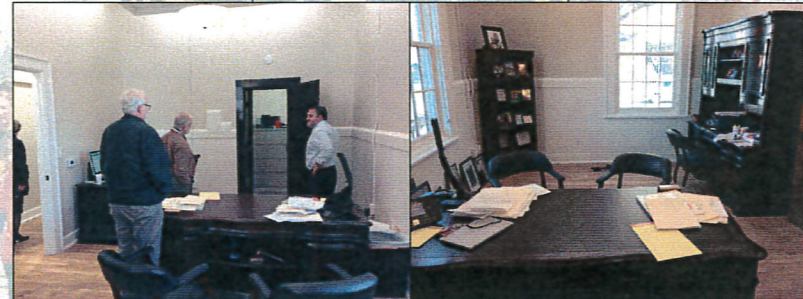
Completion of Last Year's Projects (cont.)

Flynn Courthouse Renovation



Completion of Last Year's Projects (cont.)

Flynn Courthouse Renovation



Attachment #2

Completion of Last Year's Projects (cont.)

Flynn Courthouse Renovation



Completion of Last Year's Projects (cont.)

Flynn Courthouse Renovation



Completion of Last Year's Projects (cont.)

BARFLY
- RETRO BAR & ARCADE -



Completion of Last Year's Projects (cont.)

BARFLY
- RETRO BAR & ARCADE -



Completion of Last Year's Projects (cont.)



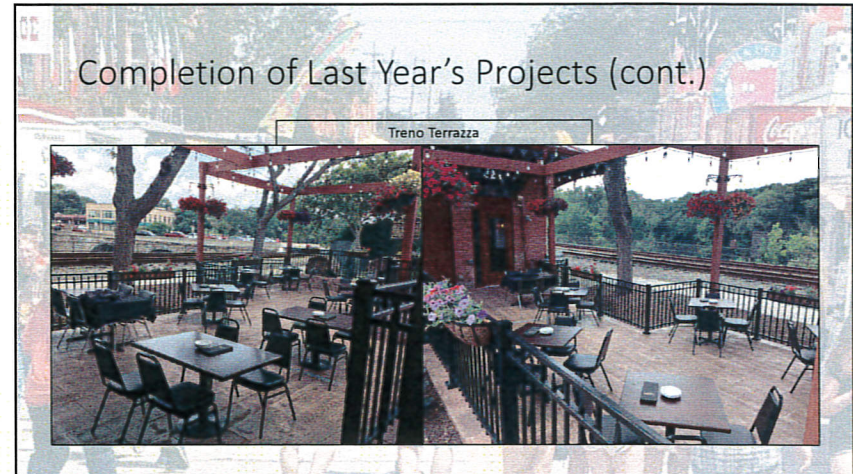
Completion of Last Year's Projects (cont.)



Completion of Last Year's Projects (cont.)



Completion of Last Year's Projects (cont.)



Attachment #2

New Dining and Shopping Options

NovaStar Beauty Boutique



New Dining and Shopping Options (cont.)

Roberts Conservatory of Dance



New Dining and Shopping Options (cont.)

Roberts Conservatory of Dance



New Dining and Shopping Options (cont.)

Handcrafted



Attachment #2

New Dining and Shopping Options (cont.)

Starbucks



New Dining and Shopping Options (cont.)

Kent Cycle Tours



New Dining and Shopping Options (cont.)

Southern Comfort Pop-Up Restaurant



New Dining and Shopping Options (cont.)

Kent Fabrics



Attachment #2

New Dining and Shopping Options (cont.)

Sweet & Smoothies



Store Closures

- AT&T Store
- One Love Yoga
- Fig Leaf
- Dave's Cosmic Subs
- Pizza Fire
- Newdle Bar
- Jabbour's Apparel

Projects on the Horizon

Hasawi Building



Projects on the Horizon

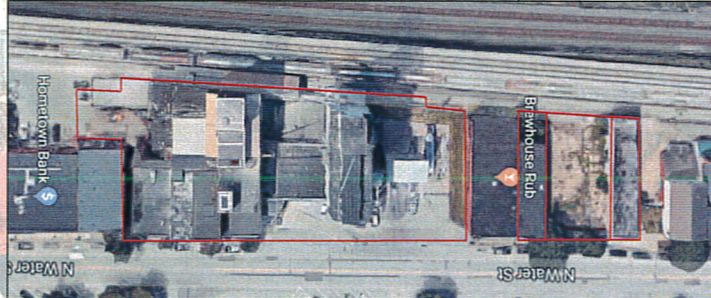
West End Apartments



Attachment #2

Projects on the Horizon (cont.)

Mill Redevelopment



Projects on the Horizon(cont.)

Better Block Project



Projects on the Horizon

2020 International Foundation of Fashion Technology Institutes (IFFTI) Conference



Projects on the Horizon (cont.)

50th Anniversary of May 4



Attachment #2

Projects on the Horizon (cont.)

Riverside Wine soon to be The River Merchant



Projects on the Horizon (cont.)

Salon Lift



Projects on the Horizon (cont.)

ACE Hardware



Projects on the Horizon (cont.)

ACE Hardware



Attachment #2

Other Business News

Enterprise Plastics New Warehouse



Other Business News (cont.)

Kent Elastomers Expansion



Other Business News (cont.)

Allen Drain Service New Warehouse



Other Business News (cont.)

Euclid Vidaro Sold to Alsico



Attachment #2

Other Business News (cont.)

Joe Zeno Sells American Coupler Systems

2016 BUSINESS GROWTH AWARDS
BEST OVERALL SUCCESS STORY, MANUFACTURING
ACI INDUSTRIES INC. • www.aciindustrial.com



Challenges become opportunities

Joe Zeno doesn't let uncertain economic times ACI Industries down.

The owner of ACI Industries has seen plenty of challenges ahead for his business of manufacturing and selling couplers and connectors for the construction industry. But Joe Zeno, CEO of ACI Industries Inc., sees the challenges as opportunities. The company's success is based on its ability to adapt and change with the market. This is a strong, which is why it's not surprising that the company has been successful in the past. The company's success is based on its ability to adapt and change with the market. This is a strong, which is why it's not surprising that the company has been successful in the past.

Other Business News (cont.)

Ron Burbick Receives Outstanding Leader in Revitalization



Other Business News (cont.)

Grazer's Relocation



Other Business News (cont.)

Quality IP Expansion & Awards



Attachment #2

Other Business News (cont.)

Quality IP Expansion & Awards



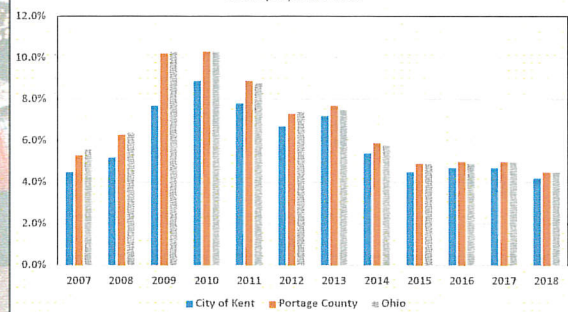
Other Business News (cont.)

Akron Children's Hospital Facility



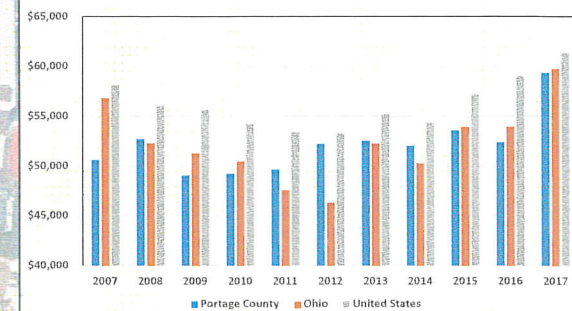
Economic Measures

Unemployment Rate



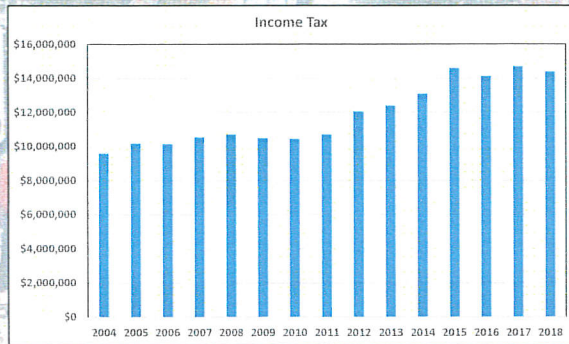
Economic Measures (cont.)

Median Household Income



Attachment #2

Economic Measures (cont.)



Conclusions

- Ethnic Diversity continues to be reflected in our new businesses
- Continued investment in the city bodes well
- Low unemployment continues to put upward pressure on wages
- The income tax trend is not as robust as hoped for and appears to have plateaued
- Commercial vacancy rates in downtown will be monitored

**THE CITY OF KENT, OHIO
STREETS, SIDEWALKS, AND UTILITIES COMMITTEE
WEDNESDAY, FEBRUARY 6, 2019**

Chair Roger Sidoti called the meeting of the Streets, Sidewalks, and Utilities Committee 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; Tom Wilke, Economic Development Director; Mr. David Coffee, Budget and Finance Director; Mr. John Idone, Parks and Recreation Director; Mr. Jim Bowling, City Engineer; Ms. Jennifer Barone, Development Engineer; Ms. Dawn Bishop, Acting Interim Clerk of Council.

Mayor Fiala read a statement re: protocol for the written council minutes 2/6/19. Dawn Bishop will be acting as the Interim Clerk of Council until the decision is made by Council to fill that vacated position.

There was one (1) item on the Agenda.

1. City Code Text Change for Tree Damaged Sidewalks

Mr. Ruller commented that he knew that the spirit that Council made that motion was to be very clear to the community so this is not a point of confusion. As the Law Director did some research, she has some concern, as does Mr. Ruller, that in essence, by putting this in statute, you are giving up some legal protections the Ohio Constitution provides re: immunity in case of slips, trips, falls on sidewalks.

Ms. Jones said after Ms. Wallach indicated what she would like to see in the ordinance, she drafted what she believes Ms. Wallach was after: if there is a tree that is in the tree lawn and causes damage to the sidewalk, the city would be responsible for repairs and paying for said repairs. Ms. Jones believes that is now the uncodified rule and Ms. Wallach wished to codify that. Ms. Jones included in her draft that even if a tree was found that damaged a sidewalk, the City would not be responsible to fix that immediately and would be at the City's sole discretion when there was the financial means to do it; and if the owner of the property it abutted had some other orders for sidewalk repair pending, the fact that the City didn't fix their part of the sidewalk that needed repairs because of the tree would not relieve the property owner of their duty for ordered repairs. Ms. Jones also added that nothing in the section would be construed that the City is waiving their immunity under State Law. For many years there was an exception to immunity if a defendant could prove a city negligent for not keeping up on sidewalk repair, a city could be liable if a person tripped and fell. In 2002 the State Legislature took sidewalks out of the State Code and it is no longer an exception. City's maintenance of sidewalks is immune and Ms. Jones said there is the fear that if we codify the section, we could very well end up in court. Ms. Jones said she researched if there was any case law where local communities may have waived their immunity and could not find any direction as far as written opinion. Ms. Jones would not recommend passing this amendment of the codified ordinance.

Mr. Kuhar asked of Ms. Jones so you are recommending we do not put into writing an ordinance that says if a tree breaks a sidewalk, it's the City's financial responsibility to pay for it and she said correct.

Ms. Shaffer questioned if nothing is codified, does the City still have the ability to go out and remove problem trees at the City's discretion. Ms. Jones said absolutely.

Ms. Wallach said there is an unofficial rule the City follows that if a City tree heaves the sidewalk, the City will repair the sidewalk at the City's expense.

Ms. Jones said technically if someone looks at our past practice, that unofficial practice could strip the City's immunity, but putting something in writing in codified ordinance could definitely do that.

Mr. Bowling said that it was in 1994 City Council made a resolution to provide a discount to property owners when the City made repairs to sidewalks.

Ms Jones asked, was it a discount and not 100%

Mr. Bowling clarified it was 100% for tree related and 50% discount for home owner occupied.

Mr. Kuhar asked in that 1994 discussion regarding tree related damage to sidewalks, is that codified and Ms. Jones said no it is not, but also in 1994 the sidewalk exception was still in the State Code so at that time the two were in agreement.

Mr. Kuhar said he'd like to think that the City would keep paying for tree related sidewalk repairs, but without it being in writing, there is no guarantee that the practice would continue and that troubles him.

Mr. Ruller reminded Council of the discussions a few weeks back and wanted the City to protect themselves, knowing there is not money to do all the sidewalks. All cities struggle with that and the State had said municipalities cannot be liable for unevenness.

Ms. Wallach said this would not be for all sidewalks, it would just be ones damaged by trees on city property. She asked then do we have an idea how many lawsuits there were between this 1994 resolution and 2002 when the State offered immunity.

Ms. Jones said she could estimate from her twenty-eight years working in municipal law departments, and including moral claims, probably less than two every five years.

Mr. Ruller said there is a moral claim policy Council allows him to authorize up to \$5000 and he's probably only done two or three in his thirteen years that the Law Director had brought to him for a sidewalk claim.

Ms. Wallach said if Council adopts this ordinance, there probably wouldn't be many claims anyway and we would put in this clause about not giving up our immunity anyway.

Ms. Jones said one good lawsuit could cost a half a million dollars too and the City's insurance company would have to be informed of this possible change.

Ms. Wallach would personally like to think about this and not make any decisions tonight.

Ms. Shaffer asked who is liable if someone trips on a heaved sidewalk block.

Ms. Jones said before the amendment of the law, both the city and the property owner and now it would be the property owner.

Ms. Shaffer asked what a morals claim is.

Ms. Jones said typically a claim brought to a city that because a city is not legally bound, are not required to pay, but under certain circumstances a city feels a moral obligation

Mr. Kuhar asked as a citizen, if I see a tree heaving my sidewalk, can I cut it down.

Ms. Jones said no, you can't cut down city property. She feels that Kent is very proactive in checking sidewalks and trees and asked Mr. Bowling what would happen if a resident called in a complaint of a tree about ready to break their sidewalk.

Mr. Bowling said Central Maintenance would take a look, make short term repairs and then assess what needs to be done with the tree. Mr. Bowling said he has seen residents plant without permission in the

right of way so you can't assume all trees in that right of way are city-owned trees. Also sometimes residents don't want trees to come down and it's a struggle between a tree lined street and smooth sidewalks.

Mr. Kuhar asked when I notify you of this tree causing damage and I don't cut it down myself, and the City doesn't remove it, doesn't that make the City liable.

Ms. Jones said no, not based on sovereign immunity.

Mr. Ruller said keep in mind this is a balance between what the City can realistically afford for sidewalk repair and the level of risk when residents are using the sidewalks. Mr. Ruller said Ms. Jones is trying to stick with State law.

MOTION TO TABLE THE DISCUSSION ON CITY CODE TEXT CHANGE FOR TREE DAMAGED SIDEWALKS MADE BY Ms. Wallach, seconded by Ms. Shaffer.

Ms. Wallach wanted to get some input from her residents, make them aware of possible implications.

Ms. Shaffer wanted to comment that Council also consider their other policy they are working on in relation to this and she would feel more comfortable if Council thought that through, as she knows Ms. Jones did. Ms. Shaffer said Council is protecting their residents and residents in relation to the City.

Mr. Sidoti questioned point of order, if Council had to go to the audience, but since there was a motion to table Ms. Jones said it has to go for a vote.

Ms. Rosenberg asked what would a "no" vote for tabling mean, and Mr. Sidoti answered to continue discussion.

MOTION TO TABLE PASSED by a voice vote of 7-2.

Mr. Fiala wanted clarification from Ms. Jones that to un-table an item would require a majority vote and Ms. Jones said yes.

Hearing no further business before this Committee, Chair Sidoti adjourned the meeting at 7:24pm.


Dawn Bishop
Interim Clerk of Council

ACTION RECOMMENDED:

- 1) TABLE THE DISCUSSION ON THE CITY CODE TEXT CHANGE FOR TREE DAMAGED SIDEWALKS**

**THE CITY OF KENT, OHIO
FINANCE COMMITTEE
WEDNESDAY, FEBRUARY 6, 2019**

Chair Michael DeLeone called the meeting of the Finance Committee of Kent City Council to order at 7:24 p.m.

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

ALSO PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Tom Wilke, Economic Development Director; Mr. David Coffee, Budget and Finance Director; Mr. John Idone, Parks and Recreation Director; Mr. Jim Bowling, City Engineer; Ms. Jennifer Barone, Development Engineer; Ms. Dawn Bishop, Acting Interim Clerk of Council.

There were two (2) items on the Agenda.

1. Proposed 2019 Budget Appropriations Amendment

Mr. Coffee requested committee authorization for the appropriation amendments outlined in a memo dated January 29, 2019 to the City Manager. Mr. Coffee said he was happy to answer any questions from Council, there were none, and none from the audience.

MOTION TO APPROVE THE 2019 BUDGET APPROPRIATION AMENDMENT, WITH AN EMERGENCY CLAUSE made by Mr. Kuhar, seconded by Mr. Sidoti, and CARRIED by a voice vote of 9-0.

2. Recreational Trail Program Application

Mr. Ruller reminded Council that at the last meeting Mr. Idone received authorization to apply for Clean Ohio Grant and this is the same idea, different funding source.

Mr. Idone said in working through the application ODNR has two primary trail funds, Clean Ohio Trail Fund and Recreational Trail Funds. One is state money and the other is federal money. The application is exactly the same for either, it's just a matter of checking the box marked Clean Ohio or Recreational Trail Funds. Once looking into the application process, it was determined ranking for the project would be significantly lower under Clean Ohio Trail Fund because it is an existing trail being updated. Clean Ohio looks to construct new trails and the Recreational Trail Fund looks to enhance existing trails, particularly if they are a part of a regional trail network. The Portage Hike and Bike Trail has become one of the major spines between some major trails. So same application, just asking for authorization to apply for the Recreational Trail Fund instead of the Clean Ohio Trail Fund.

Mr. Sidoti wanted to clarify if they were applying for both grants.

Mr. Idone said no, just the Recreational Trail Fund.

Mr. Sidoti said ok, so in lieu of the other one.

Mr. Idone said technically you can apply for both at the time, but it was indicated it wouldn't rank very high if you did.

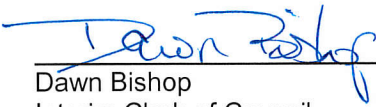
Ms. Wallach asked if the Trail Fund was going for the river.

Mr. Idone said it would go for the latest project, the AMATS project, which is upgrading access from the Main Street Bridge down to the trail, widening trail from Main Street Bridge to Fairchild Bridge connector where it is 10' wide, making it an increase from a 5' wide trail to 10' wide; enhancing access at Brady's Leap; and doing some other amenities along the way, new lighting, seating areas, that sort of thing.

No further questions from Council or from the audience.

MOTION TO AUTHORIZE THE REC TRAIL PROGRAM APPLICATION, WITH AN EMERGENCY CLAUSE made by Ms. Shaffer, seconded by Mr. Amrhein, and CARRIED by a voice vote of 9-0.

Hearing no further business before this Committee, Chair DeLeone adjourned the meeting at 7:29 p.m.


Dawn Bishop
Interim Clerk of Council

ACTION RECOMMENDED:

- 1) **APPROVE THE 2019 BUDGET APPROPRIATIONS**
- 2) **AUTHORIZE THE REC TRAIL PROGRAM APPLICATION**