

LAW DEPARTMENT MEMORANDUM KENT, OHIO

To:

Dave Ruller, City Manager

From:

Hope L. Jones, Law Director

Date:

September 25, 2019

Re:

Voting on Board and Commission Members

Mr. Ruller,

I request Committee time on the October 2, 2019 agenda for the purpose of discussing voting requirements when Council is appointing members to Boards and Commissions. The Ohio Supreme Court has issued an opinion that clarifies how voting should proceed. Also, I would like to discuss options for vetting candidates for vacant positions.

INSTRUCTIONS FOR SUBMITTING SMALL CELL FACILITIES USE PERMIT APPLICATION

- (1) Applicants should review Chapter 937 and Chapter 939 of the Codified Ordinances prior to submitting an application.
- (2) All Small Cell Facilities and Wireless Support Structures must comply with the Design Guidelines promulgated by the Director of Community Development.
- (3) Applicants are encouraged to meet with the Development Engineer before filing an application for a Small Cell Use Permit. Please contact DevEng@kentohio.org to schedule a pre-application conference.
- (4) Please note that a Small Cell Use Permit is not required for the following:
 - (a) Routine maintenance of wireless facilities; or
 - (b) The replacement of wireless facilities consistent with the Design Guidelines when the replacement wireless facilities are either:
 - (i) Substantially similar to the existing wireless facilities; or
 - (ii) The same size or smaller than the existing wireless facilities.
- (5) Accessory Equipment, Collocation, Facilities, Right-of-Way, Small Cell Facility, Small Cell Equipment, Small Wireless Facility, Wireless Service Provider, and Wireless Support Structure shall have the same meanings as set forth in Section 939.01(b) of the Codified Ordinances, and as set forth in Ohio Revised Code Section 4939.01.
- (6) Applicants must submit an original and at least three (3) copies of this application and all required documents.

CITY OF KENT, OHIO

APPLICATION FOR SMALL CELL FACILITIES USE PERMIT

PLEASE REVIEW INSTRUCTIONS AND SEE LAST PAGE FOR EXPLANATION OF NOTES

Please complete the following and attach all required additional documentation. If applicable, also attach a PUCO certificate of public convenience and necessity. Return this application with three (3) copies of the application and all required documents to the Development Engineer.

(1) Applicant	Information:
Indicate Type	of Facilities Operator: □Operator □Designated Agent of an Operator □Other (Please see Section 7(m) for instructions if Applicant is not an Operator)
Applicant:	
Address:	
Contact Name	/Title:
Contact E-mai	North Control
Contact Telepl	none:
(2) Emergenc	y Contact (in case of disruption or damage):
Primary Conta	ct:
Company:	
Telephone:	
E-mail:	
(3) Applicatio	n Type (CHECK ONLY ONE):
□Type 1:	Eligible Facilities Request."
□Type 2:	Application for Collocation of Small Cell Equipment on a Wireless Support Structure that does is not constitute an Eligible Facilities Request.
	☐: This Application involves a Small Wireless Facility.
□Type <u>⊠</u> T	<u>ype</u> 3: New Wireless Support Structure. Such applications will address construction, modification, replacement, or removal of a Wireless Support Structure within the Right-of-Way.
	☐: This Application is for a new Wireless Support Structure upon which a Small Wireless Facility will be mounted.
<u>□:</u>	Additional Required Permits: This Application will require the following additional City permits:
	<u>LI.</u>

(4) Application Review:

The City will approve or deny an application within the following timeframes, starting on the date of filing a complete application and further subject to tolling.

- (a) Type 1 Applications: 60 days
- (b) Type 2 Applications: 90 days (60 days if for a Small Wireless Facility that is not to be mounted upon a new Wireless Support Structure)
- (c) Type 3 Applications: 120 days (90 days if a Small Wireless Facility is involved)

When an application involves a Small Wireless Facility, the required permits listed in Section 3, above, will be issued within the designated review period, provided the applications for such permits are filed not later than the application for a Small Cell Facilities Use Permit.

(5) - Proposed Location:

If more than one Facility is being requested in this application, please include an attachment describing each requested Facility (up to 30 Facilities unless the Facilities are Small Wireless Facilities) with the following information for each requested Facility: Street address/intersection: ____ Zoning district: Is there a Small Cell Facility within 300 feet of proposed location? ☐ YES _____ (distance in feet) ☐NO Is the proposed Facility located in a: Historic District?i

□YES □NO Underground Area?^v □YES □NO (6) Description of Proposed Facilities: (a) Include the number of Facilities and size/height of each of the requested Facilities. Also describe all planned screening and concealment measures. Attach additional pages if necessary. Applications for up to thirty (30) requests for substantially similar Small Cell Equipment and substantially similar Wireless Support Structures may be consolidated, but applications for Small Cell Equipment cannot be combined with an application for a Wireless Support Structure, if not Small Wireless Facility is involved. No application involving a Small Wireless Facility may be consolidated with applications for Small Cell Equipment, or now Wireless Support Structures, that do not involve Small Wireless Facilities. There is no limit on the number of requests for Small Wireless Facilities that may be consolidated. If an application for a new Wireless Support Structure is related to an application for a Small Wireless Facility antenna to be collocated thereupon, those applications may be filed on a consolidated basis but will be considered separate applications subject to separate application fees. Small Wireless Facility Collocation applications not involving applications for new Wireless Support Structures must be filed separately from those related to applications for new Wireless Support Structures. (b) If alternative locations for the Facilities have been identified, please describe alternative location(s), including the distance, in feet, from the proposed location:

(c) TYPE 3 APPLICATIONS ONLY:

- (i) Is Collocation on an Existing Wireless Support Structure technically feasible for the requested Small Cell Facility? □YES □NO □ N/A
- (ii) Can the new Wireless Support Structure support more than one Small Cell Facility?

 □YES □NO □ N/A

(7) Required Documents

Please attach the following required documents to this Application:

- (a) Site Development Plans. One (1) full-size, legible set and one (1) reduced (to 8 ½" x 11" or 11" x 17"), legible set of completely dimensioned site development plans, scaled no smaller than one-inch equals forty feet (1"= 40'). The site development plans shall be prepared, stamped, and signed by an engineer licensed and registered in the State of Ohio showing:
 - i. The exact proposed location of the proposed Facilities within the Right-of-Way;
 - ii. Existing features on the site, including topography, streets, sidewalks, signs, crosswalks, fencing, buildings, existing Facilities with all existing transmission equipment, and major physical features within 100 feet of the site.
 - iii. The location of all overhead and underground public utilities, telecommunications, cable, water, sanitary sewer, and storm water drainage utilities in the Public Way within one hundred (100) feet surrounding the proposed Facilities.
 - iv. The legal property boundaries within one hundred (100) feet surrounding the proposed Facilities;
 - v. Distance, in feet, between the Facilities and existing curbs, driveways, sidewalks, trees, utilities, other poles, and existing buildings within one hundred (100) feet surrounding the proposed Facilities; and
 - vi. Access and utility easements within one hundred (100) feet surrounding the proposed Facilities.
 - 1. If the width of the Right-of-Way exceeds 100 feet, then state the width of the Right-of-Way in the Site Development Plans and depict the information required in (a)(ii) through (a)(vi) based on the width of the Right-of-Way instead of one hundred (100) feet.
- (b) Elevation drawings. One (1) full-size, legible set and one (1) reduced (to 8 ½" x 11" or 11" x 17"), legible and reproducible set of complete elevation drawings, scaled no smaller than one inch equals ten (10) feet, of the proposed Facilities prepared, stamped, and signed by an engineer licensed and registered in the State of Ohio. Elevation drawings shall identify colors and materials of all equipment shown and shall indicate the natural grade on each elevation (cross-sections may also be required depending upon the complexity of the design).
- (c) **Photographs.** One (1) set of reproducible photographs of the existing condition of the site from the north, south, east and west and one (1) set of reproducible a photo simulations of the proposed Facilities from the north, south, east and west, depicting same elevation as photographs of existing site.
- (d) **Notice to Property Owners.** Evidence that the Applicant provided notice by mail to all property owners and addresses within 300 feet of the proposed Facilities prior to submitting the Application. The notice shall include:
 - i. Name of the Applicant;
 - ii. Estimated date Applicant intends to submit the Application:
 - iii. Detailed description of the proposed Facilities and the proposed location; and
 - iv. Accurate, to-scale photo simulation of the proposed Facilities. Scale shall be no smaller than one inch equals forty (40) feet
- (e) A preliminary installation/construction schedule and completion date.
- (f) **Structural Calculations.** One (1) set of reproducible structural calculations prepared, stamped and signed by an engineer licensed and registered by the State of Ohio showing that the Wireless Support Structure can accommodate the weight of the proposed Small Cell Equipment.
- (g) Analysis of Interference with Safety Communications Equipment. Analysis demonstrating that the proposed Facilities do not interfere with the City's public safety radio system, traffic and emergency signal light system, or other City safety communications components.
- (h) FCC Compliance. An affirmation, under penalty of perjury, that the proposed Facilities will be FCC compliant. Please also include a report demonstrating compliance with applicable FCC standards for emissions from the proposed facility alone and in combination with any pre-existing facilities in the

vicinity.

- (i) Wind Resistance Safety Analysis. Assessment of proposed Facilities demonstrating compliance with all applicable codes, prepared, signed, and sealed by an Ohio-licensed professional.
- (j) **Electrical Power Safety Analysis.** Assessment of proposed Facilities demonstrating compliance with all applicable electrical codes, prepared, signed, and sealed by an Ohio-licensed electrician.
- (k) Landscape Plan. One (1) set of reproducible plans demonstrating screening of proposed Small Cell Equipment.
- (I) Equipment Information. Drawings of the proposed facilities. For all equipment depicted, include, if applicable:
 - i. The manufacturer's name and model number:
 - ii. Physical dimensions, including, without limitation, height, width, depth and weight with mounts and other necessary hardware; and
 - iii. The noise level generated by the equipment, if any.
- (m) If Applicant is not an Operator, then the Applicant must provide written proof that the Applicant has been engaged by a Wireless Service Provider who will be the end user of the Facilities and that the Wireless Service Provider has authorized the Applicant to perform the specific work requested on behalf of the Wireless Service Provider.
- (n) If the Facilities are to be located on a Wireless Support Structure that is not owned or operated by the City, then the Applicant shall provide written confirmation of permission to use the Wireless Support Structure from the owner or operator of the Wireless Support Structure.

(8) Fees:

Application shall be deemed incomplete until the Application Fee is paid to the City. Checks must be made out to the City of Kent.

- (a) Application Fee: \$250 (Calculated on a cumulative basis for a consolidated request: when an application for a new Wireless Support Structure is filed together with an application for a Small Wireless Facility to be collocated thereupon, each application is subject to the fee.)
- (b) Attachment Fee: \$200 annually per attachment to a Wireless Support Structure owned or operated by the City, due upon the City's approval of the Small Cell Use Permit.

(9) As-Built Drawings:

Within 30 days after installation is completed, Applicant shall provide the City with as-built drawings.

(10) Financial Surety:

No later than 48 hours after the Small Cell Use Permit is issued, the Applicant shall provide to the City a bond, escrow, deposit, letter of credit, or other financial surety to ensure compliance with Chapter 939.15 of the Codified Ordinances and Chapter 4939 of the Ohio Revised Code. The financial surety must be in an amount sufficient to cover the cost of removal of all Facilities owned or operated by the Facilities Operator.

(11) Indemnification:

INDEMNIFIES, PROTECTS, DEFENDS, AND HOLDS THE CITY AND ITS ELECTED OFFICIALS, OFFICERS, EMPLOYEES, AGENTS, AND VOLUNTEERS HARMLESS AGAINST ANY AND ALL CLAIMS, LAWSUITS, JUDGMENTS, COSTS, LIENS, LOSSES, EXPENSES, FEES TO INCLUDE REASONABLE ATTORNEY FEES AND COSTS OF DEFENSE, PROCEEDINGS, ACTIONS, DEMANDS, CAUSES OF ACTION, LIABILITY AND SUITS OF ANY KIND AND NATURE, INCLUDING PERSONAL OR BODILY INJURY OR DEATH, PROPERTY DAMAGE OR OTHER HARM FOR WHICH RECOVERY OF DAMAGES IS SOUGHT, TO THE EXTENT THAT IT IS CAUSED BY THE NEGLIGENCE OF THE FACILITIES OPERATOR WHO OWNS OR OPERATES SMALL CELL FACILITIES AND

WIRELESS SERVICE IN THE RIGHT-OF-WAY, ANY AGENT, OFFICER, DIRECTOR, REPRESENTATIVE, EMPLOYEE, AFFILIATE, OR SUBCONTRACTOR OF THE OPERATOR, OR THEIR RESPECTIVE OFFICERS, AGENTS, EMPLOYEES, DIRECTORS, OR REPRESENTATIVES WHILE INSTALLING, REPAIRING, OR MAINTAINING FACILITIES IN THE RIGHT-OF-WAY.

(12) Certification:

I hereby certify that the information and the statements submitted in this application and accompanying materials are true, complete, and accurate to the best of my knowledge and belief, and are made in good faith, and that the individual signing below has authority to act on behalf of the Facilities Owner.

Signature:	Date:	
Printed Name and Title:		
Address:	23	
Contact information (telephone/email):		

NOTE: CONSTRUCTION MUST BE COMPLETE WITHIN ONE HUNDRED EIGHTY DAYS (180) AFTER THE SMALL CELL USE PERMIT IS GRANTED OR THE PERMIT SHALL EXPIRE.

5

For City Use Only

Initial Filing Date:			
Date of Determination of Completeness:			
Notice of Incompleteness sent on:			
All Required Information (including application fee) Sub	omitted on:		
Extensions of City review:			
Extension date by agreement with Applicant (a	attach writing or e-ma	ail)	
Extension date due to large number of request	ts		
Approval Date:		67	
Conditions of Approval (attach separate page if necess	sary):		
		The second second	
	N/A		
			<u></u>

If application is denied, attach written explanation identifying basis for denial. Reasons for denial may include:

- (1) Failure to provide information required under Section 939.07;
- (2) Failure to comply with Design Guidelines;
- (3) Failure to provide financial surety pursuant to Section 939.15;
- (4) Failure to remove abandoned Facilities as required under Section 939.12;
- (5) Conflict with the historic nature or character of the surrounding area;
- (6) Conflict with planned future improvements in the Right-of-Way; and
- (7) Failure to comply with generally applicable health, safety, and welfare requirements.

NOTES

"Eligible Facilities or Eligible Support Structure Request" means any request for modification of an existing support structure or base station that does not substantially change the physical dimension of such support structure involving Collocation of new Facilities; removal of Facilities; or replacement of Facilities. A substantial change means:

(i) A modification that changes the physical dimension of a Wireless Support Structure by increasing the height of the Wireless Support Structure by more than ten percent (10%) or more than ten (10) feet, whichever is greater; and/or by adding an appurtenance to the body of the Wireless Support Structure that would protrude from the edge of the Wireless Support Structure by more than six (6) feet;

(ii) The installation of more than the standard number of equipment cabinets for the technology involved or the installation of more than (4) cabinets, whichever is less;

(iii) The installation for any new ground-mounted equipment cabinets if there are not existing ground-mounted equipment cabinets;

(iv) Any excavation or deployment outside of the current site of the Facility;

(v) Removal of any concealment elements of the Facilities or the Wireless Support Structure; and

(vi)Any change that does not comply Chapter 939, the Design Guidelines promulgated by the Director of Community Development, or state or federal law and regulations.

The threshold for measuring increases that may constitute a substantial change are cumulative, measured from the Facilities as originally permitted (including any modifications that were reviewed and approved by the City prior to the enactment of the Spectrum Act on February 22, 2012.)

iii If the Application is incomplete, then the Applicant will be notified of the insufficiency, and the timeframes shall be tolled until the Application is made complete. The timeframes may also be tolled as set forth in Section 939.08(c) of the Codified Ordinances, including by mutual agreement of the Applicant and City.

iv "Historic district" means a building, property, or site, or group of buildings, properties, or sites that are either of the following:

- (i) Listed in the national register of historic places or formally determined eligible for listing by the keeper of the national register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the national register, in accordance with section VI.D.1.a.i-v of the nationwide programmatic agreement codified at 47 C.F.R. part 1, Appendix C;
- (ii) A registered historic district as defined in section 149.311 of the Revised Code. (Section 1(b)(9) of the Design Guidelines)

¹ "Operator" means a wireless service provider, cable operator, or a video service provider that operates a small cell facility and provides wireless service, including a wireless service provider, cable operator, or a video service provider that provides information services as defined in the "Telecommunications Act of 1996," 110 Stat. 59, 47 U.S.C. 153(20), and services that are fixed in nature or use unlicensed spectrum.

v "Underground Area" means an area in the Right-of-Way where existing electric utilities, cable facilities, telecommunications facilities and other facilities, other than structures and facilities owned by the City or a transit authority, are located underground. (Section 1(b)(15) of the Design Guidelines)

vi Small Cell Facilities shall be considered substantially similar when the Small Cell Equipment is identical in type, size, appearance and function. Wireless Support Structures shall be considered substantially similar when the Wireless Support Structures are identical in type, size, appearance and function and are to be located in a similar location. (Section 939.04(a)(1) and (2) of the Codified Ordinances)



City of Kent, Ohio

Office of the City Manager

To:

Dave Ruller, City Manager

From:

Harrison Wicks, Assistant to the City Manager

Date:

September 25, 2019

RE:

Proposed New Film Permitting Procedures

The City Manager's Office and Law Department would like to request committee time to present a new permitting process for filming in the City of Kent. The permitting procedures would include both student led productions and large scale productions on public property or in the public right-of-way.

The Kent State University Digital Media Production Department in the College of Journalism and Mass Communication has been working with the Traffic Engineering & Safety (TE&S) Committee and City Manager's Office to better understand what is expected and required of students when conducting film productions in the City of Kent.

Student enrollment in the Digital Media Production program has grown to a current size of 312 students with 4 full-time faculty. They are planning to have over 100 student led production projects during the 2019-2020 academic year.

Based on these discussions, it was deemed necessary to layout a framework for students to request use of locations in the City of Kent, including road closures and use of City facilities.

The Kent State University Office of Compliance and Risk Management has agreed to offer insurance coverage for student led productions taking place off campus. All other non-student led productions, or large scale productions, will be responsible for acquiring their own general liability insurance.

All students, organizations, and businesses interested in filming in the City of Kent would complete a Film Permit Application Form and return it to the City Manager's Office for consideration.

Please let me know if you have any questions concerning the attached materials or if you need any additional information. Thank you.

cc: Amy Wilkens, Clerk of Council

Chapter 746 - FILM PERMITS

Sec. 746.01 - Title and purpose.

This ordinance shall be known as the film permit ordinance. It is designed to provide a procedure to authorize filming of motion pictures on public property while protecting the public interest.

Sec. 746.02 - Definitions.

Applicant means the person, firm, corporation or entity that applies for a permit pursuant to this Chapter.

Film production means any and all motion picture production, television production, videography or web video (meaning video production for distribution on the internet).

News media means photographic, filming, and/or videotaping for the purpose of spontaneous, unplanned television news broadcast or reporting for print media by reporters, photographers or cameramen.

Student led Production means any film production project led by a student from a digital media program/class of higher education. Proof of program/class registration at the time of application may be required.

Sec. 746.03 - Permit required.

No person shall engage in, conduct or carry on the business of film production on private or public property within the incorporated area of the City of Kent, Ohio, including but not limited to rights-of-way, without first receiving a film permit from the city. This is in addition to any permit that may be required by the International Fire Code or any other provisions of the City of Kent Codified Ordinances. Use of a city facility or building (other than a road) shall also require the applicant for the permit to enter into a "location agreement" contract with the city, governing the use of city property.

The permit shall set forth the approved location of such filming and also the approved duration of such filming by specific reference to day or dates. No permit shall authorize filming for more than three (3) consecutive days in any one location involving a road closure. Said permit must be readily available for inspection by city officials at all times at the site of the filming.

If a permit is issued and filming does not in fact take place on the dates specified due to good cause, including but not limited to reasons of inclement weather, the City Manager or designee may issue a new permit for filming on other dates subject to full compliance with all other provisions of this chapter. No additional fee shall be paid for this new permit.

Sec. 746.04 - Application.

Any person seeking the issuance of a film permit shall complete a written film permit application form provided by the city and shall provide all information requested thereon, not less than fourteen (14) days nor more than one hundred and eighty (180) days prior to the commencement of film production. The application must be signed by an authorized representative of the applicant.

Sec. 746.05 - Exemptions.

The following film production activities are exempt from permit requirements:

Film production by news media; personal or family videos (weddings, etc); studio filming inside a movie studio; film production activities taking place entirely on private property; and such other productions as are exempted by the City Manager.

However, if any of the exempt activities listed above desire to use city facilities or block or interfere with a city street, property or right-of-way, then the ordinance shall apply and a permit must be obtained.

Sec. 746.06 - Administration and regulations.

- (a) Administrator. This article shall be administered by the City Manager or his/her designee.
- (b) *Conditions*. A permit may be issued with special conditions unique to the particular film production based on the circumstances of the request and location or other special factors.
- (c) Safety and notice standards.
 - (1) Roads and traffic. If roads or lanes are to be blocked or traffic disrupted in any manner, off-duty City of Kent police officers must be hired to provide safety supervision. Requirements of the Kent Police Department for flagging and lane closures shall be observed. Filming on state highways requires permission of the Ohio Department of Transportation. Removal, cutting or trimming of

- vegetation on the right-of-way is prohibited unless specifically approved in the permit.
- (2) *Fire department*. The City of Kent Fire Department shall have full access to any film production to ensure safety for crew members, the public and surrounding properties. No film activity involving the use of explosives, pyrotechnics, smoke machines or fire shall be permitted without approval of the fire chief or his/her designee.
- (3) Public notice. Adjacent property owners shall be notified in advance of the filming and provided a contact number for any complaints or concerns. At least three (3) days' notice shall be posted in a manner approved by the City Manager of any full or partial road closure; a detour route must be posted for full road closures. Applicant shall ensure reasonable access to businesses and residences within the affected area during film production.
- (d) Fees & Bonds. The fee structure will depend on the type and scope of filming requested.

Large Scale Productions

(Anything other than student led productions)

Permit Fee:	\$100.00
Road closure fee:	\$50.00 per day
Police/Fire Protection fee:	At cost. (required when road lanes closed)
	Use of city facilities:
General:	\$100.00 per facility, per day
Park facilities:	Inquire with Kent Parks & Recreation Office 330-673-8897

Student Led Productions

Permit Fee:	No permit fee
Road closure fee:	\$100.00 bond
Police/Fire Protection fee:	At cost. (required when road lanes closed)
	Use of city facilities:
General:	\$25.00 per facility, per day
Park facilities:	Inquire with Kent Parks & Recreation Office 330-673-8897

The City reserves the right to include additional and/or waive fees related to production activities as needed.

- (e) Permit holders shall be responsible for fulfilling ASCAP (American Society of Composers, Authors, and Publishers) or other similar entities requirements for any music played, including but not limited to reporting requirements. In addition, the permit holder shall be responsible for any costs charged to the city or the applicant by ASCAP. Any complaints resulting from Applicant's violation of this subsection will be subject to Section 746.07(c) below.
- (f) *Alcoholic Beverages*. Possession of alcoholic beverages and/or the consumption of alcohol during film production activities, or within the affected area prescribed in the permit, is prohibited.
- (g) Food Vendors. Food vendors planning to operate within the affected area during film production shall be licensed and inspected by the Kent City Health Department. A list of all food vendors and their proposed food items must be submitted at least fourteen (14) days prior to the event, to be reviewed for licensing and health provisions.
 - (1) Any vendors who utilize cooking or other heating equipment shall have a fire extinguisher with a minimum rating of 2A 1 OBC available at all times.

- (2) A clear fire lane shall be maintained throughout the course of the affected area.
- (3) Gasoline powered generators may be permitted, but gasoline storage on site shall be limited to five gallons which shall be stored in a UL approved container.
- (4) Use of tents, canopies, etc. of greater than 400 square feet in size, or to be used above or in close proximity to open flames, cooking grills, or other flammable agents, shall be by permit issued by the fire department, and shall be consistent with the Ohio Fire Code.
- (h) *First aid*. Applicant shall provide, or make arrangements to provide, a first aid station, or have in possession a first aid kit, to the satisfaction of the fire chief or his/her designee. Applicant may be requested to have a set medic during film production.
- (i) *Trash and Recycling*. When necessary, the applicant will be required to make arrangements for necessary trash containers, recycling containers, and central dumping point for the removal of all solid waste generated by film production activities. The applicant will also make arrangements for the removal of all food preparation residue and waste consistent with Health Department recommendations.
- (j) Neighborhood Approval. For film permits requiring a road closure, the sponsor shall conduct a survey of the residents and businesses in the affected area. The survey shall be in the form of a petition requesting the issuance of a film permit for a specific date and time and bearing the signatures of affected residents of seventy (70) percent or more of the affected area and affirms by affidavit that each such signature is genuine and that of an affected resident to the best of applicant's knowledge.
- (k) *Noise Limitations*. City standards for noise will apply to film productions as they may affect surrounding residential neighborhoods as defined in Codified Ordinance Chapters 1127 to 1139.

Sec. 746.07 - Liability provisions.

- (a) Liability insurance. Before a permit is issued, a certificate of insurance will be required in an amount of \$1,000,000 minimum naming the city and its officers and employees as additional insureds for protection against claims of third persons for personal injury, wrongful death and property damage. The certificate shall not be subject to cancellation or modification until after 30 days written notice to the city. A copy shall remain on file.
- (b) Workers' compensation insurance. An application shall conform to all applicable Federal and State statutes and requirements for workers' compensation insurance for all persons under the permit.
- (c) Hold harmless agreement. The applicant's acceptance of the permit shall constitute a hold harmless agreement, holding the City of Kent and its officers and employees harmless from all damages, suits, actions or liabilities, including attorney's fees, arising out of or resulting from the filming activity, or from the acts of the filming company or its agents during the filming activity or occurring as a result of the use of filming locations by the filming company.
- (d) Security deposit. To ensure cleanup and restoration of the site, an applicant may be required to submit a refundable deposit (amount to be determined). Upon completion of filming and inspection of the site by the city, if no verifiable damage has occurred, the security deposit shall be returned to the applicant.
- (e) Damage to property. Any damage to city-owned property, facilities or infrastructure, including roads, arising from or relating to the film production, shall be the responsibility of the permit holder who shall repair all such damage or pay the city the costs of repair.

Sec. 746.08 - Violations/revocation.

- (a) Any permit can be revoked by the City Manager or his/her designate, or if he/she is not present, by the ranking police officer on duty upon the happening of any one or more of the following events:
 - Any expansion of the road closure beyond the affected area regardless of whether such expansion is known or approved by the permit holder;
 - (2) Any acts of vandalism, littering, disorderly conduct or criminal activity by any of the participants affiliated with the permit holder regardless of whether the perpetrators of such acts are apprehended; or

- (3) Any other acts or circumstances, lawful or unlawful which, in the opinion of the City Manager or the ranking police officer on duty, create a substantial risk of injury to person or property.
- (b) If a permit is revoked the fact of such revocation shall be given to all participants and persons in or near the affected area by announcing such fact over the public address system of any marked police car or by any other manner reasonably calculated to effect such notice.

Sec. 746.09. - Primary contact.

The applicant shall provide one primary contact of competent authority to maintain communication with and be responsive to the city manager during the entire period of filming. Minimum communication types shall be phone, text, and e-mail. The city manager and/or his designee shall be the primary contact for the applicant.



CITY OF KENT FILM PERMIT FORM

301 S. Depeyster Street, Kent, OH 44240 Application for filming in the City of Kent Contact wicksh@kent-ohio.org

330-676-7500

APPLICANT INFORMATIO	N			
Request By:		Project Name:		
Company:	Phone:		Email:	
Address:				
City:	State:		ZIP Code:	
Applicant's Signature:		A	77	
PRODUCTION CONTACT I	NFORMATION			
Project Manager:		Phone:	Email:	
Location Manager:		Phone:	Email:	
Director:		Phone:	Email:	
Production Manager:		Phone:	Email:	
DATE(S) (for more dates,	attach separate page)	LOCATION(S	(list street names)	
1.		1.		
2.		2.	N. P. C.	
TIME(S) SET UP	START	END	WRAP TIME	
1.		T CONTRACTOR OF THE PARTY OF TH		
2.	1	A THE PARTY OF		
TYP	ES OF ACTIVITIES PLANT	NED AND FACILITIES/I	QUIPMENT USED	
Name of the last o	SE THE FOLLOWING: (A Right-of-Way (Include	o Existing Private	Buildings (Include addresses	
map of area)	AST KEN		mission from property owner	
Sidewalks False Meanage (Identity)	Control VIII		uildings (specify location abov	'e)
Fake Weapons (IdentiAnimals	ty above)		(400 sq. ft. or larger)	
The state of the s	ich maule)		tric, Generators or Lighting	
o Public Park (Name wh			r (rivers, lakes, pools)	
Received By	Date	FICE USE ONLY		
	Verbility.			
Types of Permits/Approvals N	leeded: (Check all that ap			
No Permit Needed		Bagged Meter P		
Film Permit Street Assemblage Permit		Parks & Rec Dep		
Special Event Permit		Fire Dept. Appro		
Temporary Parking Permit		Police Dept. Approval Building Dept. Approval		
Porory , arking i citilit		building Dept. A	hhi o a a i	
\$100 Bond Received Ye	s NoN/A			
General Liability Insurance on	File Yes No _	N/A Approved	Date	
Film Permit Approved\	'es No	City Manager	Date	



CITY OF KENT, OHIO

DEPARTMENT OF FINANCE

David a. Coffee

TO: Dave Ruller, City Manager

FROM: David Coffee, Director of Budget and Finance

DATE: 9/12/2019

SUBJECT: General Operating Tax Levy Ballot Issue

I am respectfully requesting City Council Committee agenda time at the October 2, 2019 meeting for the purpose of requesting approval to renew/replace the City's current 1.16 mil General Operating Expense Tax Levy. This levy was originally passed in 1960 and the current renewal of the levy began with the 2015 Tax Year and runs for five consecutive years ending with the 2019 Tax Year. The requested action from Council is to authorize placing a 1.16 mil Renewal/Replacement Tax Levy for General Operating Expenses on the upcoming March 17, 2020 ballot.

For the 2018 Tax Year/ 2019 Collection Year this levy will provide \$318,885 that directly funds a significant portion of the City's General Fund expenses. It should be noted that if renewed, the 1.16 mil current expense levy is estimated to provide \$323,533 in revenue beginning with the 2020 Tax Year/2021 Collection Year and the cost to a homeowner of a \$100,000 property (fair market value) would actually decrease slightly to \$25.75 per year compared to the current \$29 per year estimated impact. For comparative purposes, if this levy was approved as a replacement levy it is estimated to provide \$481,616 in revenue beginning with the 2020 Tax Year/ 2021 Collection Year with the cost to a homeowner of a \$100,000 property (fair market value) estimated to be approximately \$40.60 per year.

While admittedly an additional \$158,083 generated by a Replacement Levy would help replenish a portion of the \$1,000,000 lost in recent years' state funding cuts, staff is recommending Council approval for placing a Renewal Tax Levy on the March ballot, rather than a Replacement levy, due to the uncertainty of local economic conditions and cost impact sensitivity for Kent residents.

Should you desire any additional detail concerning this proposed policy, please do not hesitate to let me know and I will be happy to provide whatever I can.

Thank you in advance for your time and assistance in this matter.



CITY OF KENT, OHIO

DEPARTMENT OF FINANCE

To: Dave Ruller, City Manager

From: David A. Coffee, Director of Budget and Finance

Date: September 25, 2019

Re: FY2019 Appropriation Amendments, Transfers, and Advances

The following appropriation amendments for the October Council Committee Agenda are hereby requested:

Fund 201 - Water

Increase \$ 25,000 Central Maintenance / Other (O&M) - Addt'l funding from Water Contingency for

Emergency Waterline Repair per M. Baker 9/20/2019 memo.

Fund 301 - Capital

Increase \$ 21,000 Capital / Public Safety-Capital - Funding for demolition of 408 N. Mantua Street

owned by the City and adjacent to West Side Fire Station.

Fund 303 - Police Facility

Increase \$ 163,603 Safety / Capital Facilities / Capital – Reappropriate funding to pay Settlement

Agreement with RFC/Chieftain Trucking for completed contract work per B. Huff

David a. Coffee

9/25/2019 memo.

The following intra-fund transfers/advances are hereby requested:

Transfer \$25,000 From: Fund 201 / Water Fund - Contingency

To: Fund 201 / Water Fund – Central Maintenance / Other (O&M)- Transfer to fund

Emergency Waterline Repair per M. Baker 9/20/2019 memo.

CITY OF KENT DEPARTMENTOF PUBLIC SERVICE DIVISION OF CENTRAL MAINTENANCE

MEMO

To:

Dave Ruller, City Manager

David Coffee Director of Budget & Finance

From:

Melanie Baker, Director of Public Service

Rhonda Boyd, Senior Engineer Brad McKay, Facilities Manager

Date:

September 20, 2019

RE:

Appropriations Amendment

Emergency Waterline Repair

The City hired Kenmore Construction to make emergency repairs to an 8" waterline on McKinney Boulevard. Kenmore replaced corroded t-bolts and damaged seals on two valves. Once the repairs were verified to be complete, Kenmore backfilled the excavation and installed one new valve box.

The Service Department respectfully requests appropriations in the amount of \$24,332.45 from contingency fund account line 201-05-550-900-7510 to account line 201-05-550-605-7340 to pay Kenmore Construction for work performed.

Cc:

Brian Huff, Controller



CITY OF KENT, OHIO DEPARTMENT OF BUDGET AND FINANCE

To: Dave Coffee, Director of Budget and Finance

From: Brian Huff, Controller Date: September 25, 2019

Re: Appropriation Amendments Needed

An amendment to appropriations in fund 303 are being requested due to a settled dispute between the general contractor and a sub-contractor on the new police building. Due to the dispute, we were advised in a previous year to move the funds on an open PO in fund 303 to the 804 Escrow fund. Now that the dispute has been settled, the funds are ready to be released out of fund 303 (Police Building Capital) Please appropriate \$163,603 to 303-01-510-102-7680. Thank you!

Brian Huff, Controller

KENT POLICE DEPARTMENT **AUGUST 2019**

	AUGUST	AUGUST	TOTAL	TOTAL
	2018	2019	2018	2019
CALLS FOR SERVICE FIRE CALLS ARRESTS, TOTAL JUVENILE ARRESTS O.V.I. ARRESTS TRAFFIC CITATIONS PARKING TICKETS	2318	2550	16575	19516
	427	425	2998	3036
	156	199	1015	1125
	9	11	58	62
	18	18	95	122
	289	375	1949	2228
	1294	931	8148	7562
ACCIDENT REPORTS Property Damage Injury Private Property Hit-Skip OVI Related Pedestrians Fatals	61	57	436	429
	31	25	239	253
	8	7	60	28
	15	17	106	108
	4	6	20	32
	2	2	7	2
	1	0	4	6
U.C.R. STATISTICS Homicide Rape Robbery Assault Total Serious Simple Burglary Larceny Auto Theft Arson Human Trafficking:Servitude Human Trafficking:Sex Acts	0 0 1 12 3 9 6 26 1 1 0 0		0 0 7 100 15 85 46 201 7 3 0 0	0 2 5 116 14 102 42 219 11 1 0 0 396
CRIME CLEARANCES Homicide Rape Robbery Assault Total Serious Simple Burglary Larceny Auto Theft Arson Human Trafficking:Servitude Human Trafficking:Sex Acts TOTAL	0 0 1 11 3 9 2 3 0 1 0 0 18		0 0 2 84 13 72 9 25 0 2 0	0 2 2 98 10 89 16 30 5 0 0

City of Kent Income Tax Division

August 31, 2019

Income Tax Receipts Comparison - (Excluding 0.25% Police Facility Receipts)

Monthly Receipts

Total receipts for the month of August, 2019	\$1,126,859
Total receipts for the month of August, 2018	\$1,073,511
Total receipts for the month of August, 2017	\$1,116,420

Year-to-date Receipts and Percent of Total Annual Receipts Collected

	Year-to-date Actual	Percent of Annual
Total receipts January 1 through August 31, 2019	\$9,902,510	68.77%
Total receipts January 1 through August 31, 2018	\$9,548,514	66.38%
Total receipts January 1 through August 31, 2017	\$9,799,145	66.72%

Year-to-date Receipts Through August 31, 2019 - Budget vs. Actual

	Annual	Revised	Year-to-date		
	Budgeted	Budgeted	Actual	Percent	Percent
Year	Receipts	Receipts	Receipts	Collected	Remaining
2019	\$14,400,180	\$ 14,400,180	\$ 9,902,510	68.77%	31.23%

Comparisons of Total Annual Receipts for Previous Ten Years

	Total	Change From
Year	Receipts	Prior Year
2009	\$ 10,482,215	-2.15%
2010	\$ 10,453,032	-0.28%
2011	\$ 10,711,766	2.48%
2012	\$ 12,063,299	12.62%
2013	\$ 12,397,812	2.77%
2014	\$ 13,099,836	5.66%
2015	\$ 14,592,491	11.39%
2016	\$ 14,133,033	-3.15%
2017	\$ 14,687,372	3.92%
2018	\$ 14,384,958	-2.06%

Submitted by

David a. Coffee

Director of Budget and Finance

2019 CITY OF KENT, OHIO Comparison of Income Tax Receipts

(Excluding 0.25% Police Facility Receipts) as of Month Ended August 31, 2019

Monthly Receipts				Compari	sons
Month	2017	2018	2019	Amount	Percent Change
January	\$ 1,228,846	\$ 1,153,204	\$ 1,146,434	\$ (6,771)	-0.59%
February	1,072,047	\$ 1,062,513	\$ 1,142,355	79,842	7.51%
March	1,133,943	\$ 1,051,604	\$ 1,125,424	73,821	7.02%
April	1,561,337	\$ 1,656,767	\$ 1,649,439	(7,328)	-0.44%
May	1,233,090	\$ 1,229,804	\$ 1,283,213	53,409	4.34%
June	1,291,517	\$ 1,266,792	\$ 1,381,758	114,965	9.08%
July	1,161,945	\$ 1,054,319	\$ 1,047,029	(7,290)	-0.69%
August	1,116,420	\$ 1,073,511	\$ 1,126,859	53,348	4.97%
September	1,175,347	\$ 1,290,237			
October	1,215,670	\$ 1,110,361			
November	1,162,952	\$ 1,010,080			
December	1,334,259	\$ 1,425,765			
Totals	\$ 14,687,372	\$ 14,384,958	\$ 9,902,510		

	Year-to-Da	Comparisons				
Month	2017	2018	2019	Amount		Percent Change
January	\$ 1,228,846	\$ 1,153,204	\$ 1,146,434	\$	(6,771)	-0.59%
February	2,300,893	2,215,718	2,288,789		73,071	3.30%
March	3,434,836	3,267,321	3,414,213		146,892	4.50%
April	4,996,173	4,924,088	5,063,652		139,564	2.83%
May	6,229,263	6,153,892	6,346,864		192,972	3.14%
June	7,520,780	7,420,684	7,728,622		307,938	4.15%
July	8,682,725	8,475,003	8,775,651		300,648	3.55%
August	9,799,145	9,548,514	9,902,510		353,996	3.71%
September	10,974,491	10,838,752				
October	12,190,161	11,949,112				
November	13,353,113	12,959,193				
December	14,687,372	14,384,958				
Totals	\$ 14,687,372	\$ 14,384,958				

2019 CITY OF KENT, OHIO

Comparison of Income Tax Receipts from Kent State University (Excluding 0.25% Police Facility Receipts) as of Month Ended August 31, 2019

Monthly Receipts Comparisons Percent Month 2017 2018 2019 **Amount** Change January \$ 441,024 \$ 432,020 \$ 436,131 (9,004)-2.04% \$ 408,429 \$ February 398,208 402,645 (5,784)-1.42% March 441,069 \$ 439,804 \$ 429,564 (10,240)-2.33% \$ \$ April 474,495 475,808 463,208 (12,600)-2.65% \$ \$ May 428,818 434,264 426,386 -1.81% (7,878)\$ 437,151 \$ June 425,646 421,609 (15,541)-3.56% \$ \$ July 403,532 392,738 400,822 8,084 2.06% August \$ \$ 417,678 417,869 427,280 9,411 2.25% \$ September 356,602 398,667 \$ October 471,742 425,598 November 445,247 \$ 450,474 \$ December 445,693 430,640 Totals \$ 5,144,861 \$ 5,152,467 \$ 3,403,534

Year-to-Date Receipts								Comparisons			
Month	2017		2018		2019		Amount		Percent Change		
January	\$	436,131	\$	441,024	\$	432,020	\$	(9,004)	-2.04%		
February		834,338		849,453		834,665		(14,788)	-1.74%		
March		1,275,407		1,289,257		1,264,228		(25,029)	-1.94%		
April		1,749,902		1,765,066		1,727,436		(37,629)	-2.13%		
May		2,178,721		2,199,330		2,153,823		(45,507)	-2.07%		
June		2,604,367		2,636,481		2,575,432		(61,048)	-2.32%		
July		3,007,898		3,029,218		2,976,254		(52,964)	-1.75%		
August		3,425,576		3,447,088		3,403,534		(43,554)	-1.26%		
September		3,782,178		3,845,755							
October		4,253,920		4,271,352							
November		4,699,167		4,721,826							
December		5,144,861		5,152,467							
Totals	\$	5,144,861	\$	5,152,467							

2019 CITY OF KENT, OHIO Comparison of Income Tax Receipts from Kent State University

(Excluding 0.25% Police Facility Receipts)

Comparisons of Total Annual Receipts for Previous Ten Years

Total	Percent		
Receipts	Change		
\$ 4,090,788	4.37%		
\$ 4,267,465	4.32%		
\$ 4,246,372	-0.49%		
\$ 4,436,666	4.48%		
\$ 4,603,095	3.75%		
\$ 4,778,094	3.80%		
\$ 4,916,874	2.90%		
\$ 5,056,433	2.84%		
\$ 5,144,861	1.75%		
\$ 5,152,467	0.15%		
	Receipts \$ 4,090,788 \$ 4,267,465 \$ 4,246,372 \$ 4,436,666 \$ 4,603,095 \$ 4,778,094 \$ 4,916,874 \$ 5,056,433 \$ 5,144,861		

2019 CITY OF KENT, OHIO

Comparison of Income Tax Receipts

Police Facility Dedicated Income Tax Receipts - 1/9 of Total (0.25%) as of Month Ended August 31, 2019

Monthly Receipts							Comparisons			
Month		2017		2018		2019		Amount	Percent Change	
January	\$	153,588	\$	144,134	\$	143,288	\$	(846)	-0.59%	
February		133,991	\$	132,799	\$	142,778	\$	9,979	7.51%	
March		141,727	\$	131,436	\$	140,662	\$	9,227	7.02%	
April		195,145	\$	207,073	\$	206,157	\$	(916)	-0.44%	
May		154,119	\$	153,708	\$	160,384	\$	6,675	4.34%	
June		161,421	\$	158,331	\$	172,700	\$	14,369	9.08%	
July		145,227	\$	131,775	\$	130,864	\$	(911)	-0.69%	
August		139,537	\$	134,174	\$	140,842	\$	6,668	4.97%	
September		146,902	\$	161,261						
October		151,942	\$	138,780						
November		145,353	\$	126,246						
December		166,764	\$	178,201						
Totals	\$	1,835,715	\$	1,797,917	\$	1,237,675				

	Year-to-D	Comparisons			
Month	2017	2018	2019	Amount	Percent Change
January	\$ 153,588	\$ 144,134	\$ 143,288	\$ (846)	-0.59%
February	\$ 287,579	\$ 276,934	286,066	\$ 9,133	3.30%
March	\$ 429,306	\$ 408,369	426,729	\$ 18,359	4.50%
April	\$ 624,451	\$ 615,442	632,885	\$ 17,444	2.83%
May	\$ 778,570	\$ 769,150	793,269	\$ 24,119	3.14%
June	\$ 939,992	\$ 927,481	965,969	\$ 38,488	4.15%
July	\$ 1,085,218	\$ 1,059,256	1,096,833	\$ 37,577	3.55%
August	\$ 1,224,755	\$ 1,193,430	1,237,675	\$ 44,245	3.71%
September	\$ 1,371,657	\$ 1,354,691			
October	\$ 1,523,599	\$ 1,493,471			
November	\$ 1,668,951	\$ 1,619,717			
December	\$ 1,835,715	\$ 1,797,917			
Totals	\$ 1,835,715	\$ 1,797,917			

2019 CITY OF KENT, OHIO Comparison of Total Income Tax Receipts - Including Police Facility Receipts as of Month Ended August 31, 2019

Monthly Receipts Comparisons Percent Month 2017 2018 2019 **Amount** Change \$ January \$ 1,382,434 \$ 1,297,339 \$ 1,289,722 (7,617)-0.59% \$ 1,195,312 February \$ 1,206,038 1,285,134 89,821 7.51% 7.02% March \$ 1,275,670 \$ 1,183,039 1,266,086 83,047 April \$ 1,756,482 \$ 1,863,839 1,855,595 (8,244)-0.44% \$ 1,387,209 \$ 1,383,512 May 1,443,596 60,084 4.34% June \$ 1,452,938 \$ 1,425,124 1,554,458 129,334 9.08% \$ 1,186,094 July \$ 1,307,171 1,177,893 (8,201)-0.69% \$ 1,255,957 \$ 1,207,685 1,267,700 60,016 4.97% August \$ 1,322,249 \$ 1,451,498 September October \$ 1,367,611 \$ 1,249,141 \$ 1,136,326 November \$ 1,308,304 December \$ 1,501,023 \$ 1,603,965 Totals \$ 16,523,087 \$ 16,182,875 \$11,140,185

	Year-to-Da	Comparisons			
Month	2017	2018	2019	Amount	Percent Change
January	\$ 1,382,434	\$ 1,297,339	\$ 1,289,722	\$ (7,617)	-0.59%
February	2,588,472	2,492,651	2,574,855	82,204	3.30%
March	3,864,142	3,675,690	3,840,942	165,251	4.50%
April	5,620,624	5,539,530	5,696,537	157,007	2.83%
May	7,007,833	6,923,042	7,140,133	217,091	3.14%
June	8,460,772	8,348,165	8,694,591	346,426	4.15%
July	9,767,943	9,534,260	9,872,484	338,225	3.55%
August	11,023,900	10,741,944	11,140,185	398,241	3.71%
September	12,346,149	12,193,443			
October	13,713,760	13,442,583			
November	15,022,064	14,578,910			
December	16,523,087	16,182,875			
Totals	\$ 16,523,087	\$ 16,182,875			

MEMORANDUM DEPARTMENT OF COMMUNITY DEVELOPMENT City of Kent

Date: September 20, 2019

To: Dave Ruller, City Manager

From: Jennifer Barone, Development Engineer 128

Re: 1220 Fairview Drive

Copy: Bridget Susel, Director of Community Development

The applicant for a residential construction at 1220 Fairview Drive is requesting a variance from the KCO 1339.05(a)(9). This section requires sidewalk to be constructed across the frontage. This is an infill lot in University Heights Subdivision. The properties on Fairview Drive do not have sidewalks, which give this area a more rural feel. For these reasons approval of the variance request is recommended by the Community Development Department.

KCO 1339.09 authorizes the City Manager to decide whether or not to grant appeals and variances. The Community Development Department is recommending this variance and requesting that you grant the variance by signing below. (Please note that you need to notify Council of all variances granted.) Please consider this request on the applicants' behalf.

City Manager

This variance is granted on the condition that the homeowner agrees in writing to install a sidewalk across the frontage of his/her property if or when the city ever constructs a public sidewalk on Tallmadge Avenue.



Lucas- 1220 Fairview Drive- Variance Request

1 message

Nicole Chaffin-Bragg <nchaffin@schumacherhomes.com> To: Jennifer Barone <barone@kent-ohio.org> Thu, Sep 19, 2019 at 2:12 PM

Good afternoon Jennifer.

Please consider this email our formal request for a variance for the required sidewalk at 1220 Fairview Drive, Kent, OH 44240. There are no sidewalks currently which causes a lack to which to connect. Thank you for considering the request. Let me know if there is anything else you need for this request or if you have any questions.

Thank you,

Nicole

Nicole Chaffin-Bragg | Customer Coordinator

t:330-474-3484 | f:330-474-3485

nchaffin@schumacherhomes.com | schumacherhomes.com

