



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

October 16, 2008

TO: Dave Ruller
City Manager

FROM: Gary Locke
Community Development Director *GL*



RE: Recommendations from Parking Action Committee and Staff regarding parking changes on Gougler Avenue and East Erie Street (between South Water and South Depeyster Street)

At the last Parking Action Committee meeting on September 30, 2008, there were several matters that were referred to Council with recommendations from the Committee. Both dealt with the designation of long term parking and will be discussed separately below:

1. Parking along east side of Gougler Avenue

The Parking Action Committee considered the conversion of 29 parking spaces along the east side of Gougler Avenue (between West Main and Fairchild Avenue) from two hour spaces to a combination of two hours spaces with the provision of a ten hour permit also being allowed in these spaces. There are by our count 29 spaces in this area that could be converted, not counting the spaces that are "C" permit spaces specifically reserved for use by the West River Place offices. With the proposed conversion, the 29 spaces could either be used for regular 2 hour parking as they are now, or could be utilized by a 10 hour permit holder. Staff would concur with the Parking Action Committee's recommendation that Council permit the conversion of these spaces as proposed. A map showing the spaces affected is attached.

2. Parking Along East Erie Street Between South Water Street and South Depeyster Street

In attempt to provide some temporary and short term parking for the Phoenix Project, the Parking Action Committee supported the idea of converting up to 75% of the parking spaces on East Erie Street, between South Water and South Depeyster Streets to 10 hour parking by permit. By our count there are 50 regular parking spaces and 3 handicap spaces in this area. Approximately 20 of these spaces have already been established as 10 hour spaces.

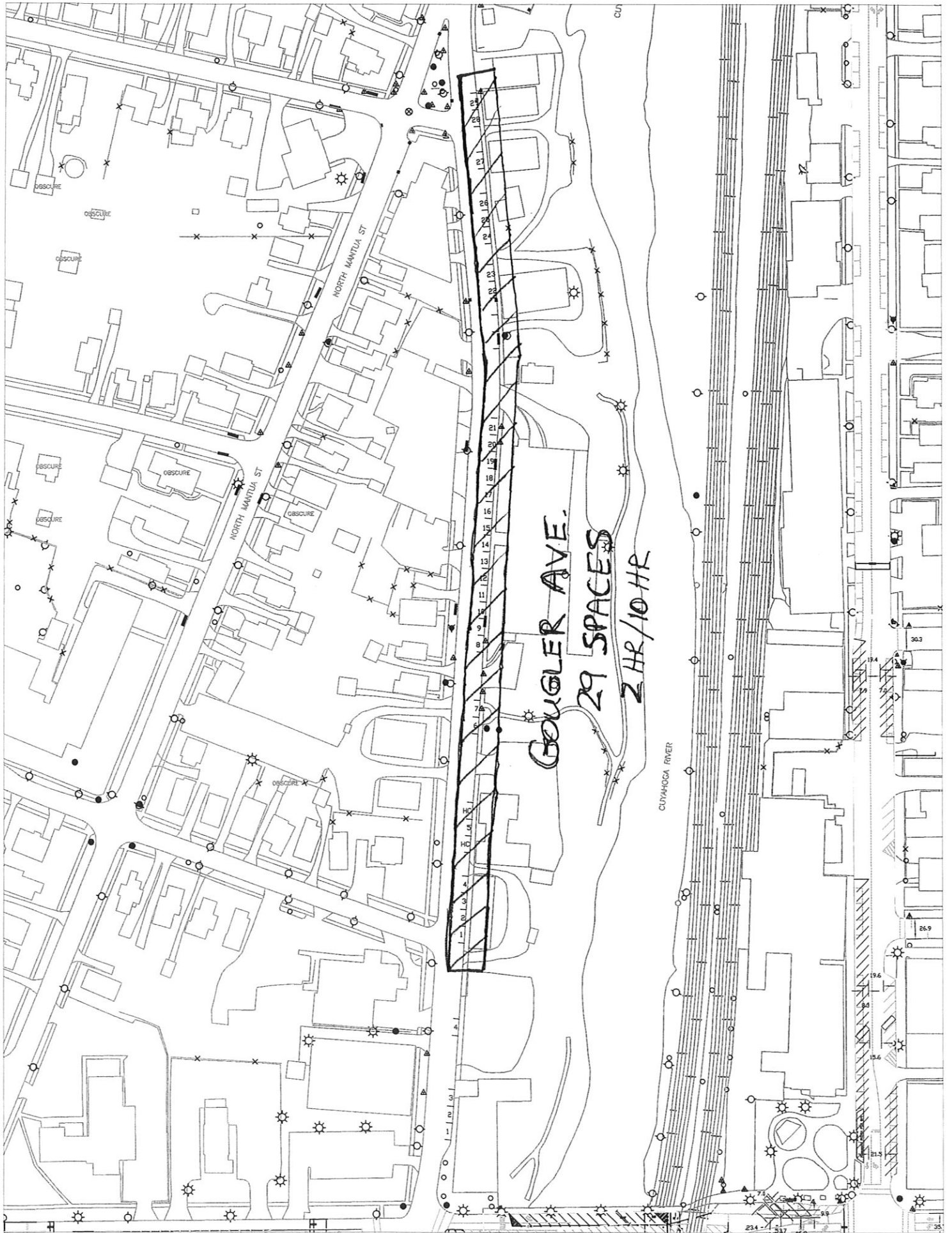
Pg. 2

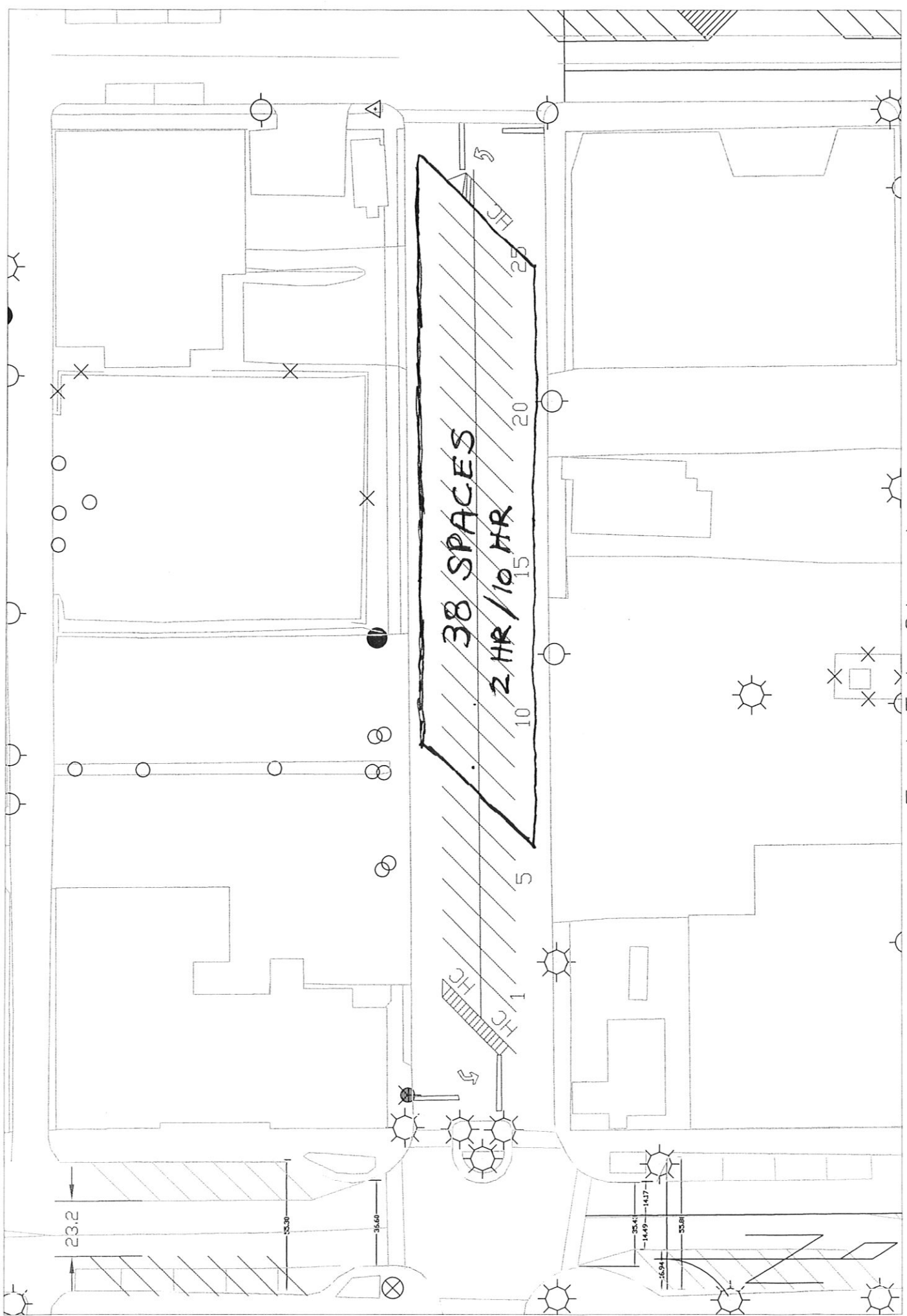
**Recommendations from the Parking Action Committee
October 16, 2008**

This recommendation also requested that we talk to several of the other business owners in the area (Sue Nelson and Paul Braden) to get their input. The spaces proposed to be designed would be those nearest to South Depeyster Street. The spaces nearest to South Water Street would be kept as general 2 hour spaces. With the recommendation, a total of 38 parking spaces would be designated as 10 hour by permit spaces. After staff spoke with Mrs. Nelson and Mr. Braden, however, staff would recommend a modification to the Parking Action Committee's recommendation and we would suggest that the 38 spaces be designated as two hour and ten hour spaces. This would provide a little more flexibility for the other businesses who have customers parking in that area. This change would be temporary until such time that the redevelopment of the area moves forward or the Phoenix project is able to access permanent parking solutions. There is, however, no specific time limit or timeframe to this request. A map showing the parking along the affected section of East Erie Street is also enclosed.

Staff is prepared to discuss this issue with Council in more detail when scheduled for committee.

Cc: William Lillich, Safety Director
Gene Roberts, Director of Public Service
Dan Smith, Economic Development Director
Heather Phile, Development Planner
PAC File – 2008





East Erie Street
 S. Water St. to S. Depeyster St.



CITY OF KENT, OHIO

DEPARTMENT OF SAFETY

To: Dave Ruller, City Manager
From: William Lillich
Subject: Proposed parking regulation changes for College Court requested for Cuoncil Committee review on October 22, 2008
Date: October 15, 2008

Dear Dave,

Recent concerns have been raised from several sources about the limited regulations and enforceability of parking restrictions on College Court. Some of the difficulty stems from the timing of the establishment of restrictions in that area, when some portions of the court were not dedicated city right-of-way.

Since that time, the full court roadway has been dedicated, but regulations have not been updated and many of the preexisting signs have been removed, vandalized, etc. As a result, maintaining safe ingress, property access, and enforcement is rather difficult.

The current regulation reads as follows:

COLLEGE COURT No parking west side from College St. to the area in front of 324 College Ct. (Ord. 1999-104, passed 9/15/99)

It is recommended that the prohibition be changed:

COLLEGE COURT Parking prohibited both sides, and in the turnaround area at the south end of the pavement.

Thank you.

William C. Lillich
Safety Director
2008070



CITY OF KENT, OHIO

DEPARTMENT OF SAFETY

To: Dave Ruller, City Manager
From: William Lillich
Subject: Fire and Police Commercial Equipment Direct Assistance Program awards
Date: October 10, 2008

Dave,

The United States Army, Electronic Proving Ground, administers the Commercial Equipment Direct Assistance Program (CEDAP) on behalf of the Department of Homeland Security, Federal Emergency Management Agency (FEMA), National Preparedness Directorate. This program provides awards of new technology equipment to public safety agencies across the country.

This year our Fire and Police Departments have applied for and have been awarded grants of equipment from this agency. The Fire Department has been selected to receive the Biosensor Detector. This item is a portable, onsite instrument used for detection, analysis, and identification of biological agents.

The Police Department has been selected to receive the MTM - Mini Thermal Monocular. This thermal imaging device assists in the detection, recognition, and identification of suspects or victims during reconnaissance, surveillance, and search & rescue operations.

This equipment grant has been received by the departments for several years, and will require an ordinance of acceptance by the City Council. I am requesting that this item be added to the committee agenda on October 22, 2008. I am enclosing additional documents regarding these grant awards, and will request that the Chiefs be in attendance in case of any requests for additional information.

Thank you.

William C. Lillich
Safety Director
2008069



DEPARTMENT OF ARMY
U.S. ARMY ELECTRONIC PROVING GROUND
POST OFFICE BOX 12718
FORT HUACHUCA, ARIZONA 85670-2718

October 5, 2008

Special Programs Office

**Chief Williams James
Kent Fire Department
320 South Depeyster Street
Kent, OH 44240-7912**

Dear Chief James,

My organization, the United States Army, Electronic Proving Ground (EPG), administers the Commercial Equipment Direct Assistance Program (CEDAP) on behalf of the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), National Preparedness Directorate. In response to your application, your agency has been selected to receive the Biosensor Detector. This item is a portable, on-site instrument used for detection, analysis, and identification of biological agents.

The selection of your organization marks the beginning of a timetable, which will include training and the permanent transfer of equipment to your agency. The Commercial Equipment Direct Assistance Program recognizes the importance of new equipment education and training, not only for the user, but also to ensure proper operation and deployment of the equipment. With this in mind, attendance at a training session is required prior to receipt of the equipment. The program provides travel, lodging, and an allowance for one individual per agency. Arrangements for the next training session are ongoing. Once the location and dates are final, we will send an email notification outlining requirements for registration and travel coordination. This email will be sent in early December as our current plans are to conduct the training session during the month of February. Upon completion of training, your organization's technology will be permanently transferred to your department.

Any questions may be directed to our toll-free number, 1-866-659-9170.

Again, congratulations on a successful DHS CEDAP application!

**L. J. Shnider
Director**



DEPARTMENT OF ARMY
U.S. ARMY ELECTRONIC PROVING GROUND
POST OFFICE BOX 12718
FORT HUACHUCA, ARIZONA 85670-2718

October 5, 2008

Special Programs Office

**Chief James Peach
Kent Police Department
319 S. Water Street
Kent, OH 44240-3527**

Dear Chief Peach,

My organization, the United States Army, Electronic Proving Ground (EPG), administers the Commercial Equipment Direct Assistance Program (CEDAP) on behalf of the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), National Preparedness Directorate. In response to your application, your agency has been selected to receive the MTM - Mini Thermal Monocular. This thermal imaging device assists in the detection, recognition, and identification of suspects or victims during reconnaissance, surveillance, and search & rescue operations.

When your agency applied online, the program offered only one choice for a thermal imaging device, the MTM – Mini Thermal Monocular. We now have another product available, the TACSIGHT SE35 by Bullard Company. If your organization would prefer to receive the TACSIGHT instead of the MTM, we must receive an email stating such, no later than Wednesday, October 8th. The email should be sent to cedap@yahoo.com and state:

My organization, Kent Police Department in Kent, OH, requests the TACSIGHT SE35 in lieu of the MTM.

Please include your title, name, and telephone number on the email. If we do not receive the above request by Wednesday, October 8th, your organization will be programmed to receive the MTM – Mini Thermal Monocular, as requested on the official application. Equipment orders will be placed at close of business on October 8th, so there can be no changes after that time. Additional information on the two devices may be obtained from each respective company's website. For MTM information, go to www.insightlights.com and for TACSIGHT information, go to www.bullard.com

The selection of your organization marks the beginning of a timetable, which will include training and the permanent transfer of equipment to your agency. The Commercial Equipment Direct Assistance Program recognizes the importance of new equipment education and training, not only for the user, but also to ensure proper operation and deployment of the equipment. With this in mind, attendance at a training session is required prior to receipt of the equipment. The program provides travel, lodging, and an allowance for one individual per agency. Arrangements for the next training session are ongoing. Once the location and dates are final, we will send an email notification

outlining requirements for registration and travel coordination. This email will be sent in early December as our current plans are to conduct the training session during the month of February. Upon completion of training, your organization's technology will be permanently transferred to your department.

Any questions may be directed to our toll-free number, 1-866-659-9170.

Again, congratulations on a successful DHS CEDAP application!

**L. J. Shnider
Director**

CITY OF KENT
DEPARTMENT OF PUBLIC SERVICE

MEMO

October 4, 2008

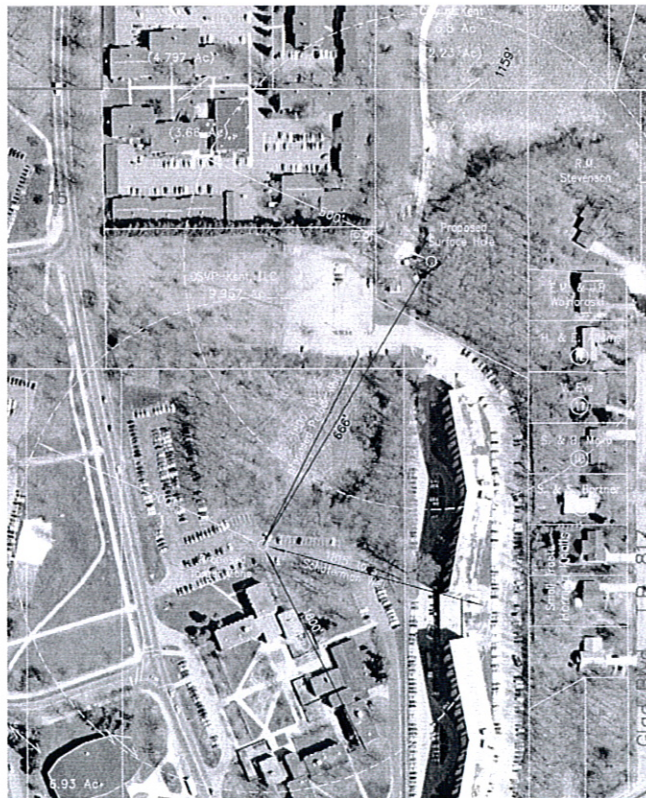
To: Dave Ruller, City Manager
From: Jim Silver, Law Director
Gene Roberts, Service Director *GR*



RE: Cutter Oil Proposed Polack Well

On May 6, 2008 Mr. C. J. Cutter, Cutter Oil Company, of West Salem, Ohio called the Service Department inquiring if the City had any interest in oil and gas exploration on City property. Mr. Cutter was informed that the City would be interested however, issues of this nature required approval of Kent City Council. No specific locations were discussed and Mr. Cutter advised that he would be in contact at a later date.

On August 28, 2008 a meeting with Mr. Cutter explored the possibility of the City locating a well on City property next to the City's College Tower Lift Station with the proposed target center of the well located to the southwest on Kent State University property. On September 29, 2008 a second meeting was held with Mr. Cutter at which time Mr. Cutter provided a more detailed map showing the location of the well head and the location of the target center of the well (see image below).



Mr. Cutter advised that the owner of the College Towers property and Kent State University have agreed to enter into an Oil and Gas Lease with Cutter Oil. The location of the well head, if the City is agreeable, is planned on City Property with the target zone of the well to be located on KSU property southwest of the College Towers complex.

The current Ohio Department of Natural Resources, Mineral Resources Management (ODNR-MRM) regulations requires that the total land required for a gas well of depth equal to or greater than 4,000 feet to be 40 acres. The following table represents the approximate land area based on three participants in what is known by ODNR-MRM as "Pooled" land, which is multiple land owners joining together to create a defined land area of minimum required size:

PROPERTY OWNER	ACRE(S)	% LAND
DSMP-Kent LLC, College Towers	9.96	24.90%
CITY OF KENT, College Towers Lift Station	5.80	14.50%
State of Ohio, Kent State University	24.24	60.60%
Totals:	40	100%

In the event that the land "Pooled" to create the necessary 40 acres is comprised of the above then the City would receive 14 ½ percent of the revenue generated by Royalty Fees. Additionally the City is eligible for to receive free gas from the well due to the fact that the well head would be located on City property. Finally the City could receive a one time payment known as a "Spud Fee" which is a one time payment to the property owner where the well head is located.

Mr. Cutter advised that Cutter Oil would provide the same terms as required by the State of Ohio for their standard lease agreement which includes 15 percent of the funds from the production of gas and oil to be paid to the property owners versus this less favorable but standard 12 ½ percent paid to private property owners. Additionally the City would be eligible to receive 300,000 cubic feet of gas or the cash equivalent if the gas is unused as compared to a private property owner typically receiving only 200,000 cubic feet.

Based on the above terms and using an estimated well head price for gas of \$7.00 per 1,000 cubic feet of gas the City would be receiving the approximate funds from the development of the well if the well produced 50,000,000 cubic feet per year for ten years.

REVENUE SOURCE	Per Year	Total 10 Yrs.
Spud Fee	---	\$ 10,000.00
Free Gas (300 mcf / year)	\$ 2,100.00	\$ 21,000.00
Royalty (14.5% of 15% of 50,000 mcf / year)	\$ 7,612.50	\$ 76,125.00
Totals:	\$ 9,712.50	\$107,125.00

It is respectfully requested that this information be presented to Kent City Council for their consideration.

Cc: Bill Lillich, Safety Director
 Barb Rissland, Budget & Finance Director
 Bob Brown, Water Reclamation Facility Manager
 file

MEMORANDUM
DEPARTMENT OF COMMUNITY DEVELOPMENT
City of Kent

Date: October 23, 2008

To: Dave Ruller, City Manager

From: Jennifer Barone, Development Engineer *JKB*

Re: 1111 West Main Street – Don Joseph Toyota
Dedication of Right-of-Way for Stone Water Drive (Admore Drive)

Copy: Gary Locke, Director of Community Development
Linda Copley, Clerk of Council
Jim Silver, Law Director
Gene Roberts, Service Director
Jim Bowling, City Engineer

Don Joseph, Inc is consolidating the lots (previously the Matt's property) on the east side of Stone Water Drive where the new inventory parking lot has been construction. Currently the property lines extend to the center of Stone Water Drive. As part of this lot consolidation, Don Joseph, Inc. is dedicating the Stone Water Drive Right-of-Way plus an additional 10 feet to the City of Kent. The additional 10 feet was requested by the City of Kent for the Stone Water Drive Improvement Project scheduled to be construction in the spring of 2009.

I hereby respectfully request City Council agenda time for acceptance and dedication of Stone Water Drive Right-of-way by Don Joseph, Inc.



PLAT OF CONSOLIDATION & DEDICATION OF RIGHT-OF-WAY

Lands Situated in the City of Kent
Being a part of Original Franklin Township Lot 27, County of Portage, State of Ohio
ACCEPTANCE STATEMENT

We, the undersigned owners of the land shown on this replat and survey, do hereby assent to and adopt the subdivision of the same, acknowledge that the same was made of our request, and authorize its recording.

WITNESS

SIGNATURE
Don Joseph
Trustee, Don Joseph, Inc. of Kent, Ohio

SIGNATURE

OWNERS
SIGNATURE
Don Joseph
Trustee, Don Joseph, Inc. of Kent, Ohio

Albert O. Kibben Sr. and Rosaline Kibben
Instrument No. 20022629
PPN: 17-027-00-00-03-001

S 89°44'00" E 265.95' Dg. & Used
245.95' Wid.

Tract 3
VESTED IN:
DON JOSEPH, INC.
Instrument No. 200517008
PPN: 17-027-00-00-018-000
26,172 Sq. Ft.
0.6009 Acres

Area of Right-of-Way to be Dedicated
7,410 sq.ft.
0.1701 acres

Tract 2
VESTED IN:
DON JOSEPH, INC.
Instrument No. 200517008
PPN: 17-027-00-00-019-000
12,912 Sq. Ft.
0.2964 Acres

Tract 1
VESTED IN:
DON JOSEPH, INC.
Instrument No. 200517008
PPN: 17-027-00-00-020-000
26,580 Sq. Ft.
0.6102 Acres

**Total Land Area:
65,665 Sq. Ft.
1.5075 Acres**

N 89°44'00" W 265.75' Dg. & Used
(BASIS OF BEARINGS)
245.75'

Albert O. Kibben Sr. and Rosaline Kibben
Instrument No. 20022629
PPN: 17-027-00-00-01-000

Stone Water Drive
Public Right of Way - Variable Width

West Main Street
Variable Width Right of Way

CITY OF KENT APPROVALS

DEVELOPMENT ENGINEER APPROVAL
Approved for transfer by the Kent City Development Engineer this _____ day of _____ 2008.

SIGNATURE _____ TITLE _____

ZONING INSPECTOR
Approved for transfer by the Kent City Zoning Inspector this _____ day of _____ 2008.

SIGNATURE _____ TITLE _____

PORTAGE COUNTY APPROVALS

Received for record by the Assistant Tax Map Draftsman this _____ day of _____ 2008.

SIGNATURE _____

Transferred this _____ day of _____ 2008.

Portage County Auditor

Filed for record this _____ day of _____ 2008. At _____ AM-PM

Recorded this _____ day of _____ 2008.

Plot _____

Portage County Recorder

REFERENCE DOCUMENTS

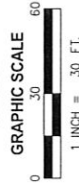
Portage County Tax Maps
Deeds as shown hereon

SYMBOL LEGEND

- R/W - Right-of-Way
- P/L - Adjoiner Property Line
- ⊕ - Centerline
- P.O.B. - Place/Point of Beginning
- D.C.C. - Calculated
- ⊙ - Measured
- ⊙ - Monumentation Found as Noted
- ▭ - Building Area



NORTH



BASIS OF BEARINGS

The meridian for all bearings shown hereon is the Southern property line of subject property known as being N 89°44'00" W per Instrument No. 200517008 and is used to demote angles only.



VICINITY MAP
NOT TO SCALE

CERTIFICATION:

I hereby certify that this survey was based upon actual field measurements made under my direct supervision, that all dimensions shown hereon are in feet and decimal parts thereof, all of which are correct to the best of my knowledge and belief and that all monuments have been found or set as shown hereon.

By _____
Don J. Millman, P.S.
Ohio Professional Surveyor No. 7717
For and on behalf of Millman Surveying, Inc.
Date of Survey: August 3, 2007

LOT CONSOLIDATION & DEDICATION OF RIGHT-OF-WAY PLAT PREPARED FOR:

Don Joseph
1111 W. Main Street
Kent, Ohio 44240

461 Stone Water Drive
City of Kent
County of Portage
State of Ohio

Drawn By: WJG
Date: 01/31/08
Checked: DJM
Project Manager: MR
Scale: 1"=30'
Sheet: 1 of 1

REVISION NOTES
By: _____
Date: _____
Comment: _____

MR. 3/12/08 Revised R/W on Adjoining Property

National Commercial Division
MSI Site No.: 13125

MILLMAN SURVEYING, Inc.
CORPORATE HEADQUARTERS:
1742 Georgetown Road, Suite H
Hudson, Ohio 44236
Phone: (800) 520-1010
Fax: (330) 342-0834
WWW.MILLMANSURVEYING.COM



CITY OF KENT
DEPARTMENT OF PUBLIC SERVICE
DIVISION OF ENGINEERING

MEMO



TO: Dave Ruller

FROM: Jim Bowling

DATE: October 27, 2008

RE: SR 261 bridges over Plum Creek – Consent Legislation

The Ohio Department of Transportation has requested that the City approve and sign the attached Consent Legislation that would allow ODOT to repair the two existing bridges carrying SR 261 over Plum Creek. The bridges hinge joint assemblies have deteriorated to the level where ODOT recommends replacement of the joints. The joints, shown in the photo below, have corroded and significant section loss (decreasing width of steel) has occurred.



ODOT plans on adding another row of piers to each bridge and replacing the hinge joints. The piers are temporarily required to repair the bridge. The piers will then become permanent fixtures for the bridges providing redundancy in the bridge (i.e. if the new hinge joint ever failed the bridge would not collapse).

ODOT plans on bidding the project in early 2009 and beginning construction in spring, 2009. ODOT currently plans to maintain two-way two-lane traffic during construction. This will be accomplished by

moving eastbound traffic from the eastbound lanes to one of the westbound lanes and closing the eastbound bridge for repairs. Once the eastbound bridge is repaired a similar scheme will be applied to repair the westbound bridge. ODOT plans to accomplish the majority of work in 2009.

It is important to note that this work will be done and paid for by ODOT. No additional right-of-way or funds are required from the City. Also the attached Consent Legislation has several clauses removed. ODOT has reviewed these changes and provided their concurrence, via e-mail.

C: Linda Copley, Clerk of Council
Gene Roberts, Service Director



Ohio Department of Transportation

District 4, 2088 S. Arlington Rd., Akron, OH 44306

(330)786-3100 – (800)603-1054 (Ohio)

<http://www.dot.state.oh.us>

Ted Strickland, Governor

James Beasley P.E. P.S.,
Director

Eric M. Czetli,
District Deputy Director



September 3, 2008

City of Kent
930 Overholt Road
Kent, OH 44240

Attention: James Bowling, P.E., Superintendent of Engineering/Deputy Service Director

Subject: POR-SR261-1.19; PID No. 84872

Dear Mr. Bowling:

Attached are two (2) forms of Consent Legislation for the subject project that will begin construction in fiscal year, 2009. Per Section 5511.01 of the Ohio Revised Code, the Director of Transportation is required to request and receive legislation from municipalities, prior to making any necessary repairs to State Highways within the corporate limits. Please have both originals of the Legislation signed then return both to this office for further processing. Once they are signed in the District, one copy will be returned to you for your records.

This legislation may be retyped to suit local preferred format, however, no information may be deleted from the legislation, and the **Certificate of Copy, State of Ohio** must be returned signed and containing a line for the Director of Transportation's signature. Also, please put the county, route and section, along with the PID Number of the project on the cover letter, so the correct project information can be put with the related legislation. We would appreciate receiving this legislation as soon as it can be executed.

Your cooperation is greatly appreciated in this matter. Should you have any questions, please feel free to contact me at (330) 786-4920.

Respectfully,

Jack L. Noble, P.E.
Planning & Programs Administrator

A handwritten signature in cursive script, appearing to read "Joann F. Iudiciani".

Joann F. Iudiciani
Capital Planning Manager

JLN/JFI:vb

Enclosures

cc: file

PRELIMINARY LEGISLATION
RC 5521.01

Ordinance/Resolution# _____
PID No. 84872
County/Route/Section POR-SR261-1.19
ODOT Agreement No. _____

The following is _____ enacted by the City _____ of Kent of _____
(An Ordinance/a Resolution) (Local Public Agency)
Portage County, Ohio, hereinafter referred to as the Local Public Agency (LPA), in
the matter of the stated described project.

SECTION I - Project Description

WHEREAS, the STATE has identified the need for the described project:

Rehabilitation and repair of structure over Plum Creek and N&S Railroad

NOW THEREFORE, be it ordained by the City of Kent of Portage County
(LPA)
Ohio.

SECTION II - Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION III - Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

~~The LPA further agrees to pay One Hundred Percent (100%) of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.~~

SECTION IV - Utilities and Right-of-Way Statement

The LPA grants permission to the Director of the Ohio Department of Transportation to acquire in the name of the LPA all necessary right-of-way required for the described Project. ~~The LPA agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.~~

This _____ is hereby declared to be an emergency measure to
(Ordinance/Resolution)
expedite the highway project(s) and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

CERTIFICATE OF COPY
STATE OF OHIO

City of Kent _____ of Portage _____ County, Ohio
(LPA)

I, _____, as Clerk of the City of Kent _____
(LPA)
of Portage County _____, Ohio, do hereby certify that the forgoing is a true and
correct copy of _____ adopted by the legislative Authority of the said
(Ordinance/Resolution)
City _____ on the _____ day of _____, 20____
(LPA)
that the publication of such _____ has been made and certified of
(Ordinance/Resolution)
record according to law; that no proceedings looking to a referendum upon such
_____ have been taken; and that such _____
(Ordinance/Resolution) (Ordinance/Resolution)
and certificate of publication thereof are of record in _____ Page _____
(Ordinance/Resolution Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my
official seal, if applicable, this _____ day of _____, 20____

Clerk

(SEAL)
(If Applicable) _____ of _____, Ohio
(LPA)

The foregoing is accepted as a basis for proceeding with the project herein
described.

For the _____ of _____, Ohio
(LPA)

Attest: _____, Date _____

For the State of Ohio

Attest: _____, Date _____
Director, Ohio Department of Transportation