



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

December 23, 2009

TO: Dave Ruller
City Manager

FROM: Gary Locke
Community Development Director

RE: Discussions with Universalist Unitarian Church Regarding
Sublease of Central School Parking Lot

I was recently contacted by a representative of the Universalist Unitarian Church on Gougler Avenue in regard to the possibility of the church being able to sublease or use the parking lot that the City leases from the Kent Board of Education. The parking lot is adjacent to the church and the church has been using the lot without any formal agreement or understanding for some time. The church is seeking to formally obtain permission to use the lot on Sundays and on certain evening's during the week. This is needed by them in order to secure liability insurance and coverage for the use of the lot.

Prior to going any further with this discussion, it is appropriate to consult with City Council to determine if they are willing to allow for the sublease of the lot. Our discussions to this point, which the church seems willing to abide by, is that the church would pay the City a sum of \$100 per month for the use of the lot and would also be responsible for having snow removal done within the lot on Sunday mornings. The church would not be responsible for any other maintenance to the lot. The City currently pays \$363 per month (this will increase 2.5% at the end of February) to the Board of Education for the use of this lot, with an additional cost for plowing and cleaning. The churches use of the lost should not increase the City's maintenance costs for snow removal since the lot is typically kept clean during the week as a result of our current obligations. The rent payment from the church would help to offset a portion of these costs. Other terms and conditions of a sublease would have to be consistent with the City – School Board lease and be acceptable to both the City, the schools and the church.

I am seeking a similar approval from the Board of Education and should know in the early part of January if formal Board approval is needed and forthcoming. On our part, it would seem that Council would need to authorize the administration to enter into a sublease with the church along with any other conditions that it would want stipulated.

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**Discussions with Universalist Unitarian Church Regarding
Sublease of Central School Parking Lot**

Since we are already into the winter season and the church is anxious to get an answer from the City on this matter, I am attempting to facilitate Council's review in early January if that is possible.

Cc: Jim Silver, Law Director
file

CITY OF KENT
DEPARTMENT OF PUBLIC SERVICE

MEMO

December 29, 2009

To: Dave Ruller, City Manager

From: Bill Lillich, Safety Director
Gene Roberts, Service Director

RE: Narrow Band Radio Compliance and Radio System Upgrades

From the 2008 CAP (FY-2009) and included in the 2009 Budget Document are the following funding sources:

510-04	Fire Department	Radio Repeater Upgrade	\$50,000
550-07	Water Treatment	Radio Upgrade	\$ 5,000
		Alarm Ph. I	\$20,000
550-15	Water Reclamation	Radio Upgrade	\$ 5,000
570-06	Service Admin.	Radio Upgrade	\$10,000
		Total Funding	\$90,000

Funds requested:	Current Estimate	\$65,964.14
	Contingency	\$ 6,596.41
	Estimated Total	\$72,560.55

Using \$72,561 funding request the release of unused funds will be \$17,439. Please note that the funds available includes the \$20,000 for the Alarm Upgrade Phase I. The project will need to be funded and will be requested in the update the Capital Improvement Program when completed later this year. The reason the Alarm Upgrade Phase I funds are available is staff's decision not to proceed pending the outcome of the Police Department building study.

The payback will be by 12.5 – years based on the removal from service of \$5,800 in special circuits used for the Serviced Department radio system.

file



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

December 22, 2009

TO: Dave Ruller
City Manager

FROM: Gary Locke
Community Development Director

RE: Expanding Civil Infraction Penalties to Additional
Code Enforcement Areas

Pursuant to internal discussions as well as some past presentations to City Council, staff would like to ask Council to consider expanding the civil infraction penalties that were instituted several months ago as part of the sidewalk snow removal effort, to other code enforcement areas. Our proposal would cover expanding the civil infraction process into code enforcement areas including zoning code violations, grass and weeds, the new property maintenance code, as well as property nuisances. To facilitate these changes, the related penalty sections of each of the previously noted code areas would need to be amended to reflect and observe the enforcement procedures stipulated in the civil infraction section of the Kent Codified Ordinances (501.13) which was adopted as part of Ordinance 2009-114. Later in this correspondence I will note each of the changes in more detail.

The concept of utilizing a civil infraction process to enhance code enforcement efforts has been under review by staff since earlier this year. Several years ago, we had looked at a "ticketing" process as a way to improve enforcement outcomes. That ticketing process appeared to rely heavily on the courts for implementation. The system that we use currently also relies heavily on the courts, which has become burdensome and lengthy. As an alternative to ticketing, the civil infraction concept provides more administrative sanctions with potentially less reliance on the courts. Other communities are using this process and the structure of the code adopted several months ago was copied in large part from the City of Oxford, Ohio. **I would add that there are other areas of City code that could ultimately be added to the civil infraction such as those administered through the Health Department and Fire Department but we have only focused at this point on those administered through the Community Development Department.** The Law Director and I have discussed the various code areas involved and have developed the following list, which I have summarized below:

Expanding Civil Infraction Procedures To Additional Code Areas

The new 501.13 (B) needs to be expanded to reference the following:

- Sections 521.13 and 521.14 (Nuisances)
- Chapter 551 (Grass and Weeds)
- Part 11 (Planning and Zoning Code)
- Part 14 (Property Maintenance, Housing and Enforcement, which includes Chapters 1401 through 1412 currently)

The other part of the new 501.13 that needs expanded would involve subsection (N) and we would need to list the fines for each of the areas involved. I believe that we can keep the fine structure the same as what we already have but could also create different fee levels for different offenses if we wanted:

- 2) Sections 521.13 and 521.14 – Nuisances:
 - a) Initial Civil Fine \$100.00
 - b) If delinquent \$200.00
 - c) If sent for collection \$300.00

- 3) Chapter 551 - Grass and Weeds (In addition to direct cost of mowing):
 - a) Initial Civil Fine \$100.00
 - b) If delinquent \$200.00
 - c) If sent for collection \$300.00

- 4) Part 11 – Planning and Zoning Code including all violations and infractions of the requirements of the zoning code:
 - a) Initial Civil Fine \$100.00
 - b) If delinquent \$200.00
 - c) If sent for collection \$300.00

- 5) Part 14 – Property Maintenance, Housing and Enforcement including all violations and infractions of the requirements of Chapters 1401 through 1412 (Property Maintenance Code):
 - a) Initial Civil Fine \$100.00
 - b) If delinquent \$200.00
 - c) If sent for collection \$300.00

The other specific code sections where changes are needed to implement each of the various enforcement areas are the sections that deal with penalties and violations. The proposed amendments would make them reference and be consistent with the civil infraction provisions:

Expanding Civil Infraction Procedures To Additional Code Areas

Additional wording shown in italics

Section 521.14 Proceedings for Abatement of Nuisances

Replace existing Subsection (d) with the following:

- (d) Penalty for Failure of Owner to Abate Such Nuisance. If such owners allow the nuisance to exist or fail to abate the nuisance within the time period as set forth in this chapter, *they may be cited under the provisions of the Civil Infraction penalties set forth in Section 501.13 off the Kent Codified Ordinances. The fines and penalties to be assessed under 501.13 shall be in addition to any and all direct costs that may be incurred by the City of Kent as part of subsection (c) above.*

Chapter 551 Grass & Weeds

Add New **Section 551.04 Penalties for Violations**

In addition to the collection of costs incurred by the City under the provisions of Section 551.03 herein, the owner may be cited under the provisions of the Civil Infraction penalties set forth in Section 501.13 off the Kent Codified Ordinances.

Part 11 (Planning and Zoning Code, which includes Chapters 1107 through 1203 currently)

- Amend Penalty Section of the Zoning Code, Section 1111.12

Any property owner violating any provision of this Zoning Ordinance, or amendment thereto as well as one owning a property on which a zoning violation is being committed shall be *cited under the provisions of the Civil Infraction penalties set forth in Section 501.13 off the Kent Codified Ordinances.*

Part 14 – Property Maintenance, Housing

- Amend Section 1405.09 of the Property Maintenance Code:

Any person violating any provision of the Property Maintenance Code or amendment thereto shall be *cited under the provisions of the Civil Infraction penalties set forth in Section 501.13 off the Kent Codified Ordinances.*

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Expanding Civil Infraction Procedures To Additional Code Areas

If Council should decide to adopt these recommended changes, any future changes to the zoning code currently being considered can be tied into the civil infraction process when they are adopted. In fact, some of the proposed changes being considered for the sign regulations could work well with the civil infraction process. **The fines and costs to be implemented as part of the civil infraction process are not necessarily significant but Council may want to consider creating a fund into which these monies, when paid, are deposited.** Other communities have used these types of monies to fund enforcement efforts or provide a source of money to use towards property maintenance repairs or general property clean-up.

If there are any questions regarding these recommendations, I would be glad to answer them. **Since several of the code sections to be amended are part of the zoning code, those sections would have to be amended according to the zoning amendment process, which takes several months.**

Cc: Jim Silver, Law Director



CITY OF KENT, OHIO

DEPARTMENT OF ECONOMIC DEVELOPMENT

Date: December 29, 2009

To: David Ruller, City Manager

From: Dan Smith, Economic Development Director ^{DS}

Subject: Amendment if the Brimfield-Kent JEDD Income Tax Schedule

From our December 22, 2009 Brimfield-Kent JEDD Board of Directors meeting and in cooperation with the City of Tallmadge, the Brimfield Kent JEDD Board has passed a resolution to amend the income tax schedule as follows:

2009 to 2011	.75 percent
2012 to 2014	1.00 percent
2015 to 2018	1.25 percent
2019 to 2021	1.50 percent
2022 to 2024	1.75 percent
2025 to 2028	2.00 percent

Per the letter we received from Pat Sauner, Community Development Director City of Tallmadge, both the Brimfield-Tallmadge JEDD Board and the City of Tallmadge have already made the necessary resolutions and ordinances to amend the JEDD contract as presented. In the interested of keeping both JEDDs consistent, the Brimfield-Kent JEDD Board and Brimfield Township Trustees respectfully request that we pass an ordinance authorizing the City of Kent to enter into a parallel contract amendment with Brimfield Township.

In the interest of our mutual benefit, enhanced Townships relations and in aiding a level of consistency for Brimfield by aligning City of Kent and Tallmadge agreements, I highly recommend we pass an ordinance in support of amending the Brimfield-Kent JEDD income tax schedule as presented above. As the economy continues to improve, our Brimfield JEDD is well positioned to attract major new jobs and investment, especially in and around the I-76 and S.R. 43 Interchange.



CITY OF TALLMADGE
DEPARTMENT OF ADMINISTRATION

December 3, 2009

Mr. Dave Ruller
215 East Summit Street
Kent, Ohio 44240

Dear Mr. Ruller:

Please find enclosed a copy of the minutes of the Brimfield / Tallmadge Joint Economic Development District Board of Directors meeting. The Board of Directors passed Resolution 30-2009 which amends the income tax collection schedule allowing for quarter percent increases. Please note that the new income tax schedule is consistent with the original JEDD calendar year schedule. The City of Tallmadge will also pass an ordinance authorizing the Mayor to enter into a contract amending the JEDD with Brimfield Township. Brimfield Township has indicated they will propose this same income tax schedule for the Brimfield / Kent Joint Economic Development District.

The Board of Directors also passed Resolution 31-2009 approving an income tax agreement between the City of Kent and the City of Tallmadge. The JEDD Board passed this resolution for the second time as the City of Tallmadge did not pass the necessary legislation amending the Brimfield / Tallmadge Joint Economic Development District. It is my understanding from our Law Department that the Brimfield / Kent JEDD Board and the City of Kent will have to pass the necessary legislation.

If you have any questions please call me at 330.633.5639.

Respectfully,

A handwritten signature in blue ink that reads "Pat Sauner".

Pat Sauner
Community Development Director

**Brimfield /Tallmadge
Joint Economic Development District
Board Meeting
November 17, 2009
Minutes**

- Item # 1 Call to Order**
The meeting was called to order at 2:35 pm by Chairman Dick Messner
- Item # 2 Minutes**
The minutes of both the November 11, 2008 meeting and the minutes of the December 4, 2007 meeting were approved.
- Item # 3 General Public comments and Questions**
There were no public comments
- Item # 4 Resolution 28, 2009 appointing the Municipal Corporation Representative, Pat Carano, to the term ending December 31, 2012.**
Resolution 28, 2009 was passed appointing Pat Carano as the Municipal Corporation Representative.
- Item # 5 Tax Administrators Financial Report**
Mollie Gilbride, Assistant Finance Director, indicated that approximately \$450,000 had been collected through October of 2009 with anticipated revenue for calendar year 2009 to approach \$500,000. Ms. Gilbride indicated that this was an increase of 28 percent over 2008. She also indicated that the collection rate went from .50 percent to .75 percent for calendar year 2009 which allowed the JEDD to experience an increase in income in a down economy. Ms. Gilbride also indicated that the City of Tallmadge and therefore, the Joint Economic Development District taxes will be collected by the Regional Income Tax Agency (RITA) beginning in calendar year 2010. The City of Tallmadge will continue to make the actual payment to Brimfield Township as part of the JEDD Agreement.
- Item # 6 Resolution 29, 2009 setting estimated revenues for 2010.**
After the review of the report from the Assistant Finance Director and some discussion the Board approved Resolution 29-2009 setting the estimated revenue for 2010 at \$550,000.
- Item # 7 Resolution 30, 2009 amending the income tax collection schedule.**
After considerable discussion concerning the need to keep to the original time table as negotiated with the local business consortium for the collection of employee withholding and the phasing in of the quarter percent to somewhat ease the larger half percent increases to employees the Board approved Resolution 30-2009. The new schedule of collection is as follows:

Income Tax Collection Schedule

2004 to 2005	.25 percent
2006 to 2008	.50 percent
2009 to 2011	.75 percent
2012 to 2014	1.00 percent
2015 to 2018	1.25 percent
2019 to 2021	1.50 percent
2022 to 2024	1.75 percent
2025 to 2028	2.00 percent

2029 and thereafter the JEDD District will be taxed at the then current City of Tallmadge Income Tax Rate.

- Item #8** **Resolution 31, 2009 approving an income tax agreement between the City of Tallmadge and the City of Kent.**
The Board approved Resolution 31-2009 approving the agreement between the City of Tallmadge and Kent allocating taxes on properties that are multi-jurisdictional sites.
- Item # 9** **Resolution 32, 2009 amending Section 7.1 of the agreement to clarify the distribution of funds.**
After discussion of the procedure to collect income taxes Resolution 32-2009 was tabled. Ms Gilbride, Assistant Finance Director will contact the City of Kent and discuss the allocation formula.
- Item # 10** **Resolution 33, 2009 amending Section 2 (D) to allow for a yearly meeting of the board.**
The Board approved Resolution 33-2009 amending the Joint Economic Development District Board Bylaws to allow for one Board meeting per year.
- Item # 11** **Old Business**
There was no old business
- Item # 12** **New Business**
There was no new business
- Item # 13** **Adjournment**
The meeting was adjourned at approximately 3:50 pm.


**BRIMFIELD TOWNSHIP-CITY OF TALLMADGE
JEDD BOARD RESOLUTION NO. 28-2009
APPOINTING MUNICIPAL CORPORATION REPRESENTATIVE**

Motion made by Pat Sauner, seconded by Dick Messner,
to appoint the Municipal Corporation Representative, Pat Carano, for a term ending
December 31, 2012 and to appoint Pat Carano as secretary.

On the Adoption of the Resolution, the Board voted as follows:

Mike Kostensky	<u>yes</u>
Rick Bockert	<u>yes</u>
Dick Messner	<u>yes</u>
Don Morris	<u>yes</u>
Pat Sauner	<u>yes</u>

I, Pat Sauner, Secretary of the Brimfield Township / City of Tallmadge Joint
Economic Development District Board hereby certifies this is a true and accurate copy of
Resolution 28-2009 passed November 17, 2009 by the Brimfield Township / City of
Tallmadge JEDD Board.



Pat Sauner, Secretary

**BRIMFIELD TOWNSHIP-CITY OF TALLMADGE
JEDD BOARD RESOLUTION NO. 29-2009
ADOPTING A 2010 CALENDAR YEAR BUDGET**

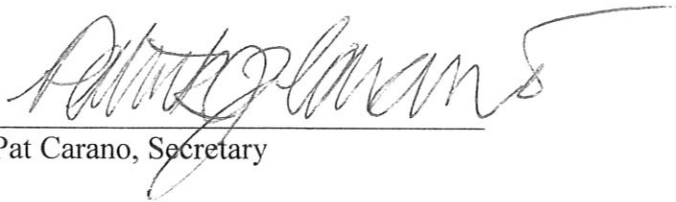
Motion made by Don Morris, seconded by Rick Bockert
to adopt the following budget for calendar year 2010.

Board Expenses	0
Estimated Revenue for calendar year 2010	550,000

On the Adoption of the Resolution, the Board voted as follows:

Mike Kostensky	<u>yes</u>
Rick Bockert	<u>yes</u>
Dick Messner	<u>yes</u>
Don Morris	<u>yes</u>
Pat Carano	<u>yes</u>

I, Pat Carano, Secretary of the Brimfield Township / City of Tallmadge Joint Economic Development District Board hereby certifies this is a true and accurate copy of Resolution 29-2009 passed November 17, 2009 by the Brimfield Township / City of Tallmadge JEDD Board.



Pat Carano, Secretary

**BRIMFIELD TOWNSHIP-CITY OF TALLMADGE
JEDD BOARD RESOLUTION NO. 30-2009
AMENDING THE JOINT ECONOMIC DEVELOPMENT DISTRICT
INCOME TAX SCHEDULE**

Motion made by Pat Carano, seconded by Don Morris,
to amend the existing income tax schedule to allow increments of .25 percent
per the following schedule:

Income Tax Collection Schedule

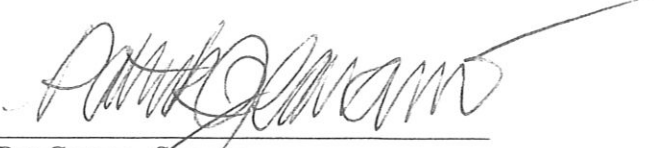
2004 to 2005	.25 percent
2006 to 2008	.50 percent
2009 to 2011	.75 percent
2012 to 2014	1.00 percent
2015 to 2018	1.25 percent
2019 to 2021	1.50 percent
2022 to 2024	1.75 percent
2025 to 2028	2.00 percent

2029 and thereafter the JEDD District will be taxed at the then
current City of Tallmadge Income Tax Rate.

On the Adoption of the Resolution, the Board voted as follows:

Mike Kostensky	yes
Rick Bockert	yes
Dick Messner	yes
Don Morris	yes
Pat Carano	yes

I, Pat Carano, Secretary of the Brimfield Township / City of Tallmadge Joint
Economic Development District Board hereby certifies this is a true and accurate copy of
Resolution 30-2009 passed November 17, 2009 by the Brimfield Township / City of
Tallmadge JEDD Board.



Pat Carano, Secretary

**BRIMFIELD TOWNSHIP-CITY OF TALLMADGE
JEDD BOARD RESOLUTION NO.31-2009
APPROVING INCOME TAX AGREEMENT BETWEEN CITY OF
TALLMADGE AND THE CITY OF KENT**

Whereas; The boundaries of developable properties are partially located in both the Brimfield / Tallmadge JEDD and the Brimfield / Kent JEDD.

Whereas; It is in the best interest of the developers of these multi-jurisdictional sites and the eventual property owner to deal with one community for the payment of payroll and income taxes.

Whereas; The City of Kent and the City of Tallmadge have agreed to split their respective share of income taxes generated through the JEDD agreement equally with each community regardless of where the ultimate businesses are located.

Whereas, The agreement involves the properties identified in Exhibit A which is attached to his resolution.

Whereas, The agreement between the City of Kent and the City of Tallmadge will extend to any future multi-jurisdictional sites which may develop.


Whereas: The City of Tallmadge will collect all income taxes in multi-jurisdictional sites and will distribute the payroll and income taxes per the agreement.

Therefore; Motion made by Rick Bockert and seconded by Dick Messner to approve the agreement between the City of Kent and the City of Tallmadge for the collection of Income taxes on multi-jurisdictional sites.

On the Adoption of the Resolution, the Board voted as follows:

Mike Kostensky	yes
Rick Bockert	yes
Dick Messner	yes
Don Morris	yes
Pat Carano	yes

I, Pat Carano, Secretary of the Brimfield Township / City of Tallmadge Joint Economic Development District Board hereby certifies this is a true and accurate copy of Resolution 31-2009 passed November 17, 2009 by the Brimfield Township / City of Tallmadge JEDD Board.



Pat Carano, Secretary

**-BRIMFIELD TOWNSHIP-CITY OF TALLMADGE
JEDD BOARD RESOLUTION NO. 33-2009
AMENDING THE BRIMFIELD-TALLMADGE JOINT ECONOMIC
DEVELOPMENT DISTRICT BOARD BYLAWS**

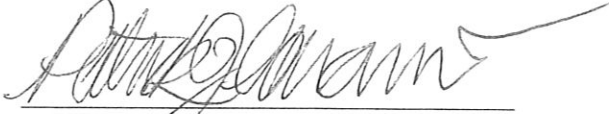
Motion made by Dick Messner, seconded by Pat Carano,
to amend the Brimfield-Tallmadge Joint Economic Development District Board Bylaws
Section 2 (D) to read as follows:

The Board of Directors shall meet at least once a year.

On the Adoption of the Resolution, the Board voted as follows:

Mike Kostensky	<u>yes</u>
Rick Bockert	<u>yes</u>
Dick Messner	<u>yes</u>
Don Morris	<u>yes</u>
Pat Carano	<u>yes</u>

I, Pat Carano, Secretary of the Brimfield Township / City of Tallmadge Joint
Economic Development District Board hereby certifies this is a true and accurate copy of
Resolution 33-2009 passed November 17, 2009 by the Brimfield Township / City of
Tallmadge JEDD Board.



Pat Carano, Secretary