

ORDINANCE NO. 2020-89

AN ORDINANCE AMENDING AND ENACTING CERTAIN SECTIONS OF THE CODIFIED ORDINANCES AND STANDING RULES REGARDING BOARDS AND COMMISSIONS, AND DECLARING AN EMERGENCY

WHEREAS, Council wishes to amend and enact certain language regarding Boards and Commissions in the Codified Ordinances and Standing Rules of Council to reflect discussions and recommendations made by staff to Council had on September 2, 2020.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto concurring:

SECTION 1. The Council does hereby approve the recommended additions and changes to the Boards and Commissions language to the Codified Ordinances and Standing Rules of Council as set forth in Exhibit "A" attached hereto and incorporated herein.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: September 16, 2020
Date

Jerry T. Fiala
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: September 16, 2020
Date

ATTEST: Amy Wilkens
Amy Wilkens
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE No. 2020-89, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON September 16, 2020.

(SEAL)

Amy Wilkens
AMY WILKENS
CLERK OF COUNCIL
(SEAL)

EXHIBIT "A"

Deletions in ~~strikethrough~~; additions in **bold**

FILLING OF VACANCIES-COUNCIL STANDING RULES

All announcements or notices for openings on Boards and Commissions shall be made by the Clerk of Council ~~in the Tree City Bulletin, on the City's website, and in the Record Courier~~, when necessary, with a stated deadline that will be imposed **advertised using all available methods of communication to the Clerk of Council, including but not limited to the following methods:**

1. **Announcement on Social Media**
2. **Post on City of Kent website**
3. **Announcement made by President of Council at City Council Meeting**
4. **Posting on the Service Administration Complex Bulletin Board**
5. **Posting on Electronic Community Sign**
6. **Notify residents in Tree City Bulletin to view vacancies on website and apply there**

~~Applicants will be given approximately two weeks after such notice is published to submit applications to the Clerk of Council. When a vacancy occurs on a board or commission, and said vacancy may hamper the ability to assemble a quorum, the Clerk and the assigned staff member of that board or commission is authorized to advertise said vacancy in the Record Courier and on the City's website only.~~ **Applications will be accepted for 30 days. Applicants will be made aware of the deadline to apply and the date when a mandatory in person interview will take place, during Committee Meetings.**

TERM EXPIRATION DATE

Terms were recently all updated to expire in December of the year of term ending; **no changes to this**

- Change of internal process only; Clerk will begin advertising for vacant December posts in August (using the above methods) and interviews will be conducted in September, October and November to avoid a crushing number of interviews to be conducted in December. Appointees will be notified their term will begin January 1st.

MEMBERSHIP AND TERM LIMITS-CHAPTER 150 TITLED "BOARDS AND COMMISSIONS" (NEW ENACTMENTS)

151.02 MEMBERSHIP ON BOARDS AND COMMISSIONS

Members of Boards and Commission appointed by Council shall hold no other municipal office or employment.

151.03 REMOVAL OF MEMBERS OF BOARDS AND COMMISSIONS

Except as otherwise provided, a member of any Board or Commission may be removed by the Council for neglect of duty, incapacity, incompetency, or malfeasance but only after opportunity has been given for a public hearing before the Council, to be held at least ten (10) days after written charges have been made and notice thereof has been given to the accused member. Such member may be heard in person or by counsel; and such decision shall be final.

151.04 TERM LIMITS

Unless otherwise provided for in the Charter, no member of any Board or Commission shall serve more than three (3) consecutive terms or twelve (12) consecutive years, whichever occurs first. Once the term limit is met, the member may not reapply for the board or commission term limited out of for one full term. The term limited member may apply to serve on any other board or commission.

SPECIFIC BOARD CHANGES

1. BOARD OF BUILDING APPEALS:

1309.01 ESTABLISHED; COMPOSITION AND TERMS.

There is hereby established a Municipal Board of Building Appeals which shall consist of ~~six~~ **five** members as follows:

- (a) One General Contractor, need not be an elector of the City.
- (b) One architect, registered in Ohio; need not be an elector of the City.
- (c) **Two members who are registered as** ~~One Registered~~ plumbers, ~~need not be an elector of the City,~~

~~—(d) One Registered electricians, need not be an elector of the City. or~~

~~—(e) One Registered heating and air conditioning contractors, none of which need not be an elector of the City.~~

(f) One member shall be an elector of the City, selected from the general public, who shall not be actively engaged in any of the above-mentioned trades.

(g) ~~Three alternates, need not be electors of the City and not requiring any specific qualifications as listed in (a), (b), (c), (d), and (e). Alternates may attend and participate~~

~~in all meetings, but may only vote when one of the positions listed in (a), (b), (c), (d), and (e) is vacant or absent.~~

~~(h) Members shall be appointed for three-year terms, except that original appointments shall be for terms of one year for the general contractor, plumber, and one alternate; two years for the architect, electrician, and one alternate; and three-year terms for the heating and air conditioning contractor, general public, and one alternate.~~

~~A member shall hold office from date of appointment until the end of the appointed term; however, he shall continue in office following the term expiration date until his successor takes office or until sixty days have elapsed, whichever occurs first.~~

~~Any member appointed to fill a vacancy occurring before the expiration of a term shall hold office for the remainder of that term~~

2. PARKING ACTION COMMISSION; REPEAL

Council hereby repeals the Parking Action Commission.

3. CABLE TELEVISION COMMISSION; REPEAL

Council hereby repeals the Cable Television Commission as provided for in Section 767.03 of the Codified Ordinances.

4. SPECIAL ASSESSMENT EQUALIZATION BOARD;

925.03 PROCEDURE.

The procedures as set forth in this section are those applicable to special assessments for public improvements, except those undertaken pursuant to Ohio Revised Code Chapter 729:

(1) Prior to the consideration of any resolution of necessity providing for a public improvement; plans, specifications and profiles of the proposed improvement and an estimate of the cost of the improvement shall be prepared by the Deputy Service Director/Superintendent of Engineering and filed in the office of the Clerk of Council and shall remain open to the inspection of all interested persons. Those plans, specifications and profiles shall conform to the requirements of Ohio Revised Code Chapter 727. Generally, the plans shall be sufficient to show the locations of the streets or other public property to be improved and the specifications shall be sufficient to describe the improvement to be made.

(2) After those plans, specifications, profiles and estimate of cost have been so filed, Council may declare, by resolution, the necessity of the improvement by resolution. The resolution of necessity shall conform to the requirements of Ohio Revised Code Chapter 727. The resolution of necessity shall be published as other resolutions. If Council intends that this Chapter, including the uniform assessment methodology described in Section 925.04, apply to an improvement, the resolution of necessity shall so indicate.

(3) After the adoption of the resolution of necessity, the Deputy Service Director/Superintendent of Engineering shall prepare the estimated special assessments for the improvement and file them as required by Ohio Revised Code Chapter 727. Unless otherwise provided in the resolution of necessity, the estimated special assessments shall be prepared consistent with the uniform assessment methodology described in Section 925.04 and the applicable rates set forth in Section 925.05, however, with such deviations that the Deputy Service Director/Superintendent of Engineering believes are necessary so that the assessments are levied in proportion to the benefits resulting from the improvement. Notice of the adoption of the resolution of necessity and the filing of the estimated special assessments shall be given to affected property owners in accordance with Ohio Revised Code Section 727.13, provided that the notice of the adoption of the resolution of necessity and the filing of the estimated special assessments for the improvement of streets and other public property by treating the surface of the same with dust laying or preservative substances also known as Sealing Surface Treatment or by providing lighting shall be given by publication in accordance with Ohio Revised Code Section 727.14 and the publication of that notice may be made in conjunction with, and may incorporate as part of that notice, the resolution of necessity required to be published pursuant to paragraph (2) above. Publication of that notice with the resolution of necessity shall constitute the publication of that resolution.

~~(4) Proceedings for the hearing of objections of property owners to the estimated special assessments and the equalization thereof shall be taken as prescribed by Ohio Revised Code Chapter 727, except that in addition to said chapter, In the event the owner of any lot or parcel of land to be assessed objects to the amount or apportionment of the estimated assessment or to the assessment against such lot or parcel, as provided in section 727.15 of the Revised Code, Council shall appoint an assessment equalization board, consisting of three disinterested freeholders of the City of Kent, and shall fix the time and place for the hearing by such board of such objections, and the Clerk of Council shall notify, by certified mail, the persons so objecting of the time and place of such hearing. Such notice shall be mailed at least five days before the date of such hearing. In addition to the requirements of Ohio Revised Code Chapter 727, the following shall apply:~~

(a) The Deputy Service Director/Superintendent of Engineering shall attempt to resolve the objection of the property owner prior to the hearing by a board of equalization.

(b) Issues resolved by the Deputy Service Director/Superintendent of Engineering shall result in the property owner withdrawing his/her objection and shall require no action by the Board of Equalization.

(c) In the event of an objection of a property owner being heard by a board of equalization, the Deputy Service Director/Superintendent of Engineering shall forward a report, explaining the justification for the assessment, to the Board of Equalization which shall be considered by the Board together with the property owner's objection. The Deputy Service Director/Superintendent of Engineering, or a

representative thereof, shall attend the Board of Equalization hearing to provide testimony and answer questions. The Deputy Service Director/Superintendent of Engineering's report shall provide any data necessary to support the calculation of the assessment and the basis thereof.

(d) The Board of Equalization shall act upon all assessment objections presented to it that are filed prior to the legal deadline regardless of representation of the owner at the hearing. Objections filed after the legal deadline shall not be heard by the Board.

(e) A secretary shall be provided by the City to assist the Board of Equalization in preparation of reports and to take minutes and notes of the proceedings.

(f) If any assessment is adjusted, the report of the Board of Equalization shall clearly state the specific item or items being adjusted and the amount and value of adjustment of each item. This information is necessary so that the Deputy Service Director/Superintendent of Engineering can properly adjust the final assessment once the project is completed.

(g) The Board of Equalization shall file its report with the City within sixty (60) days of the date the first hearing of objections is held, which time period may be extended by Council.

(5) Council shall determine to proceed with an improvement as provided by Ohio Revised Code Chapter 727.

(6) After the completion of any public improvement and after the actual cost of the improvement has been ascertained, the Deputy Service Director/Superintendent of Engineering shall prepare a final special assessment list showing the amount of the special assessment against each lot or parcel of land to be assessed as shown on the estimated special assessment list and reflecting the actual cost of the improvement. To the extent that the rate or amount of the special assessment is not established in the resolution of necessity and to the extent consistent with the uniform special assessment rates established in this Chapter, the final special assessment shall be increased or decreased in the same proportion to the estimated special assessment as the actual total cost of the improvement bears to the estimated total cost of the improvement upon which the estimated special assessments were based. The final special assessment list shall also take into account the report of any assessment equalization board approved by Council in connection with the improvement. The final special assessment list shall be filed with the Clerk of Council and the Director of Finance and a copy thereof shall be retained by the Deputy Service Director/Superintendent of Engineering.

(7) After the special assessment list has been filed with the Clerk of Council, Council may enact an ordinance levying the special assessments in accordance with Ohio Revised Code Chapter 727. Upon the expiration of the cash payment period, if any, specified in that ordinance, the special assessments shall be certified by the Director of Finance to the County Auditor for collection in the manner provided by law.

(8) After the enactment of the ordinance levying the special assessments, the Clerk of Council shall publish notice of that enactment in accordance with Ohio Revised Code Chapter 727. For those improvements having a life usefulness of five years or more, as determined by the Deputy Service Director/Superintendent of Engineering, the Clerk of Council shall mail notice letters to the owners of property to whom notice of the passage of the resolution of necessity and filing of estimated special assessments was given pursuant to paragraph (3) above. The notice letters shall be addressed to the owners at the same address at which service of such prior notice was made or to which such prior notice was mailed. No notice letters shall be mailed to any owner to whom such prior notice was published. The notice letters shall be mailed within ten days after enactment of the ordinance levying the special assessments. The notice letters shall

(a) Advise owners of their option to pay in cash the special assessments levied by the ordinance, if they so desire, and

(b) Notify owners of the availability of the method of paying the special assessments as provided in Sections 925.08, 925.09, and 925.10 and that the necessary forms to make application for such method may be obtained from the office of the Director of Finance.