

ORDINANCE NO. 2021-065

AN ORDINANCE AMENDING SECTION 769.03 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT TITLED "PENALTY" TO CHANGE ITS CURRENT MINOR MISDEMEANOR STATUS TO A CIVIL OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, the provisions regulating garage and yard sale operations are specified in KCO 769. The penalty for noncompliance with these regulations is currently a minor misdemeanor offense, which requires the City to address such violations through the filing of a court action; and

WHEREAS, the Community Development Department is responsible for responding to resident complaints regarding alleged garage and yard sale regulation violations; and

WHEREAS, the Community Development Department and Law Department are requesting the penalty be changed from its current minor misdemeanor status to a civil offense, as specified in Section 501.13 Civil Offenses.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, that:

SECTION 1. Kent City Council does hereby amend Section 769.03 of the Codified Ordinances of the City of Kent titled "Penalty" to change its current minor misdemeanor status to a civil offense, and is more fully described 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: August 4, 2021
Date

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

EFFECTIVE: August 4, 2021
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. 2021-065* ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON August 4, 2021.

Amy Wilkens
AMY WILKENS
CLERK OF COUNCIL
(SEAL)

CHAPTER 769

Garage Sales

769.01 Definitions.

769.02 Duration and hours of sales.

769.03 Penalty.

769.01 DEFINITIONS.

As used in this chapter, "garage sale" means any casual sale to the public, from the premises of an owner or occupier of property not zoned for commercial use, of personal property, and includes any sale denominated as a garage sale, lawn sale, basement sale, attic sale, rummage sale, porch sale, or such other term for a casual sale.

(Ord. 2003-69. Passed 5-7-03.)

769.02 DURATION AND HOURS OF SALE.

No garage sale shall be of a duration longer than three days in length in a thirty-day period (There must be thirty days between each sale at the same location) and shall be held only between the hours of 8:00 a.m. and 6:00 p.m. Items for sale, display signs and other material relating to the sales shall be removed from public view not later than 8:00 p.m. on the last day of sale. (Ord. 2003- 69. Passed 5-7-03.)

769.03 PENALTY.

~~Whoever violates any provision of Chapter 769 shall be guilty of a minor misdemeanor on the first offense. If the offender has been previously convicted of violating this chapter within two years, the offender shall be guilty of a misdemeanor of the fourth degree.~~
(Ord. 2003-69. Passed 5-7-03.)

Any violation of this Section is subject to the Civil Offense requirements specified in Section 501.13 of the Codified Ordinances.

ORDINANCE NO. 2021-067

AN ORDINANCE AMENDING THE CITY'S ZONING DISTRICTS MAP FOR PARCEL #45-004-00-00-053-000 (CORNER OF SR43 & SR261) TO BE REZONED FROM ITS CURRENT C: COMMERCIAL ZONING DISTRICT (CH1141) TO C-R: COMMERCIAL HIGH DENSITY MULTIFAMILY RESIDENTIAL ZONING DISTRICT (CH1145), AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent Planning Commission is recommending a proposed amendment to the City's Zoning Districts Map to allow Parcel #45-004-00-00-053-000 (Corner of SR43 and SR261) to be re-zoned from its current C: Commercial Zoning District (CH1141) to C-R: Commercial High Density Multifamily Residential Zoning District (CH1145); and

WHEREAS, on May 4, 2021, the Planning Commission voted 3-1 to recommend the zoning map change; and

WHEREAS, a public hearing will be held at the July 7, 2021 Council Committee session.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, that:

SECTION 1. Kent City Council does hereby authorize the amendment to allow Parcel #45-004-00-00-053-000 (Corner of SR43 and SR261) to be re-zoned from its current C: Commercial Zoning District (CH1141) to C-R: Commercial High Density Multifamily Residential Zoning District (CH1145).

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: August 4, 2021
Date

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

EFFECTIVE: August 4, 2021
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. 2021-067 ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON August 4, 2021.

(SEAL)

Amy Wilkens
AMY WILKENS
CLERK OF COUNCIL

ORDINANCE NO. 2021 - 068

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A PEDESTRIAN SAFETY IMPROVEMENT AGREEMENT BETWEEN THE CITY OF KENT AND KENT STATE UNIVERSITY TO JOINTLY IMPROVE THE SAFETY FOR PEDESTRIANS WITHIN THE CITY AND KSU CAMPUS, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent desires to enter into a Pedestrian Safety Improvements Agreement with Kent State University (KSU) to jointly improve the safety for pedestrians within the City and KSU Campus by improving the signing, pavement markings and signal improvements; and

WHEREAS, the agreement includes the City and Kent State University splitting the out of pocket costs, with the City's maximum commitment to be \$15,000.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, that,

SECTION 1. Council does hereby authorize the City Manager, or his designee, to enter into a Pedestrian Safety Improvements Agreement with Kent State University (KSU) to jointly improve the safety for pedestrians within the City and KSU Campus by improving the signing, pavement markings and signal improvements, and is more fully described 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: August 4, 2021
Date

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

EFFECTIVE: August 4, 2021
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. 2021-068, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON August 4, 2021.

(SEAL)

Amy Wilkens
AMY WILKENS
CLERK OF COUNCIL

PEDESTRIAN SAFETY IMPROVEMENTS AGREEMENT

**KENT STATE UNIVERSITY
AND
THE CITY OF KENT**

**ALL PARTIES BEING IN THE COUNTY OF PORTAGE,
STATE OF OHIO**

This Agreement, dated _____ 2021, is an agreement made and entered into between Kent State University (“KSU”) and the City of Kent, Ohio, duly formed under the laws of the State of Ohio (the “City”). KSU and the City are collectively referred to herein as the “Parties.”

WITNESSETH:

WHEREAS, KSU and the City desire to improve the safety for pedestrians within the City and KSU Campus; and

WHEREAS, KSU, in cooperation with the City, has commissioned a Campus Crosswalk Evaluation (Attachment A) to evaluate potential improvements to twenty seven (27) different crosswalk locations in and around campus; and

WHEREAS, the Campus Crosswalk Evaluation included Phase 1 recommendations to seventeen (17) locations, sixteen (16) of which are located within the City Right-of-Ways.

WHEREAS, the Phase 1 Recommendations are hereinafter referred to as the “Project” and have an estimated out-of-pocket cost of \$28,300;

NOW THEREFORE, The City and KSU hereby agree to collaborate on implementation of the Project as follows:

City:

- City will implement all of the Project recommendations that involve changes to the traffic signal system with in-house staff and the costs of such implementation shall not be included in out-of-pocket Project costs.
- The City will expeditiously review all shop drawings associated with the Project. Shop drawing approval from the City is required prior to any installations in the City Right-of-Way.
- The City will pay 50% of the out-of-pocket Project costs, up to \$15,000, based upon invoices from KSU.
- City will own all Project improvements in the public right-of-way.

KSU:

- KSU will manage and coordinate construction services for the implementation of the Project that do not involve traffic signal changes.

- KSU, or their designated representative, will provide shop drawings to the City for approval prior to purchasing or installing any improvements in the City's Right-of Way.
- KSU will be the primary funding agency during construction of the Project.
- KSU will provide invoices to the City requesting reimbursement for one-half of the out-of-pocket costs associated with the construction of the Project, up to \$15,000.
- KSU will own all Project improvements on KSU Property.

Schedule:

The City and KSU will diligently pursue completion of the Project by September 30, 2021. This date can be adjusted by the mutual agreement of both parties.

In witness whereof, the Parties hereto have agreed and offered their hands and seals:

CITY OF KENT

Approved and Accepted by:

 Dave Ruller
 City of Kent, City Manager

Witness: _____

Witness: _____

Date: _____

Approved as to Form:

 Hope Jones
 City of Kent, Law Director

Date: _____

Certificate of Director of Budget and Finance

It is hereby certified that the amount FIFTEEN THOUSAND Dollars (\$15,000) required to meet this commitment has been lawfully appropriated or authorized or directed for such purpose and is in the City Treasury or in the process of collection to the credit of the CAPITAL Fund free from any obligation or certificates now outstanding.

 Rhonda Hall, Director of Budget and Finance

 Date

KENT STATE UNIVERSITY

Approved and Accepted by:

Mark Polatajko,
Senior Vice President
for Administration

Witness: _____

Witness: _____

Date: _____

**ATTACHMENT A
CAMPUS CROSSWALK EVALUATION**

ORDINANCE NO. 2021 - 069

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPROVE A NEW SPECIAL EVENT APPLICATION FOR KENT STATE UNIVERSITY AND THE CITY OF KENT FOR AN ICE RINK THAT WILL START ON NOVEMBER 25, 2021 AND RUN THROUGH FEBRUARY 28, 2022, AND DECLARING AN EMERGENCY.

WHEREAS, the Kent State University and the City of Kent would like to install a temporary ice rink; and

WHEREAS, the organizers would like to temporarily close East Erie Street/Depeyster and East Erie Street/Haymaker beginning October 18, 2021 (start set-up) through February 29, 2022 (end cleanup); The actual Event will be from November 25, 2021 through February 28, 2022; and

WHEREAS, the Kent City Council consents to authorizing the City Manager or his designee to sign the Special Event Application as long as he is comfortable and believes the safety and security of the City's citizens will not be adversely affected.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, that:

SECTION 1. That the Kent City Council authorizes the City Manager or his designee to execute the Special Event Application for the Kent State University and City of Kent, Ohio in substantial conformance with the Special Event Application attached hereto as Exhibit "A", as long as the City Manager or his designee believes the safety and security of Kent's citizens are adequately projected.

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: August 4, 2021
Date

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

EFFECTIVE: August 4, 2021
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. 2021-069, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON August 4, 2021.

(SEAL)

Amy Wilkens
AMY WILKENS
CLERK OF COUNCIL

APPLICATION FOR SPECIAL EVENT
PARADES, FESTIVALS, CARNIVALS, PUBLIC ASSEMBLIES, ETC.
City of Kent, 319 S. Water Street, Kent, OH 44240

NAME OF EVENT KSU / City of Kent Ice Rink
ORGANIZATION SPONSORING EVENT KSU
APPLICANT NAME Doug Pearson, AVP, FPO PHONE 330-488-7566
Melanie Baker, Service Director City of Kent PHONE 330-351-5404
ADDRESS 615 Loop Road, Suite 101, Kent Ohio 44242-001

NAMES AND PHONE NUMBERS OF ALL PERSONS WHO ARE IN CHARGE AND/OR WILL BE IN A RESPONSIBLE POSITION DURING THE EVENT:

Doug Pearson, 330-488-7566

Melanie Baker, 330-351-5404

DATE OF EVENT November 25, 2021 - February 28, 2022 NO. OF PARTICIPANTS _____

REQUESTED PERMIT TIME: Start Set up 10/18/21 Start Event 11/25/21
End Event 2/21/22 End Cleanup 2/29/22

IF PARADE: STARTING POINT E. Erie St. / Depeyster ENDING POINT E. Erie St. / Haymaker

USE OF CITY WATER NEEDED? Yes, to fill ice rink

(IF YES, PLEASE EXPLAIN)

USE OF CITY ELECTRIC NEEDED? No

(IF YES, PLEASE EXPLAIN)

In addition to the application please submit the following information:

- **Attach map to application showing proposed streets to be blocked off for event, and route of parade or race. (May be hand drawn.)**
- **Proof of Insurance is required before permit can be issued.**
- **Please attach list of possible vendors/booths to be part of event (food, retail, etc.).**

Please submit application for permit at least 30 days in advance, but no sooner than one year in advance. For additional requirements please review Chapter 316 of The Codified Ordinance of the City of Kent. **Please be advised that the use of marking paint on City pavement, curbs, sidewalks or other property is prohibited except if purchased at cost from Service Department (330-678-8105).**

By signing this application, I am certifying that I have received a copy of the rules and regulations of Chapter 316 of the Codified Ordinances of the City of Kent, and I fully understand that should the permit be approved, it can be revoked if any of the provisions of this Chapter are violated.

Doug Pearson, AVP, FPO

Name of Applicant
Melanie Baker, Service Director

Signature of Applicant
Melanie A Baker 6/9/2021

Name of Applicant
Office Use. Do not write below this line.

Signature of Applicant

Sent to:

Safety, Service, Fire, Police, and Health Departments for review and approval
via _____ on _____.

MEMORANDUM AGREEMENT _____ YES _____ NO
APPLICATION APPROVED _____ APPLICATION DISAPPROVED _____

PROOF OF INSURANCE REQUIRED BY ORDINANCE 316.04 HAS BEEN REVIEWED AND APPROVED.

Law Director Date

IF APPLICATION IS APPROVED, PERMIT WILL BE ISSUED BY THE CITY MANAGER.

ORDINANCE NO. 2021 - 070

AN ORDINANCE AMENDING ORDINANCE NO. 2012-57, ADOPTED ON JUNE 20, 2012, AS AMENDED BY ORDINANCE NO. 2012-69, ADOPTED ON JULY 18, 2012, SO AS TO ISSUE A NEW PROMISSORY NOTE TO 257 NORTH WATER, LTD IN THE AMOUNT OF \$8,463.00 AS THE NEW OWNER OF 247 NORTH WATER STREET; AND DECLARING AN EMERGENCY.

WHEREAS, Kent Wells Sherman House, Inc. is selling the property located at 247 North Water Street, Kent, Ohio to 257 North Water, Ltd. and the new owner will be assuming the loan balance and monthly payments; and

WHEREAS, Kent Wells Sherman House, Inc. has made all loan payments through July 31, 2021 leaving a loan balance of \$8,463.00 due on the loan; and

WHEREAS, the City needs to issue a new promissory note naming 257 North Water, Ltd. as the responsible entity in the amount of \$8,463.00 balance due on the loan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kent, Portage County, Ohio, that:

SECTION 1. The Kent City Council is hereby amending Ordinance No. 2012-57, adopted on June 20, 2012, as amended by Ordinance No. 2012-69, adopted on July 18, 2012, so as to issue a new promissory note to 257 North Water, Ltd. In the amount of \$8,463.00 as the new owner of 247 North Water Street, Kent, Ohio.

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: August 4, 2021
Date

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

EFFECTIVE: August 4, 2021
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. 2021-070, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON August 4, 2021.

Amy Wilkens
AMY WILKENS
CLERK OF COUNCIL
(SEAL)

ORDINANCE NO. 2021 -071

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACCEPT GRANT FUNDING IN THE AMOUNT OF \$17,786.25 FOR REIMBURSEMENT FOR THE PURCHASE OF BALLISTIC VESTS, AND DECLARING AN EMERGENCY

WHEREAS, the City of Kent Police Department purchased ballistic vests for their department; and

WHEREAS, the Ohio Attorney General's office in conjunction with the Ohio Bureau of Workers' Compensation has reimbursed the City 75% of the cost of the ballistic vests.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, that:

SECTION 1. That Kent City Council hereby authorizes the City Manager, or his designee, to accept the grant funding in the amount of \$17,786.25 for reimbursement for the purchase of ballistic vests for the City of Kent Police Department.

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: August 4, 2021
Date

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

EFFECTIVE: August 4, 2021
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. 2021-071*, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON August 4, 20 21.

(SEAL)

Amy Wilkens
AMY WILKENS
CLERK OF COUNCIL

