

MEMORANDUM
DEPARTMENT OF COMMUNITY DEVELOPMENT
City of Kent

Date: February 18, 2010

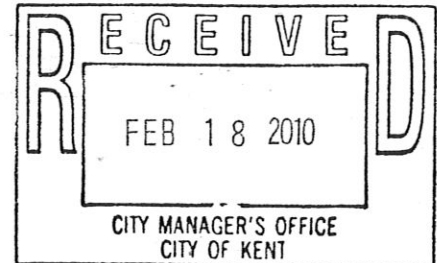
To: Dave Ruller, City Manager

From: Jennifer Barone, Development Engineer

JKB

Re: Planning Commission Recommendation –
Zoning Text Amendment – Civil Infraction

Copy: Gary Locke, Director of Community Development
Linda Copley, Clerk of Council
Jim Silver, Law Director
Eric Fink, Assistant Law Director
file



I hereby respectfully request City Council agenda time to consider an amendment to the zoning code (Part 11 of the Codified Ordinances).

On February 16, 2010 the Kent Planning Commission conducted a public hearing to consider an amendment to the zoning text. The amendment proposes adding language to KCO Section 1111.12 to permit reference to Section 501.13 which is the recently adopted civil infraction ordinance. The proposed language can be added as 1111.12(b).

After concluding the public hearing, the Planning Commission voted 3-0 to recommend to City Council approval of the civil infraction language.

A copy of the proposed amendment is attached. Since this is a text amendment and not an amendment to the Zoning Map, only a newspaper advertisement of City Council's public hearing is required by Chapter 1117 of the Kent Zoning Code. As such, this item will need to be scheduled for a public hearing and Land Use Committee review by Kent City Council.

1111.12 PENALTY

- (a) Any person violating any provision of this Zoning Ordinance or amendment thereto shall be fined not more than one hundred dollars (\$100.00). Each day of continuation of violation shall be deemed a separate offense.

- (b) Any individual or business entity violating any provision of this Zoning Code, or amendment thereto, as well as any person owning a property on which a zoning violation is being committed, may be cited under the provisions of the Civil Infraction penalties set forth in Section 501.13 of the Kent Codified Ordinances.

City Council Pending List Update

25-Mar-10

Ref. #	Council Request Item	Date Requested	Staff Assigned	Referred To	Purpose	Status	Recommendation to Council
ITEMS REFERRED TO ADMINISTRATION							
1	Master Plan for Service Area Growth in Franklin Township (43 North)	12/05	Gene, Gary	Admin	Establish growth parameters for new development in townships	After initial contact (in 2005) and follow-up letter (2008) on this issue the township requested deferring the matter to a later time. The township remains uninterested to pursue this item at the moment.	Remove from pending list.
2	Home Occupation Revisions	9/06	Gary, Jim	Admin	Evaluate options to change the home occupation ordinance in order to encourage more home based business for economic development purposes.	Presented and discussed in the review sessions for the City Zoning Code. Recommendations for change will be included in the Zoning Code amendments.	Remove from pending list.
3	Environmental Incentives for Construction	4/07	Gary	Admin	Consider incentives to promote "green" and environmentally friendly construction practices and products.	The City adopted green building guidelines although they did not include any particular incentives, largely due to the lack of funds to grant tax breaks or offer financial incentives.	Remove from the pending list.
4	Kent, Stow, Franklin Township Watershed Issues	4/07	Gene	Admin	Ensure coordination and cooperation with Stow and Franklin on watershed matters.	Working with staff, Councilman Schultz assembled a watershed committee comprised of residents and other governmental bodies that held a series of meetings in 2007. As a result of those meetings the City applied for 319 grant funds to hire a full time staff member to oversee the identified watershed work. That grant was not successful so the City has been working thru NEFCO to apply for another 319 grant to develop a river watershed plan that would include Fishcreek, Plum Creek and Breakneck Creet. City Council authorized a \$2000/year local match for the grant in August 2008 and the grant awards was received in late 2008. The watershed planning issues continues in 2010.	Remove from pending list.
5	Review the City's Policy on Liveable Rental Properties	6/07	Gary	Admin	Council asked staff to evaluate rental rates and property conditions to ensure minimum standards are provided.	Staff recommended adopting both exterior maintenance standards and interior (livability) standards. Council adopted the exterior standards but declined to adopt interior standards.	Remove from pending list.
6	Continued Neighborhood Enforcement	6/07	Gary	Admin	Council asked for more work to be done to promote neighborhood revitalization.	Staff provided a series of meetings in the summer 2007 that addressed these issues. Since that time staff has worked to implement citywide trash collection, started a tool loan program, adopted exterior maintenance standards, converted a part time Code Officer position to full time, made violations civil infractions, and have partnered with KSU to hire a neighborhood liaison.	Remove from pending list.
7	Update on Energy Management Policy	07/07	Gene	Admin	Council requested an update on the status of the staff's progress towards implementing the energy management guidelines.	Gene Roberts provided two summary reports in 2008 that outlined the steps taken towards implementing the policies and the savings earned from these efforts. In 2009 staff worked with Brewer-Garrett company to develop a citywide energy savings plan; the energy program was approved in 2009-10 Capital Plan; and in 2010 the staff applied and received \$501,000 in grant funds to finance the energy upgrades. Staff will be presenting more updates in May/June 2010.	Remove from pending list.

7	Update on Energy Management Policy	07/07	Gene	Admin	Council requested an update on the status of the staff's progress towards implementing the energy management guidelines.	Gene Roberts provided two summary reports in 2008 that outlined the steps taken towards implementing the policies and the savings earned from these efforts. In 2009 staff worked with Brewer-Garrett company to develop a citywide energy savings plan; the energy program was approved in 2008-10 Capital Plan; and in 2010 the staff applied and received \$501,000 in grant funds to finance the energy upgrades. Staff will be presenting more updates in May/June 2010.	Remove from pending list.
8	Devices for Hearing Impaired in Council Chambers	10/07	Gene	Admin	Council asked for consideration of additional measures to assist the hearing impaired during Council meetings.	Hearing equipment was purchased in 2009.	Remove from pending list.
9	Economic Development Strategy	4/08	Dan, Gary	Admin	Council wanted to staff to update the City's Economic Development Strategy coinciding with the Blue Ribbon Panel recommendations.	Staff worked with Don Schjedahl to assess the City's economic development readiness and Don made a presentation of his findings to City Council in January 2008. Since that time staff has continued to work on defining the elements that form the basis of the City's comprehensive economic development strategy.	Maintain on the pending list.
10	On-Line Bill Payment	5/08	Dave C.	Admin	Council requested updating the web site to allow for on-line credit card payment.	Staff is working on implementing this as part of an overall update of the City's computer systems that run utility billing. This will likely not be ready until 2011.	Maintain on pending list.
11	Report on Strategic Investments and Energy Conservation	6/08	Barb, Gene	Admin	Council asked staff to report on energy conservation results.	Staff requests clarification of this Council item. Seems redundant with item 7.	?

12	Plan for Reduction in Fuel Consumption	8/08	Gene	Admin	Council requested staff to develop a multi-year plan to reduce fuel/energy consumption by 30%	Staff is implementing energy upgrades in city buildings for energy savings; fuel consumption savings have not been developed and no funds have made available to hire a firm to evaluate the fleet and fuel consumption issues.	Allocate funds to hire outside expertise or remove from pending list.
13	Review City-owned land for oil/gas drilling	8/08	Gene	Admin	Council asked staff to look into the possibility of using city property to set up drill sites for gas or oil	The staff has been working with Cutler Oil to locate prospective drill sites. To date, one location has been installed on City property.	Remove from pending list.
14	Possible Moratorium on Boarding Houses	9/08	Gary, Jim	Admin	Council asked staff to review the possibility of placing a moratorium on boarding houses	Staff reports that the City does not really have the legal authority to ban new boarding houses in areas where boarding houses are allowed and they conform to existing City regulations.	Remove from pending list.

15	Administrative Recommendation on Energy Conservation Master Plan	11/08	Gene	Admin	Council asked staff to develop an Energy Conservation Master Plan	Staff has worked with Brewer-Garrett to evaluate the energy consumption in city buildings and to prepare a plan for energy upgrades which is currently being implemented.	Remove from pending list.
16	Voice Response Notification System	2/09	Bill	Admin	Council asked staff to explore a voice notification (similar to reverse 911) to inform residents during emergencies.	Staff have researched this topic. The voice notification systems cost between \$15,000 and \$20,000 to purchase and install. Due to current financial constraints a system has not been purchased but staff is experimenting with free web based services, e.g., Nixle.	If Council wishes to allocate the funds staff is prepared to buy a system. If not, remove this item from the pending list.
17	Report on CRA to Council	02/09	Gary L.	Admin	Council asked staff for background information concerning the City's CRA program.	Gary Locke provided both written and Committee presentations outlining the history of the CRA and the recent use of the CRA that is in full compliance with state standards.	Remove from pending list.
18	Research on Business License Tax	3/09	Jim Silver	Admin	Council requested staff provide more background research on the prospect of a business license tax.	The staff contacted the City in Florida that was used as an example of business license taxation and wrote up a summary that was given to Council with a recommendation to not proceed on legal and financial grounds.	Remove from pending list.
19	Short & Long Term Parking	4/09	Jim Bowling	Admin	Council requested an analysis of parking in downtown Kent.	As part of the downtown redevelopment Jim Bowling has had a downtown parking study completed. That data has been used to design the size of the multi-modal parking lot and adjacent parking lots. This can be presented if Council desires.	Remove from pending list.
20	Budget Scenarios	5/09	Dave C	Admin	Council asked the staff to put together various budget reduction scenarios to match draw downs in the reserve balances.	Research on this item continues.	Maintain on pending list.
21	Guidelines for Conflict of Interest	5/09	Jim Silver	Admin	Council asked for clarification on conflict of interest rules.	Jim Silver provided Council with this information.	Remove from pending list.
22	Subdivision Regulations Cul De Sacs Elimination	5/09	Gary L.	Admin	Council asked the staff to look at the possibility of prohibiting any new cul de sacs being built in Kent.	Development staff indicate that this is not a realistic expectation and they have not done any further research.	Remove from pending list.
23	Research on Neighborhood Liaison	7/09	Gary L.	Admin	Council requested further research on the possibility of creating a new community liaison position.	Council and KSU have approved the position and it has been advertised for hire.	Remove from pending list.
24	5 Year Analysis of Construction Projects for residency incentive	10/09	Jim Bowling	Admin	Council asked staff to review the capital projects over the last 5 years to see how many were over \$100,000 in City funds.	Jim Bowling has compiled the data and is ready to present it as soon as Councilman Turner returns.	Remove from pending list.
25	Review Taxi Cab Ordinance	10/09	Jim Silver	Admin	Council asked staff to evaluate the City's taxi cab regulations to ensure public safety.	Research underway.	Maintain on pending list.
26	Review Incubator Policy	12/09	Dan S.	Admin	Council asked staff to review the City's incubator policy.	Dan provided a review in 2009 but more committee time is scheduled for May/June 2010.	Maintain on the list.
27	Capital Projects Exceeding \$100,000	1/10	Jim Bowling	Admin.	Council asked staff to review the capital projects over the last 5 years to see how many were over \$100,000 in City funds.	Jim Bowling has compiled the data and is ready to present it as soon as Councilman Turner returns.	Remove from pending list. (same as item #24)



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

March 23, 2010

TO: Dave Ruller
City Manager

FROM: Gary Locke
Community Development Director

RE: Old KeyBank Account Funds – Downtown Façade Loan Program

Recently, the Department of Budget and Finance advised the Community Development Department that there was an open account at Keybank in the name of the City with a sum of \$49,586.16 in it as of the end of December, 2009. The account was opened in 1983 as part of the old downtown Façade loan program and has been inactive for a number of years.

The old Facade money was CDBG funding and technically qualifies as RLF Program Income. As such, it would be appropriate to move this money to the RLF bank account for our current downtown facade program which is also funded with CDBG. Since we only have enough money in the current facade loan program to do only one more loan, moving the old money into the current account would give us more funding in which to make loans without having to tap (at least at this point) any new CDBG funding. The money would still carry all of the applicable CDBG requirements (prevailing wage, etc.). The old 1983 account also pays a service charge of over \$14 per statement and it would make sense to move the money from this old account into the present CDBG RLF account for the Façade Program.


We would request that Council authorize the transfer of the funds into the current CDBG RLF account for the Façade program. This move would be consistent with CDBG program guidelines and easily allow for its administration in the same manner as the newer CDBG funds for the same purpose. If there are any questions, please let me know.

Cc: David Coffee, Director of Budget and Finance
Bridget Susel, Grants and Neighborhood Programs Administrator
Linda Copley, Clerk of Council



CITY OF KENT, OHIO

DEPARTMENT OF ECONOMIC DEVELOPMENT

Date: March 25, 2010
To: David Ruller, City Manager
From:  Dan Smith, Economic Development Director
Subject: Semi-annual EDA Revolving Loan Fund Certification

Last year, the EDA enacted new guidelines for compliance in administering our revolving loan fund. Our RLF 2 (EDA funded) now requires semi-annual certification that the City is operating the program in accordance to our plan and program guidelines. Given staff guidance and committee review that loan activities are being administered in accordance with RLF/EDA guidelines, the RLF committee voted to approve certification at the February committee meeting. As before, City Council needs to do the same for us to be in compliance.

I am respectfully requesting time on the April Council agenda to seek approval for the semi-annual certification. I have attached February RLF committee minutes.

A RESOLUTION CERTIFYING THAT THE CITY'S REVOLVING LOAN PLAN IS CONSISTENT WITH AND SUPPORTIVE OF THE AREA'S ECONOMIC DEVELOPMENT ADJUSTMENT STRATEGY AND IS BEING OPERATED IN ACCORDANCE WITH THE POLICIES AND PROCEDURES CONTAINED IN THE REVOLVING LOAN PLAN AND THAT THE LOAN PORTFOLIO MEETS THE STANDARDS CONTAINED WITHIN SAID PLAN AND DECLARING AN EMERGENCY.

**Kent Revolving Loan Fund Committee
Minutes- Friday, February 19, 2010
Huntington Bank Conference Room**

Present: Members- John Ryan, Scott Stiegemeier, and Dennis Eberhart
City of Kent Staff: Dan Smith

The meeting was called to order at 8:37 a.m.

- I. **Consideration of meeting Abison, LLC RLF-** Mr. Smith presented information gathered for the Abison, LLC loan. Mr. Karlo had called and requested to loan be made to FLI Diversified Investments, LLC, as well as, Scott A. Karlo and Ronald E. Karlo individually and removing Abison, LLC as an additional guarantor. This would enable for a complete transaction with the State's IOF loan. The committee discussed the changes and decided the commitment letter could be altered after a lien search and comparison comp sales were made on the property. **Mr. Eberhart made a motion to amend the commitment letter to reflect the FLI Diversified Investments as the recipient with Scott A. and Ronald E. Karlo as guarantors through a mortgage on their residents, Mr. Ryan, Second, Motion Carried.**

- II. Other Business- Dan stated Mr. Locke had asked the committee for Semi-annual Revolving Loan Fund Certification. Given staff guidance and committee review that loan activities are being administered in accordance with RLF/EDA guidelines, **Mr. Ryan made a motion for semi-annual certification, Mr. Eberhart, Second, Motion Carried.**

The meeting adjourned at 9:03 a.m.



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

Date: March 25, 2010

To: Dave Ruller
City Manager

From: Gary Locke
Community Development Director *GL*

Re: 1. Conversion of Downpayment Assistance Loans
2. Housing Rehabilitation Administration

There are several matters that the Community Development Department has been working on over the past months that require Council discussion, and in the case of the one item, Council approval. Since there is some relationship between the two items, we are discussing both in the communication. I will elaborate further below.

Conversion of Downpayment Assistance Loans

Dating back to the early 1990's, the City offered loans to assist homebuyers with downpayments on homes that they were buying. Typically the loan would total \$10,000 or less and was set up as an amortized loan with monthly payments after a 2 or 3 year deferral period. We currently have 13 loans in place with outstanding loan balances totaling about \$85,000. Most of the loans are delinquent and the monthly servicing has been conducted through Neighborhood Development Services.

In considering options on how to pursue the delinquent loans, staff considered several alternatives including having the Law Department institute legal action, including foreclosure, to collect these monies. Foreclosure would constitute the most severe action and we felt that this would result in a number of people losing their homes. This certainly was not the original intent of the program.

At the same time staff felt that it was important that the borrowers remain obligated to repay their loans, since others had been expected to do so. As such, staff came up with another option that we felt could be used to preserve the City's ability to collect its money, without significantly impacting the homeowner's financial situation. This option would involve the conversion of the existing loans from amortized monthly payment type loans to the "deferred loan" similar to what we utilize in the City's Owner Occupied Housing Rehabilitation Program.

**Downpayment Assistance Loan Conversion & Housing Rehab Admin
March 25, 2010**

If Council found this option to be acceptable, we would contact the current borrowers and explain that in lieu of the City pursuing collection and potential foreclosure action against them, the City would offer them the opportunity to convert their existing loan balances to deferred loans which would not be due and payable until their homes were transferred or sold. The new deferred loan would be set up the same as our housing rehab loans to accrue 3% simple interest for up to ten years. No monthly payments would be due. If the borrower is agreeable to this, the new loan documents would be executed and the old loan documents would be negated. The borrower would be asked to pay the recording fees.

Staff would recommend that Council consider this option as a fair way to address these delinquent debts and authorize staff to proceed as described.

Housing Rehabilitation Administration

It has been a number of years since the City solicited Request for Qualifications / Proposals from area agencies who might be interested in providing such services for the City in regard to our housing rehabilitation programs. Last Fall, the Community Development Department advertised for RFQ / RFP's in relation to our housing rehabilitation programs and received four responses.

Since the late 1980's, Neighborhood Development Services - NDS (previously known as PADCO) began providing these services to the City and those services have continued through various contracts including the current contract which runs through March 31, 2010. The four proposals received came from:

- Neighborhood Development Services (Ravenna)
- Family and Community Services of Portage County (Ravenna / Kent)
- CT Consultants (Youngstown)
- Western Reserve Community Development Corporation (Painesville)

Staff reviewed, rated and scored each submission based on factors related to qualifications, capacity, the information submitted in the proposal, direct experience with the agency, if any, and the pricing of services. Upon the completion of our review, we concluded that the City should engage Family and Community Services (F & CS) of Portage County for these services. The F & CS proposal provided the most competitive pricing for services and covered all of the necessary functions needed to properly implement housing rehabilitation as required by the State and by HUD. While not mandated in the advertisement, F & CS also has offered to use some of its office space in Kent to provide these services, thus making it more convenient for our residents and for staff. While F & CS has not provided this specific set of services for the City in the past, they have successfully completed various housing related activities using CDBG funds, several of which involved rehabilitation work.

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**Downpayment Assistance Loan Conversion & Housing Rehab Admin
March 25, 2010**

The City has also funded the agency for many years for homeless services and the homeless shelters and has always found their work to be very good.

Unless Council expresses some reservations about moving forward with this contract, staff will proceed to negotiate the contract and see to its execution according to City requirements. We would see the contract running for three years, at which time we would repeat the RFQ / RFP process.

Cc: Bridget Susel, Grants and Neighborhood Programs Administrator
File