



COUNCIL MEMORANDUM

To: David Ruller, City Manager
From: Mayor Jerry Fiala
Date: April 6, 2022
Item: 1.1. - City Flag Redesign (Fiala/ All)

Summary: During the March 2, 2022 Council Committee Meetings the following motion was made:

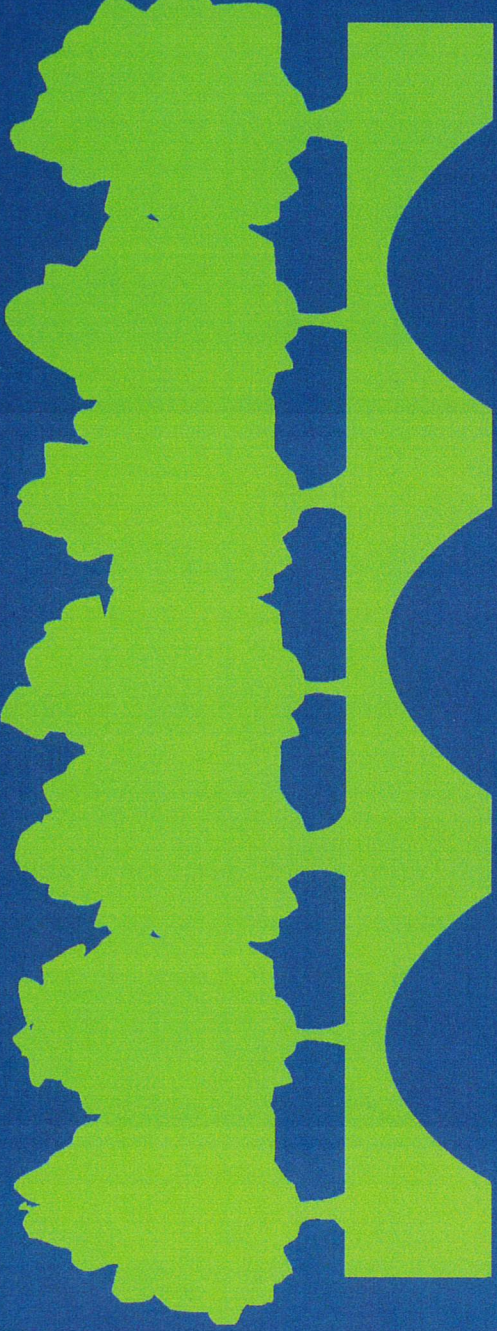
MOTION TO TO DISCUSS THE GUIDELINES TO ESTABLISH A CITIZEN INVOLVED CONTEST TO DESIGN A FLAG MADE BY Mr.Garret Ferrara, SECONDED by Ms. Heidi Shaffer Bish and CARRIED by a voice vote of 8-0-0.

Councilmembers, please bring ideas for discussion to move this project forward.

Prepared by: Amy Wilkens, Clerk of Council

Attachments:

1. Flag Prototype 2021
2. Kent Codified Ordinance 103.05 Official Flag Design



KENT, OHIO

Established 1805

103.05 OFFICIAL FLAG DESIGN ADOPTED.

The design of the City flag from and after the date of this resolution (Resolution 1975-155, passed October 15, 1975) shall be as follows: the background shall be blue symbolizing the Cuyahoga River, trimmed in gold, the City color; within the borders of the flag shall be a tree symbolizing the tree city motto and a lamp of knowledge symbolizing the presence and contributions of our school system and Kent State University.

(Res. 1975-155. Passed 10-15-75.)



LAW DEPARTMENT MEMORANDUM KENT, OHIO

To: Dave Ruller, City Manager
From: Hope L. Jones, Law Director
Date: March 28, 2022
Re: Sensible Marijuana

Mr. Ruller,

I request that legislation for to allow the Sensible Marihuana Initiative petitions be placed on the April 6, 2022 agenda for discussion by Council Committee. For your information, ordinance that Council passed in January is not in an appropriate form for the Board of Elections to place it on the ballot. The attached ordinance should solve the issue.

Thank you, Dave,

Hope

ORDINANCE NO. 2022 -

AN ORDINANCE TO ACKNOWLEDGE THE RECEIPT OF INITIATIVE PETITIONS PRESENTED BY LAUREN MCKOWN, MICHAEL RODRIGUEZ, RENE MCKOWN, ALEXANDRIA AKIN, AND ADRIENNE DEVAULT TO PLACE THE SENSIBLE MARIJUANA ORDINANCE FOR THE CITY OF KENT, OHIO ON THE NOVEMBER 8, 2022 BALLOT, AND DECLARING AN EMERGENCY.

WHEREAS, Council of the City of Kent met in a regular meeting on _____;

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

SECTION 1. Kent City Council hereby acknowledge the receipt of initiative petitions to place the Sensible Marijuana ordinance on the November 8, 2022 ballot for vote by the electorate of the city of Kent. The proposed Ordinance is attached as Exhibit A hereto.

SECTION 2. The Clerk is instructed to deliver a copy of this Ordinance to the Portage County Board of Elections for placement of the Initiative on said ballot.

SECTION 3. Ordinance 2022-003 is hereby repealed.

SECTION 4. 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 5. 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: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
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. _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20____.



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: March 27, 2022
TO: Dave Ruller, City Manager
FROM: Bridget Susel, Community Development Director *B.S.*
RE: Replacement Chapter 1191: Park Impact Fees

The Parks & Recreation, Budget & Finance, Law, and Community Development Departments have been working for several months on finalizing proposed amendments to the City's current "Chapter 1191: Park and Recreation Fees." The current chapter utilizes outdated land valuation calculations and complicated formulas for identifying the amount of "park fee" to be paid by owners and developers of residential dwelling units.

The proposed changes are substantive and provide a straight forward approach to calculating the amount of the "park impact fee" to be paid when developing residential dwelling units, with this amount also matched by a payment from the City's general fund. The proposed changes were approved by the Parks & Recreation Board and supported by all of the City department staff who will be responsible for implementing various aspects of the new "Chapter 1191: Park Impact Fees."

I am respectfully requesting time at the April 6th Council Committee session to discuss the proposed changes in greater detail and to request Council authorization, with emergency, to replace the existing Chapter 1191 with the new "Chapter 1191: Park Impact Fee."

Please let me know if you need anything else in order to add this to the agenda. Thank you.

Attachments

Cc: Angela Manley, Parks & Recreation Director
Rhonda Hall, Budget & Finance Director
Hope Jones, Law Director
Eric Fink, Assistant Law Director
Amy Wilkens, Clerk of Council

Repeal of existing CHAPTER 1191 and Replace with New CHAPTER 1191

CHAPTER 1191

PARK IMPACT FEES

- 1191.01 Findings.
- 1191.02 Definitions.
- 1191.03 Park impact fees schedule.
- 1191.04 Assessment of park impact fees.
- 1191.05 Capital Improvement Fund matching amount.
- 1191.06 Exemptions.
- 1191.07 Credits and adjustments.
- 1191.08 Appeals.

- 1191.01 FINDINGS.

Kent City Council determines and finds as follows:

- A. In order to address new population growth and development activity, maintain park standards, and continue to promote and protect the public’s health and safety, the City of Kent supports the expansion, preservation, and maintenance of its public parks, trails, open spaces, and recreational facilities, collectively known as “public park facilities.”
- B. The City of Kent has not secured other financial commitments or sources sufficient to serve new population growth and development activity with public park facilities at the level of service established by the City.
- C. The imposition of park impact fees is a preferred method of ensuring that:
 - a. Adequate public park facilities are available to serve population growth and development.
 - b. New development that generates population growth pays a proportionate share of the cost of new public park facilities to align with such growth.
- D. Such payments may be used to address deficiencies in public park facilities that are reasonably related to the population growth and development.
- E. Accurate and equitable procedures for measuring the impact of new population growth and development activity on public park facilities, establishing the existing level of service provided by such public park facilities, and determining the cost to maintain the existing level of service have been developed by the City in its most currently adopted Parks & Recreation Department comprehensive planning effort. The fee schedule and other procedures established by this chapter are based upon those planning studies.
- F. In developing the schedule of park impact fees contained in this chapter, consideration has been given to taxes which have or will be paid by the new development activity into the

City's general fund and earmarked for the general maintenance and operations of all City services.

- G. The adoption of the park impact fee ordinance codified in this chapter is necessary for the support of City government and its institutions.
- H. The provisions of this chapter and its adoption fulfill an urgent need to assess new development activities with their proportionate share of public park facility impacts; to minimize any potential disruption to the development activity; and to ensure equitable treatment of all development activities subject to the assignment of a park impact fee.

Future adjustment of the park impact fee schedule, if any, should be based on the findings in subsections (A) through (J) of this section.

1191.02 DEFINITIONS

The following words and terms will have the following meanings for the purposes of this chapter unless the context clearly requires otherwise. Terms otherwise not defined herein shall be defined pursuant to the definitions contained within the City of Kent Planning and Zoning Code, then the Ohio Revised Code, or, if none of the aforementioned apply, given their usual and customary meaning.

- A. "City" means the City of Kent, Ohio.
- B. "Council" means the City Council of the City of Kent.
- C. "Development activity" means any construction or expansion of a residential building or structure that results in additional residential dwelling units within the City's jurisdictional boundaries.
- D. "Feepayer" means any person, corporation, partnership, incorporated association, or any other similar entity, or department or bureau of any governmental entity or municipal corporation, including the state or federal government, which commences a land development activity that is categorized as having a residential land purpose, in whole or in part, and requires the issuance of a building permit.
- E. "Park impact fee" means a payment of money imposed by the City on development activity pursuant to this chapter, as a condition of granting development site plan approval, in order to pay for the public park facilities needed to serve the new population growth and development activity. "Park impact fee" does not include reasonable development related permit fee(s), application fee(s), plan review fee(s), or administrative costs of carrying out the provisions of this chapter.
- F. "Public park facilities" means publicly owned parks, trails, open spaces, and recreational facilities.

1191.03 PARK IMPACT FEES SCHEDULE

The following fee schedule and assessment methods shall be used to determine the amount to be charged for park impact fees applicable to residential projects which result in population growth and development within the City limits:

Residential Dwelling Unit Type	Park Impact Fee
1) Each newly added single-family residential dwelling structure	\$500
2) Each newly added single-family residential dwelling unit in a two-family, multifamily, or apartment complex	\$500
3) Each newly added residential dwelling unit in a mixed-use structure	\$500
4) Each newly added bedroom in each rooming house or boarding house	\$500
5) Each newly added manufactured or mobile home residential unit installed on a fixed foundation	\$500

1191.04 ASSESSMENT OF PARK IMPACT FEES

The City shall collect park impact fees based upon the schedule or methods outlined in this chapter, for all residential development activity within the jurisdictional boundaries of the City of Kent if such activity requires the issuance of a subdivision, conditional use, building, or other development-enabling permit, which will result in the construction of new residential dwelling unit(s) or any additional new residential principal use occupancy.

Collection of the park impact fee shall occur when application is made for a building or zoning permit. The appropriate park impact fee, as determined by this chapter, shall be added to the cost of the building or zoning permit for those development projects covered by the chapter.

1191.05 CAPITAL IMPROVEMENT FUND; MATCHING AMOUNT

There is hereby created a Parks and Recreation Development Fund. There shall be paid into the Parks and Recreation Development Fund such funds set forth and collected as indicated in Section 1191.03. The City of Kent shall provide a matching amount equal to the amount of fees collected as stated in Section 1191.03 or the amount of what would have been paid if the developer had not contributed real property to the City of Kent in lieu of fees. This matching amount shall be appropriated from the General Fund, or other municipal funds other than those collected under the terms of Section 1191.03. Expenditures made by the City of Kent from funds other than those collected under the terms of Section 1191.03 shall be considered to be a matching amount if expended for any of the purpose listed in Section 1191.01. The Director of Budget and Finance shall keep an accurate record of all matching amounts and expenditures considered to be a matching amount to ensure that the proper match occurs.

1191.06 EXEMPTIONS

The following are exempt from the payment of park impact fees:

- A. Building or other development permits for projects or developments assessed some form of mitigation payment or land dedication which said assessment preceded the effective date of this chapter.
- B. Alterations, expansions, enlargements, remodeling, rehabilitation, or conversion of an existing residential structure, if no additional residential dwelling unit(s) are added or created and the use is not changed.
- C. Demolition or moving of an existing structure.
- D. Replacement of a structure with a new structure of the same or similar size, same use, and the same number, or less, of residential dwelling units, when such replacement occurs within 12 months of the demolition or destruction of the prior structure.
- E. Dormitories or student-oriented housing owned by a State of Ohio public college or university.

1191.07 CREDITS AND ADJUSTMENTS

A feepayer may request and the City may determine, that a credit should be awarded for the value of dedicated land, improvements, or construction which has been provided by the feepayer and which has been accepted by the City as the result of the voluntary offer of the feepayer. In order to qualify for a credit, the City shall determine that such dedication, improvement, or construction is included in the City's adopted Capital Improvement Plan, will directly serve the goals and objectives of the most currently approved Parks & Recreation Department comprehensive plan.

For each request for a credit, the City shall, as appropriate, prepare an estimate and have an appraisal conducted to determine the value of the land or cost of the improvement or construction for which the credit is requested. The City shall choose the services of an independent appraiser and the cost of the appraisal shall be paid for by the feepayer. In the case of proposed improvements or construction, the City shall prepare estimates of the value utilizing appropriate City or other professional staff qualified to estimate value in the appropriate subject area. If fee-based professional consulting services are needed to prepare the estimate, the cost for such services shall be paid by the feepayer.

Any claim for credit must be made before the issuance of subdivision, conditional use, building, or other development-enabling permit is requested or not later than thirty (30) calendar days after the dedication of land or the completion of construction.

Credit shall only be given for the value of land dedication or project improvements directly related to those facilities covered by this chapter or otherwise determined to qualify by the City under the provisions of this chapter.

A feepayer may request an adjustment to the park impact fee assessed to a particular development activity based upon unusual circumstances or alternative methods of computing the park impact fee amount which can be justified by unusual or special circumstances, including but not limited to, publicly supported transitional housing residential units for at-need populations, emergency homeless shelter services, and/or supportive housing units. A request for an adjustment in the park impact fee amount or application shall not be made before the full amount of the park impact fee for the development activity has been calculated by the City. The feepayer must include a description of the unusual or special circumstances which serve as the basis for the request for adjustment and provide documentation supporting the adjustment request. The City shall consider any documentation, studies, or other data submitted by the feepayer which support alternative methods of computing the park impact fee to be assessed. The City shall base a determination on the information provided by the feepayer and notify the feepayer in writing of the determination.

Determinations made by the City pursuant to this section shall be subject to the appeals procedures set forth in this chapter.

1191.08 APPEALS

Any feepayer may pay the park impact fees imposed by this chapter under protest in order to obtain a subdivision, conditional use, building, or other development-enabling permit. Appeals regarding the park impact fee imposed on any development activity or the credit established by the City under this chapter may only be taken by the feepayer of the property where such development activity will occur. No appeal shall be permitted unless and until the park impact fee(s) at issue have been paid, the dedication of land or posting of a cash bond made, or other form of security acceptable to the City has been given. The amount of the bond or other security shall be equal to the value of land or construction of improvement claimed by the fee payer.

Appeals shall be made in conformance with and governed by the procedures set forth in KCO 1111.03(D)(1), except that said appeal shall be heard by the Planning Commission as dictated by KCO 1111.02(E) and the time period for filing the appeal shall be within ten (10) working days of the payment of the park impact fees, dedication of land, or posting of a cash bond or other acceptable form of security.

CHAPTER 1191
Parks and Recreation Fees

~~1191.01 Findings.~~

~~1191.02 Purpose.~~

~~1191.03 Statement of policy.~~

~~1191.04 Definitions.~~

~~1191.05 Kent Parks and Recreation Master Plan.~~

~~1191.06 Provisions for parks, recreational facilities and public open space.~~

~~1191.07 Determination of total population.~~

~~1191.08 Amount of land to be dedicated.~~

~~1191.09 Determination of fair market value.~~

~~1191.10 Fee in lieu of land dedication.~~

~~1191.11 Choice of land or fee in lieu of land dedication.~~

~~1191.12 Payment of fees.~~

~~1191.13 Capital Improvement Fund; matching amount.~~

~~1191.14 Use of funds.~~

~~1191.15 Treatment of land to be dedicated; procedures for the dedication of land and payment of taxes.~~

~~1191.01 FINDINGS.~~

~~—Kent City Council hereby finds that the City of Kent and the surrounding areas will sustain continued growth in the form of new residential subdivisions and developments and the residents of such subdivisions and developments will need additional parks, recreational facilities and public open spaces. The acquisition and development of parks, recreational facilities and public open spaces are necessary to meet the needs created by the future residents of such subdivisions and developments and should be provided in substantial part by such future residents. Therefore, any subdivision and/or development with a residential component may be subject to a Parks and Recreation fee as defined in this Chapter. (Ord. 2014-65. Passed 7-16-14.)~~

~~1191.02 PURPOSE.~~

~~—It is found that parks, recreational facilities and public open spaces are necessary elements of public welfare. Therefore, the public health, safety and welfare require that as more people locate in the City of Kent, more parks and recreational facilities are needed. It is the purpose of this Chapter to give the necessary authority to the Planning Commission, Department of Public Service, the Parks and Recreation Board, Kent City Council in order to attain this purpose.~~

~~(Ord. 2014-65. Passed 7-16-14.)~~

~~1191.03 STATEMENT OF POLICY.~~

~~—With respect to subdivision and developments to which this chapter applies, property should be devoted and/or developed for parks, recreational facilities and public open spaces by or at the expense of subdividers and developers of the dwellings in which persons shall reside.~~

~~(Ord. 2014-65. Passed 7-16-14.)~~

~~1191.04 DEFINITIONS:~~

~~—As used in this chapter, the following words shall have the meanings ascribed therein unless otherwise provided:~~

~~—(a) “Builder” means any person, corporation, association, partnership or other entity that creates or proposes to create a dwelling unit or units.~~

~~—(b) “Commercial space” means each space, area, or building which is either intended for any of the uses set forth in Chapters 1141, 1143, 1145, 1149 of the Zoning Code. It shall not include any space, area or building which is used for school purposes or public buildings used or operated by the Federal Government, the State Government, the County government, the City of Kent, the Kent School Board or for any Public Library.~~

~~—(c) “Development” means a subdivision of the kind known as a planned development, planned unit development, multi-family development or single parcel development.~~

~~—(d) “Developer” means any person, corporation, association, partnership or other entity that creates or proposes to create a development or lot split, all or a portion of which will be located within the City of Kent limits.~~

~~—(e) “Independent Qualified Appraiser” means a State of Ohio Certified General Real Estate Appraiser, licensed through the State of Ohio, Department of Commerce, Division of Real Estate and Professional Licensing.~~

~~—(f) “Industrial space” means each space, area, or building which is either intended or used for any of the permitted main uses set forth in the Industrial Districts in Chapters 1153 and 1155 of the Zoning Code of the City of Kent. It shall not include any space, area or building which is used for school purposes or public buildings used or operated by the Federal Government, the State Government, the County Government, the City of Kent, the School Board or for any Public Library.~~

~~—(g) “Parks and recreational facilities and public open spaces” means all types of open space, parks, athletic fields, playgrounds, trails and other facilities for recreational uses of any and all kinds, including school sites.~~

~~—(h) “Subdivider” means any person, partnership, association, corporation or other entity that creates or proposes to create a subdivision or lot split, all or a portion of which will be located within the City of Kent limits.~~

~~—(i) “Subdivision” shall be as defined in Section 1179.03(w).~~

~~—(j) “Subdivision Regulations” means Kent Codified Ordinances Chapters 1177 through 1189. (Ord. 2014-65. Passed 7-16-14.)~~

~~1191.05 KENT PARKS AND RECREATION MASTER PLAN.~~

~~—A plan termed, “Kent Parks and Recreation Master Plan” has been adopted by Kent City Council. Such Plan provides a guide for the orderly acquisition and development of parks,~~

recreational facilities and public open spaces. In determining the requirements placed on any subdivision or developer who makes proposals before the Planning Commission, the Planning Commission shall give prime consideration to the most current Kent Parks and Recreation Master Plan and the proposals set forth in such Plan.

~~(Ord. 2014-65. Passed 7-16-14.)~~

~~1191.06 PROVISIONS FOR PARKS, RECREATIONAL FACILITIES AND PUBLIC OPEN SPACE.~~

~~—(a) Every subdivider, builder, or developer who proposes any development, subdivision, single-family dwelling unit or lot split shall be required to do one of the following:~~

~~—(1) Dedicate a portion of such land for recreational purposes as set forth in Section 1191.08; or~~

~~—(2) Pay a fee in lieu of land dedication in the amount determined by Section 1191.10; or~~

~~—(3) Dedicate a portion of land and pay a fee in lieu of land dedication, the overall combined value of which does not exceed the amount determined by Section 1191.10.~~

~~—(b) The determination of whether the subdivider, builder or developer shall (a) dedicate land, (b) pay the fee in lieu of land dedication, or a combination of (a) and (b) shall be determined in accordance with Section 1191.11.~~

~~—(c) After it has been determined whether the subdivider, builder or developer shall dedicate land, pay the fee in lieu of land dedication, or a combination of two, the final amount of land to be dedicated, the amount of the fee in lieu of land dedication, or the final combination thereof must be approved by the Planning Commission.~~

~~(Ord. 2014-65. Passed 7-16-14.)~~

~~1191.07 DETERMINATION OF TOTAL POPULATION.~~

~~—(a) In order to determine the total population for any subdivision or development:~~

~~—(1) First, determine the population factor for each residential structure within the subdivision, development or lot split.~~

~~—(2) Then, multiply the population factor for each residential unit by the number of residential units within the residential structure. This is the residential building population. Repeat this step for each residential structure within the subdivision, development, or lot split.~~

~~—(3) Finally, the sum of the residential building populations shall be the total population for subdivision or development.~~

~~—(b) The population factor~~

~~—(1) If the property has rooming and/or boarding house designation, the population factor shall be one (1) person per proposed bed in each unit.~~

~~—(2) If the property does not have a rooming and/or boarding house designation, the population factor shall be 3.6 persons per unit for each single family residential structure and 2.6 persons per unit for each multi-family residential structure.~~

~~—(3) The Planning Commission may modify the requirements of this Section when the developer can show to the satisfaction of the Planning Commission that:~~

~~—A. Either the development will house a population per household substantially lower than those established in subsection (b)(1) or (b)(2) hereof or this specific development will have a low need for recreation; and~~

~~—B. The unique or special characteristics of the development which justify modification of the requirements can be reasonably expected to continue for the life of the project.~~

~~—(Ord. 2014-65. Passed 7-16-14.)~~

~~1191.08 AMOUNT OF LAND TO BE DEDICATED.~~

~~—(a) The Kent Parks and Recreation Master Plan highlighted the importance of neighborhood parks and green space and established a goal of maintaining one acre of park land for every 100 residents. Therefore, in furtherance of this goal, subdividers, builders, or developers shall be required to dedicate land to the Parks Department and/or pay a fee in lieu of land dedication in order to maintain this objective.~~

~~—(b) The amount of land to be dedicated by a subdivider, builder or developer shall be determined in accordance with the following formula: total population of the proposed subdivision or development (as calculated or as modified by the Planning Commission) in Section 1191.07 multiplied by 0.01 acres per person equals the minimum required acres of land to be dedicated.~~

~~—(c) At the discretion of the Parks and Recreation Board and subject to the approval of the Planning Commission, the subdivider, builder or developer may dedicate land that is not contiguous to the development.~~

~~(Ord. 2014-65. Passed 7-16-14.)~~

~~1191.09 DETERMINATION OF FAIR MARKET VALUE.~~

~~—For purposes of calculating the fair market value of land to be dedicated pursuant to this Chapter, fair market value shall be determined as follows:~~

~~—(a) Time. Fair market value shall be determined at the time of filing the final plat or final development plan with the Planning Commission. Fair market value of the acreage of a single-family dwelling unit shall be determined at the time a building permit is issued to the builder whose lots are not under the jurisdiction of the Planning Commission.~~

~~—(b) Method. Fair market value shall equal the average fair market value per acre of all residential land within, contiguous to, and directly across the street from any part of the property or one half mile from the property, whichever is greater, if in its raw, undeveloped state as determined by application of one of the following procedures:~~

~~—(1) By agreement between the subdivider or developer and the Parks and Recreation Board, subject to the approval of the Planning Commission.~~

~~—(2) By independent evaluation of the fair market value at the time as set forth in Section 1191.09(a). An independent qualified appraiser shall be selected by agreement of the subdivider, builder or developer and the Director of the Parks and Recreation Department, and subject to the approval of the Planning Commission. The Planning Commission's approval shall be contingent upon the independent qualified appraiser completing their appraisal in the time set forth by the Planning Commission. The cost of the appraisal shall be borne by the subdivider, builder or developer. If the independent qualified appraiser is approved by the Planning Commission and the independent qualified~~

~~appraiser provides a conclusion to the Planning Commission within the time required by the Planning Commission, the decision of the independent qualified appraiser regarding the fair market value for the property in question shall be final.~~

~~— (3) If the developer, builder or subdivider cannot come to an agreement with the Director of the Parks and Recreation Department (and subject to the approval of the Planning Commission), then a three (3) member board of appraisers shall be created. The subdivider, builder or developer shall appoint one independent qualified appraiser, the Director of the Parks and Recreation Department shall appoint a second independent qualified appraiser, and the two (2) independent appointed appraiser's shall select a third independent qualified appraiser. The cost of the appraisal shall be borne by the subdivider, builder or developer. The Planning Commission shall provide the three (3) member board of independent qualified appraisers a reasonable amount of time to review the property and submit its report. If a majority of this three (3) person panel of independent qualified appraisers provides a conclusion to the Planning Commissions within the time required by the Planning Commission, the majority decision of the three person panel of independent qualified appraisers regarding the fair market value for the property in question shall be final.~~

~~— (4) In calculating the fair market value, the Planning Commission or independent qualified appraiser may consider the actual selling price paid by the subdivider, builder or developer and the seller of the land in question if the transaction is an "arms-length" transaction.~~

~~— (5) The City of Kent has retained an independent qualified appraiser to calculate the average fair market value of residential acreage within the City of Kent. In the event the developer is building a single family structure on a single lot, a subdivider, builder or developer may use the City of Kent's most recent appraisal for calculating the fair market value of land to be dedicated. (Ord. 2014-65. Passed 7-16-14.)~~

~~1191.10 FEE IN LIEU OF LAND DEDICATION.~~

~~—(a) Amount. If the subdivider, builder or developer is required to pay a fee in lieu of land dedication (or dedicates land and pays a fee in lieu of land dedication equal to the overall value of the required amount of land to be dedicated), the amount of such fee shall be the number of acres of land to be dedicated (see Section 1191.08) multiplied by the fair market value per acre of the land that would otherwise be required to be dedicated (see Section 1191.09) (i.e. acres of land to be dedicated multiplied by fair market value per acre equals the fee in lieu of land dedication).~~

~~—(b) Total of Land and Payment. The total of any payment made by a subdivider, builder or developer in land and fees in lieu of land dedication shall be no greater than the fair market value of the amount of land required to be dedicated pursuant to Section 1191.08. When it is determined to be fair and reasonable and in the best interests of the City of Kent and upon the recommendation by the Parks and Recreation Board, the Planning Commission shall have the authority to accept alternative forms of payment, including, but limited to, easements, trails, landscaping, labor, materials or equipment time in place of cash for the fee in lieu of land dedication. (Ord. 2014-65. Passed 7-16-14.)~~

~~1191.11 CHOICE OF LAND OR FEE IN LIEU OF LAND DEDICATION.~~

~~—(a) Preliminary Procedure.~~

~~—(1) Prior to initiating a development with a residential component, subdividers, builders, or developers are encouraged to engage in preliminary discussions with the Director of the Parks and Recreation regarding dedication of land, paying a fee in lieu of land dedication, or a combination of both. Pursuant to Section 1183.04, subdivisions are required to present a preliminary plan to Planning Commission. A subdivider's preliminary plan must include a proposal for dedication of land, paying a fee in lieu of land dedication, or a combination of both.~~

~~— A. If the subdivider proposes to dedicate land, such land proposed to be dedicated shall be indicated on the preliminary plan. In reviewing the preliminary proposal, the Planning Commission shall be guided by the criteria listed in Section 1191.11(c)(1)-(9).~~

~~— B. If the subdivider proposes to pay a fee in lieu of land dedication, such information shall be submitted to the Planning Commission as part of the preliminary plan.~~

~~— C. If the builder or developer proposes to dedicate land, such land proposed to be dedicated shall be indicated on the site plan submitted to the Planning Commission.~~

~~— D. If the builder or developer proposes to pay a fee in lieu of land dedication, such information all be submitted with the site plan submitted to the Planning Commission.~~

~~— E. Site plan approval by the Planning Commission shall be contingent upon the City of Kent receiving proper title to the dedicated land (see Section 1191.15) or the Parks and Recreation Department receiving the approved fee in lieu of dedicating land (see Section 1191.12) or both (in cases of a combination of dedicating land and paying a fee in lieu of dedicating land).~~

~~—(2) Upon receiving an application for a site plan with a residential component, the Community Development Department shall ensure that the Parks and Recreation Department is made aware of the proposal.~~

~~—(b) Upon receiving formal notification that a subdivider, builder or developer is seeking site plan approval from the Planning Commission, the Parks and Recreation Board shall select the option from Chapter 1106 that most benefits the Parks and Recreation Department, giving consideration to the Kent Parks and Recreation Master Plan, the needs of the City of Kent, the factors contained within Section 1191.11(c)(2)-(9), and the practical availability of land to be dedicated by the subdivider, builder or developer. Such a determination shall be made within thirty (30) days of receiving the formal notification.~~

~~—(c) Appeals. The subdivider, builder or developer may appeal the decision of the Parks and Recreation Board to the Planning Commission. Such an appeal must be made within thirty (30) days of the decision of the Parks and Recreation Board in writing to the Planning Commission and shall be heard by the Planning Commission within thirty (30) days of such an appeal, unless the subdivider, builder or developer requests an additional time to prepare their appeal. After the Planning Commission receives evidence at a hearing, the Planning Commission shall consider (if applicable) each of the following:~~

~~—(1) The objectives outlined in the Kent Parks and Recreation Master Plan.~~

~~—(2) Preservation of natural beauty. Natural features of scenic beauty which, if preserved, will add attractiveness and value to the dedicated land shall be preserved in the dedication of open space and parks and recreation areas.~~

~~—(3)—Minimum donation. If the Amount of land required to be dedicated is less than three acres, and that area could not be added to an adjoining, continuous existing part or recreational area, no such dedication of land shall be deemed acceptable by the Planning Commission. In this situation, the requirements shall be fulfilled only by payment of a fee in lieu of land dedication.~~

~~—(4)—Unity. Dedicated land must form a single parcel, except in the event that the Planning Commission determines that two or more parcels would be in the best public interest.~~

~~—(5)—Shape. The shape of the dedicated parcel shall be sufficiently geometric to be usable for recreational activities such as softball, tennis, football and other recreational activities.~~

~~—(6)—Topography. Steep slopes, streams, lakes, watercourses, flood plains may constitute a maximum of thirty percent of the dedicated land and a minimum of seventy percent of the land required to dedication shall be suitable for dry ground recreational use.~~

~~—(7)—Grade. Seventy percent of the land suitable for dry ground recreational use shall not exceed three percent grade and the remaining dry ground shall not exceed five percent grade.~~

~~—(8)—Areas of unique natural beauty or having environmental or historic value. If the Planning Commission determines that a proposed parcel of dedicated land is of unique natural beauty or of environmental or historical value, the requirements regarding shape, topography or grade may be waived.~~

~~—(9)—Access. Public maintenance and emergency access shall be provided by direct frontage of the dedicated land on a public street. Such frontage shall be of sufficient width to allow for maintenance and emergency vehicle access or, an easement of sufficient width to allow such access shall be provided.~~

~~—(10)—Impossibility. If the amount of land to be dedicated exceeds the minimum requirement of three (3) acres, but the subdivider, builder or developer cannot reasonably acquire the amount of land required to be dedicated, the Planning Commission may permit a subdivider, builder or developer to pay a fee in lieu of land dedication.~~

~~—(11)—The advice of the City of Kent Administration, specifically including the City of Kent Manager, Director of Parks and Recreation Department, and the Deputy Service Director/Superintendent of Engineering.~~

~~—(d)—Reclamation.~~

~~—(1)—If the Planning Commission approves dedication of a parcel of land and, in the opinion of the Planning Commission that parcel will be adversely affected by the operations of the subdivider, builder or developer, the Planning Commission may require that the subdivider, builder or developer submit a plan, approved by the Community Development Engineer, for reclamation of such land to a state suitable for recreational use.~~

~~—(2)—If such reclamation plan is acceptable, the subdivider, builder or developer shall implement and complete such plan within a reasonable time period as prescribed by the Planning Commission.~~

~~—(3)—A performance bond of 100% of the estimated cost of such reclamation shall be posted by the subdivider, builder or developer with the Development Engineer.~~

~~—(Ord. 2014-65. Passed 7-16-14.)~~

~~1191.12 PAYMENT OF FEES.~~

~~—(a) The fees set forth in Section 1191.10 above shall be due and payable upon the issuance of a building permit by the City of Kent for the construction of any such dwelling unit or commercial space or addition thereto as set forth above; provided, however, that there shall be a refund of such fees in the event the building permit is not used for such construction. The fee shall be placed into the Parks and Recreation fund for capital improvements.~~

~~—(b) Exemptions. Payment of the park fee pursuant to the preceding Sections shall be waived if one or more of the following can be proven:~~

~~—(1) The lot to be developed is a recorded lot within an existing subdivision or allotment which had, as part of the City of Kent's Subdivision Regulations, satisfied the park land dedication or park fee in lieu of land dedication payment requirements.~~

~~—(2) The lot to be developed was not part of a recorded subdivision or allotment but has satisfied the City of Kent's Subdivision Regulations regarding park land dedication or park fee in lieu of land dedication payment requirements.~~

~~—(3) The project is a result of reconstruction due to fire, flood, wind, or natural disaster.~~

~~—(4) The project is a conversion of single or two-family dwelling(s) to lodging house(s) with four or less individuals per dwelling residing therein.~~

~~—(c) In the event that City of Kent records do not reflect subsections (b)(1) and (2) hereof, the burden of proof shall be on the property owner/developer.~~

~~{Ord. 2014-65. Passed 7-16-14.}~~

~~1191.13 CAPITAL IMPROVEMENT FUND; MATCHING AMOUNT.~~

~~—There is hereby created a Parks and Recreation Development Fund. There shall be paid into the Parks and Recreation Development Fund such funds set forth and collected as indicated in Section 1191.10. The City of Kent shall provide a matching amount equal to the amount of fees collected as stated in Section 1191.10 or that would have been paid if the developer had not contributed real property to the City of Kent in lieu of fees. This matching amount shall be appropriated from the General Fund, or other municipal funds other than those collected under the terms of Section 1191.10. Expenditures made by the City of Kent from funds other than those collected under the terms of Section 1191.10 shall be considered to be a matching amount if expended for any of the purpose listed in Section 1191.10. The Director of Budget and Finance shall keep an accurate record of all matching amounts and expenditures considered being a matching amount to ensure that the proper match occurs.~~

~~{Ord. 2014-65. Passed 7-16-14.}~~

~~1191.14 USE OF FUNDS.~~

~~—All sums collected pursuant to this Chapter shall be used as allocated by the Kent City Council of the City of Kent solely for public parks, playgrounds and recreational purposes, indicated in the following list:~~

~~—(a) Purchase of land and interest in land and recreational purposes;~~

- ~~—(b) Development of parks and buildings for use thereon;~~
 - ~~—(c) Acquisition and development of other varieties of open space for recreational purposes;~~
 - ~~—(d) Acquisition and development of bicycle trails, and other types of trails for recreational use; and~~
 - ~~—(e) Acquisition and development of recreational facilities and constructed or acquired after the passage of this Chapter.~~
- ~~—(Ord. 2014-65. Passed 7-16-14.)~~

~~1191.15 TREATMENT OF LAND TO BE DEDICATED; PROCEDURES FOR THE DEDICATION OF LAND AND PAYMENT OF TAXES.~~

- ~~—(a) Following approval of a preliminary plat map or development plan which designates land for dedication, the existing vegetation, except growing commercial crops other than growing timber, topography, features of historic value, stream courses, soil, rock strata and other natural features of such dedicated land shall not be altered or their condition adversely affected in any way without the consent of the Planning Commission.~~
 - ~~—(b) Dedication of land to the City of Kent shall be by general warranty deed conveying to the City of Kent, and its successors and assigns, good and marketable title to the real estate described in such deed. The land shall be free and clear of all taxes, liens, assessments or encumbrances due and payable as well as all taxes, liens, assessments or encumbrances due but not yet payable. This deed shall be executed and delivered to the City of Kent for recording prior to the approval of the final plat map or development plan of any section or any portion of the subdivision or development, the boundary of which is continuous with the proposed parks, recreational facilities and public open space. Open space covenants for private parks, recreational facilities and public open space shall be submitted to the City of Kent prior to approval of the final plan map or development plan of any section or any portion of the subdivision or development, the boundary of which is continuous with the proposed parks, recreational facilities and public open spaces. Open space covenants for private parks, recreational facilities and public open space shall be submitted to the City of Kent prior to approval of the final plat map or development plan and shall be recorded contemporaneously with the final plat map or development plan.~~
- ~~(Ord. 2014-65. Passed 7-16-14.)~~



HEALTH DEPARTMENT MEMORANDUM

To: David Ruller, City Manager
Hope Jones, Law Director
Rhonda Hall, Director of Finance
Brian Huff, Controller

From: Joan Seidel, Health Commissioner

Date: April 6, 2022

Item: 2. - Ohio EPA Grant Award notice to Kent City Health Department (Joan Seidel)

Summary: Kent City Health Department has been notified we have been awarded \$25,000.00 for the Ohio EPA grant. Proceeds from this grant are designated to fund the mosquito control program through April 2023. Money awarded should become available in May of 2022.

Prepared by: Joan Seidel, Health Commissioner

Attachments: None



HEALTH DEPARTMENT MEMORANDUM

To: David Ruller, City Manager
Hope Jones, Law Director

From: Joan Seidel, Health Commissioner

Date: April 6, 2022

Item: 1. - Wells Sherman House Donation to Health Department (Joan Seidel)

Summary: Wells Sherman House Donation to Kent City Health Department

The Kent City Health Department requests permission to receive a donation of 3 folding tables and approximately 18 folding chairs. There may also be a monitor screen in the donation as well. Value is estimated at \$1,500.00

Prepared by: Joan Seidel, Health Commissioner

Attachments: None



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: March 28, 2022
TO: Dave Ruller, City Manager
FROM: Bridget Susel, Community Development Director *B.S.*
RE: Annexation of SR 43 Parcel

The Davey Tree Expert Company (Davey) acquired the former Oak Knolls Golf Course property, located in Franklin Township, in 2017 in furtherance of the company's master plan initiative, which includes the redevelopment of the site as the Davey Tree Research and Education Campus that will include a new Science and Learning Center and community arboretum. In order to realize cost savings with regards to public utility connections on the new site and to ensure safety service delivery for the company's new east campus aligns with what is currently available for its existing SR 43 corporate location in the City of Kent, Davey has submitted a "Petition for Annexation – Expedited Type 1" to incorporate Parcel No. 12-049-00-00-012-000 (6700 State Route 43) into the City's jurisdictional boundary.

The Ohio Revised Code (ORC) provides for five (5) different types of annexation and an Expedited Type 1 applies when all of the property owners within the area proposed for annexation support submitting a petition for annexation, and the municipality and affected township(s) consent to the annexation through the execution of an annexation agreement. The parcel proposed for annexation is owned solely by Davey and the company contacted the City of Kent and Franklin Township regarding the annexation request and both communities have agreed to support the annexation petition. The Franklin Township Trustees approved the terms of the agreement on March 22, 2022. The proposed terms of the annexation agreement between the City and Franklin Township are listed in the attached draft agreement and include the following:

Section 3.1. Reimbursement and Revenue Sharing. In consideration of the mutual promises contained herein and the Township's consent to the procedure set forth herein, the City shall reimburse the Township as follows:

- a. Reimbursement of real property taxes foregone as a result of annexation for the period of time between approval of Petitioner's annexation petition and when a certificate of occupancy is issued and income taxes begin to be collected. For context, the Parties understand that the amount of real property taxes that the Township would have received for 2020 on the Annexation Parcel, paid in 2021, was \$5,228.07. The Petitioner anticipates being fully operational on the Annexation Parcel in the second half of 2025.

- b. From the first full year that income taxes begin to be collected on the Annexation Parcel (likely 2026 tax year) and for the next nine years thereafter (for a total of ten years), City will reimburse Township an amount equal to forty five percent (45%) of the gross amount of income taxes actually collected by City from the net profits of any business located on and from persons working on the Annexation Parcel. Applying this formula to the estimates provided by Petitioner, the Parties estimate the annual sum paid by City to Township will be approximately \$22,500.00.

I am respectfully requesting time at the April 6th Council Committee session to discuss the proposed annexation process and draft agreement in greater detail and to request Council authorization, with emergency, to approve the proposed annexation agreement and authorize the execution of the agreement by the City Manager.

Please let me know if you need anything else in order to add this to the agenda. Thank you.

Attachments

Cc: Hope Jones, Law Director
Amy Wilkens, Clerk of Council
Rhonda Hall, Budget & Finance Director

ANNEXATION AGREEMENT

This Annexation Agreement ("Agreement") is made and entered into on or as of the ___ day of March, 2022 (the "Effective Date" herein) by and between the Board of Trustees of Franklin Township, the legislative authority of and for Franklin Township, a political subdivision duly organized and validly existing under the laws of the State of Ohio ("Township" or "Franklin" herein), and the Council of the City of Kent, Ohio, the legislative authority of and for the City of Kent, Ohio, a municipal corporation duly organized and validly existing under its Charter and the Constitution and the laws of the State of Ohio ("City" or "Kent" herein, collectively with the Township, the "Parties" and each a "Party" hereto).

WHEREAS, the Township and City are political subdivisions located adjacent and contiguous to each other within Portage County, Ohio ("County" herein); and

WHEREAS, the Township and City have cooperated in numerous matters in order to foster and promote harmony and development within each of the Parties' respective jurisdictional areas; and

WHEREAS, Davey Tree Expert Company ("Davey" or "Petitioner") purchased Permanent Parcel No. 12-049-00-00-012-000, 6700 State Route 43, (the "Annexation Parcel") with the intention of using the Annexation Parcel as a research and development site. The Annexation Parcel is currently located in Franklin Township. Davey has expressed a desire to annex the Annexation Parcel into the City by following the annexation procedure, commonly known as Expedited Type 1 Annexation, as set forth in Sections 709.021 and 709.022 of the Ohio Revised Code; and

WHEREAS, in order for the Annexation Parcel to be annexed into the City through the Expedited Type 1 Annexation procedure, the City and Township must enter into either an annexation agreement or a cooperative economic development agreement ("CEDA"); and

WHEREAS, this Annexation Agreement is authorized under the provisions of Section 709.192 of the Ohio Revised Code and other applicable laws of the State of Ohio, and has been approved by the respective legislative authority of both Parties.

NOW, THEREFORE, in consideration for the mutual promises contained herein, the Parties covenant and agree as follows:

ARTICLE 1 PROCEDURE

Section 1.1. Procedure. The Parties agree and consent to the following procedure:

- a. The Petitioner will file an annexation petition to annex the Annexation Parcel into the City in compliance with the provisions of the Expedited Type I annexation procedure contained in Sections 709.021 and 709.022 of the Ohio Revised Code.

- b. Immediately upon the City's acceptance of the Annexation Parcel into its municipal boundaries, the City will petition the Board of County Commissioners to exclude the Annexation Parcel from the Township pursuant to R.C. 503.07.

The Parties agree that upon completion of this procedure, the Annexation Parcel shall be treated and viewed as a part of the City for all purposes, and as such the Annexation Parcel will no longer remain subject to the Township's real property taxes or other tax levies.

Section 1.2. Cooperative Efforts, Consent, and No Objections to Procedure. The Parties shall cooperate in good faith to facilitate the completion of the procedure described in this Article. Consistent with the Parties' good faith efforts in that regard, each Party agrees to refrain from taking any action that would directly or indirectly delay the procedure described in this Article. For the avoidance of doubt, Township and City both expressly consent to, and affirmatively agree that they shall not file objections related to, the Petitioners petition for annexation of the Annexation Parcel into the City and/or the City's exclusion of the Annexation Parcel from the Township, as set forth in this Article.

ARTICLE 2 SERVICES TO THE ANNEXATION PARCEL

Section 2.1. Contribution of Services. Upon completion of the procedure set forth in Article 1, the City shall furnish to the Annexation Parcel all of the customary governmental services furnished by the City to other areas of the City including, but not limited to, public utilities (water and sewer), street maintenance, police, fire, and Emergency Medical Technician resources.

The Parties further agree that, upon completion of the procedure set forth in Article 1, the Township shall have no obligation to provide any governmental services to the Annexation Parcel.

ARTICLE 3 REIMBURSEMENT AND REVENUE SHARING

Section 3.1. Reimbursement and Revenue Sharing. In consideration of the mutual promises contained herein and the Township's consent to the procedure set forth herein, the City shall reimburse the Township as follows:

- a. Reimbursement of real property taxes foregone as a result of annexation for the period of time between approval of Petitioner's annexation petition and when a certificate of occupancy is issued and income taxes begin to be collected. For context, the Parties understand that the amount of real property taxes that the Township would have received for 2020 on the Annexation Parcel, paid in 2021, was \$5,228.07. The Petitioner anticipates being fully operational on the Annexation Parcel in the second half of 2025.

- b. From the first full year that income taxes begin to be collected on the Annexation Parcel (likely 2026 tax year) and for the next nine years thereafter (for a total of ten years), City will reimburse Township an amount equal to forty five percent (45%) of the gross amount of income taxes actually collected by City from the net profits of any business located on and from persons working on the Annexation Parcel. Applying this formula to the estimates provided by Petitioner, the Parties estimate the annual sum paid by City to Township will be approximately \$22,500.00.

ARTICLE 4 TERM OF AGREEMENT

Section 4.1. Term. The obligations set forth within this Agreement shall terminate upon City's completion of the reimbursement obligations set forth in Article 3, except that the Parties' continued consent to the annexation of the Annexation Parcel into the City and the Annexation Parcel's exclusion from the Township shall survive in perpetuity.

ARTICLE 5 GENERAL PROVISIONS

Section 5.1. Support of Agreement. In the event that this Agreement, or any of its terms, conditions or provisions, is challenged by any third party or parties in a court of law, the Parties agree to cooperate with one another and to use their best efforts in defending this Agreement with the object of upholding this Agreement. Each Party shall bear its own costs in any such proceeding challenging this Agreement or any terms or provisions thereof.

Section 5.2. Signing Other Documents. The Parties agree to cooperate with one another and to use their best efforts in the implementation of this Agreement and to sign or cause to be signed, in a timely fashion, all other necessary instruments, legislation, petitions and similar documents, and to take such other actions as either Party may reasonably request in order to effectuate the purposes of this Agreement.

Section 5.3. Dispute Resolution. In the event the Parties have a dispute as to any of the terms of applicability of this Agreement, the Parties agree to use their best efforts to resolve the dispute prior to any party filing a lawsuit.

Section 5.4. Default. A failure to comply with the terms of this Agreement shall constitute a default hereunder. The Party in default shall have thirty (30) days, after receiving written notice from the other Party of the event of default, to cure that default. If the default is not cured within that time period, the non-defaulting Party may sue the defaulting Party for specific performance under this Agreement or for damages or both, or may pursue such other remedies as may be available.

Section 5.5. Character of Payments. Nothing in this Agreement is to be interpreted as the sharing of the proceeds of any tax levy by and between any Parties. No payments to be made under this Agreement are intended to be a sharing of proceeds of any tax levy proscribed by Section 709.192(D) of the Ohio Revised Code.

Section 5.6. Amendments. This Agreement may be amended only by a writing approved by the legislative authorities of all of the Parties by means of appropriate legislation authorizing such amendment. Any amendment, in order to be effective, must be authorized by appropriate legislation passed by each of the Parties.

Section 5.7. Immunities Preserved. By entering into this Agreement, none of the Parties intend to relinquish or waive any of the immunities they now have or may hereafter be accorded under state and/or federal laws, including, without the limitation of any such immunities, all those immunities accorded to governmental entities and their officers and employees under O.R.C. Chapter 2744.

Section 5.8. No Personal Liability. All covenants, obligations and agreements of the Parties contained in this Agreement shall be effective to the extent authorized and permitted by applicable law. No such covenant, obligation or agreement shall be deemed to be a covenant, obligation or agreement of any present or future member, officer, agent or employee of any Party in other than their official capacity, and no official or member of a legislative authority executing this Agreement on behalf of any Party or any present or future member, officer, agent or employee of any Party shall be liable personally by reason of the covenants, obligations or agreements of the Parties contained in this Agreement.

Section 5.9. Powers Preserved. This Agreement is not intended to be in derogation of the powers granted to municipal corporations by Article XVIII, Ohio Constitution, or any other provisions of the Ohio Constitution or of the Ohio Revised Code; nor is it intended to be in derogation of the powers granted to Township under any provisions of the Ohio Constitution or of the Ohio Revised Code. The Parties hereby acknowledge their belief as to the lawfulness of this Agreement and agree not to challenge or contest it, or any provisions contained herein.

Section 5.10. Beneficiaries. This Agreement shall inure to the benefit of and shall be binding upon the Parties and their respective successors. This Agreement shall not inure to the benefit of anyone other than as provided in the immediately preceding sentence. Except for the Parties, this Agreement is not intended to and does not create rights or benefits of any kind for any other persons or entities that are not a party to this Agreement.

Section 5.11. Agreement. The Parties acknowledge and agree that this Agreement is intended to and shall serve as an annexation agreement pursuant to Section 709.192 of the Ohio Revised Code.

Section 5.12. Liberal Construction. The Parties agree that just as Section 709.192 of the Ohio Revised Code is to be liberally construed to allow the Parties to enter into Annexation Agreements, the Parties further agree that this Agreement shall be liberally construed in order to facilitate the desires of each of the Parties to carry out this Agreement. Each provision of this Agreement shall be construed and interpreted so as to permit maximum advantage to the Parties allowed by Section 709.192 of the Ohio Revised Code.

Section 5.13. Notices. All notices, demands, requests, consents or approvals given, required or permitted to be given hereunder shall be in writing and shall be deemed sufficiently given if actually received or if hand-delivered or sent by recognized, overnight delivery service or by certified mail, postage prepaid and return receipt requested, addressed to the other Party at the address set forth in this Agreement, or to such other address as the recipient shall have previously notified the sender of in writing, and shall be deemed received upon actual receipt, unless sent by certified mail, in which event such notice shall be deemed to have been received when the return receipt is signed or refused. For purposes of this Agreement, notices shall be addressed to:

(a) The Township at: Franklin Township Board of Trustees
Attention: Township Administrator
218 Gougler Ave.
Kent, OH 44240

(b) The City at: City of Kent
Attention: City Manager
301 S. Depeyster Street
Kent, OH 44240

The Parties, by notice given hereunder, may designate any further or different address to which subsequent notices, consents, certificates, requests or other communications shall be sent.

Section 5.14. Captions and Headings. The captions and headings herein are for convenience only and in no way define, limit or describe the scope or intent of any provisions or Sections hereof.

Section 5.15. Counterparts. This Agreement may be executed in one or more counterparts or duplicate signature pages with the same force and effect as if all required signatures were contained in a single original instrument. Any one or more of such counterparts or duplicate signature pages may be removed from any one or more original copies of this Agreement and annexed to other counterparts or duplicate signature pages to form a completely executed original instrument.

Section 5.16. Governing Law and Choice of Forum. This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio or applicable federal law. All claims, counterclaims, disputes and other matters in question between the Parties or their respective agents and employees arising out of or relating to this Agreement or its breach will be decided in a court of competent jurisdiction within Portage County, Ohio.

IN TESTIMONY WHEREOF, the Parties have caused multiple counterparts hereof to be executed by their duly authorized officers on or as of the date first set forth above.

[Signature Page to follow]

ATTEST:

**THE CITY OF KENT,
PORTAGE COUNTY, OHIO**

Council Clerk

By: _____
Dave Ruller, City Manager

APPROVED AS TO FORM:

Hope Jones, Law Director

ATTEST:

**FRANKLIN TOWNSHIP
PORTAGE COUNTY, OHIO**

Scott Swan, Franklin Twp. Trustee

Kellie Kapusta, Franklin Twp. Trustee

Glenn Russell, Franklin Twp. Trustee

APPROVED AS TO FORM:

Brett R. Bencze, Assistant Prosecutor

FISCAL OFFICER CERTIFICATION

The undersigned Director of Finance of the City of Kent, Ohio hereby certifies that the moneys required to meet the financial obligations of the City under the foregoing Annexation Agreement have been appropriated lawfully for that purpose, and are in the treasury of the City or in the process of collection to the credit of an appropriate fund, free from encumbrances.

Rhonda Hall, Director of Finance
City of Kent

MEMORANDUM
DIVISION OF ENGINEERING
City of Kent Department of Public Service

DATE: March 28, 2022

TO: Dave Ruller
Amy Wilkens

FROM: Jim Bowling *JSB*

SUBJECT: SPIN Rollout Update

The Service Department is requesting City Council time to provide an update to City Council on the recent rollout of the micromobility vehicle share program by SPIN. SPIN began operations in Kent on March 7th. During the first few weeks of operations there have been over 14,000 total trips by over 4,000 users. It is estimated that 36% of micromobility trips replaced car trips. Therefore, approximately 5,000 car trips were replaced, thereby reducing carbon emissions and traffic congestion in Kent. Attached is a detailed report showing usage in the first few weeks of operations.

Parking has been the main concern with dockless micromobility vehicle sharing programs. This latest program with SPIN has made significant steps in helping to reduce the parking problems. In conjunction with the City and Kent State University, SPIN has designated parking zones for their vehicles that would have space adequate to park the vehicles without obstructing walkways. In the first few weeks of operations, SPIN vehicles have been predominantly parked in the designated zones. This is predominantly due to SPIN's business model, which requires the vehicle to be parked in a designated zone before ending the ride and stopping charges. SPIN has been making adjustments to the parking zones as problems have been noted.

Some other items to note during the first few weeks of operations are:

- SPIN has given away over 350 free helmets at in-person educational events
- The devices were disabled during St. Patrick's Day and Fake Patty's Day
- The small number of incidences of students using the vehicles for inappropriate social media attention have been addressed quickly.

Representatives from SPIN and Kent State University will be in attendance to answer Council questions.

Spin Ridership Report for Kent State University V1

14,035

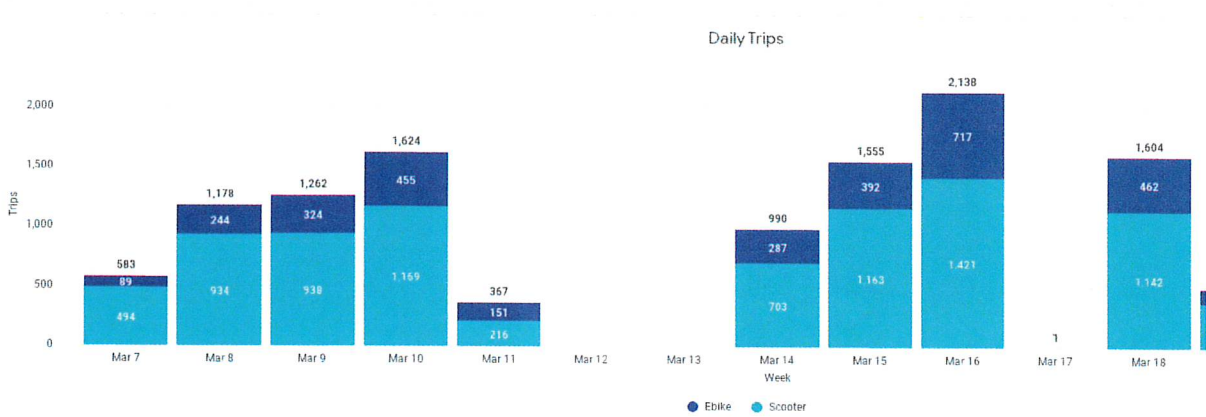
Total Trips

517

Weekly Trips per Student

4,052

Total Miles



10,237

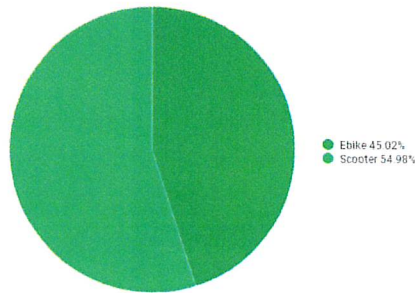
Total Miles per Trip

16.6

Avg. Minutes per Trip

10.5

Avg. Minutes per Trip per E-bike



14,552

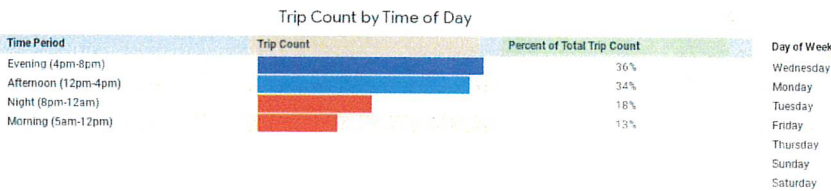
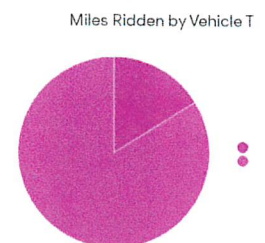
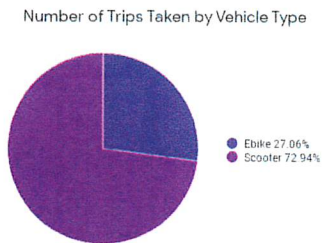
Total Miles Ridden on Scooters

1.45

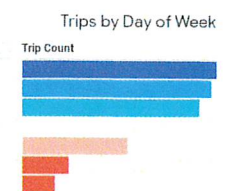
Avg. Miles per Ride on Scooters

.75

Avg. Miles per Ride on Ebike



Weekly Trips



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

NAME OF EVENT KENT CRAFT BEER FESTIVAL
ORGANIZATION SPONSORING EVENT KENT JUNIOR CHAMBER OF COMMERCE (KENT JAYCEES)
APPLICANT NAME ANDREW MADONIO PHONE 330-958-8852
ADDRESS 697 MARILYN DR KENT OH 44240

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

ANDREW MADONIO - 330-958-8852

COLIN BOYLE - 330-607-2467

DATE OF EVENT 5/21/22 NO. OF PARTICIPANTS 1000
REQUESTED PERMIT TIME: Start Set up 9:00 AM Start Event 2:00PM
End Event 8:00PM End Cleanup 10:00PM
IF PARADE: STARTING POINT N/A ENDING POINT N/A

USE OF CITY WATER NEEDED? YES FOR FILLING COOLERS (JOCKEY BOXES) TO KEEP BEER COLD
(IF YES, PLEASE EXPLAIN)
USE OF CITY ELECTRIC NEEDED? YES - LIGHT POSTS ALONG NORTH WATER STREET
(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.

ANDREW MADONIO

Name of Applicant


Signature of Applicant

Office Use. Do not write below this line. _____ 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.

Kent Craft Beer Fest May 21st

Date: 3/24/22

New Special Event Road Closure Petition

Name: Ryan Syron Branch Manager
Address: 101 E Main St
Kent OH 44240
Signature: Ryan Syron

Name: 257 North Water Ct
Address: 1204 Tallmadge Rd
Kent OH 44240
Signature: [Signature]

Name: 247 NW WASH CT
Address: 247 N. Water St
Kent OH 44240
Signature: [Signature]

Name: Matthew McMinn
Address: 223 N. Water St
Kent, OH 44240
Signature: [Signature]

Name: RENARD J. DOSTAL
Address: 217 N WATER ST.
KENT OHIO 44240
Signature: Renard Dostal

Name: 162 N water Tulips LLC
Address: _____
Signature: [Signature]

Name: Tracie Espenschied
Address: 123 N Water St.
Kent OH 44240
Signature: [Signature]

Name: _____
Address: _____
Signature: _____

Name: _____
Address: _____
Signature: _____

Name: _____
Address: _____
Signature: _____

Name: _____
Address: _____
Signature: _____

Name: _____
Address: _____
Signature: _____

May 21st

Date: 3/17/2022

KENT CRAFT BEER FEST

New Special Event Road Closure Petition

Name: Hometown Bank
Address: 142 N. Water St.
203 N. Water St.
Signature: [Signature], EVP

Name: _____
Address: _____
Signature: _____

Name: Standing Rock Title
Address: 136 N. Water St. Kent
Melisse Van Slyke
Signature: _____

Name: _____
Address: _____
Signature: _____

Name: Enviage Group Inc
Address: 136 N. Water St Kent
Signature: [Signature]

Name: _____
Address: _____
Signature: _____

Name: Angela Taliaferro
Address: 150 N. Water
Signature: [Signature]

Name: _____
Address: _____
Signature: _____

Name: _____
Address: _____
Signature: _____

Name: _____
Address: _____
Signature: _____

Name: _____
Address: _____
Signature: _____

Name: _____
Address: _____
Signature: _____



CITY OF KENT, OHIO

DEPARTMENT OF PUBLIC SERVICE

MEMO

TO: Dave Ruller, City Manager
Council

FROM: Melanie A. Baker, Service Director

DATE: 3/28/2022

SUBJECT: NOPEC Energized Community Grant - 2022

Please find attached the letter received from NOPEC on February 18, 2022, notifying the City of the receipt of \$47,861.00 in grant moneys from the 2022 Energized Community grant.

As our energy partner, NOPEC has made this grant available to the City for the last 5 years. The City has recently been able to use past years grant funding to replace and upgrade motors and boilers for greater energy efficiency at the water reclamation facility and this year will be performing an audit, with past years dollars of our street lights for LED and energy efficiency conversion.

I request that Council approve the acceptance of this grant and allow us to place the dollars in escrow with NOPEC until such time a project meeting the criteria of the grant is found and the moneys can be used.



RECEIVED
FEB 18 2022
BY: _____

REC 02-18-22
J
PASS ON
TO
MELANIE

January 13, 2022

RON MCVOY
Chairman

CHUCK KEIPER
Executive Director

BOARD OF DIRECTORS

RON MCVOY
Ashtabula County

DAVID SCHEFFLER
Central Ohio

JOHN ZEHENTBAUER
Columbiana County

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Cuyahoga County

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Seneca County

STEVE PATTERSON
Southeast Ohio

MARK BECKDAHL
Southwest Ohio

JOE MAZZOLA
Stark County

NICK MOLNAR
Summit County

DOUG FRANKLIN
Trumbull County

Jerry Fiala
Mayor
Kent
215 East Summit Street
Kent, OH 44240

Dear Mayor Fiala:

Congratulations! Kent is receiving a NOPEC Energized Community (NEC) grant of \$47,681 for 2022. NOPEC* and our supply partner NextEra value your community's membership and are awarding this grant to help your community achieve even greater savings on your utility bills that will benefit your community for years to come. This year, our revamped NEC grant program is more user friendly and requires less paperwork. The updated platform also has a new total funds summary to assist you with budgeting for larger projects.

Please accept your 2022 NEC Grant award by completing your community profile by June 30, 2022. Beginning in the 2022 NEC Grant year, we will no longer be requiring applications. Simply accept your funding by June 30, 2022, by completing the profile step of the process, then draw it down for eligible uses via disbursement request by November 30, 2024. Additional details on the updated process can be found in this year's program policies.

We're excited to offer this new streamlined 2022 grant process that has all the information and materials available online. There's no need for you to mail any documents. Later this month, you'll receive an e-mail with detailed instructions on how to access your community's information starting January 24th.

NOPEC's Loan and Grant Associate, Jessica Renner, is available by email at grants@nopecinc.org or by phone at 440-249-7072 if you have questions. Your Relationship Manager, Jeffrey Heinrich, is also available to help you with any questions.

We look forward to working with you!

Sincerely,

Chuck Keiper
Executive Director

cc: Finance Director David Coffee, Jeffrey Heinrich, Relationship Manager

*The NEC grant program is funded and administered by NOPEC, Inc., an affiliate of the Northeast Ohio Public Energy Council (NOPEC).



Energized Community (NEC) Grant

The **NOPEC Energized Community (NEC) Grant Program** provides grants to NOPEC member communities for energy-related projects. Established by NOPEC Inc. and NextEra Energy, the primary goal of providing funds is to help implement energy savings or energy infrastructure measures.



Ideas for 2022 Grant Projects

Grants can be used for government, residential, and commercial properties. Here are some examples of what you can use with your grant dollars:

- **NEW** Lease or purchase of plug-in electric vehicles
- Traffic signal upgrades
- Energy-efficient windows
- Solar-powered LED stop signs
- Energy-efficient air conditioner
- Electrical upgrades
- Generators
- Door replacement
- LED lighting upgrades
- Service garage insulation
- Energy-efficient metal roof system
- Installation of radius ceiling fans
- Energy efficient kitchen appliances

Secure Your Grant Dollars

Step 1: Submit Profile — Due by June 30th

- A. Accept funds by passing community legislation
- B. Complete grant agreement

Step 2: Draw Funds — Due by September 30th, 2024

- A. Submit disbursement requests
- NEW** No applications required!

Questions?

Contact Jessica Renner, NOPEC Loan and Grant Associate, at grants@nopecinc.org.



POLICE DEPARTMENT MEMORANDUM

To: David Ruller, City Manager
From: Nick Shearer, Police Chief
Date: April 6, 2022
Item: 6.2. - Kent Police Department Computer Disposal (Chief Shearer)

Summary: Council Members,

This memorandum is to serve as a request to dispose of our old mobile data terminals. We have 13 Panasonic Toughbook CF31 computers that were used as in-car computers. The computers have extended beyond their anticipated end of life and were replaced by the police department two years ago. Since, they have just been stored with no anticipation of future use. Our new IT Manager reported to me that these computers are not usable as the Windows operating system on the computer is no longer supported by Microsoft. There is no use for these computers and no way to make them functional moving forward. I respectfully request that we have these computers destroyed by Quality IP.

Prepared by: Nick Shearer, Police Chief

Attachments: None

CITY OF KENT
DEPARTMENT OF PUBLIC SERVICE
DIVISION OF ENGINEERING

MEMO

TO: Dave Ruller
Amy Wilkens

FROM: Jim Bowling *JSB*

DATE: March 28, 2022

RE: East Main Street Area Improvements – RAISE Funding Grant Application

The Service Department is requesting City Council's approval to submit a funding application for a **Rebuilding American Infrastructure with Sustainability and Equity (RAISE)** Federal Grant for the East Main Street Area improvements Project. RAISE discretionary grants were originally created under the American Recovery and Reinvestment Act as TIGER Grants. The Kent Central Gateway was funded in part with a TIGER Grant. The RAISE program received a 50% increase as part of the Bipartisan Infrastructure Law.

The East Main Street Area Improvements Project has currently received \$15.8 million in Federal/State funding from five different programs. We will be requesting \$5.25 million from the RAISE program, which has a minimum request of \$5 million. The current project budget has recently increased due primarily to inflation and is now \$25.5 million. Success with this grant request will represent the last significant funding piece required for the project. Though other grant sources will continue to be pursued in the future.

The project is currently in the detailed design phase of the project, with construction anticipated to begin in 2025.

Lastly, we are also requesting council's approval to execute the subsequent agreement, if successful.

C: Melanie Baker
Jon Giaquinto

KENT POLICE DEPARTMENT

Feb-22

	FEBRUARY 2021	FEBRUARY 2022	TOTAL 2021	TOTAL 2022
CALLS FOR SERVICE	1689	1576	3032	3017
FIRE CALLS	349	448	715	865
ARRESTS, TOTAL	125	112	230	250
JUVENILE ARRESTS	3	1	6	11
O.V.I. ARRESTS	15	12	22	25
TRAFFIC CITATIONS	134	137	213	260
PARKING TICKETS	524	986	679	1633
ACCIDENT REPORTS	24	47	66	104
Property Damage	10	28	36	56
Injury	5	4	10	12
Private Property	5	10	9	25
Hit-Skip	2	4	6	8
OVI Related	2	1	4	3
Pedestrians	0	0	1	0
Fatals	0	0	0	0
U.C.R. STATISTICS				
Homicide	0	0	0	0
Rape	0	0	0	0
Robbery	0	0	0	1
Assault Total	15	15	32	31
Serious		1		4
Simple	14		14	28
Burglary	7	3	11	4
Larceny	36	18	63	33
Auto Theft	0	2	2	4
Arson	0	0	0	1
Human Trafficking:Servitude	0	0	0	0
Human Trafficking:Sex Acts	0	0	0	0
TOTAL	58	38	108	74
CRIME CLEARANCES				
Homicide	0	0	0	0
Rape	0	0	0	0
Robbery	0	0	0	1
Assault Total	12	14	27	27
Serious		1		4
Simple	11		13	23
Burglary	3	3	7	5
Larceny	5	4	13	7
Auto Theft	0	1	0	1
Arson	0	0	0	0
Human Trafficking:Servitude	0	0	0	0
Human Trafficking:Sex Acts	0	0	0	0
TOTAL	20	22	47	41