

Pending List Update

January 25, 2017

ADMINISTRATION (City Manager)

1) Study of pedestrians and vehicles, with consideration of four way stop signs or a method for making pedestrians cross safer in the downtown area. (4/15, 2/16))

On this item, Jim Bowling reports the pedestrian, bicycle, and vehicle safety issues in downtown (particularly on Water Street) have been an area of ongoing review for the last two years. Various low cost improvements were implemented, such as the in-street pedestrian crossing signs, which provided some site specific relief. Preliminary traffic engineering analysis has been performed to evaluate more substantial improvements at certain intersections, e.g., N. Water Street @ Columbus Street, but a range of complicating factors in the geometry of these intersections, site distance, traffic volumes, parking impacts, and costs for solutions have proven too prohibitive for immediate action. In the course of that analysis it became apparent that a full corridor safety study is needed to optimize safety throughout the length of the corridor rather than trying to optimize safety on an intersection by intersection basis. This corridor study was proposed as 1 of 3 prospective safety projects that could be funded through ODOT but ultimately the staff recommended submitting the SR261 safety improvements for the grant funding. Jim will continue to seek external funding and in the meantime he will also begin to propose phased improvements in the Water Street corridor into the City's capital plan.

Recommendation: Retain on list until funding is secured.

2) Sustainability Commission to come up with 10 action items to fend off global warming (7/14, 2/16)

As staff to the Sustainability Commission, Suzanne reports that the Commission has been routinely including action items in the articles that they submit for the Tree City Bulletin. To date the Commission has written an article on "ten ways to reduce your carbon footprint at home" (Winter, 2014); an article on other ways to recycle (not just through the curbside service)(Spring 2015); an article about reducing your carbon footprint through transportation that included five specific steps to "go green while getting around" (Fall 2015); articles on composting and native plants which have an impact on global warming and our carbon footprint; the Commission has been working on taking over the City's rain barrel workshop to be held at the Farmers' Market in addition hosting a possible worm compost bin workshop, "shirt bag" workshop, and seed starting workshop. They also have been working with staff on the possibility of citywide textile recycling and pollinator gardens. Many ideas are in the works that also relate to the reduction of our carbon footprint.

Recommendation: Remove from the list.

3) Language making snow plow companies keep fire hydrants clear (3/15, 2/16)

In light of the lack of snow over the last couple of years, and the volunteers that worked with the Fire Department to clear hydrants around town, this item did not get immediate attention. Jim Silver noted that he believes the City already has the right to cite plow truck companies, businesses, etc., that push snow in a manner that blocks a fire hydrant

under current regulations but he will revisit the language in the Code to more explicitly address the prohibition of blocking fire hydrants.

Recommendation: Maintain on the pending list until the staff report is received.

4) City Checkbook Online (3/15, 2/16)

Dave Coffee reports that he and his staff have continued to work towards eventual implementation of the Open Checkbook function for the City, taking small steps towards understanding, defining, and researching the various components that must come together for this application to function successfully. Dave wanted to convey that the slow progress on this item is a result of limited internal resources which have been stretched to other imminent priorities such as the new Police Facility, the MARCS radio system, financial and billing system upgrades, and finalization of plans for implementation of the Online Bill Payment Project for Utility Billing customers which is set to go live this summer. Additionally, Dave noted that there are several external factors as well that have moved more slowly than desired and added complexity to the process. The State Treasurer's Office has largely delegated the Customer Account Representative from OpenGov (the platform for Ohio Open Checkbook) as the point person for local governments. While knowledgeable, this person has focused more on "up selling" the City all the extra (not free) services offered by OpenGov, and less on how manage the conversion of the data format to a customer friendly format on line. To add to that point, Dave explained that the City's financial system vendor (Tyler Technologies, New World Systems) has also not shared as much interest as we hoped in helping the City convert our New World data into the OpenGov platform. Dave added that he has heard from various local governments that have implemented OpenGov that access to specific disbursement detail has led to misinterpretation for the casual observer/inquirer. As you might imagine, the City issues checks for a wide variety of purposes and uses (always with proper authorization) but those purposes and uses are not always evident by simply looking at a check amount and payee online. That has led those city staff to spend a lot of unexpected time answering questions from visitors to the OpenGov site that misinterpret or are confused by the single line item check listing shown without any context. The staff is always willing to answer any financial questions but there is a concern over how much time will be needed to explain the possible misunderstandings created by the current unfriendly customer format of OpenGov. Last, but not least, is a question that we need to pursue with the State Treasurer's Office as to the continuation of State funding for the basic level of OpenGov services. The original announcement and agreement as we understand it is for a two year trial period, which will expire this year. So, the objective has not been forgotten, but progress has admittedly been slower than anticipated.

Recommendation: Retain on list.

5) Crosswalk/Curb at N. Water Street/Portage Street (4/15, 2/16))

Jim Bowling and Jon Giaquinto have studied this intersection, performed field measurements, counted traffic, and gathered accident data to come up with a couple of intersection redesigns that would improve safety and comply with the Federal and State traffic engineering requirements. As noted in the answer to item #1, the possible solutions are relatively expensive so he is working to try to build this project into the City's Capital Plan.

Recommendation: Remove this item since it is included in item #1.

6) Review of downtown Zoning for parking (6/15)

Jim Bowling, Tom Wilke and Bridget Susel have been engaged in an ongoing analysis of the performance of the approved comprehensive parking plan that was adopted by Council. Seasonal parking data has been collected at different times of the day to determine peak demand, usage, and capacity of on-street metered parking, free lot parking and PARTA deck parking. That data is being compiled for presentation to Council in Spring 2017 and the recommendations will include consideration of any zoning based parking requirements in the downtown district.

Recommendation: Retain on the pending list until the staff presentation.

7) Promotional materials for feral cats (9/15, 2/16)

Multiple City staff have worked with local volunteers to promote the opportunities for pet owners to humanely neuter their animals by submitting articles in the Tree City Bulletin, drafting Facebook posts, Tweets, and messages on the Community Bulletin Board.

Recommendation: Remove from the pending list.

8) Sidewalk Snow Removal (9/15, 2/16)

Staff implemented the first year of the pilot sidewalk snow removal program but due to unusually low amounts of snowfall, the staff recommended Council extend the pilot for a second year to better gauge the cost and effectiveness. Council approved the pilot extension as requested for 2017.

Recommendation: Retain on list.

9) Time line, real estate reports and size needs for new City Hall (10/15)

Over the course of the last year, City staff completed a broad review of neighboring City Hall buildings, detailing costs, functions, etc., that were incorporated into a Project Notebook that was distributed to City Council. Staff also had a community survey performed to assist in the identification of city residents' priorities for a new City Hall building. Building off of that data, the City hired DS Architects to further refine the details of specific space requirements, staff functional proximity needs, and building footprint for a new building. That data will be followed with cost and final site location evaluation.

Recommendation: Retain on the pending list.

10) Review the costs to fix the known sidewalk problems and come up with a comprehensive plan (10/15)

Jim Bowling and his staff have completed an analysis of the kinds of options that we would look to include in a comprehensive sidewalk repair plan to present to Council in the upcoming months. We're still working with staff from Budget and Finance, Engineering, Public Service and my office to dial in our recommendations to Council on specifically how to proceed with this item.

Recommendation: Retain on the pending list.

11) Support for Syrian Refugees (12/15)

Work on this item is ongoing and has been integrated into a larger multi-cultural initiative.

Recommendation: Retain on pending list as a combined multi-cultural initiative.

12) Warming Shelters (1/16)

Bridget Susel reports that Family & Community Services, as well as certain churches, have stepped-in and provided warming shelters whenever weather conditions become severe.

Recommendation: Remove this item from the pending list.

13) Work with Chris Myers on issues he raised (3/16)

Staff routinely followed up directly with Kent State University, and with Mr. Myers, each time Mr. Myers visited Council to air his concerns. On various occasions City inspectors were called in to investigate his complaints and the management staff conferred with the field staff to make sure that any violations that the City had authority over were addressed. Mr. Myers concerns for construction related air quality after the building construction has ended should continue to be directed to the Akron Air Quality Office or through legal remedy as Mr. Myers has indicated in his most recent presentations before Council.

Recommendation: Remove from the pending list.

14) Waiver of parking meter fees for handicapped (5/16)

Bridget reports that the idea of waiving parking meter fees for handicapped presents a challenge to the overall effectiveness of the meter program and with only 1 complaint received from a handicapped person asking to not have to pay, she would not recommend pursuing this option. If Council desires we can schedule this for discussion, or perhaps include it the presentation of the parking meters that is planned for March 2017.

Recommendation: Remove from the pending list.

15) Anti-Discrimination of housing for transgender and sexual preferences (5/14, 6/16)

Bridget and Jim Silver led a discussion with Council in 2016 explaining that until the Federal or State agencies identify sexual orientation and/or gender identity as protected classes, the City is not able to change our Code to include it because we have no legal basis for enforcement. If such a complaint did occur, it could be enforced by the OCRC or HUD under the protected class of "sex" which we have also already included in the City's ordinance.

Recommendation: Remove from the pending list.

16) Kent as a compassionate City (7/16)

Work on this item is ongoing and has been integrated into a larger multi-cultural initiative. Council voted to approve a motion to pursue the compassionate city designation.

Recommendation: Retain on pending list and/or combine into multi-cultural initiative.

17) Letter of Support, Kent Police Department (7/16)

A letter of Council support for the Kent Police Department was issued.

Recommendation: Remove from the pending list.

18) Pedestrians Crossing SR261 (7/16)

There are a couple of different intersections along SR 261 that staff have been evaluating for safety concerns. They have checked crosswalk timing, vehicle counts, turning movements, etc., and met with ODOT staff to see if there are any relatively simple modifications that can be made quickly to better ensure pedestrian safety. Most of the data suggests that the safety problems are a result of a roadway segment that is oversized and any solutions will require a fairly significant redesign the length of the 261 corridor in Kent. That was the basis for submitting this project for ODOT grant funding for a possible long term fix. The study project is set to commence in 2017.

Recommendation: Retain on the pending list.

19) Further discussions on Sustainability (7/16)

The Sustainability Committee will continue to develop project recommendations in their monthly meetings.

Recommendation: Remove from the pending list.

20) Restrooms at Wells Sherman House (7/16)

The Wells Sherman House owners report that public restrooms are available at the property during normal business hours. I shared that information with Council and included it on a Kent360 blog post.

Recommendation: Remove from the pending list.

21) Provide direction to Council on how it can convey its goals and message to boards and commissions and ensure a more unified approach. (8/16)

Bridget Susel has begun "orientation" programs for new/existing members and official correspondence was sent to the Commission members emphasizing the importance of aligning Council and Commission priorities and goals.

Recommendation: Remove from the pending list.

22) Zoning Adjustment (9/16)

Bridget Susel has a series of Zoning language modifications, primarily related to proposed housing projects and the associated parking requirements, scheduled for Council consideration in early 2017. In addition, Bridget is in the process of hiring a firm to assist in the update of the City's Comprehensive Plan in 2017 which is likely to result in further refinements of the City's Zoning strategies.

Recommendation: Retain on the pending list.

23) Insurance Option for sewer lateral maintenance. (10/16)

Jim Bowling provided Council with a short summary of his investigation into the insurance options for sewer lateral maintenance that was included in your Council packet (dated January 11, 2017). If Council desires, we can schedule this for Committee discussion.

Recommendation: Remove from the pending list.



CITY OF KENT, OHIO

DEPARTMENT OF FINANCE

To: Dave Ruller, City Manager

From: David A. Coffee, Director of Budget and Finance

Date: January 24, 2017

Re: FY2017 Appropriation Amendments, Transfers, and Advances

The following appropriation amendments for the February Council Committee Agenda are hereby requested:

Fund 001 – General

Increase \$ 5,250 City Council / Capital – New funding to facilitate emergency replacement copier purchase for City Council and Clerk of Council use per Clerk of Council 1/10/2017 memo.

Fund 201 – Water

Increase \$ 8,850 Capital / SVC-Capital Facilities - Reappropriate 2016 funds for Summit Street Traffic Signal Coordination.

Increase \$ 26,500 Capital / SVC-Capital Facilities - Reappropriate 2016 funds for Miller/Steele/Harvey Storm and Water Improvements.

Increase \$ 5,221 Capital / SVC-Capital Facilities - Reappropriate 2016 funds for Valleyview/Morris Storm and Water Improvements.

Increase \$ 15,710 Capital / SVC-Capital Facilities - Reappropriate 2016 funds for Pine Street Construction, Phase 2 finalization.

Increase \$ 18,916 Capital / SVC-Capital Facilities - Reappropriate 2016 funds for Hudson Road Water Main Replacement.

Increase \$ 18,175 Capital / SVC-Capital Facilities - Reappropriate 2016 funds for Garth/Spaulding and Suzanne Waterline Replacement.

Increase \$ 62,449 Capital / SVC-Capital Facilities - Reappropriate 2016 funds for Tonkin Court Reconstruction.

(all of above Fund 201 reappropriations per J. Bowling 1/24/2017 memo)

Fund 202 – Sewer

Increase \$ 53,448 Capital / SVC-Capital Facilities - Reappropriate 2016 funds for Tonkin Court Reconstruction.

Increase \$ 17,008 Capital / SVC-Capital Facilities - Reappropriate 2016 funds for SW Sanitary Pump Station design.

Increase \$ 2,431 Capital / SVC-Capital Facilities - Reappropriate 2016 funds for River Street Sanitary Sewer Replacement.

Increase	\$ 514,100	Service / WRF / Capital - Reappropriate 2016 funds for Digester Heat Exchangers previously reappropriated in 2016 for WRF.
Increase	\$ 50,000	Service / WRF / Capital - Reappropriate 2016 funds for Rebuilding Secondary Clarifier Sum Box/Baffles previously reappropriated in 2016 for WRF
Increase	\$ 20,400	Service / WRF / Capital - Reappropriate 2016 funds for WRF Electric Generator Study previously reappropriated in 2016.
Increase	\$ 15,000	Service / WRF / Capital - Reappropriate 2016 funds for WRF Electrical Replacement Program previously reappropriated in 2016.

(all of above Fund 202 reappropriations per J. Bowling 1/24/2017 memo)

Fund 208 – Storm Water

Increase	\$ 97,919	Capital / SVC-Capital Facilities - Reappropriate 2016 funds for Miller/Steele/Harvey Storm and Water Improvements.
Increase	\$ 5,463	Capital / SVC-Capital Facilities - Reappropriate 2016 funds for Valleyview/Morris Storm and Water Improvements.
Increase	\$ 213,523	Capital / SVC-Capital Facilities - Reappropriate 2016 funds for River Street/Mill Race Storm Outfall project.
Increase	\$ 30,447	Capital / SVC-Capital Facilities - Reappropriate 2016 funds for Pine Street Construction, Phase 2 finalization.
Increase	\$ 65,502	Capital / SVC-Capital Facilities - Reappropriate 2016 funds for Tonkin Court Reconstruction.

(all of above Fund 208 reappropriations per J. Bowling 1/24/2017 memo)

Fund 301 – Capital

Increase	\$ 9,000,000	Service / Capital Facilities / Capital – Reappropriate Summit Street Project 2016 funding subsequent to 2017 update of Certificate of Estimated Resources with Portage County to maintain budgetary/audit compliance.
Increase	\$ 198,459	Capital / SVC-Capital Facilities - Reappropriate 2016 and prior year funds - Summit St. Traffic Signal Coordination Project.
Increase	\$ 22,245	Capital / SVC-Capital Facilities - Reappropriate 2016 and prior year funds - SR 43 Signalization Project.
Increase	\$ 15,500	Capital / SVC-Capital Facilities - Reappropriate 2016 and prior year funds for Miller/Steele/Harvey Storm and Water Improvements.
Increase	\$ 261,000	Capital / SVC-Capital Facilities - Reappropriate 2016 and prior year funds – Annual Street & Sidewalk Program.
Increase	\$ 5,000	Capital / SVC-Capital Facilities - Reappropriate 2016 funds for Sidewalk Street Tree Damage Repairs.
Increase	\$ 1,293	Capital / SVC-Capital Facilities - Reappropriate 2016 funds for Pine Street Construction, Phase 2 finalization.

Increase	\$ 458,472	Capital / SVC-Capital Facilities - Reappropriate 2016 funds for Tonkin Court Reconstruction.
Increase	\$ 152,850	Capital / SVC-Capital Facilities - Reappropriate 2016 and prior year funds - Fairchild Avenue Bridge Construction Project.
Increase	\$ 11,110	Capital / SVC-Capital Facilities – Reappropriate 2016 and prior year funding for ODOT SR 261 Resurfacing Project.
Increase	\$ 156,250	Capital / SVC-Capital Facilities – Reappropriate 2016 and prior year funding for West Main Street-Spaulding Traffic Signal project.

(all of above Fund 301 reappropriations except for the first Fund 301 item listed in the amount of \$9.0 million are per J. Bowling 1/24/2017 memo)

Fund 302 – M P I T I E

Increase	\$ 47,000	Capital / SVC-Capital Facilities - Reappropriate 2016 and prior year funds – Downtown Redevelopment Projects (associated Streets & Utilities) per J. Bowling memo of 1/24/2017.
----------	-----------	---

Fund 303 – Police Facility

Increase	\$ 4,500,000	Safety / Capital Facilities / Capital – Reappropriate New Police Facility Project 2016 funding subsequent to 2017 update of Certificate of Estimated Resources with Portage County to maintain budgetary/audit compliance.
Increase	\$ 153,404	Safety / Capital Facilities / Capital – Reappropriate 2016 funding for the New Police Facility project per J. Bowling 1/24/2017 memo.



CITY OF KENT, OHIO

CLERK OF COUNCIL

MEMO

To: Jerry Fiala, Mayor and Council President
Mike DeLeone, Councilman and Finance Committee Chair
Dave Ruller, City Manager
David Coffee, Finance Director

From: Tara Grimm, Clerk of Council

Date: January 10, 2017

Re: Emergency copier purchase for Council

RECEIVED

JAN 17 2017

BY 
CITY OF KENT
BUDGET & FINANCE

Council is requesting a budget amendment in the amount of \$5,250 for a capital purchase of a used Sharp copier, model no. MX4141 from Advance Office Copiers.

On December 17, 2016, Council's Sharp copier, model no. MX-B401 was not feeding documents correctly. The copier had damaged several pages of our original signed legislation during scanning for a large public records request. I was unable to scan using the flat glass as the documents are 8 ½ x 14 and the glass on the machine could only handle 8 ½ x 11 documents.

An attempt to repair the copier on-site by replacing the roller kit was made by Advanced Office Copiers. This did not resolve the jamming issue and the copier was transported to their shop on December 18, 2016. At that time a used "loaner" copier was swapped with ours.

Advanced Office Copiers reported once they took our machine apart, it was going to need a lot more repair than anticipated. Also, after I used the loaner machine for several days, it much better suited the current needs of the Clerk's office. It also had the capability to send and receive faxes, which would replace the antiquated fax machine in the office. The cost of a new laser cartridge was more than the price of a new fax machine.

After speaking with Mayor Fiala and Finance Chair Mike DeLeone, we requested a quote from Advance Office Copiers for the purchase option and the lease option of the loaner copier, a Sharp MX4141. The quote included the copier, network printing, color scanning, 4 different size paper trays, fax expansion kit, set-up, and all supplies for set-up, delivery, and the trade-in of the Sharp MX-B401 as well as any existing service contract to be transferred. The quote for purchase came in at \$5,250. A lease would be for 5 years of monthly payments at 0.01843.

The Preventative Maintenance Contract came in at \$259.00 for 20,000 black & white meter clicks, or 1 year, and any colored copies billed at \$0.35 per page billed quarterly. The maintenance contract on this copier is \$50 less than the contract on the old copier.

We will also not need to purchase a new fax machine or expensive laser cartridges.

With the above justification, I request a budget amendment be made for the purchase of the used loaner Sharp Copier model no. MX-4141.



Tara Grimm



Jerry T. Fiala



Mike DeLeone

CITY OF KENT
DEPARTMENT OF PUBLIC SERVICE
DIVISION OF ENGINEERING

MEMO

TO: David Coffee; ~~Dave Ruffler~~
 FROM: Jim Bowling *S.B.*
 DATE: January 25, 2017 - REVISED
 RE: 2016 Capital Improvement Program – Re-appropriation for 2017

The following projects appropriations need to be carried over to 2017. These projects are critical to the infrastructure of the City and still have a defined need to be completed. Please note that re-appropriations for the Water Reclamation Facility is also included in this memo. If there are any questions on the following list of funds, which were appropriated and not encumbered at the end of 2016, please let me know.

Engineering Division Projects:

Fairchild Avenue Bridge Construction (1997CIP0009) –The construction of the project was completed in 2013. This was an Ohio Department of Transportation (ODOT) let project and ODOT is responsible for the finalizing of the expenses for the project. ODOT has been frequently contacted to determine when this project’s financing will officially be closed, but no final date has been determined. Therefore, the following appropriated and not encumbered monies will need to be re-appropriated in 2017.

Original CIP Year	Fund	Re-Appropriation Request	Comment
2011 and prior	301 – Capital	\$152,850	

SR 43 Signalization (2011CIP010) – The project is currently in detail design. The project right-of-way acquisition phase begins in 2017 with the construction phase anticipated for 2018. Therefore, the following appropriated and not encumbered monies will need to be re-appropriated in 2017.

Original CIP Year	Fund	Re-Appropriation Request	Comment
2013	301 – Capital	\$22,245	\$17,796 Fed. Funded

Summit Street Traffic Signal Coordination – This project recently completed the first year of construction. Construction is scheduled to continue through 2017. Therefore, the following appropriated and not encumbered monies will need to be re-appropriated in 2017.

Original CIP Year	Fund	Re-Appropriation Request	Comment
2009	301 – Capital	\$198,459	\$99,229 KSU Reimbursed
Not applicable	201 - Water	\$8,850	\$4,425 KSU Reimbursed

Miller/Steele/Harvey Storm and Water Improvements (2011CIP007) – This project is currently in detail design. The construction phase has been delayed until 2018 due to the lack of available funding in the Storm Fund. Therefore, the following appropriated and not encumbered monies will need to be re-appropriated in 2017.

Original CIP Year	Fund	Re-Appropriation Request	Comment
2009	208 – Storm Water	\$97,919	
2014	201 - Water	\$26,500	
2014	301 - Capital	\$15,500	

Valleyview/Morris Water and Storm Improvements (2015CIP012) – This project is currently in detail design with the construction phase scheduled for 2017. Therefore, the following appropriated and not encumbered monies will need to be re-appropriated in 2017.

Original CIP Year	Fund	Re-Appropriation Request	Comment
2015	208 – Storm Water	\$5,463	
2015	201 - Water	\$5,221	

River Street Sanitary Sewer Replacement (2015CIP013) – This project is currently in detail design with the construction phase programmed for 2017. Therefore, the following appropriated and not encumbered monies will need to be re-appropriated in 2017.

Original CIP Year	Fund	Re-Appropriation Request	Comment
2016	202 – Sewer	\$2,431	

River Street/Mill Race Storm Outfall (2013CIP007) – This project was designed internally in 2016. However, the construction phase has been delayed until 2017 due to staffing limitations. The staff working on this project needed to be reassigned to the construction of the new police facility. Therefore, the following appropriated and not encumbered monies will need to be re-appropriated in 2017.

Original CIP Year	Fund	Re-Appropriation Request	Comment
2016	208 – Storm	\$213,523	

Pine Street Construction – Phase 2 of the project was constructed in 2016. Currently, we are in

the 6 month period after substantial completion where we hold 4% retainage. This period ends in March, 2017. Since the project mostly complete, but we have not finalized the contract, we are requesting to appropriate the following unencumbered monies in 2017. Most likely these funds will be able to be returned to the associated funds late in 2017.

Original CIP Year	Fund	Re-Appropriation Request	Comment
2010 and 2012	301 – Capital	\$1,293	
2013	201 – Water	\$15,710	
2014	208 – Storm	\$30,447	

Fund 302 – Downtown Redevelopment (2008CIP020) – This fund represents the money borrowed and expected to be reimbursed with TIF financing. The fund amount listed below represents the amount of money appropriated for street and utility work related to the downtown development. The only items remaining include minor streetscape items that were not contracted for through our primary contractors who constructed the majority of the project. Therefore, the following appropriated and not encumbered monies will need to be re-appropriated in 2017.

Original CIP Year	Fund	Re-Appropriation Request	Comment
Not applicable	302 – Streets and Utilities associated with the Downtown Redevelopment	\$47,000	

Hudson Road Water Main (2008CIP010)–Detailed design for this project is nearing completion. The project was delayed in due to lack of funding in the water fund. Construction is now programmed to begin in 2018. Therefore, the following appropriated and not encumbered monies will need to be re-appropriated in 2017.

Original CIP Year	Fund	Re-Appropriation Request	Comment
2008	201 – Water	\$18,916	

SW Sanitary Pump Station (2008CIP012) –The design for the replacement of the Yacavona and Middlebury Pump Stations into one facility was started in 2016. The project is currently scheduled for construction in 2018. Therefore, the following appropriated and not encumbered monies will need to be re-appropriated in 2017.

Original CIP Year	Fund	Re-Appropriation Request	Comment
2016	202 - Sewer	\$17,008	

Annual Street and Sidewalk Program – The Annual Street and Sidewalk project consists of several operations including sidewalk replacement, concrete repair, chip seal, crack seal and resurfacing. The following factors in the program have provided for monies required to be re-

appropriated in 2017:

- Concrete repair program not initiated due to conflicting priorities - \$160,000
- Conservative Budgeting and low bid prices - \$37,300
- Contingency Transfer (Rockwell/Woodard/Whittier) - \$68,700

Therefore, we are requesting the following appropriated and not encumbered monies be re-appropriated in 2017.

Original CIP Year	Fund	Re-Appropriation Request	Comment
2016	301 – Capital	\$261,000	

Sidewalk Street Tree Damage Repairs – This project is completed in conjunction with the annual street and sidewalk program. Similar to a portion of the Annual Street and Sidewalk Project, this project was delayed due to conflicts with other projects in the capital plan. Therefore, we are requesting the following appropriated and not encumbered monies be re-appropriated in 2017.

Original CIP Year	Fund	Re-Appropriation Request	Comment
2016	301 – Capital	\$5,000	

Garth, Spaulding and Suzanne Waterline Replacement (2013CIP013) –Detailed design for this project was started in 2015 and is nearly complete. The construction phase is anticipated to begin in 2017. Therefore, the following appropriated and not encumbered monies will need to be re-appropriated in 2017.

Original CIP Year	Fund	Re-Appropriation Request	Comment
2013	201 – Water	\$18,175	

Tonkin Court Reconstruction (2015CIP010) –Detailed design for this project was started in 2015 and is near completion. At this time construction is anticipated to begin in the summer of 2017. The construction schedule is being timed to be completed with the new police building. Therefore, the following appropriated and not encumbered monies will need to be re-appropriated in 2017.

Original CIP Year	Fund	Re-Appropriation Request	Comment
2015	201 – Water	\$62,449	
	202 - Sewer	\$53,448	
	208 - Storm	\$65,502	
	301 - Capital	\$458,472	

ODOT - SR 261 Resurfacing (2011CIP008)– This project is an ODOT project to resurface SR 261 in the City. Construction of the project was completed in 2014, however the project is not closed out to date. Therefore, the following appropriated and not encumbered monies will need to be re-appropriated in 2017.

Original CIP Year	Fund	Re-Appropriation Request	Comment
2011	301 – Capital	\$11,110	

West Main Street – Spaulding Traffic Signal (2013CIP009) – The project design was 90% complete in 2016. The project is to be advertised in the spring and constructed in 2017. Therefore, the following appropriated and not encumbered monies will need to be re-appropriated in 2017.

Original CIP Year	Fund	Re-Appropriation Request	Comment
2013	301 – Capital	\$156,250	

New Police Building (2013KPD001) – Construction began in the summer of 2016 for the new Police Building. Construction on the building is currently planned to be completed for occupancy in the fall of 2017. Therefore, the following appropriated and not encumbered monies will need to be re-appropriated in 2017.

Original CIP Year	Fund	Re-Appropriation Request	Comment
N/A	303 – Police Facility	\$153,404	

Water Reclamation Facility Projects:

Digester Heat Exchangers (2011WRF010) –This project scope, which began planning/design in 2015, is currently being evaluated to address state fire safety code requirements. The issue being resolved is whether the project should have this equipment installed in a separate building/ enclosure. A new building/enclosure was not included in the original scope of the project. Currently we are evaluating the impacts of constructing a new building/enclosure for this equipment. Therefore, the following appropriated and not encumbered monies will need to be re-appropriated in 2017.

Original CIP Year	Fund	Re-Appropriation Request	Comment
2011	202 – Sewer	\$514,100	

Rebuild Secondary Clarifier Scum Box/Baffles (2011WRF007) –This project requires taking off-line the secondary clarifiers to rebuild the scum box and baffles. Due to conflicting priorities this project wasn't initiated in 2016. The work is still required, therefore, the following appropriated and not encumbered monies will need to be re-appropriated in 2017.

Original CIP Year	Fund	Re-Appropriation Request	Comment
2011	202 – Sewer	\$50,000	

WRF Electric Generator Study (2016WRF002) –The study was initiated in 2016 and is in progress. Therefore, the following appropriated and not encumbered monies will need to be re-appropriated in 2017 until the study phase is complete.

Original CIP Year	Fund	Re-Appropriation Request	Comment
2016	202 – Sewer	\$20,400	

Electrical Replacement Program (2016WRF003) –This project requires includes the replacement of older untrustworthy wiring in the WRF. Due to conflicting priorities this project wasn't initiated in 2016. The work is still required, therefore, the following appropriated and not encumbered monies will need to be re-appropriated in 2017.

Original CIP Year	Fund	Re-Appropriation Request	Comment
2011	202 – Sewer	\$15,000	

In addition to the above re-appropriations, the following are anticipated **reimbursements from existing encumbrances** on current projects:

Project	Fund	Source	Reimbursements
Summit Street Traffic Signal Coordination	301 - Capital	Federal	\$8,548,420
Summit Street Traffic Signal Coordination	301 - Capital	State	\$752,850
Summit Street Traffic Signal Coordination	301 - Capital	Kent State University	\$763,978
Summit Street Traffic Signal Coordination	201 – Water	Federal	\$20,118
Summit Street Traffic Signal Coordination	201 - Water	State	\$1,760
Summit Street Traffic Signal Coordination	201 - Water	Kent State University	\$1,634
Summit Street Traffic Signal Coordination	202 – Sewer	State	\$18,677
SR 43 Signalization	301 – Capital	Federal	\$80,560
AMETEK Site Remediation & Building Demo	301 - Capital	ODOD	\$634,827

The total 2016 appropriations and reimbursements needing to be re-appropriated, by fund, based

on the above are:

Fund	2017 Re-appropriations	Re-appropriations Reimbursable Amount	Existing Encumbrances Reimbursable Amount
201 – Water	\$155,821	\$4,425	\$23,512
202 – Sewer	\$672,387	\$0	\$18,677
208 – Storm	\$412,854	\$0	\$0
301 - Capital	\$1,282,179	\$117,025	\$10,780,635
302 - TIFF	\$47,000	\$0	\$0
303 – Police Bldg	\$153,404	\$0	\$0

C: Brian Huff
Melanie Baker
Bridget Susel
Jon Giaquinto
Suzanne Robertson
Rhonda Boyd
Pat Homan
Cori Finney
Bill Schesventer
John Osborne
Brad McKay
Cathy Wilson
File



CITY OF KENT, OHIO

DEPARTMENT OF LAW

TO: KENT CITY COUNCIL, MAYOR FIALA & DAVID RULLER
FROM: JAMES R. SILVER
DATE: JANUARY 11, 2017
RE: RECYCLING FOR MULTI-FAMILY BUILDINGS

As you may recall, the issue of recycling for multi-family apartment buildings has been the subject of discussion for several years. We believe we are finally at a point where we have some agreement/understanding with the owners of the multi-family buildings on recycling.

This leads us to the attached proposed modifications to Chapter 935 of the City Code, and to the Service Director's Rules and Regulations for recycling.

Basically, apartment complexes will go to dumpsters for the collection of recycling materials. They will be charged rates based upon the signs of the dumpsters they will use. The rates were established by competitive bidding. The Portage County Solid Waste District was the low bidder.

Some other minor changes include the removal of senior citizen discounts on recycling dumpsters only. Senior citizen discounts will remain for single family homes. Discounts for vacancies will no longer apply for multi-family buildings on recycling.

Adoption of these proposed ordinance changes and the Service Director's Rules and Regulations will resolve the last remaining known issue from the lawsuit originally filed against Farris Disposal in 2008. Consequently, staff recommends adoption of the proposed changes.

935.01 COLLECTION PROGRAM ESTABLISHED.

There is hereby established a program for the collection of recyclable materials, including but not limited to metal cans, plastic, glass containers, used newspapers and cardboard within the City. Such collections shall be made periodically under the supervision of the Director of Public Service.

(Ord. 1992 27. Passed 5 6 92.)

935.02 DEFINITIONS.

As used in this chapter:

(a) "Billing unit", with reference to the residential and multi-family recycling program, means a place of abode for persons living separately or together as an independent family or household. "Billing unit", with reference to the commercial, industrial, governmental and institutional recycling program (CIGI), means premises within the City not otherwise defined as a "residential unit" or "multi-family" as defined in the City's mandatory recycling ordinance.

(b) "Residential unit" includes a single family dwelling, duplex, triplex, quadplex or other building with one or more billing units grouped under a common roof and with direct access to a public street.

(c) "Multi-family residence" or "apartment" means the grouping together of three or more billing units under a common roof within a common interior hallway or foyer, NOT INCLUDED IN THE RESIDENTIAL COLLECTION PROGRAM.

(d) "Trailers" means those billing units as defined in Section 1109.01(65) of the Planning and Zoning Code.

(e) "Solid waste" means such unwanted residual solid or semisolid materials resulting from industrial, commercial, agricultural and community operations, excluding earth or material from construction, mining or demolition operations, or other waste materials of the type that would normally be included in demolition debris, nontoxic fly ash, spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, tires, combustible and noncombustible material, street dirt and debris. Solid waste does not include any material that is an infectious waste, a hazardous waste, an asbestos waste or material defined under "recyclable material". For the purpose of this definition, "material from construction operations or demolition operations" are those items affixed to the structure being constructed or demolished, such as brick, concrete, stone, glass, wall board, framing and finishing lumber, roofing materials, plumbing, plumbing fixtures, wiring and insulation but excludes materials whose removal has been required prior to demolition. For the purpose of this definition, semisolid material does not contain liquids which can be readily released under normal climatic conditions as determined by Method 9095 (Paint Filter Liquids Test) in SW 846: "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods".

(f) "Yard waste" means leaves, grass clippings, weeds, Christmas trees, bushes and brush and branch clippings, when securely bound in bundles not exceeding four feet in length.

(g) "Director" means the Director of Public Service of the City.

(h) "Recyclable material" means ~~ferrous (steel) and nonferrous (aluminum) cans, newspapers, glass bottles, cardboard, office paper or other products as deemed recyclable by the Director of Public Service~~ GLASS (JARS, BOTTLES), CANS (ALUMINUM, STEEL AND BI-METAL CANS FROM FOOD AND BEVERAGES), PLASTIC (BEVERAGE AND LAUNDRY PRODUCT BOTTLES MARKED WITH A #1 (PET) OR #2 (HDPE) ON THE BOTTOM, SQUEEZABLE BOTTLES (HONEY/MUSTARD) MARKED WITH A #4 (LDPE) ON THE

BOTTOM, YOGURT CONTAINERS, KETCHUP BOTTLES AND DRINKING STRAWS MARKED WITH A #5 (PP) ON THE BOTTOM, PLASTIC CUPS, PLASTIC PLATES, CD CASES AND EMPTY MEDICINE BOTTLES MARKED WITH #6 (PS) ON THE BOTTOM, OTHER PLASTICS SUCH AS TUPPERWARE AND REUSABLE DRINKING BOTTLES ARE MARKED WITH #7 (OTHER) ON THE BOTTOM, ASEPTIC CARTONS, PAPER (NEWSPAPER, MAGAZINES, CATALOGS, OFFICE PAPER, JUNK MAIL AND PAPERBOARD BOXES), CARDBOARD (CLEAN CORRUGATED, WITHOUT WAX COATING OR FOIL), AND AS AMENDED FROM TIME TO TIME BY THE CITY'S RECYCLING CONTRACTOR.

(i) "Recycling ~~bin~~ CONTAINER" means a storage ~~unit~~ CONTAINER provided by the City or its contractor in which recyclable material is to be placed and commingled by the occupants of each billing unit, unless served by other storage units. Such container shall meet the requirements of the Director.

(j) "Recycling contractor" means the contractor authorized by the City for the collection of recyclable materials.

(k) "Garbage" means all discarded putrescible materials including, but not limited to, animal, vegetable or fruit wastes resulting from the handling, storage, preparation or eating of food and handling and disposal of small dead animals.

(l) "Hazardous waste" means those substances which, singularly or in combination, pose a significant present or potential threat or hazard to human health or to the environment, and which singularly or in combination, require special handling, processing or disposal because they are or may be flammable, explosive, reactive, corrosive, toxic, carcinogenic, bioconcentrative or persistent in nature, potentially lethal, or an irritant or strong sensitizer.

(m) "Asbestos" means the asbestiform varieties of serpentinite (chrysotile), riebeckite (crocidolite), cummingtonite grunerite, anthophyllite and actinolitetremolite.

(n) "Asbestos containing waste materials" means those wastes identified in Chapter 3745 20 01(B)(4) of the Ohio Administrative Code (OAC).

(o) "Infectious waste" means those wastes identified in Chapter 3745 27 01(V) of the Ohio Administrative Code (OAC).

(Ord. 1992-27. Passed 5-6-92.)

935.03 COLLECTION AND DISPOSAL DEEMED A PUBLIC UTILITY.

The system of collection and disposal of recyclable material by the City is hereby declared to be a public utility. The services provided for in this chapter shall be rendered to all persons upon compliance with all City regulations pertaining to such utility and upon payment of the rates provided in Section 935.13, as the same may be amended from time to time.

(Ord. 1992-27. Passed 5-6-92.)

935.04 SEPARATION REQUIRED.

All solid waste set out for collection by the owner or occupant of every billing unit, as defined herein, within the City shall be set out for collection so that recyclable materials are separated from the solid waste, except if the recyclable material is employed in the disposal of other solid waste or if the recyclable material has been contaminated. Newspapers shall be considered clean and uncontaminated if they have not been exposed to substances or conditions rendering them unusable for recycling. Persons may wrap solid waste in used newspapers and discard same with regular

solid waste, even if such wrapping does not render the newspapers unusable for recycling. (Ord. 1992-27. Passed 5-6-92.)

935.05 WEEKLY COLLECTION OF ~~SEPARATED~~ MATERIAL.

With reference to the City's residential recycling program, collection of recyclable materials shall be weekly ~~and such material shall be set out for collection as follows:~~ OR AS ADJUSTED WITH APPROVAL OF THE CITY'S DIRECTOR OF SERVICE AND THE RECYCLING PROVIDER:

(a) ~~Glass and metal cans shall be placed together in a recycling bin or bins.~~

(A) GLASS, METAL CANS, PAPER, NEWSPAPER, PAPER BAGS, CARDBOARD AND ACCEPTABLE PLASTICS SHALL BE PLACED INTO THE CONTAINERS, AS SET OUT ON THE CITY'S RECYCLING CONTRACTOR'S WEBSITE.

(b) ~~Newspaper shall be placed loose in a recycling bin or bins.~~

(B) EXCESS CARDBOARD AND PAPER RECYCLABLE MATERIAL THAT DOES NOT FIT IN THE RECYCLING CONTAINER SHALL BE BUNDLED AND SET OUT NEXT TO THE RECYCLING CONTAINER ON PICK UP DAYS.

~~(d) Cardboard and paper bags shall be placed together either on top of, or next to, the newspaper bin.~~

(C) ALL OTHER EXCESS RECYCLING MATERIALS THAT DO NOT FIT IN THE RECYCLING CONTAINER SHALL BE PLACED IN BAGS AND SET OUT NEXT TO THE RECYCLING CONTAINER.

(Ord. 1992-27. Passed 5-6-92.)

935.06 COLLECTION OF RECYCLABLE MATERIAL.

(a) Upon the placement of recyclable material at a designated location for collection by the recycling contractor, the recyclable material shall become the property of the City.

(b) During the twenty four hour period commencing at ~~6~~ 7:00 p.m. on any day preceding a day designated for collection of recyclable material, no person, other than an authorized recycling collection contractor, shall remove recyclable material which has been placed at a designated collection location. Any and each such removal of recyclable material in violation hereof from one or more designated recycling collection locations shall constitute a separate and distinct offense punishable as provided in this chapter.

(c) Nothing in this section shall limit the right of an individual person, organization or other entity to donate, sell or otherwise dispose of recyclable material, provided that any such disposal is in accordance with the provisions of this chapter.

(Ord. 1992-27. Passed 5-6-92.)

935.07 PLACING GARBAGE AND SOLID WASTE FOR COLLECTION; PROHIBITED ITEMS.

The following requirements apply to all City recycling programs:

(a) All items of solid waste shall be placed in standard garbage and solid waste containers as provided in Section 935.15. However, brush and branch clippings may be tied securely in bundles not exceeding four feet in length and placed at the usual place of collection.

935.08 PLACING RECYCLABLE MATERIAL.

On the regularly scheduled collection day, persons residing in SINGLE FAMILY AND OTHER residential units as defined herein USING SIXTY-FIVE (65) AND/OR NINETY-FIVE (95) GALLON CONTAINERS shall place the recycling bin CONTAINER at the curb in front of the residential unit. All persons residing in residential units in the City affected by this chapter shall place their recyclable material in the appropriate recycling bin CONTAINER or other storage unit and keep such material separate from their other garbage and solid waste. Residents of apartments, condominiums and multi-family billing units shall have specially designated storage units to be used for placement of recyclable material. Carry out service FOR SIXTY-FIVE (65) AND/OR NINETY-FIVE (95) GALLON CONTAINERS shall be provided by the recycling contractor for residential units of handicapped, disabled, impaired persons or persons who are otherwise precluded from or physically incapable of placing recycling bins CONTAINERS at curbside. Haulers collecting from "CIGI" units shall only be required to meet source separation and reporting requirements of this chapter.

(Ord. 1992-27. Passed 5-6-92.)

935.09 POINTS OF COLLECTION FOR SOLID WASTE; TIME LIMIT FOR SOLID WASTE CONTAINERS ON TREE LAWNS.

The following requirements shall be met by all residential and multi-family billing units within the City.

(a) SIXTY-FIVE (65) AND NINETY-FIVE (95) GALLON solid waste containers shall be placed at the street curb, provided that such containers may be placed for collection at other locations when approved by the Director of Public Service.

(b) No solid waste container is permitted to remain on the tree lawn of the public street for a period longer than twenty-four hours after the pickup and removal of the refuse contained therein.

(Ord. 1992-27. Passed 5-6-92.)

935.10 FREQUENCY OF COLLECTION.

All recyclable material shall be collected in accordance with schedules promulgated by the City Manager, or his/her authorized representative, pursuant to the rule making authority granted in Section [935.17](#).

(Ord. 1992-27. Passed 5-6-92.)

935.11 ANTI SCAVENGING CLAUSE.

It shall be a violation of this chapter for any person other than the authorized recycling collection contractor, authorized personnel of the Department of Public Service or the resident to collect, pick up or cause to be collected or picked up, such recyclable materials. Each such collection in violation hereof from one or more residences during such period shall constitute a separate and distinct offense. This section of the chapter shall not apply to commercial, industrial, governmental or institutional billing units in the City who choose to recycle under the "in house" or "private hauler" program as is more fully set forth in Section [935.18](#).

(Ord. 1992-27. Passed 5-6-92.)

935.12 ADDITIONAL METHODS OF DISPOSAL.

Any resident may donate or sell recyclable materials to any person, partnership or corporation whether operating for profit or not for profit. Such person, partnership or corporation may not, however, under any circumstances pick up the recyclable material from the curbside in the City. This section shall be a requirement of CIGI units who choose to recycle under the City program as the same is more fully defined in Section 935.18. (Ord. 1992-27. Passed 5-6-92.)

~~**935.13 SOLID WASTE FEE RATES.**~~

- ~~—(a) There shall be charged a fee of five dollars and one cent (\$5.01) per month per residential and multi-family billing unit for any solid waste activity necessary to meet the reduction goals outlined in the Portage County Solid Waste Management Plan or to find alternate disposal programs for items banned from the landfill, except that any billing unit whose head of household is a qualified residential water user and the holder of a Golden Buckeye Card shall be charged a fee of two dollars and fifty cents (\$2.50) per month.~~
- ~~—(i) This rate becomes effective for billing dates after January 20, 2016.~~
- ~~—(b) Beginning with the first billing after January 20, 2016, there shall be a three percent (3%) increase in the base rate for solid waste collections. The new rate will be five dollars and one cent (\$5.01) per residence.~~
- ~~—(c) Thereafter, the rates for collection of solid waste will increase as follows:~~
- ~~—(i) The rate for billing for solid waste collection in 2016 and all future years will increase by three percent (3%) annually;~~
- ~~—(d) City Council reserves the right to review these increases annually during the capital plan budget review. (Ord. 2016-05. Passed 1-20-16.)~~

935.13 SOLID WASTE RECYCLING FEE RATES.

(A) THERE SHALL BE A FEE, BILLED TO EACH RESIDENTIAL UNIT IN THE CITY OF KENT, WEEKLY OR MONTHLY BASIS FOR THE FOLLOWING:

(I) ANNUAL SPRING CLEANUP, YARD WASTE, BRANCHES, LEAF PICKUP, MULCH SUPPLY.....\$2.88 MONTHLY

(II) RECYCLING COLLECTION

(A) FOR SINGLE AND SMALLER UNIT RESIDENTIAL PROPERTIES USING A 65 OR 95 GALLON CONTAINER.....\$2.28 MONTHLY

(B) FOR MULTI-FAMILY RESIDENTIAL COMPLEXES USING LARGER CONTAINERS:

(1) 2 YARD CONTAINERS WILL BE BILLED AT \$10.00 PER COLLECTION;

(2) 4 YARD CONTAINERS WILL BE BILLED AT \$12.00 PER COLLECTION; AND

(3) 8 YARD CONTAINERS WILL BE BILLED AT \$15.00 PER COLLECTION.

(4) SENIOR CITIZENS DISCOUNT DOES NOT APPLY TO THESE LARGER CONTAINERS.

935.14 BILLING; FAILURE TO REMIT FEES.

(a) The fee provided in Section 935.13 shall be billed monthly at the conclusion of the period for which service has been rendered and shall be payable at the Utility Billing Office at City Hall on or before the fifteenth day after the date of billing. Such fee shall appear on the utility bill rendered by the City for water and sewer service as a separate item and shall be considered an integral part of such bill. Failure to remit the entire amount of the charges for all services shall constitute a delinquency, with termination of all services to take place in accordance with the provisions of Section 913.03 of the Codified Ordinances, thirty days after such delinquency. However, upon proof satisfactory to the Director of Budget and Finance that service for the collection of recyclable material is not required at any billing unit, due to vacancy or other reason, such fee shall be waived by the Director.

(b) In addition, city council may also certify delinquent recycling and solid waste collection charges, late charges and fees imposed by this chapter to the county auditor, and have the delinquencies charged to the real property that generated the delinquent charges. (Ord. 2012-110. Passed 10-17-12.)

935.15 CONTAINER REQUIREMENTS.

Each person or family requiring the removal of solid waste shall provide suitable containers for storing solid waste on the premises. No person shall store any solid waste in any street, alley or other public place, or upon any private property whether owned by such person or not, within the City except in proper containers for storage. Each storage container shall be made of metal or an approved plastic watertight material, and provided with suitable handles on the outside and a tightly fitting cover which shall not be removed except when necessary in the use of such container. Such containers shall be kept in a clean, neat and sanitary condition at all times. Condominium owners shall provide and maintain their own solid waste storage containers of a size and type approved by the Director of Public Service. Solid waste, excluding garbage, may be placed for collection at curbside in plastic bags provided such bags have a thickness of at least 1.5 mil and are securely tied. This section shall apply only to the City's residential and multi-family recycling program.

(Ord. 1992-27. Passed 5-6-92.)

935.16 SOLID WASTE AND RECYCLING COLLECTION REPORTING REQUIREMENTS.

Each hauler who collects either solid waste or recyclables within the Kent city limits shall, in addition to the licensing procedure in Section 933.02 of the Codified Ordinances, comply with the following requirements:

1. Register with the Health Department. Registration forms will be available during the yearly Health Department licensing procedure.
2. Provide **weekly** MONTHLY reports as to the destination and the volume of recyclables and trash collected from within the City of Kent. Weight slips are required for verification of delivery of trash and recyclables from Kent.
3. File with the Health Department a schedule of rates that will be charged based on both volume of containers and frequency of collection for all solid waste and recycling collection services rendered.

(Ord. 2002-56. Passed 5-15-02)

935.17 RULES AND REGULATIONS.

The City Manager, or his/her authorized representative, shall have full and complete authority to make such other rules and regulations, not inconsistent herewith, pertaining to the collection and disposal of solid waste and the collection for recycling of recyclable material, as well as to the administration thereof, as may be deemed advisable.

(Ord. 1992-27. Passed 5-6-92.)

935.18 COMMERCIAL, INDUSTRIAL, GOVERNMENTAL, INSTITUTIONAL (CIGI) RECYCLING PROGRAM FOR THE CITY.

Each commercial, industrial, governmental or institutional premises within the City (CIGI unit) shall be required to separate recyclable materials from the solid waste stream and cause them to be recycled through the Portage County Solid Waste Management District with one of three options:

A. Small business curbside collection route - Business will receive small residential bins and be added to the residential collection route for a cost of \$3.00 per month.

B. Rental Container Recycling Service - Business will receive weekly collection with one of the following options:

95-gallon toter once per week	\$6.50/month
2-Yard Container once per week	\$15.00/month
4-Yard Container once per week	\$21.00/month
8-Yard Container once per week	\$27.00/month

Each bill will also include a \$1.50/month administrative charge.

C. Independent Option - Business would choose to have their recyclables collected by a private hauler would be required to submit volume and participation records to the Portage County Solid Waste Management District and would be billed a \$3.00/month administrative fee.

A Hardship Variance will be permitted for those businesses that have less than 3 employees, receive no trash collection at the business and take their recyclables home to be collected with their residential recyclables

(Ord. 2007-49. Passed 5-02-07)

935.19 COMMINGLED COLLECTION PROHIBITED.

Unless approved by the Environmental Services Manager, no person shall commingle, collect or have collected after the effective dates established by the Portage County Solid Waste Management District Plan, the State of Ohio and/or any other federal law or regulation, any of the following with any other type or kind of solid waste:

- (a) Lead acid batteries or any other batteries banned from solid waste disposal by the State.
- (b) All forms of yard waste.
- (c) All types of household hazardous waste.
- (d) All items defined as recyclable.

- (e) Refrigerators and other types of white goods.
- (f) Tires.
- (g) All other items banned from solid waste disposal by Portage County Solid Waste Management District Plan and/or the State of Ohio and/or any other federal law or regulation. (Ord. 1992-52A. Passed 8-19-92.)

935.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter except Section 935.08 and 935.09 is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a violation of noncompliance occurs or continues. Violations of Sections 935.08 and 935.09 shall cause the following actions to be taken:

(a) On the first violation, a notice of noncompliance with this section shall be posted on the recycling bin or on a regular garbage container, at the residential unit where the noncompliance occurs.

(b) On the second violation, there shall be a termination of all recyclable collection services to the residential unit where the violation occurs with written notice of such termination to be delivered to the residential unit occupant by regular mail, or by posting on the door of the residential unit.

Violations of Section 935.16 and 935.17 shall cause the following actions to be taken:

(a) License revocation to occur pursuant to Section 933.26 of the Codified Ordinances. (Ord. 2008-179. Passed 10-17-08).

RULES AND REGULATIONS
DEPARTMENT OF PUBLIC SERVICE
RESIDENTIAL ~~CURBSIDE~~ COLLECTION RECYCLING PROGRAM

AUTHORITY AND SCOPE

Through provisions of Ordinance 1990-30 AND AS AMENDED IN ORDINANCE 2016-____, incorporated as Chapter 935 (Recycling and Solid Waste Collection) of the Codified Ordinances of the City of Kent, the collection and disposal of recyclable material in the City of Kent is defined as a public utility (935.03). Separation of recyclable material from solid waste is required of all residential units in Kent (935.04), and payment for collection services is provided (~~935.15~~935.13 AND 935.14).

Section 935.10 and 935.17 provide that the City Manager (or his/her authorized representative) shall have the authority to promulgate rules and regulations pertaining to the collection of recyclable material. The Director of Public Service has been designated the rule making authority, and the following rules and regulations are hereby specified. Such regulations have the same validity as ordinances when not repugnant thereto or to the Constitution or the laws of the State of Ohio.

The Director of Public Service reserves the right to deviate from these rules and regulations during emergencies and special cases in which the public health, safety and/or welfare may be endangered.

Rules and regulations are subject to change by direction of the Service Director. Program participants will be notified of these changes and they will be published in the local paper AND/OR THE TREE CITY BULLETIN. City ordinance changes may be made by the Kent City Council.

These rules and regulations supersede any and all previous rules and regulations governing the operation of the Kent City Residential Collection Recycling Program.

DEFINITIONS

- (A) "BILLING UNIT" FOR RECYCLING ONLY MEANS A RESIDENTIAL UNIT. IN THE CASE OF UNITS USING SIXTY-FIVE (65) OR NINETY-FIVE (95) GALLON CONTAINERS, A UNIT IS THE SINGLE FAMILY HOME OR APARTMENT. FOR RESIDENTIAL UNITS USING TWO (2) YARD, FOUR (4) YARD OR EIGHT (8) YARD CONTAINERS, THE BILLING UNIT IS THE ENTIRE APARTMENT COMPLEX OR BUILDING.

- (a)(B) "Billing unit" FOR OTHER NON-TRASH SOLID WASTE means a place of abode for persons living separately or together as an independent family or household.
- (b)(C) "Independent family or household" MEANS any room or group of rooms located within a dwelling and forming a single habitable unit with facilities that are used or intended to be used for living, sleeping, cooking and eating and otherwise independent from any other unit.
- ~~(e) "Residential unit" shall include a single family dwelling, duplex, triplex, quadplex or other building with one or more billing units grouped under a common roof and with direct access to a public street.~~
- (D) "MULTI-FAMILY RESIDENCE" OR "APARTMENT" MEANS THE GROUPING TOGETHER OF THREE (3) OR MORE BILLING UNITS UNDER A COMMON ROOF WITHIN A COMMON INTERIOR HALLWAY OR FOYER, AND NOT INCLUDED IN THE RESIDENTIAL COLLECTION PROGRAM.
- (d)(E) "Director" means the Director of Public Service of the City.
- (e)(F) "Recyclable material" means SEE ATTACHED EXHIBIT "A" AND AS AMENDED HEREFTER ~~ferrous (steel) and non ferrous (aluminum) cans, newspaper, glass bottles and jars and cardboard AND PAPER.~~
- (f)(G) "Recycling bin CONTAINER" means a storage unit CONTAINER provided by the City or its contractor in which recyclable material is to be placed and co-mingled by the occupants of each billing unit, unless served by other storage units. Such CONTAINER ~~bin must~~ SHALL meet the requirements of the Director.
- (g)(H) "Recycling contractor" means the contractor authorized by the City for the collection of recyclable materials.

100.00 GENERAL ADMINISTRATION AND CUSTOMER SERVICE

100.01 Scope of Service:

The Kent City Residential Collection Recycling Program includes provision of recycling bins CONTAINERS to each residential unit in the City of Kent; specification of recyclable materials to be placed in the recycling containers; collection of recyclable material from residential units by the recycling contractor once every ~~two weeks~~ OR AS ADJUSTED WITH THE CITY'S DIRECTOR OF SERVICE AND THE RECYCLING PROVIDER; provision of information on the curbside recycling program to residential units included in the program; documentation of processing and marketing of collected recyclable material; and

payment for collection services by residential units and billing units AND BILLING UNITS.

101.00 RECYCLING BINS CONTAINERS

101.01 Bins CONTAINERS Provided:

- A) Each residential unit included in the curbside recycling program will be provided ONE NINETY-FIVE (95) GALLON OR SIXTY-FIVE (65) GALLON CONTAINER, ~~or one eighteen (18) gallon and one fourteen (14) gallon plastic bin container for storage of recyclables.~~ These bins CONTAINERS are the property of the City of Kent OR ITS RECYCLING CONTRACTOR. ~~In October 1990,~~ THESE bins CONTAINERS will be delivered to each residential unit included in the program by the recycling contractor. Thereafter, ~~two-bins~~ CONTAINERS will be provided to new residential units.
- B) LARGE RESIDENTIAL UNITS FOUR (4) OR MORE LIVING UNITS OR APARTMENTS WILL BE GIVEN LARGE CONTAINERS – TWO (2) YARD, FOUR (4) YARD, OR EIGHT (8) YARD CONTAINERS AS NEEDED. EXCEPTIONS MAY BE GRANTED BY THE CITY SERVICE DIRECTOR FOR GOOD CAUSE SHOWN BY THE PROPERTY OWNER.

101.02 Extra Bins CONTAINERS Provided: If residential units are in need of extra recycling bins CONTAINERS to store recyclables for ~~two-weeks~~ A WEEK, they must notify the Kent ~~Recycling Coordinator~~ SERVICE DEPARTMENT by phone or mail. ~~Up to two~~ Extra bins CONTAINERS will be provided to each residential unit AS NEEDED. Residents who receive bins CONTAINERS in excess of numbers specified above will be billed \$5.00 per additional bin CONTAINER(S) on their next utility bill. ~~LARGE Residential units WITH FOUR (4) OR MORE LIVING UNITS OR APARTMENTS included in the curbside collection recycling program which house more than five individuals may receive in addition to the extra bins provided above, two extra bins for each additional four individuals in residence at the unit. LARGE CONTAINERS SUCH AS TWO (2) YARD, FOUR (4) YARD OR EIGHT (8) YARD CONTAINERS AS SPECIFIED BY THE KENT CITY SERVICE DIRECTOR.~~

101.03 Bins CONTAINERS Replaced: Recycling bins CONTAINERS which are stolen from a residential unit or are damaged beyond use must be reported to the ~~Recycling Coordinator~~ KENT SERVICE DEPARTMENT by phone or mail. Up to four (4) bins CONTAINERS per residential unit will be replaced. If more replacements are needed, a charge of \$5.00 per bin CONTAINER will be added to the next utility bill for that residential unit.

101.04 **Additional Bins-CONTAINERS Delivered:** The recycling contractor will deliver any additional bins CONTAINERS requested to the residential unit during the next scheduled collection date after the Recycling Coordinator is notified.

101.05 **Return of Bins-CONTAINERS:** When occupants of a residential unit included in this program vacate the premises, the recycling bins-CONTAINERS must be left by the water meter to be picked up by the Kent Service Department when the final meter reading is taken. If the recycling bins-CONTAINERS are not at this location, a charge of \$5.00 per container will be added to the final utility billing to cover the cost of replacement.

101.06 **New Resident Bins-CONTAINERS:** At the time new Kent residents have their water turned on, recycling bins-CONTAINERS will be delivered to their residence by the Kent Service Department.

102.00 **REQUIRED MATERIALS**

102.01 **Material Specified:** Materials NO LONGER HAVE to be source separated for the residential collection recycling program. ~~are:~~ MATERIALS ACCEPTED IN THE RECYCLING PROGRAM ARE AS LISTED ON EXHIBIT "A" AND AS AMENDED.

~~Glass bottles and jars~~

~~Food and beverage cans (tins cans; bimetal cans; aluminum cans/foil)~~

~~Newspaper~~

~~Cardboard~~

~~PAPER~~

102.02 **Preparation of Material:** All metal and glass containers must be clean. Paper labels must be removed from metal containers; metal lids and caps must be removed from glass containers. ~~Newspaper must be kept separate from all other paper products.~~ Cardboard includes brown paper bags and all other types of cardboard, except wax-coated (milk cartons).

102.03 **Placement of Material in Recycling Bins-CONTAINERS:** ~~One~~ THE recycling bins-CONTAINER MAY ~~must~~ be used for all ~~metal and glass containers~~ RECYCLABLE MATERIALS. ~~Newspaper must be placed loose in the bottom of the second bin. Cardboard must be flattened, reduced to no more than~~ EXCESS MATERIAL MUST BE PLACED IN three foot-(3') sections and bundled or put in brown paper bags ~~on top of the loose newspaper in the second bin~~ NEXT TO THE CONTAINER.

102.04 Material Excluded from Curbside RECYCLING Collection Program: The following material must not be placed in recycling bins CONTAINERS for curbside collection (ANYTHING NOT ON EXHIBIT "A").

Magazines	Window Glass	Scrap Metal
Catalogs	Light Bulbs	Pyrex Glass
Waxed Cardboard	Pottery	Plastic of Any Type
Books	Ceramics	Motor Oil
Office Paper/Mail	Paint Cans	Household Hazardous
Phone Books	Aerosol Cans	Waste Containers

102.05 Additions To/Deletions From Recycling Material List: The Director may, when required, add material to the list of recyclables to be collected from the curb, or delete material from said list. In the event of this action, all residential units in the curbside collection recycling program will be notified by mail at least two (2) weeks before said changes take effect.

103.00 COLLECTION OF RECYCLABLES

103.01 Collection Schedule: The recycling contractor will collect recyclables from the curb on Monday, Tuesday, Wednesday, Thursday and Friday. ~~One each of ten residential curbside routes will be collected each day to ensure coverage of all residential units in two weeks. The collection vehicle will start collections at 7 a.m. each morning.~~ THE CITY WILL BE DIVIDED INTO QUADRANTS, WITH EACH QUADRANT'S RECYCLING CONTAINERS TO BE COLLECTED ON A SPECIFIC DAY OF WEEK, MATCHING THE DAY TRASH IS COLLECTED IN SAID QUADRANT. Residential units WITH SIXTY-FIVE (65) AND NINETY-FIVE (95) GALLON CONTAINERS, included in any given route must have recycling bins CONTAINERS at the curb by 7:00 a.m. the day that route is scheduled.

The recycling contractor will not collect recyclables on the following holidays:

- | | |
|------------------|-------------------------|
| New Year's Day | MARTIN LUTHER KING |
| PRESIDENT'S DAY | Memorial Day (observed) |
| July 4 | Labor Day |
| COLUMBUS DAY | VETERAN'S |
| Thanksgiving Day | DAY AFTER THANKSGIVING |
| Christmas Day | |

To assure uninterrupted service, routes falling on observed holidays will be collected the day after the holiday, with other routes scheduled for later the same

week being collected one day later than usual, and the Friday route being collected on Saturday.

- 103.02** **Notification of Interrupted Service:** If on occasion recyclables cannot be collected by the recycling contractor, every attempt will be made to alert residential units on the affected collection routes through delivery of written notes.
- 103.03** **Notification of Routing Changes:** In the event it becomes necessary to change the collection dates of streets or individual residential units, all affected units will be notified in writing of the change, and will be provided information on the new collection days.
- 103.04** **Placement and Removal of Collection Bins CONTAINERS:** Recycling bins CONTAINERS must be placed at the curb not more than twelve (12) hours before the scheduled collection day, and must be removed from the curb within twelve (12) hours after being collected.
- 103.05** **Special Collection Arrangements:** If it is impossible for a residential unit to place recycling bins CONTAINERS at the curb, the ~~Recycling Coordinator~~ KENT SERVICE DEPARTMENT must be notified FORTY EIGHT (48) HOURS before a scheduled collection day. The ~~recycling contractor~~ KENT SERVICE DEPARTMENT will provide special collections services (e.g., pick up from a porch or beside a garage). However, all such collections must be scheduled by the ~~Recycling Coordinator~~ SERVICE DIRECTOR OR THEIR DESIGNEE, and may not involve walking a distance of more than seventy (70) feet from curb or entrance into an enclosed area through a closed door.
- 103.06** **Route Change Requests:** When a residential unit is on the corner of two (2) streets that are on different collection routes, a request for a route change to increase residential unit convenience may be made to the ~~Recycling Coordinator~~ SERVICE DIRECTOR. If such change will not adversely affect the recycling contractor, it will be made and the residential unit will be notified of the new collection route schedule.
- 103.07** **Call Back Service:** In the event the recycling collection vehicle fails to collect from a residential unit on the specified day, contact with the Service Director or their designee will assure collection by the end of the next day, provided, however, that the recycling bins were at the curb or a special collection location by 7 a.m. on the regularly scheduled collection day.

The ~~Recycling Coordinator~~ SERVICE DIRECTOR reserves the right to investigate missed collections. ~~The recycling contractor turns collection bins upside down after emptying them, so streets already collected are easily distinguishable on any~~

given day. Under terms of the recycling collection contract, unscheduled call backs can be made only if the contractor fails to collect material which is in its designated place by 7 a.m. on the collection day.

When recycling **bins** CONTAINERS are placed improperly or placed at the curb after 7 a.m. and, therefore, are not collected, residential units will be asked to store the recyclables until the next scheduled collection day for that route.

103.08 **Protection from Elements:** In the event of inclement weather, residential units are expected to protect recyclables from blowing, moisture and freezing when at all practicable. Refraining from putting recycling **bins** CONTAINERS at the curb until morning, covering paper material with plastic sheeting, and anchoring paper material with a heavy object all are acceptable means of protection.

103.09 **Notification of Improper Material / Separation / Placement:** In the event recycling **bins** CONTAINERS contain contaminated recyclables (see Section 102.01 – 102.04), or are improperly placed for collection (see Sections 103.01; 103.04; 103.05), the residential unit will be notified of the infraction through a written notice **left in ON the bin CONTAINER.** Proper preparation and placement will be expected for the next collection.

103.10 **Refusal of Material:** The **recycling contractor** may, after having served three (3) notices of infractions to a residential unit, refuse to collect material in recycling containers until the material is properly prepared and the recycling **bins** CONTAINERS are properly placed. Residential units will be notified of refusal to collect through a written notice **left in ON the recycling bin CONTAINER.**

103.11 **Documentation of Participants:** The **recycling contractor** will keep records of those residential units participating in the residential **curbside** collection program. These records will be used both to determine participation rates and to identify those residential units that are not in conformance with provisions of Chapter 935 of the Codified Ordinances.

104.01 **INFORMATION ON SERVICE PROVIDED**

104.01 **Distribution of Information to Residential Units:** Each year, each residential unit included in the **curbside** collection recycling program will be provided written information on ANY CHANGES IN collection dates for the following year, and on preparation of material for the **curbside** recycling collection program IF THERE ARE CHANGES TO THE ABOVE. This material will be mailed or hand delivered to each residential unit.

104.02 **Information to New Customers:** At the time new Kent residents sign up for water service at Kent City Hall, they will be given written information on collection dates for their collection route and on preparation of material for the **curbside** recycling collection program.

104.03 **Change in Service or Material:** At any time either the **curbside** recycling collection service or the material to be included in the **curbside** recycling collection program is changed, each affected residential unit will receive written notification at least two (2) weeks before the change will occur.

105.00 **PROCESSING AND MARKETING RECYCLABLES**

~~**105.01** **Delivery of Recyclables to Portage Recycling Organization:** All recyclable material collection from the curb by the recycling contractor will be delivered to the Portage Recycling Organization processing facility at 918 Marvin Street in Kent, in accordance with arrangements between the recycling contractor and the processing center.~~

105.021 **Documentation of Amount Delivered to Processor:** ~~The~~ ALL recycling contractors must obtain documentation from the processing facility of the weight of recyclables delivered from each collection route each day, by material. This data will be provided to the ~~Recycling Coordinator~~ SERVICE DIRECTOR and will be used to determine the average amount of recyclable material set out at the curb per residential unit participating in the **curbside** RECYCLING collection program as well as the total amount of material processed through the residential **curbside** collection recycling program.

105.032 **Documentation of Marketing of Recyclables:** The recycling contractor must obtain documentation from the processor of the end use of all recyclables delivered from the collection program. This documentation must include where the material is marketed, whether this market is the end user of the recyclables, and if so, what the end use is. If the market is not the end user, there must be documentation of who the end user is and what the end use is. The recycling contractor must provide the ~~Recycling Coordinator~~ SERVICE DIRECTOR with this information on a ~~weekly~~ MONTHLY basis.

200.00 **ACCOUNTING AND BILLING**

200.01 **Recycling Declared a Utility:** Collection of recyclables ~~from curbside~~ is declared a utility under provisions of Chapter 935 of the Codified Ordinances. As such, billing for collection services will be included on the utility bills of each residential unit included in the recycling collection program.

201.00 **BILLING AND RATES**

201.01 **Billing Dates:** Residential units included in the **curbside** recycling collection program will be billed for service provided during the same time period as the meter readings taken for water/sewer charge billing.

201.02 **Collection Rates:** The Codified Ordinances provide the following rates for collection of recyclables per residential unit per month, SEE KENT CODIFIED ORDINANCE SECTION 935.13.

~~November 1990—October 1991: \$2.50 per month~~

~~November 1991—October 1992: \$2.75 per month~~

~~November 1992 and Beyond: \$3.00 per month~~

A) RESIDENTIAL UNITS USING SIXTY-FIVE (65) OR NINETY-FIVE (95) GALLON CONTAINERS WILL BE BILLED \$2.28 PER MONTH FOR RECYCLING.

B) LARGER RESIDENTIAL WILL BE BILLED FOR RECYCLING AS FOLLOWS:

I) TWO (2) YARD CONTAINERS WILL BE BILLED AT \$10.00 PER COLLECTION;

II) FOUR (4) YARD CONTAINERS WILL BE BILLED AT \$12.00 PER COLLECTION;

III) EIGHT (8) YARD CONTAINERS WILL BE BILLED AT \$15.00 PER COLLECTION.

201.03 **Discount Rates:** The Codified Ordinances provide that residential units USING SIXTY-FIVE (65) OR NINETY-FIVE (95) GALLON CONTAINERS, whose head of household has a Golden Buckeye Card will receive a discount rate of \$1.50 per month for collection of recyclables. Application forms for this discount are available at the Utility Billing Office at **Kent City Hall** 930 OVERHOLT ROAD, phone number (330) 678-8104.

201.04 **Requests to Temporarily Discontinue Collection Service:** Occupants or owners of residential units who cannot use the recycling collection service for a specific reason (e.g., extended vacations; vacancy at the unit) are eligible to have charges for the service temporarily suspended. To receive this suspension of charges, the owner or occupant must obtain from the **Recycling—Coordinator** SERVICE DIRECTOR OR THEIR DESIGNEE(S) an application form. This form documents the dates through which the suspension is requested, the reason for the request, and

must be notarized. Upon expiration of this notarized application, charges will be resumed.

201.05 **Payment of Collection Fees:** The recycling collection fee is payable at the Utility Billing Office at ~~City Hall~~ 930 OVERHOLT ROAD, or through the mail, on or before the fifteenth (15th) day after the date of billing. After this date, a late payment is attached to the entire utility bill.

201.06 **Failure to Remit Fees:** The recycling collection fee is an integral part of each residential unit's utility bill. Failure to remit the entire amount of utility charges constitutes delinquency and will result in termination of all utility services according to provisions of Section 913.07 and 935.14 of the Codified Ordinances. Such termination, with due notification, will occur thirty (30) days after failure to remit utility charges.

300.00 **VIOLATION OF RULES AND REGULATIONS**

Failure of residential units to comply with the above set forth rules and regulations will result in penalties provided for in Section 935.99 of the Codified Ordinances.

EXHIBIT "A"
CURBSIDE PICK-UP GUIDELINES

For curbside recycling, we only accept the following of each type of item:

Glass - jars, bottles

Cans - aluminum, steel and bi-metal cans from food and beverages

Plastic - beverage and laundry product bottles marked with a #1 (PET) or #2 (HDPE) on the bottom, squeezable bottles (honey/mustard) marked with a #4 (LDPE) on the bottom, yogurt containers, ketchup bottles and drinking straws marked with a #5 (PP) on the bottom, plastic cups, plastic plates, CD cases and empty medicine bottles marked with #6 (PS) on the bottom, other plastics such as Tupperware and reusable drinking bottles are marked with #7 (OTHER) on the bottom).

Aseptic cartons

Paper - newspaper, magazines, catalogs, office paper, junk mail and paperboard boxes

Cardboard - clean corrugated, without wax coating or foil

Dear _____:

In response to comments received from apartment property owners, the City of Kent has updated its recycling laws for recycling at residential apartment buildings. The changes are expected to result in lower recycling fees for most apartment complexes and ensure that the City stays in full compliance with State recycling mandates.

These recent updates follow 50 years of recycling in Kent that began in the 1970's when Kent residents organized one of the first recycling programs in the State of Ohio. With a "garbage crisis" making national headlines in the 1980's, the Federal Government stepped-in and imposed recycling goals on states, and the states quickly passed those requirements on to cities.

The laws in Ohio mandated reductions in the amount of solid waste (trash/garbage) going to landfills. If cities like Kent failed to reduce solid waste, they faced significant State fines and penalties. So Kent, like most cities, created local recycling laws in order to meet the new State laws to reduce solid waste.

The State law required cities such as Kent to document the amount of recycling achieved and verify the actual reduction in solid waste in the local community. Those recycling figures were required to be reported to the State which is why the City of Kent began requiring recycling haulers to report the amount of recycling (by weight/volume) that had been collected in Kent.

Initially the City set up a contract with the Portage County Solid Waste District (PCSWD) to provide expanded recycling services at single family homes but the apartment complexes were allowed to make their own arrangements for recycling with the hauling company of their choice. Over time it became apparent that there were some short comings with that option and as a result the updated recycling laws extend the PCSWD recycling service to apartment complexes as an attempt to remedy those earlier problems.

In order to ensure the best price for recycling services at apartment complexes the City put out a bid for apartment recycling and PCSWD was the lowest bidder. The City's previous experience in bidding-out recycling and trash services saved residents as much as 30% off their bill so we are hoping this latest bid will have a comparable benefit to apartment owners as well. This switch in recycling service providers is expected to lead to lower costs for apartment owners and more reliable recycling reports for the City to submit to the State showing how much recycling material was collected.

Attached is the bid sheet from PCSWD showing the various price options for apartment complexes who wish to use large recycling containers (two (2), four (4) and eight (8) yard dumpsters). The pricing is based on the size of the container and frequency of collection by PCSWD.

Also attached is the total size of containers estimated to be needed for each complex. This number was arrived at by using research generated across the country on how much recycling is used per unit in multi-family apartment complexes. That number was then applied to calculate the size of the container or containers needed at each complex. Your specific complex is highlighted on the attached sheet.

As an example, if you are required to have an eight (8) yard container, you simply need a total of eight (8) yards of space. It can be two (2) four (4) yard containers, or four (4) two (2) yard containers, or one (1) eight (8) yard container.

You will then need to contact the PCSWD to let them know what service option works best for you. Their phone number is _____.

The contract is set up so that PCSWD will supply the recycling containers. The cost of the recycling for each container is based upon the size of containers being collected, (or emptied) by the PCSWD on a once per week basis. It is also possible that if a larger container does not fit on your premises using a once per week collection schedule, you may be able to use a smaller container and have it emptied twice per week. For example, if you need an eight (8) yard container, you may be able to use a four (4) yard container and empty it two (2) times per week. Again that is the kind of service details that you'll need to work out with PCSWD.

As a part of the recycling, you and your tenants will also have the ability to use the PCSWD's collection site for paper shredding and hazardous materials disposal (for typical household hazard items such as paint).

The new apartment recycling service is scheduled to go into effect on September 1, 2016 so you'll need to coordinate with PCSWD to have your containers in place by that time.

One last clarification of the bills you receive from the City for water, sewer and "solid waste." In case there's any confusion, it may be helpful to note that the solid waste fee includes more than just recycling services so it will be a higher number than just what you pay for recycling. In addition to the recycling fee, there is a charge of \$1.00 per month per residential unit for the annual trash pickup held citywide in May. Anything you and or your tenants set out on the curb on the designated week in May for your area will be picked up by the City.

There is also a charge of \$1.80 per residential unit which helps cover the costs of several City solid waste services. These other services include the City's yard waste services. In paying this fee you and your tenants the ability to drop off yard waste at the City yard waste site or have the City collect and chip twigs and branches from your property during Spring brush collection. You and your residents also have access to a free supply of City mulch as long as the mulch is available. Lastly, the \$1.80 also covers the cost of downtown litter cleanup, security at the yard waste transfer site, capital purchases for equipment to do this type of work, Christmas tree pickup, and emergency storm cleanup.

In summary, the number that appears on the utility bill includes both the recycling fee for your property and the additional solid waste services described above. These same costs are also charged to every single family and duplex residential unit in the City with individual homeowners paying \$2.21 for their recycling provided through PCSWD.

Here's an example of how the total bill would be calculated. If you have a 100 unit apartment complex and you require eighteen (18) yards of container space for recycling, you would be billed the following, assuming you have two (2) eight (8) yard containers and a two (2) yard container for recycling, picked up four (4) times that month:

a)	1 eight (8) yard recycling container – four (4) pulls x \$15.00 =	\$ 60.00
b)	1 eight (8) yard recycling container – four (4) pulls x \$15.00 =	\$ 60.00
c)	1 two (2) yard recycling container – four (4) pulls x \$10.00 =	\$ 40.00
d)	100 units x \$2.80 =	<u>\$280.00</u>
		\$440.00

As noted previously, there may be some apartment properties that may not have room for a two (2), four (4) and eight (8) yard dumpster on your property. In those cases, you may continue to use the individual sixty-five (65) and ninety-five (95) gallon containers for each unit if you prefer to do so. Your billing will not change. In those cases please let PCSWD and the City know if you wish to continue using the sixty-five (65) and ninety-five (95) gallon containers.

Finally, the size of containers needed for your property can be reviewed annually. If you and PCSWD can demonstrate that your properties can get by with smaller recycling containers, you can petition the City by August 1st of each year, in writing, to use smaller containers. The City Service Director will make the decision as to whether or not your request is fair and reasonable.

Should you have any questions about this change in recycling, please feel free to call the City of Kent Service Department at 330-678-8105.

Very truly yours,

City of Kent, Acting Service Director



CITY OF KENT, OHIO

DEPARTMENT OF LAW

TO: KENT CITY COUNCIL, MAYOR FIALA & DAVID RULLER
FROM: JAMES R. SILVER
DATE: JANUARY 11, 2017
RE: REVISIONS TO PROPOSED CHAPTER 937

The attached suggested code changes cover Chapter 937 of the Kent Codified Ordinances regulating the use of public rights-of-way. Due to the State changing regulations on local government control of small cell towers, staff is suggesting we amend Chapter 937 to allow the City to have some, although minimal, control of small cell towers. We have also cleaned up some of the other language in this chapter to conform language to other code sections. There has been input from Community Development, Service Department, IT, Engineering and the Legal Department on this topic.

The substantive changes include: a) limiting the height of new small cell wireless towers to fifty (50) feet; b) requiring small cell towers to conform to all other City, State and Federal regulations that provide for the safety, health and welfare of the citizens and visitors of Kent; c) that the wireless operations will not interfere with the communications between City safety forces; and d) that the City will charge \$200.00 per location for a wireless provider to locate wireless facilities on City owned utility poles and structures. This is misleading because the State has stated that we have to let wireless facilities locate on existing City owned structures. We cannot say no to a wireless provider who wants to put a wireless facility on one of our structures.

In essence, the State has preempted most regulations by local communities over small cell towers. Staff is trying to give the City as much control as is possible under the new State laws. We urge Council to adopt the proposed changes.

CHAPTER 937
Use of Public Ways by Service Providers

937.01 Scope of Chapter; Definitions.	937.06 Notice of Work, Routine Maintenance and Emergency Work.
937.02 Consent to Occupy and Use the Public Right-of-Way.	937.07 Construction Permits and Standards.
937.03 Annual Registration of Service Providers.	937.08 Recovery of City Costs in Managing the Public Right-of-Way.
937.04 General Public Right-of-Way Use Regulations.	937.09 Cable Televisions Franchise.
937.05 Location, Relocation and Removal of Facilities.	937.10 Private Facilities in the Public Right-of-Way.
	937.11 Miscellaneous Provisions.
	937.99 Penalties and Other Remedies.

937.01 SCOPE OF CHAPTER; DEFINITIONS

- (a) The purpose and intent of this Chapter is to:
- (1) Manage Occupancy or Use of the Public Right-of-Way.
 - (2) Encourage the provision of advanced, competitive utility and telecommunications services on the widest possible basis to the businesses, institutions and residents of the City.
 - (3) Manage reasonable access to the Public Right-of-Way of the City for utility and telecommunications service purpose on a competitively neutral basis.
 - (4) Conserve the limited physical capacity of the Public Right-of-Way held in trust by the City for the benefit of the public.
 - (5) Assure that the City receives cost recovery for the Occupancy and Use of the Public Right-of-Way in accordance with law.
 - (6) Assure that all Service Providers with Facilities in the Public Right-of-Way comply with the ordinances, rules and regulations of the City.
 - (7) Assure that the City fairly and responsibly protects the public health, safety and welfare.
 - (8) Enable the City to discharge its public trust consistent with rapidly evolving federal and State regulatory policies, industry competition and technological development.
- (b) For the purpose of this Chapter, and the interpretation and enforcement thereof, the following words and phrases shall have the following meanings, unless the context of the sentence in which they are used shall indicate otherwise;
- (1) Affiliate means a Person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with another Person.
 - (2) Cable Operator means a Person providing or offering to provide Cable Service within the City.
 - (3) Cable Service means “cable service” as defined in the Cable Communications Policy Act of 1984, codified at 47 U.S.C. §532, et seq., as amended by the Cable Television Consumer Protection and

- Competition Act of 1992 and the Telecommunications Act of 1996, as each might be further amended.
- (4) Cable System means “cable system” as defined in the Cable Communications Policy Act of 1984, codified at 47 U.S.C. §532, et seq., as amended by the Cable Television Consumer Protection and Competition Act of 1992 and the Telecommunications Act of 1996, as each might be further amended.
 - (5) Capital Improvement means an addition made to enhance the value or extend the useful life of an existing System or Facilities, including Construction, Reconstruction, Installation, Rehabilitation, Renovation, Improvement, Enlargement and Extension of Facilities, but not including ordinary or Routine Maintenance and repair.
 - (6) City means the City of Kent, Ohio.
 - (7) City Manager means the City Manager, or his or her designee.
 - (8) City Property means and includes all real property owned by the City, other than Public Streets and Public Easements as those terms are defined herein, and all property held in a proprietary capacity by the City, which are not subject to Public Right-of-Way consent and Permit requirements of this Chapter.
 - (9) Construct, Constructing, Construction, etc. means installing, repairing, maintaining, operating, replacing or removing any Public or Private Facility, regardless of the methods employed.
 - (10) Construction Permit or Permit means a permit issued pursuant to this Chapter and such other permits required by other sections of the Kent Codified Ordinances as apply.
 - (11) Deputy Service Director/Superintendent of Engineering means the Deputy Service Director/Superintendent of Engineering, or his or her designee.
 - (12) Emergency means an unforeseen occurrence or condition calling for immediate action including but not limited to emergency temporary repairs and subsequent follow-up permanent repairs relating to the emergency condition.
 - (13) Excavate, Excavating or Excavation means cutting, sawing, breaking, drilling into, boring under, or otherwise altering any Public Street or sidewalk pavement, and/or digging, drilling into or boring under any unpaved portion of the Public Right-of-Way, including any other work or activity which disturbs the existing surface or subsurface structure, composition, or soil compaction, for the purpose of carrying on any Construction activity.
 - (14) Excess Capacity means the volume or capacity in any existing or future duct, conduit, manhole, or other Facility in the Public Right-of-Way that is or will be available for use for additional Facilities, which are compatible with the existing use.
 - (15) Facility, Facilities or System means the plant, equipment and property, including but not limited to, cables, fibers, wires, pipes, conduits, ducts, pedestals, antennae, electronics, poles, pipes, mains, plant, equipment and other appurtenances located under, on or above the surface of the ground in the Public Right-of-Way of the City and used or to be used to transmit,

receive, distribute, provide or offer Services but also including Private Facilities.

- (16) Lane Obstruction means the blocking or diverting of vehicular and/or pedestrian traffic from a street or sidewalk for the purpose of Constructing, Excavating, installing, repairing, maintaining, operating, replacing or removing any Facility, including (A) the lifting or removing of manhole or handhole covers, and (B) the opening or accessing of at-grade or pole-mounted cabinets, pedestals, transformers, power supplies, amplifiers, splice enclosures, traps or other Facilities.
- (17) New Service Orders means the physical connection from the Public Service Provider's existing Facilities on private property for the purpose of providing a new Service to a customer in the City, which is not a Capital Improvement.
- (18) Occupancy or Use means, with respect to the Public Right-of-Way, to place a tangible thing in the Public Right-of-Way for any purpose, including, but not limited to, Constructing, repairing, positioning, maintenance or operating lines, poles, pipes, conduits, ducts, equipment or other structures, appurtenances or Facilities necessary for the delivery of public utility-like Services, including Service provided by a Cable Operator, or other services over Private Facilities in the Public Right-of-Way.
- (19) Other Ways means the highways, streets, alleys, Utility Easements or other rights-of-way within the City, but under the jurisdiction and control of a governmental entity other than the City.
- (20) Overhead Facilities means utility poles and wires, cables and other such equipment running between and on such poles, including the underground supports and foundation for such Facilities.
- (21) Person means and includes corporations, companies, associations, joint stock companies or associations, firms, partnerships, limited liability companies, trusts and individuals and include their lessors, trustees and receivers.
- (22) Private Facility means the plant, equipment and property, including but not limited to, cables, fiber optics, wires, pipes, conduits, ducts, pedestals, antennae, electronics and other appurtenances used or to be used to transmit, receive, distribute or provide telecommunications or other services between or among private buildings or facilities where there is no offer of service to the public.
- (23) Private Service Provider means any Person who, pursuant to the consent to Occupy or Use the Public Right-of-Way pursuant to Section 937.02 of this Chapter, directly or indirectly owns, controls, operates or manages Private Facilities within the City's Public Right-of-Way used or to be used for the purpose of transmitting, receiving, distributing or providing telecommunications or other services between or among private buildings or facilities where there is no offer of Service to the public.
- (24) Public Easement means any easement under the jurisdiction and control of the City and acquired, established, dedicated or devoted for public purposes, including utility purposes.

- (25) Public Right-of-Way means the surface of, and the space within, through, on, across, above or below, any Public Street, public road, public highway, public freeway, public lane, public path, public alley, public court, public sidewalk, public boulevard, public parkway, public drive, Public Easement and any other land dedicated or otherwise designated for a compatible public use, which is owned or controlled by the City but excludes a private easement.
- (26) Public Service Provider means any Person that, pursuant to the consent to Occupy or Use the Public Right-of-Way pursuant to Section 937.02 of this Chapter, directly or indirectly owns, controls, operates or manages Facilities within the City's Public Right-of-Way, used or to be used for the purpose of offering Service to the public within the City or outside of the City's boundaries.
- (27) Public Street means the paved and unpaved portion of any street, road, boulevard, drives, highway, freeway, parkway, lane court, alley or other Public Right-of-Way in which the City has an interest in law or equity and which has been acquired, established, dedicated or devoted to street purposes.
- (28) PUCO or Public Utilities Commission of Ohio means the State Administrative agency, or lawful successor, authorized to regulate and oversee certain Public or Private Service Providers and Services in the State of Ohio.
- (29) Reconstruct, Reconstruction, etc. means physical change to twenty percent (20%) to one hundred percent (100%) of an existing Facility or System involving Construction in Public Streets, Utility Easements, or Public Right-of-Way.
- (30) Routine Maintenance means repair, upkeep, replacement or restoration of existing Facilities located in the Public Right-of-Way that is not an Emergency and does not include Excavation of the Public Right-of-Way.
- (31) Service means the offering of to water, sewer, electric, gas, telephone, telecommunications, cable television, information or other utility-like service for a fee directly to the public, or to such classes of users as to be effectively available to the public, regardless of the Facilities used.
- (32) Service Provider means any Public Service Provider and/or Private Service Provider.
- (33) State means the State of Ohio.
- (34) Surplus Space means that portion of the Usable Space on a utility pole or underground conduit which has the necessary clearance from other Public or Private Service Providers using the pole or conduit, as required by the orders and regulations of PUCO and other applicable State and local orders and regulations, to allow its use by an additional Public or Private Service Provider for a pole or underground attachment.
- (35) Trenchless Technology means the use of directional boring, horizontal drilling and micro-tunneling and other techniques in the Construction of underground portions of Facilities that result in the least amount of disruption and damage to the Public Right-of-Way as possible.

- (36) Underground Facilities means Facilities located under the surface of the ground, excluding the underground foundations or supports for Overhead Facilities.
- (37) Usable Space means the total distance between the top of a utility pole and the lowest possible attachment point that provides the minimum allowable vertical clearance as specified in the orders and regulations of the PUCO.
- (38) Utility Easement means any easement owned by a Service Provider and acquired, established, dedicated or devoted for the purpose of providing Service to the public.

937.02 CONSENT TO OCCUPY OR USE THE PUBLIC RIGHT-OF-WAY.

- (a) Consent Required to Occupy Public Right-of-Way. No Person shall Occupy or Use the Public Right-of-Way without obtaining prior consent from the City to do so.
- (b) Initial Consent Presumed.
 - (1) A Person with Facilities in the Public Right-of-Way on the effective date of this Chapter, and who either
 - (A) is subject to jurisdiction by the PUCO;
 - (B) has a valid franchise agreement with the City to provide Cable Services or other Services in the City, and/or
 - (C) is any other Person that lawfully Occupies the Public Right-of-Way on the effective date of this Chapter shall be presumed to have initial consent of the City to Occupy or use the Public Right-of-Way
 - (2) Initial presumed consent for Occupancy or Use of the Public Right-of-Way is limited to the location of the existing Service or Private Service Provider's Facilities.
 - (3) A public utility subject to the jurisdiction of the PUCO and in compliance with state and federal laws and regulations shall be exempt from a requirement to obtain consent for activities related to those authorized under its tariff issued by the State of Ohio and regulated by PUCO.
 - (4) A Public Utility operating under its tariff under the State of Ohio and within the services authorized by that tariff shall be exempt from this Section only for that public utility's tariff related activities.
- (c) Application for Consent to Occupy or Use Public Right-of-Way.
 - (1) The following Persons shall apply to the City for consent to Occupy or Use the Public Right-of-Way on a form provided by the City Manager; any Person who:
 - (A) Does not currently have existing Facilities in the City's Public Right-of-Way and desires to Construct new Facilities or Private Facilities in the Public Right-of-Way;
 - (B) Has existing Facilities or Private Facilities in the Public Right-of-Way on the effective date of this Chapter and does not have presumed initial consent under Section 937.02(b)(1) above; or
 - (C) Has initial presumed consent or City consent to Occupy or Use the Public Right-of-Way for an existing System, Facilities or Private

Facilities, but is planning to expand services beyond those provided for in the tariff of a Public Utility issued by the State of Ohio.

- (D) Is building a new subdivision or project which will offer Public Right-of-Way to the City at some time in the future.
- (2) The application shall include the following information with respect to the applicant's planned or existing Facilities in the Public Right-of-Way whether they are subsurface, surface, or aerial facilities as well as plans for any planned Capital Improvements for the following twelve (12) months:
- (A) The identity, legal status and federal tax identification number of the applicant, including all Affiliates of the applicant that will Use or Occupy the Public Right-of-Way or are in any way responsible for Services provided through the Facilities in the Public Right-of-Way.
 - (B) The name, address and telephone number of the local officer, agent or employee responsible for the accuracy of the application and available at all reasonable times to be notified in case of emergency.
 - (C) A description of the existing or proposed Facilities in the City's Right-of-Way, all in sufficient detail to identify: (i) the location and route of the applicant's or Service Provider's facilities or proposed facilities; (ii) the location of all existing, overhead or underground facilities in the Public Right-of-Way and the route or proposed route of the applicant's or Service Provider's Facilities or Proposed Facilities that is sufficient to show the impact of the applicant's Facilities on other existing Facilities; (iii) the location of all known overhead and underground Utility Easements.
 - (D) A description of the type of transmission medium used, or to be used, by the applicant to provide such Services.
 - (E) Engineering plans, specifications and a network map of the applicant's Facilities located, or to be located, in the City's Public Right-of-Way, all in sufficient detail to identify (where needed for security purposes, these items shall be kept by provider subject to inspection by qualified personnel):
 - (i) the location, route, and depth or height of the applicant's Facilities or proposed Facilities on a "to scale" drawing established using State Plane Coordinates and including all information requested in this section.
 - (ii) the location of all known overhead and underground public utility, utility, telecommunications, cable, water, sanitary sewer, storm water drainage and other existing Facilities in the Public Right-of-Way along the route or proposed route of the applicant's Facilities or proposed Facilities that is sufficient to show the impact of the applicant's Facilities on other existing Facilities.
 - (iii) the location of all known overhead and underground Utility Easements.

- (F) A preliminary Construction schedule and completion date for all Capital Improvements planned for the twelve (12) month period following the date of application.
 - (G) If the applicant is providing Services in the City:
 - (i) A description of the applicant's access and line extension policies.
 - (ii) The area or areas of the City in which the applicant is currently serving and a schedule for build-out of the entire area addressed by the Permit, if applicable. **This section does not apply to wireless support structures.**
 - (H) Evidence that the applicant has complied, or will comply, with indemnification, Insurance, Performance Bond and Construction Bond requirements of this Chapter.
 - (I) Information sufficient to determine that the applicant has received any certificate of authority required by the PUCO to provide Services or Facilities in the City.
- (3) The City shall grant or deny, in writing, a Person's application for consent to Occupy or Use the Public Right-of-Way within sixty (60) days of the date on which the Person filed the complete application with the City.
- (A) The City may withhold, deny or delay its consent to a Person's application to Occupy or Use the Public Right-of-Way based on the Person's failure to possess the financial, technical and managerial resources necessary to protect the public health, safety and welfare.
 - (B) If the City denies a Person's application to Occupy or Use the Public Right-of-Way, the City shall provide its reasons for denying the application, and shall provide any information that the Person may reasonably request necessary for the Person to obtain the City's consent to Occupy or Use the Public Right-of-Way.
- (4) The City's grant of consent for a Person to Occupy or Use the Public Right-of-Way shall be in the form of a Right-of-Way Occupancy Certificate which shall set forth the specific terms of the City's consent for such Person to Occupy or Use the Public Right-of-Way.
- (5) Each Person submitting an application for Consent to Occupy or Use the Public Right-of-Way shall pay a fee as determined by the City Manager to reimburse the City for its administrative costs related to the application.
- (d) Application to Existing Franchise Ordinances and Agreements. For purposes of this Chapter, a franchise ordinance or agreement shall be deemed consent authorizing the Franchisee's Occupancy or Use of the Public Right-of-Way to the extent described in the franchise agreement or ordinance. The Franchisee's use of the Public Right-of-Way beyond that authorized by the franchise agreement or ordinance shall require additional consent for such additional Occupancy or Use. Franchisees shall comply with the Registration provisions and Construction Standards to the extent that the provisions of this Chapter do not directly conflict with the franchise agreement or ordinance. If there is a direct conflict between the franchise agreement or ordinance and the provisions of this Chapter, the franchise agreement or ordinance shall control.

- (e) Service Provider Insurance. As a condition of the consent to Occupy or Use the Public Right-of-Way, a Service Provider must secure and maintain, at a minimum, the following liability insurance policies insuring both the Service Provider and the City, and its elected and appointed officers, officials, agents, employees and representatives as additional insureds:
- (1) Comprehensive general liability insurance with limits not less than
 - (A) Five Million Dollars (\$5,000,000) for bodily injury or death to each Person;
 - (B) Five Million Dollars (\$5,000,000) for property damager resulting from any one accident; and
 - (C) Five Million Dollars (\$5,000,000) for all other types of liability.
 - (2) Automobile liability for owned, non-owned and hired vehicles with a limit of Three Million Dollars (\$3,000,000) for each Person and Three Million Dollars (\$3,000,000) for each accident.
 - (3) Worker's compensation within statutory limits and employer's liability insurance with limits of not less than One Million Dollars (\$1,000,000).
 - (4) Comprehensive form premises-operations, explosions and collapse hazard, underground hazard and products completed hazard with limits of not less than Three Million Dollars (\$3,000,000).
 - (5) The liability insurance policies required by this Section shall be maintained by the Service Provider throughout the period of time during which the Service Provider is Occupying or Using the Public Right-of-Way, or is engaged in the removal of its Facilities. Each such insurance policy shall contain the following endorsement:

"It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until ninety (90) days after receipt by the City, by registered mail, of a written notice addressed to the City Manager of such intent to cancel or not to renew."
 - (6) Within sixty (60) days after receipt by the City of said notice, and in no event later than thirty (30) days prior to said cancellation, the Service Provider shall obtain and furnish to the City replacement insurance policies meeting the requirements of this Section.
 - (7) Upon written application to, and written approval by, the City Manager, a Service Provider may be self-insured to provide all of the same coverages as listed in this Section; except that all coverages for Worker's Compensation shall be in compliance with State law. No approval for self-insurance shall be given until the City Manager has made a complete review of the Service Provider's financial ability to provide such self-insurance. As part of the review process, the City Manager may require, and the self-insurance applicant shall provide, any and all financial documents necessary to make a valid determination of the applicant's ability to meet the needs of this Chapter.
 - (8) A Public Utility subject to jurisdiction of the PUCO and operating under its tariff that has established a self-insurance fund that complies with the laws and regulations of the State of Ohio shall satisfy this requirement by

simply providing information to the City Manager relating to such self-insurance fund and the appropriate contact point for matters relating to that fund.

- (f) General Indemnification. Each applicant for consent to Occupy or Use the Public Right-of-Way, and each annual registration, shall include, to the extent permitted by law, the Service Provider's express undertaking to defend, indemnify and hold the City and its elected and appointed officers, officials, employees, agents, representatives and subcontractors harmless from and against any and all damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the Service Provider or its Affiliates, officers, employees, agents, contractors or subcontractors in the Construction, Reconstruction, installation, operation, maintenance, repair or removal of its Facilities, and in providing or offering Services over the Facilities or System, whether such acts or omissions are authorized, allowed or prohibited by this Chapter.
- (g) Performance Bond or Security Fund. As a condition of consent to Occupy or Use the Public Right-of-Way, and to ensure the full and complete compliance with, and performance under, this Chapter, including any costs, expenses, damages or loss the City pays or incurs because of any failure attributable to the Service Provider to comply with the codes, ordinances, rules, regulations or permits of the City, each Service Provider shall, in the amount of Fifty Thousand Dollars (\$50,000) or such lesser amount as the City Manager may determine to be necessary (i) establish a permanent security fund with the City Manager depositing the required amount in cash, an unconditional letter of credit, or other instrument acceptable to the City, or (ii) furnish and file with the City a Performance Bond running to the City in the required amount from a company licensed to do business in the State of Ohio; which Performance Bond or security fund shall be maintained at the sole expense of the Service Provider so long as any of the Service Provider's Facilities are located within the Public Right-of-Way, Easements or other City owned properties, of the City. **This section does not apply to wireless support structures.**
- (1) Before claims are made against the Performance Bond or any sums are withdrawn from the security fund, the City shall give written notice to the Service Provider:
- (A) describing the act, default or failure to be remedied, or the damages, cost or expenses which the City has incurred by reason of the Service Provider's act or default;
 - (B) providing a reasonable opportunity for the Service Provider to first remedy the existing or ongoing default or failure, if applicable;
 - (C) providing a reasonable opportunity for the Service Provider to pay any monies due the City before the City makes a claim against the Performance Bond or withdraws the amount from the security fund, if applicable;

- (D) that the Service Provider will be given an opportunity to review the act, default or failure described in the notice with the City Manager.
- (2) Service Providers shall maintain the full value of the Performance Bond regardless of claims against the Performance Bond made by, or paid to, the City; or shall replenish the security fund within fourteen (14) days after written notice from the City that there is a deficiency in the amount of the fund, whichever is applicable.
- (3) A Public Utility operating under a tariff issued by the State of Ohio and regulated by the PUCO and in compliance with PUCO regulations concerning insurance, shall be exempt from any provision regarding a performance bond or security fund for all tariff related activities.

937.03 ANNUAL REGISTRATION OF SERVICE PROVIDERS.

- (a) Annual Registration Required. All Service Providers with consent to Occupy or Use the Public Right-of-Way as provided in Section 937.02 shall register with the City each calendar year between January 1 and January 31 on a form provided by the City Manager. Service Providers who file initial registration after July, 2006 but before January 1, 2007, need not file an annual registration for calendar year 2007. Public Utilities operating under a tariff issued by the State of Ohio and regulated by the PUCO shall not be required to file a registration for tariff related activities other than filing a copy of their state tariff and their summary one year capital plan as set forth in the Ordinance.
- (b) Purpose of Registration. The purpose of registration under this Section 937.03 is to:
 - (1) Update and supplement the City’s database so that the City has accurate and current information concerning the Service Providers that own or operate Facilities, and/or provide Services, in the City’s Public Right-of-Way;
 - (2) Assist the City in monitoring the usage of the Public Right-of-Way in order to ensure that the public receives the maximum possible benefit from that use and the use is consistent with the best management and care of the Public Right-of-Way;
 - (3) Assist the City in the collection and enforcement of any municipal taxes, franchise fees, compliance fees or charges that may be due the City;
 - (4) Assist the City in monitoring compliance with local, State and federal laws.
- (c) Information Required for Registration. Registration forms will be provided by the City and shall require the following information:
 - (1) Any material changes to the information the Service Provider provided the City in the application for consent to Occupy or Use the Public Right-of-Way, including, but not limited to:
 - (A) The identity, legal status, and federal tax identification number of the Service Provider, including any Affiliates.
 - (B) The name, address and telephone number of the local officer, agent or employee responsible for the accuracy of the Service Provider’s

- registration statement and available at all reasonable times to be notified in case of emergency.
- (2) Evidence that the Service Provider is in compliance with the Insurance, Indemnity and Performance Bond requirements pursuant to Sections 937.02(e), (f) and (g) of this Chapter.
 - (3) A description of, and a preliminary Construction schedule and completion date for, any Capital Improvements the Service Provider plans in the City's Public Right-of-Way for the twelve (12) months following the date of registration, including:
 - (A) As soon as available, a current "to scale" map or drawing that clearly locates all the proposed Capital Improvements, including horizontal and vertical information; Facility type, size, depth, and capacity; and other such relevant information. If a "to scale" map is not available, the registrant shall supply as much of the required information as is currently available, but in no event shall the description of the proposed Capital Improvement be less than by City quadrant and/or street name and Facility type. The Service Provider shall update all required information as soon as it becomes available. Should the Service Provider fail to comply with this section in a timely manner, they shall not be permitted to occupy the City's Right-of-Way.
 - (B) A general description of the Service that the Service Provider intends to offer or provide over the proposed Facilities within the City. Where a Service will be provided by a nonaffiliated provider the Service Provider shall identify that provider.
 - (C) Information sufficient to determine that the Service Provider has applied for and received any certificate of authority required by PUCO to provide Services or Facilities within the City.
 - (D) Information sufficient to determine that the Service Provider has applied for and received any construction permit, operating license, certification, or other approvals required by the Federal Communications Commission to provide telecommunications or Cable Services or Facilities within the City.
 - (4) Such other information as the City Manager may reasonably require.
- (d) Facilities Maps. The City shall have the right to access and review the Service Providers' maps and/or as-built plan showing the location of their facilities in the City's Right-of-Way upon ten (10) days' notice to the Service Providers. Public Utilities operating under a tariff issued by the State of Ohio and regulated by the PUCO and for tariff related activities will only be required to assist the City in requesting design tickets and other information in accordance with OUPS and PUCO regulations. In emergency situations, access should be granted as soon as possible.
- (e) Registration to be Kept Current. In addition to the annual registration requirement, each Service Provider shall keep all required registration information current at all times and shall provide the City with notice of changes to the

required information with fifteen (15) days following the date on which the Service Provider has notice of such change.

- (f) Registration Fee. Each Service Provider, except as provided in Section 937.09, shall pay an annual registration fee as determined by the City Manager to reimburse the City for its administrative costs related to maintaining annual registration and as provided in Section 937.08.

937.04 GENERAL PUBLIC RIGHT-OF-WAY USE REGULATIONS.

- (a) Public Right-of-Way Route. Consent granted to a Service Provider to Occupy or Use the Public Right-of-Way under Section 937.02 shall be limited to a grant to Occupy or Use the specific Public Right-of-Way and defined portions thereof.
- (b) Nonexclusive Consent to Occupy the Public Right-of-Way. No consent granted under Section 937.02 shall confer any exclusive right, privilege, license or franchise to Occupy or Use the Public Right-of-Way of the City for delivery of Services or any other purposes.
- (c) Rights Permitted. No consent granted under Section 937.02 shall convey any right, title or interest in the Public Right-of-Way, but shall be deemed a consent only to Occupy or Use the Public Right-of-Way for the limited purposes granted by the consent. Further, no consent shall be construed as any warranty of title. This Section shall not affect the right to occupy the Public Right-of-Way granted to Public Utilities in connection with the tariff issued by the State of Ohio and regulated by the PUCO, said consent to occupy the Public Right-of-Way having been granted to such Public Utility by the State of Ohio, subject to only local regulation of matters of local concern.
- (d) Nondiscrimination. A Public Service Provider providing Service to the public in the City shall make its Services available to any customer within the designated service area who shall request such Service, without discrimination as to the terms, conditions, rates or charges for the Public Service Provider's Services; provided, however, that nothing in this Section 937.05 shall prohibit a Public Service Provider from making any reasonable classifications among differently situated customers.
- (e) Maintenance of Facilities. Each Service Provider shall maintain its Facilities in good and safe condition and in a manner that complies with all applicable federal, State and local requirements.
- (f) Safety Procedures. A Service Provider or other Person acting on its behalf shall use suitable barricades, flags, flagmen, lights, flares and other measures as necessary and in accordance with applicable State and local requirements.
- (g) Interference with the Public Right-of-Ways. No Service Provider may locate or maintain its Facilities so as to unreasonably interfere with the use of the Public Right-of-Way by the City, by the general public or by other Persons authorized to use or be present in or upon the Public Right-of-Way. All such Facilities shall be

moved by the Service Provider, temporarily or permanently, as determined by the City Manager.

- (h) Damage to Public and Private Property. No Service Provider nor any Person acting on the Service Provider's behalf shall take any action or permit any action to be done which may impair or damage any City Property, Public Right-of-Way, Other Ways or other public or private property located in, on or adjacent thereto.
- (i) Restoration of Public Right-of-Way, Other Ways and City Property.
 - (5) When a Service Provider, or any Person acting on its behalf, does any work in or affecting any Public Right-of-Way, Other Ways or City Property, it shall, after the work is completed and at its own expense, promptly remove any obstruction therefrom and restore such ways or property, within sixty (60) days, to as good condition as existed before the work was undertaken, unless otherwise directed by the City.
 - (6) If weather or other conditions do not permit the complete restoration required by this Section, the Service Provider shall temporarily restore the affected ways or property. Such temporary restoration shall be at the Service Provider's sole expense and the Service Provider shall promptly undertake and complete the required permanent restoration when the weather or other conditions no longer prevent such permanent restoration.
- (j) Duty to Provide Information.
 - (1) Within ten (10) days of a written request from the City Manager each Service Provider shall furnish the City with documentation sufficient to show that the Service Provider has complied with all requirements of this Chapter.
 - (2) In addition, within ten (10) days of a written request from the City Manager, each Service Provider shall make available for inspection by the City at reasonable times all books, records, maps and other documents, maintained by the Service Provider with respect to its Facilities in the Public Right-of-Way.
- (k) Leased Capacity. A Service Provider shall have the right, without prior City approval, to offer or provide capacity or bandwidth to its customers, provided:
 - (1) The Service Provider shall furnish the City with a copy of any such lease or agreement.
 - (2) The customer or lessee has complied, to the extent applicable, with the requirements of this Chapter.
 - (3) **The service does not interfere with the City of Kent's public safety communications equipment and transmissions, and complies with all Federal Communication Commission regulations.**
- (l) Assignments or Transfers of Consent. Consent to Occupy or Use the Public Right-of-Way may be, except as to Public Utilities operating under a tariff issued by the State of Ohio and regulated by the PUCO, directly or indirectly, transferred, assigned or disposed of by sale, lease, merger, consolidation or other

act of the Service Provider, by operation of law or otherwise, without consent of the City, so long as:

- (1) The City is notified or the proposed transfer on or before the date of transfer; and
 - (2) The transferee shall fully comply with this Chapter within sixty (60) days of the transfer, including, but not limited to:
 - (A) All information required by the application for consent to Occupy or Use the Public Right-of-Way pursuant to Section 937.02, and/or Registration required by Section 937.03 of this Chapter; and
 - (B) Any other information reasonably required by the City Manger.
- (m) Transactions Affecting Control of Consent. Except as to any Public Utilities operating under a tariff by the State of Ohio and regulated by the PUCO, any transactions that singularly or collectively result in a change of twenty-five percent (25%) or more of the ownership or ultimate working control of a Service Provider, of the ownership or working control of the Service Provider's Facility, or of control of the capacity or bandwidth of the Service Provider's System, Facilities or substantial parts thereof, shall be considered an assignment or transfer pursuant to Section 937.04(l) hereof. Transactions between Affiliated entities are not exempt from Section 937.04(l).
- (n) Revocation of Consent. Consent granted by the City to Occupy or Use Public Right-of-Way of the City maybe revoked, except as to Public Utilities operating under a tariff by the State of Ohio and regulated by the PUCO, for any one of the following reasons:
- (1) Construction, Reconstruction, installation, location, operation or Excavation at an unauthorized location.
 - (2) Construction, Reconstruction, installation, location, operation or Excavation in violation of City safety and/or Construction requirements.
 - (3) Material misrepresentation or lack of candor by or on behalf of a Service Provider in any Permit application or registration required by the City.
 - (4) Abandonment of Facilities in the Public Right-of-Way.
 - (5) Failure to relocate or remove Facilities or failure to restore the Public Right-of-Way, as required by this Chapter.
 - (6) Failure to pay fees, costs, taxes or compensation when and as due the City.
 - (7) Insolvency or bankruptcy of the Service Provider.
 - (8) Violation of material provisions of this Chapter.
- (o) Notice and Duty to Cure. In the event that the City Manager believes that grounds exist for revocation of consent to Occupy or Use the Public Right-of-Way or Construction Permit, he shall give the Service Provider written notice of the apparent violation or noncompliance, and providing the Service Provider a reasonable period of time not exceeding thirty (30) days to furnish evidence:
- (1) That corrective action has been, or its being actively and expeditiously pursued, to remedy the violation or noncompliance;
 - (2) That rebuts the alleged violation or noncompliance; and/or
 - (3) That it would be in the public interest to impose some penalty or sanction less than revocation.

- (p) If a wireless facility is placed on a wireless support structure as defined by the Ohio Revised Code the increased height would be not more than ten (10) feet or the overall resulting height would be not more than fifty (50) feet.
- (q) In addition, general regulations that protect the health, safety and welfare of the residents and visitors of Kent, apply to work performed in the City's right-of-ways, and to any structures and poles located within the City's right-of-ways.

937.05 LOCATION, RELOCATION AND REMOVAL OF FACILITIES.

- (a) Location of Facilities. All Facilities shall be Constructed, Reconstructed, installed and located in accordance with the following terms and conditions:
 - (1) Whenever possible, according to acceptable engineering standards and consistent with Federal and State law regarding safety and other operations, Facilities shall be installed within an existing compatible underground duct or conduit whenever Excess Capacity exists within such Facility.
 - (2) A Service Provider and a Public Utility operating under a tariff issued by the State of Ohio and regulated by the PUCO with permission to install Overhead Facilities shall install their Facilities on pole attachments to existing utility poles only, and then only if surplus space is available.
 - (3) Whenever any existing electric, cable, telecommunications or other similar Facilities are located underground in a Public Right-of-Way of the City, a Service Provider with permission to Occupy the same Public Right-of-Way with electric, cable, telecommunications or other similar Facilities, must also locate the Facilities underground.
 - (4) Except for Overhead Facilities as provided herein, other than a Public Utility operating under a tariff issued by the State of Ohio and regulated by the PUCO, no Facility shall be located above ground in a Public Right-of-Way without the express written permission of the City Manager.
 - (5) Except for Overhead Facilities as provider herein, no Facilities shall be located above ground in a Public Right-of-Way, subject to the above items.
 - (6) The City reserves the right to require a Service Provider to provide Excess Capacity in the Public Right-of-Way at the time of Construction, Reconstruction, installation, location or relocation of Facilities.
 - (7) **Wireless facilities as described in ORC Section 4939.01 may be attached to utility poles and wireless support structures owned by the City of Kent. There shall be a fee annual of \$200.00 due the City for each such attachment. Said fees shall be due and payable at the time of attachment to the City structures and in each succeeding January thereafter which the attachment remains attached.**
- (b) Excess Capacity. To reduce Excavation in the Public Right-of-Way, it is the City's goal to encourage Service Providers to share occupancy of underground conduit as well as to construct, whenever possible, excess conduit capacity for occupancy of future Facilities in the Public Right-of-Way when it does not increase the costs to the Service Provider installing the line. Therefore, if a

Service Provider is constructing underground conduit in the Public Right-of-Way for its own Facilities, and the City and the Provider reasonably determine such construction is in an area in which other Service Providers would likely construct Facilities in the future, the City may ask the Service Provider to review the feasibility at constructing the conduit in the Public Right-of-Way with Excess Capacity.

- (c) City Owned Conduit. If the City owns or leases conduit in the path of a Service Provider's proposed Facilities, and provided it is technologically feasible for the Service Provider's Facilities to Occupy the conduit owned or leased by the City and easier for the Service Provider than installing their own conduit, the Service Provider may Occupy the conduit owned or leased by the City in order to reduce the necessity to Excavate the Public Right-of-Way. The Service Provider shall pay to the City a fee for such occupancy which shall be the cost the Service Provider would have expended to construct its own conduit, as certified by the Service Provider's engineer and approved by the City Engineer. The City and the Service Provider may agree to amortize the fee through annual payments to the City.

- (d) Relocation or Removal of Facilities. Within one hundred twenty (120) days following written notice from the City, a Service Provider shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any Facilities in the Public Right-of-Way whenever the City shall have determined that such removal, relocation, change or alteration is reasonably necessary for:
 - (1) The Construction, Reconstruction, repair, maintenance or installation of any City or other public improvement in or upon a Public Right-of-Way, easement, or other City owned properties.
 - (2) The operations of the City or other governmental entity in or upon a Public Right-of-Way, easement, or other City owned properties.
 - (3) With regard to the expense of such removal of a relocation, the standard for reimbursement to the Service Provider for such expense shall be in accordance with State law and regulations of the PUCO.

- (e) Removal of Unauthorized Facilities. Within thirty (30) days following written notice from the City, any Service Provider or other Person that owns, controls or maintains any unauthorized System, Facility or related appurtenances in the Public Right-of-Way of the City shall, at its own expense, remove those Facilities or appurtenances from the Public Right-of-Way of the City or shall arrange to sell those Facilities or appurtenances to the City if the City wishes to purchase them. After the thirty (30) days have expired, the City may remove the Facilities or appurtenances from the Public Right-of-Way at the other party's expense. A System or Facility is unauthorized and subject to removal in the following circumstances:
 - (1) Upon revocation of the Service Provider's consent to Occupy or Use the Public Right-of-Way;
 - (2) Upon abandonment of a Facility in the Public Right-of-Way of the City;

- (3) If the System or Facility was Constructed, Reconstructed, installed, operated, located or maintained without the consent to do so, except as otherwise provided by this Chapter.
- (4) If the System or Facility was Constructed, Reconstructed, installed, operated, located or maintained, or any Excavation of a Public Right-of-Way was performed, without prior issuance of a required Construction Permit, except as otherwise provided by this Chapter;
- (5) If the System or Facility was Constructed, Reconstructed, installed, operated, located or maintained, or any Excavation of a Public Right-of-Way was performed, at a location not permitted pursuant to the City's consent to Occupy or Use the Public Right-of-Way or Construction Permit;
- (6) If the Service Provider fails to comply with the Registration requirements of Section 937.03 of this Chapter.
- (7) The removal is approved by the Ohio PUCO.

937.06 NOTICE OF WORK, ROUTINE MAINTENANCE AND EMERGENCY WORK.

- (a) Notice of Work. Except in case of Emergency, as provided in Section 937.06(c), or for Routine Maintenance as provided in Section 937.06(b) and new service orders as provided in 937.06, no Service Provider, nor any Person acting on the Service Provider's behalf, shall commence any work in the Public Right-of-Way of the City or Other Ways without twenty-four (24) hours advance notice to the City, obtaining a Construction Permit pursuant to Section 937.07, if required, and obtaining consent to Occupy or Use the Public Right-of-Way pursuant to Section 937.02, if required.
- (b) Routine Maintenance and New Service Orders.
 - (1) A Service Provider need not obtain a Construction Permit or notify the City prior to or after commencing any Routine Maintenance or New Service Orders.
 - (2) For Routine Maintenance and New Service Orders that require the Service Provider to cause a Lane Obstruction in a Public Street for more than eight (8) hours, the Service Provider shall contact the Chief of Police to coordinate traffic flow in the area of the service being conducted.
- (c) Emergency Work. In the event of the need for any unexpected repair or Emergency work, a Service Provider may commence such Emergency response work as required under the circumstances, provided that for Emergency work that requires Excavation of a Public Right-of-Way or Lane Obstruction or closing of a Public Street, the Service Provider shall notify the City as promptly as possible before commencing such Emergency work, or as soon as possible thereafter if advance notice is not practicable. When notice is required, the Service Provider shall notify by telephone or fax, the Chief of Police during regular business hours, or the Police Department Dispatchers at all other times.

937.07 CONSTRUCTION PERMIT AND STANDARDS.

(a) Construction Permit.

- (1) No Construction Permit is required for Routine Maintenance and New Service Order that do not include Excavation in a Public ~~Street~~ **Right-of - Way**.
- (2) No Person shall commence or continue with the Construction, Reconstruction, installation, maintenance or repair of Facilities or Excavation in the Public Right-of-Way without obtaining a Construction Permit from the ~~Community Development Director~~ **Deputy Service Director/Superintendent of Engineering** or his/her designee as provided in the Section 937.07, including but not limited to the following circumstances:
 - (A) The extension of a Service Provider's Facility in the Public Right-of-Way, easement or other City owned properties, in an area of the City not currently serviced by that Service Provider. This does not include New Service Orders unless a Public ~~Street~~ **Right-of -Way** will be Excavated;
 - (B) The relocation or replacement of more than two hundred (200) lineal feet of a Service Provider's existing Facilities in the Public Right-of-Way;
 - (C) Any Reconstruction or replacement of Facilities requiring more than one (1) working day to complete work in the Public Right-of-Way;
 - (D) Any Construction, Reconstruction, installation, maintenance, repair or New Service Orders in the Public Right-of-Way requiring more than one (1) working day to complete; or
 - (E) Any Construction, Reconstruction, installation, maintenance, repair or New Service Order requiring the Excavation of a Public Street.
- (3) No Construction Permit shall be issued for the Construction, Reconstruction, installation, maintenance or repair of Facilities, or Excavation, in the Public Right-of-Way unless the Service Provider has obtained consent from, and filed a current registration statement with, the City pursuant to Section 937.02 and Section 937.03, respectively, of this Chapter.

(b) Construction Permit Applications. Applications for permits to Construct, Reconstruct or install Facilities, or Excavate, shall be submitted upon forms provided by the City, provide the following information, if applicable, and be accompanied by drawings, plans and specifications in sufficient detail to demonstrate:

- (1) That the Facilities will be Constructed, Reconstructed, installed, maintained or repaired, or the Public Right-of-Way Excavated, in accordance with all applicable codes, rules and regulations.

- (2) If the applicant is proposing to Construct, Reconstruct, install, maintain, repair or locate Facilities above ground:
 - (A) evidence that Surplus Space is available for locating its Facilities on existing utility poles along the proposed route;
 - (B) the location and route of all Facilities to be located or installed on existing utility poles.
 - (3) If the applicant is proposing an underground installation of new Facilities in existing ducts, pipes or conduits in the Public Right-of-Way, information in sufficient detail to identify:
 - (A) the Excess Capacity currently available in such ducts or conduits before the installation of the applicant's Facilities.
 - (B) the Excess Capacity, if any, that will exist in such ducts or conduits after installation of the applicant's Facilities.
 - (4) If the applicant is proposing an underground installation of new Facilities in new ducts or conduits to be Constructed in the Public Right-of-Way:
 - (A) the location and depth proposed for the new ducts or conduits; and
 - (B) the Excess Capacity that will exist in such ducts or conduits after installation of the applicant's Facilities.
 - (5) The location and route of all Facilities to be located under the surface of the ground, including the line and grade proposed for the burial at all points along the route which are in the Public Right-of-Way. Included with the installation shall be magnetic and florescent tape placed at a minimum of one foot to a maximum of two (2) feet above the entire Facility as installed for the purpose of locating the Facility during future Construction activities. The tape shall be marked with the tape of Facility installed as approved by the City.
 - (6) The location of all existing underground utilities, conduits, ducts, pipes, mains and installations that are in the Public Right-of-Way along the underground route proposed by the applicant.
 - (7) The location(s), if any, for interconnection with the Facilities of other Service Providers.
 - (8) The construction methods to be employed for protection of existing structures, fixtures and Facilities in or adjacent to the Public Right-of-Way.
 - (9) The structures, improvements, Facilities and obstructions, is any, that the applicant proposes to temporarily or permanently remove or relocate.
 - (10) The impact of Construction, Reconstruction, installation, maintenance or repair of Facilities on trees in or adjacent to the Public Right-of-Way along the route proposed by the applicant, together with a landscape plan for protecting, trimming, removing, replacing and restoring any trees or areas disturbed during Construction.
 - (11) Information to establish that the applicant has obtained all other governmental approvals and permits to Construct and operate the Facilities and to offer or provide the Services.
- (c) Construction Codes. Facilities shall be Constructed, Reconstructed, installed, repaired, operated, Excavated and maintained in accordance with all applicable

federal, State and local codes, rules and regulations including, but not limited to, the National Electric Safety Code.

- (d) Traffic Control Plan. All Permit applications which involve a Lane Obstruction or work on, in, under, across or along any Public Right-of-Way shall be presented to the Chief of Police of the City and coordinated to maintain possible traffic control consistent with State law and the ODOT Uniform Manual of Traffic Control Devices.
- (e) Issuance of Permit. Within thirty (30) days after submission of all plans and documents required of the applicant, the ~~City Manager~~ **Deputy Service Director/Superintendent of Engineering**, if satisfied that the applications, plans and documents comply with all requirements of this Chapter, shall issue a Construction Permit authorizing the Construction, Reconstruction, installation, maintenance or repair of the Facilities, or Excavation in the Public Right-of-Way, subject to such further conditions, restrictions or regulations affecting the time, place and manner of performing the work as the ~~City Manager~~ **Deputy Service Director/Superintendent of Engineering** may deem necessary or appropriate. Such thirty (30) day period shall begin after all submissions are deemed by the ~~City Manager~~ **Deputy Service Director/Superintendent of Engineering** to be in accordance with the requirements of, including information submitted in the form required by, this Chapter.
- (f) Coordination of Construction Activities. All Service Providers are required to cooperate with the City, including its Service and Safety forces, and with each other. All Construction, Reconstruction, installation, Excavation, activities and schedules shall be coordinated, as ordered by the ~~City Manager~~ **Deputy Service Director/Superintendent of Engineering**, to minimize public inconvenience, disruption or damages.
- (g) Construction Schedule. The Service Provider may modify the Construction Schedule at any time provided that notice is given to the City Manager. The Service Provider shall further notify the Ohio Utility Protection Services (OUPS) in advance of any excavation or work in the Public Right-of-Way.
- (h) Least Disruptive Technology. All Facilities shall be Constructed, Reconstructed, installed, maintained or repaired in the manner resulting in the least amount of damage and disruption of the Public Right-of-Way. Unless otherwise authorized by the City Manager for good cause, Service Providers Constructing, Reconstructing, installing, maintaining or repairing Underground Facilities shall utilize Trenchless Technology, including, but not limited to, horizontal drilling, directional boring, and microtunneling, if technically and/or technologically feasible. In addition, all cable, wire or fiber optic cable Facilities to be installed underground shall be installed in conduit, without using "direct bury" techniques.
- (i) Compliance with Permit. All Construction practices and activities shall be in accordance with the Construction Permit and approved final plans and specifications for the Facilities. The City Manager shall be provided access to

work and such further information as he or she may require to ensure compliance with such requirements. Field changes may be approved by the City Manager if such changes are determined to be necessary due to site conditions or other changed circumstances.

- (j) Display of Permit. The Service Provider shall maintain a copy of the Construction Permit and approved plans at the construction site, which shall be displayed and made available for inspection by the City Manager at all times when construction work is occurring.
- (k) Survey of Underground Facilities. If the Construction Permit specifies the location of Facilities by depth, line, grade, proximity to other Facilities or other standard, the Service Provider shall cause the location of such Facilities to be verified by a registered Ohio land surveyor. The Service Provider shall relocate any Facilities that are not located in compliance with Permit requirements.
- (l) Noncomplying Work. Upon order of the ~~City Manager~~ **Deputy Service Director/Superintendent of Engineering**, all work that does not comply with the Permit, the approved plans and specifications for the work, or the requirements of this Chapter, shall immediately cease and shall be immediately removed and/or corrected by the Service Provider.
- (m) Completion of Construction. The Service Provider shall promptly complete all Construction activities so as to minimize disruption of the Public Right-of-Way and other public and private property. All Construction work authorized by a Permit in the Public Right-of-Way, including restoration, must be completed within one hundred twenty (120) days of the date of issuance. Extensions are approved by the ~~Director of Community Development~~ **Deputy Service Director/Superintendent of Engineering**.
- (n) Record Drawings. Within sixty (60) days after completion of Construction, the Service Provider shall furnish the City with two (2) complete sets of plans, drawn to scale and certified to the City as accurately depicting the location of all Facilities Constructed pursuant to the Permit. At such time, the Service Provider shall submit the Record Drawings in a digital format compatible with the City's current computer software. Public Utilities operating under a tariff issued by the State of Ohio and regulated by the PUCO shall be exempt from this provision for all matters, as they are required to file with the State of Ohio, and the OUPS System. Such Public Utilities shall provide notice to the City that such records are available from OUPS upon completion of a project.
- (o) Restoration of Improvements. Upon completion of any Construction work, the Service Provider shall promptly repair any and all Public Right-of-Way and provide property improvements, fixtures, structures and Facilities which were damaged during the course of Construction, restoring the same as nearly as practicable to its condition before the start of Construction.
- (p) Landscape Restoration.

- (1) All trees, landscaping and grounds removed, damaged or disturbed as a result of the Construction, Reconstruction, installation, maintenance, repair or replacement of Facilities must be replaced or restored as nearly as may be practicable, to the condition existing prior to performance of work.
 - (2) All restoration work within the Public Right-of-Way shall be done in accordance with landscape plans approved by the ~~City Manager~~ **Deputy Service Director/Superintendent of Engineering** or his/her designee.
- (q) Construction and Completion Bond. Prior to issuance of a Construction Permit, the Service Provider shall provide a Construction Bond written by a corporate surety acceptable to the City equal to at least one hundred ten percent (110%) of the estimated cost of Constructing, Reconstructing, installing or repairing the Service Provider's Facilities or Excavation in the Public Right-of-Way of the City or such lesser amount as the City Manager may determine to adequately protect the City's interest, shall be deposited before Construction is commenced.
- (1) The Construction Bond shall remain in force until eighteen (18) months after substantial completion of the work, as determined by the ~~City Manager~~ **Deputy Service Director/Superintendent of Engineering**, including restoration of Public Right-of-Way and other property affected by the Construction.
 - (2) The Construction Bond shall guarantee, to the satisfaction of the ~~City~~ **Deputy Service Director/Superintendent of Engineering**:
 - (A) timely completion of Construction;
 - (B) Construction in compliance with applicable plans, permits, technical codes and standards;
 - (C) proper location of the Facilities as specified by the City;
 - (D) restoration of the Public Right-of-Way and other property affected by the Construction;
 - (E) the submission of Record Drawings, in both written and digital format, after completion of the work as required by this Chapter; and
 - (F) timely payment and satisfaction of all claims, demands or liens for labor, material or services provided in connection with the work.
 - (3) In lieu of filing a Construction Bond with the City for each Construction Permit, a Service Provider with the approval of the ~~City Manager~~ **Deputy Service Director/Superintendent of Engineering** may file an Annual Construction Bond (or Annual Bond) in the form described above in an amount that the City Manager may determine will adequately protect the City's interests as described above.
 - (4) Public Utilities operating under a tariff issued by the State of Ohio and regulated by the PUCO shall be exempt from any Construction Bond Requirements and shall be only required to notify the City of the appropriate contact person for claims regarding Construction Activities in accordance with their self-insurance program as established pursuant to State law and Regulations. All Public way fees and costs recoveries provided for hereunder shall be consistent with Ohio Revised Code Section 4939.05, PUCO Regulations and decisions of the PUCO which

require such costs to be prorated over all users of the Right-of-Way including users that are governmental entities, including but not limited to, the City itself.

- (r) Responsibility of Owner. The owner of the Facilities to be Constructed, Reconstructed, installed, located, operated, maintained or repaired and, if different, the Service Provider, are responsible for performance of and compliance with all provisions of this Section.

937.08 RECOVERY OF CITY COSTS IN MANAGING THE PUBLIC RIGHT-OF-WAY.

- (a) Purpose. It is the purpose of this Section 937.08 to provide for the recovery of all direct and indirect costs and expenses actually incurred by the City and associated with a Public or Private Service Provider's Occupancy or Use of the Public Right-of-Way and related to the enforcement and administration of this Chapter. All fees related to the Occupancy or Use of the Public Right-of-Way shall be assessed in a manner to be determined by the City Manager and shall comply with the requirements of O.R.C. 4939.05.
- (b) Regulatory Fees and Compensation Not a Tax. Except as required by the Ohio Revised Code, specifically O.R.C. 4939.05 and decisions of the Public Utilities Commission of Ohio, the regulatory fees and costs provided for in this Chapter are separate from, and additional to, any and all federal, State, local and City taxes as may be levied, imposed or due from a Service Provider, its customers or subscribers, or on account of the lease, sale, delivery or transmission of Services.

937.09 CABLE TELEVISION FRANCHISE.

- (a) Cable Television Franchise. Any Person who desires to Construct, Reconstruct, install, operate, maintain or locate Facilities in any Public Right-of-Way of the City for the purpose of providing Cable Service to Persons in the City shall first obtain a non-exclusive franchise to provide Cable Services from the City.
- (b) Compliance with Chapter Required. All Cable Operators providing Cable Service within the City pursuant to a valid franchise shall comply with the registration and Construction Permit requirements of this Chapter.
- (c) Cable Television Franchise Expiration.
 - (1) In the event a franchise expires by its terms, the franchise shall be automatically renewed on a month-to-month basis until the parties enter into a renewal franchise or until terminated by either party in accordance with law.
 - (2) At the expiration of the franchise or upon revocation of the franchise, the City may, in lawful manner and upon the payment of fair market value, determined on the basis of the Cable System as valued as a going concern exclusive of any value attributable to the franchise itself, lawfully obtain, purchase, condemn, acquire, takeover and hold the Cable System.

- (d) Cable System Capacity. No Cable Operator shall provide Service other than Cable Service without obtaining consent from the City, pursuant to Section 937.02 of this Chapter, which consent shall not be unreasonably withheld.

937.10 PRIVATE FACILITIES IN THE PUBLIC RIGHT-OF-WAY.

- (a) Private Facilities. Persons who wish to use the Public Right-of-Way of the City for Private Facilities shall obtain a consent from the City pursuant to Section 937.02, register pursuant to Section 937.03, obtain a Construction Permit (if applicable) pursuant to Section 937.07 and comply with all provisions of this Chapter.

937.11 MISCELLANEOUS PROVISIONS.

- (a) Preemption by State and Federal Law. Except as may be preempted by applicable State and Federal laws, rates, regulations, and orders, this Chapter shall apply and be controlling over each Service Provider engaged in the business of transmitting, supplying or furnishing of Services originating, passing through, or terminating in the City.
- (b) Exemption for City-Owned or Operated Facilities. Nothing in this Chapter shall be construed to apply the provisions of this Chapter to Facilities owned or operated by the City or any of its operations.
- (c) [(c) Application to Existing Code Provisions. *Insert any existing City Code provisions to which this Chapter should not apply.*]
- (d) Severability. If any section, subsection, sentence, clause, phrase, or other portion of this Chapter, or its application to any Person, is, for any reason, declared invalid, in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof.
- (e) It is within the City Manager's reasonable discretion to waive a portion of this Chapter or such requirements, in the City Manager's judgment, that are not necessary or appropriate to protect the City's interests and the purposes and intent of this Chapter.

937.99 PENALTIES AND OTHER REMEDIES.

- (a) Other Remedies. Nothing in this Chapter shall be construed as limiting any judicial remedies that the City may have, at law or in equity, for enforcement of this Chapter.

**KENT POLICE DEPARTMENT
DECEMBER 2016**

	DEC 2015	DEC 2016	TOTAL 2015	TOTAL 2016
CALLS FOR SERVICE	1651	2029	22949	28545
FIRE CALLS	297	324	3997	4151
ARRESTS, TOTAL	164	153	2208	2222
JUVENILE ARRESTS	9	20	137	117
O.V.I. ARRESTS	13	12	186	182
TRAFFIC CITATIONS	211	234	3368	3541
PARKING TICKETS	788	1,059	8179	9056
ACCIDENT REPORTS	60	74	1067	1015
Property Damage	31	51	739	673
Injury	9	2	104	114
Private Property	13	9	169	160
Hit-Skip	7	10	52	44
OVI Related	1	2	21	17
Pedestrians	1	0	10	11
Fatals	0	0	0	0
U.C.R. STATISTICS				
Homicide	0	0	1	1
Rape	0	0	2	0
Robbery	1	2	9	13
Assault Total	14	18	266	233
Serious	0	2	53	53
Simple	14	16	213	180
Burglary	7	4	127	95
Larceny	31	23	357	385
Auto Theft	0	1	7	16
Arson	0	0	4	2
Human Trafficking:Servitude	0	0	0	0
Human Trafficking:Sex Acts	0	0	0	0
TOTAL	53	48	773	745
CRIME CLEARANCES				
Homicide	0	0	0	2
Rape	0	0	0	2
Robbery	0	2	4	5
Assault Total	12	17	221	200
Serious	0	2	40	37
Simple	12	15	181	163
Burglary	2	1	25	22
Larceny	9	8	46	73
Auto Theft	0	0	3	4
Arson	0	0	2	2
Human Trafficking:Servitude	0	0	0	0
Human Trafficking:Sex Acts	0	0	0	0
TOTAL	23	28	301	310

**City of Kent
Income Tax Division**

**December 31, 2016
Income Tax Receipts Comparison - (Excluding 0.25% Police Facility Receipts)**

Monthly Receipts

Total receipts for the month of December, 2016	\$1,169,043
Total receipts for the month of December, 2015	\$1,230,671
Total receipts for the month of December, 2014	\$1,204,676

Year-to-date Receipts and Percent of Total Annual Receipts Collected

	<u>Year-to-date Actual</u>	<u>Percent of Annual</u>
Total receipts January 1 through December 31, 2016	\$14,133,033	100.00%
Total receipts January 1 through December 31, 2015	\$14,592,491	100.00%
Total receipts January 1 through December 31, 2014	\$13,099,836	100.00%

Year-to-date Receipts Through December 31, 2016 - Budget vs. Actual

<u>Year</u>	<u>Annual Budgeted Receipts</u>	<u>Revised Budgeted Receipts</u>	<u>Year-to-date Actual Receipts</u>	<u>Percent Collected</u>	<u>Percent Remaining</u>
2016	\$ 14,133,510	\$ 14,133,510	\$ 14,133,033	100.00%	0.00%

Comparisons of Total Annual Receipts for Previous Eight Years

<u>Year</u>	<u>Total Receipts</u>	<u>Percent Change From Prior Year</u>
2008	\$ 10,712,803	1.63%
2009	\$ 10,482,215	-2.15%
2010	\$ 10,453,032	-0.28%
2011	\$ 10,711,766	2.48%
2012	\$ 12,063,299	12.62%
2013	\$ 12,397,812	2.77%
2014	\$ 13,099,836	5.66%
2015	\$ 14,592,491	11.39%

Submitted by



Director of Budget and Finance

2016 CITY OF KENT, OHIO
Comparison of Income Tax Receipts
(Excluding 0.25% Police Facility Receipts)
as of Month Ended December 31, 2016

Monthly Receipts				Comparisons	
Month	2014	2015	2016	Amount	Percent Change
January	\$ 935,222	\$ 1,133,206	\$ 1,154,690	\$ 21,484	1.90%
February	992,427	1,025,924	1,099,532	73,608	7.17%
March	1,027,737	1,092,324	1,182,357	90,032	8.24%
April	1,393,884	1,432,498	1,413,680	(18,818)	-1.31%
May	1,029,906	1,188,681	1,226,790	38,109	3.21%
June	1,170,257	1,172,480	1,239,820	67,340	5.74%
July	1,073,397	1,844,744	1,070,843	(773,901)	-41.95%
August	997,630	1,126,103	1,219,361	93,258	8.28%
September	983,247	934,913	1,109,848	174,934	18.71%
October	1,138,675	1,148,218	1,226,785	78,567	6.84%
November	1,152,778	1,262,728	1,020,285	(242,443)	-19.20%
December	1,204,676	1,230,671	1,169,043	(61,627)	-5.01%
Totals	\$ 13,099,836	\$ 14,592,491	\$ 14,133,033	-459,458	-3.15%

Year-to-Date Receipts				Comparisons	
Month	2014	2015	2016	Amount	Percent Change
January	\$ 935,222	\$ 1,133,206	\$ 1,154,690	\$ 21,484	1.90%
February	1,927,649	2,159,130	2,254,221	95,091	4.40%
March	2,955,386	3,251,454	3,436,578	185,124	5.69%
April	4,349,270	4,683,953	4,850,258	166,305	3.55%
May	5,379,176	5,872,634	6,077,048	204,414	3.48%
June	6,549,433	7,045,114	7,316,868	271,754	3.86%
July	7,622,830	8,889,858	8,387,712	(502,147)	-5.65%
August	8,620,460	10,015,961	9,607,073	(408,888)	-4.08%
September	9,603,707	10,950,874	10,716,920	(233,954)	-2.14%
October	10,742,382	12,099,092	11,943,705	(155,387)	-1.28%
November	11,895,160	13,361,820	12,963,990	(397,830)	-2.98%
December	13,099,836	14,592,491	14,133,033	(459,458)	-3.15%
Totals	\$ 13,099,836	\$ 14,592,491	\$ 14,133,033	(459,458)	-3.15%

2016 CITY OF KENT, OHIO
Comparison of Income Tax Receipts from Kent State University
(Excluding 0.25% Police Facility Receipts)
as of Month Ended December 31, 2016

Monthly Receipts				Comparisons	
Month	2014	2015	2016	Amount	Percent Change
January	\$ 397,519	\$ 414,915	\$ 421,390	\$ 6,475	1.56%
February	361,700	380,146	385,108	4,962	1.31%
March	404,469	419,335	442,123	22,788	5.43%
April	412,661	421,050	422,702	1,652	0.39%
May	396,992	410,426	459,795	49,369	12.03%
June	425,614	445,804	410,589	(35,214)	-7.90%
July	374,686	389,954	0	(389,954)	-100.00%
August	389,902	400,211	808,425	408,214	102.00%
September	332,001	336,026	350,859	14,833	4.41%
October	407,748	407,766	469,297	61,531	15.09%
November	456,507	466,654	447,327	(19,326)	-4.14%
December	418,293	424,587	438,817	14,230	3.35%
Totals	\$ 4,778,094	\$ 4,916,874	\$ 5,056,433	\$ 139,560	2.84%

Year-to-Date Receipts				Comparisons	
Month	2014	2015	2016	Amount	Percent Change
January	\$ 397,519	\$ 414,915	\$ 421,390	\$ 6,475	1.56%
February	759,219	795,061	806,499	11,437	1.44%
March	1,163,689	1,214,397	1,248,622	34,225	2.82%
April	1,576,350	1,635,447	1,671,324	35,877	2.19%
May	1,973,342	2,045,873	2,131,119	85,246	4.17%
June	2,398,956	2,491,676	2,541,708	50,032	2.01%
July	2,773,643	2,881,630	2,541,708	(339,922)	-11.80%
August	3,163,545	3,281,842	3,350,133	68,292	2.08%
September	3,495,546	3,617,868	3,700,992	83,124	2.30%
October	3,903,294	4,025,633	4,170,289	144,656	3.59%
November	4,359,801	4,492,287	4,617,616	125,329	2.79%
December	4,778,094	4,916,874	5,056,433	139,560	2.84%
Totals	\$ 4,778,094	\$ 4,916,874	\$ 5,056,433		

2016 CITY OF KENT, OHIO
Comparison of Income Tax Receipts from Kent State University
(Excluding 0.25% Police Facility Receipts)

Comparisons of Total Annual Receipts for Previous Eight Years

Year	Total Receipts	Percent Change
2008	\$ 3,919,539	5.71%
2009	\$ 4,090,788	4.37%
2010	\$ 4,267,465	4.32%
2011	\$ 4,246,372	-0.49%
2012	\$ 4,436,666	4.48%
2013	\$ 4,603,095	3.75%
2014	\$ 4,778,094	3.80%
2015	\$ 4,916,874	2.90%

2016 CITY OF KENT, OHIO
Comparison of Income Tax Receipts
Police Facility Dedicated Income Tax Receipts - 1/9 of Total (0.25%)
as of Month Ended December 31, 2016

Monthly Receipts				Comparisons	
Month	2014	2015	2016	Amount	Percent Change
January	\$ 116,890	\$ 141,635	\$ 144,319	\$ 2,684	1.90%
February	124,039	128,226	137,426	9,200	7.17%
March	128,453	136,525	147,779	11,254	8.24%
April	174,216	179,042	176,690	(2,352)	-1.31%
May	128,723	148,568	153,332	4,763	3.21%
June	146,266	146,544	154,960	8,417	5.74%
July	134,159	230,567	133,840	(96,727)	-41.95%
August	124,690	140,747	152,403	11,656	8.28%
September	122,892	116,851	138,715	21,864	18.71%
October	142,318	143,511	153,331	9,820	6.84%
November	144,081	157,823	127,521	(30,302)	-19.20%
December	150,569	153,817	146,114	(7,703)	-5.01%
Totals	\$ 1,637,295	\$ 1,823,856	\$ 1,766,430		

Year-to-Date Receipts				Comparisons	
Month	2014	2015	2016	Amount	Percent Change
January	\$ 116,890	\$ 141,635	\$ 144,319	\$ 2,684	1.90%
February	\$ 240,929	\$ 269,861	281,745	11,884	4.40%
March	\$ 369,382	\$ 406,386	429,524	23,138	5.69%
April	\$ 543,598	\$ 585,428	606,214	20,786	3.55%
May	\$ 672,321	\$ 733,997	759,546	25,549	3.48%
June	\$ 818,586	\$ 880,540	914,506	33,965	3.86%
July	\$ 952,745	\$ 1,111,107	1,048,346	(62,761)	-5.65%
August	\$ 1,077,435	\$ 1,251,854	1,200,749	(51,105)	-4.08%
September	\$ 1,200,327	\$ 1,368,705	1,339,464	(29,241)	-2.14%
October	\$ 1,342,645	\$ 1,512,216	1,492,795	(19,421)	-1.28%
November	\$ 1,486,726	\$ 1,670,040	1,620,316	(49,723)	-2.98%
December	\$ 1,637,295	\$ 1,823,856	1,766,430	(57,426)	-3.15%
Totals	\$ 1,637,295	\$ 1,823,856	\$ 1,766,430		

2016 CITY OF KENT, OHIO
Comparison of Total Income Tax Receipts - Including Police Facility Receipts
as of Month Ended December 31, 2016

Month	Monthly Receipts			Comparisons	
	2014	2015	2016	Amount	Percent Change
January	\$ 1,052,112	\$ 1,274,841	\$ 1,299,009	\$ 24,168	1.90%
February	1,116,466	1,154,150	1,236,958	82,807	7.17%
March	1,156,190	1,228,849	1,330,135	101,285	8.24%
April	1,568,100	1,611,541	1,590,370	(21,170)	-1.31%
May	1,158,629	1,337,250	1,380,122	42,872	3.21%
June	1,316,523	1,319,024	1,394,780	75,756	5.74%
July	1,207,556	2,075,311	1,204,684	(870,627)	-41.95%
August	1,122,320	1,266,850	1,371,764	104,914	8.28%
September	1,106,139	1,051,764	1,248,563	196,799	18.71%
October	1,280,993	1,291,729	1,380,115	88,387	6.84%
November	1,296,859	1,420,551	1,147,806	(272,745)	-19.20%
December	1,355,243	1,384,487	1,315,157	(69,330)	-5.01%
Totals	\$ 14,737,131	\$ 16,416,347	\$ 15,899,464	-516,883	-3.15%

Month	Year-to-Date Receipts			Comparisons	
	2014	2015	2016	Amount	Percent Change
January	\$ 1,052,112	\$ 1,274,841	\$ 1,299,009	\$ 24,168	1.90%
February	2,168,578	2,428,991	2,535,967	106,976	4.40%
March	3,324,768	3,657,840	3,866,102	208,261	5.69%
April	4,892,868	5,269,381	5,456,472	187,091	3.55%
May	6,051,497	6,606,631	6,836,594	229,963	3.48%
June	7,368,020	7,925,654	8,231,374	305,719	3.86%
July	8,575,576	10,000,966	9,436,058	(564,908)	-5.65%
August	9,697,896	11,267,815	10,807,822	(459,994)	-4.08%
September	10,804,035	12,319,580	12,056,384	(263,195)	-2.14%
October	12,085,028	13,611,309	13,436,500	(174,809)	-1.28%
November	13,381,888	15,031,860	14,584,306	(447,554)	-2.98%
December	14,737,131	16,416,347	15,899,464	(516,883)	-3.15%
Totals	\$ 14,737,131	\$ 16,416,347	\$ 15,899,464	(516,883)	-3.15%

\$ 203,117.00
1.294%



KENT FIRE DEPARTMENT MONTHLY INCIDENT REPORT DECEMBER 2016

FIRE INCIDENT RESPONSE INFORMATION

Summary of Fire Incident Alarms

City of Kent			
Kent State University			
Franklin Township			
Sugar Bush Knolls			
Brady Lake Village			
Mutual Aid Given			
Total Fire Incident Alarms			

CURRENT PERIOD			YEAR TO DATE		
2016	2015	2014	2016	2015	2014
32	44	35	600	619	556
4	4	3	74	52	77
19	12	8	140	128	121
0	0	1	3	2	6
0	0	1	14	7	3
5	3	5	35	36	47
60	63	53	866	844	810

Summary of Mutual Aid Received by Location

City of Kent			
Kent State University			
Franklin Township			
Sugar Bush Knolls			
Brady Lake Village			
Total Mutual Aid			

0	0	1	11	10	7
0	0	0	1	1	0
1	0	1	5	3	2
0	0	0	0	0	0
0	0	0	1	0	0
1	0	2	18	14	9

EMERGENCY MEDICAL SERVICE RESPONSE INFORMATION

Summary of Emergency Medical Service Responses

City of Kent			
Kent State University			
Franklin Township			
Sugar Bush Knolls			
Brady Lake Village			
Mutual Aid Given			
Total Emergency Medical Service Responses			

CURRENT PERIOD			YEAR TO DATE		
2016	2015	2014	2016	2015	2014
199	183	217	2336	2300	2283
20	21	24	360	351	383
39	20	33	461	374	405
1	3	0	8	14	6
0	6	1	31	26	7
2	0	4	32	30	39
261	233	279	3228	3095	3123

Summary of Mutual Aid Received by Location

City of Kent			
Kent State University			
Franklin Township			
Sugar Bush Knolls			
Brady Lake Village			
Total Mutual Aid			

1	1	1	24	29	31
0	1	0	6	6	8
0	1	1	5	5	6
0	0	0	0	0	0
0	0	0	3	1	0
1	3	2	38	41	45

TOTAL FIRE AND EMERGENCY MEDICAL SERVICE RESPONSE INCIDENTS

321	296	332	4094	3939	3933
------------	------------	------------	-------------	-------------	-------------

TOTAL ALL RESPONSES, INCLUDING MUTUAL AID

323	299	336	4150	3994	3987
------------	------------	------------	-------------	-------------	-------------



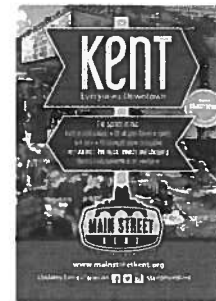
Main Street Kent 2016 Final Progress Report

Marketing Committee – This committee is led by Pam Petrus of DIVERSA Advertising. The team’s focus is promoting downtown Kent and its businesses, restaurants, nightlife, arts & culture, and great events. Holding events year round, we entice visitors and Kent residents to the downtown district. We also promote the businesses and features of downtown Kent through web, email, billboard, radio, print and social media.

Committee members include: Mike Beder, Sage Culley, Regan Gettens, Chris Hallahan, Michelle Hartman, Kim Holm, Susan McGann, Michelle Sahr, Mike Salvi, Lesley Sickle, Nancy Whitehead and Tom Wilke.



Good Times Magazine – A full-page ad featured the tenth annual Main Street Kent Art & Wine Festival and other signature events in this publication – 100,000 copies (Left.)



Explore Magazines – Ads were placed in ten area magazines distributed to subscribers of the Record-Courier weekly

newspapers throughout the year (Hudson, Tallmadge, Aurora, etc.) More people at our events means more people will see what our city has to offer, and then come back! (Above, right.)



Social Media – Marketing via social media continues to increase, strengthening our presence on Twitter and Instagram, and continuing to cultivate our solid following on Facebook. (We’re also exploring Snap Chat, which has a younger user base: 88% of American Snap Chatters are 13-34 years old.) Current followers: **Facebook – 9,608; Twitter – 2,490; Instagram – 2,524** and growing!



The value of “boosting” a post on social media is fantastic; for example, this Oktoberfest graphic reached 42,603 people and was shared 196 times on Facebook, for an investment of just \$100. What a great return! It’s important to use a mix of media when promoting our events and our downtown, since we’re trying to reach such a variety of demographics.

Website – Traffic to the www.mainstreetkent.org continues to grow, with **856,524 unique visitors** to date. Our committee pays special attention to the analytics derived by Google, so we know where site traffic originates and what pages get the most attention, so we can better plan our content strategy. Because our

current site is not a “responsive” design (one that automatically adjusts its appearance/layout based on the device used to view the site), a website redesign is underway. Rollout is expected in Jan. or Feb., 2017!

Leaderboard Ads – Each month, we place an ad on recordpub.com, which receives a minimum of 50,000 impressions. A theme is chosen based on events, seasonal activity, or other interesting things about Kent. These ads drive traffic to our website as well. Examples below:



Travel Host Magazine – MSK partnered with the City of Kent, Acorn Alley, College Town Kent, KSU, and the KACC to put together a 2-page spread in this magazine, which is published six times per year. Other ad contributors included The Kent Stage, Pufferbelly, Ray’s Place and the Kent State University Hotel & Conference Center. This publication is distributed in hotels, rest stops, and other travel information portals.



Central Portage County VCB Guide – Main Street Kent contributed this half-page ad (left), focused on downtown events for the 2016 VCB Guide. It’s pretty clear that there’s always something great happening in downtown Kent!



WNIR “Word of Mouth” Campaign – A new effort at gaining attention in the NE Ohio market, we worked with radio personality Angela Bellios on this 30-day campaign. We had a group meeting with many downtown business owners and Angela, so she could learn about all of the goodness of downtown Kent. Then, Angela informed WNIR listeners about the fabulous offerings of downtown Kent including events, shops, restaurants, and community during her time on the radio show. The buzz continues on WNIR, long after the campaign ended.



Shop Kent for the Holidays – This campaign was aimed at filling downtown Kent businesses with people ready to shop for the 2016 holiday season. The “\$20 Specials @ 20 Shops” promotion was created with twenty local businesses who created special gift options for just \$20 each! Two pairs of leggings at Carnaby Street Style, a custom embroidered sweatshirt at Dragonfly, and a gift basket full of coffee and treats at Tree City Coffee were just a few examples of the deals made available to shoppers from Nov. 16 to Dec. 11.



Online Catalog – This was created to feature the “\$20 Specials @ 20 Shops”, and was promoted via email, social media, our website, and through various marketing partners. <https://catalogmachine.com/main-street-kent/catalogs/20-for-20.html>

Post-It-Notes were placed on the front of the Sunday Record-Courier newspaper for two weeks in November to showcase (1.) the “\$20 Specials @ 20 Shops” promotion and (2.) other holiday activities including the Holiday Open House, Black Squirrel Friday, and Small Business Saturday.



Marketing Strategy Session – On December 7, our team spent half of a day with Full Spectrum Marketing to develop a strategic marketing plan for 2017. We focused on identifying key target markets, maximizing our budget, and utilizing preferred media vehicles to reach our specific audiences. We will fine-tune this plan in early 2017 and use it as a “check point” for all marketing efforts moving forward.

Main Street Kent Events

Art & Wine Festival – Our tenth annual event was a total success! Nearly fifty artists, eight Ohio wineries, several local “foodies” and great entertainers made this event our best yet. After a decade of experience, this signature event has become a tremendous source of income for Main Street Kent. Our net profit surpassed **\$29,000** this year! Main Street Kent received the “Best Committee Event” award at the 2016 Heritage Ohio Conference and Awards ceremony in Cincinnati, OH.



Kent Potterfest – What was supposed to be a “little” celebration of the much-anticipated Harry Potter book release, turned into a HUGE event with Harry Potter fans everywhere! On Sat., July 30th, Acorn Alley was transformed into Diagon Alley and there were magic shows, potion classes, live music, costume contests and more throughout downtown Kent. With just under 30 days to plan, partnerships were formed with the KSU Bookstore, Off the Wagon, blue / A Goodwill Boutique, Acorn Alley, College Town Kent and several volunteers to pull the event together. An estimated 10,000+ people attended Kent Potterfest, and the word spread organically via social media. A post-event survey was sent to participating downtown businesses, and of the 18 respondents, 50% reported their “best sales day

ever.” with another 17% reporting “best sales day this year.” When asked how likely they are to participate in Kent Potterfest again, 94% chose the “absolutely positively YES” option. Needless to say, plans for a 2017 event are in the beginning stages. We managed to raise \$5,000 for Main Street Kent through t-shirts sales as well.



Clydesdales Come to Kent – After a couple of years discussing the possibility of having the Budweiser Clydesdales return to Kent, we were fortunate to have a return visit on August 11th. Though weather threatened to cancel our plans, the parade finally happened. Hundreds of people lined the streets, waiting their turn to see these majestic animals pass by, as cases of Budweiser were delivered to several downtown establishments.

Kent Oktoberfest – Our third annual Oktoberfest was another big success on Sat., Sept. 17th -- even with some intermittent rain. Guests arrived with umbrellas in hand, showing much anticipation for this popular fall festival. To expand this year, we had two beer trucks and additional food offerings on site, which attendees enjoyed. Polka music, German dancing, delicious food and seasonal beverages all made for an enjoyable day on Franklin Ave. Sponsor support was stronger than ever, and we sold nearly 2,000 commemorative mugs and even more beer tickets, netting our organization close to \$17,000.



Pokémon GO Lure Party – The popular Pokémon GO game created quite the “buzz” across the country, so on Sat., Oct. 22, Main Street Kent coordinated a Pokémon GO Lure Party. Participating businesses offered Pokémon-themed menu items and specials, and Pokémon “lures” were placed throughout downtown Kent for participants to capture with their mobile devices. Additional foot traffic was generated on an otherwise rainy Saturday afternoon in downtown Kent.



Family Friendly Halloween – On Fri., Oct. 28, in partnership with an event planning class at Kent State, we held this annual community event from 5-7pm, holding a costume contest and playing a movie at the Hometown Bank Plaza immediately thereafter. Over forty businesses participated by handing out treats, and the Kent State Women’s Basketball team judged our costume contest. The class decorated, hosted several activities and crafts, and provided the entire event staff – a very impressive group of students!



Santa's Tavern Trek – In partnership with Great Lakes Brewing Company, this event took place Sat., Dec. 10. Over 200 tickets were sold, and guests received a Great Lakes Christmas Ale pint glass and one entry to win the grand prize, just for visiting six of the ten locations on the trek (no purchase required). Complete with an ugly



sweater contest, participants had a great time! Main Street Kent donated \$1,000 (50% of the event proceeds) to Kent Social Services in the spirit of the season as well.

Design Committee – The Design Committee is led by Jeff Meyers of DS Architecture, and is a diverse group of professionals with expertise in many aspects of design including landscape, graphics, architecture and more. The Design Committee is intended to be the “designing voice of the Kent community.” Committee members include: Rebekkah Berryhill, Annie Flaherty, Julie Kenworthy, Larrie King, Joelle Liedke, Jen Mapes, Halle Michalakes, Allan Orashan, Amanda Paulus, Heather Phile, Ricardo Sepulveda, Lesley Sickle, David Sommers, Dan Tillet, Alan Walker, and Harrison Wicks.

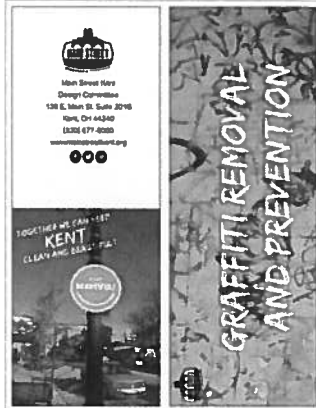


Kent Creativity Festival - Members of this committee were actively involved in planning the Kent Creativity Festival (www.kent.edu/kcf) for over a year, and it took place with great success on Sat., Sept. 24th on the Lester A. Lefton Esplanade. This great collaborative effort pulled community members of all ages together to partake in the experience of making all kinds of art!

Inside | Out – The Akron Art Museum brought this program to Kent; Main Street Kent and the Kent State College of the Arts worked with the program coordinator to select the sites, secure installation agreements with building owners, and roll the program out for its 3-month stay here in Kent. Here from August 1st until the end of October 2016, it was a welcome addition to our downtown public art scene!
<https://akronartmuseum.org/inside-out>



Clean Up Kent Day – On April 27th, volunteers gathered to clean up trash and eliminate graffiti in the downtown district. Scouts, Kent State students, committee members, and other community volunteers worked for over three hours to get the job done, making a lasting positive impact on our beautiful downtown. Another Clean Up Kent Day took place on Sat., Oct. 22nd with a great turnout by Kent State students doing their part for “National Make A Difference Day.” Maintenance is key to a clean, beautiful downtown.



Graffiti Clean Up – On August 9th, several volunteers spent the morning cleaning up a number of downtown areas hit by graffiti and stickers. Rather than waiting until the next official clean up day, it’s important to get rid of graffiti quickly, so it doesn’t “spread.”

Downtown Graffiti Management Program – Our committee developed and distributed an informational brochure on prevention and removal of graffiti. It’s important for downtown business owners to know the steps to take if their building is vandalized, the importance of timely removal, and how to access the readily available resources for assistance with graffiti.



Adopt-A-Spot – On May 28th, our Adopt-A-Spot volunteer gardeners met at the PARTA facility to pick up their flowers for planting day! This year, we changed flower vendors and were thrilled with the results. Pettiti’s Garden Center has delivered a wonderful product and their staff has been very helpful to us. We also chose a new vendor for our hanging flower baskets, and are thrilled with the beautiful baskets provided by Battaglia’s. Additionally, we have consulted with KSU grounds keeper Bekkah Berryhill on plant selection and care, resulting in additional improvements.



Traveling Stanzas Utility Box Project – The Main Street Kent Design Committee facilitated this much-anticipated utility box project of 2016 in partnership with Wick Poetry and the City of Kent, and the assistance of local businesses Advanced Display and Each + Every. Visitors to downtown Kent can now see seven utility boxes that have been covered with Traveling Stanzas poems, written by local school children and adults, and paired with beautiful illustrations. By pushing an easily accessible audio button, visitors can also listen to the child or adult read his or her poem.



Downtown Kiosk Map Updates – As contracted with the City of Kent, the kiosk maps were updated and installed with an up-to-date listing of all downtown businesses in the downtown district. A tedious task with constantly changing information, we remain committed to providing pedestrians with the correct information they need to have a pleasant experience in downtown Kent.

Holiday Window Decorating Contest – This year’s contest theme was “holiday songs” and our judges were members of the Kent State University Men’s Choir. On the afternoon of Dec. 3rd, they took a walking tour and critiqued the nineteen participating businesses’ windows. Pictured below, our first place winner: Kent State Hotel & Conference Center’s “I’m Dreaming of a White Christmas.”



Business Enhancement Committee – This committee is led by Eric Decker, an MSK board member from Portage Community Bank. The focus remains on driving traffic through the doors of older business as well as newer ones. In addition, the committee searches out opportunities for the businesses to work together, whether on an event, a promotion, or otherwise. Committee members include: Mike Beder, Mike Finley, Andrew Madonio, Lesley Sickle, and Tom Wilke.



Chocolate Walk – Feb. 6, 2016. For four years, this event has been a popular downtown adventure, generating profits for Main Street Kent and great foot traffic for participating businesses. Two hundred tickets were sold at \$20 each. Business owners met many new customers and had great sales during the event. This year, the Kent State University Hotel & Conference Center donated an overnight stay, dinner for two at the Nineteen 10 restaurant, and a bottle of champagne for our big drawing, in which all attendees were entered to win. Guests drove from over an hour away to be a part of this popular event, which kicked off at the Destination Kent Visitor Centre.



Two hundred tickets were sold at \$20 each. Business owners met many new customers and had great sales during the event. This year, the Kent State University Hotel & Conference Center donated an overnight stay, dinner for two at the Nineteen 10 restaurant, and a bottle of champagne for our big drawing, in which all attendees were entered to win. Guests drove from over an hour away to be a part of this popular event, which kicked off at the Destination Kent Visitor Centre.



Seven Courses of Kent – April 17, 2016. This event took place at Laziza, where these local eateries presented their best dishes to our guests: Bistro, Nineteen10, Taproot Catering, Little City Grill, Kent Cheesemonger, Belleria, and Popped!/Tree City Coffee partnered up on the dessert course. Each course was paired with a beer or wine selection hand-picked by Heidelberg Distributing. \$60 per ticket included meal, pairings, service, tax and gratuity. Sixty tickets were sold, proceeds benefited Main Street Kent, and this was a huge HIT! Guests were thrilled with the variety and quality of food, and the opportunity to try seven different eateries in one evening. We will definitely repeat this event in 2017.

Guests were thrilled with the variety and quality of food, and the opportunity to try seven different eateries in one evening. We will definitely repeat this event in 2017.

Sidewalk Sale – On Sat., June 25th, College Town Kent held their annual “Summer Tour” offering free samples, fun activities, sales, etc. so we invited the rest of the downtown businesses to partake in a citywide Sidewalk Sale! If people are coming downtown for one reason, we like to give them even more reasons to stay...and spend.



Discover Downtown – Every August, as new Kent State students arrive to begin their college careers, we partner with the Kent Area Chamber of Commerce, Acorn Alley, and College Town Kent to give them a warm welcome to our downtown. Main Street Kent hires a live DJ and holds a scavenger hunt where students have to find a hidden black squirrel in a number of businesses, then post “selfies” to social media in an effort to win gift cards to downtown businesses. It’s a lot of fun and it gets students to do some exploring while enjoying free food and giveaways from our partner organizations.



Holiday Open House – On Wed., Nov. 16th, we hosted the first-ever downtown Kent holiday open house. Twenty businesses stayed open until 8pm, offering sale prices, refreshments, and more, allowing shoppers a “sneak peek” at their holiday offerings a week before Thanksgiving.

Black Squirrel Friday – Free parking, complements of Mayor Fiala, special shopping deals at our downtown businesses, and the **Black Squirrel Lotto**, an opportunity for shoppers with receipts in hand to enter a drawing to win gift cards to many downtown businesses, all helped draw shoppers to downtown Kent the day after Thanksgiving. Each year, businesses report improving sales on this day, which is commonly known to be a big day for shopping big sales at large chain stores. We’re committed to making this is big day for our small businesses in Kent.

Small Business Saturday – The “Shop Small” movement continues to grow in our country, especially in Main Street communities. We work with our small businesses to create social media hype, and promote this special day in a variety of ways: web, social media, window displays, email, and more!

Operations Committee – Leadership for MSK is based in our Executive Committee:

- President – Mike Finley, VP – Regan Gettens, Treasurer – Mike Lewis, Secretary – Joan Conaway
- **Annual Evaluation** – Our annual evaluation with Heritage Ohio took place on February 12th. Main Street Kent is recognized as “proficient” in the ten criteria set by the National Main Street Center, scoring a **99/100!**
- **Annual Awards Celebration** – The Main Street Kent awards celebration was held on Thurs., June 16th at the Kent Historical Society Museum. Locally handmade ceramic tile awards containing the Main Street Kent image were presented to the following winners: President’s Award – Mike Beder; Volunteer of the Year – Mary Organ; Small Business of the Year – McKay Bricker; Large Business of the Year – College Town Kent; the Ronald Burbick Award – Kent City



Council; and Non-profit of the Year – the Kent community, in honor of the Dan Smith Community Park. We celebrated another successful year of work in downtown Kent, and all of the people who make it possible.



- **Heritage Ohio Annual Conference** – At this year’s annual conference in Cincinnati, we received some pretty special awards: Heather Malarcik received “Main Street Manager of the Year,” the Art & Wine Festival was acknowledged as “Best Main Street Event,” and Off the Wagon, owned by Michelle Sahr, received “Main Street Business of the Year.” The Kent program is viewed as one of the top in Ohio, and recognition was definitely received!



- **Strategic Planning** – Our Executive Team is continually focused on succession planning for our Board of Directors, fundraising, and the overall sustainability of our downtown. This is reflected in our plans and projects on the committee level. A long-term strategic planning session will be held on Sat., Jan. 28, to be facilitated by Janus Small Associates. Our team is excited to take the day to reflect, plan and strategize so we are focused and intentional in all we do for our downtown in the years to come.
- **New Board Member Recruitment** – The MSK Board of Directors continues to grow and diversify. In 2016, these new members joined the team:
 - **Julie Kenworthy** – Kent Historical Society
 - **Todd Kamenash** – Kent State University



Pictured: (back row, left to right) Mike Lewis, Regan Gettens, Tom Wilke, Eric Decker, Mike Finley, Mike Beder; (front row, left to right) Julie Kenworthy, Jeff Meyers, Heather Malarcik, Pam Petrus, Joan Conaway, Mike Carr

Not pictured: Tom Hatch, Todd Kamenash, Lesley Sickle (staff), Nancy Whitehead

Volunteers – We could not accomplish our mission without the help of our volunteers. This includes our Board of Directors, committee members, and all of the great people who dedicate their valuable time to various Main Street Kent projects and events. Volunteers are our greatest assets, and we reaped the benefit of our great community to the tune of 2,315 hours in 2016!

We greatly appreciate the ongoing support of the City of Kent! We look forward to continuing our partnership with all of the organizations (<http://www.mainstreetkent.org/our-supporters>) that help us continue our mission: *Working to strengthen and beautify downtown Kent while fostering economic development, historic preservation, and a sense of community.*

Month	Hours
January	51
February	77
March	62
April	305
May	209
June	233
July	246
August	145
September	327
October	424
November	86
December	150
Total	2315



Main Street Kent

2016 INCOME ELIGIBLE FOR CITY MATCH

January - December 2016

	TOTAL
INCOME	
4030 Corporate Sponsors & Foundations	2,000.00
4031 Board Member Donations	2,450.00
4034 Art Wine Sponsorship	4,838.45
4040 Friend of Main Street Kent	5,865.09
4046 Octoberfest Sponsors	1,500.00
4048 Legacy Partners (10k+)	13,499.99
4050 Progressive Event Sponsors	1,439.70
4057 Round Town Music Festival Sponsors	2,500.00
4058 Potterfest Sponsors	1,040.00
Total 4030 Corporate Sponsors & Foundations	35,133.23
4065 Fundraisers	
4071 Annual Dinner Income	2,247.43
4073 Art & Wine Festival Income	156.07
4075 Vendor fees for Art & Wine Festival	2,505.00
4079 Wine Sales / Raffle Sales	38,528.94
4081 Winery payments for Festival	2,150.00
Total 4073 Art & Wine Festival Income	43,340.01
4083 Chocolate Walk Income	3,877.88
4088 International Festival Income	-25.00
4091 Progressive Events Income	6,583.68
4096 Oktoberfest Sales	33,192.01
4097 4097 Oktoberfest Sponsorship	8,000.00
Total 4096 Oktoberfest Sales	41,192.01
4667 Kent Potterfest	12,590.34
Total 4065 Fundraisers	109,806.35
4150 Marketing & Advertising Campaigns	7,872.00
4758 4758 Discover Downtown	1,000.00
Total Income	\$153,811.58
GROSS PROFIT	\$153,811.58
EXPENSES	
Total Expenses	
NET OPERATING INCOME	\$153,811.58
NET INCOME	\$153,811.58