

ORDINANCE NO. 2019 - 34

AN ORDINANCE AMENDING RESOLUTION NO. 2018-40 THAT PASSED MARCH 21, 2018 TO ENTER INTO THE EAST MAIN STREET AREA AGREEMENT BETWEEN THE CITY OF KENT AND KENT STATE UNIVERSITY TO SET THE FRAMEWORK TO BEGIN INVESTIGATING TRAFFIC CONCERNS ALONG THE EAST MAIN STREET CORRIDOR, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent desires to amend the East Main Street Area Agreement with Kent State University (KSU) to expand to include several additional items, including but not limited to, a traffic analysis of the corridor, a highway safety study and further public involvement.

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

SECTION 1. That Council does hereby authorize the City Manager, or his designee, to amend the East Main Street Area Agreement between the City and KSU to expand to include several additional items, including but not limited to, a traffic analysis of the corridor, a highway safety study and further public involvement, and is more fully described in Exhibit "A" attached hereto and incorporated herein.

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

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

PASSED: March 20, 2019
Date



Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: March 20, 2019
Date

ATTEST: 

Dawn Bishop
Interim Clerk of Council

I, DAWN BISHOP, INTERIM CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE No. _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20_____.

(SEAL)

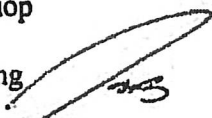
DAWN BISHOP
INTERIM CLERK OF COUNCIL

Exhibit A

**CITY OF KENT
DEPARTMENT OF PUBLIC SERVICE
DIVISION OF ENGINEERING**

MEMO

TO: Dave Ruller
Dawn Bishop

FROM: Jim Bowling 

DATE: February 27, 2019

RE: East Main Street Area Agreement – Amendment 1

The Service Department is requesting council's consideration and approval of the attached Amendment to the East Main Street Area Agreement between the City of Kent and Kent State University (KSU). The amendment extends the original agreement to continue the planning process begun to investigate concerns along the East Main Street Corridor expressed by residents and travelers along East Main Street. The amendment is intended to continue the planning process to a point where we will be able to submit for outside funding to help complete improvements established through the planning process. The financial commitment required for the amendment is already included in the 2019 annual budget.

C: Melanie Baker
Jon Giaquinto
Harrison Wicks
file

EAST MAIN STREET AREA AGREEMENT

Amendment #1

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

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

This Amendment, dated _____ 2019, is by and between Kent State University ("KSU") and the City of Kent, Ohio ("City"), duly formed under the laws of the State of Ohio.

WITNESSETH:

WHEREAS, the City and KSU agreed on March 28, 2018 to collaborate and partner on a strategic and transformational corridor project along East Main Street from Willow Street to Horning Road; and

WHEREAS, the City and KSU have begun the planning process for the project and the original agreement needs to be expanded to include several additional items, including but not limited to a traffic analysis of the corridor, a highway safety study and further public involvement.

NOW, THEREFORE, in consideration of the mutual covenants, promises, conditions and terms to be kept and performed, it is agreed between the parties that the City and KSU agree to expand the collaboration and partnership begun with the East Main Street Area Agreement, to include the following:

City:

- Take the lead role in managing a traffic analysis of the East Main Street corridor that will evaluate potential changes to the corridor from the planning study and KSU's Campus Master Plan, adopted on March 7, 2018.
- Have a Highway Safety Study completed for submittal to the Ohio Department of Transportation's (ODOT) Highway Safety Program for project funding.
- Lead additional public involvement activities in determining potential alternates for the East Main Street Area.
- The City shall fund 50% of the costs for the above services, up to an additional \$75,000.

KSU:

- Assist the City in the management of the traffic analysis and Highway Safety Study. This will include, but is not limited to, providing timely updates on the implementation of the Campus Master Plan that would have an impact on traffic with the East Main Street Area.
- KSU shall fund 50% of the costs for the above services, up to an additional \$75,000.

Schedule:

The City and KSU will diligently pursue the additional work described above and strive to have the work completed in time to submit the Highway Safety Study to ODOT by September, 2019. This date can be adjusted by the mutual agreement of both parties. In addition, both parties will continually pursue other outside funding sources until the project is completed or abandoned by both parties.

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

CITY OF KENT

Approved and Accepted by:

Dave Ruller
City of Kent, City Manager

Witness: _____

Witness: _____

Date: _____

Approved as to Form:

Hope Jones
City of Kent, Law Director

Date: _____

Certificate of Director of Budget and Finance

It is hereby certified that the amount SEVENTY FIVE THOUSAND Dollars (\$75,000) required to meet this commitment has been lawfully appropriated or authorized or directed for such purpose and is in the City Treasury or in the process of collection to the credit of the CAPITAL Fund free from any obligation or certificates now outstanding.

Dave Coffee, Director of Budget and Finance

Date

KENT STATE UNIVERSITY

Approved and Accepted by:

**Mark Polatajko,
Senior Vice President
for Administration**

Witness: _____

Witness: _____

Date: _____

EAST MAIN STREET AREA AGREEMENT

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

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

This Agreement, dated March 28 2018, is an agreement made and entered into between Kent State University ("KSU") and the City of Kent, Ohio, duly formed under the laws of the State of Ohio (the "City").

WITNESSETH:

WHEREAS, KSU and the City desire to transform the north edge of campus by creating a new East Main Street entry onto the KSU campus, extending the front campus green space east along the north edge of campus, consolidating parking and providing improved academic uses; and

WHEREAS, both the City and KSU desire to protect and enhance the residential neighborhoods located north of East Main Street by limiting through traffic and enhance pedestrian and bike connectivity to the public amenities on campus; and

WHEREAS, the university's Campus Master Plan, adopted on March 7, 2018, includes the potential construction of new academic and parking facilities, and the elimination of existing surface parking along this same section of Main Street; and

WHEREAS, KSU and the City desire to improve the safety along East Main Street from Willow Street to Homing Road and provide better connectivity for pedestrians between KSU and residential neighborhoods adjacent to the University and north of East Main Street; and

WHEREAS, East Main Street from Willow Street to Luther Avenue is the highest roadway crash section in Kent, as ranked by the Akron Metropolitan Area Transportation Study (AMATS) from 2013-2015 crash data; and

WHEREAS, the intersection of East Main Street and Lincoln Street is the second (2nd) highest crash intersection in Kent, as ranked by the AMATS from 2013-2015 crash data; and

WHEREAS, there were seven (7) reported pedestrian crashes and two (2) reported bicycle crashes, from 2010-2012, along East Main Street between Lincoln Street and Midway Drive as documented by AMATS; and

WHEREAS, the parties desire to hire a consultant to assist them in planning improvements and addressing safety and neighborhood concerns involving the East Main Street area as set forth in this Agreement; and

THEREFORE, The City and KSU commit to collaborate and partner to initiate a strategic and transformational corridor project that will require planning and the pursuit of funding for the eventual design, right of way acquisition and construction of improvements along the East Main Street corridor. The goal of the project is to assure all improvements are planned with input from the residents and businesses along East Main Street, and are designed to enhance traffic flow, safety and the residential feel of neighborhoods along East Main Street. At this time each party agrees to the following:

City:

- Take the lead role in a planning process to address the safety and neighborhood protection/enhancements needs along East Main Street. The planning process will be conducted with the participation and input from the residential and business community, especially the neighborhoods located across East Main Street.
- Jointly with KSU, hire a consultant to assist in the planning process.
- The City shall fund 50% of the planning consultant's services, up to \$25,000.
- Pursue outside funding for the completion of the project.

KSU:

- Assist the City in the planning process to determine improvements along and adjacent to East Main Street to address the safety needs and neighborhood protection/enhancements needs.
- Jointly with the City, hire a consultant to assist in the planning process.
- KSU shall fund 50% of the planning consultant's services, up to \$25,000.
- Pursue outside funding for the completion of the project.

Schedule:

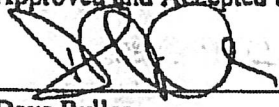
The City and KSU will diligently pursue hiring the consultant and thereafter completion of the planning process in an effort to complete process by July, 2018. This date can be adjusted by the mutual agreement of both parties. In addition, both parties will continually pursue outside funding sources until the project is completed or abandoned by both parties.

Exhibit A

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

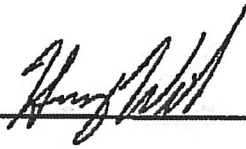
CITY OF KENT

Approved and Accepted by:



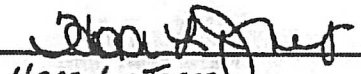
Dave Ruller
City of Kent, City Manager

Date: 3/26/18

Witness: 

Witness: _____

Approved as to Form:

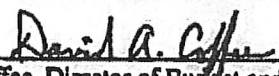


Hope L. Jonas
City of Kent, Law Director

Date: 3/23/18

Certificate of Director of Budget and Finance

It is hereby certified that the amount TWENTY FIVE THOUSAND Dollars (\$25,000) required to meet this commitment has been lawfully appropriated or authorized or directed for such purpose and is in the City Treasury or in the process of collection to the credit of the GENERAL Fund free from any obligation or certificates now outstanding.



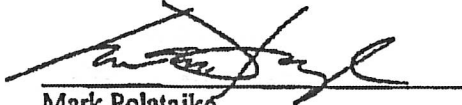
David Coffee, Director of Budget and Finance

3-28-2018
Date

Exhibit A

KENT STATE UNIVERSITY

Approved and Accepted by¹:



Mark Polatajko,
Senior Vice President
for Administration

Date: 3/19/18

Reviewed as to
legal sufficiency and form
for 1-5-3
11. 10 2013
Ox
Office of General Counsel

Witness: Shelley Capellman

Witness: Peta DeWard

¹ Pursuant to the acceptance of passage of the facilities master plan by the KSU Board of Trustees