

MEMORANDUM
DIVISION OF ENGINEERING
City of Kent Department of Public Service

DATE: February 24, 2009
TO: Dave Ruller
FROM: Jim Bowling
SUBJECT: Ohio EPA Water Pollution Project Stimulus Assistance Requests

The Service Department recently submitted seven projects totaling \$4.5 million in requests for potential Stimulus monies through the Ohio EPA and the State Recovery web site. The City received a request from the Ohio EPA for potential stimulus projects that would reduce surface water pollution. The request was received in early February and was due to the Ohio EPA on February 13, 2009. This was not a request for applications and the City is not obligated to complete any of the projects that were provided.

The Ohio EPA has not determined how the projects will be selected and they also do not know if the money will be made available as loans or grants. The projects were required to be able to begin construction by November 2009. Based on this information the Service Department reviewed our current and past capital commitments and included the following projects for consideration by the Ohio EPA.

Admore Drive Pump Station Upgrade – This project includes replacing the existing pumps in the Admore Drive Sanitary Pump Station. The pumps would be replaced by Water Reclamation Facility Staff. This project is currently in the capital plan for 2010.

Project Cost: \$58,000; Amount Requested: \$52,500

Aeration Tanks Upgrade – This project includes the replacement of the rubber membranes diffusers in the three aeration tanks in the Water Reclamation Facility. The diffusers have a five year life expectancy and the current diffusers are four to five years old. This project is currently in the capital plan for 2010.

Project Cost: \$36,750; Amount Requested: \$33,075

Pump Station Flow Meter Upgrade (6 Stations) – This project includes installing monitoring equipment at six sanitary pump stations to provide flow measuring capabilities. Currently, two facilities already have this capability. This project is currently in the capital plan for 2009.

Project Cost: \$56,654; Amount Requested: \$51,504

Water Reclamation Facility Sidestream Control Tank – This project includes the addition of a sidestream tank that would contain and constantly release discharges from treatment processes within the facility. Currently, the belt filter presses and anaerobic digesters release wastes with heavy concentrations of ammonia, CBOD and suspended solids to the head of the WRF as they treat the wastewater. These releases would be contained and slowly released from the sidestream control tank, thereby improving the efficiency of the WRF. This project is currently in the capital plan for 2013.

Project Cost: \$960,000; Amount Requested: \$960,000

Water Reclamation Facility Septage Receiving and Sidestream Control Tank – This project includes the addition of a sidestream tank that would contain and constantly release discharges from treatment processes within the facility as discussed in the previous project. This project also includes adding the components required to receive septage from private companies at the WRF. This would allow the WRF to generate some revenues from receiving septage. The septage receiving capabilities are not currently in the capital plan.

Project Cost: \$2,000,000; Amount Requested: \$2,000,000

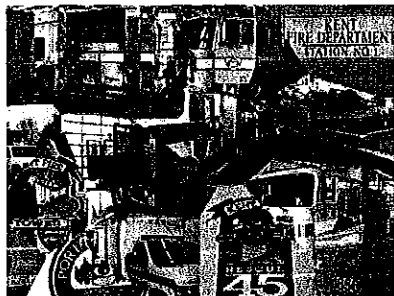
Water Reclamation Facility Digester Lid Replacement – This project includes the replacement of the existing floating cover “lid” and the installation new sludge mixing equipment. The digester cover constructed in 1964 has deteriorating infrastructure and requires replacement. This project is currently in the capital plan for 2011.

Project Cost: \$500,000; Amount Requested: \$450,000

Plum Creek Dam Removal-Restoration – This project includes the replacement of the removal of the Plum Creek Dam and Culvert at Mogadore Road and restoration of the 2,200 feet of Plum Creek. The existing dam and culvert have had structural concerns identified since 1995. The lake in Plum Creek Park has sedimentation problems occurring since the 1970’s. The project has been on the unfounded portion of the five-year capital plan for numerous years and currently is being studied to present alternates to remedy the situation. The replacement of the Mogadore Road Culvert is currently in the capital plan for 2012.

Project Cost: \$1,400,000; Amount Requested: \$1,000,000

c: Gene Roberts – Service Director
Bob Brown – Water Reclamation Facility Manager
Suzanne Robertson
file



KENT FIRE DEPARTMENT

JANUARY 2009 MONTHLY INCIDENT REPORT

	CURRENT PERIOD			YEAR TO DATE		
	2009	2008	2007	2009	2008	2007
FIRE RESPONSE INFORMATION						
Summary of Fire Incident Alarms						
City Of Kent	45	60	35	45	60	35
Kent State University	15	18	13	15	18	13
Franklin Township	12	13	4	12	13	4
Sugar Bush Knolls	0	0	0	0	0	0
RESPONSES	72	91	52	72	91	52
Mutual Aid Received by Location						
City Of Kent	0	3	1	0	0	1
Kent State University	0	0	0	0	0	0
Franklin Township	0	0	0	0	0	0
Sugar Bush Knolls	0	0	0	0	0	0
TOTAL	0	3	1	0	3	1
Mutual Aid Given	1	3	5	1	3	5
TOTAL FIRE INCIDENTS	73	94	57	73	94	57
EMERGENCY MEDICAL RESPONSE INFORMATION						
Summary of Medical Responses						
City Of Kent	208	188	178	208	188	178
Franklin Township	32	31	28	32	31	28
Kent State University	22	28	24	22	28	24
Sugar Bush Knolls	0	0	0	0	0	0
Mutual Aid Given	1	5	2	1	5	2
TOTAL MEDICAL INCIDENTS	263	252	232	263	252	232
Mutual Aid Received by Location						
City Of Kent	3	3	1	3	3	1
Franklin Township	1	0	1	1	0	1
Kent State University	0	1	0	0	1	0
Sugar Bush Knolls	0	0	0	0	0	0
TOTAL	4	4	2	4	4	2
Total Fire and Emergency Medical Incidents	336	346	289	336	346	289

Fairchild Avenue Bridge Project

Mayfield Property Acquisition Executive Summary

In response to recent questions on the right-of-way acquisition of the Mayfield parcels the following information is presented to clarify the process and details of the transaction:

Acquisition Requirements: **Two commercial properties** (Bricker Framing and Gallery and 100 Crain Avenue) and **one residential unit** were required from the Mayfields to complete the Fairchild Avenue Bridge Project.

Acquisition Payments: The Mayfields received the following compensation for the **2 commercial** and **1 residential** property based on the Fair Market Value (FMV).

607 N. Mantua Street (Included Bricker Framing and Gallery and Residential Home) - \$330,000

100 Crain Avenue (Commercial Property) - \$163,900

Establishing Fair Market Value (FMV) – The process of establishing the FMV is dictated by the Federal **UNIFORM RELOCATION ACT** (URA). This **federal requirement** is required when the City receives federal funds to acquire property. The URA **requires** the City hire a pre-qualified outside appraisal company to establish the FMV AND a separate appraisal company to perform a review of the FMV. An abbreviated summary of the acquisition process required by the URA is attached.

Actual City Costs: Federal funds are paying for approximately 90% of the right-of-way costs for the project. Therefore the **City's payment** to acquire the Mayfields property is **\$49,390**.

Relocation Costs: Further costs will be incurred due to the necessity of purchasing any of the buildings and businesses for the project. These costs include the relocation of businesses and private residents to their new homes and facilities. These costs are **reimbursements** based on actual relocation and reestablishment costs. Applicable costs are regulated by the URA and **are paid 90% from federal funds and 10% from the City of Kent**. Currently, no relocation payments have been made to the Mayfields. Attached is an abbreviated summary of the relocation costs potential to relocate and reestablish the Mayfield's home and businesses.

Right-of-way Acquisition Process Summary

In light of the recent questions regarding acquisition for public improvements utilizing Federal dollars (ie Fairchild Avenue Bridge, Spaulding Drive Bridge, SR 59 Signalization, etc.) the following is a short synopsis of the process required by any local agency to acquire property to construct an infrastructure project.

Public Right-of-Way is the land available for public use such as roads, bridges, bikeways and utilities. This land is seen as being necessary for the public good. Once a piece of property is determined necessary to complete a federally funded infrastructure project the following is required.

Step 1 - Complete an appraisal of the property value: There are several different types of appraisals. The types vary depending on the value of the property to be acquired. More expensive properties require more work in the appraisal process to determine the value. A Summary Appraisal Report is required when acquiring a complete property (building and land). The Summary Appraisal Report looks at different approaches when determining the value for the property. These include a **COST APPROACH** (components of the property can be valued based on the amount they contribute to the whole property); a **SALES COMPARISON APPROACH** (comparable properties of similar utility and appeal are analyzed); a **INCOME APPROACH** (value based on income).

Step 2 - Review appraisal of the property: Once the appraisal is completed a "third party" independent appraiser is required to review the appraisal. This is required to make certain that federal money is not abused in obtaining land and that the property owners are fairly compensated for the lost property. The review helps to ensure that the fair market value estimates include all pertinent facts and that the fair market value is realistic.

Step 3 - Local agency review: Once the appraisal is completed and reviewed the Local Public Agency approves the appraisal to be offered to the owner. The local public agency **can not** arbitrarily change the offer. The review is performed only to verify that the appraisal correctly interpreted the proposed needs of the project.

Step 4 - Notifying the Owner: The owner is then notified of the value of their property to be acquired.

Step 5 - Negotiations: After the initial offer the owner has the right to review the appraisals and contest any appraisal by obtaining their own from a qualified appraiser. The owner may suggest a counter offer, however the Local Public Agency does not have the authority to accept any offer without approval of the State Agency overseeing the funds (ODOT). Increases in the initial offer may be determined appropriate due to errors in the appraisals, an appraisal provided by the owner or to keep from appropriating the property (ie going to court).

Step 6A - Mutual agreement on a price: All accepted offers require approvals from State Agency overseeing the funds (ODOT).

- or -

Step 6B - Appropriation: If a mutually agreeable price can not be determined the Local Public Agency must appropriate the property. The Local Public Agency deposits a check with the courts for the amount of the reviewed appraisal and the court grants the agency the right to obtain the property to complete the necessary improvements for the public good. The ensuing court case then determines the appropriate value of the property and that amount is paid to the owner.

Lastly, only ODOT pre-qualified appraisers, review appraisers, negotiators, managers and relocation assistants may manage and implement the right-of-way acquisition process. The City of Kent (and most Local Public Agencies) has no ODOT pre-qualified right-of-way personnel on staff. Therefore we are required to use outside consultants when acquiring property for a federally funded project.

As can be seen the process is overseen at every critical juncture. The Local Public Agency is the engine that moves that acquisition through the process however it has minimal say in determining the final price for any land.



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

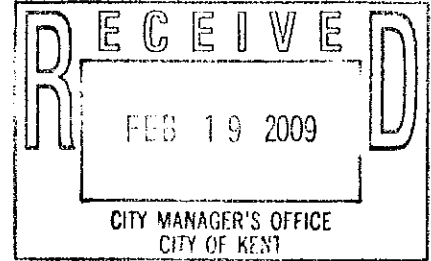
February 19, 2009

TO: Dave Ruller
City Manager

FROM: Gary Locke
Community Development Director

A handwritten signature in black ink, appearing to read 'G.L.', is written over the name 'Gary Locke'.

RE: Information Concerning Community Reinvestment Areas /
Tax Abatements



It is my understanding that at least one resident continues to express concerns to one or more members of City Council in regard to the administration of the City's Community Reinvestment Area Tax Abatement Programs. Regrettably, the resident has not approached me directly with his concerns so that I could attempt to understand and address them with him. In the following paragraphs, I will attempt to describe the program briefly, the administration of it, and my understanding of what the concerns may be. I will also make reference to my presentation to the Community Development Committee of City Council on December 3, 2008 in which some of these issues were discussed. I have included a copy of the minutes of the December 3, 2008 committee meeting for reference.

Tax Abatement Programs

The State of Ohio offers a number of tax incentive programs in various shapes and forms. A number of these have a basis in the Federal tax codes with the result being that many of the conditions of these programs are predetermined. The City of Kent, beginning in 1983, created a Community Reinvestment Area Tax Abatement Program. An area within the City was designated for this program and the area included certain residential, commercial and industrial areas. The map of that area was amended several times since that time. Better known as the CRA #1, this area provides abatements on the incremental increase in real property values that result from an improvement to a property. The abatement is not automatically provided and the property owner is required to submit an application and meet certain requirements applicable to the program. At the time the CRA was created, few if any of the current reporting requirements had been created. The CRA #1 has operated and been available in the City since that time.

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Dave Ruller

February 19, 2009

CRA Tax Abatement Information

Some years later, the City began offering a different form of tax abatement as another economic development incentive. This program was called the Enterprise Zone (EZ) program and its primary distinctions from the CRA program were that the Enterprise Zone abatements were, 1) negotiated agreements, involving input from the affected school districts, and 2) allowed for the abatement of personal property taxes in addition to real property taxes. The Enterprise Zone abatements did not allow for residential abatements and also precluded certain types of commercial projects from receiving the abatements under the EZ program. The recent sunset of the Personal Property Tax collection has effectively negated the economic development incentive that this program created in comparison to the CRA type abatements.

Other tax incentive programs that may be familiar include Tax Increment Financing (TIF), Low Income Housing Tax Credits (LIHTC), Historic Tax Credits, New Market Tax Credits and so on.

The City did create a second CRA District (CRA #2) in 2005. This district was limited to the commercial areas along West Main Street. The creation of the second CRA District was a much more deliberate process than the first and involved negotiations with the school district. I have included a copy of a letter that was written by Superintendent Crail (April 20, 2005) and addressed to Charley Bowman (previous CD Director) in which Dr. Crail expresses the concerns of the school board regarding abatements for residential properties.

It may not be commonly known that significant changes to the tax abatement programs starting in the early to mid 1990's have evolved that made abatements more restrictive and sensitive to revenue loss, especially in relation to the schools. These changes have included actual negotiations with the schools, income tax sharing or other forms of compensation. Today, the schools have a significant voice with the granting of certain tax incentives and cities have had to both understand and help address some of those concerns.

CRA Housing Council and Tax Incentive Review Council (TIRC)

There are two primary appointed boards that work with the abatement programs that we have in the City. The first (and oldest) is the CRA Housing Council. This is a seven member board consisting of two appointments by City Council, two by the Mayor, two by the CRA Housing Council membership and an appointment from the Planning Commission. This board has met annually, met in 2008 and will meet again in the next several weeks. We have taken the opportunity to review the appointments and have had new appointments made so that we currently have 5 of the 7 positions filled (several expired since last year's meeting). The two CRA Housing Council appointments will be made at the coming meeting, bringing the CRA Housing Council to its full membership.

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Dave Ruller

February 19, 2009

CRA Tax Abatement Information

In addition, the annual reports related to the CRA itself have been filed with the State annually, and we are not aware of any outstanding issues related to those reports. The CRA Housing Council has two primary duties: 1) to conduct an annual review of the properties to which CRA abatements have been granted and, 2) to hear appeals on any applications for CRA abatements which have been denied by the CRA Housing Officer (the Community Development Director is designated as the Housing Officer by ordinance).

The Tax Incentive Review Council (TIRC) is a second, separate body whose primary function is to review Enterprise Zone tax abatements on an annual basis and determine whether the recipients of the Enterprise Zone abatements are fulfilling their commitments, primarily with regard to job creation and tax revenue generation. The TIRC is a combination of City appointments, county appointments and appointments by the respective boards of education. Its functions are primarily coordinated through the Portage County Economic Development office in conjunction with the City and the schools. This group has also met annually and will be meeting again within the next month. The reports related to its functions have also been filed annually and we are not aware of any outstanding issues related to its operation. The TIRC also has responsibilities related to the newer (CRA #2) of the two CRA areas and they also will be reviewing abatements granted within the CRA #2.

CRA Abatement Marketing

This issue was discussed at some length, especially in regard to residential abatements with Council in my presentation on December 3, 2008 so I will not spend time reiterating the details of that discussion. For economic development purposes, the merits of the program are discussed with prospective projects where appropriate. Unlike tax credit type projects, abatements typically generate benefits to projects in the form of retained revenue over a period of time, once the project is completed. Some of the retained revenue under the EZ or newer CRA may be returned to the schools as part of a negotiated compensation package. The abatement, however, does not generate money up front for a project as would a loan. Since many communities offer tax abatements, providing for them in Kent has really become a matter of maintaining a competitive position in economic development with other communities. How much the abatements actually "induce" projects that have fundamental financing problems or other issues is questionable and varies from project to project.



April 20, 2005

Charley Bowman
Community Development Director
City of Kent, Ohio 44240

Dear Charley,

I am sorry you weren't able to make our meeting last week to discuss new and revised CRA zones. Mike and company did a nice job in your stead but I thought it was important that I follow up with you via a letter so that you will have a clear understanding of our points of agreement and of our areas of concern.

First I reiterated that we have minimal concerns about projects that deal with commercial or industrial properties. I completely understand the need for the proposed CRA zone along West Main Street, especially the Kent car strip. It is vitally important to retain and attract business to the community. Commercial and industrial properties do not send us new students or increase our cost of educating students in any way.

The second important point is that unlike commercial and industrial properties, residential properties do provide increased student load for the school district and often times significantly increase our operational and instructional costs. So, we would generally ask the city to shy away from CRA's that involve residential properties.

Thirdly, the CRA areas as they are currently drawn are very large and include portions of our community that could hardly be considered to be blighted in any way. For instance, the neighborhood between the west side fire station and Davey Elementary School was in the proposed CRA boundary. I think it is a stretch to say that is an area that needs rehabilitated. The CRA area went out along North Mantua Street all the way past Roosevelt High School and includes the Davey Tree property. It is another area that seems to me not to be blighted.

Finally, I suggested that the city look for new creative and different ways to help homeowners if they choose to renovate their properties or properties that they own and rent out. These suggestions might include the possibility of providing free water, storm sewer, and sanitary sewer; or discounted rates for a period of time. This way the school district does not have to give up property taxes on newly improved residential properties, but the homeowner could still enjoy a benefit that might make him or her more able to improve their property. Of course it is easy to give away someone else's money and I understand that city funds are tight, but I believe that with some thought, other alternatives could be found that would help meet the needs of the city and of the homeowners without harming the school district.

We want to continue to be full partners in the development and redevelopment of our city, but we would ask you to be sensitive to our needs and to our revenue streams as well. Thanks in advance for your cooperation.

Sincerely,

Marc Crail
Superintendent

MC:ww

**THE CITY OF KENT, OHIO
COMMUNITY DEVELOPMENT COMMITTEE
WED., DEC. 3, 2008**

This meeting of the Community Development Committee of Kent City Council was called to order by Rick Hawksley, Chair, at 7:15 p.m.

PRESENT: MR. AMRHEIN, MR. DELEONE, MR. FERRARA, MR. HAWKSLEY, MR. KUHAR, MS. SHAFFER, MR. TURNER, MS. WALLACH & MR. WILSON

ALSO PRESENT: J. FENDER, MAYOR; D. RULLER, CITY MANAGER; J. SILVER, LAW DIRECTOR; G. LOCKE, DIR. OF COMMUNITY DEVELOPMENT; AND L. COPLEY, CLERK OF COUNCIL

Chair Hawksley explained their first item, Neighborhood Enrichment Presentation, was cancelled as the presenter was unable to attend. He said the only item on their agenda dealt with the Community Reinvestment Areas in Kent.

Dave Ruller, City Manager, introduced **Gary Locke, Director of Community Development**, explaining that Mr. Locke would present an overview on the topic at this time.

Mr. Locke said a member of the audience raised some questions a few weeks earlier, and wanted to know why the City did not do more to promote the tax abatement program. He said Council wanted a response. Mr. Locke said the information he sent to the Manager went out to Council in their package. He said he tried to respond, and give them some insight. He said he included some correspondence from Mike Weddle, who ran this program, for approximately ten years. He said there is correspondence from Mr. Weddle, as a response to issues raised by the same audience member. Mr. Locke said he thought it would provide more background information.

Mr. Locke said the CRA program was created in the early 1980s. He said tax abatement was different at that time. He said most of the changes in the program have occurred within the last ten years, and their program has evolved, based on what the State is doing. He said they do more negotiating with the school districts on abatement and projects. He said the most recent project was the Don Joseph project.

Mr. Locke said negotiations involve the developer and the schools, so as to pay the schools for some of the abated loss of the taxes. He said the residential element has been in place since the early 1980s, and some have received abatements.

Mr. Locke said that schools recognize the need of abatement, but are not fond of them. He said typically they are the type of projects that generate more students. He said the schools are not fond of residential projects. Mr. Locke said they have tried to maintain a good relationship with the schools over the years, and while it was not an issue in the 1980s, it is an issue now.

Mr. Locke said it is difficult to put a value on how much a rehab will increase the value of a house. He said if they put \$25,000 into the rehab of a house, it does not equate to \$25,000 in additional value. He said many may put \$25,000 in their property, but the property does not increase. He said with tax abatement, they look at the value before the work, and after the work is done. He said the eligible amount is the difference. He said they must then multiply it by 35%, which is the County's calculation for taxable value, adding that is the amount eligible for a five-year residential abatement.

Mr. Locke said it is difficult to tell someone how much they will get for abatement. He said if the value increased too much, it might be a disincentive as it causes the taxes to go up by that much. He said there is the potential for higher taxes at the end of five years, and it is hard to quantify if this would help. He said the abatement does not last that long, and probably is not that much money, adding it may only be \$20 to \$30 annually in savings. He said that while it is part of the abatement program, he is not too aggressive

with it because of their discussions with the schools. He said they could market it heavier if that was the wish of Council.

Mr. Wilson said he thought the problem was not about housing rehab, but instead the big allotments that impacted the schools. He said he did not remember hearing them talk about rehabbing homes. Mr. Locke said most of the fix up abatements were in the early 1980s before they did anything with the schools. He said they did not have to talk to the schools previously. Mr. Locke said when they created the second district on West Main Street, the school expressed concern on the potential residential projects receiving abatements.

Mr. Wilson said he thought they meant large developments of housing, not one house being rehabbed, and Mr. Locke suggested they were at different discussions. Mr. Wilson said those were the discussions they had previously.

Mr. Locke said on the CRA #1, which is the bulk of the City's CRA district, they did not have to negotiate with the schools on abatements. He said with the enterprise zone, they negotiated all of them. He said the second CRA area encompassed West Main Street, adding he was sure Mr. Wilson was right about the impact. He said the schools have said they are not crazy about residential abatements, which is why they have not marketed them aggressively. He said he was unsure it generated a lot of incentive either.

Mr. Kuhar said he has properties in one of those zones, and knew nothing about it. He said the objective is to have a better-looking community, and questioned whether they should be concerned if the school board wants to give up revenue. He said they should be more concerned about their community and should take every effort possible. He said he did not know his property was included.

Mr. Kuhar said Mr. Locke spoke about how much an abatement would be, adding if there is a blighted property that looks terrible, some siding, windows, and a roof could raise the values considerably. Mr. Locke agreed.

Mr. Kuhar asked what they can do to make this more appealing to people with a stronger awareness, adding they do not have people on half of the commissions anymore. Mr. Locke said there are some vacancies, adding that the board meets once a year. He said they have not been active in marketing the program. He said they can market it more, adding that is not the issue. Mr. Locke said in his opinion an abatement would be most successful on residential projects, such as an old property removed and a new home built. He said they discussed doing this in the south end of town, adding that would be a significant abatement, adding it would go from nothing to the value of the house.

Mr. Locke said he has not seen examples of this being a real example. He said it may have some impact. Mr. Locke said a new structure is easier to put a number to, adding it is still somewhat of a guess. He said it could be a couple of bucks to a couple hundred bucks. Mr. Kuhar said it could be an encouragement in a blighted area.

Ms. Shaffer said it is not an automatic approval, and asked if someone had to go before the committee, and what the criteria would be. Mr. Locke said it is automatic in the CRA #1. He said in the second CRA district, there are different provisions as it is under the new law. He said in the CRA #1, if the work was done, it was certified to the County, and the property owner got the abatement.

Ms. Shaffer said as they are looking at stepping up code enforcement, they need to offer people some ways to maintain their properties, and this could be a tool in the tool box. She asked if there are any programs better served that they should promote more, and Mr. Locke said without giving it a lot of thought, he is sure there are other programs. He said this only encompassed a few residential areas, with the south end being in it since the beginning. He said another area is the "Campus Link" area. He said there are some residential areas north of E. Main Street, in the Depeyster, Highland and Willow Street areas. He said one question is whether they should include other areas if they want to stimulate redevelopment in the neighborhoods. He said if they did, it would be under the new law, with the characteristics of the CRA #2. He said there are certain qualifications for creating a district, and he could

return at another time with that information. He said questions included whether they want to expand, to what degree, and should they change some of the requirements.

Mr. Locke said one problem with a tax abatement is that people still need to find the money to do the project, and still have to pay the money back. He said the abatement lasts five years after the work is completed, and while some may see that as an incentive, some may say they need help with the money up front. He said this is the purpose of their rehab programs, although they have been doing a little more emergency repairs. He said they could have discussions about incentives, but more people are interested in the money up front, instead of the back end.

Mr. Kuhar asked if there are monies available, if the abatement would apply to grant monies, and Mr. Locke said a CRA district does not care whose money it is, and only cares about the improvements. Mr. Kuhar said from what he understands, the City has to approve the improvements to qualify, and Mr. Locke said there is not a lot involved in that process. He said if something requires a permit, the owner would need to get a permit. He said if inspections were required, the owner would have inspections. Mr. Locke said as the Housing Officer, he signs the form, and he would be certain all inspections were done, if the house was in the CRA #1, before sending the form to the Auditor. He said if the work was not done, completed, or inspected, it is not abated.

Mr. Locke said the housing board is to review whether a home is well maintained. He said if a home is in great disrepair, the City could ask that the abatement be withdrawn. He said he has not seen that many abatements in recent years, so he is unsure it has occurred recently.

Mr. Kuhar asked if the downtown area falls into those zones, and Mr. Locke said they are in CRA #1. Mr. Kuhar asked if the hotel or Mr. Burbick qualify, and Mr. Locke said that was correct. Mr. Kuhar asked if Mr. Burbick has taken advantage of the program, and Mr. Locke said he has not. Mr. Kuhar asked if he knows about it, and Mr. Locke said he would think Mr. Burbick is aware, but cannot swear to that information.

Mr. Fender said he spoke previously with Mr. Locke. He said it is a state requirement to have a CRA board, and Mr. Locke said they meet once a year. He asked the responsibilities, and Mr. Locke said it is to do an annual review of the abated properties. He said Mr. Weddle prepared packets of each property, and board members were to look at the properties and ascertain if they were being maintained in good condition. He said if they were not being maintained, a motion could be made to suspend the abatement, and the County would be notified. He said they also had some enterprise zone agreements reviewed for compliance, and this allowed an abatement to personal and real property taxes while a CRA just does property taxes. He said with the elimination of the personal property tax, the enterprise zone, while it may still be negotiated, will lose a lot of steam. He said companies have to pay a fee, and with the elimination of the personal property tax, they have felt it was not worth it for the abatement. He said all but one company has requested their abatements be rescinded. Mr. Fender asked about the qualifications of a board member, and Mr. Locke said they have to be a Kent resident.

There was no audience comment at this time, and Mr. Hawksley thanked Mr. Locke for his presentation.

Hearing no further business before this Committee, Chair Hawksley adjourned this meeting at 7:37 p.m.

Linda M. Copley, Clerk of Council

ACTION RECOMMENDED:

- 1) **NO ACTION RECOMMENDED; PRESENTATION RECEIVED ON COMMUNITY REINVESTMENT AREAS.**



CIVIL SERVICE COMMISSION

CITY OF KENT
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KENT, OHIO 44240

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CIVIL SERVICE COMMISSION MEETING MINUTES JANUARY 20, 2009 4:30 P.M.

Present: Ronald F. Heineking, Chairperson
John D. Thomas, Member
Anna J. Lucas, Civil Service Coordinator

William C. Lillich, Safety Director
James A. Peach, Chief of Police
James A. Williams, Fire Chief
Elizabeth L. Zorc, Human Resources Manager

James Soyars, Director, Business Services,
Kent City School District

Jacqueline W. Loomis, former Commission Member

Chairperson Heineking called the meeting to order and the first item on agenda was the approval of the December 8, 2009 Civil Service Commission Meeting Minutes. Those minutes were approved as prepared.

The Commission acknowledged that the Custodial I Worker Written Examination that was scheduled on January 10, 2009 was postponed due to the inclement weather. The examination was administered on January 17, 2009 to 98 total applicants.

Two personnel matters were noted for the record. Ms. Melissa Call resigned her position as Part-time Clerk/Dispatcher effective January 12, 2009. Mr. Homer Hood was appointed to the position of Detention Officer effective January 12, 2009. And, on January 13, 2009, Mr. Christopher Cogswell was appointed to the position of Detention Officer.

The Commission discussed the request made by Chief Peach to establish five eligibility lists – two entry-level lists and three promotional lists. Detention Officer, Police Officer, promotional Police Sergeant, promotional Police Lieutenant, and promotional Police Captain were classifications for which lists were requested. The Commission noted requests from Sgt. Todd and Officer Soika. Sgt. Todd requested that the written portion of the promotional Police Lieutenant examination be eliminated, while Officer Soika requested that the written portion of the promotional Police Sergeant examination be eliminated. In response to the request, Chief Peach and Safety Director Lillich made compelling arguments that it was very important to keep the written portions of both the

Police Lieutenant examination and the Police Sergeant examination. The Commission approved Chief Peach's request which included the Assessment Center testing to be administered by the Ohio Associations Chiefs of Police Advisory Services. And, the Commission also approved Chief Peach's request that the promotional eligibility lists not be certified until April 1, 2009. The Sergeant promotional examination shall consist of both a written exam (weighted 40% of the composite score) and an Assessment Center (weighted 60% of the composite score). In order to be eligible to participate in the promotional Sergeant examination, applicants have a minimum of three years of service as a Kent Police Officer at the time of testing. The promotional Lieutenant examination shall consist of two parts – a written examination (weighted 40% of the composite score) and an Assessment Center (weighted 60% of the composite score). In order to be eligible to participate in the promotional Lieutenant examination, applicants must have a minimum of two years of service as a Kent Police Sergeant at the time of testing. The promotional Police Lieutenant examination shall consist of two parts – a written examination (weighted 40% of the composite score) and an Assessment Center (weighted 60% of the composite score). The promotional Captain examination shall be conducted by an Assessment Center process only. In order to be eligible to participate in the promotional Captain examination, applicants must have a minimum of two years of service as a Kent Police Lieutenant.

Commissioner Thomas stated that he would like the Commission to use an open bid process for the promotional police examinations as well as for the Fire Services Specialist assessment center. The Commission decided that bids should be sought from examination consultants to administer the promotional Police Sergeant written examination, the promotional Police Lieutenant written examination, and the Fire Services Specialist assessment center.

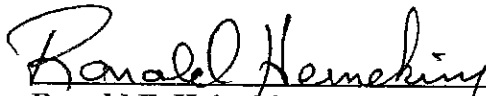
The Commission noted the retirement of Ms. Lynn McCandless from the position of Fire Services Specialist effective February 28, 2009. And, also noted was the appointment of Mr. Patrick Paisley to the position of Firefighter/Paramedic on January 5, 2009.

The Commission discussed a request submitted by HR Manager Zorc on behalf of Safety Director Lillich and Fire Chief Williams, for the Commission to: (1) Approve the revised Fire Services Specialist job description; (2) Establish an eligibility list for the Fire Services Specialist position; and (3) Approve the "Testing Procedure" suggested by Chief Williams. Chief Williams explained the importance of the Fire Services Specialist position and gave examples of Ms. McCandless' exemplary performance in that demanding, fast-paced, constantly changing, and complex position that requires initiative, independent judgment, advanced coordinative skills, and the ability to deal with highly sensitive or confidential information. He emphasized that the person in that position must be able to perform multiple tasks simultaneously. The request to establish the list, approve the revised job description, and approve the three-part examination procedure were all approved by the

Commission. Therefore, the Fire Services Specialist examination shall consist of a written test and those applicants who pass the written test shall be invited to participate in a typing test. The typing test requires applicants to type at a minimum speed of 60 words per minute by the touch method. (The computer lab at Kent Roosevelt High School will be used to administer the typing test). And, finally, those applicants who attain scores #1 through #10 on the combined written exam and typing test shall be invited to participate in an Assessment Center. (The written examination and typing test shall be administered by Commission staff while the Assessment Center shall be administered by an outside examination consultant).

The meeting was adjourned.

MINUTES APPROVED:

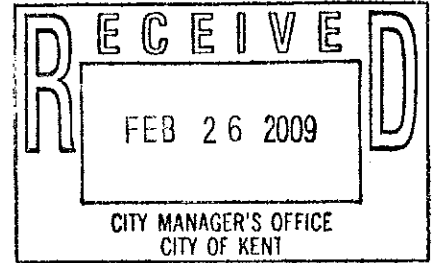


Ronald F. Heineking
Chairperson

John D. Thomas
Member

City Manager

**KENT CITY PLANNING COMMISSION
REGULAR BUSINESS MEETING
MARCH 3, 2009
COUNCIL CHAMBERS
KENT CITY HALL
325 S. DEPEYSTER STREET
7:00 P.M.**



A G E N D A

- I. **CALL TO ORDER**
- II. **ROLL CALL**
- III. **READING OF PREAMBLE**
- IV. **ADMINISTRATION OF OATH BY ASSISTANT LAW DIRECTOR**
- V. **CORRESPONDENCE**
- VI. **MEETING MINUTES** December 16, 2008 and January 20, 2009
- VII. **OLD BUSINESS**
- VIII. **NEW BUSINESS**

A. PC09-001 CITY OF KENT
 Zoning Code Amendment

The applicant is requesting consideration to amend Chapter 1115 of the Kent City Zoning Code and the establishment of Chapter 1121 to set procedures and rules for situation where a member of the Planning Commission or Board of Zoning Appeals appear before the board in which they are not a member to offer public testimony.

- 1. Public Hearing
- 2. Planning Commission Discussion /Action

B. PC09-002 CITY OF KENT
 Codified Ordinance Amendment

The applicant is requesting consideration to amend Chapter 1117 of the Codified Ordinances to require review of the Kent City Zoning Code every ten years starting with 2009.

- 1. Public Hearing
- 2. Planning Commission Discussion/Action

- IX. **OTHER BUSINESS**
- X. **ADJOURNMENT**



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: February 26, 2009
TO: Kent City Planning Commission
FROM: Jennifer Barone, PE *JB*
Development Engineer
RE: Staff Report for the March 3, 2009 Planning Commission Meeting

The following items appear on the agenda for the March 3, 2009 Planning Commission meeting:

At the February 3, 2009 Planning Commission meeting, the Commission discussed two amendments to the code. One amendment was concerning public testimony. Eric Fink, Assistant Law Director, suggested some modifications to the language which is included in this packet. The second amendment required the zoning code be reviewed every 10 years. The Commission voted to forward this recommendation to council. However, the advertisement stated the amendment was only to be discussed and did not mention a public hearing. This item appears on the agenda for this meeting to allow for the public hearing to take place. Eric has offered some language modifications for this amendment also.

OLD BUSINESS:

CASE NO: PC09-001
APPLICANT: CITY OF KENT
REQUESTED ACTION: The proposed Public Testimony Ordinance is being forwarded to the Commission for review and comment.

APPLICABLE CODE SECTIONS:

Chapter 1115 and proposed 1121 of the Kent Codified Ordinance

ANALYSIS:

John Thomas, Planning Commissioner, is proposing that public testimony verbiage be added to the code to allow a member of either Planning Commission or the Board of Zoning Appeals to appear before the board in which they are not a member. Eric Fink, Assistant Law Director, has offered a modified version of this language.

Staff is somewhat concerned that if more than one member testifies before another board and has to be recused at their own meeting, then a quorum may not be present thus negating the ability of their board to take action. Placing language in the oath or by-laws may be an option instead of amending the zoning code.

A new code chapter (1121) that delineates the Planning Commission's duties similar to Chapter 1115 that spells out the Board of Zoning Appeals duties is being developed. Chapters 1115 & 1121 (should it be adopted) are the appropriate sections to add the proposed language.

RECOMMENDATION:

The Planning Commission may forward a favorable recommendation to Kent City Council that the code language be added as proposed.

List of Enclosures for This Project:

1. *Proposed Public Testimony Zoning Code Amendment – revised by John Thomas*
2. *Proposed Public Testimony Zoning – Conflict of Interest Code Amendment – by Eric Fink*

CASE NO: **PC09-002**

APPLICANT: **CITY OF KENT**

REQUESTED ACTION: The proposed Zoning Code Evaluation is being forwarded to the Commission for review and comment.

APPLICABLE CODE SECTIONS:

Chapter 1117 of the Kent Codified Ordinance

ANALYSIS:

John Thomas, Planning Commissioner, is recommending that a review timeframe be added to the Codified Ordinances requiring a review of the Zoning Code every ten years starting in 2009. Eric Fink, Assistant Law Director, has offered a modified version of this language.

Staff would like to see both Council and the Environmental Commission included in the invitation to participate in the hearings, etc. (second paragraph). It may be prudent to also add some language that indicates that the 10 year review does not prevent or preclude interim reviews or amendments

Chapter 1117 talks about the process of code amendments. This language may be added as 1117.06

RECOMMENDATION:

The Planning Commission may forward a favorable recommendation to Kent City Council that the code language be added as proposed.

List of Enclosures for This Project:

1. *Proposed Zoning Code Amendmen – John Thomast*
2. *Proposed Ten-Year Reveiw Code Amendment – Eric Fink*

cc: Gary Locke, Community Development Director
Eric Fink, Assistant Law Director
Heather Phile, Development Planner
Applicants
PC Case Files