

January 5, 2007



## Committee Items

### 1. Fire District Concept Report



At the invitation of the Mayor of the City of Ravenna, Kent Fire Department staff have participated in a couple of exploratory meetings with the other Portage County cities to discuss potential opportunities to collaborate on fire services. The members of the informal staff work group have suggested seeking the formal endorsement of the respective jurisdictions for more study before proceeding any further. Bill Lillich and Chief Williams will provide Council with an update on the status of this effort and explain the next steps. (attachment)

#### *Administration Recommendation*

While there are certainly many issues that have to be discussed, the prospect of improved collaboration and pooling of resources certainly merits spending more time to study this issue. I recommend Council endorsement of further study.

#### *Council Action*

**Endorse the study concept and authorize staff to participate in further study.**

### 2. Animal Cruelty Ordinance



In response to Council's request, Bill Lillich has researched City ordinances to make sure sufficient protection is in place for the care of domestic animals, particularly during inclement weather. Bill reports that there are existing sections of City Code that prohibits cruelty to animals and grants the authority to investigate and prosecute for cases of violation. As a result, he does not recommend adding any additional language to those sections of the Code. However, he did discover a loophole in the text related to killing animals in areas that have been annexed into the City and he recommends changing the City Code to close that loophole. (attachments)

#### *Administration Recommendation*

Support staff's recommendation to change the Code as presented.

#### *Council Action*

**Approve the recommended changes to the City Code.**

### 3. Zoning Text Amendment – Swimming Pool Fences



In December the Planning Commission conducted a public hearing to consider a text amendment to the Kent Zoning Code. The proposed amendment expands the space allowed in pool fencing from 3" to 4" between panels. The Planning Commission voted 4-0 in favor of the Amendment. (attachment)

#### *Administration Recommendation*

Support staff's recommendation to amend the zoning code.

#### *Council Action*

**Authorize the City Clerk to schedule a public hearing on the text amendment.**

## Committee Items

### 4. Homeland Security, Fire Prevention and Safety Grant Application

Lt. Peeps has prepared a grant application for the Office of Homeland Security. The purpose of the grant is to obtain funds to improve and expand community education programs that are part of the Fire Department's Prevention Bureau. Chief Williams and Lt. Peeps will explain the grant in Committee. (attachment)

#### *Administration Recommendation*

As resources have been constrained, the City's safety prevention efforts have been reduced. If successful, this grant will help supplement our efforts and resume more fire safety activities. To that end, I support this grant application.

#### *Council Action*

**Authorize staff to proceed with the homeland security grant application.**

## Information Items

### 1. Status of Downtown Kent Corporation (DKC)

At Council's request, Jim Silver has provided a legal review evaluating the status of the DKC. The purpose of Jim's review was to respond to the question whether the DKC is a private or public entity under the criteria established by the Ohio Supreme Court. The Court has a 4-factor test and Jim evaluated the DKC for each criteria. It is Jim's legal opinion that the DKC does not meet the criteria of a "public entity" and as a result it is not subject to Ohio's Public Record laws. If Council wishes to discuss this matter in Committee, staff is ready to do so. (attachment)

### 2. Neighborhood Development Services (NDS)

As you may recall, the City contracts with NDS for the administration of several of our CDBG grant programs. Gary Locke has provided a copy of a recent correspondence from the Executive Director of NDS advising the City that NDS is working with the Ohio Department of Development to reconcile discrepancies on the part of former NDS staff that occurred in 2004 on a City of Ravenna contract. Gary has reviewed the situation and he advises me that none of the discrepancies relate to any City of Kent programs, and he notes that ODOD is satisfied with the actions NDS has taken to prevent any further problems, so he does not recommend any action on the City's behalf; he only wanted to bring the matter to Council's attention. After reviewing the matter myself with Gary, I agree with Gary's recommendation. We didn't schedule this item for Council discussion since it does not impact our programs, but staff would certainly be willing to discuss this matter further should Council desire. (attachment)

### 3. FCC Ruling on Cable and Video Franchising

In the course of our recent discussions concerning the authority of the City to regulate the expansion of AT&T's Project LightSpeed in Kent, Jim Silver advised Council that the courts had consistently been ruling against cities that tried to impose restrictions on the cable and video service providers. That position was reaffirmed with a new FCC Order issued on December 20<sup>th</sup> that further diminishes local government authority to control cable and video services. Jim has provided a legal brief that summarizes the new Order. It appears that the reason the FCC felt compelled to reduce governmental control was to enable greater competition among the private service providers which they believe will help curb what they perceive as unwarranted rate increases. (attachment)



## Information Items

### 4. 2007 Planning Schedule

With the new year upon us, I'd like to suggest that we take some time in our second Committee meeting in January to look ahead and work together to layout some priorities for staff efforts in 2007. To the extent Council desires, you can use this opportunity to do some strategic planning for the year, but for me this is also a very functional exercise that recognizes the fact there's always more to do than we can necessarily get done at any one time, so I need a better understanding of what's most important to Council. In the weeks leading up to our meeting, I'll work with staff to get their input on priorities and I'll share that information with you as well.

### 5. Climate Protection Agreement

At the request of the Environmental Commission, Mary Gilbert has forwarded a copy of a Climate Protection Agreement that is being circulated by the US Conference of Mayors to promote greater environmental stewardship in cities all across the country. The members of the Environmental Commission have recommended the Mayor sign the Agreement on Kent's behalf in support of the global climate mission. We didn't schedule Committee time for this item as the recommendations in the Agreement are consistent with the City's sustainability goals but if Council has questions, staff is happy to answer them.

### 6. Selection of Housing Advisory Committee Members

Gary Locke has provided Council with a memorandum offering guidance on the selection of the new Housing Advisory Committee members. Gary notes that because the HAC oversees portions of the City's federal housing programs, it is important to select people that meet the criteria that the state looks for in these bodies. To that end, Gary has outlined the types of criteria for Council consideration. (attachment)

### 7. Kent Hotel Inspection Report

As you know, the structural engineer hired by the City submitted his findings regarding the structural integrity of the old hotel. In general, the report confirmed many of the items that were commonly suspected, e.g., the brick masonry needs tuck pointing, the windows need to be replaced, etc. These were items acknowledged by the owner when he made his presentation to Council, all of which he told Council he plans to repair. We are currently working with the owner to establish a timetable for when the repairs will occur and we are evaluating what, if any, precautions need to be taken around the structure to protect the public. I'll keep you posted of our progress with the owner, and in the meantime I've attached a copy of the full report for your review.